

I NEVER THOUGHT OF THAT..... STRANGE BUT NECESSARY POLICIES

Presenters:

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BRAINSTORM ACTIVITY



THE STATUTE STATES:

Pursuant to Minnesota law, specifically, Minnesota Statute Section 103C.3214, Subd. 4.:

"The county attorney of the county where the major portion of the district is located or one otherwise employed by the board shall be the attorney for the district and its supervisors. The district board may call upon the county attorney for necessary legal counsel and advice and service."

IT'S ALL ABOUT BUILDING A SOLID RELATIONSHIP



A good relationship with your county attorney is an **IMMEASURABLE** asset.

A MEMO TO THE BOARD

Statutory Authority of the District Board

- Invite the county board to designate a representative to advise and consult **
- Develop a Comprehensive Plan **
- Cooperate, as far as possible, with federal, state and local agencies in order to avoid duplication and to enhance conservation initiatives
- May call upon the county attorney, however may employ another attorney

Statutory Authority of the County Board

- May permit the use of county equipment for soil conservation projects
- Make annual expenditures from the general revenue fund for soil conservation projects
- Enter into contracts with other entities, including SWCD's

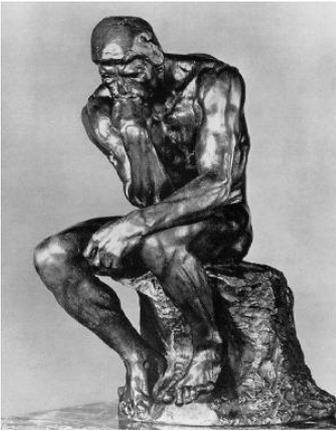
OPERATING RULES AND GUIDELINE CONSIDERATIONS

- BWSR Supervisor Handbook
 - Helps to understand the roles of a supervisor and a district
 - Guidance
- District Operational Handbook
 - Rules of the board
 - Transacting business
 - Rules of conduct
 - Ethics Policy
 - Sanctions for violations of the rules
 - Amendments to the rules
 - Board Service Commitment Pledge



IMPORTANT!!
Check Our
Policies

POLICY VERSES PROCEDURE



- ◉ Policy - Philosophical

Guidelines
Rules
Framework
Overview

- ◉ Procedure - Practical

Tasks
Actions
Steps
Instructions



DEFINITION: POLICY

- ◉ prudence or wisdom in the management of affairs
- ◉ management or procedure based primarily on material interest
- ◉ a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions
- ◉ a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body

POLICY DEVELOPMENT CYCLE

Agenda Setting-Identification

Policy Formulation

Adoption

Implementation

Evaluation

PUBLIC COMMENTS

Rules and Procedures For the Public Comment Session of Regular Board Meetings

- A Public Comment session shall be held at every regular Winona County SWCD Board Meeting.
- The Public Comment session shall be noticed on every regular SWCD Board Meeting Agenda.
- The Public Comment session shall be limited in time to no more than 10 minutes.
- Each speaker during the Public Comment session shall be limited to 2 minutes. Speaker handouts are public information. The District may make copies of such handouts for the public if needed.
- Each speaker shall only speak once during the Public Comment session.
- Each speaker must be recognized by the Chair before speaking.
- **Public comment during the Public Comment session shall be comment only. The public and commissioners can not engage in a debate. Questions from Supervisors shall be limited to points of clarification. The Board Chair may limit the discussion if necessary to maintain order and adherence to these rules.**
- The Board Chair reserves the right to limit an individual's presentation if redundant, repetitive, overly argumentative, or not relevant to an issue that is part of the SWCD's responsibilities. Personal attacks, threats of violence, or use of the Board meeting as a forum for politics or campaign-type presentations shall not be allowed.
- Sufficient warnings may be given by the Chair at any time during the remarks and, in the event that any individual shall violate the rules of decorum set forth, the Chair may then cut off comment. Any person who violates the rules of decorum may be removed from the meeting at the direction of the Chair.
- A personnel complaint against an individual District employee may not be heard initially at a Board meeting. Personnel complaints may be submitted to the Board in writing to the District Manager. Complaints regarding the District Manager may not be heard initially at a Board meeting, but must be submitted in writing to the SWCD Board chair.
- There shall be a copy of these Public Comment Session Rules and Procedures available at every meeting and by public's request.

ADOPTED Winona County SWCD Board 12-12-2012

*****This policy is for Public Comment only. If you have a subject that you would like added to the agenda, please submit it to the SWCD Office 8 days prior to the regular board meeting for consideration.**

SUPERVISOR EMAILS

Policy and Guidelines: Email for Public Officials (appointed and elected)

- **It is the policy of the Winona County SWCD that SWCD provided email accounts are used when SWCD business is conducted with email by Public Officials. This policy will help to assure retention of public records and compliance with state laws.**
- The SWCD will provide an email account to each supervisor to use for official district business.
- The supervisors should be aware that a copy is maintained of each message that is sent or received. Email records are kept for not less than the retention period identified on either the state's general records retention schedule or the District's retention schedule.
- Supervisors should be aware that all pertinent documents are subject to disclosure under the Data Practices Policy.
- Email users can access their SWCD email account from a remote location or from a non-SWCD computer that has Internet access.
- Email users are responsible for the security of their email account, including their account password. Users can change their email password at any time.
- The use of personal, private, or other non-SWCD email accounts for SWCD business is prohibited. Users of non-SWCD email addresses acknowledge that non-SWCD email addresses may be disclosed in the course of responding to public records requests or discovery requests in legal proceedings.
- **Email exchanges amongst Public Officials can create an unintended quorum by "serial communication" and violate the Open Meeting Law. Supervisors should avoid email exchanges that ultimately involve or create a quorum. To avoid creating a quorum reply only to sender or appropriate staff. If Supervisors wish to send an informational email to a majority of the respective board, make it clear in the email that the email is for information only and no response is desired.**
- All administrative inquiries and risk management inquiries should be directed to the appropriate staff. Supervisors should respond to such inquiries by letting the sender know there is staff available to respond to such requests. This will avoid inconsistent responses between supervisors. This should not limit communications between citizens and supervisors.
- At the conclusion of the public service, email account contents will be archived as public record and the account will be deactivated.

MINNESOTA

DEPARTMENT OF ADMINISTRATION

INFORMATION POLICY ANALYSIS DIVISION
(IPAD)

[WWW.IPAD.STATE.MN.US](http://www.ipad.state.mn.us)

[HTTP://WWW.IPAD.STATE.MN.US/DOCS/ACCESSPOL.HTML](http://www.ipad.state.mn.us/docs/accesspol.html)

IPAD ISSUES OPINIONS ON BOTH

Open Meeting Law

Government Data Practice Act

GET ON THEIR EMAIL LIST

FOR UPDATES ON ADVISORY
OPINIONS AND TRAINING
OPPORTUNITIES

MINNESOTA OPEN MEETING LAW

Minn. Stat. Chapter 13D codifies the Minnesota Open Meeting Law. As the governing body of a public body, corporate and politic, the meetings of the Winona County Soil and Water Conservation District are subject to the provisions of this law. The law has several requirements, including:

- ◉ Providing notice of regular, special and emergency meetings. Minn. Stat. 13D.04.
- ◉ Requiring votes on an action taken in a meeting open to the public to be recorded in a journal kept for that purpose. Minn. Stat. 13D.01, Subd. 4.
- ◉ Allowing the public access to this journal during normal business hours where the records of the public body are kept. Minn. Stat. 13D.01, Subd. 5.
- ◉ Having at least one printed copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees available in the meeting room for inspection by the public while the governing body consider their subject matter. Minn. Stat. 13D.01, Subd. 6.
- ◉ Recording a closed meeting, and keeping the recording for a minimum time period thereafter. Minn. Stat. 13D.03, Subd. 2(b); Minn. Stat. 13D.05, subd. 1(d).
- ◉ Properly closing a meeting by stating on the record, before closing the meeting, the specific grounds permitting the meeting to be closed and describing the subject to be discussed. Minn. Stat. 13D.01, Subd. 3.

MINNESOTA GOVERNMENT DATA PRACTICES ACT DATA PRACTICES

- ◉ Classifies data
- ◉ Establishes procedural rights and obligations for government entities
- ◉ Provides for penalties, fines, and damages

“Generally, there is a presumption that government data is public data, unless otherwise classified by state or federal statute.” (Minn. Stat. 13.01, subd. 3)

What is Data?

“All data collected, created, received, maintained or disseminated” by a covered governmental entity “regardless of physical form, storage media or conditions of use.” Minn. Stat. 13.02, subd. 7

Where is Data?

- Supervisor emails
- Staff emails
- Staff computers
- Meeting minutes
- Project files
- Printed documents
- Correspondences
- Photos
- Everywhere

WHO ACCESS?

<u>Data On Individuals</u>	<u>Data Not On Individuals</u>	<u>Who has access</u>
Public	Public	Anyone
Private	Non-Public	Data Subject; gov't employees and officials whose work assignments reasonably require access.
Confidential	Protected Non-Public	Only government employees and officials whose work assignments reasonably require access.

DATA PRACTICES PROCEDURAL REQUIREMENTS

A government entity MUST:

- * Designate a responsible authority (RA)
- * Provide a public document with RA and designees
- * Designate a data practices compliance official
- * Establish an inventory for data on individuals
- * Prepare a written policy on rights of data subject and procedures to access data
- * Provide ongoing training to personnel

TENNESSEN WARNING

The Minnesota Government Data Practices Act requires that a governmental entity provide a special notice to persons who supply private or public information about themselves to the government entity.

Minn.Stat. 13.04, subd. 2 (2010)

TENNESSEN WARNING

When must a Tennessee Warning be given?

Tennessee Warning only needs to be given when a person is providing private or confidential data about herself or himself.



**TOP
SECRET**

TENNESSEN WARNING

Is not necessary when:

- ◉ Data is being asked is about a third person
- ◉ Voluntary data is provided
- ◉ Asked to supply a law enforcement officer with “criminal investigative data”

TENNESSEN WARNING

The law requires the subject shall be informed of:

- ◉ the purpose and intended use of the requested data within the collecting government entity;
- ◉ whether the individual may refuse or is legally required to supply the requested data;
- ◉ any known consequence arising from supplying or refusing to supply private or confidential data; and
- ◉ the identity of other persons or entities authorized by state or federal law to receive the data.

WRAP-UP ACTIVITY



I NEVER THOUGHT OF THAT.....STRANGE BUT NECESSARY POLICIES

Policy Writing Worksheet

POLICY TITLE:

WHY? (RATIONALE or PURPOSE)

WHAT? (POLICY STATEMENT)

QUESTIONS TO ASK

- * Is this policy prudent and relevant to the affairs of the SWCD?
- * Does this policy embrace the goals of the SWCD?
- * Does this policy have a definite course or method of action to help guide and determine decisions?



IMPORTANT RESOURCES

MCIT (Minnesota Counties Intergovernmental Trust)

<http://www.mcit.org/>

- Tennessen Warnings: Requirements and Remedies **
- SWCD Training on Ethics and Conflicts of Interest **
- An introduction to Minnesota Government Data Practice Act
- Minnesota Open Meeting Law
- Open Meeting Law for SWCD Supervisors

Minnesota Department of Administration
Information Policy Analysis Division

www.ipad.state.mn.us

- Worksheet for Developing Data Practices Policies **
- Highlights: Minnesota Government Data Practices and Open Meeting Law

CONTACT INFORMATION

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