

RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

GOVERNANCE MANUAL

Adopted as amended October 14, 2020

TABLE OF CONTENTS

Introduction	1
General Governance Policies.....	3
Contracting.....	3
Per diems.....	3
Records management and retention	4
Delegated authority.....	5
Managers' authority	5
Schedule of Regular Activities.....	7
Bylaws.....	9
Code of Conduct Policy	17
Policies and Procedures for Public Access to Documents	22
Protection of Private and Confidential Data on Individuals.....	25
Private and Confidential Data – Rights of Data Subjects.....	28
Data Practices Advisory/Tennessee Warning	30
Consent to Release to an Individual.....	31
Consent to Release to Government Entity	32
Records Retention Schedule	33
Policy for Management of Permit Fees, Financial Assurances and Abandoned Property.....	45
Escrow Agreement Template.....	48
Public Purposes Expenditures Policy	53
Fund Balance Policy	57
Internal Controls and Procedures for Financial Management.....	59
Investment and Depository Policy	63
Policy on Permit Fee Reimbursement.....	68
Appendix A: Inventory of Not-Public Data on Individuals.....	69

Riley-Purgatory-Bluff Creek Watershed District Governance Manual – Introduction

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

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

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

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

District maintain a list of private and confidential data on individuals maintained by the District (Minn. Stat. §13.05, subdivision 1). The schedule also includes indication of whether the District stores information electronically or in hard copy form, in compliance with the Uniform Electronic Transactions Act, Minnesota Statutes section 325L.17.

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

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

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

Riley-Purgatory-Bluff Creek Watershed District
General Governance Policies

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

I. Contracting

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

II. Per diems

- a. Managers may receive a per diem for participation in a meeting of the Board of Managers, approved meeting and training, approved annual presentation on District activities to any city or county in the District, and for other necessary duties. An activity must be authorized or requested by the Board of Managers or requested by the administrator to be considered a necessary duty for purposes of this policy.
- b. A manager may receive one per diem for preparation for each meeting of the Board of Managers attended by the manager. No per diem shall be provided for preparation to attend a Board workshop.
- c. A manager may receive one per diem for attendance at each day of the annual meeting of Minnesota Watersheds(MW), the MW legislative conference, the MW summer tour, and a meeting of the Metro chapter of MW.

- d. Managers will prepare claim forms for per diem and expenses in duplicate. The original will be submitted to the treasurer to be processed and approved in the same manner as other claims against the District. Claims for expenses should be submitted quarterly, and under any circumstances all claims for expenses in any given year must be submitted prior to January 15 of the following year. The manager will retain a copy for his or her personal records.
- e. A manager may receive only one per diem per day of service to the District.
- f. The per diem rate shall be the maximum rate specified in Minn. Stat. § 103D.315, subdivision 8.
- g. No manager shall be paid a per diem for the attendance at or conduct of any activity for which the manager is entitled to compensation from any other person or entity.

III. Records management and retention

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

- ii. The agenda and meeting packet of information provided to the managers prior to and at a meeting of the managers;
- iii. The officially approved minutes of meetings of the Board of Managers;
- iv. The District's annual reports, including annual financial statements, and annual communications;
- v. The District's permitting rules;
- vi. The Governance Manual, including all attachments;
- vii. The District's approved annual budgets;
- viii. Pertinent information concerning the District's Governance Committee, Personnel Committee, Citizens Advisory Committee, Technical Advisory Committee and such other committees of the District in existence from time to time;
- g. The District shall maintain a database of:
 - i. Permit applications and permits issued;
 - ii. Cost share applications, approved cost share grants, and related staff reports or compilations;

IV. Delegated authority

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

V. Managers' authority

- a. The Board President is authorized to speak on behalf of the District. No other manager may speak on behalf of the District unless authorized to do so by the Board of Managers. This provision does not prevent any manager from giving his or her opinion on any matter as long as he/she makes clear he/she does not speak for the District or the Board of Managers. Managers are encouraged to withhold individual opinions on a subject pertaining to the District until the next regularly scheduled meeting of the Board of Managers or a special meeting on such matter, if sooner.
- b. No individual manager may provide direction, instructions or authorization to the administrator unless specifically authorized to do so by the Board of Managers.

- c. A manager's request for information that would require more than 15 minutes of the administrator's time must be approved by the board of managers. Cumulative requests that require more than 30 minutes of the administrator's time in one calendar month must be approved by the Board of Managers.
- d. A manager's request for information in the possession of the District, including information from consultants to the District, other than auditors or legal counsel, shall be directed through the administrator. Manager requests for information to auditors and legal counsel may be directed to the auditor and legal counsel. Except in the case of allegations of wrongdoing, auditors and legal counsel shall inform the administrator of such requests for information.
- e. Individual managers cannot bind the District to agreements or expenditures unless specifically authorized to do so by the Board of Managers. An agreement shall be binding on the District only if such agreement has been signed on behalf of the District by a person authorized to do so pursuant to action by the Board of Managers.

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 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 substantially in the form attached hereto as Appendix [] and shall submit such proposed budget to the Board at its July meeting.
- 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 November, the BOM shall direct the solicitation of candidates for appointment to the CAC for the following calendar year.

- 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.

Riley-Purgatory-Bluff Creek Watershed District

Bylaws

These bylaws establish governing rules for the Riley-Purgatory-Bluff Creek Watershed District (District) Board of Managers (Board), in compliance with Minn. Stat. §103D.315, subdivision 11.¹

- I. **Office.** The District will maintain its principal place of business and its official records at an office located within the watershed, presently 18681 Lake Drive East, Chanhassen MN 55346. The Board may change the location of its principal place of business in accordance with Minn. Stat. §103D.321, subdivision 2.
- II. **Board of Managers.** The Board consists of four managers appointed by the commissioners of Hennepin County and one manager appointed by the commissioners of Carver County. Managers serve staggered three-year terms. A manager serves until his or her replacement is appointed.
 - a. *Vacancy.* A manager who is unable to fulfill his or her term will notify his or her county board of commissioners to allow the commissioners to appoint a replacement in a timely manner.
 - b. *Compensation.* The managers shall be compensated for attending meetings and performing other duties necessary to properly manage the District and reimburse managers for expenses incurred in performing official duties. Compensation will be at the rate established by Minn. Stat. §103D.315, subdivision 8, unless a lower rate is established by the Board.
 - c. *Bonding.* Before a manager assumes his or her duties, the District, at the District's expense, will obtain and file a bond for the manager in accordance with Minn. Stat. §103D.315, subdivision 2.
 - d. *Insurance.* The District will provide insurance for the managers insuring the managers against liability arising out of or in connection with their actions as managers of the District and the operation of the District on such terms and in such amounts as the Board determines.
 - e. *Attendance.* Managers are expected to attend meetings of the Board. At the Board's discretion, a manager's failure to attend three consecutive regular meetings of the District may be reported to that manager's county board of commissioners.
- III. **Officers.** The Board annually, at its January meeting, will elect from among its members the following officers: president, vice president, secretary and treasurer. If

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

any officer resigns or cannot complete his or her term of office, the Board shall promptly elect from among its members an individual to complete the unexpired term. An officer's term as officer continues until a successor is elected or the officer resigns. The Board, by action at an official meeting, may appoint a manager as an officer *pro tem* in the event an officer is absent or unable to act, and action by that officer is required.

- a. *President.* The president shall:
 - i. preside at all meetings as chair of the Board.
 - ii. sign and deliver in the name of the District contracts, deeds, correspondence or other instruments pertaining to the business of the District which have been approved by the Board;
 - iii. be a signatory to the District accounts;
 - iv. be a signatory to District documents if the treasurer or secretary is absent or disabled, to the same extent as the treasurer or secretary;
and
 - v. meet with CAC chair and the administrator in accordance with the Board of Managers- Citizens Advisory Committee Communications Process attached as Appendix [].
- b. *Vice President.* The vice president shall:
 - i. preside at meetings as chair in the absence of the president;
 - ii. be a signatory to the District accounts;
 - iii. be a signatory to District instruments and accounts if the president is absent or unable, to the same extent as the president.
- c. *Secretary.* The secretary shall:
 - i. be a signatory to resolutions and other documents certifying and memorializing the proceedings of the District;
 - ii. be a signatory on all of the District financial accounts;
 - iii. work with the administrator to maintain the records of the District;
 - iv. work with the administrator to issue the required public and Board notice of all meetings in accordance with Minnesota Statutes chapter 13D and other applicable laws;
 - v. work with the administrator to ensure that draft minutes of all Board meetings are prepared and made available to the Board in a timely manner and maintain a file of all approved minutes;

- vi. work with the administrator to keep a record book in which is noted the approved minutes of proceedings at all meetings, including the votes of the members of the Board of Managers;
 - vii. work with the administrator to assure that at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the Board or its employees and distributed at the meeting to all Board members, distributed before the meeting to all Board members, or available in the meeting room to all members shall be available in the meeting room for inspection by the public while the governing body considers their subject matter; provided that this requirement does not apply to materials classified by law as other than public, or to materials relating to the agenda items of a closed meeting as provided by law;
 - viii. work with the administrator to cause an audio recording to be made of each meeting closed to the public as required by law;
 - ix. work with the administrator to prepare and maintain a Governance Manual which shall include these Bylaws and the policies and procedures adopted by the Board.
- d. *Treasurer.* The treasurer shall:
- i. be a signatory to the District accounts and financial records;
 - ii. present a report at the monthly meeting of the Board that includes a current check register and tracks each of the watershed district's funds and account balances;
 - iii. provide such other records as are necessary to inform the Board of the financial condition of the District.

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

- a. *Governance Committee.* The Governance Committee is a standing committee of the Board of Managers and shall consist of two managers, with support from the administrator and the District's legal counsel. The committee shall review annually the Governance Manual, and make recommendations for revisions to the Board of Managers. All meetings of the committee shall be noticed and open to the public as required by the Open Meeting Law, **except for meetings which are required to be closed pursuant to the Open Meeting Law or which may be closed pursuant to the Open Meeting Law and which the committee votes to close. An audio recording shall be made of any closed meeting when such recording is required by the Open Meeting Law.**
- b. *Personnel Committee.* The Personnel Committee is a standing committee of the Board of Managers and shall consist of two managers, with support from the administrator and the District's legal counsel. The committee shall make recommendations to the Board of Managers on personnel and human resources matters. All meetings of the committee shall be noticed and open to the public as required by the Open Meeting Law, except for meetings which are required to be closed or may be closed pursuant to the Open Meeting Law **and which the committee votes to close. An audio recording shall be made of any closed meeting when such recording is required by the Open Meeting Law.**
- c. *Citizens Advisory Committee.* In accordance with Minn. Stat. §103D.331, there is established a District citizens' advisory committee. The committee is known as the Citizens Advisory Committee (CAC). The CAC shall perform the duties set forth in **Minn. Stat. §103D.331**. The CAC will meet according to a schedule set by its members each year and at such other times as the members of the CAC may determine. All meetings of the CAC are open to the public.
- d. *Technical Advisory Committee.* In accordance with Minn. Stat. §103D.337, there is established a technical advisory committee (TAC) to the Board. The TAC is convened as necessary and appropriate to advise the Board on regulatory, watershed planning and other technical matters.
- e. *Audit and Finance Committee.* A committee known as the Audit and Finance Committee is hereby established. The Committee shall consist of two managers appointed by the Board. The purpose of the committee shall be to review monthly the financial condition of the District, to assist in the preparation for and review of the results of the annual audit of the District's financial statements. **All meetings of the committee shall be noticed and open to the public as required by the Open Meeting Law, except for meetings which are required to be closed pursuant to the Open Meeting Law or which may be closed pursuant to the Open Meeting Law and which the committee**

votes to close. An audio recording shall be made of any closed meeting when such recording is required by the Open Meeting Law.

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

V. **Meetings.**

- a. *Regular meetings.* In January each year the Board will set a schedule of regular meetings for the coming year. Adjourned and special sessions may be held at such times as the Board deems necessary and proper.
- b. *Special meetings and emergency meetings.* Special meetings and emergency meetings may be called by the chair or any manager. Notice of a special or emergency meeting will be issued and published by the secretary or the secretary's designee in accordance with the Open Meeting Law, Minnesota Statutes chapter 13D.
- c. *Open and closed meetings.* All meetings of the Board will be open to the public, except for a meeting or portion of a meeting required to be closed pursuant to the Open Meeting Law or which may be closed pursuant to the Open Meeting Law. An audio recording shall be made of any closed meeting when such recording is required by the Open Meeting Law.
- d. *Quorum.* At all meetings of the Board, a majority of the members appointed will constitute a quorum necessary to do business, but a minority may adjourn from day to day.
- e. *Action.* The Board shall take action only by the adoption of a written resolution before the Board by a majority vote of the managers present at a duly called meeting at which a quorum is present.
- f. *Agenda.* The agenda for the meetings of the Board will generally follow the order and format set forth in Exhibit X, subject to revisions by the Board as provided herein. Managers, staff and the public may submit items to be considered for inclusion in the proposed agenda, so long as such items are received by the administrator at least ten (10) days prior to the Board meeting. The administrator will prepare a draft proposed agenda and the President shall set the proposed agenda to be distributed with the meeting packet. The meeting agenda shall be set at the meeting by a majority vote of the Board of Managers.
- g. *Board Meeting Packet.* No later than 5:00 p.m. of the third business day preceding a meeting of the Board, the administrator shall prepare a copy of all materials which are to be presented or discussed at the upcoming meeting, and post these materials to the District website. Other than materials classified by law as other than public as defined in Minnesota Statutes chapter 13, or to materials relating to the agenda items of a closed meeting

held in accordance with the procedures in Minn. Stat. §13D.03 or other law permitting the closing of meetings, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and distributed at the meeting, before the meeting, or available in the meeting room to all members of the Board of Managers shall be available in the meeting room for inspection by the public as required by the Open Meeting Law.

- h. *Conduct of meetings.* At the time appointed for a meeting, the members will be called to order by the president as chair or, in his or her absence, the temporary chair. **The chair shall note managers in attendance and declare for the record whether or not a quorum is present.** On determination of a quorum, the Board will proceed with the **approval of the** agenda, as may be amended and approved by the Board.
- i. The chair will preserve order and decide questions of order **in accordance with Roberts Rules of Order**, subject to an appeal by any member. The chair may make motions, second motions, or speak on any question. The chair will be entitled to vote in the same manner as other members of the Board.
 - ii. The order of business for a meeting may be varied by the chair, but no public hearing convened by the Board will be closed before the time specified for the hearing in the notice.
 - iii. Every member before speaking will address the chair and will not proceed until recognized by the chair. A member called to order will immediately suspend his or her remarks until the point of order is decided by the chair.
 - iv. Any person may address the Board on a matter properly before the Board. The chair may limit the time allowed for a manager or other person addressing the Board to speak, **such limitations to be applied consistently to all speakers. Absent a specific exception adopted by the Board, each member of the Board shall be allowed up to five minutes to speak on each debatable motion, and a second time of up to one minute on the same motion.**
 - v. Any person may request that a matter be heard by the Board. The Board will consider such request and determine whether and, if approved, when to take up the matter or to defer the matter pending receipt of additional information thereon and direct the administrator to obtain such information.
 - vi. **Every regular meeting shall provide an opportunity for any person to address the Board on any matter of interest in the watershed. The chair may limit the time for each person to no less than three minutes.**

Additional comments may be submitted in writing. Generally, the Board will not take action on items so presented but may refer the matter to staff for a future report or direct that the matter be scheduled on a future meeting agenda.

- vii. **The chair will act to preserve decorum, so that every person in attendance** will act with courtesy, civility and respect in all interactions, maintaining an open mind, and participating in open communication; members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, staff or any member of the public.
 - i. *Appeal of a chair ruling.* A manager may appeal to the Board from a ruling of the chair. If the appeal is seconded, the manager may speak once solely on the question involved and the chair may explain his or her ruling, but no other manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the managers present, exclusive of the chair.
 - j. *Meeting rules.* In all points not covered by these rules, the conduct of a meeting of the Board will be governed by the current edition of *Robert's Rules of Order*. *Robert's Rules* may be temporarily suspended by consent of a majority of the managers present at the meeting.
 - k. *Resolutions.* Other than procedural motions, the Board shall take action only by the adoption of a resolution properly before the Board by a majority vote of the managers present at a duly called meeting at which a quorum is present. The proponent of any action to be taken by the Board shall prepare and submit a written draft resolution for such proposed action for consideration by the Board. For actions not proposed by a member of the public or an individual manager, the administrator shall prepare and include in the Board meeting packet for each action item on the proposed agenda a proposed written resolution for consideration by the Board. The Board may order that staff prepare a resolution reflecting action taken by the Board on any item for which there is not a written resolution. **All resolutions adopted by the Board shall be assigned a number which notes the year of the action and a sequential number.** The material terms of a resolution must be stated in the motion to adopt. Each resolution passed by the Board will be signed by the secretary and filed in the official minutes and records of the District maintained at the District office.
 - l. *Minutes and Records.* Minutes of all meetings of the Board and committees will be made by the secretary or, with respect to a committee meeting, the Board member responsible for making the minutes. **Not more than ten days after the meeting a draft of the minutes of the meeting in Word format shall be sent to the managers and the administrator for review. Managers and the administrator shall make a good faith effort to provide any proposed**

corrections to the minutes in Word format to the secretary and the administrator at least ten days before the next board meeting. The secretary and the administrator will provide proposed minutes in the board packet for the next meeting. When approved and signed, the minutes will constitute the official record and journal of the Board proceedings. Except in extenuating circumstances, at the regular meeting of the Board, draft minutes of the preceding Board meeting will be reviewed by the Board and adopted as may be amended. A copy of the adopted minutes as amended shall be reduced to writing showing the changes made to the draft minutes and a copy of the adopted minutes without designation of changes will be presented to the Board of Managers at the next meeting and unless further corrected by a majority vote of the Board of Managers, shall be signed by the Secretary or the Secretary Pro Tem in that form. The signed copy of the adopted minutes shall be kept at the District office and posted to the District's website. All written communications addressed to the Board, other materials included in a Board meeting packet, and all documents and materials submitted to the record in the course of a Board meeting will be filed in the District office with the minutes of the meeting in the meeting folder, including in electronic form.

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

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

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

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

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

- a. Any provision of these bylaws may be suspended temporarily by a vote of all members of the Board present at the meeting, except a provision that preserves the right of an absent manager.
- b. These bylaws may be amended by a four-fifths (4/5) majority of the Board on 30 days written notice of the proposed change(s), unless such notice is waived by all managers. Notice of any amendment is to be contained in the notice of the meeting at which the proposed amendment is to be considered. An amendment to these bylaws must be approved by a four-fifths (4/5) majority of the Board.
- c. Interpretation of the bylaws and any amendment thereto will rest with the Board. The bylaws are to be interpreted as consistent with the state watershed laws, Minnesota Statutes chapters 103B and 103D, and other governing laws. In the event of a conflict, the governing laws control.
- d. These bylaws will be reviewed by the Board at least once every three years.
- e. These bylaws govern internal conduct of the business of the District and neither create nor elucidate any right in any third party.

I, _____, secretary of the Riley-Purgatory-Bluff Creek Watershed District Board of Managers, certify that the attached are true and correct copies of the bylaws of the Riley-Purgatory-Bluff Creek Watershed District, which were properly adopted by the Board

| of Managers[DATE].

| _____
, Secretary

Date: _____

Riley-Purgatory-Bluff Creek Watershed District

Code of Conduct Policy

A. DECLARATION OF POLICY

The proper operation of democratic government requires that the public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, the Board of Managers has established this Code of Conduct for all public officials and employees of the District.

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

Public officials shall be dedicated to fulfilling their responsibilities of office. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest. Public officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and employees unless prohibited from doing so by the law.

B. BOARD OF MANAGERS CONDUCT WITH DISTRICT STAFF

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

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

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

2. Limitations on contact with District staff.

- (a) Questions of District staff and requests for information shall be directed to the administrator. Materials supplied to a Board member in response to a request will be made available to all members of the Board.
- (b) Board members shall not express concerns about the performance of a District employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance shall be made solely to the administrator through private correspondence or conversation, **or through performance evaluations which may be held in closed session.**
- (c) Individual Board members must not attempt to influence staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development

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 warranted by existing law or a good faith argument for the extension, modification or reversal of existing law or that is interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigating the claim.
2. The District will seek sanctions and payment of attorneys fees and costs for a Board member who engages in frivolous litigation.
3. The District will notify the appointing county board of commissioners when a Board member has filed or maintained litigation found by a court to be frivolous.
4. The District will provide an accounting of costs incurred due to litigation involving the District filed by an individual Board member.

E. MANAGERS FIDUCIARY DUTY; USE OR DISCLOSURE OF INFORMATION

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

F. MANAGERS CONDUCT IN UNOFFICIAL SETTINGS

1. It is appropriate for Board members to give a brief overview of the District policy when asked about a specific issue by constituents and to refer individuals to District staff for further information. It is inappropriate to overtly or implicitly promise Board action, or to promise that District staff will perform or expedite a specific service or function (monitor lake, rush a permit etc.).
2. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about District staff, other Board members, their opinions and actions.
3. Board members are constantly being observed by the community every day that they serve in office. Their behaviors serve as models for proper

behavior in the District. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Board of Managers members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

E. INCLUSION AND DIVERSITY

The District embraces and values diversity and seeks to expand the District's internal awareness of the opportunities and challenges related to creating a more diverse and inclusive environment. The District seeks to deepen relationships with many communities, including traditionally underserved communities, by increasing outreach and project planning to benefit these communities. The District is committed to increasing its organizational diversity and inclusion efforts by increasing recruitment, promotion, and retention of candidates who truly represent our District for staff, CAC and service providers. We believe that a diverse mix of employees enrich the workplace and enhance the quality of our service. We will be innovative in our approaches to communities who truly represent our District. We will continue to collaborate across differences. We will be open to the challenges our community presents as it relates to diversity and inclusion. We will approach our efforts of inclusion with the same level of passion as water resource protection.

F. USE OF CONFIDENTIAL INFORMATION

A public official or employee of the District shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

G. USE OF PROPERTY

A public official or an employee shall not use or allow the use of District time, supplies, or District owned or leased property and equipment for the employee's private interest or any other use not in the interest of the District, except as

provided by law and with prior administrator approval for such use and the use is of minimal value.

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 provided by the District and delivered to the "Data Practices Compliance Official," at the following **email address**:

DPCO@rpbewd.org,

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 DCA 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).

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

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

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

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

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

Implementing Procedures

Data inventory

Pursuant to Minnesota Statutes section 13.025, subdivision 1, the District has prepared a data inventory that identifies and describes all not-public data on individuals it maintains. **A copy of such inventory is attached hereto as [Appendix A: Inventory of Not-Public Data on Individuals.].** To comply with the requirement in section 13.05, subdivision 5, the District has **indicated on the Inventory** the managers and employees who have access to not-public data.

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

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

Employee position descriptions

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

Data sharing with authorized entities or individuals

State or federal law may authorize the sharing of not-public data in specific circumstances. Not-public data may be shared with another entity if a federal or state law allows or mandates it.

Individuals will have notice of any sharing in an applicable Tennessee warning or the District will obtain the individual's informed consent. Any sharing of not-public data will be strictly limited to the data necessary or required to comply with the applicable law.

To ensure appropriate access, the District will:

- Assign appropriate security roles, limit access to appropriate shared network

- drives and implement password protections for not-public electronic data;
- Password protect employee computers and lock computers before leaving workstations;
- Secure not-public data within locked work spaces and in locked file cabinets
- Shred not-public documents before disposing of them.

Penalties for unlawfully accessing not-public data

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

Protection of Private and Confidential Data on Individuals

Classification of Government Data

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

Data not on individuals. "Data not on individuals" are all government data that are not data on individuals.

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

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

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

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

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

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

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

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

Accuracy and Currency of Data

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

Data Safeguards

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

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

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

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.

Security of Private and Confidential Data

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

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

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

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

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

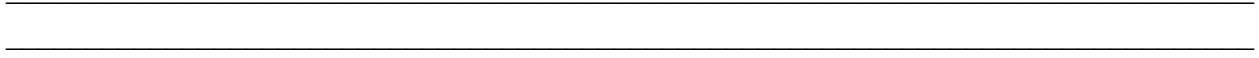
Some or all of the information you are being asked to provide on the attached form is classified by state law as either private or confidential data. Private data is information that generally cannot be given to the public, but can be given to the subject of the data. Confidential data is information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

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

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

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



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 _____

Riley-Purgatory-Bluff Creek Watershed District
Records Retention Schedule

Adopted February 1, 2017

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

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	Retain permanently	Public	

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Bids and Quotations <ul style="list-style-type: none"> a. Accepted, noncapital projects b. Rejected, noncapital projects 	<ul style="list-style-type: none"> a. Retain 10 yrs after completion of project b. Retain 6 yrs 	<ul style="list-style-type: none"> a. Public/nonpublic b. Public/protected nonpublic until all bids opened 	<ul style="list-style-type: none"> a. 13.37 b.
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
Correspondence <ul style="list-style-type: none"> a. Constituents b. Municipalities/State Agencies c. Engineer d. Financial e. Transitory, such as electronic mail not in one of the above categories 	<ul style="list-style-type: none"> a. Retain 6 yrs, then archive if documents historical b. Retain 6 years, then archive if historical c. Retain 10 yrs, then transfer to state archives d. Retain 5 yrs then transfer to state archives e. Retain until read 	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	
Governance <ul style="list-style-type: none"> a. Bylaws b. Policies 	<ul style="list-style-type: none"> a. Retain permanently b. Retained only until superseded 	<ul style="list-style-type: none"> a. Public b. Public 	
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"> a. Board meetings and workshops – audio recordings, closed meetings b. Board meetings and workshops – open 	<ul style="list-style-type: none"> 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. b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board 	<ul style="list-style-type: none"> a. Nonpublic/public b. Public 	<ul style="list-style-type: none"> a. 13D.05, subd. 3; 13.37
<p>Technical Information</p> <ul style="list-style-type: none"> a. Printed material regarding the District b. Printed material not regarding the District 	<ul style="list-style-type: none"> a. Retain 10 yrs, then transfer to state archives b. Discard when no longer needed 	<ul style="list-style-type: none"> a. Public b. Public 	

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,	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,	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

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	Public	

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	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

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

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	

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	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
--------------------------------------	----------------	-----------	-------

Projects

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

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	

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.**
 - d. **Permit Fees may be paid by wire transfer to the District's designated bank account.**
2. **Financial assurance deposits.** The District will accept money paid in the form of a check or wire transfer 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 cash **money** as **all or part of** its Finance Assurance, the Permittee shall enter into a cash 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.
 - i. The District, with the advice of counsel, will maintain a cash escrow agreement template for use by permittees/escrow providers. **The administrator is authorized to execute such cash escrow agreement on behalf of the District.**
 - ii. The District will accept only checks or wire transferred funds when they are **irrevocably** cleared funds and not able to be recalled, reversed or otherwise nullified by the entity on which such check is drawn, or which initiated the transfer.
 - iii. Permit approval may be revoked for failure to comply with this requirement, including if a check or transfer is withdrawn, reversed or revoked or otherwise nullified by the entity on which such checks are drawn or which initiated such transfer.
 - d. No check **or wire transfer of any money** will be accepted by the District to serve as a financial assurance to secure performance of permit conditions until District staff has verified receipt of an associated executed escrow agreement, specifying the required deposit amount and permit to be secured by the escrow. The check must be in the amount specified in the associated escrow agreement and must bear the number of the District permit(s) to be secured.
 - e. Checks received by the District as financial assurances will be deposited within 10 business days of receipt in an account designated by the administrator exclusively for permit escrows. The account will be at a Board-designated depository institution.
3. **Maintenance of valid Financial Assurances.** To ensure that the District has the capacity to assure compliance with its rules and protect the District's water resources in the event of noncompliance with permit conditions and/or rules, District staff will follow the protocols below to ensure that Financial Assurances remain valid and enforceable:
- a. District compliance with the protocols in this section will be the responsibility of the District administrator.
 - b. The administrator will maintain the Financial Assurance Log.
 - c. The administrator will review the Financial Assurance Log monthly to ensure the continuing validity of financial assurances provided for active permits by identifying bonds and letters of credit that will expire within the ensuing 90 days.
 - d. The administrator will determine – in the course of his or her monthly review of the Financial Assurance Log – whether replacement of the financial assurance is needed for a particular **permit**, and, if so, alert the permittee to the need to provide

a replacement instrument at least 60 days prior to the expiration of the existing instrument.

- e. If deemed necessary in response to a permittee's unwillingness or inability to provide a replacement financial assurance, the administrator will contact counsel at least 30 days prior to the expiration of the financial assurance to initiate procedures to draw on the existing financial assurance.

- i. The administrator will ensure that proper authorization for a financial assurance draw is secured in a timely manner, with a priority on the protection of District water resources.

4. **Return of Financial Assurances.** Financial Assurance instruments will be returned in accordance with applicable District rules, including sections 5.5 and 12.4.

- a. The administrator will monthly designate financial assurances that may be returned in whole or in part to the surety (with notice to the principal/permittee) and, upon receipt of required documentation, take the steps necessary to return such instruments and/or funds.

- b. Financial assurances consisting of monetary deposits with the District shall be returned by issuing a check drawn on the appropriate financial account of the District payable to the permittee or such other person as they designated in the cash escrow agreement relating thereto.

- c. The administrator will maintain record of returned financial assurances in the Financial Assurance Log and retain a copy of original financial assurance documents in compliance with the District records retention schedule.

5. **Abandoned property procedures.** State law imposes requirements applicable to any intangible asset in the District's possession that remains unclaimed for three years or more after the asset is no longer needed for District purposes (e.g., three years after a permitted project is completed and the associated financial assurance becomes eligible for release in accordance with District rules). To ensure compliance with abandoned-property requirements, the District establishes the following protocols.

- a. The District will annually assess whether cash escrows remain on deposit after completion of the applicable permitted work and attempt to return them. For cash escrows that have been in the District's possession for three years or more, unclaimed by the owner, staff will commence unclaimed property return procedures as follows.

- i. By July 1 of each year, District staff will take reasonable steps to notify owners by mail of unclaimed property. A letter should be sent to all known addresses on file for the owner, notifying owner of the amount still held by the District and describing steps necessary to claim the property. Staff need not send such a letter if documentation in the District's possession indicates that the address(es) it has for the owner are inaccurate.

- ii. If the owner cannot be found, the assets are deemed legally abandoned and the District will remit them to the state Commissioner of Commerce, along with the report required by Minnesota Statutes section 345.41, as may be

amended, containing information on the identity of the owner of the unclaimed assets in the District's possession, a description of the assets, the date the assets became payable or returnable to the owner and any other information that may be required by the commissioner. Formatting and filing of the report will be in compliance with Department of Commerce guidance.

- iii. By October 31 each year, the required report, verified by the administrator, should be filed with the commissioner and all assets unclaimed as of the preceding June 30 should be remitted to the commissioner, and a copy of such report shall be provided to the Board of Managers.
- iv. The District may deduct a service charge from the unclaimed assets remitted to cover costs of attempting to locate an owner and, if necessary, reporting and paying the unclaimed funds to the commissioner only if the escrow provider has agreed to the deduction of such charges.

ESCROW AGREEMENT

Between the Riley Purgatory Bluff Creek Watershed District
and _____

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

Recitals

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

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

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

Agreement

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

2. Unused escrowed funds will be released to Permittee and additional escrow funds will be submitted by Permittee or on Permittee's behalf in accordance with the RPBCWD rules and duly adopted resolutions and policies of the RPBCWD Board of Managers.

3. Escrow funds will become the sole property of the RPBCWD, and Permittee agrees to relinquish all legal and equitable interest therein, as follows:

- a. The RPBCWD may invoice Permittee for permit review, compliance monitoring and other eligible costs in accordance with duly established RPBCWD procedures.
- b. If after notice and opportunity to be heard the RPBCWD finds violation of a watershed statute or RPBCWD rule, permit or order, the RPBCWD may give written notice to Permittee. The notice will describe the violation and the action required to correct it. If within twenty (20) days of notice delivery the violation has not been corrected and arrangements acceptable to the RPBCWD have not been made, without further notice the RPBCWD may take steps it deems reasonable to correct the violation, and may have access to the property during reasonable times for that purpose, provided that the RPBCWD will give 24 hours' notice before entry and exercise due care to avoid unnecessary disturbance or damage to the property. If the RPBCWD finds that entry is required to address an occurring or imminent threat to water resources, it may enter and correct without prior hearing or opportunity to cure, but only to the extent reasonably necessary to address the threat.
- c. The RPBCWD may invoice Permittee for reasonable costs incurred for activity under paragraph 3b. If payment is not made within 30 days, the RPBCWD may transfer funds from the escrow account into RPBCWD accounts and credit Permittee accordingly.

4. Escrow funds submitted hereunder are submitted to secure the performance of Permittee under permit no. _____. If the permit is issued, and if the Permittee and any agent, employee or contractor well and faithfully performs all activities and things undertaken and authorized by permit no. _____ in compliance with all applicable laws, including applicable statutes, rules, permit conditions, orders, agreements and stipulations of the RPBCWD, and pays, when due, all fees or other charges required by law, including all costs to the RPBCWD of administering and enforcing the terms of the above-stated permit and this agreement, including reasonable attorneys' fees, then on written notification to the RPBCWD of same and the RPBCWD's confirmation thereof, the RPBCWD will release the escrowed funds to Permittee.

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

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

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

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

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

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

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

By _____ Date:
Administrator

PERMITTEE

By: _____ Date:
[print name here]
as _____ of _____.

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:

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.

Receipts are required for expenses for which reimbursement is requested.

Expenses eligible for reimbursement include:

- i. Round-trip **economy**-class (or lesser-cost) airfare;
- ii. Registration for conferences, seminars and other events pertaining to District business;
- iii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service and the cost of renting an automobile will be reimbursed only if necessary to conduct District business (reimbursed to airport and back using personal vehicle);
- iv. Meals (excluding alcoholic beverages);
- v. Gratuities (not to exceed **20** percent of expenses incurred);
- vi. Lodging;
- vii. Other actual and reasonable expenses.

2. **Employee and manager training.** The District may pay reasonable registration, tuition, travel and incidental expenses (including lodging and meals) for education, development and training when expenditures are directly related to the performance of duties. Expenditures must be approved in advance by the administrator (for employees) or Board (for managers and the administrator). Each person attending such training shall report on the purpose of the training, the skills and knowledge obtained as a result of the training and implementation recommendations, and recommendations on the value of future attendance of such training. The administrator shall maintain a log of training paid for by the District and include a report on staff and manager training in the monthly staff report.
3. **Safety and health programs.** The District may pay for safety and health programs that promote healthier and more productive employees and reduce costs to watershed taxpayers, including costs associated with workers' compensation and disability benefits claims, insurance premiums and lost time resulting from employee absences.
4. **Manager, employee, and volunteer recognition and appreciation.** The District may pay for programs that recognize managers, employees, or volunteers for contributions to the District's performance and demonstrated commitment to the District's effective and efficient fulfillment of its purposes in accordance with an annual plan and budget for such events, approved by the Board. The District may pay for occasional manager, employee, or volunteer appreciation events or activities conducted in accordance with an annual plan and budget for such events, approved by the Board.
 - a. The District will not pay employees direct non-salary payments (i.e., bonuses) except as conditioned on achievement of performance goals specified in a written employment agreement.
5. **Food and beverages.** The District may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of employees, managers or the public in activities, events and functions directly related to District purposes. Circumstances under which District expenditures for food and beverages will be allowed include:

- a. Food and/or beverages provided as part of a structured agenda of a conference, workshop, work session, outreach meeting or seminar, when the topic or subject of which relates to the official business of the District and the majority of the participants are not District employees or managers;
 - b. Food and/or beverages may be provided as part of a workshop or formal meeting primarily for District employees or managers where food and/or beverages are necessary to facilitate the conduct of the meeting, to ensure continuity and support the participation of employees, managers and other participants. Examples of potential qualifying events include:
 - i. An extended planning or operational analysis meeting;
 - ii. An extended meeting to develop long-term strategic plans;
 - iii. A structured training session for employees generally; or
 - iv. Official meetings of the District Board, a committee, task force or advisory group.
 - c. Food and/or beverages may be provided for occasional employee, manager, or volunteer recognition and appreciation events and activities, when approved by the Board in accordance with a District recognition and appreciation plan and budget.
 - d. The District may pay for food and/or beverage expenses incurred in connection with a meeting or event attended by employees and/or managers, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to District purposes.
 - e. District meetings, workshops and training sessions will be scheduled to avoid the need to provide food whenever possible.
6. **Outreach and stakeholder involvement.** The District may pay for community and stakeholder outreach and involvement programs to ensure that efficient and effective District programs, projects and meetings are conducted to gather public and intergovernmental input and participation in District planning, research, rulemaking and program or project design.
7. **Membership, donations.** The District may pay for membership in the Minnesota Association of Watershed Districts in accordance with Minnesota Statutes section 103D.335, subdivision 20. District funds may be expended for membership in other professional organizations if the organization is an association of a civic, educational or governmental nature and its activities are directly related to District purposes or the improvement of District operations. District funds may not be donated to any professional, technical or charitable organization, person or private institution. The District may contract for services rendered by such organizations.
8. **Protocols.** The following protocols are established to ensure compliance with above policies:
- a. For employees other than the administrator, the written approval of the administrator must be secured prior to an event or activity to qualify as a District expenditure.

- b. All invoices or reimbursement requests must include or be accompanied by a copy of the administrator’s written approval and must include itemized receipts or other appropriate documentation of expenses incurred. Documentation also must include the date the expense(s) were incurred, location, purpose, participating or attending individuals and relevant affiliation, explanation of the need for food and/or beverage for the meeting, event or activity, and any other relevant information.
 - c. Copies of all documentation specified herein will be recorded and maintained in accordance with the District records retention policy.
 - d. No expenditure shall be made which will cause the aggregate expenditures in the budget category to exceed the budget for that category without authorization by the Board of Managers.
9. **Use of District property**
- a. District property, including but not limited to computers, phones, fax machines and other office equipment, will be used exclusively for District business, except for incidental personal use by District staff that does not interfere with or impede the conduct of District business to any substantial degree.
 - b. District property must be used for only its intended purposes.
 - c. The administrator may not dispose of any District property with a value of more than \$1,000 without prior authorization of the Board.
10. **Miscellaneous.**
- a. The District administrator will secure an approval described above for expenses he or she will incur from the president of the Board, except that the administrator may approve or pay expenses for District-conducted programs, events and activities.
 - b. The District will not pay for alcoholic beverages under any circumstances.
 - c. **The District will not pay for expenses of a spouse or other person accompanying a manager, employee, or Citizens Advisory Committee member.**

**END OF EDITS TO BE DISCUSSED AT
APRIL 18, 2024 BOM WORKSHOP**

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.

4. Assigned

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

5. Unassigned

- 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.

6. Other Principles and Procedures

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

III. Monitoring and Reporting

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.

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.

Riley-Purgatory-Bluff Creek Watershed District
Internal Controls and Procedures for Financial Management

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

- I. **Annual budget.** The administrator annually develops a proposed budget for presentation to the Board of Managers for review. After adjustments as directed by the Board, the District schedules and issues appropriate notice for a public hearing on the proposed budget. Following the public hearing but before September 15 each year, the Board of Managers adopts the annual budget and certifies it to the Hennepin County auditor.
 - a. Amounts in any approved budget category may not be reallocated without approval of the Board of Managers.
 - b. Actual expenditures may not materially deviate from the amount in an approved budget category.
- II. **Annual financial statements.** Annual financial statements are accepted by the Board of Managers, then submitted to the Board of Water and Soil Resources and the Office of the State Auditor within 180 days of the end of each fiscal year.
 - a. In preparation for the annual audit of the District finances, the administrator prepares the following documents:
 - i. Copies of approved budgets and all budget amendments;
 - ii. Detailed general ledger (through year-end);
 - iii. Bank reconciliation and bank statements;
 - iv. Copies of disbursements and receipts;
 - v. Copy of tax (levy) settlements from Hennepin County;
 - vi. Copy of certification levy;
 - vii. Listing of accounts payable and copies of signed checks;
 - viii. Grant and other funding agreements;
 - ix. List of capital assets, showing all deletions and additions;
 - x. Copies of invoices;
 - xi. Approved minutes.
 - b. The administrator annually presents the audit for acceptance to the Board of Managers at a monthly meeting.
- III. **Monthly financial management protocols.**
 - a. The District contracts with a certified public accountant to manage the checking accounts and investment funds of the District.
 - b. The administrative assistant opens the mail and receives checks, permit fees payments, monthly bills and invoices at the District office.

- i. The administrative assistant copies escrow checks and permit fees payments, enters them into a spreadsheet, copies checks, deposits them, and attaches deposit slips to the spreadsheet;
 - ii. The administrative assistant opens invoices and places them in a folder for the administrator's review;
 - iii. The administrative assistant collects staff receipts for expense reimbursement, including expense receipts for credit card charges, on a weekly basis;
 - iv. The administrative assistant places per diem request sheets in a folder for the administrator's review.
 - c. Receipts are reviewed and approved by the administrator and invoices are reviewed and approved by the administrator and Treasurer.
 - d. The administrator reviews the Excel spreadsheet prepared by the administrative assistant, listing vendor, invoice number, invoice amount and general ledger coding; a list of deposits with coding and a list of credit card charges with coding, and emails this information to the accountant.
 - e. The accountant prepares checks pursuant to these recommendations to pay the monthly bills.
 - f. Payroll is processed through a third party payroll service. The administrator submits employee hours to the payroll service for each pay period. The payroll service prepares payroll on a semi-monthly basis by direct deposit and is responsible for all tax filing requirements, tax forms, and PERA payments or filing requirements.
 - g. The accountant prepares a monthly treasurer's report that includes a listing of bills to be paid and tracks account balances. The accountant also prepares an internal report for the treasurer.
 - h. The administrator reviews the treasurer's report and distributes the report to the Board of Managers for the review prior to the Board's monthly meeting.
 - i. The treasurer also reviews the bills to determine whether to recommend payment. All bills are available for review by any member of the Board of Managers on request.
 - j. The treasurer reviews the treasurer's report for accuracy prior to presentation to the Board of Managers.
 - k. At the monthly Board meeting, the treasurer presents the treasurer's report. The Board of Managers receives and discusses, as necessary, the treasurer's report, then authorizes payment of the monthly bills as presented in the check register.
 - l. Following Board authorization to pay the bills, the administrator mails payment to vendors as authorized.
- IV. **Spending Authority.** All expenditures by the District must be approved in advance by the Board, except that the Board by resolution may delegate to the

administrator the authority to bind the District, with or without countersignature, to a purchase of goods or services, or to enter into a contract for same, when the cost thereof does not exceed \$10,000 or under other specified conditions.

- a. The Board has authorized the administrator to expend up to \$5,000 on a single purchase without prior Board approval and affirms that authority in adopting this policy.
- b. The administrator may not purchase any real estate or easements on real estate without prior authorization for the Board of Managers.

V. Banking

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

VI. Checking

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

VII. Credit card use. The administrator is authorized to incur charges to the District credit card, with a maximum single charge of \$5,000 and allowable billing-period maximum charges totaling \$10,000.

- a. A receipt must be obtained for all District credit card purchases. Credit card purchases for which a detailed receipt is not provided must be reimbursed by the individual making the purchase.

VIII. Reporting

- a. All expenditures and investments, receipts and disbursements made must be compiled for presentation to the Board of Managers by the treasurer in a timely manner.
- b. The annual audit will be filed with the Board of Water and Soil Resources and the Office of the State Auditor within 120 days of the end of the District's fiscal year (January 1 – December 31).
- c. The administrator and treasurer will regularly review relevant records and documents for any of the following, and report to the treasurer (for the administrator) or the Board of Managers (for the treasurer) any of the following if found:
 - i. Unusual or unexplained discrepancy between actual performance and anticipated results (costs in a general expense categories well beyond the budgeted amount);

- ii. Receipts that do not match deposit slips;
- iii. Disbursements to unknown and/or unapproved vendors;
- iv. A single signature on a check or pre-signed blank checks;
- v. Gaps in receipt or check numbers;
- vi. Late financial reports;
- vii. Disregard of internal control policies and procedures.

IX. **Depositories and collateralization.** In accordance with state law, the District names an official depository or depositories at its January meeting each year (depository bank(s)). In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository bank provides the District with a proof of collateralization in accordance with state law (Minnesota Statutes section 118.03) for an amount equal to the amount on deposit at the close of the depository bank's banking day beyond the amount covered by federal insurance, if any. The collateral provided by each depository bank will be maintained in an account in the trust department of a bank or other financial institution not owned or controlled by the same (depository) bank or in a restricted account at a federal reserve bank. District funds are managed pursuant to the Investment and Depository Policy, adopted January 8, 2020.

X. **Financial Assurances and Abandoned Property.** *See* District Policy for Management of Financial Assurances and Abandoned Property, adopted November 21, 2012.

XI. **Miscellaneous**

- a. The District will not maintain a petty cash fund.
- b. The District will not accept cash (currency) in payment of permit fees or financial assurances.
- c. The District will not cash personal or third-party checks.
- d. The administrator must not fail to insure District property against theft and casualty loss.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

INVESTMENT AND DEPOSITORY POLICY

1. PURPOSE

The purpose of this policy is to establish the Riley Purgatory Bluff Creek Watershed District's investment objectives, establish specific guidelines that the District will use in the investment of funds, and establish District depository policy. It will be the responsibility of the District administrator to invest District funds in order to attain a market rate of return while preserving and protecting the capital of the overall portfolio and to ensure compliance with District policy and with statutory requirements applicable to the District's designation a depository financial institution. Investments will be made in compliance with statutory constraints and in safe, low-risk instruments that are approved by the RPBCWD Board of Managers.

2. SCOPE

This policy applies to all financial assets of the District, including, as to depository policy, funds held in escrow.

3. SPECIFIC REVENUE SOURCES AND POOLING OF FUNDS

The District will report proceeds of specific revenue sources as restricted, committed or assigned for specific purposes, as applicable, and maintain its budget and accounts in a manner consistent with these designations. Except for cash in these certain restricted, committed and assigned funds, the District will consolidate cash and reserve balances from all funds to maximize investment earnings and increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

4. DESIGNATION OF DEPOSITORY AND COLLATERALIZATION

The District Board of Managers annually will designate a financial institution or institutions in the State of Minnesota as the depository of District funds. In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository will furnish collateral, as necessary, in the manner and to the extent

required by Minnesota Statutes Section 118A.03, as it may be amended, and other applicable law. Collateral will be held in safekeeping in compliance with Section 118A.03, as it may be amended.

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 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.

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. 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.

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.

Riley-Purgatory-Bluff Creek Watershed District
Policy on Permit Fee Reimbursement

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.
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 monitor compliance with permit conditions and the District Rules.
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 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;

Appendix A

Riley-Purgatory-Bluff Creek Watershed District
Inventory of Not-Public Data on Individuals
January 2015

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:

Claire Bleser
cbleser@rpbcwd.org
952-607-6512

Name of Record, File, Process, Form	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	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	Private	MS 13.393	Staff on as needed basis as part of specific work
Citizen Advisory Council	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	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	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	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	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	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	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	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.