

# RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

## GOVERNANCE MANUAL

**DRAFT Proposed Amendments**  
**December 11, 2024**

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1 **Riley-Purgatory-Bluff Creek Watershed District**  
2 **Governance Manual – Introduction**

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4 The Riley-Purgatory-Bluff Creek Watershed District (District) is a special purpose unit of  
5 government established under Minnesota Statutes chapters 103B and 103D. The District, is  
6 governed by a five-member board of managers, four of whom are appointed to staggered  
7 terms by the Hennepin County Board of Commissioners and one by the Carver County  
8 Board of Commissioners. In 2012, the District hired an administrator to oversee and direct  
9 day-to-day activities and to carry out the Water Management Plan.

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11 This **Riley-Purgatory-Bluff Creek Watershed District Governance Manual** was adopted  
12 by the Board on July 2, 2014, amended February 4, 2015, amended on October 14, 2020,  
13 and again amended on [DATE]. The manual establishes written policies, procedures and  
14 instructions for the management of District activities and accounts, recordkeeping and  
15 records management, and allocation of duties among District staff and contractors. The  
16 manual will also help to ensure that: similar transactions are treated consistently; that  
17 accounting principles used are appropriate and proper; and that records and reports are  
18 produced in forms desired by the managers and state review entities, including: the  
19 Legislature, the Office of the State Auditor; and the Board of Water and Soil Resources.

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21 The manual consists of this document, along with the following policies and protocols  
22 adopted by the District:

- 23 • **General Governance Policies.**
- 24 • **Bylaws**, including the District Conflict of Interest Policy and fulfilling the  
25 requirement of Minnesota Statutes section 103D.315, subdivision 11.
- 26 • **Policies and Procedures for Public Access to Documents** fulfills requirements  
27 of the state Data Practices Act applicable to the District. The following auxiliary  
28 documents fulfill specific requirements of the Data Practices Act, as noted:
  - 29 ○ Security of Not-Public Data and procedures to ensure accuracy and  
30 security of data on individuals and to notify data subjects of their rights  
31 under the DPA, along with the accompanying Inventory of Not-Public  
32 Data on Individuals.
  - 33 ○ Procedures to ensure accuracy and security of data on individuals (Minn.  
34 Stat. § 13.05, subd. 5) and to notify data subjects of their rights under the  
35 DPA (Minn. Stat. § 13.025, subd. 3).
  - 36 ○ Tennessee notices and consent forms, created when needed and tailored  
37 for specific circumstances where private or confidential data is collected  
38 from individuals, such as new employees, or distributed (Minn. Stat. §  
39 13.04, subd. 2). (The manual includes the District’s basic templates.)
- 40 • **Records Retention Schedule** allows the District to efficiently manage and,  
41 when appropriate, archive its files, and fulfills the requirement of Minn. Stat.  
42 §138.17, subdivision 7, as well and the Data Practices Act requirement that the  
43 District maintain a list of private and confidential data on individuals maintained

44 by the District (Minn. Stat. §13.05, subdivision 1). The schedule also includes  
45 indication of whether the District stores information electronically or in hard  
46 copy form, in compliance with the Uniform Electronic Transactions Act,  
47 Minnesota Statutes section 325L.17.

- 48 • **Policy for Management of Permit Fees, Financial Assurances and**  
49 **Abandoned Property** provides protocols to manage assurances collected by the  
50 District from permittees and ensures that funds submitted are managed in  
51 accordance with the state unclaimed property law (chapter 345 generally and  
52 section 345.38 specifically), accompanied by an:
  - 53 ○ Escrow agreement template, for escrow of funds submitted by permittees  
54 in fulfillment of the financial performance-assurance requirements in the  
55 District rules.
- 56 • **Public Purposes Expenditures Policy** includes protocols and requirements to  
57 ensure that the District complies with the requirement in the state constitution  
58 (Article X, section 1) that expenditures by government bodies must serve a  
59 public purpose;
- 60 • **Fund Balance Policy** adopted to bring District fund-classification and -naming  
61 practices into compliance with general accounting standards.
- 62 • **Internal Controls and Procedures for Financial Management** provides terms  
63 for the management and administration of District finances.

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65 The manual will be reviewed at the managers’ annual business meeting and updated as  
66 necessary. The manual will be submitted within 60 days of adoption to the Office of the  
67 State Auditor in compliance with Minn. Stat. § 6.756, as will any revisions and additional  
68 policies when adopted, copies of which shall be attached hereto and the Secretary is  
69 authorized to amend the index as necessary to reflect such additional policies. This manual  
70 may be amended only by compliance with the same terms and conditions applicable to the  
71 amendment of the District’s By-laws, i.e. by a four-fifths majority vote of the Board of  
72 Managers with thirty (30) days’ advance written notice of the proposed change(s), unless  
73 such notice is waived by all the managers. Notice of any proposed amendment is to be  
74 contained in the notice of the meeting at which the proposed amendment is to be considered,  
75 with instructions or links to obtain a copy of the proposed amendment.

76  
77 Managers, District staff and contractors are expected to conduct District business in  
78 accordance with the manual and to alert the Board of Managers to improvements and  
79 additions needed.

82 **Riley-Purgatory-Bluff Creek Watershed District**  
83 **General Governance Policies**

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85  
86 The following general governance policies help ensure sound administration of District  
87 business and continued focus of District resources on protection and improvement of the  
88 water resources in the Riley-Purgatory-Bluff Creek watershed.  
89

90 **I. Contracting**

- 91 a. All contracts shall be authorized by the Board of Managers, and shall be  
92 reviewed by the District’s legal counsel prior to submission to the Board of  
93 Managers for consideration, unless the contract conforms to the template(s)  
94 prepared by the District’s legal counsel.  
95 b. All amendments to any approved contract shall be authorized by the Board of  
96 Managers, except that the Board of Managers delegates to the administrator  
97 the authority to approve work-change directives and change orders for  
98 District projects that will result in an aggregate increase of the cost of a  
99 project by no more than the lesser of (i) \$10,000 or (ii) twenty percent (20%)  
100 of the original contract amount.  
101 c. The administrator may require a District contractor to secure additional or  
102 replacement payment and/or performance bonds to cover any increased price  
103 of a District project resulting from a change order approved by the  
104 administrator.  
105 d. A change order approved by the administrator will be presented to the Board of  
106 Managers at its next meeting.  
107 e. All contracts with the District shall provide that the District shall have not less  
108 than 45 days from receipt of an invoice for payment, without interest or  
109 penalty.

110 **II. Per diems**

- 111 a. Managers may receive a per diem for participation in a meeting of the Board of  
112 Managers, continued session of a Board meeting, Board committee meeting,  
113 approved meeting and training, approved annual presentation on District  
114 activities to any city or county in the District, and for other necessary duties.  
115 An activity must be authorized or requested by the Board of Managers or  
116 requested by the administrator to be considered a necessary duty for purposes  
117 of this policy. The Treasurer may receive one per diem each month for  
118 review and preparation of the monthly Treasurer’s Report.  
119 b. A manager may receive one per diem for preparation for each meeting of the  
120 Board of Managers attended by the manager. No per diem shall be provided  
121 for preparation to attend a Board workshop, preparation for a committee  
122 meeting, or to prepare for a continued meeting of the Board of Managers.  
123 c. A manager may receive one per diem for attendance at each day of the annual  
124 meeting of Minnesota Watersheds(MW), the MW legislative conference, the  
125 MW summer tour, and a meeting of the Metro chapter of MW.

- 126 d. The administrator will provide for monthly recordkeeping and payment of  
127 manager per diems. Under any circumstances all claims for per diems and  
128 expenses in any given year must be submitted prior to January 15 of the  
129 following year. The manager will retain a copy for his or her personal  
130 records. The District will issue a Form W-2 Wage and Tax Statement for per  
131 diems paid to a manager.
- 132 e. A manager may receive only one per diem per day of service to the District.
- 133 f. The per diem rate shall be the maximum rate specified in Minn. Stat. §  
134 103D.315, subdivision 8.
- 135 g. No manager shall be paid a per diem for the attendance at or conduct of any  
136 activity for which the manager is entitled to compensation from any other  
137 person or entity.

138 **III. Records management and retention**

- 139 a. The District will make and preserve all records necessary to ensure the  
140 availability of a full and accurate accounting of the District's official  
141 activities, including all proceedings, minutes, certificates, contracts, bonds of  
142 the board's employees, and all other business transacted or action taken by  
143 the managers, in fulfillment of Minn. Stat. §§ 15.17, subdivision 1,  
144 103D.315, subdivision 5, and 138.17.
- 145 b. The District will adopt and maintain a records retention schedule, to be approved  
146 by the State Archives Office, governing the retention and/or disposal of  
147 records created by the District, a copy of which is included in this  
148 Governance Manual.
- 149 c. In keeping with the direction of the Uniform Electronic Transactions Act, the  
150 District has determined that it will create and retain its records in electronic  
151 form to the greatest extent possible. The District's records retention schedule  
152 includes indication of records that may be retained in hard copy form, but  
153 District policy is to retain all records in electronic form. This policy is  
154 prospective as of November 2012, and the District does not intend to convert  
155 historic records from hard copy to electronic form.
- 156 d. The administrator is the responsible authority for purposes of District  
157 compliance with the Data Practices Act, Minnesota Statutes chapter 13. Each  
158 year, the administrator shall provide to the Board of Managers a report  
159 documenting compliance with the Data Practices Act.
- 160 e. The administrator is the data practices compliance official for purposes of  
161 District compliance with the Data Practices Act.
- 162 f. The District shall maintain a website and shall endeavor to make as many of its  
163 records available through the District's website as practicable, including but  
164 not limited to:
- 165 i. A calendar for each calendar year of District events, including known  
166 events scheduled to occur during the next twelve (12) months, which  
167 schedule is subject to change;
- 168 ii. The agenda and meeting packet of information provided to the managers  
169 prior to and at a meeting of the managers;

- 170           iii.    The officially approved minutes of meetings of the Board of Managers;  
171           iv.    The District's annual reports, including annual financial statements, and  
172                 annual communications;  
173           v.    The District's permitting rules;  
174           vi.   The Governance Manual, including all attachments;  
175           vii. The District's approved annual budgets;  
176           viii. Pertinent information concerning the District's Governance Committee,  
177                 Personnel Committee, Citizens Advisory Committee, Technical  
178                 Advisory Committee and such other committees of the District in  
179                 existence from time to time;  
180       g.    The District shall maintain a database of:  
181            i.    Permit applications and permits issued;  
182            ii.   Cost share applications, approved cost share grants, and related staff  
183                 reports or compilations;

184 **IV. Delegated authority**

- 185       a.    No employee of the District may exercise authority beyond that which is  
186                 allocated to the administrator by the District bylaws, policies, and resolutions  
187                 duly adopted by the Board of Managers.  
188       b.    Authority delegated to the administrator may not be delegated to other  
189                 employees or contractors of the District.  
190       c.    Duties assigned to the administrator may be delegated to other employees or  
191                 contractors by the administrator, however the administrator will remain  
192                 responsible to the Board of Managers for the proper execution of all  
193                 delegated duties.  
194       d.    All consultants to the District work under the direction of the administrator,  
195                 except for auditors and legal counsel. The auditor's and legal counsel's  
196                 primary responsibility is to the Board of Managers.  
197       e.    Except as otherwise specifically provided for herein, the administrator may not  
198                 commit funds of the District without the approval of the Board of Managers.

199 **V. Managers' authority**

- 200       a.    The Board President is authorized to speak on behalf of the District. No  
201                 other manager may speak on behalf of the District unless authorized to do so  
202                 by the Board of Managers. This provision does not prevent any manager  
203                 from giving his or her opinion on any matter as long as he/she makes clear  
204                 he/she does not speak for the District or the Board of Managers. Managers  
205                 are encouraged to withhold individual opinions on a subject pertaining to the  
206                 District until the next regularly scheduled meeting of the Board of Managers  
207                 or a special meeting on such matter, if sooner.  
208       b.    No individual manager may provide direction, instructions or authorization  
209                 to the administrator unless specifically authorized to do so by the Board of  
210                 Managers.  
211       c.    A manager's request for information that would require more than 15  
212                 minutes of the administrator's time must be approved by the board of  
213                 managers. Cumulative requests that require more than 30 minutes of the

- 214 administrator's time in one calendar month must be approved by the Board  
215 of Managers.
- 216 d. A manager's request for information in the possession of the District,  
217 including information from consultants to the District, other than auditors or  
218 legal counsel, shall be directed through the administrator. Manager requests  
219 for information to auditors and legal counsel may be directed to the auditor  
220 and legal counsel. Except in the case of allegations of wrongdoing, auditors  
221 and legal counsel shall inform the administrator of such requests for  
222 information.
- 223 e. Individual managers cannot bind the District to agreements or expenditures  
224 unless specifically authorized to do so by the Board of Managers. An  
225 agreement shall be binding on the District only if such agreement has been  
226 signed on behalf of the District by a person authorized to do so pursuant to  
227 action by the Board of Managers.  
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### **Schedule of Regular Activities**

The District will observe the following schedule of required activities to ensure continued compliance with laws and regulations:

- The District conducts its annual business meeting in January. At that meeting the Board of Managers shall:
  - Approve a schedule of regular meetings of the Board of Managers and Citizens Advisory Committee for the ensuing year.
  - Review insurance needs and current coverage.
  - If an odd-numbered year, authorize the solicitation of engineering, legal, auditing, accounting and other professional services proposals, per Minnesota Statutes §103B.227, subdivision 5.
  - Designate:
    - one or more depositories for the District’s funds,
    - a depository for cash escrows received as security from permittees,
    - a repository for permit assurance bonds, and letters of credit received as security from permittees, and
    - one or more official newspapers for publication of District notices.
  - Appoint:
    - individuals to serve on the District’s Citizens Advisory Committee, in compliance with Minn. Stat. §103D.331, and
    - individuals to serve on the District’s technical advisory committee in compliance with Minn. Stat. §103D.337.
  - Appoint managers to serve on standing committees of the Board of Managers.
  - Review the District’s fee and permit security schedules and authorize such revisions as the Board of Managers deems appropriate.
  - Review and, as necessary, direct the preparation of updates to its Governance Manual.
  - Elect from among its members the following officers: president, vice president, secretary and treasurer.
- The District shall annually publish a newsletter or other watershed-wide communication that explains the District’s programs, lists the members of the Board of Managers and notes District contact information, pursuant to Minnesota Statutes §103B.227, subdivision 4. The District will maintain this information on its website as well.
- During the first fiscal quarter, the District shall engage a duly qualified audit firm to audit the District’s books and accounts as required by Minn. Stat. §103D.355, subd. 1.
- The District annually submits to the Board of Water and Soil Resources a financial, activity and audit report each year by May 1 (within 120 days of the end of the District’s fiscal year), per Minn. Stat. §103B.231, subdivision 14, and

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Minnesota Rules 8410.0150, subpart 1, and submits to the Office of the State Auditor an audit report by May 1 each year (within 120 days of the end of the District fiscal year), per Minnesota Rules 8410.0150, subpart 1.

- Each February, the District administrator shall prepare and submit to the Board of Managers an end-of-year report on the financial performance of the District for the preceding year as compared to the budget.
- The District administrator annually prepares, in July, a report to the board on the status of fund balances in relation to the Fund Balance Policy.
- Each July, the administrator, as the Data Practices Act responsible authority, shall review the District’s DPA policy and associated protocols to ensure compliance with Minn. Stat. §13.05, subd. 1 and shall deliver such report to the Board at its August meeting.
- Each July, the administrator shall assess whether the District has abandoned property and returns abandoned property, if any, in accordance with the schedule in the Policy for Management of Permit Fees, Permit Securities and Abandoned Property included as Appendix [ ] hereto and shall submit such reports to the Board at its August meeting.
- Each June, the administrator shall prepare a proposed budget for the following calendar year with the intent to present it at the July meeting, and in no case later than the August meeting, of the Board in a form consistent with statute and as directed by the Board.
- At the July meeting of the Board, the Board shall set the tentative amount of ad valorem real estate taxes to be levied for the purposes of providing funds to cover the preliminary budget approved by the Board at such meeting and the Board shall order a public hearing on such preliminary budget and levy at its August meeting.
- On or before September 15 of each year, the Board shall hold a duly noticed public hearing on the preliminary budget and the proposed levy.
- On or before September 15 of each year, following the public hearing, the Board shall adopt a budget for the next calendar year and after adoption of the budget, the Board shall adopt and certify to the auditors of Carver and Hennepin Counties the total amount of funding necessary to be raised from ad valorem tax levies to meet the budget.
- Each November, the administrator shall arrange for the review of and report on the District’s information technology systems by a reputable information technology consultant and shall provide such report to the Board for review at the Board’s December meeting along with any recommend changes. Such report shall include but not be limited to a review and report on the security of the District’s information technology systems as well as any recommendations for the improvement of the District’s information technology systems.
- Each October, staff shall solicit candidates for appointment to the Citizens Advisory Committee for the following calendar year for the Board’s consideration at its December meeting.

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- Each December, pursuant to the Truth in Taxation law, the Board shall hold a further public informational meeting on its budget and levy at which the public is allowed to speak; the Board may, but need not take any action to alter the budget and levy adopted in September; it may decrease, but may not increase the amount of the levy adopted in September prior to finalization by the county auditors at the end of December.
- Each December, the administrator shall review the District's disaster preparedness plan (including provisions regarding pandemics) and provide a summary of such review along with any recommended changes to the Board for its review at the Board's January meeting.

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## Riley-Purgatory-Bluff Creek Watershed District

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### Bylaws

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331 These bylaws establish governing rules for the Riley-Purgatory-Bluff Creek Watershed  
332 District (District) Board of Managers (Board), in compliance with Minn. Stat. §103D.315,  
333 subdivision 11.<sup>1</sup>

334 I. **Office.** The District will maintain its principal place of business and its official  
335 records at an office located within the watershed, presently 18681 Lake Drive East,  
336 Chanhassen MN 55346. The Board may change the location of its principal place of  
337 business in accordance with Minn. Stat. §103D.321, subdivision 2.

338 II. **Board of Managers.** The Board consists of four managers appointed by the  
339 commissioners of Hennepin County and one manager appointed by the  
340 commissioners of Carver County. Managers serve staggered three-year terms. A  
341 manager serves until his or her replacement is appointed.

342 a. *Vacancy.* A manager who is unable to fulfill his or her term will notify his or  
343 her county board of commissioners to allow the commissioners to appoint a  
344 replacement in a timely manner.

345 b. *Compensation.* The managers shall be compensated for attending meetings  
346 and performing other duties necessary to properly manage the District and  
347 reimburse managers for expenses incurred in performing official duties.  
348 Compensation will be at the rate established by Minn. Stat. §103D.315,  
349 subdivision 8, unless a lower rate is established by the Board.

350 c. *Bonding.* Before a manager assumes his or her duties, the District, at the  
351 District's expense, will obtain and file a bond for the manager in accordance  
352 with Minn. Stat. §103D.315, subdivision 2.

353 d. *Insurance.* The District will provide insurance for the managers insuring the  
354 managers against liability arising out of or in connection with their actions as  
355 managers of the District and the operation of the District on such terms and  
356 in such amounts as the Board determines.

357 e. *Attendance.* Managers are expected to attend meetings of the Board. At the  
358 Board's discretion, a manager's failure to attend three consecutive regular  
359 meetings of the District may be reported to that manager's county board of  
360 commissioners.

361 III. **Officers.** The Board annually, at its January meeting, will elect from among its  
362 members the following officers: president, vice president, secretary and treasurer. If  
363 any officer resigns or cannot complete his or her term of office, the Board shall

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<sup>1</sup> All references in these bylaws to statutes are to the section or sections as they may be amended.

364 promptly elect from among its members an individual to complete the unexpired  
365 term. An officer's term as officer continues until a successor is elected or the officer  
366 resigns. The Board, by action at an official meeting, may appoint a manager as an  
367 officer *pro tem* in the event an officer is absent or unable to act, and action by that  
368 officer is required.

369 a. *President.* The president shall:

- 370 i. preside at all meetings as chair of the Board.
- 371 ii. sign and deliver in the name of the District contracts, deeds,  
372 correspondence or other instruments pertaining to the business of the  
373 District which have been approved by the Board;
- 374 iii. be a signatory to the District accounts;
- 375 iv. be a signatory to District documents if the treasurer or secretary is  
376 absent or disabled, to the same extent as the treasurer or secretary;  
377 and
- 378 v. meet with CAC chair and the administrator in accordance with the  
379 Board of Managers- Citizens Advisory Committee Communications  
380 Process attached as Exhibit A to these bylaws.

381 b. *Vice President.* The vice president shall:

- 382 i. preside at meetings as chair in the absence of the president;
- 383 ii. be a signatory to the District accounts;
- 384 iii. be a signatory to District instruments and accounts if the president is  
385 absent or unable, to the same extent as the president.

386 c. *Secretary.* The secretary shall:

- 387 i. be a signatory to resolutions and other documents certifying and  
388 memorializing the proceedings of the District;
- 389 ii. be a signatory on all of the District financial accounts;
- 390 iii. work with the administrator to maintain the records of the District;
- 391 iv. work with the administrator to issue the required public and Board  
392 notice of all meetings in accordance with Minnesota Statutes chapter  
393 13D and other applicable laws;
- 394 v. work with the administrator to ensure that draft minutes of all Board  
395 meetings are prepared and made available to the Board in a timely  
396 manner and maintain a file of all approved minutes;
- 397 vi. work with the administrator to keep a record book in which is noted  
398 the approved minutes of proceedings at all meetings, including the  
399 votes of the members of the Board of Managers;

- 400           vii.       work with the administrator to assure that at least one copy of any
- 401                   printed materials relating to the agenda items of the meeting prepared
- 402                   or distributed by or at the direction of the Board or its employes and
- 403                   distributed at the meeting to all Board members, distributed before
- 404                   the meeting to all Board members, or available in the meeting room
- 405                   to all members shall be available in the meeting room for inspection
- 406                   by the public while the governing body considers their subject matter;
- 407                   provided that this requirement does not apply to materials classified
- 408                   by law as other than public, or to materials relating to the agenda
- 409                   items of a closed meeting as provided by law;
  
- 410           viii.       work with the administrator to cause an audio recording to be made
- 411                   of each meeting closed to the public as required by law;
  
- 412           ix.       work with the administrator to prepare and maintain a Governance
- 413                   Manual which shall include these Bylaws and the policies and
- 414                   procedures adopted by the Board.
  
- 415           d.       *Treasurer.* The treasurer shall:
- 416                   i.       be a signatory to the District accounts and financial records;
- 417                   ii.       present a report at the monthly meeting of the Board that includes a
- 418                           current check register and tracks each of the watershed district's
- 419                           funds and account balances;
- 420                   iii.       provide such other records as are necessary to inform the Board of the
- 421                           financial condition of the District.

422   IV.   **Committees.** All standing and special committees of the Board will be appointed by  
423           majority vote of the managers. Membership on standing committees of the Board  
424           (e.g. Governance, Personnel) will be determined in January of each year. Other  
425           special committees may include persons who are not managers, but no member of a  
426           committee who is not a manager may offer a motion or vote on a matter put before  
427           the committee. It is the duty of a committee to act promptly and faithfully in all  
428           matters referred to it and to prepare minutes of any votes taken by the committee on  
429           recommendations to the Board of Managers, and otherwise to make reports as  
430           directed on the date established by the chair or Board. No committee may provide  
431           direction, instructions or authorization to the administrator unless specifically  
432           authorized to do so by the Board of Managers. A complete and accurate copy of  
433           committee minutes of votes and written reports will be made by the secretary and  
434           filed and recorded in the records of the District and shall be presented to the Board at  
435           a subsequent Board meeting.

- 436           a.       *Governance Committee.* The Governance Committee is a standing committee
- 437                   of the Board of Managers and shall consist of two managers, with support
- 438                   from the administrator and the District's legal counsel. The committee shall
- 439                   review annually the Governance Manual, and make recommendations for
- 440                   revisions to the Board of Managers. All meetings of the committee shall be

441 noticed and open to the public as required by the Open Meeting Law, except  
442 for meetings which are required to be closed pursuant to the Open Meeting  
443 Law or which may be closed pursuant to the Open Meeting Law and which  
444 the committee votes to close. An audio recording shall be made of any  
445 closed meeting when such recording is required by the Open Meeting Law.

446 b. *Personnel Committee.* The Personnel Committee is a standing committee of  
447 the Board of Managers and shall consist of two managers, with support from  
448 the administrator and the District’s legal counsel. The committee shall make  
449 recommendations to the Board of Managers on personnel and human  
450 resources matters. All meetings of the committee shall be noticed and open  
451 to the public as required by the Open Meeting Law, except for meetings  
452 which are required to be closed or may be closed pursuant to the Open  
453 Meeting Law and which the committee votes to close. An audio recording  
454 shall be made of any closed meeting when such recording is required by the  
455 Open Meeting Law.

456 c. *Citizens Advisory Committee.* In accordance with Minn. Stat. §103D.331,  
457 there is established a District citizens’ advisory committee. The committee is  
458 known as the Citizens Advisory Committee (CAC). The CAC shall perform  
459 the duties set forth in Minn. Stat. §103D.331. The CAC will meet according  
460 to a schedule set by its members each year and at such other times as the  
461 members of the CAC may determine. All meetings of the CAC are open to  
462 the public.

463 d. *Technical Advisory Committee.* In accordance with Minn. Stat. §103D.337,  
464 there is established a technical advisory committee (TAC) to the Board. The  
465 TAC is convened as necessary and appropriate to advise the Board on  
466 regulatory, watershed planning and other technical matters.

467 e. *Audit and Finance Committee.* A committee known as the Audit and Finance  
468 Committee is hereby established. The Committee shall consist of two  
469 managers appointed by the Board. The purpose of the committee shall be to  
470 review monthly the financial condition of the District, to assist in the  
471 preparation for and review of the results of the annual audit of the District’s  
472 financial statements. All meetings of the committee shall be noticed and  
473 open to the public as required by the Open Meeting Law, except for meetings  
474 which are required to be closed pursuant to the Open Meeting Law or which  
475 may be closed pursuant to the Open Meeting Law and which the committee  
476 votes to close. An audio recording shall be made of any closed meeting  
477 when such recording is required by the Open Meeting Law.

478 f. The Board shall not delegate supervision of the District administrator or any  
479 District employee to a committee.

480 V. **Meetings.**

- 481 a. *Regular meetings.* In December each year the Board will set a schedule of  
482 regular meetings for the coming year. Adjourned and special sessions may be  
483 held at such times as the Board deems necessary and proper.
- 484 b. *Special meetings and emergency meetings.* Special meetings and emergency  
485 meetings may be called by the chair or any manager. Notice of a special or  
486 emergency meeting will be issued and published by the secretary or the  
487 secretary's designee in accordance with the Open Meeting Law, Minnesota  
488 Statutes chapter 13D.
- 489 c. *Open and closed meetings.* All meetings of the Board will be open to the  
490 public, except for a meeting or portion of a meeting required to be closed  
491 pursuant to the Open Meeting Law or which may be closed pursuant to the  
492 Open Meeting Law. An audio recording shall be made of any closed  
493 meeting when such recording is required by the Open Meeting Law.
- 494 d. *Quorum.* At all meetings of the Board, a majority of the members appointed  
495 will constitute a quorum necessary to do business, but a minority may  
496 adjourn from day to day.
- 497 e. *Action.* The Board shall take action only by the adoption of a written  
498 resolution before the Board by a majority vote of the managers present at a  
499 duly called meeting at which a quorum is present.
- 500 f. *Agenda.* The agenda for the meetings of the Board will generally follow the  
501 order and format set forth in Exhibit X, subject to revisions by the Board as  
502 provided herein. Managers, staff and the public may submit items to be  
503 considered for inclusion in the proposed agenda, so long as such items are  
504 received by the administrator at least ten (10) days prior to the Board  
505 meeting. The administrator will prepare a draft proposed agenda and the  
506 President shall set the proposed agenda to be distributed with the meeting  
507 packet. The meeting agenda shall be set at the meeting by a majority vote of  
508 the Board of Managers.
- 509 g. *Board Meeting Packet.* No later than 5:00 p.m. of the third business day  
510 preceding a meeting of the Board, the administrator shall prepare a copy of  
511 all available materials which are to be presented or discussed at the  
512 upcoming meeting, and post these materials to the District website. Other  
513 than materials classified by law as other than public as defined in Minnesota  
514 Statutes chapter 13, or to materials relating to the agenda items of a closed  
515 meeting held in accordance with the procedures in Minn. Stat. §13D.03 or  
516 other law permitting the closing of meetings, at least one copy of any printed  
517 materials relating to the agenda items of the meeting prepared or distributed  
518 by or at the direction of the governing body or its employees and distributed  
519 at the meeting, before the meeting, or available in the meeting room to all  
520 members of the Board of Managers shall be available in the meeting room  
521 for inspection by the public as required by the Open Meeting Law.

- 522 h. *Conduct of meetings.* At the time appointed for a meeting, the members will  
523 be called to order by the president as chair or, in his or her absence, the  
524 temporary chair. The chair shall note managers in attendance and declare for  
525 the record whether or not a quorum is present. On determination of a  
526 quorum, the Board will proceed with the approval of the agenda, as may be  
527 amended and approved by the Board.
- 528 i. The chair will preserve order and decide questions of order in  
529 accordance with Roberts Rules of Order, subject to an appeal by any  
530 member. The chair may make motions, second motions, or speak on  
531 any question. The chair will be entitled to vote in the same manner as  
532 other members of the Board.
- 533 ii. The order of business for a meeting may be varied by the chair, but  
534 no public hearing convened by the Board will be closed before the  
535 time specified for the hearing in the notice.
- 536 iii. Every member before speaking will address the chair and will not  
537 proceed until recognized by the chair. A member called to order will  
538 immediately suspend his or her remarks until the point of order is  
539 decided by the chair.
- 540 iv. Any person may address the Board on a matter properly before the  
541 Board. The chair may limit the time allowed for a manager or other  
542 person addressing the Board to speak, such limitations to be applied  
543 consistently to all speakers. Absent a specific exception adopted by  
544 the Board, each member of the Board shall be allowed up to five  
545 minutes to speak on each debatable motion, and a second time of up  
546 to one minute on the same motion.
- 547 v. Any person may request that a matter be heard by the Board. The  
548 Board will consider such request and determine whether and, if  
549 approved, when to take up the matter or to defer the matter pending  
550 receipt of additional information thereon and direct the administrator  
551 to obtain such information.
- 552 vi. Every regular meeting shall provide an opportunity for any person to  
553 address the Board on any matter of interest in the watershed. The  
554 chair may limit the time for each person to no less than three minutes.  
555 Additional comments may be submitted in writing. Generally, the  
556 Board will not take action on items so presented but may refer the  
557 matter to staff for a future report or direct that the matter be scheduled  
558 on a future meeting agenda.
- 559 vii. The chair will act to preserve decorum, so that every person in  
560 attendance will act with courtesy, civility and respect in all  
561 interactions , maintaining an open mind, and participating in open  
562 communication; members should refrain from abusive conduct,

- 563 personal charges or verbal attacks upon the character or motives of  
564 other members, staff or any member of the public.
- 565 i. *Appeal of a chair ruling.* A manager may appeal to the Board from a ruling  
566 of the chair. If the appeal is seconded, the manager may speak once solely on  
567 the question involved and the chair may explain his or her ruling, but no  
568 other manager will participate in the discussion. The appeal will be sustained  
569 if it is approved by a majority of the managers present, exclusive of the chair.
- 570 j. *Meeting rules.* In all points not covered by these rules, the conduct of a  
571 meeting of the Board will be governed by the current edition of *Robert's*  
572 *Rules of Order*. *Robert's Rules* may be temporarily suspended by consent of  
573 a majority of the managers present at the meeting.
- 574 k. *Resolutions.* Other than procedural motions, the Board shall take action only  
575 by the adoption of a resolution properly before the Board by a majority vote  
576 of the managers present at a duly called meeting at which a quorum is  
577 present. The proponent of any action to be taken by the Board shall prepare  
578 and submit a written draft resolution for such proposed action for  
579 consideration by the Board. For actions not proposed by a member of the  
580 public or an individual manager, the administrator shall prepare and include  
581 in the Board meeting packet for each action item on the proposed agenda a  
582 proposed written resolution for consideration by the Board. The Board may  
583 order that staff prepare a resolution reflecting action taken by the Board on  
584 any item for which there is not a written resolution. All resolutions adopted  
585 by the Board shall be assigned a number which notes the year of the action  
586 and a sequential number. The material terms of a resolution must be stated in  
587 the motion to adopt. Each resolution passed by the Board will be signed by  
588 the secretary and filed in the official minutes and records of the District  
589 maintained at the District office.
- 590 l. *Minutes and Records.* Minutes of all meetings of the Board and committees  
591 will be made by the secretary or, with respect to a committee meeting, the  
592 Board member responsible for making the minutes. Not more than ten days  
593 after the meeting a draft of the minutes of the meeting in Word format shall  
594 be sent to the managers and the administrator for review. Managers and the  
595 administrator shall make a good faith effort to provide any proposed  
596 corrections to the minutes in Word format to the secretary and the  
597 administrator at least ten days before the next board meeting. The secretary  
598 and the administrator will provide proposed minutes in the board packet for  
599 the next meeting. When approved and signed, the minutes will constitute the  
600 official record and journal of the Board proceedings. Except in extenuating  
601 circumstances, at the regular meeting of the Board, draft minutes of the  
602 preceding Board meeting will be reviewed by the Board and adopted as may  
603 be amended. A copy of the adopted minutes as amended shall be reduced to  
604 writing showing the changes made to the draft minutes and a copy of the  
605 adopted minutes without designation of changes will be presented to the

606 Board of Managers at the next meeting and unless further corrected by a  
607 majority vote of the Board of Managers, shall be signed by the Secretary or  
608 the Secretary Pro Tem in that form. The signed copy of the adopted minutes  
609 shall be kept at the District office and posted to the District’s website. All  
610 written communications addressed to the Board, other materials included in a  
611 Board meeting packet, and all documents and materials submitted to the  
612 record in the course of a Board meeting will be filed in the District office  
613 with the minutes of the meeting in the meeting folder, including in electronic  
614 form.

615 m. *Voting.* When the chair puts a question to the Board, every manager present  
616 will vote, unless a manager elects to abstain. The manner of voting on any  
617 business coming before the Board may be by voice vote provided that all  
618 votes of the managers are recorded in the minutes. All votes in meetings  
619 conducted by interactive technology as permitted by law shall be taken by  
620 roll call.

621 VI. **Conflict of Interest.** The Board seeks to operate in accordance with high ethical  
622 standards and wishes to establish clear guidelines for the ethical conduct of District  
623 business. Ensuring that conflicts of interest do not affect District proceedings is an  
624 essential element of maintaining high ethical standards. Therefore, to specify and  
625 supplement its commitment to compliance with the Ethics in Government Act,  
626 Minn. Stat. §10A.07, the Board adopts the following conflict of interest policy:

627 a. *Disclosure of conflicts.* A manager who has a personal financial interest, or  
628 other private interest or relationship that limits the manager’s ability  
629 objectively to consider, deliberate or vote, in a matter scheduled to come  
630 before the Board must prepare a written statement describing the matter  
631 requiring action and the nature of the potential conflict. The manager  
632 affected will deliver the statement to the president of the Board before the  
633 Board considers or takes action on the matter. If a potential conflict arises  
634 and a manager does not have sufficient time to prepare a written statement,  
635 the manager must orally inform the Board before the matter is discussed.

636 b. *Abstention.* A manager must abstain from chairing any meeting, participating  
637 in any vote, offering any motion, or participating in any discussion on any  
638 matter that may substantially affect the manager’s financial interests or those  
639 of an associated business or family member, unless the effect on the manager  
640 is no more than on any other member of the manager’s business  
641 classification, profession or occupation. A manager also must abstain from  
642 chairing any meeting, participating in any discussion, offering any motion, or  
643 voting on any matter in which a private interest or relationship of the  
644 manager limits the manager’s ability objectively to consider, deliberate or  
645 vote. The manager’s nonparticipation in the matter will be recorded in the  
646 minutes.

647 VII. **Bylaws compliance, suspension and amendment.** These bylaws are adopted to  
648 facilitate the transaction of Board business. They should not be permitted to divert or  
649 hinder the expressed intent and desire of the Board. Informal compliance and  
650 substantial performance will be sufficient under the foregoing provisions in the  
651 absence of an objection seasonably taken. An objection will be deemed not  
652 seasonably taken as to any procedural matter provided for herein if a manager  
653 present at the meeting fails to object and request compliance with these bylaws  
654 during the meeting. To be seasonably taken by an absent member, an objection must  
655 be taken at the next regular meeting of the Board.

656 a. Any provision of these bylaws may be suspended temporarily by a vote of all  
657 members of the Board present at the meeting, except a provision that  
658 preserves the right of an absent manager.

659 b. These bylaws may be amended by a four-fifths (4/5) majority of the Board  
660 on 30 days written notice of the proposed change(s), unless such notice is  
661 waived by all managers. Notice of any amendment is to be contained in the  
662 notice of the meeting at which the proposed amendment is to be considered.  
663 An amendment to these bylaws must be approved by a four-fifths (4/5)  
664 majority of the Board.

665 c. Interpretation of the bylaws and any amendment thereto will rest with the  
666 Board. The bylaws are to be interpreted as consistent with the state watershed  
667 laws, Minnesota Statutes chapters 103B and 103D, and other governing laws.  
668 In the event of a conflict, the governing laws control.

669 d. These bylaws will be reviewed by the Board at least once every three years.

670 e. These bylaws govern internal conduct of the business of the District and  
671 neither create nor elucidate any right in any third party.

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673 I, \_\_\_\_\_, secretary of the Riley-Purgatory-Bluff Creek Watershed District  
674 Board of Managers, certify that the attached are true and correct copies of the bylaws of the  
675 Riley-Purgatory-Bluff Creek Watershed District, which were properly adopted by the Board  
676 of Managers[DATE].

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\_\_\_\_\_  
, Secretary

Date: \_\_\_\_\_

683 **Riley-Purgatory-Bluff Creek Watershed District**  
684 **Code of Conduct Policy**

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688 A. DECLARATION OF POLICY

689 The proper operation of democratic government  
690 requires that the public officials and employees be  
691 independent, impartial and responsible to the people;  
692 that government decisions and policy be made in the  
693 proper channels of the government structure; that  
694 public office not is used for personal gain; and that  
695 the public have confidence in the integrity of its  
696 government.  
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698 In recognition of these goals, the Board of Managers has  
699 established this Code of Conduct for all public officials  
700 and employees of the District.  
701

702 Public officials hold office on behalf of the public.  
703 They are bound to uphold the Constitution of the  
704 United States and the Constitution of the State of  
705 Minnesota. Public officials must carry out impartially  
706 the laws of the nation, state and District in fostering  
707 respect for all government and otherwise faithfully  
708 discharge the duties of their office.  
709

710 Public officials shall be dedicated to fulfilling their  
711 responsibilities of office. They shall be dedicated to the  
712 public purpose and all programs developed by them  
713 shall be in the community interest. Public officials shall  
714 not exceed their authority or breach the law or ask others  
715 to do so. They shall work in full cooperation with other  
716 public officials and employees unless prohibited from  
717 doing so by the law.  
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724 B. BOARD OF MANAGERS CONDUCT WITH DISTRICT  
725 STAFF

- 726 1. Board authority. The Board member's statutory duties are generally

727 to be performed by the Board as a whole. The Board, and not individual  
728 members, supervises the administrator, and the administrator supervises  
729 staff. As individuals, Board members have no administrative authority.  
730 They cannot give orders or otherwise supervise District employees, unless  
731 specifically directed to do so by the Board. The full Board, however,  
732 holds the ultimate authority over all administrative affairs in the District.

733  
734 Clear, honest communication that respects the abilities, experience, and  
735 dignity of each individual is expected. Disrespectful behavior, conduct that  
736 does not respect abilities, experience, and dignity toward staff is not  
737 accepted.

738 2. Limitations on contact with District staff.

739 (a) Questions of District staff and requests for information shall be  
740 directed to the administrator. Materials supplied to a Board member in  
741 response to a request will be made available to all members of the  
742 Board.  
743

744  
745 (b) Board members shall not express concerns about the performance  
746 of a District employee in public, to the employee directly, or to the  
747 employee's supervisor. Comments about staff performance shall be  
748 made solely to the administrator through private correspondence or  
749 conversation, or through performance evaluations which may be held  
750 in closed session.  
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753 (c) Individual Board members must not attempt to influence staff on the  
754 making of appointments, awarding of contracts, selecting of  
755 consultants, processing of development

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applications, or granting District permits outside of Board action at a Board meeting.

- (d) Request by a manager for staff support, even in high priority or emergency situations, shall be made to the administrator who is responsible for allocating District staff resources in order to maintain a professional, well-run organization.

C. MANAGERS CONDUCT WITH THE PUBLIC

- 1. No signs of partiality, prejudice, or disrespect will be tolerated on the part of individual Board members toward an individual participating in a public forum.
- 2. The President (or Vice-President in the President's absence) will determine and announce limits on speakers at the start of the public meeting. Generally, each speaker will be allocated three (3) minutes. If many speakers are anticipated, the President may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless exhibiting inappropriate behavior, such as discourteous or abusive conduct or verbal attacks affecting the decorum of the meeting.
- 3. Only the President (or Vice-President in the President's absence), and not individual Board members, can interrupt a speaker during a presentation. Questions by the Board members of the public shall seek to clarify or expend information. It is never appropriate to belligerently challenge or belittle the speaker. Board member's personal opinions or inclinations about upcoming votes shall not be revealed.
- 4. The District attorney serves as advisory parliamentarian for the District and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the President, subject to the appeal of the full Board of Managers.

D. MANAGERS CONDUCT IN LITIGATION

- 1. A Board member shall not engage the District in frivolous litigation by instituting or maintaining a claim that is not well grounded in fact and not

795 warranted by existing law or a good faith argument for the extension,  
796 modification or reversal of existing law or that is interposed for any improper  
797 purpose, such as to harass or cause unnecessary delay or needless increase in  
798 the cost of litigating the claim.  
799

- 800 2. The District will seek sanctions and payment of attorneys fees and costs for a  
801 Board member who engages in frivolous litigation.  
802
- 803 3. The District will notify the appointing county board of commissioners when a  
804 Board member has filed or maintained litigation found by a court to be  
805 frivolous.  
806
- 807 4. The District will provide an accounting of costs incurred due to litigation  
808 involving the District filed by an individual Board member.  
809

810 E. MANAGERS FIDUCIARY DUTY; USE OR DISCLOSURE OF  
811 INFORMATION

- 812 1. A Board member shall not use or disclose any information gained in the  
813 course of or by reason of his or her official position in any way that violates  
814 his or her fiduciary duty to the District or the Minnesota Government Data  
815 Practices Act.  
816

817 F. MANAGERS CONDUCT IN UNOFFICIAL SETTINGS

- 818 1. It is appropriate for Board members to give a brief overview of the District  
819 policy when asked about a specific issue by constituents and to refer  
820 individuals to District staff for further information. It is inappropriate to  
821 overtly or implicitly promise Board action, or to promise that District staff  
822 will perform or expedite a specific service or function (monitor lake, rush a  
823 permit etc.).  
824
- 825 2. It is acceptable to publicly disagree about an issue, but it is unacceptable to  
826 make derogatory comments about District staff, other Board members, their  
827 opinions and actions.  
828
- 829 3. Board members are constantly being observed by the community every day  
830 that they serve in office. Their behaviors serve as models for proper  
831 behavior in the District. Honesty and respect for the dignity of each  
832 individual should be reflected in every word and action taken by Board of  
833 Managers members, 24 hours a day, seven days a week. It is a serious and  
834 continuous responsibility.  
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837 E. INCLUSION AND DIVERSITY  
838 The District embraces and values diversity and seeks to expand the District's  
839 internal awareness of the opportunities and challenges related to creating a more  
840 diverse and inclusive environment. The District seeks to deepen relationships with  
841 many communities, including traditionally underserved communities, by increasing  
842 outreach and project planning to benefit these communities. The District is  
843 committed to increasing its organizational diversity and inclusion efforts by  
844 increasing recruitment, promotion, and retention of candidates who truly represent  
845 our District for staff, CAC and service providers. We believe that a diverse mix of  
846 employees enrich the workplace and enhance the quality of our service. We will be  
847 innovative in our approaches to communities who truly represent our District. We  
848 will continue to collaborate across differences. We will be open to the challenges  
849 our community presents as it relates to diversity and inclusion. We will approach  
850 our efforts of inclusion with the same level of passion as water resource protection.

851 F. USE OF CONFIDENTIAL INFORMATION  
852 A public official or employee of the District shall not use confidential  
853 information to further the employee's private interest, and shall not accept outside  
854 employment or involvement in a business or activity that will require the employee  
855 to disclose or use confidential information.

857 G. USE OF PROPERTY  
858 A public official or an employee shall not use or allow the use of District time,  
859 supplies, or District owned or leased property and equipment for the employee's  
860 private interest or any other use not in the interest of the District, except as  
861 provided by law and with prior administrator approval for such use and the use is  
862 of minimal value.  
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## **Riley-Purgatory-Bluff Creek Watershed District Policies and Procedures for Public Access to Documents**

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes Chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Riley-Purgatory-Bluff Creek Watershed District (District) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the District to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body shall establish procedures to implement the DPA. In addition, the District has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the District and describes private or confidential data on individuals collected by the District, in compliance with section 13.025, subdivision 1. This policy also is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security, consistent with section 13.05, subdivision 5, as well as an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individuals is limited to District personnel whose work or management assignments require access. The District also maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3, and a document setting forth the rights of data subjects under the DPA.

### **Data Practices Compliance Official (DPCO) and Responsible Authority (RA)**

The District's administrator is designated as the Data Practices Compliance Official (DPCO) and Responsible Authority (RA).

### **Procedure for Review of District Documents**

In order to ensure that requests for government data are received and complied with in an appropriate and prompt manner, all requests to inspect or receive copies of District data, and all other inquiries regarding the DPA, must be submitted on a form available at the following web address:

[Submit a data request :: Riley Purgatory Bluff Creek Watershed District \(rpbcwd.org\)](http://www.rpbcwd.org) [www.rpbcwd.org/data-request](http://www.rpbcwd.org/data-request)

or the following postal address:

Riley-Purgatory-Bluff Creek Watershed District

18681 Lake Drive East  
Chanhassen, MN 55346

The District is able to most efficiently and completely respond to requests that are specific and detailed. The Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents not subject to inspection pursuant to the DPA have been segregated, and assistance is available to the requesting party. The District will provide requested data for inspection at the District office, or other location to be specified by the Data Practices Compliance Official. District files may not be removed from the District office.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time after a request. The District will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the completeness and accuracy of the request. It is the goal of the District to acknowledge all requests within three business days.

If the District determines that certain data cannot be made available for inspection or copying, due to its classification as not public information, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access.

The District will comply with the Data Practices Act in protecting “trade secret information” as defined in the Act.

The District may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data). The DPCO shall maintain a log of DPA requests and the responses to such requests. The DPCO shall review the log with Board at least annually.

### **Costs**

There is no cost to inspect documents. If document copies are requested, the requesting individual will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white printed copies, except that there is no charge for delivery by email of less than 100 pages or the equivalent (as determined by the District) of data. Standard charges will apply for re-delivery of data in the event of failure of email delivery resulting from incapacity of the recipient’s email system. Copies of documents will not be certified as true and correct copies unless certification is specifically requested. The fee for certification is \$1 per document.

With respect to oversize copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting individual will be responsible for the actual cost incurred by the District to make the copy itself or to use a vendor, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by the District).

959 An individual requesting copies or the electronic transmittal of more than 100 pages of data is  
960 responsible to pay the District the actual cost, including the cost of staff time to search for and  
961 retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed  
962 based on established hourly rates. The District will not charge for staff time needed to separate  
963 public from protected data.

964  
965 If an individual so asks, before copies are made the District will advise of the approximate  
966 number of pages of documents responsive to a request or the likely cost of responding to a  
967 request. Payment may not be made in cash (checks are accepted). The District may, at its  
968 discretion, require payment in advance.

969  
970 When an individual asks for a copy of data that have commercial value and were developed with  
971 a significant expenditure of public funds by the District, the District may charge a reasonable fee  
972 that relates to the actual cost of developing the data. As a condition of making certain  
973 commercially valuable data available, the District may require execution of a license agreement  
974 defining allowable use or further distribution.

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978 **Riley-Purgatory-Bluff Creek Watershed District**  
979 **Security and Protection of Not-Public Data on Individuals**  
980

981 The Riley-Purgatory-Bluff Creek Watershed District establishes the following protocols pursuant  
982 to and in satisfaction of the requirement in Minn. Stat. §13.05, subdivision 5, that the District  
983 establish procedures ensuring appropriate access to not-public data on individuals. By  
984 incorporating employee access to not-public data in the District's Inventory of Data on  
985 Individuals, in the individual employee's position description, or both, the District limits access  
986 to not-public data to employees whose work assignment reasonably requires access.

987  
988 **Implementing Procedures**  
989

990 *Data inventory*

991 Pursuant to Minnesota Statutes section 13.025, subdivision 1, the District has prepared a data  
992 inventory that identifies and describes all not-public data on individuals it maintains. A copy of  
993 such inventory appears at the end of this policy. To comply with the requirement in section  
994 13.05, subdivision 5, the District has indicated on the Inventory the managers and employees who  
995 have access to not-public data.

996  
997 In the event of a temporary duty as assigned by the administrator that necessitates access to not  
998 public information , an employee assigned such duty may access certain not-public data  
999 necessary to perform such duty.

1000  
1001 In addition to the employees listed in the data inventory, managers, the Responsible Authority/  
1002 Data Practices Compliance Official and counsel may have access to *all* not-public data maintained  
1003 by the District as necessary for specified duties. Any access to not-public data will be strictly  
1004 limited to the data necessary to complete the work assignment.

1005  
1006 *Employee position descriptions*

1007 Position descriptions may contain provisions identifying any not-public data accessible to the  
1008 employee when a work assignment reasonably requires access.  
1009

1010 *Data sharing with authorized entities or individuals*

1011 State or federal law may authorize the sharing of not-public data in specific circumstances. Not-  
1012 public data may be shared with another entity if a federal or state law allows or mandates it.  
1013 Individuals will have notice of any sharing in an applicable Tennessee warning or the District will  
1014 obtain the individual's informed consent. Any sharing of not-public data will be strictly limited to  
1015 the data necessary or required to comply with the applicable law.  
1016

1017 To ensure appropriate access, the District will:

- 1018
- 1019 • Assign appropriate security roles, limit access to appropriate shared network
- 1020 drives and implement password protections for not-public electronic data;
- 1021 • Password protect employee computers and lock computers before leaving
- 1022 workstations;
- 1023 • Secure not-public data within locked work spaces and in locked file cabinets

- Shred not-public documents before disposing of them.

1025

### *Penalties for unlawfully accessing not-public data*

1027 The District may utilize the penalties for unlawful access to not-public data as provided for in  
1028 Minnesota Statutes, section 13.09. Possible penalties include suspension, dismissal or referring  
1029 the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor  
1030 charge.

1031

## **Protection of Private and Confidential Data on Individuals**

1033

### Classification of Government Data

1035

1036 **Confidential data on individuals.** "Confidential data on individuals" are data made not public  
1037 by statute or federal law applicable to the data and are inaccessible to the individual subject of  
1038 those data.

1039 **Data not on individuals.** "Data not on individuals" are all government data that are not data on  
1040 individuals.

1041 **Data on individuals.** "Data on individuals" means all government data in which any individual  
1042 is or can be identified as the subject of that data, unless the appearance of the name or other  
1043 identifying data can be clearly demonstrated to be only incidental to the data and the data are not  
1044 accessed by the name or other identifying data of any individual.

1045 **Not public data.** "Not public data" are any government data classified by statute, federal law, or  
1046 temporary classification as confidential, private, nonpublic, or protected nonpublic.

1047 **Nonpublic data.** "Nonpublic data" are data not on individuals made by statute or federal law  
1048 applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of  
1049 the data.

1050 **Private data on individuals.** "Private data on individuals" are data made by statute or federal  
1051 law applicable to the data: (a) not public; and (b) accessible to the individual subject of those  
1052 data.

1053 **Protected nonpublic data.** "Protected nonpublic data" are data not on individuals made by  
1054 statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of  
1055 the data.

1056 **Public data not on individuals.** "Public data not on individuals" are data accessible to the public  
1057 pursuant to section [13.03](#).

1058 **Public data on individuals.** "Public data on individuals" are data accessible to the public in  
1059 accordance with the provisions of section [13.03](#).

1060

1061

1062 Private and Confidential Data are governed by the following requirements:

- Private or confidential data may be released only to persons authorized by law to access such data;

1064

- 1065 • Private or confidential data must be secured at all times and not left in a location where
- 1066 they may be accessed by unauthorized persons;
- 1067 • Private or confidential data must be shredded before it is disposed of pursuant to the
- 1068 District’s records retention policy.

1069  
1070 *Accuracy and Currency of Data*

1071 Employees of the District are requested, and given appropriate forms, to annually provide  
1072 updated personal information for the District as necessary for District recordkeeping, tax,  
1073 insurance, emergency notification and other personnel purposes. Other individuals who provide  
1074 private or confidential information (e.g., managers) are also encouraged to provide updated  
1075 information when appropriate.

1076  
1077 *Data Safeguards*

1078 Private and confidential information is stored in secure files and databases that are not accessible  
1079 to individuals who do not have authorized access. Private and confidential data on individuals is  
1080 accessed only by individuals who are both authorized and have a need to access such information  
1081 for District purposes. (An individual who is the subject of data classified as private may access  
1082 such data for any reason.)

1083  
1084 The District administrator, as Responsible Authority, reviews forms used by the District to  
1085 collect data on individuals and ensures that the District collects private or confidential data only  
1086 as necessary for authorized District purposes.

1087  
1088 When a contract with an outside entity requires access to private or confidential information  
1089 retained by the District, the contracting entity is required by the terms of its agreement with the  
1090 District to use and disseminate such information in a manner consistent with the DPA and the  
1091 District’s Policies and Procedures for Public Access to Documents.

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**Riley-Purgatory-Bluff Creek Watershed District  
Inventory of Not-Public Data on Individuals**

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This document describes private or confidential data on individuals maintained by the Riley-Purgatory-Bluff Creek Watershed District (see Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the District’s procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the District managers and District legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

**Terry Jeffery**  
[tjeffery@rpbcwd.org](mailto:tjeffery@rpbcwd.org)  
952-607-6512

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.
Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.

Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.
Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.

Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.
Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.

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**Riley-Purgatory-Bluff Creek Watershed District**  
Private and Confidential Data – Rights of Data Subjects

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the following protocols and information are established by the Riley-Purgatory-Bluff Watershed District (District). This information is provided to you, as the subject of private or confidential data collected by the District to explain how (1) the District assures that all data on individuals collected by the District are accurate, complete and current for the purposes for which they were collected, and (2) to explain the security safeguards in place for District records containing data on individuals.

**Rights to Access Government Data**

Minnesota law gives you, as the subject of private or confidential data collected by the District, and all members of the public the right to see data collected and maintained by the District, unless state or federal law classifies the data as not public. In addition, the DPA gives you and all members of the public the right to have access to or, if you wish, to copy any public data for any reason, as long as the data are not classified as not-public or copyrighted.

You have the right to:

- be informed, upon request, as to whether you are a subject of District data and how that data is classified;
- know what the District’s procedures are for requesting government data;
- inspect any public data that the District collects and maintains at no charge;
- see public data that the District collects and maintains without telling the District who you are or why you want the data;
- have public data that the District collects and maintains explained to you;
- obtain copies of any public District data at a reasonable cost to you;
- be informed by the District in writing as to why you cannot see or have copies of not-public District data, including reference to the specific law that makes the data not-public;
- receive a response from the District to a data request in a reasonable time.
- contest the accuracy and completeness of public or private data the District has on you and appeal a determination by the District as to whether the data are accurate and complete;
- to ask the District, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of information the District has on you;
- release all, part or none of the private data the District has on you.

1151 **Security of Private and Confidential Data**

1152 State law protects your privacy rights with regard to the information the District collects, uses  
1153 and disseminates about you. The data the District collects about you may be classified as:

- 1154 • Public – anyone can see the information;
- 1155 • Private – only you and authorized District staff can see the information;
- 1156 • Confidential – only authorized District staff can see the information.

1157 When the District asks to you provide data about yourself that are private, the District will give  
1158 you a notice called a Tennessen warning notice. This notice determines what the District can do  
1159 with the data collected from you and the circumstances under which the District can release the  
1160 data. The District will ask for your written permission before using private data about you in a  
1161 way that is different from what is stated in the Tennessen notice you receive. The District also  
1162 will ask for your written permission before releasing private data about you to someone other  
1163 than those identified in the notice.

1164 State law requires that the District protect private and confidential data about you. The District  
1165 has established appropriate safeguards to ensure that your data are not inadvertently released or  
1166 wrongfully accessed. The District disposes of private, confidential and other not-public data in  
1167 accordance with its Records Retention Schedule, adopted July 2, 2014. Printed data are disposed  
1168 of by shredding or other method sufficient to prevent the data from being ascertainable.  
1169 Electronic data are destroyed or erased from media in a manner that prevents the data from being  
1170 accessed or read. Data-storage systems in District computers are erased in the process of  
1171 recycling.

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**Riley-Purgatory-Bluff Creek Watershed District  
Data Practices Advisory / Tennessen Warning**

Some or all of the information you are being asked to provide on the attached form is classified by state law as either private or confidential data. Private data is information that generally cannot be given to the public, but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

The Riley-Purgatory-Bluff Creek Watershed District’s purpose and intended use of the information is:

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You  are /  are not legally required to provide the information.

Your failure or refusal to supply the information will have the following consequences:

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Other persons or entities who are authorized to receive the information include:

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**Riley-Purgatory-Bluff Creek Watershed District**  
Consent to Release – Request from an Individual

**Explanation of Your Rights**

If you have a question about anything on this form, or would like more explanation, please talk to the Riley-Purgatory-Bluff Creek Watershed District administrator before you sign it.

---

I, [*name of individual data subject*], give my permission for the Riley-Purgatory-Bluff Creek Watershed District to release data about me to [*name of other entity or person*] as described on this form.

**1.** The specific data I want the Riley-Purgatory-Bluff Creek Watershed District to release are [*explanation of data*].

**2.** I have asked Riley-Purgatory-Bluff Creek Watershed District to release the data.

**3.** I understand that although the data are classified as private while in the possession of the Riley-Purgatory-Bluff Creek Watershed District, the classification/treatment of the data at [*name of other entity or person*] depends on laws or policies that apply to [*name of other entity or person*].

This authorization to release expires [*date/time of expiration*].

Individual data subject’s signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/guardian’s signature [*if needed*] \_\_\_\_\_

Date \_\_\_\_\_

**Riley-Purgatory-Bluff Creek Watershed District**  
Consent to Release – Request from a Government Entity

**Explanation of Your Rights**

You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed on this form. Before you give us permission to release the data, we encourage you to review the data listed and described here.

You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.

You have the right to ask us to explain the consequences for giving your permission to release the data.

You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.

If you have a question about anything on this form, or would like more explanation, please talk to the District administrator before you sign it.

---

I, [*name of individual data subject*], give my permission for the Riley-Purgatory-Bluff Creek Watershed District to release data about me to [*name of other entity or person*] as described on this form. I understand that my decision to allow release of the data to [*name of other entity or person*] is voluntary.

**1.** The specific data that the Riley-Purgatory-Bluff Creek Watershed District may release to [*name of other entity or person*] are: [*description, explanation of data*].

**2.** I understand the Riley-Purgatory-Bluff Creek Watershed District would release the data [*explanation of reason for the release*].

**3.** I understand that although the data are classified as private at the Riley-Purgatory-Bluff Creek Watershed District, the classification/treatment of the data at [*name of other entity or person*] depends on laws or policies that apply to [*name of other entity or person*]. [*Include other known consequences.*]

This authorization to release the data expires [*date/time of expiration*].

Individual data subject's signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/guardian's signature (*if data subject is a minor*) \_\_\_\_\_

Date \_\_\_\_\_

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**Riley-Purgatory-Bluff Creek Watershed District  
Records Retention Schedule**

Adopted February 1, 2017

1290 All District records are created and retained in electronic forms, except that record series shaded  
1291 below may be created and/or retained in hard copy form.

1292 **Administration**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Advisory and technical committees – agendas, minutes, reports, related documents	Retain 10 years, then may be transferred to state archives	Public	
Affidavits of publication a. General notices, including project public hearings b. Rules	a. Retain 6 yrs b. Retain permanently	a. Public b. Public	
Agenda, meeting materials board and committee meetings and workshops	Retain 10 years, then may be transferred to state archives	Public	
Agreements and contracts, not otherwise scheduled herein	Retain 10 yrs after paid and audited	Public	
Annual reports	Retain 10 yrs, then transfer to state archives	Public	
Attorneys’ opinions a. Opinions of District attorney and correspondence relating thereto b. Official interpretation regarding questions of legal rights or liabilities affecting District	a. Retain permanently or transfer to state archives when no longer needed b. Retain 10 yrs, then transfer to state archives	a. Public b. Public/Private-nonpublic	a. b. 13.393 13.39
Authority to dispose of records	Retain permanently	Public	

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<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
<b>Bids and Quotations</b> <ul style="list-style-type: none"> <li>a. Accepted, noncapital projects</li> <li>b. Rejected, noncapital projects</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain 10 yrs after completion of project</li> <li>b. Retain 6 yrs</li> </ul>	<ul style="list-style-type: none"> <li>a. Public/nonpublic</li> <li>b. Public/protected nonpublic until all bids opened</li> </ul>	<ul style="list-style-type: none"> <li>a. 13.37</li> <li>b.</li> </ul>
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
<b>Correspondence</b> <ul style="list-style-type: none"> <li>a. Constituents</li> <li>b. Municipalities/State Agencies</li> <li>c. Engineer</li> <li>d. Financial</li> <li>e. Transitory, such as electronic mail not in one of the above categories</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain 6 yrs, then archive if documents historical</li> <li>b. Retain 6 years, then archive if historical</li> <li>c. Retain 10 yrs, then transfer to state archives</li> <li>d. Retain 5 yrs then transfer to state archives</li> <li>e. Retain until read</li> </ul>	Private/public	13.37; 13.44
Drafts, duplicates, notes and other documents that have not become part of an official transaction, not otherwise scheduled herein	Retain 2 yrs	Public	
<b>Governance</b> <ul style="list-style-type: none"> <li>a. Bylaws</li> <li>b. Policies</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain permanently</li> <li>b. Retained only until superseded</li> </ul>	<ul style="list-style-type: none"> <li>a. Public</li> <li>b. Public</li> </ul>	
Historical data and photographs	Retain permanently or transfer to state archives	Public	
Inventories – equipment supplies, etc.	Retain 10 yrs	Public	

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Lawsuits a. General b. Civil Lawsuits c. Criminal Lawsuits d. Attorneys' opinions, attorneys' briefs, testimony, depositions, correspondence, etc	a. Retain 10 yrs after settlement or resolution by court, administrative order and then transfer to state archives b. Retain 20 years after last activity c. Retain 2 years after last activity d. Retain 10 yrs, then archive	a. Public/private b. c. d. Public/private/ and non-public	a. 13.30, 13.39 b. c. d. 13.393, 13.39
Leases	Retain 10 yrs after expiration of lease	Public	
Levy (tax) files – tax levies, related correspondence	Retain 5 yrs then transfer to state archives	Public	
Membership association documents (MAWD, Metro MAWD, etc.)	Retain 3 yrs	Public	
Minutes – Board meetings and workshops	Retain permanently	Public	
Newsletters, press releases generated by the District	Retain 10 yrs	Public	
Notices – official District meetings	Retain 6 yrs	Public	
Public hearings records	Retain 6 yrs or until recorded in minutes, do not archive	Public	

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
<p>Recordings</p> <ul style="list-style-type: none"> <li>a. Board meetings and workshops – audio recordings, closed meetings</li> <li>b. Board meetings and workshops – open</li> </ul>	<ul style="list-style-type: none"> <li>a. Tapes and other recordings may be discarded 3 yrs after meeting; 8 yrs or until purchase or sale is completed or abandoned for real estate negotiations.</li> <li>b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board</li> </ul>	<ul style="list-style-type: none"> <li>a. Nonpublic/public</li> <li>b. Public</li> </ul>	<ul style="list-style-type: none"> <li>a. 13D.05, subd. 3; 13.37</li> </ul>
<p>Technical Information</p> <ul style="list-style-type: none"> <li>a. Printed material regarding the District</li> <li>b. Printed material not regarding the District</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain 10 yrs, then transfer to state archives</li> <li>b. Discard when no longer needed</li> </ul>	<ul style="list-style-type: none"> <li>a. Public</li> <li>b. Public</li> </ul>	

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**Real Estate**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Deeds	Retained until property is sold, then transfer to new owner; maintain copy permanently	Public	
Ditch records	Retain permanently	Public	
Easements a. Originals b. Temporary easements	a. Retained permanently and do not archive b. Discard after project completion or when no longer needed, whichever is later	a. Public b. Public	
Hazardous materials reports – phase I and II reports, leaking underground storage tank reports	Retain permanently	Public	
Property records (well records, building inspections, etc.)	Retain 20 yrs after sale of property	Public	
Property surveys	Retain permanently	Public	
Transaction records	Retain 10 yrs after sale of property	Public/ Confidential/ Protected Non-public	13.44; 13.585

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**Bonds**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Contractor license bonds, certificates of insurance, etc.	Retain 6 yrs after completion of contract	Public	
Fidelity bonds – managers	Retain 6 yrs after completion of service by manager	Public	
Performance and payment bonds	Retain 6 yrs after completion of contract	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure <sup>2</sup>	Public	

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<sup>2</sup> Retain copy if original returned to provider.

**Financial/Accounting**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Assessment rolls – copies of assessment rolls received from county auditor	Retained 6 yrs after final payment	Public	
Audit reports	Retain permanently	Public	
Billing statements	Retain 6 yrs	Public	
Bank statements – slips, bonds and reconciliations	Retain 6 yrs	Public	
Budget expenditure reports	Retain permanently	Public	
Checks – paid and returned a. Accounts payable b. Payroll	a. Retain 6 yrs b. Retain 6 yrs	a. Public b. Public/ private	
Receipt registers	Retain permanently, and not archived	Public	
Deposit slips	Retain 6 yrs	Public	
General ledger – general, month-end	Retain permanently and do not archive	Public	
Investment documents – amounts invested and interest earned	Retain 4 yrs after maturity	Public	
Payroll	Retain permanently	Public/private	13.43
Pension and retirement plan	Retain permanently	Public or private	
Purged accounts	Retain 6 yrs (irrespective of audit)	Public	
Receipts and receipt books	Retain 6 yrs and do not archive	Public	
Staffing lists	Retain 6 yrs	Public	
Time sheets	Retain 6 yrs	Public/Private	13.43
W-2 statements	Retain 6 yrs	Public/Private	13.43
W-4 statements	Retain until replaced		
Workers' compensation reports	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

1301 **Insurance**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Insurance – automobile, fire or other perils, property, public officials, general liability, umbrella liability	Retain 6 yrs after expiration	Public	
Workers’ compensation a. Claim register b. Policies	a. Retain permanently b. Retain 6 yrs after expiration	a. Public b. Public	a. 176.231

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1303

**Permits**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Applications – permits	Retain 10 yrs, then transfer to state archives	Public	
Correspondence – relating to permits	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports	Retain 10 yrs, then transfer to state archives	Public	
Inspectors’ reports – includes reports, inspectors’ documents relating to permit inspections	Retain 10 yrs, then transfer to state archives	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure	Public	
Permits	Retain permanently	Public	
Plans	Retain permanently	Public	

1304

**Personnel**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Affidavit of publication for job opening	Retain 2 yrs	Public	13.43
Affirmative action files	Retain permanently	Public/Private	13.39, 13.43
Applications for employment – not hired	Retain 1 yr	Public	
Personnel policies and procedures, administrative policies	Retain permanently	Public	
Employment contracts	Retain 5 yrs after expiration	Public	
Equal employment opportunity reports, summary date	Retain 3 yrs	Public	
Examination file – completed examinations	Retain 2 yrs	Private	13.43
Employee medical records	Retain 5 yrs after separation from District	Public/private	13.43
Family Medical Leave Act documents	Retain 3 yrs in medical file, not in employee personnel file	Private	13.43
Grievance file	Retain 5 yrs after separation, not in employee personnel file	Public/private	13.43
Job descriptions	Retain until superseded	Public	
Personnel files – applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments or promotion, termination or resignation	Retain 5 yrs after separation	Public/private	13.43
Payroll record – master copy	Retain permanently	Public/private	13.43
Unemployment claims, compensation	Retain 6 yrs	Public/private	13.43
Background check results – not hired	Retain 30 days	Nonpublic	13.87

1306

**Projects**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Board documents – resolutions, findings, conclusions	Retain 10 yrs, then transfer to archives	Public	
Contracts <ul style="list-style-type: none"> <li>a. Petitioned projects</li> <li>b. Nonpetitioned projects</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain permanently</li> <li>b. Retain 10 yrs, then transfer to state archives</li> </ul>	Public	
Correspondence	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports and related documents	Retain 10 yrs, then transfer to state archives	Public	
Petitions (for projects)	Retain 10 years, then transfer to state archives	Public	
Property surveys	Retain permanently	Public	
Public hearing documents – non-petitioned projects	Retain 10 yrs, then transfer to state archives	Public	
Public hearing documents – petitioned projects <ul style="list-style-type: none"> <li>a. notices, written testimony, audio</li> <li>b. Related public hearing documents</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain 6 yrs or until recorded in minutes; do not archive</li> <li>b. Retain 10 years and do not archive</li> </ul>	<ul style="list-style-type: none"> <li>a. Public</li> <li>b. Public</li> </ul>	

1307

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**Programs**

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Water quality, lake elevation, stream-flow a. Field notes and raw data b. Final reports	a. Retain until final report completed b. Retain permanently or transfer to state archives	Public	
Public opinion surveys	Retain permanently or transfer to state archives	Public	
Plans a. Watershed management plans b. Local water management plans c. Program plans and work plans – approved by Board	a. Retain permanently or transfer to state archives b. Retain until updated c. Retain 6 yrs and do not archive	a. Public b. Public c. Public	
Rules – District approved	Retain permanently	Public	

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## Riley-Purgatory-Bluff Creek Watershed District

### Policy for Management of Permit Fees, Financial Assurances, and Abandoned Property

As provided by state law and the Riley-Purgatory-Bluff Creek Watershed District (District) rules, the District receives fees from applicants to reimburse the District for the costs of processing and administering permits required by the District rules (Permit fees). The District also receives bonds, letters of credit and cash deposits (checks) as financial assurances to secure the performance of permittees in compliance with permit terms and conditions (Financial Assurances). To ensure that such financial assurances are managed in accordance with sound financial practices and state law governing local government financial practices and management of abandoned property, the District establishes the following policy and protocols for the management of Financial Assurances and Permit Fees.

1. **Permit fee payments.** The District will accept and process the payment of Permit Fees in accordance with District rules and the following protocols.
  - a. The District will not accept physical cash in payment of permit fees.
  - b. Checks received by the District in payment of permit fees will be deposited within 5 business days of receipt.
  - c. Payment by check will be deemed made only upon the irrevocable clearance of the check by the financial institution upon which it was drawn.
2. **Financial assurance deposits.** The District will accept money paid in the form of a check of immediately available funds, but no physical cash, as all or part of any Financial Assurances. In addition, the District may accept performance bonds and letters of credit with terms satisfactory to the District. Upon receipt of any Financial Assurances, the District shall catalogue and maintain Financial Assurances in accordance with the following protocols:
  - a. Financial Assurances received by the District will be logged in the Financial Assurance Log created for such purposes, then copied. A copy will be filed at the District offices. The Financial Assurance Log will include, at a minimum, the following information:
    - i. Permit number for which the financial assurance instrument is provided;
    - ii. Name of the permittee/escrow provider;
    - iii. Name, for bonds and letters of credit, of the surety or issuer;
    - iv. Amount(s) of the financial assurance provided;
    - v. Expiration date, if any, of the financial assurance;
    - vi. Location of the financial assurance instrument or deposit;
    - vii. The depository of any money received as all or part of a financial assurance.
  - b. Original Financial Assurance instruments will be deposited for safekeeping at a location to be designated annually by the District Board of Managers.
  - c. When the permittee provides a check as its Financial Assurance, the Permittee shall enter into an escrow agreement with the District that specifies the terms and conditions under which the District accepts and holds the funds in escrow, as well as the circumstances under which the District may use the escrowed funds.

- 1355 i. The District, with the advice of counsel, will maintain a cash escrow  
1356 agreement template for use by permittees/escrow providers. The  
1357 administrator is authorized to execute such escrow agreement on behalf of  
1358 the District.
- 1359 ii. The District will accept only checks when they are irrevocably cleared  
1360 funds and not able to be recalled, reversed or otherwise nullified by the  
1361 entity on which such check is drawn, or which initiated the transfer.
- 1362 iii. Permit approval may be revoked for failure to comply with this  
1363 requirement, including if a check or transfer is withdrawn, reversed or  
1364 revoked or otherwise nullified by the entity on which such checks are  
1365 drawn or which initiated such transfer.
- 1366 d. No check will be accepted by the District to serve as a financial assurance to  
1367 secure performance of permit conditions until District staff has verified receipt of  
1368 an associated executed escrow agreement, specifying the required deposit amount  
1369 and permit to be secured by the escrow. The check must be in the amount  
1370 specified in the associated escrow agreement and must bear the number of the  
1371 District permit(s) to be secured.
- 1372 e. Checks received by the District as financial assurances will be deposited within  
1373 10 business days of receipt in an account designated by the administrator  
1374 exclusively for permit escrows. The account will be at a Board-designated  
1375 depository institution.
- 1376 3. **Maintenance of valid Financial Assurances.** To ensure that the District has the capacity  
1377 to assure compliance with its rules and protect the District’s water resources in the event  
1378 of noncompliance with permit conditions and/or rules, District staff will follow the  
1379 protocols below to ensure that Financial Assurances remain valid and enforceable:
- 1380 a. District compliance with the protocols in this section will be the responsibility of  
1381 the District administrator.
- 1382 b. The administrator will maintain the Financial Assurance Log.
- 1383 c. The administrator will review the Financial Assurance Log monthly to ensure the  
1384 continuing validity of financial assurances provided for active permits by  
1385 identifying bonds and letters of credit that will expire within the ensuing 90 days.
- 1386 d. The administrator will determine – in the course of his or her monthly review of  
1387 the Financial Assurance Log – whether replacement of the financial assurance is  
1388 needed for a particular permit, and, if so, alert the permittee to the need to provide  
1389 a replacement instrument at least 60 days prior to the expiration of the existing  
1390 instrument.
- 1391 e. If deemed necessary in response to a permittee’s unwillingness or inability to  
1392 provide a replacement financial assurance, the administrator will contact counsel  
1393 at least 30 days prior to the expiration of the financial assurance to initiate  
1394 procedures to draw on the existing financial assurance.
- 1395 i. The administrator will ensure that proper authorization for a financial  
1396 assurance draw is secured in a timely manner, with a priority on the  
1397 protection of District water resources.
- 1398 4. **Return of Financial Assurances.** Financial Assurance instruments will be returned in  
1399 accordance with applicable District rules, including section 4 of Rule M.

- 1400 a. The administrator will monthly designate financial assurances that may be  
1401 returned in whole or in part to the surety (with notice to the principal/permittee)  
1402 and, upon receipt of required documentation, take the steps necessary to return  
1403 such instruments and/or funds.
- 1404 b. Financial assurances consisting of monetary deposits with the District shall be  
1405 returned by issuing a check drawn on the appropriate financial account of the  
1406 District payable to the permittee or such other person as they designated in the  
1407 cash escrow agreement relating thereto.
- 1408 c. The administrator will maintain record of returned financial assurances in the  
1409 Financial Assurance Log and retain a copy of original financial assurance  
1410 documents in compliance with the District records retention schedule.
- 1411 5. **Abandoned property procedures.** State law imposes requirements applicable to any  
1412 intangible asset in the District’s possession that remains unclaimed for three years or  
1413 more after the asset is no longer needed for District purposes (e.g., three years after a  
1414 permitted project is completed and the associated financial assurance becomes eligible  
1415 for release in accordance with District rules). To ensure compliance with abandoned-  
1416 property requirements, the District establishes the following protocols.
- 1417 a. The District will annually assess whether cash escrows remain on deposit after  
1418 completion of the applicable permitted work and attempt to return them. For cash  
1419 escrows that have been in the District’s possession for three years or more,  
1420 unclaimed by the owner, staff will commence unclaimed property return  
1421 procedures as follows.
- 1422 i. By July 1 of each year, District staff will take reasonable steps to notify  
1423 owners by mail of unclaimed property. A letter should be sent to all  
1424 known addresses on file for the owner, notifying owner of the amount still  
1425 held by the District and describing steps necessary to claim the property.  
1426 Staff need not send such a letter if documentation in the District’s  
1427 possession indicates that the address(es) it has for the owner are  
1428 inaccurate.
- 1429 ii. If the owner cannot be found, the assets are deemed legally abandoned and  
1430 the District will remit them to the state Commissioner of Commerce, along  
1431 with the report required by Minnesota Statutes section 345.41, as may be  
1432 amended, containing information on the identity of the owner of the  
1433 unclaimed assets in the District’s possession, a description of the assets,  
1434 the date the assets became payable or returnable to the owner and any  
1435 other information that may be required by the commissioner. Formatting  
1436 and filing of the report will be in compliance with Department of  
1437 Commerce guidance.
- 1438 iii. By October 31 each year, the required report, verified by the  
1439 administrator, should be filed with the commissioner and all assets  
1440 unclaimed as of the preceding June 30 should be remitted to the  
1441 commissioner, and a copy of such report shall be provided to the Board of  
1442 Managers.
- 1443 iv. The District may deduct a service charge from the unclaimed assets  
1444 remitted to cover costs of attempting to locate an owner and, if necessary,

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reporting and paying the unclaimed funds to the commissioner only if the escrow provider has agreed to the deduction of such charges.

1447 **ESCROW AGREEMENT**

1448  
1449 **Between the Riley Purgatory Bluff Creek Watershed District**  
1450 **and \_\_\_\_\_**

1451  
1452 This agreement is made by and between the Riley Purgatory Bluff Creek Watershed  
1453 District, a watershed district under Minnesota Statutes chapters 103B and 103D  
1454 (RPBCWD), and \_\_\_\_\_, a \_\_\_\_\_ (Permittee), to  
1455 establish a cash escrow in fulfillment of financial assurance requirements under  
1456 RPBCWD permit no. \_\_\_\_\_.

1457  
1458 **Recitals**

1459  
1460 A. Pursuant to Minnesota Statutes section 103D.345, the RPBCWD has adopted and  
1461 implements rules governing development and other activity within the boundaries of  
1462 the RPBCWD that may have an impact on water resources.

1463  
1464 B. RPBCWD rules require that as a condition of permit approval a permittee must  
1465 provide and maintain a financial assurance in the form of a bond, letter of credit or  
1466 cash escrow for the purpose of covering costs the RPBCWD may incur in monitoring  
1467 and inspecting activity under the permit and in responding, if necessary, to violations  
1468 of a watershed statute or RPBCWD rule, permit or order.

1469  
1470 C. This agreement documents that a cash escrow has been submitted by Permittee or  
1471 on Permittee’s behalf to fulfill a financial assurance obligation under permit no.  
1472 \_\_\_\_\_ and specifies the conditions and procedures under which the RPBCWD will  
1473 hold and may draw on the escrow. Permittee and the RPBCWD, in executing this  
1474 agreement, concur that it is legally binding.

1475  
1476 **Agreement**

1477  
1478 1. Permittee has submitted a cash escrow in the amount of \$ \_\_\_\_\_. The  
1479 RPBCWD will hold the escrow in an escrow account where it may be commingled with  
1480 escrow funds held by the RPBCWD on behalf of parties other than Permittee. The  
1481 RPBCWD need not hold the funds in an interest-bearing account and Permittee will not  
1482 be entitled to interest on the escrow. If the escrow is submitted in a form other than  
1483 cash and the escrow amount is not credited promptly to the RPBCWD account, the  
1484 RPBCWD may declare this agreement null and void by written notice to Permittee.

1485  
1486 2. Unused escrowed funds will be released to Permittee and additional escrow funds  
1487 will be submitted by Permittee or on Permittee's behalf in accordance with the RPBCWD  
1488 rules and duly adopted resolutions and policies of the RPBCWD Board of Managers.  
1489  
1490 3. Escrow funds will become the sole property of the RPBCWD, and Permittee agrees to  
1491 relinquish all legal and equitable interest therein, as follows:  
1492 a. The RPBCWD may invoice Permittee for permit review, compliance monitoring  
1493 and other eligible costs in accordance with duly established RPBCWD  
1494 procedures.  
1495 b. If after notice and opportunity to be heard the RPBCWD finds violation of a  
1496 watershed statute or RPBCWD rule, permit or order, the RPBCWD may give  
1497 written notice to Permittee. The notice will describe the violation and the action  
1498 required to correct it. If within twenty (20) days of notice delivery the violation  
1499 has not been corrected and arrangements acceptable to the RPBCWD have not  
1500 been made, without further notice the RPBCWD may take steps it deems  
1501 reasonable to correct the violation, and may have access to the property during  
1502 reasonable times for that purpose, provided that the RPBCWD will give 24 hours'  
1503 notice before entry and exercise due care to avoid unnecessary disturbance or  
1504 damage to the property. If the RPBCWD finds that entry is required to address  
1505 an occurring or imminent threat to water resources, it may enter and correct  
1506 without prior hearing or opportunity to cure, but only to the extent reasonably  
1507 necessary to address the threat.  
1508 c. The RPBCWD may invoice Permittee for reasonable costs incurred for activity  
1509 under paragraph 3b. If payment is not made within 30 days, the RPBCWD may  
1510 transfer funds from the escrow account into RPBCWD accounts and credit  
1511 Permittee accordingly.  
1512 4. Escrow funds submitted hereunder are submitted to secure the performance of  
1513 Permittee under permit no. \_\_\_\_\_. If the permit is issued, and if the Permittee  
1514 and any agent, employee or contractor well and faithfully performs all activities and  
1515 things undertaken and authorized by permit no. \_\_\_\_\_ in compliance with all  
1516 applicable laws, including applicable statutes, rules, permit conditions, orders,  
1517 agreements and stipulations of the RPBCWD, and pays, when due, all fees or other  
1518 charges required by law, including all costs to the RPBCWD of administering and  
1519 enforcing the terms of the above-stated permit and this agreement, including  
1520 reasonable attorneys' fees, then on written notification to the RPBCWD of same and the

1521 RPBCWD's confirmation thereof, the RPBCWD will release the escrowed funds to  
1522 Permittee.

1523  
1524 5. All obligations of the RPBCWD under this agreement in holding and using the escrow  
1525 funds are to Permittee only. Nothing in this agreement creates any right in any third  
1526 party as against the RPBCWD or in any way waives or abridges any immunity, defense  
1527 or liability limit of the RPBCWD. Permittee indemnifies the RPBCWD for any claim,  
1528 liability or cost the RPBCWD incurs as a result of a party other than Permittee asserting  
1529 ownership in or a right to the escrow funds or any party thereof. Permittee will not  
1530 assign or purport to assign any interest in the escrow funds or this agreement to any  
1531 third party, except in conjunction with a transfer of Permittee's permit approved in  
1532 writing by the RPBCWD.

1533  
1534 6. Nothing in this agreement affects Permittee's legal right, if any, to appeal a finding  
1535 of violation or seek a legal determination of the purposes to which the RPBCWD may  
1536 use the escrow funds.

1537  
1538 7. The Permittee agrees that, should the escrow funds submitted hereunder remain  
1539 unclaimed by the Permittee or his successor in interest so as to become "abandoned  
1540 property" as that term is defined in Minnesota law, the RPBCWD may assess a service  
1541 charge from the unclaimed assets to cover costs of attempting to locate the Permittee  
1542 or his successor in interest and, if necessary, reporting and paying the unclaimed  
1543 funds as required by law.

1544  
1545 8. This agreement is effective on the signature of the parties and terminates when the  
1546 RPBCWD releases the escrow or declares the agreement null and void under paragraph  
1547 1, above. The agreement may be amended only in a writing signed by the parties. An  
1548 increase or decrease in the amount of escrow funds held by the RPBCWD for permit no.  
1549 \_\_\_\_\_ does not constitute an amendment.

1550  
1551 9. Notice to Permittee under this agreement is effective when sent by certified mail to  
1552 Permittee's address as stated in the permit application or such other address as  
1553 Permittee subsequently has notified the RPBCWD in writing. The laws of the State of  
1554 Minnesota will govern any legal proceeding concerning this agreement. Venue for any  
1555 such proceeding will be in the county where the real property that is the subject of this  
1556 agreement is located. The recitals are incorporated as a part of this agreement.

1557  
1558 IN WITNESS WHEREOF, the parties hereto have executed this agreement.

1559

1560 **RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**

1561

1562

1563 By \_\_\_\_\_ Date:

1564 Administrator

1565

1566 **PERMITTEE**

1567

1568

1569 By: \_\_\_\_\_ Date:

1570 *[print name here]*

1571 *as* \_\_\_\_\_ *of* \_\_\_\_\_.

1572

1573

State of Minnesota

County of :

1574 This instrument was acknowledged before me on \_\_\_\_\_,

1575 by \_\_\_\_\_, as \_\_\_\_\_

1576 of \_\_\_\_\_.

\_\_\_\_\_ (Signature of notarial officer)

(Stamp)

Notary Public

My commission

expires:

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**ESCROW PROVIDER ACKNOWLEDGEMENT & RELEASE**

The undersigned acknowledges having received and understood the agreement to which this acknowledgement is attached. By signing, the undersigned agrees to hold the Riley Purgatory Bluff Creek Watershed District (RPBCWD) harmless from and releases any and all claims the undersigned may have to the funds or any part thereof provided to the RPBCWD for the purposes described in and under the terms of the agreement.

Acknowledged, intending to be legally bound:

\_\_\_\_\_ Date:  
By: *[print name]*  
Title \_\_\_\_\_  
Company \_\_\_\_\_

State of Minnesota  
County of :

This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_, as \_\_\_\_\_  
of \_\_\_\_\_.

\_\_\_\_\_ (Signature of notarial officer)

(Stamp)

Notary Public  
My commission expires:

**Riley-Purgatory-Bluff Creek Watershed District**  
**Public Purposes Expenditures Policy**

Minnesota law mandates that governmental entities make expenditures only for public purposes and only as authorized to accomplish the purposes for which the entity was created. The Riley-Purgatory-Bluff Creek Watershed District (District) establishes the following policy and protocols to ensure that District expenditures serve clear, documented watershed district purposes. The District administrator will be responsible for the implementation of this policy and associated protocols.

1. **Travel.** The District may pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses related to the performance of official District functions. Expenditures must be approved in advance by the administrator (for employees) or Board of Managers (for managers, Citizens Advisory Committee members, and the administrator) and must be directly related to the performance of District functions. Reimbursement of approved travel and expenses for Citizens Advisory Committee members shall follow the requirements set forth below.
  - a. An employee or manager will be reimbursed for mileage expenses incurred when using the employee's or manager's personal vehicle to conduct District business. Mileage will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service. Mileage expenses need not be approved in advance, but mileage expenses will be reimbursed only when accompanied by documentation of the date, number of miles traveled, purpose and destination(s). Mileage for employee commuting to and from the District offices will not be reimbursed. Whenever possible, an employee shall use a vehicle owned or leased by the District where travel is needed in the performance of an employee's duties.
  - b. *Overnight in-state travel.* Expenses eligible for reimbursement include:
    - i. Registration for workshops, conferences, seminars and other events pertaining to District business;
    - ii. Mileage and parking - use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service;
    - iii. Meals;
    - iv. Gratuities (not to exceed 20 percent of expenses incurred);
    - v. Lodging;
    - vi. Other actual expenses.
  - c. *Overnight out-of-state travel.* All out-of-state travel must be approved in advance by the Board of Managers. In determining whether to approve out-of-state travel, the Board of Managers will give particular consideration to whether representation from the District has been requested by a state or federal governmental office or other host entity whose purpose or work particularly relates to the District's purposes, projects or programs. If two or more managers or staff travel together by car, only the driver will receive reimbursement. All expenses are limited to those which are reasonable, ordinary and necessary.

- 1648 Receipts are required for expenses for which reimbursement is requested.  
1649 Expenses eligible for reimbursement include:
- 1650 i. Round-trip economy-class (or lesser-cost) airfare;
  - 1651 ii. Registration for conferences, seminars and other events pertaining to  
1652 District business;
  - 1653 iii. Mileage and parking – use of personal vehicle (only) will be reimbursed at  
1654 the tax-deductible mileage rate set by the federal Internal Revenue Service  
1655 and the cost of renting an automobile will be reimbursed only if necessary  
1656 to conduct District business (reimbursed to airport and back using personal  
1657 vehicle);
  - 1658 iv. Meals (excluding alcoholic beverages);
  - 1659 v. Gratuities (not to exceed 20 percent of expenses incurred);
  - 1660 vi. Lodging;
  - 1661 vii. Other actual and reasonable expenses.
- 1662 2. **Employee and manager training.** The District may pay reasonable registration, tuition,  
1663 travel and incidental expenses (including lodging and meals) for education, development  
1664 and training when expenditures are directly related to the performance of duties.  
1665 Expenditures must be approved in advance by the administrator (for employees) or Board  
1666 (for managers and the administrator). Each person attending such training shall report on  
1667 the purpose of the training, the skills and knowledge obtained as a result of the training  
1668 and implementation recommendations, and recommendations on the value of future  
1669 attendance of such training. The administrator shall maintain a log of training paid for by  
1670 the District and include a report on staff and manager training in the monthly staff report.
- 1671 3. **Safety and health programs.** The District may pay for safety and health programs that  
1672 promote healthier and more productive employees and reduce costs to watershed  
1673 taxpayers, including costs associated with workers' compensation and disability benefits  
1674 claims, insurance premiums and lost time resulting from employee absences.
- 1675 4. **Manager, employee, and volunteer recognition and appreciation.** The District may  
1676 pay for programs that recognize managers, employees, or volunteers for contributions to  
1677 the District's performance and demonstrated commitment to the District's effective and  
1678 efficient fulfillment of its purposes in accordance with an annual plan and budget for such  
1679 events, approved by the Board. The District may pay for occasional manager, employee,  
1680 or volunteer appreciation events or activities conducted in accordance with an annual  
1681 plan and budget for such events, approved by the Board.
- 1682 a. The District will not pay employees direct non-salary payments (i.e., bonuses)  
1683 except as conditioned on achievement of performance goals specified in a written  
1684 employment agreement.
- 1685 5. **Food and beverages.** The District may pay for food and beverages when necessary to  
1686 ensure meaningful, efficient and effective participation of employees, managers or the  
1687 public in activities, events and functions directly related to District purposes.  
1688 Circumstances under which District expenditures for food and beverages will be allowed  
1689 include:
- 1690 a. Food and/or beverages provided as part of a structured agenda of a conference,  
1691 workshop, work session, outreach meeting or seminar, when the topic or subject  
1692 of which relates to the official business of the District and the majority of the  
1693 participants are not District employees or managers;

- 1694 b. Food and/or beverages may be provided as part of a workshop or formal meeting  
1695 primarily for District employees or managers where food and/or beverages are  
1696 necessary to facilitate the conduct of the meeting, to ensure continuity and support  
1697 the participation of employees, managers and other participants. Examples of  
1698 potential qualifying events include:
- 1699 i. An extended planning or operational analysis meeting;
  - 1700 ii. An extended meeting to develop long-term strategic plans;
  - 1701 iii. A structured training session for employees generally; or
  - 1702 iv. Official meetings of the District Board, a committee, task force or  
1703 advisory group.
- 1704 c. Food and/or beverages may be provided for occasional employee, manager, or  
1705 volunteer recognition and appreciation events and activities, when approved by  
1706 the Board in accordance with a District recognition and appreciation plan and  
1707 budget.
- 1708 d. The District may pay for food and/or beverage expenses incurred in connection  
1709 with a meeting or event attended by employees and/or managers, the primary  
1710 purpose of which is to discuss, negotiate or evaluate a plan, program, project or  
1711 other endeavor directly related to District purposes.
- 1712 e. District meetings, workshops and training sessions will be scheduled to avoid the  
1713 need to provide food whenever possible.
- 1714 6. **Outreach and stakeholder involvement.** The District may pay for community and  
1715 stakeholder outreach and involvement programs to ensure that efficient and effective  
1716 District programs, projects and meetings are conducted to gather public and  
1717 intergovernmental input and participation in District planning, research, rulemaking and  
1718 program or project design.
- 1719 7. **Membership, donations.** The District may pay for membership in the Minnesota  
1720 Association of Watershed Districts in accordance with Minnesota Statutes section  
1721 103D.335, subdivision 20. District funds may be expended for membership in other  
1722 professional organizations if the organization is an association of a civic, educational or  
1723 governmental nature and its activities are directly related to District purposes or the  
1724 improvement of District operations. District funds may not be donated to any  
1725 professional, technical or charitable organization, person or private institution. The  
1726 District may contract for services rendered by such organizations.
- 1727 8. **Protocols.** The following protocols are established to ensure compliance with above  
1728 policies:
- 1729 a. For employees other than the administrator, the written approval of the  
1730 administrator must be secured prior to an event or activity to qualify as a District  
1731 expenditure.
  - 1732 b. All invoices or reimbursement requests must include or be accompanied by a  
1733 copy of the administrator's written approval and must include itemized receipts or  
1734 other appropriate documentation of expenses incurred. Documentation also must  
1735 include the date the expense(s) were incurred, location, purpose, participating or  
1736 attending individuals and relevant affiliation, explanation of the need for food  
1737 and/or beverage for the meeting, event or activity, and any other relevant  
1738 information.

- 1739 c. Copies of all documentation specified herein will be recorded and maintained in  
1740 accordance with the District records retention policy.
- 1741 d. No expenditure shall be made which will cause the aggregate expenditures in the  
1742 budget category to exceed the budget for that category without authorization by  
1743 the Board of Managers.

1744 9. **Use of District property**

- 1745 a. District property, including but not limited to computers, phones, fax machines  
1746 and other office equipment, will be used exclusively for District business, except  
1747 for incidental personal use by District staff that does not interfere with or impede  
1748 the conduct of District business to any substantial degree.
- 1749 b. District property must be used for only its intended purposes.
- 1750 c. The administrator may not dispose of any District property with a value of more  
1751 than \$1,000 without prior authorization of the Board.

1752 10. **Miscellaneous.**

- 1753 a. The District administrator will secure an approval described above for expenses  
1754 he or she will incur from the president of the Board, except that the administrator  
1755 may approve or pay expenses for District-conducted programs, events and  
1756 activities.
- 1757 b. The District will not pay for alcoholic beverages under any circumstances.
- 1758 c. The District will not pay for expenses of a spouse or other person accompanying a  
1759 manager, employee, or Citizens Advisory Committee member.

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**Riley-Purgatory-Bluff Creek Watershed District**  
**Fund Balance Policy**

**I. Purpose**

Pursuant to Statement No. 54 of the Governmental Accounting Standards Board concerning fund balance reporting and governmental-fund type definitions, and the recommendation of its auditor, the Riley-Purgatory-Bluff Creek Watershed District establishes specific guidelines the District will use to maintain an adequate fund balance to provide for cash-flow requirements and contingency needs because major revenue, most notably half of the District’s annual levy, is received in the second half of the District’s fiscal year.

The policy also establishes specific guidelines the District will use to classify fund balances into categories based primarily on the extent to which the District is legally required to expend funds only for certain specific purposes.

**II. Classification of Fund Balances, Procedures**

**1. Nonspendable**

- This category includes funds that cannot be spent because they either (i) are not in spendable form or (ii) are legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

**2. Restricted**

- Fund balances are classified as restricted when constraints placed on those resources are either (i) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (ii) imposed by law through constitutional provisions or enabling legislation.

**3. Committed**

- Fund balances that can only be used for specific purposes pursuant to constraints imposed by action of the District Board of Managers. The committed amounts cannot be used for any other purpose unless the District removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This action must occur prior to the end of the reporting period, but the amount to be subject to the constraint may be determined in the subsequent period.
- The Board of Managers may remove a constraint on specified use of committed resources by resolution.

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#### 4. Assigned

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- Amounts for which a specified purpose has been stated, but are neither restricted nor committed. Assigned fund balances include amounts that are intended to be used for specific purposes.

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- Only the District board of managers has the authority to assign and remove assignments of fund balance amounts for specified purposes.

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#### 5. Unassigned

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- A residual classification that includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes.

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#### 6. Other Principles and Procedures

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- *Working capital.* The District will endeavor to maintain an unassigned fund balance of an amount not less than 50 percent of the next year's budgeted expenditures for working capital. This will assist in maintaining an adequate level of fund balance to provide for cash-flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District's fiscal year.

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- A negative residual amount may not be reported for restricted, committed, or assigned fund balances.

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### III. Monitoring and Reporting

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The District administrator will annually prepare a report on the status of fund balances in relation to this policy and present the report to the District managers in conjunction with the annual audit report to the State of Minnesota.

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When both restricted and unrestricted resources are available for use, it is the District's general policy to first use restricted resources, then use unrestricted resources as needed. When committed, assigned or unassigned resources are available for use, it is the District's general policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

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1828 **Riley-Purgatory-Bluff Creek Watershed District**

1829 **Internal Controls and Procedures for Financial Management**

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1832 This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District  
1833 (District) with written internal controls and procedures for financial management.  
1834 Adherence to this policy and procedures will ensure that the District’s finances are  
1835 managed in accordance with generally accepted accounting principles and best practices,  
1836 and will minimize District administrative costs.

- 1837 I. **Annual budget.** The administrator annually develops a proposed budget for  
1838 presentation to the Board of Managers for review. After adjustments as directed  
1839 by the Board, the District schedules and issues appropriate notice for a public  
1840 hearing on the proposed budget. Following the public hearing but before  
1841 September 15 each year, the Board of Managers adopts the annual budget and  
1842 certifies it to the Hennepin County auditor.
- 1843 a. Amounts in any approved budget category may not be reallocated without
  - 1844 approval of the Board of Managers.
  - 1845 b. Actual expenditures may not materially deviate from the amount in an
  - 1846 approved budget category.

- 1847 II. **Annual financial statements.** Annual financial statements are accepted by the  
1848 Board of Managers, then submitted to the Board of Water and Soil Resources and  
1849 the Office of the State Auditor within 180 days of the end of each fiscal year.

- 1850 a. In preparation for the annual audit of the District finances, the
- 1851 administrator prepares the following documents:
  - 1852 i. Copies of approved budgets and all budget amendments;
  - 1853 ii. Detailed general ledger (through year-end);
  - 1854 iii. Bank reconciliation and bank statements;
  - 1855 iv. Copies of disbursements and receipts;
  - 1856 v. Copy of tax (levy) settlements from Hennepin County;
  - 1857 vi. Copy of certification levy;
  - 1858 vii. Listing of accounts payable and copies of signed checks;
  - 1859 viii. Grant and other funding agreements;
  - 1860 ix. List of capital assets, showing all deletions and additions;
  - 1861 x. Copies of invoices;
  - 1862 xi. Approved minutes.

- 1863 b. The administrator annually presents the audit for acceptance to the Board
- 1864 of Managers at a monthly meeting.

1865 III. **Monthly financial management protocols.**

- 1866 a. The District contracts with a certified public accountant to manage the
- 1867 checking accounts and investment funds of the District.
- 1868 b. The office administrator opens the mail and receives checks, permit fees
- 1869 payments, monthly bills and invoices at the District office.
  - 1870 i. The office administrator copies escrow checks and permit
  - 1871 fees payments, enters them into a spreadsheet, copies
  - 1872 checks, deposits them, and attaches deposit slips to the
  - 1873 spreadsheet;

- 1874                                   ii.     The office administrator opens invoices, stamps with date  
1875   and time received, and places them in a folder for the  
1876   administrator's review;  
1877                                   iii.     The office administrator collects staff receipts for expense  
1878   reimbursement, including expense receipts for credit card  
1879   charges, or a weekly basis;  
1880                                   iv.     The office administrator places per diem request sheets in a  
1881   folder for the administrator's review.
- 1882     c.     Receipts are reviewed and approved by the administrator and invoices are  
1883   reviewed and approved by the administrator and Treasurer.  
1884     d.     The administrator reviews the Excel spreadsheet prepared by the  
1885   administrative assistant, listing vendor, invoice number, invoice amount  
1886   and general ledger coding; a list of deposits with coding and a list of credit  
1887   card charges with coding, and emails this information to the accountant.  
1888     e.     The accountant prepares checks pursuant to these recommendations to pay  
1889   the monthly bills.  
1890     f.     Payroll is processed through a third-party payroll service. The  
1891   administrator submits employee hours to the payroll service for each pay  
1892   period. The payroll service prepares payroll on a semi-monthly basis by  
1893   direct deposit and is responsible for all tax filing requirements, tax forms,  
1894   and PERA payments or filing requirements.  
1895     g.     The accountant prepares a monthly treasurer's report that includes a listing  
1896   of bills to be paid and tracks account balances. The accountant also  
1897   prepares an internal report for the treasurer.  
1898     h.     The administrator reviews the treasurer's report and distributes the report  
1899   to the Board of Managers for their review prior to the Board's monthly  
1900   meeting.  
1901     i.     The treasurer also reviews the bills to determine whether to recommend  
1902   payment. All bills are available for review by any member of the Board of  
1903   Managers on request.  
1904     j.     The treasurer reviews the treasurer's report for accuracy prior to  
1905   presentation to the Board of Managers.  
1906     k.     At the monthly Board meeting, the treasurer presents the treasurer's  
1907   report. The Board of Managers receives and discusses, as necessary, the  
1908   treasurer's report, then authorizes payment of the monthly bills as  
1909   presented in the check register.  
1910     l.     Following Board authorization to pay the bills, the administrator mails  
1911   payment to vendors as authorized.
- 1912     IV.    **Spending Authority.** All expenditures by the District must be approved in  
1913   advance by the Board, except that the Board by resolution may delegate to the  
1914   administrator the authority to bind the District, with or without countersignature,  
1915   to a purchase of goods or services, or to enter into a contract for same, up to a cost  
1916   limit established by the Board's resolution, or under other specific conditions  
1917   a.     The administrator may not purchase any real estate or easements on real  
1918   estate without prior authorization for the Board of Managers.
- 1919     V.     **Automated Clearing House (ACH) Payments.** The Board by resolution may

1920 authorize regular payments to established District vendors through Automated  
1921 Clearing House (ACH) electronic payments. Such payments authorized by Board  
1922 resolution do not require prior approval but shall appear in the monthly  
1923 Treasurer's Report as an identified monthly expense.

1924 **VI. Banking**

- 1925 a. The District maintains a current signature card at the depository bank.
- 1926 b. The administrator and treasurer may transfer funds between District
- 1927 accounts and may deposit funds into District accounts.
- 1928 c. Cash withdrawals from District accounts are prohibited.
- 1929 d. The administrator, in consultation with the treasurer, is authorized to
- 1930 invest District funds in accordance with Minnesota Statutes chapter 118A,
- 1931 and provide a monthly investment report to the Board.
- 1932 e. All deposits to District accounts must be made intact, and the District's
- 1933 bank is instructed not to return cash from a deposit to a District account.

1934 **VII. Checking**

- 1935 a. The administrator is not an authorized signatory of District checks.
- 1936 b. All checks, drafts or other orders for the payment of money, notes or other
- 1937 evidence of indebtedness issued in the name of the District shall not be
- 1938 valid unless signed by two managers, except that a check, draft or other
- 1939 order for payment of less than \$100 is valid with one manager's signature.

1940 **VIII. Credit card use.** The administrator is authorized to incur charges to the District  
1941 credit card, with a maximum single charge and allowable billing-period maximum  
1942 charges to be established by resolution of the Board of Managers.

- 1943 a. A receipt must be obtained for all District credit card purchases.
- 1944 Individuals making credit card purchases for which a detailed receipt is
- 1945 not provided may, at the administrator's discretion, be required to
- 1946 reimburse the District for the purchase.

1947 **IX. Reporting**

- 1948 a. All expenditures and investments, receipts and disbursements made must
- 1949 be compiled for presentation to the Board of Managers by the treasurer in
- 1950 a timely manner.
- 1951 b. The annual audit will be filed with the Board of Water and Soil Resources
- 1952 and the Office of the State Auditor within 120 days of the end of the
- 1953 District's fiscal year (January 1 – December 31).
- 1954 c. The administrator and treasurer will regularly review relevant records and
- 1955 documents for any of the following, and report to the treasurer (for the
- 1956 administrator) or the Board of Managers (for the treasurer) any of the
- 1957 following if found:
  - 1958 i. Unusual or unexplained discrepancy between actual
  - 1959 performance and anticipated results (costs in a general
  - 1960 expense categories well beyond the budgeted amount);
  - 1961 ii. Receipts that do not match deposit slips;
  - 1962 iii. Disbursements to unknown and/or unapproved vendors;
  - 1963 iv. A single signature on a check or pre-signed blank checks;
  - 1964 v. Gaps in receipt or check numbers;
  - 1965 vi. Late financial reports;



1991 **RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT**

1992

1993 **INVESTMENT AND DEPOSITORY POLICY**

1994

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1996 **1. PURPOSE**

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1998 The purpose of this policy is to establish the Riley Purgatory Bluff Creek Watershed

1999 District’s investment objectives, establish specific guidelines that the District will

2000 use in the investment of funds, and establish District depository policy. It will be

2001 the responsibility of the District administrator to invest District funds in order to

2002 attain a market rate of return while preserving and protecting the capital of the

2003 overall portfolio and to ensure compliance with District policy and with statutory

2004 requirements applicable to the District’s designation a depository financial

2005 institution. Investments will be made in compliance with statutory constraints and

2006 in safe, low-risk instruments that are approved by the RPBCWD Board of

2007 Managers.

2008

2009 **2. SCOPE**

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2011 This policy applies to all financial assets of the District, including, as to depository

2012 policy, funds held in escrow.

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2015 **3. SPECIFIC REVENUE SOURCES AND POOLING OF FUNDS**

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2017 The District will report proceeds of specific revenue sources as restricted,

2018 committed or assigned for specific purposes, as applicable, and maintain its budget

2019 and accounts in a manner consistent with these designations. Except for cash in

2020 these certain restricted, committed and assigned funds, the District will consolidate

2021 cash and reserve balances from all funds to maximize investment earnings and

2022 increase efficiencies with regard to investment pricing, safekeeping and

2023 administration. Investment income will be allocated to the various funds based on

2024 their respective participation and in accordance with generally accepted accounting

2025 principles.

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2027 **4. DESIGNATION OF DEPOSITORY AND COLLATERALIZATION**

2028

2029 The District Board of Managers annually will designate a financial institution or

2030 institutions in the State of Minnesota as the depository of District funds. In the

2031 event the Board of Managers does not designate a depository in any particular year,

2032 the last-designated depository will continue in that capacity. Each depository will

2033 furnish collateral, as necessary, in the manner and to the extent required by

2034 Minnesota Statutes Section 118A.03, as it may be amended, and other applicable

2035 law. Collateral will be held in safekeeping in compliance with Section 118A.03, as

2036 it may be amended.

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**5. DELEGATION OF AUTHORITY**

Minnesota Statutes Section 118A.02 provides that the governing body may authorize the treasurer or chief financial officer to make investments of funds under Sections 118A.01 to 118A.06 or other applicable law. Pursuant to Article VI of the District Bylaws and Governance Policies: Executive Limitations Policy 6, Asset Protection, the Board of Managers, and as otherwise permitted by law, designates the administrator as the District’s chief financial officer and authorizes the District administrator to invest District funds pursuant to this policy and state law for the District.

The District administrator shall assure compliance with this policy and further develop and maintain adequate controls, procedures, and methods assuring security and accurate accounting on a day-to-day basis.

**6. OBJECTIVES**

At all times investments of the District shall be made and maintained in accordance with Minnesota Statutes Chapter 118A as it may be amended. The primary objectives of the District investment activities shall be in the following order of priority:

**A. SECURITY**

Security of principal is the foremost objective of the investment portfolio. Preserving capital and protecting investment principal shall be the primary objective of each investment transaction. Specific risks will be managed as follows:

**Credit Risk.** Credit risk is the risk of loss due to failure of the security issuer or backer. Designated depositories will have insurance through the Federal Deposit Insurance Corporation or the Securities Investor Protection Corporation. To ensure security when considering an investment, the District will cross-check all depositories under consideration against existing investments to make certain that funds in excess of insurance limits are not deposited with the same institution unless collateralized as outlined herein. Furthermore, the Board of Managers will approve all financial institutions, brokers and advisers with which the District will do business.

**Concentration of Credit Risk.** The District will diversify its investments according to type and maturity. The District portfolio, to the greatest extent feasible, will contain a mixture of short-term (shorter than one year) and long-term (more than one year) investments. The District will attempt to match its investments with anticipated cash-flow requirements. Extended

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maturities may be utilized to take advantage of higher yields.

**Interest Rate Risk.** Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. The District will minimize interest rate risk by structuring its investment portfolio to ensure that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

**Custodial Risk.** The District will minimize deposit custodial risk, which is the risk of loss due to failure of the depository bank (or credit union), by obtaining collateral for all uninsured amounts on deposit, and by obtaining necessary documentation to show compliance. (See section III.)

**B. LIQUIDITY**

The investment portfolio shall remain sufficiently liquid to meet projected disbursement requirements. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Generally, investments will have short terms and/or “laddered” maturities so that funds become available on a regular schedule. Liquid funds will allow the District to meet possible cash emergencies without being significantly penalized on investments.

**C. RETURN ON INVESTMENT**

The investment portfolio shall be designed to manage the funds to maximize returns consistent with items A and B above and within the requirements set forth in this policy. Subject to the requirements of the investment objectives herein, it is the policy of the District to offer financial institutions and companies within the District the opportunity to bid on investments; the District will seek the best investment yields.

**7. PRUDENCE**

The “prudent person” standard shall be applied in managing District investments. All investment transactions shall be made in good faith with the degree of judgment and care, under the circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of their own affairs, in accordance with this policy.

**8. ELIGIBLE INVESTMENTS**

All investments shall be in accordance with Minnesota Statutes section 118A.04.

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**9. INVESTMENT RESTRICTIONS**

In addition to statutory prohibitions, no investment of District funds shall be made in derivative products, structured notes, inverse index bonds, repurchase agreements or other exotic products or investments not authorized by statute.

**10. SAFEKEEPING**

District investments, contracts, and agreements will be held in safekeeping in compliance with Minnesota Statutes Section 118A.06. In addition, before accepting any investment of District funds and annually thereafter, the supervising officer of the financial institution serving as a broker for the District shall submit a certification substantially in the form attached hereto as Exhibit Y stating that the officer has reviewed the District Investment and Depository Policy and incorporated statement of investment restrictions, as well as applicable state law, agrees to act in a manner consistent with the policy and law, that the supervising officer will promptly disclose any potential conflicts of interest or risk to public funds that might arise out of business transactions between the firm and the District, and that the financial institution will undertake reasonable efforts to preclude imprudent transactions involving the District funds. The District will annually provide the policy as it may be amended to each such supervising officer.

**11. CONFLICT OF INTEREST**

Any District manager or staff member involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair his/her ability to make impartial investment decisions.

**12. INTERNAL CONTROLS AND REPORTING**

Internal controls are designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. Before the District invests any surplus funds, competitive quotations shall be obtained, or the Board of Managers may select in the alternative to invest surplus funds through the Minnesota Municipal Money Market (4M) Fund established by the League of Minnesota Cities. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations will be requested for instruments which meet the maturity requirement. The District will accept the quotation which provides the highest rate of return within the maturity required and within the limits of this policy.

The District funds shall not be invested for a term exceeding three years unless so authorized by the Board of Managers.

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Monthly, the District administrator shall provide an investments report to the Board of Managers, including but not limited to the amount invested, the maturity date(s), the institution with which invested or the investment type, and the interest rate. Investments shall be audited and reported with financial statement annually. It shall be the practice of the District Board to review and amend the investment policy from time to time as needed, but not less than once every two years.

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2183 **Riley-Purgatory-Bluff Creek Watershed District**

2184 **Policy on Permit Fee Reimbursement**

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1. Permit fee deposits will held in escrow and applied to reimburse the District for permit inspection-related costs incurred at the rates stated in a permit fee deposit and rate schedule established by the Board of Managers and described in Rule L.
2. When a permit application is approved, the deposit will be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to review for and monitor compliance with permit conditions and the District Rules including administration of the permit.
3. No permit will be modified, renewed, or extended if the applicable permit fee deposit balance is negative.
4. The administrator will return any unused portion of an applicant’s permit fee deposit to the permittee within 45 days of written notice from the permittee that the permitted work has been completed, unless the District determines that the work has not been completed in accordance with the applicable permit.
5. All permit applicants and permittees shall replenish the permit fee deposit to the original amount or such lesser amount as the District administrator deems sufficient within 30 days of receiving notice that such deposit is due, and directing the administrator to close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished;
6. No interest will be paid on permit fees or deposits held by the District.

