

MINNEHAHA CREEK WATERSHED DISTRICT

GOVERNANCE MANUAL

November 20, 2014

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Minnehaha Creek Watershed District

Governance Manual – Introduction

November 20, 2014

The Minnehaha Creek Watershed District is a special purpose unit of government established under Minnesota Statutes chapters 103B and 103D. The Minnehaha Creek Watershed District is governed by a seven-member Board of Managers appointed to staggered terms by the Hennepin County Board of Commissioners (six managers) and the Carver County Board of Commissioners (one manager). The Minnehaha Creek Watershed District staff is led by an administrator, who oversees and directs day-to-day activities and to carry out the MCWD's Comprehensive Water Management Plan.

Existing policies were updated and are incorporated herein to create the **Minnehaha Creek Watershed District Governance Manual**, which was adopted by the Board on November 20, 2014. The manual includes this overview and the general governance policies below, along with specific policy and protocol documents that were revised or drafted to fulfill specific statutory or internal management purposes.

The manual establishes clear written policies, procedures and instructions for the management of District activities and accounts, complete recordkeeping and records management, and responses to requests for data. The manual also should help to ensure that similar transactions are treated consistently, that accounting principles used are appropriate and proper, and that records and reports are produced in forms desired by the managers and state review entities, including the Legislature, the Office of the State Auditor and the Board of Water and Soil Resources.

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

- **Bylaws** (most recently amended November 20, 2014), including a conflict of interest policy and fulfilling the requirement of Minnesota Statutes section 103D.315, subdivision 11.
- **Governance Policies** (most recently updated and adopted November 20, 2014) providing various policies for the day-to-day administration of the District's business operations.
- **Liaison Policy and Procedures** constitute a prudential policy established by the Board of Managers to foster productive relationships with fellow governmental bodies and other entities (first adopted in 2009 and updated November 2014).
- **Investment and Depository Policy** (most recently amended December 29, 2011) provides terms for investment and collateralization of District funds and the management and administration of District bank accounts.
- **Debt Management Policy** (most recently adopted January 24, 2013) guides District borrowing.
- **Public Purposes Expenditures Policy** (adopted December 29, 2011) includes protocols and requirements to ensure that the District complies with the requirement

in the state constitution (Article X, section 1) that expenditures by government bodies serve public purposes.

- **Per Diem Policy** has been established by the Board of Managers to supplement Minnesota Statutes section 103D.315 by making eligibility for per diem payments clear.
- **Policies and Procedures for Public Access to Documents** (amendments adopted November 20, 2014) fulfills requirements of the state Data Practices Act (Minnesota Statutes chapter 13) applicable to the District. The following auxiliary documents fulfill specific requirements of the Data Practices Act:
 - Security of Not-Public Data and procedures to ensure accuracy and security of data on individuals and to notify data subjects of their rights under the DPA, along with the accompanying Inventory of Not-Public Data on Individuals.
 - Tennesen notices and consent forms, created when needed and tailored for specific circumstances where private or confidential data is collected from individuals, such as new employees, or distributed (Minn. Stat. § 13.04, subd. 2). (The manual includes the District's basic templates.)
- **Records Retention Schedule** allows the District to efficiently manage and, when appropriate, archive its files, and fulfills the requirement of section 138.17, subdivision 7, as well and the Data Practices Act requirement that the District maintain a list of private and confidential data on individuals maintained by the District (section 13.05, subdivision 1). The schedule also includes indication of whether the District stores information electronically or in hard copy form, in compliance with the Uniform Electronic Transactions Act, Minnesota Statutes section 325L.17.
- **Media Relations Policy** provides managers, staff and members of the Citizens Advisory Committee and other committees with policy, protocols and guidance on working with the media.

The manual will be annually reviewed and updated as necessary. The manual will be submitted within 60 days of adoption to the Office of the State Auditor in compliance with Minnesota Statutes section 6.756, as will any revisions and additional policies when adopted.

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

**MINNEHAHA CREEK WATERSHED DISTRICT
RECORDS RETENTION SCHEDULE**

Amendments adopted October 27, 2011

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

Administration

Records series description

1. Advisory and technical committees agenda, minutes, reports, related documents (retain at least 10 yrs. And then transfer to state archives; public)
2. Agenda, board meetings and workshops (retain at least 10 yrs. And then transfer to state archives; public)
3. Manuals (retain until removed or superseded; public)
4. Minutes, Board meetings and workshops
 - Written (permanent; public) (ADM 04300)
 - Audio – open meetings (tapes and other recordings may be reused or discarded 1 yr. after formal approval of written minutes by board. Tapes or electronic recordings cannot be the permanent record).
 - Audio – closed meetings (3 yrs for labor negotiations, 4 yrs for security information; 8 yrs for purchase or sale of real property; non-public/public; MS 13D.05, 13.37) (ADM 05960)
5. Annual reports (retain at least 10 yrs. and then transfer to state archives; public)
6. Attorneys' opinions –
 - Opinions of District attorney and correspondence relating thereto (retain permanently or transfer to state archives when no longer needed; public). (ADM 01300) Official interpretation regarding questions of legal rights or liabilities affecting District (retain at least 10 yrs., then transfer to state archives; public/private/non-public; MS 13.393, MS 13.39 (ATT 00200)
7. Authority to dispose of records (permanent; public)
8. Budget, record copy (retain permanently or transfer to state archives; public) (ADM 01800)
9. Correspondence
 - Constituents (retain at least 6 yrs and archived if the documents are historical; public/private; MS 13.37, 13.44)
 - Municipalities/agencies (retain 6 yrs and archived if historical; public)
 - Engineer (retain at least 10 yrs. and then transfer to state archives; Public)
 - Financial (retain at least 5 yrs. and transfer to state archives; Public)
 - Transitory, such as electronic mail that does not fit into one of the above categories (retained until read; not archived; public)
10. Historical data and photographs (retain permanently or transfer to state archives; public)

11. Inventories (retain at least 10 yrs.; public) equipment supplies, etc.
12. Lawsuits (retain at least 10 yrs. After settlement or resolution by court, administrative order and then transfer to state archives; public/private; MS 13.30, 13.39)
 - Civil lawsuits (retained at least 20 years after last activity)
 - Criminal lawsuits (retained at least two years after last activity)
 - Attorneys' opinions, attorneys' briefs, testimony, depositions, correspondence, etc (retain at least 10 yrs, then archive; public/private/and non-public; MS 13.393, 13.39) (ATT 00200)
13. Leases (retain at least 10 yrs. After expiration of lease; public)
14. Levy (tax) files (retain at least 5 yrs. And then transfer to state archives; public)
Tax levies, related correspondence
15. Membership association documents (MAWD, Metro MAWD, etc.) (retain at least 3 yrs.; public)
16. Newsletters, press releases, District generated (retain at least 10 years; public)
17. Notice of official public meetings, District generated (retain at least 6 years; public)
18. Public hearings records (retain at least 6 yrs or until recorded in minutes; do not archive; public) (ADM 05800)
19. Technical Information
 - Printed material regarding the District (retain at least 10 yrs. and then transfer to state archives; public)
 - Printed material not regarding the District (discard when no longer needed; public)
20. Consultant Contracts (retain at least 10 years; public) (CON 00050)
21. Governance Policies (retained only until the policies are superseded and are not to be archived; public)
22. Bylaws (retained permanently and are not to be archived; public) (ADM 02000)
23. Affidavits of publication – general notices (including project public hearings) (retain at least 6 years; public) (ADM 00300)
24. Affidavits of publication – rules (retain permanently; public) (ADM 00400)
25. Bids and Quotations – accepted, noncapital projects (retain 10 years after completion of projects; public/nonpublic; MS 13.37) (ADM 01400)
26. Bids and Quotations – rejected, noncapital projects (retain 6 yrs; public/protection nonpublic until all bids opened) (ADM 01500)
27. Drafts, duplicates, notes and other documents that are not and have not become part of an official transaction, not otherwise scheduled herein (retain at least 2 yrs; public)
28. Agreements and contracts not otherwise scheduled herein (retain at least 10 yrs after paid and audited; public)

Real Estate

Records series description

1. Easements, originals (retained permanently and are not to be archived; public)
2. Temporary Easements (discard after project completion or when no longer needed, whichever is later; public) (PLZ 00600)
3. Deeds (retained until property is sold then transferred to new owner, copy maintained permanently; public)
4. Transaction records (retain at least 10 years after sale of property; Public/Confidential/Protected Non-public; MS 13.44, 13.585) (HRA 01200)
5. Property records e.g. well records, building inspections, etc. (retain at least 20 years after sale of property; public) (PLZ 01600)
6. Hazardous material reports, e.g. Phase I and II reports, leaking underground storage tank reports, (retain permanently)
7. Ditch records (retain permanently)
8. Property surveys (retain permanently; public) (PLZ 02200)

Bonds

Records series description

1. Appearance bonds (retain at least 6 yrs. after completion of contract; public)
2. Contractor license bonds, certificates of insurance, applications, etc (retain at least 6 yrs. After completion of contract, public)
3. Fidelity bonds (retain 6 yrs. after completion of service by manager; public)
4. Performance and payment bonds (retain 6 yrs. After completion of contract; public)
5. Permit bonds (retain 6 yrs. After completion of contract; public)

Financial/Accounting

Records series description

1. Assessment rolls (retained at least 6 yrs after final payment; public)
Copies of assessment rolls received from county auditors
2. Audit reports (retain permanently need not be archived; public)
3. Billing statements (retain at least 6 yrs.; public)
4. Bank statements (retain 6 yrs.; public) slips, bonds and reconciliation's
5. Budget expenditure reports (retain permanently; public)
6. Checks – paid and returned
 - Accounts payable (retain at least 6 yrs; public) (FIN 02020)
 - Payroll (retain at least 6 yrs; public/private; MS. 13.43) (FIN 02030)
7. Cash receipts analysis (retain at least 6 yrs; public)
Original receipt registers (retained permanently; not archived; public)
8. Deposit slips (retain 6 yrs; public)
9. Disbursement coding corrections (retain at least 6 yrs; public)
10. General ledger (retain permanently; not archived; public)
General, month ending
11. Investment documents (retain at least 4 yrs. after maturity; public)
Amounts invested and interest earned
12. Payroll (retain permanently; public/private; MS 13.43)
13. Pension and retirement plan (retain permanently; public or private)
14. Petty cash records (retain 2 yrs; public)
15. Purged accounts (retain 6 yrs. irrespective of audit; public)
16. Receipts and receipt books (retain 6 yrs., not to be archived; public)
17. Staffing lists (retain at least 6 yrs; public)
18. Time sheets (retain at least 6 yrs; public/private; MS 13.43)
19. W-2 statements (retain at least 6 yrs; public/private; MS 13.43)
W-4 statements (retained until replaced)
20. Workers' compensation reports (retain at least 20 yrs; public/private; MS 176.231)
21. 1099 statements (retain at least 6 yrs; public/private; MS 13.43) (PAY 02000)

Insurance

Records series description

1. Automobile insurance (retain at least 6 yrs. after expiration except those involving a minor, save until minor is 21; public)
2. Fire insurance or other insured perils (retain at least 6 yrs. after expiration; public)
3. General liability insurance (retain at least 6 yrs. after expiration; public)
4. Property insurance (retain at least 6 yrs. after expiration; public)
5. Public officials liability (retain at least 6 yrs. after expiration; public)
6. Umbrella liability (retain at least 6 yrs. after expiration; public)
7. Workers' compensation - claim register (retain permanently; public; MS 176.231 (8))
8. Workers' compensation - policies (retain at least 6 yrs. after expiration except those involving a minor, save until minor is 21; public)

Permits

Records series description

1. Correspondence relating to permits (retain at least 10 yrs. and then transfer to state archives; public)
2. Engineers' reports (retain at least 10 yrs. and then transfer to state archives; public)
3. Inspectors' reports relating to permits (retain at least 10 yrs. and then transfer to state archives; public). Includes reports, inspectors' documents relating to permit inspection
4. Permit applications (retain at least 10 yrs. and then transfer to state archives; public)
5. Permits (retain permanently and are not to be archived; public)
6. Plans (retain permanently and are not to be archived; public)
7. Permit surety documents – bonds, letters of credit (retain 6 yrs after permit closure; public) (BON 01100)

Personnel

Records series description

1. Affidavit of publication for job opening (retain at least 2 yrs.; public; MS 13.43) (HRS 00100)
2. Affirmative action files (retain permanently; public/private; MS13.39 & MS13.43)
3. Applications for employment, not hired (retain 1 year; public) (HRS 00500)
4. District personnel policies and procedures/administrative policies (retained permanently and are not to be archived; public) (HRS 03400)
5. Employment contracts (retain at least 5 yrs. after expiration; public)
6. Employment suggestion form (retain at least 2 yrs.; public/private; MS 13.43)
7. Equal employment opportunity reports/summary data (retain 3 yrs.; public)
8. Examination file – completed examinations (retain at least 2 yrs.; private; MS 13.43) (HRS 01800)
9. Employee medical records (retain 5 years after separation; public/private; MS 13.43) (HRS 04200)
10. Family Medical Leave Documents (retain at least 3 yrs in medical file, not employee personnel file; private; MS 13.43)
11. Grievance file (retain 5 years after termination; not to be retained in employee personnel file; public/private MS 13.43) (HRS 01900)
12. Job descriptions (retained only until the descriptions are superseded and are not to be archived; public)
13. Personnel files (retain at least 5 yrs. after termination or separation; destruction approval contingent upon permanent retention of master copy of payroll record; public/private; MS 13.43)
Containing applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments/promotion, termination/resignation (HRS 02200; HRS 00600)
14. Unemployment claims/compensation (retain at least 6 yrs; public/private; MS 13.43)
15. Drug and alcohol testing results (retain at least 1 year for negative and canceled drug tests, and alcohol tests with a result below .02 blood alcohol content; 5 years for results greater than .02 blood alcohol content, documentation of refusal to test, calibration documentation, driver evaluations and referrals; public/private; MS 13.43) (HRS 1650)
16. Background check results – not hired (retain 30 days; nonpublic; MS 13.87) (POL 00240)

Projects

Records series description

Petitioned projects

1. Board documents relating to petitioned projects (retain 10 yrs. And then transfer to state archives; public) - Resolutions, findings, conclusions
2. Contracts (retained permanently and are not to be archived; public)
3. Correspondence relating to petitioned projects (retain at least 10 yrs. and then transfer to state archives; public)
4. Engineers' reports, plans, slides, photographs (retained permanently and are not to be archived; public)
5. Petitions (retain at least 10 yrs. And then transfer to state archives; public)
6. Property surveys (retain permanently; public) (PLZ 02200)
7. Public hearing documents/Notices/Testimony Written/Audio (retained at least 6 yrs or until recorded in the minutes; public; and are not to be archived)
8. Related public hearing documents (retain at least 10 yrs. are not to be archived; public)

Non-petitioned projects

1. Board documents relating to non-petitioned projects (retain at least 10 yrs. and then transfer to state archives; public)
2. Contracts (retain at least 10 yrs. and then transfer to state archives; public)
3. Correspondence relating to non-petitioned projects (retain at least 10 yrs. and then transfer to state archives; public)
4. Engineers' reports, related documents (retain at least 10 yrs. and then transfer to state archives; public)
5. Property surveys (retain permanently; public) (PLZ 02200)
6. Related public hearing documents (retain at least 10 yrs. and then transfer to state archives; public)

Programs

Records series description

1. Water quality, lake elevation, stream flow data (Field notes and raw data retained until final report is completed. Final reports retained permanently, or transferred to state archives; public) (RMG 00200)
2. Public opinion surveys (retain permanently or transfer to state archives; public) (LIB 02100)
3. Plans
 - Watershed Management Plans (retain permanently or transfer to state archives; public) (PLZ 00300)
 - Local Water Management Plans for member LGUs (retain until updated; public)
 - Board approved program plans and workplans, (retain at least 6 yrs. and are not to be archived)
4. District Rules (Retain permanently, public)

**Minnehaha Creek Watershed District
Records Management and Retention Policy**

Adopted as amended August 22, 2013

The Minnehaha Creek Watershed District (District) Board of Managers adopts the following policy as part of its effort to ensure the sound administration of District business and continued focus of District resources on protection and improvement of the water resources in the Minnehaha Creek watershed.

Pursuant to Minnesota Statutes sections 15.17, subdivision 1, and 138.17, the District makes and preserves all records necessary to ensure a full and accurate accounting of the District's official activities. To facilitate effective management of its records, the District has adopted the attached updated records retention schedule, governing the retention and disposal of records created by the District.

In keeping with the direction of the Uniform Electronic Transactions Act, Minnesota Statutes chapter 325L, the District has determined that it will create, retain and store its records – current and historic – in electronic form to the greatest extent possible. Records may be transferred to the state archives in accordance with the approved Records Retention Schedule in hard-copy form. The District's records retention schedule includes indication of whether records will be retained in hard copy or electronic form. Conversion of historic documents will be conducted in compliance with the District's Records Retention Schedule, and will be completed in a manner that ensures that the District's data remain accessible for purposes of compliance with the Data Practices Act. Original documents providing the District with legal rights and obligations will continue to be retained in hard-copy form.