

Heron Lake Watershed District

2019 Policies Handbook

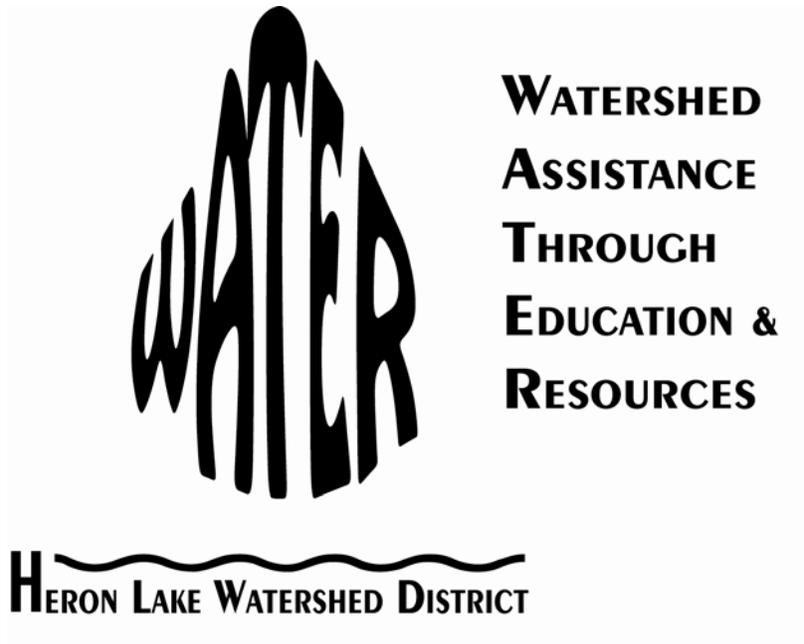


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ACRONYMS

Heron Lake Watershed District (HLWD)
Minnesota Association of Watershed Districts (MAWD)
Watershed Management Plan (WMP)
Board of Water and Soil Resources (BWSR)
Soil and Water Conservation District (SWCD)
Responsible Authority (RA)
Information Policy Analysis Division (IPAD)
Data Practices Compliance Official (DPCO)
Code of Ethics (Code)

HERON LAKE WATERSHED DISTRICT POLICIES HANDBOOK

This Policy Statement of the Heron Lake Watershed District (HLWD) is intended to provide guidance to the board of managers and the public on the conduct of its business and affairs. The Policy Statement shall be reviewed annually and may be amended by receiving a majority vote of the board of managers.

THE HLWD SHALL

1. Receive at its official office all pertinent correspondence, funds, documents, and communications relative to the conduct of business. Any documents received requiring transmission to the President, board of managers, consultants, or other parties shall be copied for the record (files) and then properly transmitted.
2. Provide the necessary facilities and equipment for the conduct of its affairs.
3. Make available to the public information on the conduct of its affairs by publications and other means as deemed necessary.
4. Shall contract for, or hire, staff with the required capabilities to conduct the business of the HLWD in a professional manner.
5. Promote and maintain the highest possible standard of working relations with other governmental agencies, organizations, groups, and the public as follows:
 - a. The HLWD will endeavor to keep all citizens informed of its activities, projects, and policies through press releases, staff availability, published reports, and the website (www.hlwdonline.org).
 - b. The HLWD's managers, staff, and consultants will direct interested parties toward solutions to water-related problems and provide necessary assistance.
 - c. It is the intent of the HLWD to keep the public well informed and obtain citizen input on project and policy issues.
6. Promote intergovernmental cooperation as follows:
 - a. The HLWD will regularly relate to local, regional, state, and federal agencies and their representatives in the pursuit of their activities.
 - b. Any governmental unit or its designated contact person is encouraged to utilize the HLWD's services and capabilities.
 - c. The HLWD seeks to pursue its initiatives by utilizing all available and pertinent resources of appropriate governmental entities and reciprocate in a like manner.
7. Promote public organization relationships as follows:
 - a. All organizations interested in utilizing the capability of the HLWD or providing input on project and policy issues are encouraged to do so.
 - b. Providing awareness of the HLWD's capabilities, including, but not limited to, attendance at regular meetings; providing pertinent

information through staff, consultants, or managers; cooperation on projects, policies, or initiatives (environmental); and information on compatible programs or projects.

- c. Accepting for organizations interested in environmental enhancement, through appropriate channels of direct communications, information, or initiatives to enhance projects, programs, or policies and seek to inform its membership through the HLWD's staff or consultants on the scope and extent of utilizing the resources available.

POSITION OBJECTIVE:

Protects and enhances the resources of the watershed by providing guidance for overall planning, direction, coordination, and operation in accordance with the mission of the watershed district. Receives and considers public input and make appropriate decisions utilizing scientific principles, cost benefits, and protection of natural resources, public health, safety, and welfare. Exercises the authorities bestowed to a watershed district through Minnesota Statutes 103B, 103D, and 103E. Fosters working relationships with partners and stakeholders to implement watershed district comprehensive plan goals and objectives.

Serves the watershed district as a whole rather than any special interest group or constituency. Represents a sector, location, or interest which is needed on the watershed district board but will not act only on behalf of that interest. Places the purposes of the watershed district ahead of his or her own needs and behaviors.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

1. Regularly and thoroughly prepare and attend each watershed district meeting.
 - Reads and reviews board meeting packets, agenda materials, as supplied prior to the meeting.
 - Becomes familiar with and promotes progress of watershed district plans, policies, rules, and statutes.
 - Solicits and receives public input as provided by statute.
 - Provides public service and interacts in a respectful and professional manner.
 - Participates thoughtfully in discussion of issues, including requesting additional data, and/or considering various perspectives: both from a manager perspective, as well as the watershed district-wide perspective, focusing attention on the mission of the watershed district.
2. Participates in special committees, as appointed by the watershed district or Minnesota Association of Watershed Districts, and provides information for full board consideration.
 - Be a constructive and active participant in the outcomes of committees.
3. Hires district administrator and annually evaluates the performance of said administrator.
 - Staff supervision is conducted by the administrator.

- Allow a process for the administrator to establish work programs, project plans, schedules, and budgets and facilitate staff and consultants to perform within established parameters without interference and micromanagement.
4. Establishes and modifies goals and objectives for the watershed district.
 - Sets and implements administrative policies.
 - Ensures the enforcement of watershed district rules and policies.
 5. Reviews and adopts an annual budget and ad valorem tax levy.
 6. Reviews and adopts capital projects and programs.
 7. Sets and interprets rules governing watershed district proceedings.
 - Preserves order at meetings by establishing rules of procedure.
 - Encourages attendance of members at meetings and addresses non-attendance.
 - Identifies actual or potential conflicts of interest and abstains from the related votes.
 8. Attends regional and statewide applicable continuing education and training.

MINIMUM QUALIFICATIONS:

1. Must meet the State of Minnesota requirements to be appointed a manager:
 - a. A voting resident of the watershed district, and
 - b. Is not a public officer of the county, state, or federal government, except a soil and water conservation supervisor may be a manager
2. Appointments to a watershed district board of managers shall be made in accordance with Minnesota Statutes 103D.311.

DESIRED KNOWLEDGE, SKILLS, AND ABILITIES:

1. Support the mission and goals of the watershed district.
2. Invest the necessary time and energy to prepare for and attend watershed board meetings, serve as a liaison to the local community, attend regional and statewide training, and receive and respond professionally to public inquiries.
3. Experience in water resources, management, administration, or other boards.

MANAGERS

An appointed board of managers consisting of five members governs the HLWD. Working as part of the board, a manager helps direct the activities of the HLWD, set policy, guide staff, and make key decisions on HLWD priorities.

1. Managers are compensated at the rate of \$75 per day. Compensation for meetings and special meetings is \$75.
2. Managers are compensated at the rate of \$12 per hour for conducting business other than meetings. This compensation may not exceed \$75 per day.
3. Managers will be compensated for mileage at the current Internal Revenue Service rate.
4. Attendance at various meetings, workshops, etc., must be approved by the board prior to the meeting in order for compensation to be paid. The President should approve meetings that come up between board meetings.

5. Managers will be reimbursed for meals, registrations, and/or rooms when attending meetings or workshops.
6. When required to stay out of town on HLWD-related business or for a training event, the manager is expected to use good judgment in the selection of lodging, unless part of the event package. If a manager's spouse and/or family share lodging facilities with the manager, the manager will be responsible for the difference between multiple and single accommodation rates. Managers authorized for lodging are encouraged to share rooms whenever possible.
7. Always request the "government rate" when on HLWD business. Lodging establishments may provide significant discounts for government agencies.
8. Regular meetings will be held the third Tuesday of each month at 7:00 p.m. except for the months of May to September, which will be held at 8:00 p.m. (Changes to the monthly meeting date will be made of scheduling conflicts arise.)
9. Meetings will be limited to five hours to complete business unless it is deemed necessary to extend past the five-hour limit.
10. Committee appointments will be made by the President or by motion. Only the members of the committee are to attend committee meetings, unless prior approval is granted and the meeting has been properly posted. Compensation for attending committee meetings is \$75.
11. A majority of the managers appointed shall constitute a quorum to do business at all meetings of the board of managers, except as otherwise provided by law, and a minority of the board of managers may adjourn from day to day.
12. The President can make and second motions at HLWD meetings.
13. The President or a majority of the managers can call a special meeting.

Oath and Bond (MS 103D.315, Subd. 1 and 2)

- Each manager must take and sign an oath of office. In addition, each manager must file a bond with the Board of Water and Soil Resources (BWSR) before assuming a manager's duties.

Position Purpose (MS 103D.201, Subd. 1)

- The manager's job is to preside over the business of the HLWD as it pursues the conservation of the natural resources of the state through regulation and the use of sound scientific principles, for the protection of the public health, safety, and welfare, and the provident use of natural resources.

Qualifications (MS 103D.201, Subd. 1)

- A manager must be a resident of the HLWD.
- A manager may not be a public officer of the county, state, or federal government.
- A manager may be a Soil and Water Conservation District (SWCD) supervisor.

Appointment and term of office (MS 103D.311, Subd. 2 and MS 103D.315, Subd. 6)

- The County Board is the appointing authority.
- The term of office is three years – a manager may be reappointed.

- The appointing County Board must provide public notice before making appointments.
- Although the appointments must result in a balance of geographic and hydrologic areas, once appointed, the managers DO NOT represent that specific area, but are required to make decisions on behalf of the good of the entire HLWD.

OFFICER DUTIES

Regular monthly meetings are a must if the HLWD is to be successful. Managers, as representatives of the people, are obligated to conduct the business of the HLWD in an orderly and business-like manner. Successful board meetings depend upon the direction given by the President and upon the willingness of board members to carry out their assignments as appointed.

President

The President is the steering mechanism of the HLWD. It is up to the President to do that little extra to motivate board members and other public-minded individuals to do what they can to assist in serving the present and future citizens of the HLWD.

Specific responsibilities of the President are:

- Preside at all meetings.
- Determine agenda items.
- Call special meetings when necessary.
- Communicate with HLWD staff, consultants, and the heads of other agencies involved prior to the scheduled meeting to address agenda items. This can be done by a short office visit and perhaps a few telephone calls. A formal meeting may not be necessary.
- Refer regularly to long-range goals of the HLWD and the annual work plan when preparing the agenda, trying to ensure that all planned activities are addressed.
- Make sure a copy of the agenda, minutes of the previous meeting, and a financial statement (at a minimum) are sent to each board member three to four days prior to the meeting.
- See that agendas and pertinent material are sent to all individuals who should attend the meeting and take part in the discussion.
- Keep in contact with other managers on the progress of various programs as delegated. Insist on regular attendance of managers.
- Call meeting to order promptly and at the specified time. Follow proper rules of order for a business meeting. Adhere to the time schedule.
- Assume the role of facilitator. This will encourage all managers to participate in discussion of existing issues.
- Complete an item of business in the order listed before taking up the next item. Stick to the agenda.
- Avoid the “rubber stamp” approach. Encourage board members to question staff or individual presenters regarding clarification to a specific point, thus allowing them to draw conclusions to adequately make their own decisions.

- Adjourn meeting promptly after all business has been completed.

Vice President

The Vice President position becomes most important in the absence of the President. The Vice President should note the activities of the President and how they are carried out, in case it is ever necessary for the Vice President to chair a meeting.

Specific duties of the Vice President are:

- Assume the duties of the President in the absence of the President.
- Assist in organizing and implementing the HLWD program.
- Oversee the work of committees and coordinate their reports as delegated by the President.
- Be familiar enough with the total program of the HLWD to be able to work closely with the President and fill in when necessary.

Secretary

The primary responsibility of the HLWD Secretary is to arrange for the recording of official proceedings of the board and to see that the entire board approves the minutes as the legal record of the HLWD. As public officials using public funds, these minutes should then be signed, becoming the permanent record of what is done and why. Copies for general information purposes should be forwarded to the area and central office of the BWSR. They can also be sent to other interested persons or organizations.

Specific duties of the Secretary are to:

- Make a complete record of all proceedings.
- Indicate date and place of meeting, refer to whether it is a regularly scheduled meeting or a special meeting, official presiding, names of all those present including visitors, organizations represented, and names of managers absent.
- Record each motion in full.
- Complete action on each item of business so that a record can be made of what was addressed and completed.
- Initiate correspondence on behalf of the board as the need arises.
- Inform the chair of any business that should come before the board.
- The Secretary or President should sign the official copy of the board minutes after approval by the board at the next meeting.

Treasurer

The Treasurer is responsible to work with the District Administrator in accordance with the HLWD Accounting policies and for reviewing the financial matters of the HLWD, including the financial records. The Treasurer co-signs HLWD fund checks after approval of the board. The Treasurer and Secretary should be bonded.

Specific duties of the Treasurer are to:

- Maintain complete and accurate records of receipts and expenditures, including HLWD staff's program records and trial balance.

- Be prepared to answer questions from other board members regarding the monthly and/or quarterly financial statement, as well as the year end figures.
- Pay bills approved by the board and issue receipts for incoming funds or designate staff to do so.
- Make sure program records and the general journal provide for an adequate number of accounting categories to handle all general and special use programs.
- Assure that authorization for payment of bills by the HLWD board is recorded in the minutes of the meeting.
- Work with the HLWD staff to develop a fiscal budget.

HLWD ACCOUNTING POLICIES

Monthly Accounting Procedures

1. The HLWD Administrator is authorized by the board of managers to complete banking transactions required for day-to-day operations.
2. The HLWD uses QuickBooks software to prepare payroll entries, electronic fund transfer payments, monthly deposits, interest allocations, printing checks, and bank reconciliation reports.
3. The HLWD Administrator collects all bills and invoices on a daily basis for payment during the monthly accounting cycle.
4. Any payments received via US Mail or in-person are deposited in the bank and recorded in QuickBooks by the HLWD Administrator.
5. Any payments received via electronic fund transfer are recorded in QuickBooks by the HLWD Administrator.
6. One week prior to the regularly scheduled board meeting, the HLWD Administrator begins preparing the monthly accounting. Each invoice is attached to a payment voucher. The vouchers are recorded in QuickBooks. A check is printed. The corresponding check stub is attached to each voucher. The amounts from each voucher are entered in the treasurer's report and filed by month. The report is sent to the HLWD Treasurer for review. Upon approval of the HLWD Treasurer, the monthly treasurer's report is sent to the board of managers in the meeting packet. Checks are signed by either the HLWD President, Vice President, or Treasurer. The HLWD Administrator is also authorized to sign checks. Checks are mailed to the appropriate payee within two days of the regular board meeting.
7. The HLWD Administrator completes bank reconciliations for each account on a monthly basis. The reconciliation statements and check register report are reviewed and approved by the HLWD Treasurer.

Manager Per Diem Statements

1. The HLWD Administrator completes per diem statements for individual board members. The payments are included in the treasurer's report and are approved by the board of managers at the monthly meeting.

Wage Administration

1. All employees have a standard 40-hour work week beginning on Monday and ending on Thursday. Different hours, including occasional evening and weekend work may be required.

Overtime may be required to meet deadlines or to accomplish objectives. Overtime is reported to the HLWD Administrator and subsequently to the HLWD President and HLWD Treasurer. Employee requests to use vacation, sick, and personal leave are made to and approved by the HLWD Administrator. The HLWD Administrator's requests for use of vacation, sick, and personal leave are made to and approved by the HLWD President. Employees are required to record time worked on a time sheet, which must be approved by the HLWD Administrator. Employees are paid twice monthly for hours worked, on the 15th day and the last day of the month. The HLWD provides direct deposit for payroll distribution at the request of the employee as an alternative to physical checks.

2. The HLWD Administrator prepares the payroll information. The HLWD Treasurer reviews the information. After the HLWD Treasurer has reviewed the payroll information and has determined that it is accurate, a Payroll Approval Form is signed. It is also signed by the HLWD Administrator. Upon approval of the HLWD Treasurer, the HLWD Administrator prepares checks and/or sends direct deposit information to Security State Bank for payment. The HLWD Administrator keeps all payroll records on file at the HLWD office.
3. The HLWD Administrator prepares reports for Public Employees Retirement Association (PERA), Electronic Federal Tax Payment System (EFTPS), Minnesota Revenue, and Unemployment Insurance Minnesota (UIMN) on a monthly and/or quarterly basis as required. The HLWD Administrator keeps payroll reports on file at the HLWD office.

Year-End Reports and Audit Information

1. The HLWD Administrator prepares and submits W-2s for HLWD managers and staff. The forms are mailed to recipients and the IRS by January 31st each year.
2. The HLWD Administrator prepares the PERA Exclusion Report. This reporting requirement is a legal obligation under Minnesota Statutes 353.27, Subd. 10 and 11. The purpose of this report is to allow an opportunity for PERA staff to verify that persons eligible for membership are actually enrolled.
3. The HLWD Administrator completes and submits Indebtedness Report to the county auditors in Nobles, Jackson, Murray, and Cottonwood Counties on an annual basis.
4. The HLWD must have an annual audit completed of the books and accounts as required by Minnesota Statutes 103D.355. The completed report is submitted to the State Auditor. The HLWD Administrator also provides the report to the Board of Water and Soil Resources, Department of Natural Resources, the Auditor-Treasurer in Nobles, Jackson, Murray, and Cottonwood Counties, and the board of managers. The annual audit is also posted on the HLWD website at www.hlwdonline.org. The HLWD Administrator compiles information required to complete the annual audit. This information is provided to Drealan, Kvilhaug, Hoefker, and Co. These items include:
 - a. Transaction reports for each account from January to December
 - b. Profit and loss statements for each account from January to December
 - c. District Policies Handbook
 - d. Personnel Policy
 - e. Contracts and leases
 - f. Job descriptions
 - g. List of board members and spouses, term of office and position
 - h. Minutes
 - i. New grant agreements
 - j. Bank statements and reconciliations for all accounts from January to December

- k. Copy of certified levy payable
 - l. Copies of stubs attached to checks received from all counties and detail for all tax payments received
 - m. A transaction report for the checking accounts with any activity from January of the current year that relates to the previous year
 - n. Insurance policies
 - o. Certificates of deposit listing as of December 31
 - p. 1099s received for year ended
 - q. Low-interest loan repayment spreadsheet
 - r. Accrued payroll taxes in current year paid for previous year
 - s. Wages/expenses paid from January through December
 - t. PERA reports, 941s; Minnesota Revenue, and UIMN reports
 - u. W-2's
 - v. Payroll summary worksheets
 - w. PERA reports from January to January
 - x. QuickBooks backup
 - y. The completed audit is uploaded to the HLWD website
5. The information compiled for the annual audit is used to complete the State Auditor Special Purpose District Report as required by Minnesota Statutes 6.74. This document is drafted and submitted to the State Auditor by Drealan, Kvilhaug, Hoefker, and Co. within 180 days of the end of the fiscal year.
 6. The HLWD Administrator completes and submits the pay equity report to the board of managers as required by the Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules Chapter 3920 every three years.

HLWD BOARD MEETINGS

Meetings of the board of managers are governed by Chapter 13D of Minnesota Statutes, "Open Meeting Law". The Open Meeting Law requires that meetings of public bodies must generally be open to the public. The open meeting law does not define the term "meeting." The Minnesota Supreme Court, however, has ruled that under the open meeting law, meetings are gatherings where a quorum or more of the governing body or of a committee, board, department, or commission of the governing body are present, and at which the members intentionally discuss, decide, or receive information as a group on issues relating to the official business of that body. As a result, the open meeting law does not apply in situations where less than a quorum of the HLWD Board of Managers is involved.

It is the policy of the HLWD that all board of manager meetings are open public meetings unless the meeting is closed to the public for a reason that is permitted under the statute. Just like the Senate, House of Representatives, or County board meetings, people in the audience are not guaranteed a right to participate. The audience is there to observe the proceedings, and although anyone can attend meetings, citizens cannot speak or otherwise participate in any discussions unless the President or the presiding officer recognizes them for this purpose. Although meetings must be open to the public, individuals who are noisy or unruly do not have the right to remain in the meeting room. When individuals abuse their right to be present in the meeting room, the President or presiding officer (subject to being overruled by the other managers), may order their

removal from the room. The board of managers may call upon law enforcement to carry out the mandate to preserve order at its meetings.

Regular Meetings

No statutes govern the time, place, or frequency of board of manager meetings. It is the policy of the HLWD that regular meetings shall be held once each month at such times and places as shall be established by a schedule, which shall be posted on the HLWD's principal bulletin board or the door of its usual meeting room. The schedule of the regular meetings of the HLWD shall be kept on file at its primary office. If the HLWD has established and posted or published a regular monthly meeting schedule, it is not necessary to post separate notices of these meetings, other than the posting of the meeting agenda as otherwise required by HLWD policy. If the board of managers decides to hold a meeting at a different time or place from that stated in its schedule of regular meetings, it must give the notice required for special meetings.

Special Meetings

A special meeting of the board of managers refers to any meeting at a time or place different from the time or place stated in its schedule of regular meetings. The managers may transact any business within its powers at a special meeting. The board of managers should, however, only transact business for which notice has been provided. All statutory provisions governing regular meetings, including the open meeting law, apply to special meetings. Special meetings may be called by the President of the board of managers, or by a majority of the managers. Special meetings are called by filing a written statement with the HLWD Administrator. Unless otherwise expressly established by statute, the following notice requirements apply to all special meetings.

Notice to the Managers: When a special meeting has been called, the HLWD Administrator must contact managers by email with a notice, at least one day before the meeting, stating the time and place of the meeting. If all of the managers attend and participate in the meeting, the notice requirements will be considered to have been satisfied.

Notice to the Public: The HLWD Administrator must also post written notice of the date, time, place, and purpose of the special meeting on the HLWD's principal bulletin board at least three days before the meeting. A principal bulletin board must be located in a place reasonably accessible to the public. If the HLWD does not have a principal bulletin board, the notice must be posted on the door of its usual meeting room. In addition to posting notice, the HLWD must also mail or deliver notice to each person or entity who has filed a written request for notice of special meetings with the HLWD. Notice to these individuals must be mailed or delivered at least three days before the meeting. As an alternative to mailing or delivering the notice, the HLWD may publish the notice once in its official newspaper at least three days before the meeting. If the HLWD has not adopted an official newspaper, notice must be published in a qualified newspaper of general circulation in the HLWD. In calculating the number of days for providing notice, the first day the notice is given shall not be counted, but the last day will be counted. If the last day is a Saturday, Sunday, or a legal holiday, however, that day is omitted from the calculation and the following day is considered the last day. For example, if a special meeting is scheduled for

a Thursday, notice has to be given on Monday to meet the three-day notice provision. In this example, Tuesday is day one, Wednesday is day two, and Thursday is day three. Monday is not included in the time computation. Similarly, if a special meeting is planned for Monday, notice must be given on Friday; Saturday is day one, Sunday is day two, and Monday is day three (Saturday and Sunday are included in the time computation since they are not the last day of the fixed period).

Requests for Notice: All requests for notice of special meetings submitted to the HLWD shall expire one year after they are made, unless the person or entity re-files a new request for notice. The HLWD will notify each person or entity filing a request for notice of special meetings of the re-filing requirement not more than 60 days before the re-filing is due. A person or entity filing a written request for notice of special meetings may limit the request to notification of special meetings that cover a particular subject. In such case, the HLWD need only send notice of special meetings addressing those subjects.

Emergency Meetings

An emergency meeting is a special meeting called by the board of managers due to circumstances that, in its judgment, require immediate consideration. The procedure for notifying managers of emergency meetings is the same as that for special meetings. As to public notice, the HLWD must make good faith efforts to provide notice of the emergency meeting to all persons, entities, and media that have filed a written request for notice. Notice must be by telephone or by any other method used to notify the managers. The notice must include the subject of the meeting. A published or posted notice is not necessary. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting must include a specific description of them.

Adjourned Meetings

A meeting may be adjourned or recessed when a meeting is postponed to a future time for lack of a quorum, for convenience, or to complete pending business from a regular meeting. When the board of managers calls an adjourned meeting to complete pending business, the adjournment should be treated as a recess. If the date, time, and place of the adjourned or recessed meeting are announced at an open meeting and the information is recorded in the minutes, no additional public notice is necessary. Otherwise, the notice required for a special meeting is necessary. Although a quorum of the managers is necessary in order to conduct business, less than a quorum may adjourn or postpone a regularly organized meeting to a fixed, future time.

Limitations on Meeting Dates

State law does not prohibit meetings on weekends. However, state law regulates how time is computed for the purpose of giving any required notice involving meetings on weekends. Where the last day of the notice falls on either a Saturday or a Sunday, that day cannot be counted in the calculation of the required notice period. Thus, if notice for a special meeting to be held on a Saturday or Sunday is required, the third day of that notice would need to be provided on the preceding Friday.

Minnesota election law provides that meetings are prohibited between 6 p.m. and 8 p.m. on any election day, including a local general or special election. Thus, if a school within the HLWD is holding a special election on a particular day, no other unit of government totally or partially within the school district may hold a meeting between 6 p.m. and 8 p.m. Meetings are also prohibited after 6 p.m. on the day of a major political precinct caucus.

State law defines a set of public holidays when no public business can be transacted except to deal with emergencies. The transaction of public business includes conducting public meetings. The public holidays are: New Year's Day (Jan. 1); Martin Luther King's Birthday (the third Monday in January); Washington's and Lincoln's Birthday (the third Monday in February); Memorial Day (the last Monday in May); Independence Day (July 4); Labor Day (the first Monday in September); Christopher Columbus Day (the second Monday in October); Veterans Day (Nov. 11); Thanksgiving Day (the fourth Thursday in November); and Christmas Day (Dec. 25). If a holiday falls on a Saturday, the preceding Friday is considered to be a holiday. If a holiday falls on a Sunday, the next Monday is considered to be a holiday.

Meeting Agenda

In order for a person to be heard at a meeting, he or she must submit in writing to the HLWD office, not later than one week prior to the scheduled meeting, a request for agenda time. The request for agenda time must state the topic or topics to be discussed, identify the person or persons to be presenting information, and an estimate as to the amount of time needed to present the information. The President of the board of managers will review all requests for agenda time and will determine whether an item will be granted time on the agenda. Requests for agenda time should describe the proposed topic or topics in sufficient detail to permit analysis of the request, and if a request for agenda time is deemed to be too broad or vague, it shall be returned to the submitter with a request for additional information.

All requests for agenda time will be considered on a case-by-case basis, taking into account available time and resources, prior consideration of similar issues, the extent to which the proposed agenda item is within the HLWD's jurisdiction and statutory authority, and the perceived need for priority of action upon the specific proposed agenda item.

Only items that are on the agenda will be discussed. Items may be subtracted from the agenda. The President can add discussion items before the agenda is approved. However, action items cannot be added to the agenda at the meeting.

Additions or corrections to the meeting minutes should be given to the HLWD Administrator upon review of the draft version. Minutes shall not be distributed to the general public until the board of managers officially approves them. Copies of materials approved at board meetings will be provided to the general public at their request.

Order of Business

- The meeting is called to order by the President.
- Roll call (if used).

- The minutes of the preceding meeting may be read by the Secretary and may be approved as read, or may be approved with additions or corrections.
- The President calls for reports of standing committees.
- The President calls for reports of special committees.
- Unfinished business is next in order at the call of the President.
- The President calls for new business.
- If the meeting is an annual or special meeting the program – such as awards, a speech, etc. - follows. The program is considered part of the meeting. The President presides throughout.

Principal Motions

A general statement is a motion that has been made, seconded, and stated by the President. The assembly is not at liberty to consider any other business until this motion has been disposed of. If the motion is long and involved, the President asks the mover to hand it in writing to the Secretary. The mover cannot withdraw the motion after the President has stated it. In general, all important motions should be seconded, which may be done without rising or addressing the President.

Typical steps in a motion are:

- Address President.
- Recognized.
- State motion.
- Second motion.
- State to group by President.
- Discussion.
- Vote.
- Announcement of results.

HLWD ADVISORY COMMITTEE (MS 103D.331)

To ensure public input, the law requires that managers appoint an advisory committee to provide recommendations on matters affecting the HLWD, including all contemplated projects and improvements. This group can play an important role in ensuring that the HLWD is fulfilling the needs of the community and is aware of citizen concerns.

The advisory committee must have at least five members. If possible, members should include the following:

- A supervisor of a SWCD.
- A County Commissioner.
- A representative of a sporting group.
- A representative of a farm organization.

The Board may appoint other members as it sees fit.

HLWD Advisory Committee members are appointed on an annual basis. Committee members sign and submit an acceptance of appointment and oath. The HLWD Advisory Committee members receive monthly newsletters, agendas, and meeting minutes. They

also receive the annual report after its completion. The HLWD Advisory Committee meets quarterly and also on an as-needed basis.

PUBLIC EDUCATION POLICY

The HLWD has adopted an education policy in an effort to provide first-hand, accurate information regarding on-going HLWD efforts. This policy provides that the HLWD, alone or in partnership with other agencies and organizations, will offer educational opportunities such as a website, public presentations, tours, newspaper articles, monthly newsletters, annual reports, workshops, seminars, and public education meetings for the general public, elected personnel, and students. Whenever possible, public input will be obtained through a question/answer period, survey, or questionnaire. Information gathered will be used as a basis for continuing education efforts. Public education endeavors will be done on an as needed basis.

WEBSITE

To provide increased visibility and easy access for the general public, the HLWD has developed a website. This website contains contact information for staff and managers, programs offered, historical data, grant programs and reports, meeting agendas and minutes, annual reports, and financial information.

Following is a time frame for on-line availability:

- Meeting minutes will be online for two years. After that time, they will be removed from the website, but will still be available at the HLWD office.
- Agendas for regular and/or special meetings will be posted within three days of the meeting.
- Annual reports will be online for one year.
- All other reports, newsletters, and other documented information will be available online for at one least year.
- Program information may change dependent on funding conditions.

DATA ACCESS POLICY

Policy Statement

This policy is in effect for all persons or entities which request access to or copies of public data maintained by the HLWD and is intended to comply with the requirements of Minn.Stat. § 13.03, Subd. 2; § 13.05 and Minnesota Rules 1205.300, 1205.400, 1205.500, 1205.600 and 1205.700.

Background

The HLWD will respond to all requests for access to data maintained in its files and computerized databases subject to the restrictions of the Minnesota Government Data Practices Act, copyright laws, decisions of the Office of the Attorney General, and availability of staff time. When appropriate, fees will be charged to recover the costs incurred in providing such information.

Implementation

Data maintained by the HLWD is open to the public unless classified by statutes, temporary classifications pursuant to Minn. Stat. 13.06, or federal law as non-public or

protected non-public, or with respect to data on individuals, as private or confidential. The HLWD will keep its records containing government data in such an arrangement and condition as to make them reasonably accessible for inspections. Persons wishing to inspect files are required to schedule an appointment at least two business days in advance with the HLWD Administrator. This two business days lead time may need to be extended for cases in which a file needs to be reviewed for confidential information, or in the event the HLWD Administrator is unavailable. Appointments are to be scheduled during HLWD's business hours on Monday through Thursday between 8:00 a.m. and 4:00 p.m. File reviews will be scheduled as soon as possible. The staff will provide general assistance; however, the person requesting the information remains responsible for searching through the file to find the desired information.

Designated Authority

The HLWD Administrator is designated as the Responsible Authority (RA) of management of data practices for the HLWD.

Fees

No charge will be assessed if files are inspected and no copies requested.

If 100 or fewer pages of black and white, letter, or legal size paper copies are requested, the RA may charge no more than 25 cents for each page copied.

In all other circumstances, including where a person requests copies or electronic transmittal of the data to the person, the RA may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data, but may not charge for separating public from not public data. If the RA or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

A person may indicate what they would like to have copied by tabbing the pages desired with the supplies provided by the HLWD. Individual pages identified by the requester will be copied and charged, in addition to the searching, retrieving, compiling, and postal charges. A double-sided sheet is considered two pages. A person may pick up their copies at the HLWD office once they are completed or make arrangements with the HLWD to have the copies mailed.

The HLWD will make arrangements with a vendor when a data request includes reproduction of agency photographs and slides, large maps, plan sheets, diskettes, videotapes, or other media (since those documents are not allowed to leave the building). The prices will vary depending on the services desired. Quotes may be obtained from the HLWD Administrator.

The requestor shall pay all charges for copying and services provided by the HLWD in advance of receiving the requested information.

When a request for data involves any person's receipt of copies of HLWD data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the agency, the HLWD may charge a

reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies, with the fee charged to relate to the actual development costs of the information. The HLWD will provide sufficient documentation to explain and justify the fee being charged.

Upon request of any person who is denied access to data, the HLWD will certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. The HLWD Administrator will prepare summary data if a request in writing is made and the requestor pre-pays for the cost of creating the data. Upon receiving a written request, the HLWD Administrator will respond within ten business days with the data or details of when the data will be ready and the amount of the charge.

Submitting Your Data Request

Direct your requests and all inquiries regarding data requests or the availability of data from HLWD to:

Jan Voit, District Administrator
Heron Lake Watershed District
PO Box 345
Heron Lake, MN 56137
507-793-2462

DATA REQUEST FORM – Members of the Public

Date of Request: _____

I am requesting access to data in the following way:

- Inspection Copies Both inspection and copies

Note: inspection is free but HLWD charges for copies when the cost is over \$10.00.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone Number: _____

Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, some type of contact information is needed. In addition, if your request is not understood and clarification is needed, without contact information, the request cannot be processed.

POLICY GOVERNING ANNUAL REVIEW OF DATA PRACTICES POLICIES

It is the policy of the HLWD that on or before March 1 of each year that the RA will review the HLWD’s data practices policies by completion of the following checklist.

Part 1: Identification of Staff with Data Practices Responsibilities
(Policies for Members of the Public and Data Subjects)

Name and contact information for these staff members should be listed in the *Data Practices Contacts* form.

- Each government entity must designate or appoint an individual to be the RA. (Minnesota Statutes, section 13.02, subdivision 16, and Minnesota Rules 1205.1000.) Entities seeking guidance in selecting a RA should look to language in Minnesota Rules 1205.0200, subparts 12 – 15, and Minnesota Statutes, section 13.46, subdivision 10. More information is available on Information Policy Analysis Division (IPAD’s) website at www.ipad.state.mn.us/docs/radpco.html. Sample forms to use for appointing an RA are at Minnesota Rules 1205.2000.

Who is your RA? Jan Voit, HLWD Administrator

- Minnesota Statutes, section 13.05, subdivision 13, requires all RAs to appoint or designate a data practices compliance official (DPCO). The RA and DPCO may be the same person. The DPCO must be a government entity employee who assists with data practices related issues.

Who is your DPCO? Jan Voit, HLWD Administrator

- Minnesota Statutes, section 13.03, subdivision 2, allows RAs to appoint one or more designees. The definition of designee is in Minnesota Statutes, section 13.02, subdivision 6.

Has your RA appointed/designated any staff to be data practices designees?

Yes

No

Who are they? _____

Do you want to direct requestors to specific designees depending on what data are requested?

Yes

No

If yes, list name and type of data for which designee is responsible.

If the answer to this question is “No,” all requests should be directed to the RA. The RA may appoint the DPCO as the designee for all data requests.

Note: By law, all data requests must be made to the RA or designee; however, you need to make decisions about how your specific entity will handle requests in a way that ensures you respond within the statutory time frames. For example, once a data request is made to the RA, will the RA handle the request, or will the RA give all requests to the DPCO or another staff person to coordinate responses? Regardless of which staff person actually manages a data request, the RA ultimately is responsible.

Part 2: Setting Parameters for Data Requests
(Policies for Members of the Public and Data Subjects)

- Minnesota Statutes, Chapter 13, does not require that individuals make data requests in writing; however, IPAD recommends that government entities make this their policy. If you decide to require written requests, you should include it in your Data Practices Policy (see [Advisory Opinion 01-014](#)). If you decide not to require written requests, you should still have some system of documenting data requests made verbally.

Do you want to require requestors to make their data requests in writing?

Yes

No

If you require that data requests be made in writing, will you allow requests by mail, fax, and/or email?

Yes

No

Notes (if necessary) _____

If you allow for data requests to be made by email, do you have a central location where email messages are sent that can be accessed by more than one staff person?

Yes

No

Notes (if necessary) jvoit@hlwdonline.org

- Minnesota Statutes, section 13.05, subdivision 5, requires that all government entities establish appropriate security safeguards for all records containing data on individuals.

When an individual requests data about him/herself, you must verify that the requestor is the data subject or the data subject’s parent or guardian. You should

know how you verify someone's identity and it is good practice to document how you made the verification.

Notes See HLWD Data Subject Rights Policy for policy on verification of identity.

Part 3: Responding to Data Requests (Policies for Members of the Public and Data Subjects)

Time frames

- Minnesota Statutes, Chapter 13 sets forth the time frames within which government entities must respond to data requests.

Entities must respond to members of the public seeking public data in an appropriate and prompt manner (section 13.03), and within a reasonable time (Minnesota Rules 1205.0300).

Entities must respond to data subjects seeking access to data about them within ten business days (section 13.04). In other words, entities must either provide the data to the data subject or inform the data subject there are no data available within ten business days. This does not mean that an entity cannot arrange for a longer period of the time to respond, as long as the data subject agrees.

IPAD recommends that entities respond to all data requests in writing.

Notes See HLWD Data Access Policy and Data Subject Rights Policy for policies on response time

Charging for copies of data

- Minnesota Statutes, Chapter 13, allows, but does not require, government entities to charge for copies of data.

Some entities choose an amount below which it is not cost effective to charge for copies. You should check with your entity's financial department to find out if there is such an amount. Do you have a dollar figure below which you will not charge for copies?

X Yes

No

If yes, what is the amount? \$10.00

- Government entities may require pre-payment for copies of data if documented in the Data Practices Policy (see [Advisory Opinion 04-068](#)).

Will you require pre-payment for copies?

X Yes

No

- If you decide to charge for copies of data, the allowable amount depends upon

whether the person requesting the data is the data subject or a member of the public.

Members of the public

Minnesota Statutes, section 13.03, subdivision 3(c)

For 100 or fewer black and white paper copies, the maximum amount government entities can charge is 25¢ per page.

For more than 100 black and white paper copies and most other types of copies (photographs, audiotapes, data on a CD or DVD, data stored electronically, etc.) government entities can charge only the actual cost of employee time to: (1) search for and retrieve the data and (2) make the copies. See also Minnesota Rules 1205.0300. When a requestor asks that the data be sent electronically (e.g., via email), the copy charge may include the actual cost of sending the data.

When calculating employee time for making the copies, you should use the hourly wage of the lowest-paid employee who is able to search for, retrieve, and make the copies. **Note:** Your actual cost could be less than 25¢ per page.

If you charge members of the public for copies, IPAD recommends recalculating, on an annual basis, your actual costs for copying. IPAD also recommends documenting this calculation. More information about charging members of the public for copies is located on IPAD's website at www.ipad.state.mn.us/docs/copycost.html.

Are there statutes, other than Minnesota Statutes, section 13.03 that set specific copy charges for your data?

- Yes
- No

If yes, cite the statute section(s) and corresponding fee(s) _____

[For example, under Minnesota Statutes, section 144.226, subdivisions 1, 3, and 4, the Minnesota Department of Health charges \$16 for a certified copy of a birth certificate. Under Minnesota Statutes, section 169.09, the Commissioner of Public Safety charges certain persons \$5 for a copy of an accident report.]

Data subjects

Minnesota Statutes, section 13.04, subdivision 3

When a data subject asks for copies, a government entity may charge the actual cost for an employee to make paper copies or to print copies of electronically stored data. See also Minnesota Rules 1205.0300 and 1205.0400. When calculating employee time for making the copies, you should use the hourly wage of the lowest-paid employee who is able to make the copies.

Note: Government entities may not charge for search and retrieval time if a data subject requests copies.

Notes See HLWD Data Access Policy and Data Subject Rights Policy for copy charges.

Part 4: Creating New Data
(Policies for Members of the Public and Data Subjects)

- Requests for creation of new data not already collected or maintained by a government entity fall outside the requirements of Chapter 13. So, you are not required to create data to respond to a data request. If you choose to create data, IPAD recommends working with the requestor on a case-by-case basis.

Notes See HLWD Data Subject Rights Policy for the policy governing creation of new data

Part 5: Summary Data
(Policy for Members of the Public)

- Minnesota Statutes, section 13.02, subdivision 19, defines summary data and Minnesota Statutes, section 13.05, subdivision 7, discusses the preparation of summary data. Section 13.05 requires an RA to prepare summary data if the request is made in writing and the cost of preparing the summary data is paid for by the requestor. Section 13.05 also allows the RA to delegate the preparation of summary data.
- Minnesota Rules 1205.0700 discusses requirements for responding to summary data requests and preparing summary data. Subpart 3 requires RAs to prepare and implement summary data access procedures. Subpart 4 requires government entities to respond to summary data requests within ten days.
- Minnesota Rules 1205.0700, subpart 5, discusses the requirements of a nondisclosure agreement.

Notes See HLWD Data Access Policy for policy on summary data.

Part 6: Tennesen Warning Notices
(Policy for Data Subjects)

- Minnesota Statutes, section 13.04, subdivision 2, discusses the notice that government entities must provide to an individual when collecting private and/or confidential data about that individual from that individual. This notice is commonly referred to as a Tennesen warning.

With limited exceptions, you may not collect, store, use or disseminate private or confidential data for any purpose other than those you specified in the Tennesen warning notice. Because the consequences of not giving a proper notice are so severe, you must tailor your notices to your entity's specific programs. IPAD suggests you seek legal advice when developing your notices. More information about Tennesen warning notices located on IPAD's website at www.ipad.state.mn.us/docs/tw.html.

Notes See HLWD Data Subject Rights Policy for policy on Tennesen Warnings.

Part 7: Informed Consent
(Policy for Data Subjects)

- Minnesota Statutes section 13.05, subdivision 4, and Minnesota Rules 1205.1400, discuss informed consents. You must create legally-valid consent forms. More information about informed consent requirements, including sample consent forms, is located on IPAD's website at www.ipad.state.mn.us/docs/consentmain.html.

Will you require data subjects to use only the consent forms your entity has created or will you release data pursuant to a consent form created by another entity? Yes

Explain on a document created by the HLWD

Part 8: Keeping Data Secure
(Policy for Data Subjects)

- Minnesota Statutes, section 13.05, subdivision 5, requires that all government entities establish appropriate security safeguards for all records containing data on individuals.

Private data such as social security numbers, health records, workers compensation, etc. are kept in a locked file cabinet in the HLWD office.

- Minnesota Rules 1205.0400 states that private data are accessible to individuals within a government entity whose work assignments reasonably require access. Minnesota Rules 1205.0600 states that confidential data are accessible to individuals within a government entity whose work assignments reasonably require access. The rule parts require government entities to create written procedures ensuring that only appropriate individuals get access to private and confidential data.

Notes As the RA, the HLWD Administrator has access to private and confidential data.

Part 9: Creating, Updating, and Posting Policies
(Policies for Members of the Public and Data Subjects)

- Minnesota Statutes, section 13.025 require government entities to create policies that describe the processes members of the public and data subjects need to follow when requesting data.
- Government entities should update their policies yearly. Particularly, entities should update the data practices contact information (to be consistent with staff changes) and make sure the hourly wage rates they use for determining actual copy charge costs are current.

Have you updated your access documents within the last year?

Yes

No

- Minnesota Statutes, section 13.025, subdivision 4, also requires that government entities make their policies easily available to the public by distributing free copies, or by posting a copy on the government entity's website.

Do you have free copies available for the public, or have them posted at your website?

Yes

No

Government Entity Decision Checklist		
To complete the Data Practices Policies for Members of the Public and Data Subjects, your entity must make the following decisions.		
* Indicates obligation under Chapter 13.		
	Yes	No
Do we have an RA? *	X	
Do we have a DPCO? *	X	
Do we have any designees?		X
Do we have our policies available for distribution, or have them posted within our entity? *	X	
Do we direct data requestors to staff, other than the RA, for response to data requests?		X
Do we require written requests?	X	
If requests must be in writing, do we allow requests by mail, fax, and/or email?	X	
Do we have a policy to verify a data subject's identity? *	X	
Do we respond to data requests in writing?	X	
Are there statutory provisions, outside of Chapter 13, that give us authority to charge specific amounts for copies of data?		X
If we charge for copies of data, do we have a minimum amount before we charge?	X	
If we charge for copies of data, do we require pre-payment?	X	
Do we have a policy for creating new data?	X	
Do we require that individuals use our consent forms?	X	
Do we have a written policy/practice on how we keep data on individuals secure?*	X	
Do we have a written policy/practice detailing which staff has access to private and/or confidential data?*	X	
When did we last update our access documents? *	Date: January 22, 2019	

POLICY ON COLLECTION, STORAGE, USE, AND RELEASE OF DATA ON INDIVIDUALS

Before *collecting* or *storing* any data on individuals a government entity must ask:

Q: Is the collection or storage necessary for the administration and management of a program specifically authorized by the Legislature or HLWD, or mandated by the federal government? Has the relevant enabling authority been identified?

No – *The data may not be collected or stored.*

Yes – *Proceed to the next question.*

Q: Is the HLWD asking an individual to supply private or confidential data about herself or himself?

No – *The data may be collected without a Tennessen warning notice.*

Yes – *A Tennessen warning notice must be given before the data are collected. Note: if no Tennessen notice is provided, the data may not be collected, stored, used or disseminated.*

Before any government entity may *use* data on individuals, it must ask:

Q: Are the data classified as private or confidential data on individuals?

No – *The data are public and may be used.*

Yes – *Proceed to the next question.*

Q: Is the use necessary for the administration and management of a program specifically authorized by the Legislature or HLWD, or mandated by the federal government?

No – *The data may not be used.*

Yes – *Proceed to the next question.*

Q: Was a Tennessen warning notice provided that informed the data subject of how the data would be used and his/her rights in conformity with Minnesota Statutes, section 13.04, subdivision 2?

Yes – *Data may be used as described in the notice.*

No – *If the data are **confidential**, the data may not be used. If the data are **private**, the data subject's **informed consent** must be obtained before using the data (see Minnesota Statutes section 13.05, subdivision 4 and Minnesota Administrative Rules 1205.1400. See subdivision 4a for informed consent for insurance purposes.)*

Before any government entity may *release* data on individuals, it must ask:

Q: Are the data classified as private or confidential data on individuals?

No – *The data are public and may be released.*

Yes – *Proceed to the next question.*

Q: Is the request for data coming from the data subject?

No – *Proceed to the next question.*

Yes – *If the data are **confidential**, the requester has a right to know the entity maintains confidential data about the individual, but does not get access.*

*If the data are **private**, the data subject gets access provided he/she provides sufficient documentation proving his/her identity (i.e. photo id).*

Q: Is there a state or federal law or court order that allows the requester access to the data?

No – *The data may not be released.*

Yes – *Data may be released according to the legislative authority or court order.*

Statutory Citations: See Minnesota Statutes, sections 13.03 (access to government data), 13.04 (rights of data subject), and 13.05 (duties of RA).

DATA SUBJECT RIGHTS

Data About You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data About You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

1. **Public data:** The HLWD must give public data to anyone who asks; it does not matter who is asking for the data or why. An example of public data: The names of HLWD employees.
2. **Private data:** The HLWD cannot give private data to the general public, but you have access when the data are about you. The HLWD can share your private data with you, with someone who has your permission, with the HLWD staff who need the data to do their work, and as permitted by law or court order. An example of private data: Social Security numbers.
3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The HLWD can share confidential data about you with the HLWD staff who need the data to do their work and to others as permitted by law or court order. The HLWD cannot give you access to confidential data. An example of confidential data: the identity of the subject of an active criminal investigation.

Your Rights Under the Government Data Practices Act

The HLWD must keep all government data in a way that makes it easy for you to access data about you. Also, the HLWD can collect and keep only those data about you that are

needed for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

- **Access to your data**

You have the right to look at (inspect), free of charge, public and private data that the HLWD keeps about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows the HLWD to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, the HLWD Administrator will tell you whether the HLWD keeps data about you and whether the data are public, private, or confidential.

- **When the HLWD Collects Data from You**

When the HLWD asks you to provide data about yourself that are not public, a notice must be given. The notice is sometimes called a Tennessean warning. The notice controls what the HLWD does with the data collected from you. Usually, the HLWD can use and release the data only in ways described in the notice.

The HLWD will ask for your written permission if we need to use or release private data about you in a different way or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the consent form the HLWD provides.

- **Protecting your Data**

The Government Data Practices Act requires the HLWD to protect your data. The HLWD has established safeguards to ensure that your data are safe.

- **When your Data are Inaccurate/and or Incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal the HLWD's decision.

How to Make a Request for Your Data

To look at data, or request copies of data that the HLWD keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, you must make a written request for the data. Make your request for data to the HLWD Administrator. A request form is located at the end of this policy.

If you choose not to use the data request form, your request should include:

- That you are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- Whether you would like to inspect the data, have copies of the data, or both;
- A clear description of the data you would like to inspect or have copied; and
- Identifying information that proves you are the data subject.

The HLWD requires proof of your identity before a response to your request for data can be made. Please see the Standards for Verifying Identity set forth below.

How the HLWD Responds to a Data Request

Once you make your request, the HLWD Administrator will work to process your request. If it is not clear what data you are requesting, clarification will be sought.

- If the HLWD does not have the data, the HLWD Administrator will notify you in writing within 10 business days.
- If the HLWD has the data, but the data are confidential or private data that are not about you, the HLWD Administrator will notify you with 10 business days and state which specific law states you cannot access the data.
- If the HLWD has the data, and the data are public or private data about you, the HLWD Administrator will respond to your request within 10 business days, by doing one of the following:
 - Arrange a date, time, and place to inspect the data, for free, if your request is to look at the data, or
 - Provide you with copies of the data within 10 business days. You may choose to pick up your copies or the HLWD Administrator will mail or fax them to you. The HLWD Administrator will provide electronic copies (such as email or CD-ROM) upon request if the HLWD keeps the data in electronic format.
 - See information about copying charges. The HLWD Administrator will also arrange for you to prepay for the copies.

After the HLWD Administrator has provided you with access to data about you, the HLWD does not have to show you the data again for six months unless there is a dispute or the HLWD collects or creates new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let the HLWD Administrator know. The HLWD Administrator will give you an explanation if you ask.

The Government Data Practices Act does not require the HLWD to create or collect new data in response to a data request if the HLWD does not already have the data, or to provide data in a specific form or arrangement if it is not kept in that form or arrangement. (For example, if the data you request are on paper only, the HLWD is not required to create electronic documents to respond to your request.) If the HLWD agrees to create data in response to your request, the HLWD Administrator will work with you on the details of your request, including cost and response time.

In addition, the HLWD is not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Data Practices Contact

Jan Voit, District Administrator
Heron Lake Watershed District
PO Box 345
Heron Lake, MN 56137
Phone: 507-793-2462
Fax: 507-793-2253
Email: jvoit@hlwdonline.org

Copying Costs – Data Subjects

The HLWD charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

You must pay for the copies before the HLWD Administrator gives them to you.

The HLWD does not charge for copies if the cost is less than \$10.00.

Actual Cost of Making the Copies

In determining the actual cost of making copies, the HLWD factors in employee time, the cost of the materials onto which the HLWD Administrator is copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data the HLWD cannot reproduce ourselves, such as photographs, you will be charged the actual amount paid to an outside vendor for the copies.

The cost of employee time to make copies is \$65.33 per hour.

DATA INVENTORY

Responsible Authority

This document identifies the name, title, and address of the RA for the HLWD, and describes each category of record, file or process relating to private or confidential data on individuals that are maintained by the HLWD. This document is required by the Minnesota Statutes section 13.05, subdivision 1, and Minnesota Rules Part 1205.1200.

The RA for the HLWD is:
Jan Voit, District Administrator
Heron Lake Watershed District
PO Box 345
Heron Lake, MN 56137
Phone: 507-793-2462
Fax: 507-793-2253
Email: jvoit@hlwdonline.org

	Name of Record, File, Process, Form, or Data Type	Description	Data Classification	Citation for Classification
1	Employee - Personal Data	Contains net wages, withholdings, and other related personal actions	Public Private	MS 13.43 MS 13.355
2	Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355
3	Employee - Time Records	Time cards and daily diaries used for billing	Public Private	MS 13.43
4	Employee - Application Records	Contains data relating to hiring, examination, promotion, discipline, and related personnel actions	Private	MS 13.43
5	Direct deposit applications	Employee applications for direct deposit	Private	MS 13.43
6	Works compensation billings	Records of billings from DOER for employees who receive workers compensation benefits	Private	MS 13.43
7	Unemployment compensation billings	Records of billings from DEED for employee unemployment compensation	Private	MS 13.43
8	Board of Managers	Travel and other reimbursement Contains net wages, withholdings, and other related personal actions	Public Private	MS 13.601 MS 13.43
9	Government services transactions data	Credit card, charge card, debit card, and other electronic transactions	Private	MS 16A.26
10	Data Requests	Data obtained by the Responsible Authority in responding to requests for data maintained by the HLWD	Public Private Confidential	Various
11	Internal audit data	Data created, collected, and maintained by Responsible Authority or persons performing audits for admin and relating to an audit or investigation	Public Private Confidential	MS 13.392 MS 13.43 MS 13.37
12	Vehicle accident reports	Data on individuals involved in motor vehicle accidents	Private Confidential	MS 169.09 Subd. 13 MS 13.03, Subd. 4
13	Security information	Data that would substantially jeopardize the security of information, possessions, individuals, or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury if data were released to the public	Private	MS 13.37
14	Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.392 MS 13.43 MS 13.37
15	Correspondence	Letters and electronic correspondence	Public Private Confidential	Various
16	Advisory committee member data	Data pertaining to advisory committee applicants and appointees	Public Private	MS 13.601

CONFLICT OF INTEREST GUIDELINES

The mission of the HLWD is to effectively and efficiently deliver essential services to the public. It is the belief of the board that high standards of conduct within the HLWD are essential in accomplishing this mission.

This policy is solely for the benefit of the HLWD. The board of managers has exclusive authority and responsibility to administer, interpret, and enforce this policy. That board may determine to waive a particular violation of or failure to be inadvertent or unintended, or of a technical nature which is immaterial to the outcome. Violation or failure of compliance with this policy will not render a decision or transaction void, or voidable, except only as provided by Minnesota law.

The purpose of the conflict of interest policy is to protect the HLWD's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or manager of the HLWD. The policy is intended to supplement, but not replace, any applicable state laws governing conflicts of interest applicable to Minnesota local units of government.

In fulfilling one's duties as a manager, it is mandatory that tact, patience, diplomacy, and understanding go hand in hand with an individual's demonstrated competency in his/her line of work. The manager is expected to provide wholehearted service during work hours and not engage in conduct that is immoral, unethical, or illegal. Any conflict between personal and private interests should be resolved in favor of the public interest.

Definitions

- *Interested person*: any manager, officer, or member of a committee who has a direct or indirect financial interest, as defined below, is an interested person.
- *Financial interest*: a person has a financial interest if the person has, directly or indirectly, through business, investment, or family –
 - An ownership or investment interest in any entity with which the HLWD has a transaction or arrangement, or
 - A compensation arrangement with the HLWD or with any entity or individual with which the HLWD has a transaction or arrangement, or
 - A potential ownership or investment interest in, or compensation arrangement with which the HLWD is negotiating a transaction or arrangement.
- *Compensation* includes direct and indirect remuneration as well as gifts or favors that are substantial in nature. A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the appropriate board or committee decides that a conflict of interest exists.

Procedures

Duty to Disclose

Managers shall obtain prior approval from the board of managers before engaging in any employment, public elected position, activity, or enterprise for private gain where there may be a conflict of interest with HLWD duties.

No manager of the HLWD shall be directly or indirectly interested in any contract, work, labor, or business to which the HLWD is a party or in which it is or may be interested, or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by the HLWD, or of which the consideration, price, or expense is payable from the HLWD's funds.

At the beginning of any discussion on an issue where a manager may have a conflict of interest, the manager so affected shall disclose the nature of that interest.

Examples of conflicts may be, but are not limited to, the following:

- A manager owns land that is or may be in the benefiting or damaged area of a project petitioned to the HLWD for development.
- The manager has any interest in a private or corporate business that is being considered for contractual or financial association with a project.
- The manager is a public officer of a governmental body that may be affected by a potential project.

Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

Procedures for Addressing the Conflict of Interest

- An interested person may make a presentation at the board or committee meeting, but after such presentation and preliminary discussion and questions for that person, he/she shall leave the meeting during the final discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.
- The president of the board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement. Appropriateness shall be gauged in light of all pertinent circumstances, including, but not limited to, the amount involved in the transaction or arrangement, and any exigencies of time.
- After exercising reasonable due diligence, in view of all pertinent circumstances, the board or committee shall determine whether the HLWD can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.
- If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the board or committee shall determine, by a majority vote of the disinterested managers, whether the transaction or arrangement is in the HLWD's best interest and for its own benefit and whether the transaction is fair and reasonable to the HLWD and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

Violations of the Conflicts of Interest Policy

- If the board or committee has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the board or committee determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate action. The board or committee may determine that no action, other than a reminder of this policy, is appropriate, particularly in the case of an inadvertent or unintended failure, and/or if the outcome would not have been affected by disclosure.

Records of Proceedings

The minutes of the board and all committees shall contain:

- The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board's or committee's decision as to whether a conflict of interest in fact existed.
- The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith.

Compensation

- A voting member of the board of managers and/or a voting member of a committee whose jurisdiction includes compensation matters shall not:
 - Vote on matters pertaining to his or her compensation,
 - Vote on matters pertaining to amounts paid to another person or entity in which the voting member has a financial interest, or
 - Participate in final discussions and deliberations prior to any such vote.
- Generally, absent justification acceptable to the board of managers (which should be reflected in the minutes), a person who is not to vote or participate in final discussions and deliberations as to particular compensation matters should not be appointed to, or serve on a committee whose jurisdiction includes such matters. A person who does so serve is nonetheless subject to the policy set for at the beginning of this section, as described above.
- No person is prohibited from providing compensation-related information to the board of managers or a committee.

Annual Statements

Each manager should annually sign a statement which affirms that such person:

- Has received a copy of the conflicts of interest policy,
- Has read and understands the policy, and
- Has agreed to comply with the policy.

Periodic Reviews

To ensure that the HLWD operates in a manner consistent with its governmental purposes, the HLWD shall endeavor to conduct periodic reviews on the following subjects (and others as the board of managers may determine):

- Whether compensation arrangements and benefits are reasonable and is the result of arm's length bargaining.
- Whether acquisitions of services result in inurement or impermissible private benefit.
- Whether contracts, partnerships, or joint venture arrangements conform to written policies, are properly recorded, reflect reasonable payments for goods and services, further the HLWD's purposes, and do not result in inurement or impermissible private benefit.
- Whether agreements to provide services, improvements, grants, or other payments, further the HLWD's purposes and do not result in inurement or impermissible private benefit.

Use of Outside Experts

In conducting the periodic reviews, the HLWD may, but need not, use outside advisors. If the outside experts are used, their use shall not relieve the board of its goal to ensure that periodic reviews are conducted.

Minnesota Law Provisions

Relationship of Policy to Minnesota Law and Bylaws

- The foregoing policy is supplemental to the Minnesota law and application provisions of the HLWD Policies Handbook. The board of managers has adopted the foregoing policy and has the authority to, from time to time, amend, repeal, and until it is repealed, enforce it.

Because the policy is supplemental to the Minnesota law and the HLWD Policies Handbook, the question of the validity of a contract or transaction between the HLWD and a person or persons who might have a conflict of interest must be determined under applicable law and the HLWD Policies Handbook. The following paragraphs concern that question.

General

- A contract or other transaction between the HLWD and: (1) its manager or a member of the family of its manager; (2) a manager of a related organization, or a member of the family of a manager of a related organization; (3) an organization in or of which the HLWD's manager, or a member of the family of its manager, is a manager, officer, or legal representative, or has a material financial interest, is not void or voidable because the manager or the other individual or organization are parties, or because the manager is present at the meeting of the members of the board of managers or a committee at which the contract or transaction is authorized or ratified if:

- The contract or transaction was, and the person asserting the validity of the contract or transaction was, fair and reasonable as to the HLWD at the time it was authorized;
- The material facts as to the contract or transaction and as to the manager's interest are fully disclosed or known to the members and the contract or transaction is approved in good faith by two-thirds of the members entitled to vote, not counting any vote that the interested manager might otherwise have, or the unanimous affirmative vote of all members, whether or not entitled to vote;
- The material facts as to the contract or transaction and as to the manager's interest are fully disclosed or known to the board of managers or a committee, not counting any vote that the interested manager might otherwise have, and not counting the manager in determining the presence of a quorum; or

Material Financial Interest

For purposes of the immediately preceding paragraph:

- A resolution fixing the compensation of a manager is not void or voidable or considered to be a contract or other transaction between the HLWD and one or more of its managers, even though the manager receiving the compensation fixed by the resolution is present and voting at the meeting of the board of managers or a committee at which the resolution is authorized, approved, or ratified, or even though other managers voting upon the resolution are also receiving compensation from the HLWD; and
- A manager has a material financial interest in each organization in which the manager, or the spouse, parent, children and spouses of children, brothers and sisters and spouses of brothers and sisters, and the brothers and sisters of the spouse of the manager, or any combination of them have a financial interest. For purposes of this policy, a contract or other transaction between the HLWD and the spouse, parents, children and spouses of children, brothers and sisters, spouses of brothers and sisters, and the brothers and sisters of the spouse of a manager, or any combination of them is considered to be a transaction between the HLWD and the manager.

Supplemental & Specific Procedures

- The above policy shall be made known to all members of the board of managers and staff.
- Any transaction or contract in which the HLWD would be required to pay to one or more of its managers, or any firm of which one or more of its managers are members or employees, or in which he or they have a material financial interest, or any HLWD or association of which one or more of its managers are shareholders, members, managers, or employees, \$250.00 or more for goods or services in the period of one (1) year shall be outlined in writing by the HLWD Administrator and presented to the President prior to finalizing the transaction or contract. The HLWD Administrator shall have obtained proposals for at least one

other supplier of goods or services of equal quality prior to presenting the proposal to the President.

- The HLWD Administrator shall present the matter to the full board of managers at its next regular meeting with a full explanation of any potential conflict of interest.
- The board of managers may approve or disapprove the transaction or contract in accordance with the voting outlined in the policy above and as provided by the HLWD Policies Handbook.

The Board of Managers of the HLWD shall demonstrate professional integrity in the issuance and management of information. They shall not knowingly sign, subscribe to, or permit the issuance of any statement or report which contains misstatement or which omits any material fact. They shall prepare and present information pursuant to accepted practices and guidelines. They shall respect and protect privileged information to which they have access by virtue of their office. Within the framework of federal, state, or local government policy, they shall be sensitive and responsive to inquiries from the public.

CODE OF ETHICS 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 is not used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, there is hereby established a Code of Ethics for all Public Officials and employees of the HLWD (Code). The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the HLWD and by directing disclosure by such officials of private financial or other interests in matter affecting the HLWD. The provisions and purpose of this Code and such rules and regulations may be established and are hereby declared to be in the best interest of the HLWD.

Responsibilities of Public Office

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 rules of the HLWD in fostering respect for all government. They are bound in their official acts by the highest standards of morality to discharge faithfully the duties of their office. Public officials shall be dedicated to fulfilling the 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.

For the purpose of this policy the following definitions apply:

- *Business*: any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages either in nonprofit or profit-making activities.
- *Confidential information*: any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or business.
- *Private interest*: any interest, including, but not limited to, a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption, or advantage from the action of the HLWD employee that is not available to the general public.
- *“Employee” or “employees”*: employees of the HLWD other than managers.
- *Public official*: any person that has been appointed by the County Board.
- *Immediate family*: a reporting individual, spouse, minor children, minor stepchildren, or person residing in the same household.

HLWD Board Conduct with Staff

Board member’s statutory duties are to be performed, almost without exception, by the HLWD board as a whole. The HLWD board, not individual members, must supervise administrative officers. As individuals, HLWD board members have no administrative authority. They cannot give orders or otherwise supervise employees, unless specifically directed to do so by the board. As a board, however, board members have complete authority over all administrative affairs in the HLWD.

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

Limit contact to specific HLWD staff.

- Questions of HLWD staff and/or requests for information shall be directed to the HLWD Administrator. Materials supplied to a board member in response to a request will be made available to all members of the board.
- Board members shall never express concerns about the performance of a HLWD employee in public, to the employee directly, or to the employee’s supervisor. Comments about staff performance shall be made to the HLWD Administrator through private correspondence or conversation.
- 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 the HLWD licenses and permits.
- Routine secretarial support will be provided to all board members. Request for additional staff support, even in high priority or emergency situations, shall be made to the HLWD Administrator who is responsible for allocating HLWD resources in order to maintain a professional, well-run organization.

HLWD Board Conduct with the Public

- No signs of partiality, prejudice, or disrespect will be evident on the part of individual board members toward an individual participating in a public forum.
- 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 ten (10) 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.
- Only the President (or Vice President), 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.

HLWD Board Conduct in Unofficial Settings

- It is appropriate for board members to give a brief overview of the HLWD policy when asked about a specific issue by constituents and to refer to HLWD staff for further information. It is inappropriate to overtly or implicitly promise board action or to promise that HLWD staff will perform or expedite a specific service or function (monitor lake, rush a permit, etc).
- It is acceptable in public to disagree about an issue, but it is unacceptable to make derogatory comments about other board members, their opinions, and/or actions.
- 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 HLWD. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by board members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

HLWD Board Conduct with the Media

- Never speak "off the record". Words that are not said cannot be quoted.
- The President is the designated representative of the board to present and speak on the official Board position.
- Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic aside, sarcasm, or word play. It is never appropriate to use personal slurs or profanity when talking with the media.

Use of Confidential Information

A public official or employee of the HLWD 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.

Use of Property

A public official or an employee shall not use or allow the use of HLWD time, supplies, or HLWD owned or leased property and equipment for the employee's private interest or any other use not in the interest of the HLWD, except as provided by law, unless the employee has received prior approval from the HLWD Administrator for such use and the use is of minimal value.

Conflicts of Interest

Public officials and employees of the HLWD, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment or other future benefit from any source, except the HLWD for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be in violation of this section:

- Gifts of nominal value,
- Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause,
- Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the HLWD and which have been approved in advance by the employee's supervisor as part of the work assignment, or
- Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by the public officials or employees on their own time for which they are not compensated by the HLWD.

Actions Subject to Discipline

The following actions by a public official or an employee of the HLWD shall be deemed a conflict of interest and subject to disciplinary action as appropriate.

- Use of, or attempted use of, one's official position to secure benefits, privileges, exemptions, or advantages for themselves or others which are different from those available to the general public;
- Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in exercise of official duties;
- Actions as an agent or attorney in any action or matter pending before the HLWD except in the proper discharge of official duties or on the employee's behalf; such action will not be deemed to be a conflict in any other official actions with regard to the same matter the individual clearly states that he or she has a conflict and does not participate in any of those actions (i.e. voting or discussion) which may precede or follow the appearance before the HLWD.
- Hold any other office or employment which compromises the performance of their appointed duties without disclosure of said office or employment and self disqualification from any particular action that might be compromised by such office or employment.
- No public official or employee shall hold any investment which might compromise the performance of their official duties without disclosure of said

investment and self disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statute 471.88.

Potential for Conflicts of Interest

When a public official or an employee believes the potential for a conflict of interest exists, it is their duty to avoid the situation. A conflict of interest exists when any one of the following is present.

- The use for private gain or advantage of HLWD time, facilities, equipment or supplies, prestige, or influence of HLWD office or employment;
- Receipt or acceptance of any act which the public official or employee would be required or expected to perform in the regular course of hours of HLWD employment as part of their duties;
- Employment by a business which is subject to the direct or indirect control, inspection, review, audit, or enforcement by the public official or employee; or
- The performance of an act or provision of a service for a private, nonprofit, governmental or quasi-governmental entity in other than the public official's or employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit, approval, or enforcement by the employee or by a board of commission of which the employee is a member.

Avoidance of Conflict of Interest

If the employee or the employee's supervisor determines that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and a determination made if the public official may proceed.

Acceptance of Advantage

No public official or employee of the HLWD in direct contact with suppliers or potential suppliers of the HLWD, or who may directly or indirectly influence the purchase of products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:

- Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale, or furnished to the HLWD; or
- Accept directly or indirectly from a person, firm, or corporation to whom a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation, or contract for future reward.

Handling of Alleged Violations by Public Officials of the Code of Ethics

An Ethics Commission is hereby established. The Ethics Commission shall be composed of three individuals, two of whom shall be residents of the HLWD and the third may be a nonresident. Appointments will be made at the time an Ethics Commission is needed to

handle an alleged violation. Commissioners will remain on the Ethics Commission only until the work associated with that allegation is complete.

The following individuals will be members of the Commission:

- An individual appointed by the Presiding Judge from a County District Court within the HLWD.
- A member of the Personnel Committee as appointed by that committee.
- The third individual will be appointed by the board of managers from the following:
 - A judge or retired judge appointed by the Presiding Judge from a County District Court within the HLWD.
 - An individual appointed by the board of managers.
 - An individual (other than a HLWD Manager) appointed by the board of managers.
 - A County Auditor or Auditor-Treasurer from another County.
 - An individual from a recognized mediation service.

Allegations of violations of this code shall be referred to the Ethics Commission for investigation. Allegations which may constitute a violation of a federal, state, or local statute shall be referred to the appropriate law enforcement authority by the Ethics Commission.

Results of the investigation of the Ethics Commission shall be reported to the board of managers along with the Commission's recommendation for disposition. Thereafter, the board of managers shall take appropriate action which may include censure of an elected official, discipline, or no action.

The Ethics Commission shall meet only at the request of the board of managers or HLWD Administrator. The HLWD shall be paid per diems and all necessary and reasonable expenses as determined by the board.

Disclosure of Financial Interest

Not later than ninety (90) days after the date of approval of this code, each public official of the HLWD shall file as a public record, in the office of the HLWD Administrator, a statement containing the following.

- A list naming all business enterprises known by the public official to be licensed by or to be doing business with the HLWD which the public official or any member of the public official's immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisory, or consultant; and
- A list of the public official's and members of the public official's immediate family's interests in real property located in the HLWD or which may be competing with the interests of the HLWD located elsewhere, other than property occupied as a personal residence.

Each person who enters upon duty after the date of this code in a office or position as to which a statement is required by this code shall file such a statement on forms to be provided by the HLWD not less than thirty (30) days after the date of his/her entrance on duty.

Each person who made an initial filing shall file a new statement by January 30 of each year thereafter giving the information called for above as of the time of the new statement. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the changes.

The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this policy.

This code shall be constructed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil, or political organization, or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

The HLWD Administrator shall inform each person who is required to file of the time and place for filing. The HLWD Administrator shall inform the board whenever a person who is required to file a statement fails to do so.

SMOKE-FREE WORK PLACE

The Board of Managers of the HLWD will adhere to the smoke-free building policy and will provide a smoke-free work place. It is the policy of the HLWD to comply with the *Minnesota Clean Indoor Air Act* (MS 144.411 et. al.) as such, smoking in HLWD owned/leased buildings is prohibited.

DRUG-FREE WORK PLACE

Drug abuse is a serious illness that affects a growing number of Americans. Because it is a treatable illness and recovery is possible, regardless of the severity of symptoms, early detection and professional help will greatly increase the chances of an individual's recovery.

Individuals who use, possess, or dispense unlawful drugs in the work place are committing illegal acts. Individuals consuming alcoholic beverages or who are intoxicated while at work or during working hours are placing others, as well as themselves, in jeopardy. Illegal drug use or alcoholic beverage consumption in the work place can potentially affect other employees, create poor working conditions, and create hazards that jeopardize the safety of other workers and the public.

It is the policy of the HLWD that the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance or alcoholic beverage is expressly prohibited on these premises, or in connection with the performance of any manager's duties.

In order to remain a manager of the HLWD, any individual who violates this drug abuse policy will be required to seek professional drug abuse counseling from an approved rehabilitation program, in addition to any legal action which may be forthcoming. Individuals who refuse such counseling, or are convicted of a second offense, will be subject to immediate dismissal. Managers agree that they will inform the board of any criminal drug statute violation occurring in the work place within five (5) days of their conviction.

SEXUAL HARASSMENT

It is the policy of the HLWD that sexual harassment will not be condoned or tolerated. In fulfilling one's duties as a manager, it is essential to assure that the work environment is free from sexual harassment. "Sexual harassment" is defined as any unwelcome sexual advances either verbal or physical where: submission to the advances is a term or condition for employment; submission or rejection of advances is used in making decisions on employee evaluations (promotions, terminations) and assignments; or such conduct interferes with an individual's work performance and creates an intimidating and hostile work environment. The victim of sexual harassment or the harasser may be either sex.

After receiving a report of sexual harassment, the board shall order an investigation of the complaint, gather information, and take the appropriate action. It is the policy of the HLWD to conduct inquiries and/or investigate allegations of employee misconduct or other policy violations. The investigation procedures hereinafter described have been adopted in an effort to provide a uniform and simple procedure for determining the facts in any given situation.

Initiation of Investigation

The initial decision as to whether an investigation is warranted shall generally be a matter of the sound discretion of any manager or the HLWD Administrator. However, investigations for the purpose of gathering and preserving the facts will normally be conducted in the following situations:

- Allegations of discrimination due to sex, race, religion, or other impermissible basis.
- Allegations of a violation or violations of HLWD policies

Investigation Procedures

The following procedures may be routinely expected to occur during an investigation; however, the HLWD retains the right, in its sole discretion, to deviate from said procedures.

NOTICE: IF THE SUBJECT OF AN INVESTIGATION REFUSES TO COOPERATE WITH THE INVESTIGATION, THE EMPLOYER WILL COMPLETE THE INVESTIGATION AND DETERMINE APPROPRIATE ACTION WITHOUT BENEFIT OF THE SUBJECT'S VERSION OF THE FACTS.

- Whenever possible, investigations will begin the same day the conduct is reported or discovered.

- Investigations will normally be conducted by a manager or the HLWD Administrator. Investigators will be impartial and objective. To this end, the investigator should not be personally involved as a victim, witness, or subject of the allegations contained in the complaint, grievance, or report of harassment.
- The investigation will normally begin via an interview of the person making the complaint, grievance, or harassment report. In no case shall the complainant be required to face the person who is a subject of the allegations.
- After interviewing the person making the complaint, grievance, or harassment report, the investigator will determine whether any interim or temporary action is necessary (i.e. transfer of personnel to separate complainant from the person who is the subject of the complaint, suspension of the person who is the subject of the complaint with or without pay pending further investigation, actions to protect health and safety of complainant and other employees.)
- The investigator will normally interview the subject of the complaint, grievance, or report of harassment.
- The investigator will normally interview all witnesses named by person making, and the subject of, a complaint grievance, or harassment report, if said witnesses are employees of the HLWD; non-employee witnesses may be interviewed if and when available.
- After conducting all interviews, the investigator will analyze the results of the investigation and re-interview or take further investigatory actions as deemed necessary by the investigator.
- After completion of the investigation process, the investigator will determine appropriate action and make a recommendation as to such action at the next available meeting of the board of managers.
- After receiving the approval of the board of managers as to appropriate action, the investigator will meet separately with both the complainant and the subject of the complaint, grievance, or harassment report and communicate the decision regarding appropriate action.
- The investigator will follow up as required (i.e. notify appropriate personnel of actions to be taken to effectuate the decision regarding appropriate action, forwarding report of investigation to the HLWD).

DRAINAGE SYSTEM INSPECTION POLICY

It is the policy of the HLWD that in accordance with the requirements of Minnesota Statutes, Section 103E.705, Subdivision 1, the HLWD shall inspect all drainage systems which have been transferred to the HLWD pursuant to Minnesota Statutes, Section 103D.625.

Frequency of Inspections. Inspections shall be conducted, at a minimum, once every five (5) years. Inspections shall be conducted by an inspection committee of the HLWD or a drainage inspector appointed by the HLWD in accordance with Minnesota Statutes, Section 103E.065. Inspections of drainage systems may also be conducted in the following circumstances:

1. Where a drainage system contains an open ditch, upon the HLWD's receipt of

a report alleging a violation of Minnesota Statutes, Section 103E.021. If a violation of said statute is verified, then the drainage system involved shall be inspected on an annual basis, until one year after the violation is corrected.

2. Upon the HLWD's receipt of a report alleging the commission of any of the crimes related to drainage systems set forth in Minnesota Statutes, Section 103E.081, or any other water law violation affecting a drainage system over which the HLWD possesses jurisdiction pursuant to Minnesota Statutes, Section 103D.625.

3. Upon the HLWD's receipt of a request by a property owner or other third party to inspect a drainage system after due consideration of the reason for the inspection, the costs of the inspection, the age of the drainage system, the maintenance history of the drainage system, and any other unique characteristics of the drainage system.

4. At the discretion of the HLWD, upon a majority vote of the board of managers authorizing an inspection of a drainage system.

Drainage inspection report. For each drainage system that is inspected, the inspection committee or drainage inspector shall make a drainage inspection report in writing to the HLWD after examining the drainage system. Said report shall conform to the requirements of Minnesota Statutes, Section 103E.705 and shall designate any portions of the drainage system that need repair or maintenance, and shall specifically include an assessment of the condition of the permanent strips of perennial vegetation and the location and nature of any recommended repair or maintenance thereto. The report may also contain any other matter that the inspection committee or drainage inspector may deem appropriate.

Consideration of drainage inspection report. After a drainage inspection report has been received by the HLWD, the board of managers shall review and consider the drainage inspection report at its next regular meeting of the board of managers and take such action as the managers deem appropriate in accordance with Chapter 103E of Minnesota Statutes.