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Brown’s Creek Watershed District
Governance Manual – Introduction
June 14, 2017

Brown’s Creek Watershed District is a special purpose unit of government established under Minnesota Statutes chapters 103B and 103D. Brown’s Creek Watershed District is governed by a five-member Board of Managers appointed to staggered terms by the Washington County Board of Commissioners. Brown’s Creek Watershed District contracts with the Washington Conservation District for the services of an administrator who oversees and directs day-to-day activities implementing the BCWD’s Watershed Management Plan.

Existing policies were updated and new policies were adopted, and all are incorporated herein to create the Brown’s Creek Watershed District Governance Manual, which was adopted by the board on March 11, 2015. Shortly thereafter, the board amended the Public Purposes Expenditures Policy and Internal Controls Manual with volunteer recognition criteria and the bylaws to clarify expectations with regard to managers’ attendance at meetings. The managers adopted a Computer-Use Policy when BCWD moved to an electronic meeting-materials packet with personal-computer system in April 2016.

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 BCWD 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 May 13, 2015), including a conflict of interest policy and fulfilling the requirement of Minnesota Statutes section 103D.315, subdivision 11.

- **Public Purposes Expenditures Policy & Financial Controls Manual** (most recently amended April 8, 2015) includes protocols and requirements to ensure that the BCWD complies with the requirement in the state constitution
(Article X, section 1) that expenditures by government bodies serve public purposes. The manual provides terms for investment and collateralization of BCWD funds and the management and administration of BCWD bank accounts.

- **Fund Balance Policy** (amended March 11, 2015) guides BCWD's use and management of funds it receives to implement its comprehensive plan and statutory purposes.

- **Policies and Procedures for Public Access to Documents** (amendments adopted March 11, 2015) fulfills requirements of the state Data Practices Act (Minnesota Statutes chapter 13) applicable to the BCWD. 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.
  - Tennessen 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.)

- **Computer-Use Policy** defines protocols and acceptable use of technology, including personal computers, provided to the managers for BCWD business purposes.

- **Electronic Records Management Policy & 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.

The manual will be annually reviewed at the Board of Managers’ business meeting and updated (typically in January) 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.
BYLAWS OF THE
BROWN'S CREEK WATERSHED DISTRICT
Adopted as amended May 13, 2015

These bylaws establish rules governing the conduct of business by the Board of Managers (Board) of the Brown’s Creek Watershed District (District.)

ARTICLE I: OFFICE
The principal place of business of the District will be the Family Means facility at 1875 Northwestern, Stillwater, Minnesota, 55082, where all regular meetings of the District will be held. The District’s official records will be maintained at its administrative office at 455 Hayward Avenue North, Oakdale, Minnesota, 55128. The Board may change the location of its principal place of business through the process described in Minnesota Statutes section 103D.321.

ARTICLE II: BOARD OF MANAGERS
The Board will consist of five members who are appointed by the Washington County Board of Commissioners. The term of office for a manager will be three years.

1. Term, vacancy. A manager’s term continues until a successor is appointed and qualified. In the event a member of the Board resigns or otherwise declares an inability to complete his or her term on the Board, the Board will advise Washington County of the vacancy created as soon as practicable to allow the vacancy to be filled as soon as possible.
   a. Attendance. Managers are expected to attend meetings of the Board of Managers. A manager’s failure to attend three consecutive meetings or five meetings in a calendar year will result in review of the circumstances by the Board of Managers and may be reported, at the Board’s discretion, to the Washington County Commission.

2. Compensation. The Board may elect to compensate its members for attending meetings and performance of other duties necessary to proper management of the District. Such compensation will be in accordance with Minnesota Statutes section 103D.315. Compensation will be provided:
   a. Only when attendance at and participation in a particular activity or event is directed by or authorized in advance by the Board;
   b. Only when no compensation is provided by another entity;
   c. According to the following schedule:
      i. At the rate set in section 103D.315, subdivision 8, for participation in meetings or events 90 minutes or longer (at the time of adoption of these bylaws, $75);
      ii. $30 for participation in meetings or events of less than 90 minutes.
3. **Conflict of interest.** The Brown’s Creek Watershed District seeks to assure public confidence in the integrity of its proceedings because such confidence is essential for effective governance. The citizens affected by Board of Managers proceedings deserve and expect high ethical standards in the Board, and the Board of Managers seeks to make its high standards known to citizens of the District. Ensuring that conflicts of interest do not affect Board of Managers proceedings is an essential element of maintaining high ethical standards. Therefore, the Board of Managers adopts the following conflict of interest policy consistent with the Ethics in Government Act, Minnesota Statutes section 10A.07:

   a. **Disclosure of conflicts:** Where the official duties of a manager, including chairing any meeting, participating in any vote, or offering any motion or discussion on any matter, may substantially affect the manager’s financial interests or those of an associated business, other than where the effect on the manager is no more than on any other member of the manager’s profession, occupation or business classification, the manager must take the following actions:

      i. Prepare a written statement describing the matter requiring action and the nature of the conflict of interest; and
      ii. Deliver a copy of the statement to the president of the Board of Managers for filing with the Board of Managers prior to taking the action.

   If a conflict arises, and a manager has insufficient time to provide a written statement, the manager must orally inform the Board.

   b. **Abstention:** A manager must abstain from chairing any meeting, participating in any vote, offering any motion or participating in any discussion on a matter that substantially affects the manager’s financial interests or those of an associated business, unless the effect on the manager is no more than on any other member of the manager’s profession, occupation or business classification.

4. **Bonding.** Before a manager assumes his or her duties, the District will obtain and file a bond for the manager, at District expense, in accordance with Minnesota Statutes section 103D.315, subdivision 2.

5. **Insurance.** The Board, at District expense, will provide insurance for the managers for liability protection on such terms and in such amounts as the Board determines.

6. **Managers’ authority.**

   a. The president is authorized to speak on behalf of the District. No other manager may speak on behalf of the District unless authorized to do so by the Board of Managers.
b. No individual manager may provide direction, instructions or authorization to the administrator or a District consultant unless specifically authorized to do so by the Board of Managers.

c. A manager’s request for information that would require more than 15 minutes of the administrator’s time must be approved by the board of managers.

d. A manager’s request for information from consultants to the District, other than auditors or legal counsels, must be directed through the administrator. Requests for information to auditors and legal counsel are governed by the board of managers.

e. A manager may not request or authorize on behalf of the District performance of services by the administrator, a consultant, the auditor or legal counsel unless authorized by action of the Board of Managers, which authorization will extend only to the extent and scope specifically authorized by the Board of Managers.

f. Individual managers cannot bind the District to agreements or expenditures.

ARTICLE III: OFFICERS

The Board will, at the District’s annual meeting, elect from among its members the following officers: President, Vice President, Treasurer and Secretary. An officer will serve until replaced by the election of a successor. No board member may hold more than one office at a time, but the Board may, at its discretion, name a Second Vice President.

In the event an officer cannot complete his or her term of office, the Board will immediately elect from among its members an individual who will complete the unexpired portion of the term.

The President will:

(a) serve as chairperson for all meetings;
(b) sign and deliver in the name of the District any contracts, deeds, correspondence or other instruments pertaining to the business of the District, as authorized by the Board;
(c) be a signatory to the District’s accounts.

The Vice President will:

(a) discharge the President’s duties in the event of the absence or disability of the President;
(b) be a signatory to the District’s accounts.
The Second Vice President, if named, will:

(a) discharge the President’s duties in the event of the absence or disability of the President and Vice President;
(b) be a signatory to the District’s accounts.

The Treasurer will:

(a) be a signatory to the District’s accounts and financial records.

The Secretary will:

(a) certify levies, records and proceedings of the District;
(b) be a signatory to the District’s accounts.

The following officers’ duties will be performed by the administrator under the direction of the Board of Managers:

(a) develop and maintain the District’s financial accounts and records;
(b) arrange for the annual audit of the District’s financial records;
(c) provide the Board with such records as are necessary to describe the financial condition of the District;
(d) deposit all monies, drafts and checks in the name of and to the credit of the District at such banks and depositories as the Board may approve.
(e) maintain records of the District:
(f) ensure that minutes of all Board meetings are recorded and made available in a timely manner to the Board, and, maintain a file of all approved minutes including corrections and changes;
(g) provide for proper public notice of all meetings.

The District will maintain a seal in the possession of the administrator.

ARTICLE IV: MEETINGS

The conduct of all meetings of the Board will be governed by the most recent edition of Robert’s Rules of Order Newly Revised. Robert’s Rules may be temporarily suspended by consent of a majority of the managers.

For all meetings of the Board, a majority of the members appointed will constitute a quorum to do business, but a minority may adjourn a meeting. All meetings of the Board will be open to the public, except that a meeting or portion of a meeting may be closed in accordance with the Open Meeting Law.

1. Annual Meeting. The regular meeting of the Board in January each year will be the annual business meeting. In addition to any other business which may come before this meeting, the Board will designate the depository or depositories for
District funds and financial assurance instruments submitted to the District, adopt a schedule of regular meetings for the year, and select officers. The schedule of regular meetings will be filed in the records of the District.

2. *Regular Meetings.* The Board may hold periodic meetings for the purpose of conducting the general business of the District. The frequency and dates and times of regular meetings may be changed at any time by action of the Board.

3. *Special Meetings.* A special meeting may be held at any time. Special meetings may be called by any manager or the administrator. A call for a special meeting must be made in writing or electronic mail (email) to the secretary of the Board and the District administrator at least five calendar days prior to the date of the meeting. This request must include a statement of the purpose(s) for which the meeting will be called. Immediately upon receipt of a properly drafted request, the administrator will cause all members of the Board to be notified, and public notice of the meeting to be made.

4. *Emergency Meetings.* An emergency meeting may be called by any manager or the administrator on 24 hours' notice because of circumstances that, in the judgment of the manager calling the meeting or administrator, require immediate consideration. Whenever practical, a request for such a meeting should be made in writing to the secretary and District administrator, who will notify all Board members by the most expeditious and effective means available.

*Conduct of meetings.* At the time appointed for a meeting, the members will be called to order by the president as chair, or in his or her absence, the interim chair. Upon appearance of a quorum, the Board will proceed to do business in accordance with the agenda, as may be amended, approved by the Board.

1. The chair will preserve order and decide questions of order, subject to an appeal by any member. The chair may make motions, second motions, or speak on any questions.

2. Every member before speaking will address the chair and will not proceed until recognized by the chair. A member called to order will immediately suspend his remarks until the point of order is decided by the chair.

3. Any person may address the Board on a matter properly before the Board. The chair may limit the time allowed for a manager or other person addressing the Board to speak.

4. Any person may request that a matter be heard by the Board, and the Board will consider such request and determine whether and, if approved, when to take up the matter or to defer the matter pending receipt of additional information thereon and to direct the administrator to obtain such information.

*Minutes.* The minutes of any meeting will be made available to all board members prior to the next meeting.
Voting. When the chair puts a question to the Board, every manager present will vote, unless for special reasons the Board excuses him or her. All votes by managers will be made in person, and no manager may appoint a proxy for any question coming before any meeting for a vote. Any member may request that the yea and nays be recorded on any motion voted on by the Board or a committee, and such request will be granted by the chair of the Board or committee. The manner of voting on any business coming before the Board may be by voice vote. Any affirmative or negative vote will be entered in the minutes. The affirmative or negative vote of each manager will be recorded on any motion at the request of one manager and the results entered in the minutes.

ARTICLE V: COMMITTEES

The Board may appoint committees and subcommittees for the purpose of assisting the Board in the performance of its duties. Except for a Board member appointed to a committee, no other member of a committee may make motions for consideration or vote on matters put before the Board.

1. **Citizens Advisory Committee.** There is established, in accordance with Minnesota Statutes section 103D.331, a citizens advisory committee to the Board of Managers. The committee will be known as the Citizens Advisory Committee (CAC). The CAC will advise the Board of Managers on water-related community concerns and issues, and assist with the development and implementation of the education and outreach activities of the District. The CAC will meet according to a schedule set annually by the members of the CAC, and at such other times as may be determined by a majority of the members. All meetings of the CAC are open to the public.

2. **Technical Advisory Committee.** There is established, in accordance with Minnesota Statutes section 103D.337, a technical advisory committee (TAC) to the Board of Managers. The TAC consists of representatives of affected statutory and home rule charter cities, the county, and soil and water conservation district, as well as other governmental entities with jurisdiction in the Brown’s Creek watershed. The TAC is convened as necessary and appropriate to advise the Board of Managers on regulatory and other technical matters.

ARTICLE VI: MISCELLANEOUS

1. The fiscal year of the District will run from January 1 through December 31 of each year.

2. The Board, by resolution, may authorize the administrator to purchase goods and services or otherwise bind the District by contract up to an amount or amounts specified in the resolution. Except as provided in the resolution, Board approval is required to contractually bind the District.
Adopted as amended by the Board of Managers of the Brown's Creek Watershed District the 13th day of May 2015.

Date: 14 Jun 2017

Gerald Johnson, Secretary
Brown’s Creek Watershed District
Public Purposes Expenditures Policy and Internal Controls Manual

Approved as amended April 8, 2015.

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

1. **Travel.** The BCWD will pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses directly related to the performance of official BCWD duties. Expenditures must be approved in advance by the Board of Managers.
   a. The administrator or a manager will be reimbursed for mileage expenses incurred when using the administrator’s or manager’s personal vehicle to conduct BCWD business. Expenses will be reimbursed only when accompanied by documentation (e.g., receipts), or, for mileage, documentation of the date, number of miles traveled, purpose and destination(s). The administrator’s mileage for travel to and from the BCWD offices will not be reimbursed.
   b. **Out-of-state travel.** Expenses eligible for reimbursement include:
      i. Round-trip tourist-class (or lesser-cost) airfare;
      ii. Registration for conferences, seminars and other events pertaining to District business;
      iii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service;
      iv. Meals;
      v. Gratuities (15 percent of expenses incurred);
      vi. Lodging;
      vii. Other actual expenses.
   c. **Overnight in-state travel.** To be eligible for reimbursement of expenses, overnight in-Minnesota travel must be approved in advance by the Board, which will consider requests case by case. Expenses eligible for reimbursement include:
      i. Registration for workshops, conferences, seminars and other events pertaining to District business;
      ii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service;
      iii. Meals;
      iv. Gratuities (15 percent of expenses incurred);
      v. Lodging;
      vi. Other actual expenses.

2. **Administrator and manager training.** The BCWD may pay reasonable registration, tuition, travel and incidental expenses (including lodging and meals) for education, development and training when expenditures are directly related to the performance of duties. Expenditures must be approved in advance.

3. **Safety and health programs.** The BCWD may pay for safety and health programs that promote healthier and more productive operations and reduce costs to watershed taxpayers, including costs associated with workers’ compensation and disability benefits claims, insurance premiums and lost time resulting from absences.
4. **Manager, administrator, and volunteer recognition and appreciation.** The BCWD may pay for programs that recognize managers, the administrator and volunteers for significant contributions to the BCWD’s performance and demonstrated commitment to the BCWD’s effective and efficient fulfillment of its purposes in accordance with an annual plan and budget for such events approved by the Board. The BCWD may pay for occasional manager, administrator or volunteer appreciation events or activities conducted in accordance with an annual plan and budget for such events approved by the Board. No expenditure for manager, administrator, or volunteer recognition will be made unless and until the structure, purposes and criteria for recognition are approved by the Board.

   a. The BCWD will not pay the administrator direct non-salary payments (i.e., bonuses) except as conditioned on achievement of performance goals specified in a written agreement.

   b. The BCWD may recognize volunteers at its discretion for outstanding contributions to the District, defined as at least 100 hours of volunteer service or a uniquely valuable service, to encourage volunteer involvement in the District to increase citizen activism and cost-effectively enhance water resource management. An award made under this provision will not exceed $130 in value.

5. **Food and beverages.** The BCWD may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of staff, managers or the public in activities, events and functions directly related to BCWD purposes. Circumstances under which BCWD expenditures for food and beverages will be allowed include:

   a. Food and/or beverages provided as part of a structured agenda of a conference, workshop, work session, outreach meeting or seminar, when the topic or subject of which relates to the official business of the BCWD and the majority of the participants are not BCWD staff and managers;

   b. Food and/or beverages may be provided as part of a workshop or formal meeting primarily for BCWD staff and/or managers where food and/or beverages are necessary to facilitate the conduct of the meeting, to ensure continuity and support the participation of staff, managers and other participants. Examples of potential qualifying events include:

      i. An extended planning or operational analysis meeting;

      ii. An extended meeting to develop long-term strategic plans;

      iii. A structured training session for employees generally; or

      iv. Official meetings of the BCWD board, a committee, task force or advisory group.

   c. Food and/or beverages may be provided for occasional administrator or manager recognition and appreciation events and activities, when approved by the board in accordance with a BCWD recognition and appreciation plan and budget.

   d. The BCWD may pay for food and/or beverage expenses incurred in connection with a meeting or event attended by staff and/or managers, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to BCWD purposes.

   e. BCWD meetings, workshops and training sessions will be scheduled to avoid the need to provide food whenever possible.

6. **Outreach and stakeholder involvement.** The BCWD may pay for community and stakeholder outreach and involvement programs to ensure that efficient and effective BCWD programs, projects and meetings are conducted to gather public and intergovernmental input and participation in BCWD planning, research, rulemaking and program or project design.

7. **Membership, donations.** The BCWD may pay for membership in the Minnesota Association of  

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1 “Staff,” as used herein, refers to the BCWD administrator, WCD employees and BCWD consultants.
Watershed Districts in accordance with Minnesota Statutes section 103D.335, subdivision 20. BCWD funds may be expended for membership in other professional organizations if the organization is an association of a civic, educational or governmental nature and its activities are directly related to BCWD purposes or the improvement of BCWD operations. BCWD funds may not be donated to any professional, technical or charitable organization, person or private institution. The BCWD may contract for services rendered by such organizations.

8. **Use of BCWD property.**
   a. BCWD property, including but not limited to computers, phones, fax machines and other office equipment, will be used exclusively for BCWD business, except for incidental personal use by the administrator that does not interfere with or impede the conduct of BCWD business to any substantial degree.
   b. BCWD property must be used for only its intended purposes.
   c. The administrator may not dispose of any BCWD property with a value of more than $1,000 without prior authorization of the Board of Managers.

9. **Financial administration – authorized actions.**
   a. The BCWD administrator and treasurer are authorized to transfer funds between and to deposit into District accounts, but not to withdraw from accounts.
   b. The administrator is authorized to invest BCWD funds in Certificates of Deposit (CDs) at the BCWD’s official bank with the advice and consent of the BCWD Treasurer. CDs may be opened in series and invested for a term of three to nine months.
   c. The administrator and counsel each is authorized to act as the agent of the District for the purpose of demanding a draft on a permit financial assurance.
   d. The BCWD administrator is authorized to make deposits into and withdrawals from the fund for the proper administration of the District’s permitting program.

10. **Authorization of consultant services.** The BCWD will not compensate a consultant for services rendered that are outside a scope of work approved or directed by the Board of Managers. The Board of Managers may delegate authority to the administrator or an individual manager to authorize a specific scope of consultant services.

11. **Miscellaneous.**
    a. The BCWD administrator will secure an approval described above for expenses he or she will incur from the president of the Board of Managers, except that the administrator may approve or pay expenses for BCWD-conducted programs, events and activities.
    b. The BCWD will not pay for alcoholic beverages under any circumstances.
Internal Controls Manual

The following protocols and duties have been identified and approved by the Brown’s Creek Watershed District Board of Managers to implement the BCWD Public Purposes Expenditures Policy. The Internal Controls Manual represents board direction as to the management of BCWD funds and property. The District has established this written internal control manual in an effort to create clear written procedures, instructions and assignments of duties to prevent or reduce misunderstandings, errors, inefficient or wasted effort, duplicated or omitted procedures, and other situations that can result in inaccurate or untimely accounting records. A well-devised accounting manual can also help to ensure that all similar transactions are treated consistently, that accounting principles used are proper, and that records are produced in the form desired by management.

Internal controls are designed to protect a local government unit from loss or misuse of its assets. Internal controls also ensure that all transactions are properly authorized and the information contained in financial reports is reliable.

Financial Protocols

- Access to Funds:
  - Per the District Bylaws The Board may authorize the administrator to purchase goods and services or otherwise bind the District by contract up to an amount or amounts specified by the board. Board approval, as may be delegated to the administrator, is required to contractually bind the District.
  - Per the District Bylaws, payment of every invoice, bill or any other form of indebtedness incurred by the District must have approval of the Board. Checks issued by the District for payments for any purpose will bear two authorized signatures for all amounts of fifty dollars ($50) or more, but may bear one authorized signature for any amount less than fifty dollars ($50). These requirements may be superseded only by a resolution or temporary suspension of the bylaws as provided for in the bylaws.
  - The District keeps a current signature card with its official bank, providing per the BCWD bylaws that only a manager may sign a BCWD check.
  - All District checks are held at the accountant’s office.
  - The District Administrator must maintain permit fee deposits in a separate fund, must manage said deposits and maintain permit-specific records pursuant to accepted fund management practices, and is authorized to make deposits into and withdrawals from the fund for the proper administration of the District’s permitting program.
  - The District does not allow blank checks to be signed (pre-signed checks).
  - The District does not have signature stamps. All checks must bear the necessary original signatures.
  - The District does not have a credit card.
  - The District does not maintain a petty cash fund.
  - Cash will not be accepted for any payment to the BCWD.
  - All checks or other bank drafts tendered as payment to the District must be payable to “Brown’s Creek Watershed District.” Checks or other bank drafts issued to staff, consultants or “cash” will not be accepted.
  - The District will not cash personal or third-party checks or bank drafts.
  - A check or other bank draft payable to the District must be deposited to a District account in whole, without alteration or return of cash upon deposit.
  - Cash withdrawals from District accounts are prohibited.
Separation of Duties

Administrator duties:

- Receives original invoices and stamps received date.
- Codes invoices to project/fund in current items payable.
- Creates monthly current items payable list for all Board Managers, which includes name of vendor, invoice numbers, invoice description, budget project/fund code, invoice amounts, and invoice totals for the vendor.
- Receives deposits, stamps checks immediately upon receipt with “deposit only” and codes to project/fund in current items deposited. Copies original checks prior to deposit. Completes deposit slip with check number, vendor, and project/permit number.
- Cash transactions are extremely rare and discouraged when possible. In the event of a cash transaction, a receipt will be created with the date, notice of cash transaction, amount of cash, description of payment, name of payer, and will be signed by the recipient/Administrator.
- Makes bank deposits into the appropriate account at the BCWD’s official bank on the same day funds are received or next available banking day.
- Creates quarterly Manager Per Diem spreadsheet indicating all meetings held each quarter and which Managers were in attendance, based on the official approved minutes. Per Diem amounts are based on approved resolution.
- Copies original invoices and deposits for both accountant and Board Treasurer.
- Original invoices and copies of deposits with original deposit slips are kept in bookkeeping files in District office.
- Reviews Accountant’s monthly financial statements. Provides adjustments to accounting codes to Accountant as necessary based on documentation.
- Documents all permit fees and deposits in Permit Journal, including date worked or received, vendor, description, check number for deposits, invoice number for invoices, hours for invoices, and total amount.
- Updates the authorized funds spreadsheet monthly.
- Makes copies of all approved checks after they have been signed by one Board Manager (checks less than $50.00) or two Board Managers (checks $50.00 or more).
- Transfers funds the morning after the regular monthly Board meeting such that:
  - the District checking has a balance of any outstanding checks (listed on report from Accountant and checked by Treasurer) plus the approved current items payable amount plus $2,500 from District savings account to the District checking account; and
  - the District permit escrow account is equal to the amount listed on the permit journal as of the Board meeting.
- Disburses approved checks.
- Voided checks are retained with the District financial records files in the District office.
- Prepares documents for annual audit, including but not limited to:
  - Copies of approved budgets and all budget amendments
  - Detailed General Ledger at year end
  - Trial Balance at year end
  - Bank Reconciliation and bank statements.
  - Copy of disbursements & receipts
Copy of tax settlements from Washington County, including the one received in January
Copy of certified Levy
Listing of accounts payable & copies of signed checks
Permit Journal at year end
Grants and other agreements:
List of capital assets and all deletions and additions
Copy of invoices
Approved Minutes
Meets with auditor for annual audit review.
Presents draft audit to full Board at a monthly Board meeting.
Presents annual budget and levy to Washington County Commissioners at County Board Meeting annually.
Receives monthly collateral statement from the official bank.
Checks for accounting and banking irregularities, discrepancies, inconsistencies, anomalies or other indications of possible mismanagement or unintended or unauthorized financial risk or exposure, and resolves such matters with the Treasurer and/or full Board as necessary, including but not limited to:
- Any unusual discrepancy between actual performance and anticipated results (for example, a major budget overrun in “supplies” or an unexplained decline in user fees);
- Receipts not matching deposits;
- Disbursements to unknown and/or unapproved vendors;
- One signature on checks or pre-signed blank checks;
- Gaps in receipt or check numbers;
- Late financial reports; or
- Disregard for internal control policies and procedures.

Accountant Duties:
- Enters coded payables and deposits into accounting software, checking for accuracy to original invoices & deposit receipts.
- Prints checks for current items payable.
- Reconciles bank accounts.
- Creates monthly financial statements.
- Prepares documents for annual audit, including:
  - Detailed General Ledger at year end
  - Trial Balance at year end
  - Bank Reconciliation
- Adjusts accounting codes as directed by Administrator.
- Receives Adjusting Journal Entries Report from auditor and makes necessary adjusting journal entries in financial system.
- Receives approved annual budget from Administrator and enters into financial system.
- Receives approved changes to annual budget from Administrator and enters into the financial system.
- Communicates situations not addressed by the policies and procedures to the Full Board, so that policies and procedures may be adopted as necessary.
Board Treasurer Duties:
- Reviews current items payable list against copies of invoices.
- Reviews bank statements against previously approved checks/Reconciles bank account.
- Creates a signed monthly treasurer report, which certifies that the bank statements have been reviewed for consistency with the previously approved checks.
- Reviews Accountant’s monthly financial statements.
- Ability to transfer funds between District accounts and to deposit, but not to withdraw from accounts.
- Submit original receipts for expenses to Administrator.
- Checks for accounting and banking irregularities, discrepancies, inconsistencies, anomalies or other indications of possible mismanagement or unintended or unauthorized financial risk or exposure, and resolves such matters with the administrator and/or full Board as necessary, including but not limited to and follows up with Administrator and/or full Board as necessary:
  - Any unusual discrepancy between actual performance and anticipated results (for example, a major budget overrun in “supplies” or an unexplained decline in user fees);
  - Receipts not matching deposits;
  - Disbursements to unknown and/or unapproved vendors;
  - One signature on checks or pre-signed blank checks;
  - Gaps in receipt or check numbers;
  - Late financial reports; or
  - Disregard for internal control policies and procedures.

Board Duties:
- Holds public hearing for proposed budget and levy.
- Approves annual budget and levy by resolution.
- Approves scopes for individual program or project expenditures.
- Reviews current items deposited spreadsheet at monthly Board meeting.
- Approves current items payable at monthly Board meeting by roll call vote.
- Reviews all new expenditure requests against the authorized funds spreadsheet and authorizes an expenditure only if funds are available in or are transferred to the associated program or project.
- Review of permit fees at monthly Board meeting.
- Reviews draft audit and approves at Board meeting.
- Approves all receivable write-offs/write-downs by Board motion or resolution at Board meeting by roll call vote.
- Encourages Administrator and others to communicate situations not addressed by the policies and procedures, so that policies and procedures may be adopted as necessary.

Legal Counsel Duties:
- Review contracts.
- Ensure BCWD internal controls comport with state law.

Auditor Duties:
- Auditor reviews permit fees.
- Meets with Administrator for annual audit review.
- Sends final approved audit to Board of Water and Soil Resources and State Auditor.
Brown’s Creek Watershed District  
FUND BALANCE POLICY  

Adopted as amended March 11, 2015

I. PURPOSE  
The purpose of this policy is to establish specific guidelines the Brown’s Creek Watershed District will use to maintain an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District’s fiscal year.

The purpose of this policy is to also establish specific guidelines the Brown’s Creek Watershed District will use to classify fund balances into a categories based primarily on the extent to which the District is legally required to expend funds only for certain specific purposes.

II. CLASSIFICATION OF FUND BALANCE/PROCEDURES

1. Nonspendable  
   - This category includes fund balance that cannot be spent because it is either (i) not in spendable form or (ii) is legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

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

3. Committed  
   - Fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the BCWD’s Board of Managers. The committed amounts cannot be used for any other purpose unless the Board of Managers removes or changes the specified use by taking the same type of action it employed to commit those amounts.

   - The Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by motion. This formal action must occur prior to the end of the reporting period, however, the amount to be subject to the constraint, may be determined in the subsequent period.

   - To remove the constraint on specified use of committed resources the Board shall pass a motion or otherwise take action.
4. **Assigned**
   - Amounts that are constrained by the government’s intent to use for specified purposes, but are neither restricted nor committed. Assigned fund balance in the General fund includes amounts that are intended to be used for specific purposes.
   - The Board has delegated the authority to assign and remove assignments of fund balance amounts for specified purposes to the District Administrator.

5. **Unassigned**
   - Unassigned fund balance represents the residual classification for the General fund. Includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the General fund. The General fund should be the only fund that reports a positive unassigned fund balance amount.

III. **MONITORING AND REPORTING**

The District Administrator shall annually prepare the status of fund balance in relation to this policy and present to the Board in conjunction with the development of the annual budget.

When both restricted and unrestricted resources are available for use, it is the District’s policy to first use restricted resources, and then use unrestricted resources as they are needed.

When committed, assigned or unassigned resources are available for use, it is the District’s policy to use resources in the following order; 1.) committed 2.) assigned and 3.) unassigned. The District recognizes there may be instances where this ordering criteria does not serve the best interest of the District. In those instances, the District administrator will use his/her best judgment in fund utilization to achieve the best result for the District.

A negative residual amount may not be reported for restricted, committed, or assigned fund balances in the General fund.
Brown's Creek Watershed District
Board of Managers

Policies and Procedures for Public Access to Documents
Adopted as amended March 11, 2015

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability.

The Brown’s Creek Watershed District (BCWD) recognizes the public interest in open access to its data at the same time that it recognizes that the public interest requires that certain types of data not be publicly available. It is the intent of the BCWD to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body must establish procedures to implement the DPA. In addition, the BCWD has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the BCWD and includes private or confidential data on individuals in compliance with section 13.025, subdivision 1. This policy is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data’s security under section 13.05, subdivision 5. In addition, the BCWD – which has no employees – closely coordinates with the Washington Conservation District, which employs the BCWD administrator, on development and implementation of procedures necessary to protect not-public data on individuals possessed by the BCWD. In addition, the BCWD maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3. These documents are attached hereto.

Procedure for Review of BCWD Documents

All requests to inspect or receive copies of BCWD data, and all other inquiries regarding the DPA, must be in writing and delivered to the Data Practices Compliance Official, at the following address:

Brown's Creek Watershed District
c/o Washington Conservation District
455 Hayward Avenue North
Oakdale MN 55128
(651) 330-8220, ext. 26
The BCWD administrator is designated as the Responsible Authority and Data Practices Compliance Official. BCWD consultants and vendors are not authorized to respond directly to requests to inspect or copy BCWD data on behalf of the BCWD.

Requests to inspect or obtain copies of BCWD data must be in writing to ensure that the BCWD’s response is timely, accurate and complete. The BCWD will be able to most efficiently and completely respond to requests that are focused, specific and detailed. The Data Practices Compliance Official will help to ensure that requested documents have been gathered, that documents not subject to inspection have been segregated, and that assistance is available to the requesting party. The BCWD will provide requested data for inspection at the BCWD office or other location to be specified by the Data Practices Compliance Official. BCWD files may not be removed from the inspection location.

The DPA requires that parties be permitted to inspect or copy data within a reasonable time after a request. The BCWD will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the completeness and accuracy of the request.

If the BCWD determines that certain data cannot be made available for inspection or copying, it will inform the party of the classification of the data in question under the DPA and of the legal basis for denial of access.

The BCWD may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

Costs

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

With respect to oversize copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting party will be responsible for the actual cost incurred by the BCWD to make copies, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by the BCWD).
A party requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay the BCWD the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. The BCWD will not charge for staff time needed to separate public from protected data.

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

When a party asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by the BCWD, the BCWD may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the BCWD may require execution of a license agreement defining allowable use and/or further distribution.
Brown’s Creek Watershed District  
Security and Protection of Not-Public Data on Individuals

The Brown’s Creek Watershed District establishes the following protocols pursuant to and in satisfaction of the requirement in Minnesota Statutes section 13.05, subdivision 5, that the BCWD establish procedures ensuring appropriate access to not-public data on individuals. The BCWD has no employees; the BCWD administrator is employed by the Washington Conservation District, and the contract between the WCD and BCWD for the administrator’s services requires that the administrator implement all BCWD policies and protocols at the direction of the BCWD Board of Managers. The administrator has access to and manages access by others to all not-public BCWD data in accordance with the following protocols.

**Implementing Procedures**

Since it has no employees, the BCWD regularly creates, receives and maintains very little not-public data on individuals. BCWD managers, the administrator (as Responsible Authority/Data Practices Compliance Official) and counsel may have access to any not-public data created, received or maintained by the BCWD as necessary for specified duties. Any access to not-public data will be strictly limited to the data necessary to complete the work assignment.

*Data sharing with authorized entities or individuals*

State or federal law may authorize the sharing of not-public data in specific circumstances. Not-public data may be shared with another entity if federal or state law allows or mandates it. Individuals will be provided with notice of any sharing in an applicable Tennessen warning or the BCWD will obtain the individual’s informed consent. Any sharing of not-public data will be strictly limited to the data necessary or required to comply with the applicable law.

To ensure appropriate access, the BCWD will work with the WCD to:

- Assign appropriate security roles, limit access to appropriate shared network drives and implement password protections for not-public electronic data;
- Password protect the administrator’s computer and lock the computer before leaving the workstation;
- Secure not-public data within locked work spaces and in locked file cabinets;
- Shred not-public documents before disposing of them.
Penalties for unlawfully accessing not-public data
The BCWD will work with the WCD to impose, as necessary, penalties for unlawful access to not-public data as provided for in Minnesota Statutes section 13.09. Possible penalties include suspension, dismissal or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

Protection of Private and Confidential Data on Individuals

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

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

Only managers and the administrator may access files and records containing such information. The administrator’s and managers’ access is further governed by the following requirements:

- Private or confidential data may be released only to persons authorized by law to access such data;
- Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- Private or confidential data must be shredded before it is disposed of.

When a contract with an outside entity requires access to private or confidential information retained by the BCWD, the contracting entity is required by the terms of its agreement with the BCWD to use and disseminate such information in a manner consistent with the DPA and the BCWD’s Policies and Procedures for Public Access to Documents.
Brown’s Creek Watershed District
Private and Confidential Data – Rights of Data Subjects

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

Rights to Access Government Data

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

You have the right to:

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

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

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

State law requires that the BCWD protect private and confidential data about you. The BCWD has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. The BCWD disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule, adopted as amended March 11, 2015. Printed data are disposed of by shredding or other method sufficient to prevent the data from being ascertainable. Electronic data are destroyed or erased from media in a manner that prevents the data from being accessed or read. Data-storage systems in BCWD computers are erased in the process of recycling.
Brown’s Creek Watershed District
Data Practices Advisory / Tennessen Warning

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

The Brown’s Creek Watershed District’s purpose and intended use of the information is:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

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

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

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

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

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
Brown’s Creek Watershed District
Consent to Release – Request from an Individual

Explanation of Your Rights
If you have a question about anything on this form, or would like more explanation, please talk to the Brown’s Creek Watershed District administrator before you sign it.

______________________________________________________________________________

I, [name of individual data subject], give my permission for the Brown’s Creek Watershed District to release data about me to [name of other entity or person] as described on this form.

1. The specific data I want the Brown’s Creek Watershed District to release are [explanation of data].

2. I have asked Brown’s Creek Watershed District to release the data.

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

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

Individual data subject’s signature ________________________________
Date____________

Parent/guardian’s signature [if needed] ________________________________
Date____________
Explanation of Your Rights

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

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

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

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

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

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

1. The specific data that the Brown’s Creek Watershed District may release to [name of other entity or person] are: [description, explanation of data].

2. I understand the Brown’s Creek Watershed District would release the data [explanation of reason for the release].

3. I understand that although the data are classified as private at the Brown’s Creek Watershed District, the classification/treatment of the data at [name of other entity or person] depends on laws or policies that apply to [name of other entity or person]. [Include other known consequences.]
This authorization to release the data expires [date/time of expiration].

Individual data subject’s signature ________________________________
Date______________

Parent/guardian’s signature (if data subject is a minor)
______________________________
Date______________
General Information
This policy defines the appropriate use of technology resources provided by Brown’s Creek Watershed District to its managers and administrator. BCWD provides technology resources for purposes of efficient and effective conduct of BCWD business.

This policy also serves to protect the security and integrity of BCWD’s technology resources by providing the BCWD managers and administrator with necessary information and guidance on appropriate and safe use of BCWD-provided computers and associated technology resources, such as software and access and support services.

This policy applies to hardware (e.g., computers, including tablets and laptops; cellular telephones), software and services (e.g., wireless network connectivity, telephone service) provided to the BCWD managers and administrator at BCWD expense (altogether, BCWD Technology Resources). BCWD does not cost share with or provide reimbursement to managers or the administrator for use of personal technology resources, and such resources are not within the scope of the term BCWD Technology Resources or this policy.

BCWD Technology Resources are the property of BCWD. BCWD Technology Resources are provided exclusively for the use of BCWD managers and the administrator to conduct BCWD business, and may not be used by any other individual or organization.

Data related to BCWD business are government data, as that term is defined in the Data Practices Act, Minnesota Statutes chapter 13. Data resident on or accessed through BCWD Technology Resources may be subject to disclosure require by law, and BCWD reserves the right to inspect without notice all data, emails, files, settings or other elements of BCWD Technology Resources, including personal information resident on BCWD Technology Resources.

Personal Use
Reasonable incidental personal use of BCWD Technology Resources is allowed but should never preempt or interfere with BCWD business, may not result in increased cost to BCWD and may not compromise the security or integrity of BCWD business or BCWD Technology Resources. All use of BCWD Technology Resources, including personal use, must adhere to provisions in this policy, including the following:
• Personal files should not be stored on BCWD computers. “Personal files,” as used herein, includes but is not limited to personal documents, spreadsheets, photos, media files (.mp3, .wav, .mov, or any other file created by copying a compact disk (CD) or digital video disk (DVD)).

• BCWD Technology Resources must not be used for commercial purposes, to conduct personal business or in pursuit of personal business interests, including for-profit and not-for-profit ventures, political activities or other uses deemed by the Board of Managers to be inconsistent with BCWD and related purposes. If there is any question about whether a use is appropriate, it should be forwarded to Board of Managers for a determination.

**Hardware**

Persons to whom BCWD Technology Resources are issued are responsible for the proper use and care of such equipment. Only BCWD managers and the administrator may use BCWD Technology Resources. Use of BCWD Technology Resources by family members, friends or others is prohibited.

**Software**

BCWD will provide software required for conduct of BCWD business. Additional, different software may not be downloaded or installed via or onto BCWD Technology Resources without authorization of the Board of Managers. Updates for software installed and utilized by BCWD and issued by the publisher should be installed. Unauthorized code, programs or software, equipment, downloads, or other resources may be removed by BCWD from BCWD Technology Resources at any time.

**Email**

Manager and administrator emails (including those that are personal in nature) will be subject to determination as to whether they are governmental data for purposes of the Data Practices Act and may be subject to discovery in litigation. Managers and the administrator must adhere to these guidelines when accessing, using and sending email on or via BCWD Technology Resources:

• Never transmit an email that you would not want other BCWD officials, the administrator or the media to read or publish (e.g., avoid gossip, personal information, swearing, etc.).

• Use particular discretion when corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with counsel).

• Any email attachment or links from an unknown sender should not be downloaded or accessed. Junk or spam email should be deleted without accessing or opening.
• Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.

Data Retention

Electronic government data constituting official BCWD records must retained in accordance with the BCWD Records Retention Schedule. BCWD Technology Resources provided to the managers and administrator will not be automatically or routinely backed up. Data files may be temporarily stored on BCWD Technology Resources in a manager’s or the administrator’s possession. But the official records of BCWD will be maintained by the administrator on computer storage media physically located at the BCWD business office and maintained by BCWD.

Personal Devices

BCWD managers and the administrator may choose to use personal equipment to read or compose email or access BCWD data. Managers and the administrator understand that using personal equipment to conduct BCWD business may subject such personal devices to discovery in litigation or data requests, and agree to grant access to their personal devices when legally required.
Brown’s Creek Watershed District  
Electronic Records Management and Retention Policy  
Adopted March 11, 2015  

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

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

In keeping with the direction of the Uniform Electronic Transactions Act, Minnesota Statutes chapter 325L, the BCWD 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 BCWD’s records retention schedule includes indication of whether records will be retained in hard copy or electronic form. Conversion of historic documents will conducted in compliance with the BCWD’s Records Retention Schedule, and will be completed in a manner that ensures that the BCWD’s data remain accessible for purposes of compliance with the Data Practices Act. Original documents providing the BCWD with legal rights and obligations will continue to be retained in hard-copy form.
**MINNESOTA RECORDS RETENTION SCHEDULE**

**1. Schedule Number**
D15-0603

**2. New XXX**

**3. Agency**
Brown's Creek Watershed District

**4. Division/Section**

**5. Address**
455 Hayward Ave North, Oakdale, MN 55128

**7. For Use By Records Panel Only**

**AUTHORIZATION:** Under the authority of M.S. 138.17, it is hereby ordered that the records listed on this application be disposed per approved schedule.

**Notice:** This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal and legal value.

<table>
<thead>
<tr>
<th>Agency Records Management Officer (signature)</th>
<th>Date</th>
<th>Minnesota Historical Society, Director (signature)</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Type Name / Phone</th>
<th>Date</th>
<th>Legislative or State Auditor (signature)</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Agency Head or Designee (signature)</th>
<th>Date</th>
<th>Attorney General (signature)</th>
<th>Date</th>
</tr>
</thead>
</table>

**Original-State Records Disposition Panel**

**Copy 1-Agency (after approval)**
Brown's Creek Watershed District Records Retention Schedule

Adopted March 11, 2015

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.

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Retention Period</th>
<th>Data Practices Act Classification(s)</th>
<th>Final Disposition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory and Technical Committees agenda, minutes, reports &amp; related final documents</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Affidavits of publication - general notices (including capital projects)</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Agenda packets</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Agreements/Contracts not otherwise listed</td>
<td>10 years after paid and audited</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Annual Reports - final</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Audio recordings - open meetings</td>
<td>1 year after approval minutes</td>
<td>Public</td>
<td>Destroy</td>
<td>Tape or other electronic recording cannot be the permanent record of a meeting.</td>
</tr>
<tr>
<td>Audio recordings - closed sessions</td>
<td>3 years for labor negotiations and personnel reviews; 4 years for security information; 8 years for purchase or sale of real property</td>
<td>Not Public; MS 13D.05, 13.37</td>
<td>Destroy</td>
<td>Sessions closed under attorney-client privilege are not recorded.</td>
</tr>
<tr>
<td>Category</td>
<td>Retention</td>
<td>Access Level</td>
<td>Disposition</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>--------------------</td>
<td>------------------------</td>
<td>--------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Authority to dispose of records</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Agendas - Board of Managers meetings and workshops</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Bids &amp; Quotations - accepted; non-capital projects</td>
<td>10 years after completion of project</td>
<td>Public/Nonpublic MS 13.37</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Bids &amp; Quotations - rejected; non-capital projects</td>
<td>6 years</td>
<td>Public/Protected Nonpublic until all bids are opened MS 13.37</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Budget - support/ working papers</td>
<td>2 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Bylaws, Policies, Governance Manual</td>
<td>Retain until superseded</td>
<td>Public</td>
<td>Retain current; destroy obsolete</td>
<td></td>
</tr>
<tr>
<td>Correspondence - Constituents</td>
<td>6 years</td>
<td>Public/Private MS 13.601</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Correspondence - Email</td>
<td>Delete after read</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Correspondence - Engineer</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Correspondence - Financial</td>
<td>5 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Correspondence - Municipalities/agencies</td>
<td>6 years</td>
<td>Public</td>
<td>Transfer to state archives, if historical</td>
<td></td>
</tr>
<tr>
<td>Correspondence (Routine and non-essential)</td>
<td>3 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Easements</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Easements - temporary</td>
<td>Discard after project completion or when no longer needed, whichever is later</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Record Type</td>
<td>Retention Period</td>
<td>Accessibility</td>
<td>Disposition</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td></td>
</tr>
<tr>
<td>Equipment manuals (instructions or maintenance manuals)</td>
<td>Until removed or superseded</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Grants</td>
<td>6 years after grant agreement expires</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Inventory records</td>
<td>Until superseded</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Attorney's opinions - official interpretation regarding questions of legal rights or liabilities.</td>
<td>10 years</td>
<td>Public/Private/Nonpublic MS 13.393, 13.39</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Lawsuits - Civil Litigation</td>
<td>20 years after last activity</td>
<td>Public/Private/Confidential/Protected nonpublic MS 13.39</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Lawsuits - Criminal Lawsuits</td>
<td>2 years after last activity</td>
<td>Public/Private/Confidential/Protected nonpublic MS 13.393, 13.82</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Membership Association Documentation (MAWD)</td>
<td>3 years</td>
<td>Permanent</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Minutes - approved</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Minutes, other public bodies</td>
<td>Discard when no longer needed</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Newsletters - District Generated</td>
<td>Permanent or transfer to archive</td>
<td>Public</td>
<td>Retain or transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Newsletters - Not District Generated</td>
<td>Discard when no longer needed</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Notice of meetings - District Generated</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Notice of meetings - Not District Generated</td>
<td>Discard when no longer needed</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Record Class Title and Description</td>
<td>Retention Period</td>
<td>Document Type</td>
<td>Final Disposition</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------</td>
<td>--------------------------------------</td>
<td>---------------</td>
<td>---------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Oath of Office</td>
<td>10 years after service of appointed</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Resolutions - Adopted</td>
<td>Permanent, has historical value</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Work Plan (annual)</td>
<td>Permanent</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Drafts, duplicates, notes and other documents that are not and</td>
<td>2 years</td>
<td>Public</td>
<td>Destroy</td>
<td>This series is a catchall for transient materials other than email.</td>
</tr>
<tr>
<td>have not become part of an official transaction, not otherwise</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>scheduled herein</td>
<td></td>
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</tbody>
</table>

**Financial/Accounting Statements**

<table>
<thead>
<tr>
<th>Record Class Title and Description</th>
<th>Retention Period</th>
<th>Document Type</th>
<th>Final Disposition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual audit reports-final</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Assessments</td>
<td>6 years after final payment</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Bank Statements, Deposit Slips</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Budget - record copy</td>
<td>Permanent</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Budget Expenditure Reports</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Cancelled checks</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>General Ledgers</td>
<td>Permanent</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Investment documents -- Record of investments made.</td>
<td>4 years after maturity</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Invoices &amp; charge slips -- Record of payment &amp; request for</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>payment of accounts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Levy (tax) files</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Receipts &amp; receipt books</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
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</table>
### Insurance

<table>
<thead>
<tr>
<th>Record Series Description</th>
<th>Retention Period</th>
<th>Document Type</th>
<th>Final Disposition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Insurance</td>
<td>3 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Certificates of Insurance</td>
<td>6 years after expiration</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Claims filed by or against BCWD</td>
<td>6 years after final</td>
<td>Public/Private</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Policies - All insurance: General Liability, Life, Property,</td>
<td></td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Public Officials Liability, and Umbrella Liability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Certificates</td>
<td>6 years after expiration</td>
<td>Public</td>
<td>Destroy</td>
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### Bonds

<table>
<thead>
<tr>
<th>Record Series Description</th>
<th>Retention Period</th>
<th>Document Type</th>
<th>Final Disposition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor License Bonds</td>
<td>6 years after completion of contract</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Fidelity Bonds</td>
<td>6 years after completion of service</td>
<td>Public</td>
<td>Destroy</td>
<td>Applies to managers' service.</td>
</tr>
<tr>
<td>Performance and Payment Bonds</td>
<td>6 years after completion of contract</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit Bonds</td>
<td>Permit closure; retain copy in Permit Surety Records</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit Series Description</td>
<td>Retention Period</td>
<td>Document Type</td>
<td>Archive</td>
<td>Notes</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>--------------------------</td>
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<tr>
<td>Permit</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Permit - final application</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Permit plans - final</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Permit plans and other submitted materials - draft</td>
<td>6 years after permit</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit As-Buills/Record Drawings</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Permit correspondence, including engineer's report, inspector's reports</td>
<td>10 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit - complaints</td>
<td>10 years</td>
<td>Public/Private</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit Fee Statements</td>
<td>6 years after permit</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit Financial Assurance Records</td>
<td>6 years after permit</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Permit - Letter of Credit/Performance Bond original</td>
<td>Until permit closure;</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>retain copy in Permit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surety Records</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit violations - letters stating violations, court actions, etc. (except note separate entry for complaints)</td>
<td>5 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Affidavits of publication - rules</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Record Series Description</td>
<td>Retention Period</td>
<td>Document Type</td>
<td>Final Disposition</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------------------</td>
<td>---------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Maintenance agreements and covenants</td>
<td>Permanently</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Rules</td>
<td>Permanently</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Water Resources Management Plan - final</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Project files (includes reports, correspondence, special meeting minutes and related papers)</td>
<td>Permanently</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Rules</td>
<td>Permanently</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Monitoring Data - District Generated</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Technical Reports - District Generated - Final</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Technical Reports - Not District Generated</td>
<td>Discard when no longer needed</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
<tr>
<td>Photographs - District Generated</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Boundary Documentation - Final approved</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Record Series Description</th>
<th>Retention Period</th>
<th>Document Type</th>
<th>Final Disposition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captial Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board Documents - including resolutions, findings and conclusions</td>
<td>Permanently</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Contracts</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Retention Period</td>
<td>Access</td>
<td>Disposition</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>------------------</td>
<td>--------</td>
<td>------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Correspondence</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Engineers' final reports, final plans, slides, photos</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Hazardous materials reports (e.g., phase I &amp; II reports, leaking underground tank reports)</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Related Public Hearing Documents</td>
<td>10 years</td>
<td>Public</td>
<td>Transfer to state archives</td>
<td></td>
</tr>
<tr>
<td>Bids &amp; Specifications for capital Improvement – Accepted: Bid documents, specifications, contracts, agreements &amp; supporting papers.</td>
<td>Permanent</td>
<td>Public</td>
<td>Retain</td>
<td></td>
</tr>
<tr>
<td>Claims, Vouchers, Purchase Orders</td>
<td>6 years</td>
<td>Public</td>
<td>Destroy</td>
<td></td>
</tr>
</tbody>
</table>