

Dakota County Soil and Water Conservation District
Board of Supervisors

2019 Operating Rules and Guidelines



Vision

Clean Water - Healthy Soil

Mission

Partners in Land and Water Conservation

Dakota County Soil and Water Conservation District
Board of Supervisors
2019

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DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS

RULES OF THE BOARD OF SUPERVISORS

INTRODUCTION

The Dakota County Soil and Water Conservation District (SWCD) is a soil and water conservation district established and operated pursuant to Chapter 103C of Minnesota Statutes and governed by an elected Board of Supervisors (Board). These rules are intended to facilitate the transaction of business by the SWCD Board and its committees.

These rules shall become effective upon passage by the SWCD Board. Acceptance of the office of a SWCD Supervisor constitutes acceptance of the obligation to abide by these Rules.

ARTICLE 1

TRANSACTING THE BUSINESS OF THE SWCD

1. Organizational Structure. The Board shall manage the business and affairs of the SWCD. It is collectively the responsibility of the Board to make policy and oversee the implementation of policy as the governing authority for the SWCD. An individual Supervisor has no authority to act on behalf of the Board or the SWCD, except to the extent such authority is expressly conferred upon him/her by a majority of the Board. The Board implements its policies by hiring, supervising and directing the District Manager. The District Manager is responsible for implementing policies adopted by the Board and for hiring, supervising and directing the staff of Dakota County SWCD.

2. Vacancies. A vacancy in the Board resulting from the death, resignation, removal or disqualification of a Supervisor shall be filled by a majority vote of the remaining members of the Board, although less than a quorum. A Board Supervisor so elected shall serve until a successor is elected.

3. Officers and Committees

- 1. Terms of Office.** Based on Approved Board of Supervisors Redistricting Plan, the term for each Board member serving in Districts 1, 2, and 3 shall be four-years; and the term for each Board member serving in Districts 4 and 5 shall be two-years, and

four-year terms upon subsequent election; pursuant to Minnesota Statute.

2. **Chair.** In addition to such other powers or duties as the Board may stipulate, the Chair shall preside over the debate. The Chair shall sign all contracts and agreements on behalf of the SWCD or designate such authority. The Chair shall have such other powers as may be granted by Minnesota law.
 3. **Vice Chair.** The Board shall appoint a Vice Chair, the Vice Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair, and shall perform such other duties as the Board may prescribe.
 4. **Treasurer.** In addition to such other powers or duties as the Chair or the Board may prescribe, the Treasurer shall have such other powers as may be granted by Minnesota law. The Treasurer shall, in the absence or disability of both the Chair and Vice Chair, perform the duties and exercise the powers of the Chair.
 5. **Secretary.** The Secretary shall attend all meetings of the Board and record all votes and the minutes of all proceedings in a book kept for that purpose. The Secretary shall also perform such other duties prescribed by the Board.
 6. **Public Relations and Information Officer.** The Public Relations and Information Officer shall examine ways to publicize SWCD activities. The Public Relations and Information Officer shall also perform other duties as prescribed by the Board.
 7. **Committees.** The Board may establish committees composed of one or more Supervisors to carry out the functions specified in the resolution of the Board establishing the Committee. Committees so established are subject at all times to the direction and control of the Board. These Rules apply to such committees and members of such committees to the same extent as they apply to the Board.
 8. **Vacancy.** If the office of any officer or committee assignment becomes vacant, the Supervisors then in office, although less than a quorum may choose a successor, who shall hold office for the unexpired term in respect of which such vacancy occurred.
- 4. Meetings.** The business of the Board is transacted during meetings and upon a vote of a majority of the Supervisors present. Board meetings shall be conducted in accordance with Minnesota Statutes Sections 103C.301-.335, the Minnesota Open Meeting Law, the Minnesota Government Data Practices Act and current version of Robert's Rules of Order.

1. **Organizational Meeting.** Each January, the Board shall conduct an organizational meeting, which may be a regular monthly meeting, at which the Board shall elect a Chair, Vice Chair, Treasurer, Secretary, and Public Relations and Information Officer.
2. **Notice.** Meetings of the Board may be convened only after proper notice. The type of notice depends upon the type of meeting. The regular meeting of the Board shall be held on the dates and at the place and time established by the Board. The date, time and place of regular meetings shall be posted or published. If the time or place of a regular meeting is changed, notice of the time and place of the meeting must be given in the manner of a special meeting. Special meetings may be called by the Board Chair or upon the written request of any three Board members. Notice of special meetings shall be given to Board members (and the public in the manner described by the Open Meeting Law) by mail at least 72 hours before the meeting. Emergency meetings may be called only in situations that demand the immediate attention of the Board. Notice of the emergency meetings shall be given by telephone or any other available means as soon as is practical prior to the meeting. The notice of a special or emergency meeting must include a description of the business to be conducted. The business transacted at a special or emergency meeting shall be limited to items specifically contained in the notice of the meeting. The District Manager shall provide to Supervisors at least three days prior to a regular meeting agendas and relevant printed materials to be received and/or discussed at the meeting.
3. **Quorum.** A majority of the total number of Supervisors constitutes a quorum. No business may be conducted by the Board unless a quorum is present.
4. **Actual Attendance Required.** Actual attendance is required in order to cast a vote or to meet quorum requirements. Votes may not be cast by proxy. Failure to attend more than five (5) meetings in a row without a reasonable excuse shall constitute neglect of duty within the meaning of Minn. Stat. 103C.315 and shall subject the Supervisor to the sanctions set forth in these Rules.
5. **Decorum at Meetings.** Board members are expected to conduct themselves at Board meetings in a pleasant, polite, courteous and respectful manner. Board members shall refrain from speaking until the chair has recognized them, and shall strive not to speak while another Board member, a staff member or a member of the public has the floor.

There shall be no name-calling or profanity. Indecorous language or behavior shall be grounds for the imposition of sanctions as set forth in these Rules.

5. Government Data. The government Data Practices Act, Minn. Stat. Ch. 13, applies to SWCD. The Act specifies that each public body must designate a "responsible authority" to handle requests for data. The "responsible authority" for the SWCD is the District Manager. Thus, all requests or inquiries regarding SWCD data received or made by a Board member must be forwarded to the District Manager. The District Manager shall be responsible for searching for the data, classifying the data within the scope of the request and for making the specific response to the request for data. The District Manager and SWCD staff are obligated to provide a Supervisor with data he/she needs in order to carry out his/her duties as a Supervisor. Thus, SWCD data should not be accessed or modified by a Supervisor.

ARTICLE 2 RULES OF CONDUCT

1. Employee Policies Applicable to Supervisors. The following policies set forth in Dakota SWCD Policy and Procedures Manual or County Policy shall apply to Board members:

- Personal Use of County or SWCD Property (County Policy (1011))
- Sexual and General Harrassment (County Policy 3042)
- Safe and Healthy Workplace (County Policy 3282)
- Travel on County Business (County Policy 3340)

However, the disciplinary portions of these policies shall not apply to Supervisors. A Supervisor who violates any of these policies shall be considered to have engaged "malfeasance" or "neglect of duty" within the meaning of Minn. Stat. § 103C.315 and may be sanctioned as set forth in these Rules.

1. **Action in furtherance of Mission.** The Board is a policy-making body and must act as a majority when making any determinations. Therefore, it is imperative that each Board member act in a manner consistent with and in furtherance of the policies, mission and core values established by the majority of the Board. Therefore, when a Supervisor appears in public and speaks on any issue concerning the SWCD and/or its general mission or specific projects or practices, such Board Supervisor shall express the official Board position on the issue. If a Board Supervisor personally disagrees with the Board's position, the Board member shall only express his/her personal opinion if

the Board member first:

- Presents the official position of the Board;
- Clearly explains that his/her personal position is the minority position; and
- Explains that s/he is speaking as a citizen rather than expressing the opinion of the Board.

2. Per Diem and Reimbursement of Travel Expenses Incurred on Behalf of the SWCD. A supervisor shall receive compensation for services up to \$75 per day, and may be reimbursed for expenses, including traveling expense, necessarily incurred in the discharge of duties. A supervisor may be reimbursed for the use of the supervisor's automobile in the performance of official duties at a rate up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue code. (Mn Statutes 103C.315 Subd.4.) Approval must be obtained from the Board for all out-of-state travel. All reimbursements for travel related expenses require the appropriate receipts.

The following organizations and agencies are recognized as being fundamental partners in the SWCDs activities for which attendance of functions shall be presumed to be in furtherance of the goals of the SWCD:

- Dakota County Board of Commissioners
- Dakota County Watershed Organizations, Cities and Townships
- Minnesota Association of Soil and Water Conservation Districts
- Metropolitan Conservation Districts Joint Powers Board
- Minnesota Board of Water and Soil Resources
- Minnesota Department of Agriculture
- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency
- Minnesota Legislature
- National Association of Conservation Districts
- Natural Resources Conservation Service

Board members may attend meetings of the aforementioned organizations and agencies and may be eligible for the collection of per diem payments and reimbursement of appropriate travel expenses without obtaining prior approval by the Board. However, approval must be obtained from the Board for all out-of-state travel. All reimbursements for travel related expenses require the appropriate receipts.

2. Interaction with SWCD Staff.

1. **Direction and Assignment of Work.** The Board shall direct and assign the work of the District Manager. The District Manager shall direct and assign the work of all other SWCD staff.
2. **Supervision, Evaluation and Discipline of Staff.** While a Supervisor may provide input to the District Manager, the District Manager and not the Board shall be responsible for the supervision, evaluation and discipline of individual staff members. However, nothing shall preclude the District Manager from eliciting the assistance of the Board, an Officer or an individual Supervisor in the performance of the District Manager's duties as personnel manager.
3. **Problem Resolution.** If a problem arises between a Supervisor and a staff person, it is expected that the individuals involved will seek to resolve the problem promptly. If they are unable to resolve the problem, the District Manager shall intervene. It is the responsibility of the District Manager to deal with the involved staff member and the responsibility of the Board to deal with the involved Supervisor. If a problem arises between the District Manager and a Supervisor, the District Manager and the Board member shall make all attempts to resolve the issue themselves. If sincere and diligent attempts by both parties do not resolve the issue, then the District Manager and the Supervisor shall present the situation jointly to the Board of Supervisors. The Board shall resolve all such disputes brought before it and its decision shall be final.

ARTICLE 3 ETHICS POLICY

1. Legislative Purpose. Officials in public service must maintain the highest possible standards of ethical conduct in their transaction of public business. Such standards should be clearly defined and known to the public as well as to local officials. Furthermore, the proper operation of democratic government requires that local officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of this government. In recognition of these goals, there is hereby established a Code of Ethics for all Supervisors. The purpose of this Code is to establish ethical standards of conduct for all Supervisors by setting forth those acts or actions that are incompatible with the best interest of the people of Dakota County, and by directing

disclosure by Supervisors of private financial or other interest in matters affecting the County and SWCD.

2. Definitions.

1. *Administrative action* means an action of a nonministerial nature by any Board member.
2. *Legislative action* means introduction, sponsorship, debate, voting and any other official action on any ordinance, resolution amendment, nomination, appointment, report or other matter pending or proposed before the Board.
3. *Candidate* means any individual who files an affidavit of candidacy or petition to appear on the ballot for an elective public office.
4. *Election* means a general, special, primary or special primary election.
5. *Local official* as defined in Minnesota Statutes, Section 10A.01 means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money and shall include the supervisors, who are elected officials.

3. Conflicts of Interest. Any member of the Board who in the discharge of his or her official duties would be required to take an administrative or legislative action or make a decision which would substantially affect his or her financial interest or those of a business with which he or she is associated (hereafter the affected person), unless the effect of the affected person would be no greater than on other members of his or her business classification, profession or occupation, shall take the following actions:

- The affected person shall prepare, on such form as prescribed by the state ethical practices board, a written statement describing the matter requiring action or decision and the nature of his or her potential conflict of interest;
- The affected person shall deliver a copy of the statement to the Chair of the Board;
- If a potential conflict of interest presents itself and there is insufficient time to comply with the provision of subsections (1) and (2), the affected person shall orally inform the Board of the potential conflict. The affected person shall file a written
- Statement as prescribed above within one week after the potential conflict presents itself.
- The affected person shall remove himself or herself, if possible, from influence over

the action or decision in question and assign the matter to a subordinate. The Board may upon request excuse the affected person from taking part in the action or decision in question.

- If the affected person is not permitted or is otherwise unable to abstain from action in connection with the matter, he or she must file with the Chair of the Board a statement describing the potential conflict of interest and the action taken. Such statement must be filed within one week of the action taken.
1. **Representation for a fee.** No Supervisor shall represent a client for a fee before the Board.
 2. **Statement of economic interest.** Each Board member is required to file a statement of economic interest to comply with the Minnesota Campaign Finance and Public Disclosure Board under Minnesota Statute. All statements shall be public data.
 3. **Penalty for false statements.** A report or statement required by this section shall be signed and certified as true by the person required to file the report. Any person who signs and certified to be true a report or statement which he or she knows contains false information, who knowingly omits required information, or who fails to file a report to statement when required by this section, is guilty of a misdemeanor.
 4. **Gifts.** If a person or entity shall offer to give a Supervisor, the Supervisor's spouse or dependent children, and Supervisor shall solicit or receive, anything of value (including a gift, favor or service, or a promise of future employment), which would cause the total value of such things received from the same person or association to exceed one hundred dollars (\$100.00) during any calendar year, and which is either (a) based on any understanding that such Supervisor's vote, official actions or judgment would be influenced thereby, or (b) where the circumstances are such that it could reasonably be inferred that the thing of value would influence the Supervisor in the discharge of his or her duties.
 5. **Confidential information.** No Board member shall use or disclose confidential information gained in the course of or by reason of his or her official position or activities, including by not limited to, any data classified as private, confidential, nonpublic or protected nonpublic pursuant to Minnesota Statutes, Chapter 13, in any way that could result in financial gain for the Board member, members or his or her family, or any business with which he or she is associated.

6. **Violation of Ethics Policy.** Violation of the Ethics Policy shall be considered "malfeasance" or "neglect of duty," and may result in sanctions set forth in these Rules.

ARTICLE 4

SANCTIONS FOR VIOLATION OF THESE RULES

Violation of any portion of these Rules shall be considered "malfeasance" or "neglect of duty," and may result in any or all of the following sanctions:

- Private or Public Censure
- Limitation of the Board member's authority to appear and act on behalf of the Board
- The docking or stripping of the Board member's per diem
- The petition by the Board to the Board of Water and Soil Resources for the removal of the Board member pursuant to Minnesota Statute.

ARTICLE 5

AMENDMENTS TO RULES

These Rules may be amended or repealed by the affirmative vote of a majority of the Board provided that: the text of the proposed change was provided in writing along with the notice of the meeting at which such proposed change is to be considered; and the Board shall not adopt, amend or repeal any Rule to the extent such action causes any Rule to violate Minnesota Statutes, the United States Constitutions or the Constitution of the State of Minnesota.