

NINE MILE CREEK WATERSHED DISTRICT

GOVERNANCE MANUAL

Adopted as amended February 18, 2026

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Nine Mile Creek Watershed District

Governance Manual – Introduction

Nine Mile Creek Watershed District is a special purposes unit of government established under Minnesota Statutes chapters 103B and 103D. Nine Mile Creek Watershed District is governed by a five-member board of managers appointed to staggered terms by the Hennepin County Board of Commissioners. Day-to-day operations implementing NMCWD's watershed management plan are overseen by the Nine Mile Creek Watershed District administrator, who directs staff resource and program experts, as well as the work of the NMCWD engineer.

Existing policies are regularly updated and amended, then are incorporated herein to create the **Nine Mile Creek Watershed District Governance Manual**, collecting NMCWD's adopted governance policies. The managers regularly review the policies and manual, and adopt additions and updates as needed to ensure the manual remains complete and up to date. The manual includes this overview and the general administrative policies below, along with the specific policy and protocol documents that were adopted and have been amended as necessary to fulfill specific statutory or internal management purposes.

The manual collects policies, procedures and instructions for the management of NMCWD activities and accounts, complete recordkeeping and records management, and separation of duties among NMCWD staff and contractors. The manual also helps 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 NMCWD:

- **Bylaws** – including the NMCWD Conflict of Interest Policy and fulfilling the requirement of Minnesota Statutes section 103D.315, subdivision 11.
- **Policies and Procedures for Public Access to Documents** fulfills requirements of the state Data Practices Act applicable to NMCWD. The following auxiliary documents fulfill specific requirements of the Data Practices Act, as noted:
 - Security of Not-Public Data and procedures to ensure accuracy and security of data on individuals and to notify data subjects of their rights under the DPA, along with the accompanying Inventory of Not-Public Data on Individuals (included in the manual as Appendix A) facilitates NMCWD's efforts to ensure that access to private and confidential data on individuals is limited to personnel and managers whose work or management assignments require such access, as required by Minnesota Statutes section 13.025, subdivision 1.

- Procedures to ensure accuracy and security of data on individuals (Minn. Stat. § 13.05, subd. 5) and to notify data subjects of their rights under the DPA (Minn. Stat. § 13.025, subd. 3).
- Tennessee 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 NMCWD’s basic template.)
- **Records Retention Schedule and Electronic Records Policy** allows NMCWD to efficiently manage and, when appropriate, archive its files, and fulfills the requirement of section 138.17, subdivision 7. The schedule also includes indication of whether NMCWD stores information electronically or in hard copy form, in compliance with the Uniform Electronic Transactions Act, Minnesota Statutes section 325L.17.
- **Policy for Management of Permit Fees, Financial Assurances and Abandoned Property** provides protocols to manage assurances collected by NMCWD from permittees and ensures that funds submitted are managed in accordance with the state unclaimed property law (chapter 345 generally and section 345.38 specifically).
- **Public Purposes Expenditures Policy** includes protocols and requirements to ensure that NMCWD complies with the requirement in the state constitution (Article X, section 1) that expenditures by government bodies must serve a public purpose
- **Fund Balance Policy** adopted to bring NMCWD fund-classification and -naming practices into compliance with general accounting standards.
- **Internal Controls and Procedures for Financial Management** provides terms for the management and administration of NMCWD finances.
- **Technology-Use Policy** adopted to guide managers’ use of NMCWD-provided technology and access to NMCWD data through personal devices.

The manual will be annually reviewed and updated as necessary. Within 60 days of adoption of any substantive update, the manual will be submitted to the Office of the State Auditor in compliance with Minnesota Statutes section 6.756.

NMCWD staff and contractors are expected to conduct NMCWD business in accordance with the manual and to alert the board of managers to improvements and additions needed.

BYLAWS OF THE NINE MILE CREEK WATERSHED DISTRICT

Adopted August 1960, amended February 18, 2026.

These bylaws establish rules governing the conduct and procedure of Nine Mile Creek Watershed District (NMCWD) Board of Managers, in compliance with Minnesota Statutes section 103D.315, subdivision 11.¹

- I. **Office.** NMCWD maintains its principal place of business and its official records in its offices located within the watershed at 12800 Gerard Drive, Eden Prairie, Minnesota 55346. The board may change the location of its principal place of business in accordance with Minnesota Statutes section 103D.321, subdivision 2.²
- II. **Board of Managers.** The board consists of five managers appointed by the commissioners of Hennepin County. Managers serve three-year terms. Terms of office begin September 30 of the year of appointment, unless the county delays appointment of a manager. A manager serves until his or her replacement is appointed.
 - a. *Vacancy.* Any manager who is unable to fulfill his or her term must notify the Hennepin County Commission to allow the commission to appoint a replacement in a timely manner.
 - b. *Compensation.* The board may elect to compensate its members for attending meetings and performing other duties necessary for the proper management of NMCWD and reimburse managers for expenses incurred in the performance of official duties. Compensation will be in accordance with Minnesota Statutes section 103D.315, subdivision 8, and policy and schedule established by the board.
 - c. *Oath, Bonding.* Before a manager assumes his or her duties, he or she must swear or affirm the oath office in accordance with the Minnesota Constitution article V, section 6. The written oath, signed by the manager, will be filed with

¹ All references in these bylaws to statutes are to the section or sections as they may be amended.

² *References to statutes.* All references in these bylaws to statutes are to the section or sections as may be amended and presently effective.

the state Board of Water and Soil Resources in accordance with the law. The district will obtain and file a bond for the manager, at district expense, in accordance with Minnesota Statutes section 103D.315, subdivision 2.

- d. *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.
- e. *Attendance.* Managers are expected to attend meetings of the board of managers. A manager's absence from three consecutive meetings may be reported, at the board's discretion, to the Hennepin County Commission.

III. **Officers.** The board annually, at its January meeting, will elect from among its members the following officers: president, vice president, secretary and treasurer. No manager may hold more than one office at a time. If any officer cannot complete his or her term of office, the board immediately will elect from among its members an individual to complete the unexpired term. An officer's term as officer continues until a successor is elected or the officer resigns. The board, by action at an official meeting, may appoint a manager as an officer *pro tem* in the event an officer is absent or unable to act, and action by that officer is required.

- a. *President.* The president will:
 - i. preside at all meetings as chair of the board.
 - ii. sign and deliver in the name of NMCWD contracts, deeds, correspondence or other instruments pertaining to the business of NMCWD;
 - iii. be a signatory to NMCWD accounts;
 - iv. be a signatory to NMCWD documents if the treasurer or secretary is absent or disabled, to the same extent as the treasurer or secretary.
- b. *Vice President.* The vice president will:
 - i. preside at meetings as chair in the absence of the president;
 - ii. be a signatory to NMCWD accounts;

- iii. be a signatory to NMCWD instrument and accounts if the president is absent or disabled, to the same extent as the president.
- c. *Secretary.* The secretary will:
 - i. be a signatory to resolutions and other documents certifying and memorializing the proceedings of NMCWD;
 - ii. maintain the records of NMCWD;
 - iii. give the required public and board notice of all meetings in accordance with Minnesota Statutes chapter 13D;
 - iv. 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;
 - v. keep a record book noting the proceedings at all meetings.
- d. *Treasurer.* The treasurer will:
 - i. be a signatory to NMCWD accounts and financial records;
 - ii. present a report at the monthly meeting of the board of managers that includes a current check register and tracks each of the watershed district's funds and account balances;
 - iii. provide such other records as are necessary to inform the board the financial condition of NMCWD.
- e. The following officers' duties will be performed by the administrator under the direction of the board:
 - i. receive and process claims;
 - ii. develop and maintain NMCWD's financial accounts and records;
 - iii. arrange for the annual audit of NMCWD's financial records;
 - iv. provide the board with such records as are necessary to describe the financial condition of NMCWD;
 - v. deposit all monies, drafts and checks in the name of and to the credit of NMCWD at such banks and depositories as the board may approve;
 - vi. maintain records of NMCWD:

- vii. 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; and
- viii. provide for proper public notice of all meetings.

IV. **Committees.** All standing and special committees will be appointed by majority vote of the managers. Committees may include persons who are not managers, but no member of a committee other than a manager may offer a motion or vote on a matter put before the board. It will be the duty of a committee to act promptly and faithfully in all matters referred to it and to make reports as directed on the date established by the chair or board. A complete and accurate copy will be made by the secretary and filed and recorded in the office of the board.

- a. *Community Advisory Committee.* There is established, in accordance with Minnesota Statutes section 103D.331, an advisory committee of residents. The committee will be known as the Community Advisory Committee. The CAC will advise the board of managers on water-related community concerns and issues as it sees necessary and fit, and will assist with the development and implementation of the education and outreach activities of NMCWD. The CAC will meet according to a schedule set by 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.
- b. *Technical Advisory Committee.* There is established, in accordance with Minnesota Statutes section 103D.337, a Technical Advisory Committee to the board of managers. The TAC consists of representatives of affected statutory and home rule charter cities, counties, and soil and water conservation districts, as well as other governmental entities with jurisdiction in the Nine Mile Creek watershed. The TAC is convened as necessary and appropriate to advise the board of managers on regulatory and other technical matters.
- c. The board of managers may not delegate supervision of NMCWD administrator or any NMCWD employee to a committee.

- V. **Meetings.** In January each year, the board will set a schedule of regular meetings and, as needed, workshops. Adjourned and special sessions may be held at such times as the board deems proper.
- a. Special meetings and emergency meetings may be called by the chair or any manager. Notice of a special meeting or emergency meeting will be made by the secretary in accordance with the Open Meeting Law, Minnesota Statutes chapter 13D.
 - b. 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.
 - c. No public hearing convened by the board will be closed before the time specified for the hearing in the notice.
 - d. At all meetings of the board, the majority of the members appointed constitutes a quorum to do business, but a minority may adjourn from day to day.
 - e. *Conduct of meetings.* At the time appointed for a meeting, the members will be called to order by the president as chair, and in his or her absence, the temporary 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.
 - i. 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, provided, however, that in order to do so, upon demand of any one board member, he will vacate the chair and designate a temporary chairman. The chair is entitled to vote in the same manner as other members of the board.
 - ii. Every member before speaking must address the chair and must not proceed until recognized by the chair. A member called to order must immediately suspend his remarks until the point of order is decided by the chair.

- iii. 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.
- iv. 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.
- f. *Appeal of a chair ruling.* A manager may appeal to the board from a ruling of the chair. If the appeal is seconded, the manager may speak once solely on the question involved and the chair may explain his or her ruling, but no other manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the managers present, exclusive of the chair.
- g. *Amendment of meeting rules.* These rules may not be repealed, altered or amended except by majority vote of all members of the board and upon notice given at a preceding meeting. In all points not covered by these rules, the conduct of a meeting of the board will be governed by *Robert's Rules of Order Newly Revised* (10th Edition). *Robert's Rules* may be temporarily suspended by consent of a majority of the managers.
- h. *Resolutions.* A resolution will be presented in writing at a meeting or the preparation of a resolution reflecting board action may be delegated to the administrator. The material terms of a resolution must be stated in the motion to adopt. Each resolution and rule adopted by the board will be signed by the secretary and filed in the official actions of NMCWD maintained at the NMCWD office. Proof of publication and recordation of a rule will be attached to and filed with the rule.
- i. *Minutes.* Minutes of all meetings of the board of managers will be drafted, reviewed by the board, adopted as may be amended and kept at the NMCWD offices. Minutes of the meeting, when approved by the board and signed, will

constitute the official record and journal of the board proceedings. All written communications addressed to the board, other materials included in a board meeting packet, and all documents and materials submitted to the record in the course of a board meeting will be filed in NMCWD office with the minutes of the meeting.

- j. *Voting.* When the chair puts a question to the board, every manager present must vote or abstain, unless for special reasons the board excuses him or her. Any member may request that the yeas 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. No manager may appoint a proxy to vote on any question. Any affirmative or negative vote or abstention by any member must be entered in the minutes on his or her request.

VI. **Conflict of Interest.** The Nine Mile Creek Watershed District Board of Managers seeks to operate in accordance with high ethical standards and wishes to establish clear guidelines for the ethical conduct of NMCWD business. Ensuring that conflicts of interest do not affect NMCWD proceedings is an essential element of maintaining high ethical standards. Therefore, to supplement and specify its commitment to compliance with the Ethics in Government Act, Minnesota Statutes section 10A.07, the board of managers adopts the following conflict of interest policies:

- a. *Disclosure of conflicts.* A manager who has a personal financial interest, or other private interest or relationship that limits the manager's ability objectively to consider, deliberate or vote, in a matter scheduled to come before the board must prepare a written statement describing the matter requiring action and the nature of the potential conflict. The manager affected will deliver the statement to the president of the board of managers prior to the board's consideration of taking action on the matter. If a potential conflict arises and a manager does not have sufficient time to prepare a written statement, the manager must orally inform the board prior to discussion of the matter.

b. *Abstention.* A manager must abstain from chairing any meeting, participating in any vote, offering any motion, or participating in any discussion on any matter that may substantially affect the manager's financial interests or those of an associated business or family member, unless the effect on the manager is no more than on any other member of the manager's business classification, profession or occupation. Managers must also abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager limits the manager's ability objectively to consider, deliberate or vote. The manager's nonparticipation in the matter will be recorded in the minutes.

VII. **Financial Practices.** All expenditures and accounting will be made in accordance with the Internal Controls and Procedures for Financial Management adopted by the board of managers.

VIII. **Bylaws.** These bylaws are adopted to facilitate the transaction of board business. They should not be permitted to divert or hinder the express intent and desire of the board. Informal compliance and substantial performance will be sufficient under the foregoing rules in the absence of an objection seasonably taken. An objection will be deemed not seasonably taken as to any procedural matters provided for herein if a manager present at the meeting fails to object and request compliance with these rules during the meeting. To be seasonably taken by an absent member, an objection must be taken at the next regular meeting of the board.

a. Any provision of these bylaws may be suspended temporarily by a majority vote of the board, except a provision that preserves the right of an absent manager.

b. These bylaws may be amended by a majority of the board of managers on 30 days' written notice of the proposed change(s), unless such notice is waived by all managers. Notice of any amendment is to be contained in the notice of the meeting at which the proposed amendment is to be considered. An amendment to these bylaws must be approved by a four-fifths majority of the board.

- c. Interpretation of the bylaws and any amendment thereto will rest with the board of managers. The bylaws are to be interpreted as consistent with the watershed district implementing laws, Minnesota Statutes chapters 103B and 103D, and other governing laws. In the event of a conflict, the governing laws control.
- d. These bylaws will be reviewed by the board at least once every five years.
- e. These bylaws govern internal conduct of the business of Nine Mile Creek Watershed District and neither create nor elucidate any right in a manager or any third party.

Adopted as amended by the Nine Mile Creek Watershed District Board of Managers, February 18, 2026.

Date: 
Chris-Ann Lauria (Feb 20, 2026 12:56:15 CST)

Signed: Feb 20, 2026

Chris-Ann Lauria, Secretary

Nine Mile Creek Watershed District
General Governance Policies

Adopted as amended February 18, 2026

The following general governance policies help ensure sound administration of NMCWD business and continued focus of NMCWD resources on protection and improvement of the water resources in the Nine Mile Creek watershed.

I. Contracting

- a. The board of managers may delegate to the administrator the authority to approve work-change directives and change orders. The administrator may require an NMCWD contractor to secure additional or replacement payment and/or performance bonds to cover any increased price of an NMCWD project resulting from a change order approved by the administrator.
- b. A change order approved by the administrator under delegated authority will be presented to the board of managers at its next meeting.

II. Electronic Signature.

- a. NMCWD may accept and utilize electronic systems that create digitally authenticated signatures – those that produce “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record,” Minnesota Statutes section 325L.02(h) – as ascertained by the NMCWD administrator on advice of counsel as to compliance with applicable law, provided that such electronic authentication further includes the date and time of the signature, the signatory’s internet protocol address, and attribution of intent of the signatory to sign. NMCWD accepts the signatory’s electronic signature as concurrence in the acceptability of the use of such technology for the purpose.
- b. NMCWD may utilize electronic signatures for the execution of funding commitments; land-use licenses; contracts and task orders for goods, services, utilities, construction and professional and technical services; project agreements; and documents necessary and pertinent to the efficient administration of NMCWD operations and business, such as resolutions and minutes.
- c. NMCWD may utilize scanned handwritten signatures as electronic signatures on contracts and agreements committing NMCWD to no more than \$5,000 in expenditures when such expenditures are to be paid only after receipt of goods, supplies or services to be rendered.
- d. Forms of electronic signatures unacceptable for NMCWD use include:
 - i. An image of a signature placed into or on a document by digitally pasting the image into the document, unless such signatures image is digitally authenticated; or

- ii. A signature created by typing the name of the person into the document, except that NMCWD may accept such electronic signature forms on permit applications, where the administrator confirms the intent of the applicant.

III. Per diems

- a. Managers may receive one per diem payment per day for participation in a meeting of the board of managers and for other necessary meetings and duties. Per-diem payments will be provided at rates and for activities and necessary duties as established in the meeting schedule adopted annually or as otherwise authorized or requested by the board of managers or requested by the administrator. In no case will per-diem payments exceed the compensation authorized by Minnesota Statutes section 103D.315, subdivision 8. No per diem will be authorized when compensation is provided by another entity.
- b. A manager may receive a per diem of \$125 for:
 - i. Participation in a meeting/workshop of the board of managers
 - ii. Meetings or trainings, attendance or participation in which is requested by the board or administrator.
 - iii. Attendance at each day of official meetings of Minnesota Watersheds, including the annual legislative conference, meetings of a Minnesota Watersheds committee when the manager is an appointee, annual summer tour, and quarterly meetings of the metro chapter of Minnesota Watersheds.
- c. A manager may receive a per diem of \$50 for:
 - i. Preparation for each meeting of the board of managers attended by the manager.
 - ii. Participation by an individual manager in a meeting with the administrator or staff as requested by the administrator. Examples include:
 - a. Monthly update meeting between chair and administrator;
 - b. Annual pre-budget development meeting with chair and treasurer;
 - c. Treasurer's monthly review of bills and income spreadsheet and treasurer's report;
 - d. Treasurer's participation in annual audit (each day);
 - e. Community Advisory Committee meetings;
 - f. Meetings where a board member has been designated a liaison;
 - g. Signing checks.
- d. A manager may receive only one per diem per day of service to NMCWD.
- e. Managers will prepare written claim forms for per diem and expenses. Managers' claims will be submitted to the treasurer to be processed and approved in the same manner as other claims against NMCWD. Claims for expense must be submitted within 90 days of the date the expense was incurred, and all claims for expenses in any given year must be submitted prior to January 15 of the subsequent year. The manager will retain a copy for their personal records.

II. Records management and retention

- a. NMCWD will make and preserve all records necessary to ensure the availability of a full and accurate accounting of NMCWD's official activities, in fulfillment of Minnesota Statutes sections 15.17, subdivision 1, and 138.17.

- b. The district will adopt and maintain a records retention schedule, to be approved by the State Archives Office, governing the retention and/or disposal of records created by NMCWD.
- c. In keeping with the direction of the Uniform Electronic Transactions Act, NMCWD has determined that it will create and retain its records in electronic form to the greatest extent possible. NMCWD's records retention schedule includes indication of records that may be retained in hard copy form, but NMCWD policy is to retain all records in electronic form. This policy is prospective as of November 2012, and NMCWD does not intend to convert historic records from hard copy to electronic form.
- d. The administrator is the responsible authority for purposes of NMCWD compliance with the Data Practices Act, Minnesota Statutes chapter 13.
- e. The administrator is the data practices compliance official for purposes of NMCWD compliance with the Data Practices Act.

III. Delegated authority

- a. No employee of NMCWD may exercise authority beyond that which is allocated to the administrator by the NMCWD Board of Managers.
- b. Authority delegated to the administrator may not be delegated to other employees or contractors.
- c. Duties assigned to the administrator may be delegated to other employees or contractors by the administrator, however the administrator will remain responsible to the board of managers for the proper execution of all delegated duties.
- d. Absent definitively applicable delegated authority, the administrator may not commit NMCWD funds without the approval of the board of managers.

IV. Managers' authority

- a. No manager may speak on behalf of NMCWD unless authorized to do so by the board of managers.
- b. No individual manager may provide direction, instructions or authorization to the administrator unless specifically authorized to do so by the board of managers.

Schedule of Regular Activities

NMCWD will observe the following schedule of required activities to ensure continued compliance with laws and regulations:

- NMCWD conducts its annual business meeting in January. At that meeting the board of managers:
 - Approves a schedule of meetings of the board of managers for the ensuing year.
 - Reviews insurance needs and current coverage.
 - Names:
 - a depository bank(s),
 - a permit security depository for bonds and letters of credit
 - a permit security depository for cash escrows,
 - and an official newspaper for publication of notices.
 - Names individuals to serve on the Nine Mile Creek Watershed District Community Advisory Committee, in accordance with Minnesota Statutes section 103D.331.
 - Reviews NMCWD's fee and permit security schedules and directs the administrator to prepare revisions as warranted for adoption by resolution.
 - Reviews and, as necessary, directs the preparation of updates to its Governance Manual.
 - Reviews, as necessary, the Employee Policy Manual.
 - Confirms receipt of broker certificates for securities.
 - Receives updated mileage reimbursement rates.
- NMCWD annually publishes a newsletter or other watershed-wide communication that explains NMCWD's programs, lists the members of the board of managers and notes NMCWD contact information, per Minnesota Statutes section 103B.227, subdivision 4. NMCWD will maintain this information on its website as well.
- NMCWD biennially solicits engineering, legal, auditing, accounting and other professional services proposals, in accordance with Minnesota Statutes section 103B.227, subdivision 5.
- NMCWD annually audits its accounts and expenditures, in accordance with Minnesota Statutes section 103D.335, subd. 1.
- NMCWD annually submits to the Board of Water and Soil Resources a financial, activity and audit report each year by May 1 (within 180 days of the end of NMCWD's fiscal year), in accordance with Minnesota Statutes section 103B.231, subdivision 14, and Minnesota Rules 8410.0150, subpart 1. The audit report is also submitted on the same timeline to the Office of the State Auditor an audit report by May 1 each year.
- The NMCWD administrator annually prepares, in July, a report to the board on the status of fund balances in relation to the Fund Balance Policy.

- The administrator, as the Data Practices Act responsible authority, reviews in July each year NMCWD's DPA policy and associated protocols to ensure harmony with current law, in accordance with Minnesota Statutes section 13.05, subd. 1.
- The administrator annually assesses in July each year whether NMCWD has abandoned property and returns abandoned property, if any, in accordance with the schedule in the Policy for Management of Permit Fees, Permit Securities and Abandoned Property.
- Annually on or before September 15 NMCWD holds a public hearing on its budget for the next year and the total amount of funding necessary to be raised from ad valorem tax levies to meet the budget. After the hearing and with consideration of comments received, the board adopts the budget and levy, and the levy is then certified to Hennepin County. At the same meeting as the public hearing, NMCWD announces the date of a final opportunity for community members to comment on the budget and levy at the December meeting of the board of managers.

Nine Mile Creek Watershed District

Policies and Procedures for Public Access to Documents

Adopted as amended March 4, 2021

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. Nine Mile Creek Watershed District recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of NMCWD 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, NMCWD has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by NMCWD and describes private or confidential data on individuals collected by NMCWD, in compliance with section 13.025, subdivision 1. This policy also is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security, consistent with section 13.05, subdivision 5, as well as an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individuals is limited to NMCWD personnel whose work or management assignments require access. NMCWD also 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, and a document setting forth the rights of data subjects under the DPA.

Procedure for Review of NMCWD Documents

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

Nine Mile Creek Watershed District
12800 Gerard Drive
Eden Prairie MN 55346

The NMCWD administrator is designated as the Data Practices Compliance Official and Responsible Authority.

Requests to inspect or obtain copies of NMCWD data must be in writing to ensure that

NMCWD's response is timely and complete. NMCWD is able to most efficiently and completely respond to requests that are specific and detailed. The Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents not subject to inspection pursuant to the DPA have been segregated, and that assistance available to assist the requesting party. NMCWD will provide requested data for inspection at the NMCWD office, or other location to be specified by the Data Practices Compliance Official. NMCWD files may not be removed from the NMCWD office or location where data is provided for inspection.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time after a request. NMCWD 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 NMCWD determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access.

NMCWD 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., oversized documents, tapes, electronic data).

Costs

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

With respect to oversized copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting individual will be responsible for the actual cost incurred by NMCWD to make the copy itself or to use a vendor, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by NMCWD).

An individual requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay NMCWD 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. NMCWD will not charge for staff time needed to separate public from not-public data.

If an individual so asks, before copies are made NMCWD will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request. Payment may be made by check; cash will not be accepted. NMCWD may require payment in advance.

When an individual asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by NMCWD, NMCWD 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, NMCWD may require execution of a license agreement defining allowed use or further distribution.

Nine Mile Creek Watershed District Security and Protection of Not-Public Data on Individuals

Nine Mile Creek Watershed District establishes the following protocols pursuant to and in satisfaction of the requirement in Minnesota Statutes section 13.05, subdivision 5, that NMCWD establish procedures ensuring appropriate access to not-public data on individuals. By incorporating employee access to not-public data in NMCWD's Inventory of Data on Individuals, in the individual employee's position description, or both, NMCWD limits access to not-public data to employees whose work assignment reasonably requires access.

Implementing Procedures

Data inventory

Pursuant to Minnesota Statutes section 13.025, subdivision 1, NMCWD has prepared a data inventory that identifies and describes all not-public data on individuals it maintains. To comply with the requirement in section 13.05, subdivision 5, NMCWD includes indication of the managers and employees who have access to not-public data. (*See Appendix A: Inventory of Not-Public Data on Individuals.*)

In the event of a temporary duty as assigned by the administrator or a department director, an employee may access certain not-public data for as long as the work is assigned to the employee.

In addition to the employees listed in the data inventory, managers, the Responsible Authority/Data Practices Compliance Official and counsel may have access to *all* not-public data maintained by NMCWD if necessary for specified duties. Any access to not-public data will be strictly limited to the data necessary to complete the work assignment.

Employee position descriptions

Position descriptions may contain provisions identifying any not-public data accessible to the employee when a work assignment reasonably requires access.

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 a federal or state law allows or mandates it. Individuals will have notice of any sharing in an applicable Tennessee warnings or NMCWD 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, NMCWD will:

- Assign appropriate security roles, limit access to appropriate shared network drives and implement password protections for not-public electronic data;
- Password protect employee computers and lock computers before leaving workstations;

- 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

NMCWD may utilize the 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

Accuracy and Currency of Data

Employees of NMCWD are requested, and given appropriate forms, to annually provide updated personal information for NMCWD as necessary for NMCWD recordkeeping, tax, insurance, emergency notification and other personnel purposes. Other individuals who provide private or confidential information (e.g., managers) are also encouraged to provide updated information when appropriate.

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 NMCWD purposes. (An individual who is the subject of data classified as private may access such data for any reason.)

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

Only managers and employees of NMCWD whose work for NMCWD requires that they have access to private or confidential data may access files and records containing such information. Employees' and managers' access is further governed by the following requirements:

- a. Private or confidential data may be released only to persons authorized by law to access such data;
- b. Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- c. 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 NMCWD, the contracting entity is required by the terms of its agreement with NMCWD to use and disseminate such information in a manner consistent with the DPA and NMCWD's Policies and Procedures for Public Access to Documents.

Nine Mile Creek Watershed District
Private and Confidential Data – Rights of Data Subjects

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

Rights to Access Government Data

Minnesota law gives you, as the subject of private or confidential data collected by NMCWD, and all members of the public the right to see data collected and maintained by NMCWD, 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 NMCWD data and how that data is classified;
- know what NMCWD's procedures are for requesting government data;
- inspect any public data that NMCWD collects and maintains at no charge;
- see public data that NMCWD collects and maintains without telling NMCWD who you are or why you want the data;
- have public data that NMCWD collects and maintains explained to you;
- obtain copies of any public NMCWD data at a reasonable cost to you;
- be informed by NMCWD in writing as to why you cannot see or have copies of not-public NMCWD data, including reference to the specific law that makes the data not-public;
- receive a response from NMCWD to a data request in a reasonable time.
- contest the accuracy and completeness of public or private data NMCWD has on you and appeal a determination by NMCWD as to whether the data are accurate and complete;
- to ask NMCWD, 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 NMCWD has on you;
- release all, part or none of the private data NMCWD has on you.

Security of Private and Confidential Data

State law protects your privacy rights with regard to the information NMCWD collects, uses and disseminates about you. The data NMCWD collects about you may be classified as:

- Public – anyone can see the information;

- Private – only you and authorized NMCWD staff can see the information;
- Confidential – only authorized NMCWD staff can see the information.

When NMCWD asks you to provide data about yourself that are private, NMCWD will give you a notice called a Tennessee warning notice. This notice determines what NMCWD can do with the data collected from you and the circumstances under which NMCWD can release the data. NMCWD will ask for your written permission before using private data about you in a way that is different from what is stated in the Tennessee notice you receive. NMCWD 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 NMCWD protect private and confidential data about you. NMCWD has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. NMCWD disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule, adopted November 21, 2012. 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 accessed or read. Data-storage systems in NMCWD computers are erased in the process of recycling.

Nine Mile Creek Watershed District
Data Practices Advisory / Tennesen Warning

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

Nine Mile 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:

Persons or entities who are authorized to receive the information include:

Before NMCWD uses private data about you for any purpose other than those described here, it must obtain your written permission. NMCWD also must obtain your written permission before releasing private data about you to someone other than those identified in this notice.

Nine Mile 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 Nine Mile Creek Watershed District administrator before you sign it.

I, *[name of individual data subject]*, give my permission for Nine Mile 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 Nine Mile Creek Watershed District to release are *[explanation of data]*.
2. I have asked Nine Mile Creek Watershed District to release the data.
3. I understand that although the data are classified as private while in the possession of Nine Mile 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 _____

Nine Mile Creek Watershed District
Consent to Release – Request from a Government Entity

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 NMCWD administrator before you sign it.

I, *[name of individual data subject]*, give my permission for Nine Mile 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 Nine Mile Creek Watershed District may release to *[name of other entity or person]* are: *[description, explanation of data]*.
2. I understand Nine Mile 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 Nine Mile 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 _____

**Nine Mile Creek Watershed District
Records Retention Schedule**

Adopted November 21, 2012, Amended February 18, 2026

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

Administration

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Advisory and technical committees – agendas, minutes, reports, related documents	Retain 10 years, then may be transferred to state archives	Public	
Affidavits of publication a. General notices, including project public hearings b. Rules	a. Retain 6 yrs b. Retain permanently	a. Public b. Public	
Agenda, board meetings and workshops	Retain 10 years, then may be transferred to state archives	Public	
Agreements and contracts, not otherwise scheduled herein	Retain 10 yrs after paid and audited	Public	
Annual reports	Retain 10 yrs, then transfer to state archives	Public	
Attorneys’ opinions a. Opinions of NMCWD attorney and correspondence relating thereto b. Official interpretation regarding questions of legal rights or liabilities affecting NMCWD	a. Retain permanently or transfer to state archives when no longer needed b. Retain 10 yrs, then transfer to state archives	a. Public b. Public/Private-nonpublic	13.393 13.39
Authority to dispose of records	Retain permanently	Public	

Bids and Quotations a. Accepted, noncapital projects b. Rejected, noncapital projects	a. Retain 10 yrs after completion of project b. Retain 6 yrs	a. Public/ nonpublic b. Public/ protected nonpublic until all bids opened	13.37
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
Correspondence a. Constituents b. Municipalities/State Agencies c. Engineer d. Financial e. Transitory, such as electronic mail not in one of the above categories	a. Retain 6 yrs, then archive if documents historical b. Retain 6 years, then archive if historical c. Retain 10 yrs, then transfer to state archives d. Retain 5 yrs then transfer to state archives e. Retain until read	Private/public	13.37; 13.44
Drafts, duplicates, notes and other documents that have not become part of an official transaction, not otherwise scheduled herein	Retain 2 yrs	Public	
Governance a. Bylaws b. Policies	a. Retain permanently b. Retained only until superseded	a. Public b. Public	
Historical data and photographs	Retain permanently or transfer to state archives	Public	
Inventories – equipment supplies, etc.	Retain 10 yrs	Public	
Lawsuits a. General b. Civil Lawsuits c. Criminal Lawsuits d. Attorneys' opinions, attorneys' briefs, testimony, depositions,	a. Retain 10 yrs after settlement or resolution by court, administrative order and then transfer to state archives b. Retain 20 years after	a. Public/ private b. Public/	13.30, 13.39 13.393, 13.39

correspondence, etc.	<p>last activity</p> <p>c. Retain 2 years after last activity</p> <p>d. Retain 10 yrs, then archive</p>	<p>private</p> <p>c. Public/private</p> <p>d. Public/private/and non-public</p>	
Leases	Retain 10 yrs after expiration of lease	Public	
Levy (tax) files – tax levies, related correspondence	Retain 5 yrs then transfer to state archives	Public	
Membership association documents (MAWD, Metro MAWD, etc.)	Retain 3 yrs	Public	
Minutes – board meetings and workshops	Retain permanently	Public	
Newsletters, press releases generated by NMCWD	Retain 10 yrs	Public	
Notices – official NMCWD meetings	Retain 6 yrs	Public	
Public hearings records	Retain 6 yrs or until recorded in minutes, do not archive	Public	
<p>Recordings</p> <p>a. Board meetings and workshops – audio recordings, closed meetings</p> <p>b. Board meetings and workshops – open</p>	<p>a. Tapes and other recordings may be discarded 3 yrs after meeting; 8 yrs or until purchase or sale is completed or abandoned for real estate negotiations.</p> <p>b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board</p>	<p>a. Nonpublic/public</p> <p>b. Public</p>	<p>13D.05, subd. 3; 13.37</p>
<p>Technical Information</p> <p>a. Printed material regarding NMCWD</p> <p>b. Printed material not regarding NMCWD</p>	<p>a. Retain 10 yrs, then transfer to state archives</p> <p>b. Discard when no longer needed</p>	<p>a. Public</p> <p>b. Public</p>	

Real Estate

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Deeds	Retained until property is sold, then transfer to new owner; maintain copy permanently	Public	
Ditch records	Retain permanently	Public	
Easements a. Originals b. Temporary easements	a. Retained permanently and do not archive b. Discard after project completion or when no longer needed, whichever is later	a. Public b. Public	
Hazardous materials reports – phase I and II reports, leaking underground storage tank reports	Retain permanently	Public	
Property records (well records, building inspections, etc.)	Retain 20 yrs after sale of property	Public	
Property surveys	Retain permanently	Public	
Transaction records	Retain 10 yrs after sale of property	Public/ Confidential/ Protected Non-public	13.44; 13.585

Bonds

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Contractor license bonds, certificates of insurance, etc.	Retain 6 yrs after completion of contract	Public	
Fidelity bonds – managers	Retain 6 yrs after completion of service by manager	Public	
Performance and payment bonds	Retain 6 yrs after completion of contract	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure ³	Public	

³ Retain copy if original returned to provider.

Financial/Accounting

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Assessment rolls – copies of assessment rolls received from county auditor	Retained 6 yrs after final payment	Public	
Audit reports	Retain permanently	Public	
Billing statements	Retain 6 yrs	Public	
Bank statements – slips, bonds and reconciliations	Retain 6 yrs	Public	
Budget expenditure reports	Retain permanently	Public	
Checks – paid and returned a. Accounts payable b. Payroll	a. Retain 6 yrs b. Retain 6 yrs	a. Public b. Public/private	
Receipt registers	Retain permanently, and not archived	Public	
Deposit slips	Retain 6 yrs	Public	
General ledger – general, month-end	Retain permanently and do not archive	Public	
Investment documents – amounts invested and interest earned	Retain 4 yrs after maturity	Public	
Payroll	Retain permanently	Public/private	13.43
Pension and retirement plan	Retain permanently	Public or private	
Purged accounts	Retain 6 yrs (irrespective of audit)	Public	
Receipts and receipt books	Retain 6 yrs and do not archive	Public	
Staffing lists	Retain 6 yrs	Public	
Time sheets	Retain 6 yrs	Public/Private	13.43
W-2 statements	Retain 6 yrs	Public/Private	13.43
W-4 statements	Retain until replaced		
Workers' compensation reports	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

Insurance

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Insurance – automobile, fire or other perils, property, public officials, general liability, umbrella liability	Retain 6 yrs after expiration	Public	
Workers’ compensation a. Claim register b. Policies	a. Retain permanently b. Retain 6 yrs after expiration	a. Public b. Public	a. 176.231

Permits

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Applications – permits	Retain 10 yrs, then transfer to state archives	Public	
Correspondence – relating to permits	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports	Retain 10 yrs, then transfer to state archives	Public	
Inspectors’ reports – includes reports, inspectors’ documents relating to permit inspections	Retain 10 yrs, then transfer to state archives	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure	Public	
Permits	Retain permanently	Public	
Plans	Retain permanently	Public	

Personnel

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Affidavit of publication for job opening	Retain 2 yrs	Public	13.43
Affirmative action files	Retain permanently	Public/Private	13.39, 13.43
Applications for employment – not hired	Retain 1 yr	Public	
Personnel policies and procedures, administrative policies	Retain permanently	Public	
Employment contracts	Retain 5 yrs after expiration	Public	
Equal employment opportunity reports, summary date	Retain 3 yrs	Public	
Examination file – completed examinations	Retain 2 yrs	Private	13.43
Employee medical records	Retain 5 yrs after separation from NMCWD	Public/private	13.43
Family Medical Leave Act documents	Retain 3 yrs in medical file, not in employee personnel file	Private	13.43
Grievance file	Retain 5 yrs after separation, not in employee personnel file	Public/private	13.43
Job descriptions	Retain until superseded	Public	
Personnel files – applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments or promotion, termination or resignation	Retain 5 yrs after separation	Public/private	13.43
Payroll record – master copy	Retain permanently	Public/private	13.43
Unemployment claims, compensation	Retain 6 yrs	Public/private	13.43
Background check results – not hired	Retain 30 days	Nonpublic	13.87

Projects

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Board documents – resolutions, findings, conclusions	Retain 10 yrs, then transfer to archives	Public	
Contracts a. Petitioned projects b. Non-petitioned projects	a. Retain permanently b. Retain 10 yrs, then transfer to state archives	Public	
Correspondence	Retain 10 yrs, then transfer to state archives	Public	
Engineer’s reports and related documents	Retain 10 yrs, then transfer to state archives	Public	
Petitions (for projects)	Retain 10 years, then transfer to state archives	Public	
Property surveys	Retain permanently	Public	
Public hearing documents – non-petitioned projects	Retain 10 yrs, then transfer to state archives	Public	
Public hearing documents – petitioned projects a. notices, written testimony, audio b. Related public hearing documents	a. Retain 6 yrs or until recorded in minutes; do not archive b. Retain 10 years and do not archive	a. Public b. Public	

Programs

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Water quality, lake elevation, stream-flow a. Field notes and raw data b. Final reports	a. Retain until final report completed b. Retain permanently or transfer to state archives	Public	
Public opinion surveys	Retain permanently or transfer to state archives	Public	
Plans a. Watershed management plans b. Local water management plans c. Program plans and work plans – approved by board	a. Retain permanently or transfer to state archives b. Retain until updated c. Retain 6 yrs and do not archive	a. Public b. Public c. Public	
Rules – NMCWD approved	Retain permanently	Public	

Nine Mile Creek Watershed District
Policy for Management of Permit Fees, Financial Assurances and
Abandoned Property

Adopted February 18, 2026

As provided by state law, Nine Mile Creek Watershed District receives fees from applicants to reimburse NMCWD for the costs of processing and administering permits required by the NMCWD rules. NMCWD also receives bonds, letters of credit and cash deposits (checks) as financial assurances to secure the performance of permittees in compliance with permit terms and conditions. To ensure that such assets are managed in accordance with sound financial practices and state law governing local government financial practices and management of abandoned property, NMCWD establishes the following policy and protocols for the management of financial instruments, permit fees, and cash escrows.

1. **Permit fee payments.** NMCWD will accept, process and maintain permit fees in accordance with NMCWD rules and the following protocols.
 - a. NMCWD will not accept cash in payment of permit fees.
 - b. Checks received by NMCWD in payment of permit fees are electronically deposited by the administrator within 30 business days of receipt.
2. **Financial assurance deposits.** NMCWD will catalogue and maintain financial assurances and cash escrows in accordance with the following protocols:
 - a. Financial assurance instruments (bonds, letters of credit and checks) received by NMCWD to secure performance of permit conditions will be logged in the Financial Assurance Log created for such purposes, then copied. A copy will be filed at the NMCWD offices. The Financial Assurance Log will include, at a minimum, the following information:
 - i. Permit number for which the financial assurance instrument is provided;
 - ii. Name of the permittee/escrow provider;
 - iii. Name, for bonds and letters of credit, of the surety;
 - iv. Amount(s) of the financial assurances provided;
 - v. Expiration date, if any, of the financial assurance;
 - vi. Location of the financial assurance instrument or deposit.
 - b. Original bonds and letters of credit will be deposited for safekeeping at a location to be designated annually by the NMCWD Board of Managers.
 - c. Submittal of checks to satisfy financial assurance requirements is disfavored by NMCWD. But when, in the judgment of the NMCWD administrator, it is not reasonable to require a permit applicant to obtain a bond or letter of credit, the applicant may submit a check for deposit by NMCWD to serve as the permit financial assurance. In such circumstances, the permittee/escrow provider will be required as a condition of permit issuance, transfer or renewal to enter into a cash escrow agreement with NMCWD that specifies the terms and conditions

under which NMCWD accepts and holds the escrow, as well as the circumstances under which NMCWD may use the escrowed funds.

- i. NMCWD, with the advice of counsel, will maintain a cash escrow agreement template for use by permittees/escrow providers.
 - ii. NMCWD will accept only certified checks or other bank drafts in payment of cash escrows.
 - iii. Permit approval may be revoked for failure to comply with this requirement.
- d. No check will be accepted by NMCWD to serve as a financial assurance to secure performance of permit conditions until NMCWD staff has verified receipt of an associated executed escrow agreement, specifying the required deposit amount and permit to be secured by the escrow. The check must be in the amount specified in the associated escrow agreement and must bear the number of the NMCWD permit(s) to be secured.
- e. Checks received by NMCWD as financial assurances are electronically deposited by NMCWD staff within 10 business days of receipt and logged by the NMCWD accountant. The account will be at a board-designated depository institution.

3. **Maintenance of valid financial assurances.** To ensure that NMCWD has the capacity to assure compliance with its rules and protect water resources in the Nine Mile Creek watershed and NMCWD's jurisdiction in the event of noncompliance with permit conditions and/or rules, NMCWD staff will follow the protocols below to ensure that financial assurances of permit performance remain valid and enforceable:

- a. NMCWD compliance with the protocols in this section will be the responsibility of the NMCWD administrator.
- b. The administrator will maintain the Financial Assurance Log.
- c. The administrator will review the Financial Assurance Log monthly to ensure the continuing validity of financial assurances provided for active permits by identifying bonds and letters of credit that will expire within the ensuing 90 days.
- d. The administrator will determine – in the course of his or her monthly review of the Financial Assurance Log – whether replacement of the financial assurance is needed for a particular project, and, if so, alert the permittee to the need to provide a replacement instrument at least 60 days prior to the expiration of the existing instrument.
- e. If deemed necessary in response to a permittee's unwillingness or inability to provide a replacement financial assurance, the administrator will contact counsel at least 30 days prior to the expiration of the financial assurance to initiate procedures to draw on the existing financial assurance.
 - i. The administrator will ensure that proper authorization for a financial assurance draw is secured in a timely manner, with a priority on the protection of NMCWD water resources.

4. **Return of financial permit assurances.** Financial assurance instruments will be returned in accordance with applicable NMCWD rules, including sections 5.5 and 12.4.

- a. The administrator will monthly designate financial assurances that may be returned in whole or in part to the surety (with notice to the

principal/permittee) and, upon receipt of required documentation, take the steps necessary to return such instruments and/or funds.

- b. The administrator will maintain record of returned financial assurances in the Financial Assurance Log and retain a copy of original financial assurance documents in compliance with the NMCWD records retention schedule.

5. **Abandoned property procedures.** State law imposes requirements applicable to any intangible asset in NMCWD's possession that remains unclaimed for three years or more after the asset is no longer needed for NMCWD purposes (e.g., three years after a permitted project is completed and the associated financial assurance becomes eligible for release in accordance with NMCWD rules). To ensure compliance with abandoned-property requirements, NMCWD establishes the following protocols.

- a. NMCWD will annually assess whether cash escrows remain on deposit after completion of the applicable permitted work and attempt to return them. For cash escrows that have been in NMCWD's possession for three years or more, unclaimed by the owner, staff will commence unclaimed property return procedures as follows.
 - i. By July 1 of each year, NMCWD staff will take reasonable steps to notify owners by mail of unclaimed property. A letter should be sent to all known addresses on file for the owner, notifying owner of the amount still held by NMCWD and describing steps necessary to claim the property. Staff need not send such a letter if documentation in NMCWD's possession indicates that the address(es) it has for the owner are inaccurate.
 - ii. If the owner cannot be found, the assets are deemed legally abandoned and NMCWD will remit them to the state Commissioner of Commerce, along with the report required by Minnesota Statutes section 345.41, as may be amended, containing information on the identity of the owner of the unclaimed assets in NMCWD's possession, a description of the assets, the date the assets became payable or returnable to the owner and any other information that may be required by the commissioner. Formatting and filing of the report will be in compliance with Department of Commerce guidance.
 - iii. By October 31 each year, the required report, verified by the administrator, should be filed with the commissioner and all assets unclaimed as of the preceding June 30 should be remitted to the commissioner.
 - iv. NMCWD may deduct a service charge from the unclaimed assets remitted to cover costs of attempting to locate an owner and, if necessary, reporting and paying the unclaimed funds to the commissioner only if the escrow provider has agreed to the deduction of such charges.

Nine Mile Creek Watershed District
Public Purposes Expenditures Policy

Adopted as amended February 18, 2026

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. Nine Mile Creek Watershed District establishes the following policy and protocols to ensure that NMCWD expenditures serve clear, documented watershed district purposes. The NMCWD administrator will be responsible for the implementation of this policy and associated protocols.

1. **Travel.** NMCWD may pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses related to the performance of official NMCWD functions. Expenditures must be approved in advance by the administrator (for employees) or board of managers (for managers and the administrator) and must be directly related to the performance of NMCWD functions.
 - a. An employee or manager will be reimbursed for mileage expenses incurred when using the employee's or manager's personal vehicle to conduct NMCWD business. Mileage will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service. Mileage expenses need not be approved in advance, but mileage expenses will be reimbursed only when accompanied by documentation of the date, number of miles traveled, purpose and destination(s). Mileage for commuting to and from the NMCWD offices will not be reimbursed.
 - b. *Overnight in-state travel.* Expenses eligible for reimbursement include:
 - i. Registration for workshops, conferences, seminars and other events pertaining to NMCWD 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.
 - c. *Overnight out-of-state travel.* For out-of-state travel, the board of managers must approve all expenditures in advance. In determining whether to approve out-of-state travel, the board of managers will consider whether representation from NMCWD has been requested by a state or federal governmental office or other host entity whose purpose or work particularly relates to NMCWD's purposes, projects or programs. NMCWD will reimburse airfare at the coach rate; mileage will be reimbursed at the IRS rate. If two or more managers or staff travel together by car, only the driver will receive reimbursement. Lodging and

meal costs are limited to those which are reasonable and necessary. Receipts are required for lodging, airfare and meals.

Expenses eligible for reimbursement include:

- i. Round-trip tourist-class (or lesser-cost) airfare;
- ii. Registration for conferences, seminars and other events pertaining to NMCWD 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 and the cost of renting an automobile will be reimbursed only if necessary to conduct NMCWD business;
- iv. Meals;
- v. Gratuities (15 percent of expenses incurred);
- vi. Lodging;
- vii. Other actual expenses.

2. **Employee and manager training.** NMCWD 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 by the administrator (for employees) or board (for managers and the administrator).
3. **Safety and health programs.** NMCWD may pay for safety and health programs that promote healthier and more productive employees and reduce costs to watershed taxpayers, including costs associated with workers' compensation and disability benefits claims, insurance premiums and lost time resulting from employee absences.
4. **Manager, employee and volunteer recognition and appreciation.** The district may pay for programs that recognize managers, employees and volunteers for significant contributions to NMCWD's performance and demonstrated commitment to NMCWD's effective and efficient fulfillment of its purposes in accordance with an annual plan and budget for such events, approved by the board. NMCWD may pay for manager and employee appreciation events or activities conducted in accordance with an annual plan and budget for such events approved by the board. No expenditure for manager, employee or volunteer recognition will be made under this policy unless and until the structure, purposes and criteria for recognition are approved by the board.
 - a. NMCWD will not pay employees direct non-salary payments (i.e., bonuses) except as conditioned on achievement of performance goals specified in a written employment agreement.
 - b. NMCWD may recognize volunteers at the managers' discretion for outstanding contributions or uniquely valuable service to NMCWD and the watershed to encourage volunteer involvement in NMCWD to increase citizen activism and cost-effectively enhance water-resource management. An award made under this provision will not exceed \$100 in value.
5. **Food and beverages.** NMCWD may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of employees, managers or the public in activities, events and functions directly related to NMCWD purposes. Circumstances under which NMCWD 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 NMCWD and the majority of the participants are not NMCWD employees or managers;
 - b. Food and/or beverages may be provided as part of a workshop or formal meeting primarily for NMCWD employees or managers where food and/or beverages are necessary to facilitate the conduct of the meeting, to ensure continuity and support the participation of employees, managers and other participants while minimizing disruption of such events on staff productivity. 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 NMCWD board, a committee, task force or advisory group.
 - c. Food and/or beverages may be provided for occasional employee or manager recognition and appreciation events and activities, when approved by the board in accordance with an NMCWD employee recognition and appreciation plan and budget.
 - d. NMCWD may pay for food and/or beverage expenses incurred in connection with a meeting or event attended by employees and/or managers, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to NMCWD purposes.
 - e. NMCWD meetings, workshops and training sessions will be scheduled to avoid the need to provide food whenever possible.
6. **Outreach and stakeholder involvement.** The district may pay for community and stakeholder outreach and involvement programs to ensure that efficient and effective NMCWD programs, projects and meetings are conducted to gather public and intergovernmental input and participation in NMCWD planning, research, rulemaking and program or project design.
7. **Membership, donations.** NMCWD may pay for membership in Minnesota Watersheds in accordance with Minnesota Statutes section 103D.335, subdivision 20. NMCWD 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 district purposes or the improvement of district operations. NMCWD funds may not be donated to any professional, technical or charitable organization, person or private institution; NMCWD may contract for services rendered by such organizations.
8. **Protocols.** The following protocols are established to ensure compliance with above policies:
- a. For employees other than the administrator, the written approval of the administrator must be secured prior to an event or activity to qualify as an NMCWD expenditure.
 - b. All invoices or reimbursement requests must include or be accompanied by a copy of the administrator's written approval and must include itemized receipts

or other appropriate documentation of expenses incurred. Documentation also must include the date the expense(s) were incurred, location, purpose, participating or attending individuals and relevant affiliation, explanation of the need for food and/or beverage for the meeting, event or activity, and any other relevant information.

- c. Copies of all documentation specified herein will be recorded and maintained in accordance with the NMCWD records retention policy.
- d. Expenses of less than \$250 for a particular event or meeting need not be approved in advance, but documentation must be submitted and the expense approved at a regular meeting of the board of managers within 45 days of the date the expense was incurred.

9. **Use of NMCWD property**

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

10. **Authorization of consultant services.** NMCWD 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 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 NMCWD-conducted programs, events and activities.
- b. NMCWD will not pay for alcoholic beverages under any circumstances.

Capital Assets Policy

This accounting policy establishes the minimum cost (capitalization amount) that will be used to determine the capital assets that are to be recorded in Nine Mile Creek Watershed District's annual financial statements.

1. Definition

A "Capital Asset" is a unit of property that: (1) has a useful economic life that extends beyond 12 months, and (2) was acquired or produced for a cost of \$5,000 or more. A Capital Asset must be capitalized and depreciated for financial-statement and bookkeeping purposes.

2. Capitalization thresholds

Nine Mile Creek Watershed District establishes \$5,000 as the threshold amount for minimum capitalization. Any items costing below this amount should be expensed in Nine Mile Watershed District's financial statements or books.

3. Capitalization method and procedure

A Capital Asset must be recorded at historical cost as of the date acquired. A donated asset is a Capital Asset and is recorded at the estimated value at the time of acquisition.

A Capital Asset must be depreciated on a straight-line basis using the following guidelines:

<u>Type</u>	<u>Estimated Life</u>
Equipment & furniture	3-7 years
Land improvements	15-30 years
Buildings	15-30 years
Intangibles	3-7 years

A Capital Asset that costs less than the aforementioned threshold amount is recorded as an expense for purposes of NMCWD's annual financial statements. Assets with an economic useful life of 12 months or less are required to be expensed for financial-statement purposes, regardless of the acquisition or production cost.

4. Recordkeeping

An invoice substantiating the acquisition cost of each unit of property must be retained for a minimum of four years or consistent with the NMCWD's Record Retention Schedule, whichever is longer.

Nine Mile Creek Watershed District
Fund Balance Policy

Adopted November 21, 2012

I. Purpose

Pursuant to Statement No. 54 of the Governmental Accounting Standards Board concerning fund balance reporting and governmental fund-type definitions, and the recommendation of its auditor, Nine Mile Creek Watershed District establishes specific guidelines NMCWD will use to maintain an adequate fund balance to provide for cash flow requirements and contingency needs because major revenue, most notably half of NMCWD's annual levy, is received in the second half of NMCWD's fiscal year.

The policy also establishes specific guidelines NMCWD will use to classify fund balances into categories based primarily on the extent to which NMCWD is legally required to expend funds only for certain specific purposes.

II. Classification of Fund Balances, Procedures

1. Nonspendable

- This category includes funds balance that cannot be spent because either (i) the funds are not in spendable form or (ii) NMCWD is legally or contractually required to maintain the funds intact. Examples include inventories and prepaid amounts.

2. Restricted

- Fund balance is classified 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 can only be used for specific purposes pursuant to constraints imposed by action of the NMCWD Board of Managers. The committed amounts cannot be used for any other purpose unless NMCWD removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The NMCWD Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. The action must occur prior to the end of the reporting period, but the amount to be subject to the constraint may be determined in the subsequent period.
- The board of managers may remove a constraint on specified use of committed resources by resolution.

4. Assigned

- Amounts for which a specified purpose has been stated but are neither restricted nor committed. Assigned fund balance includes amounts that are intended to be used for specific purposes.

- In adopting this policy, the NMCWD managers delegate the authority to assign and remove assignments of fund balance amounts for specified purposes to the administrator.

5. Unassigned

- A residual classification that includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes. NMCWD has established a minimum fund balance policy consisting of the following three components:
 - i. *Working capital.* NMCWD will strive to maintain an unassigned fund balance of an amount not less than 50 percent of the next year's budgeted expenditures for working capital. This will assist in maintaining 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 NMCWD's fiscal year.
 - ii. *Emergency reserve.* Beyond the working capital reserve in the first half of the year, NMCWD will strive to maintain additional funds to provide for emergencies. At the end of each fiscal year, NMCWD will establish an emergency reserve for unforeseen expenditures equal to 5 percent of the next year's budget.
 - iii. *Budget stabilization.* To buffer budget volatility, NMCWD will strive to maintain a fund balance to help manage fluctuations in the operating budget. NMCWD will maintain a balanced budget and will strive to ensure the carryover balance at the end of the year is 5 to 7 percent of the next year's budget. These funds could be used to cover, for example, one-time expenditures to avoid future budget increases, offset shortfalls in revenue, or fund unanticipated operative expenses.

A negative residual amount may not be reported for restricted, committed, or assigned fund balances.

III. Monitoring and Reporting

The administrator will annually prepare a report on the status of fund balances in relation to this policy and present the report to the district managers in conjunction with the annual audit report to the State or Minnesota.

When both restricted and unrestricted resources are available for use, it is the district's general policy to first use restricted resources, then use unrestricted resources as needed. When committed, assigned or unassigned resources are available for use, it is NMCWD's general policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

Nine Mile Creek Watershed District
Internal Controls and Procedures for Financial Management

Adopted November 21, 2012, Amended February 18, 2026

This policy is adopted to provide Nine Mile Creek Watershed District with written internal controls and procedures for financial management. Adherence to this policy and procedures will ensure that NMCWD's finances are managed in accordance with generally accepted accounting principles and best practices and will minimize NMCWD administrative costs.

- I. **Annual budget.** The administrator annually develops a proposed budget for presentation to the board of managers for review. After adjustments as directed by the board, NMCWD schedules and issues appropriate notice for a public hearing on the proposed budget. Following the public hearing but before September 15 each year, the board of managers adopts the annual budget and certifies it to the Hennepin County auditor. Pursuant to state Truth in Taxation law, after November 15 the board of managers holds a further informational public meeting to consider any further public comments on the budget and levy and may adopt a reduced levy for certification to the county auditors no later than the deadline set by Minnesota Statutes section 275.07, subdivision 1(a).
 - a. Amounts in any approved budget category may not be reallocated or exceeded by more than 10 percent of the total program/project amount without approval of the board of managers.
 - b. Actual expenditures may not materially deviate from the amount in an approved budget category.
- II. **Annual financial statements.** Annual financial statements are accepted by the board of managers, then submitted to the Board of Water and Soil Resources and the Office of the State Auditor within 180 days of the end of each fiscal year.
 - a. In preparation for the annual audit of the NMCWD finances, the administrator prepares or directs the preparation of the following documents:
 - i. Copies of approved budgets and all budget amendments;
 - ii. Detailed general ledger (through year-end);
 - iii. Bank reconciliation and bank statements;
 - iv. Copies of disbursements and receipts;
 - v. Copy of tax (levy) settlements from Hennepin County;
 - vi. Copy of certification levy;
 - vii. Listing of accounts payable and copies of signed checks;
 - viii. Grant and other funding agreements;
 - ix. List of capital assets, showing all deletions and additions;
 - x. Copies of invoices;
 - xi. Approved minutes.

- b. The administrator annually presents the draft audit for review and acceptance to the board of managers at a monthly meeting.
- III. **Monthly financial management protocols.**
- a. NMCWD contracts with a certified public accountant to examine and prepare reconcile the checking accounts and investment funds of NMCWD.
 - b. The administrator receives monthly bills and invoices at the NMCWD office.
 - c. The administrator reviews the bills and recommends payment; the accountant prepares checks pursuant to these recommendations to pay the monthly bills.
 - d. The accountant also prepares a monthly treasurer’s report that includes a listing of claims for payment and tracks account balances.
 - e. The administrator reviews the treasurer’s report and distributes the report to the board of managers for the review prior to the board’s monthly meeting.
 - f. The treasurer also reviews claims for payment to determine whether to recommend payment. All claims are available for review by any manager on request.
 - g. At the monthly board meeting, the treasurer presents the treasurer’s report. The board of managers receives and discusses, as necessary, the treasurer’s report, then authorizes payment of the monthly bills as presented in the check register.
 - h. Following board authorization to pay the bills, the administrator ensures delivery of payment to vendors as authorized.
 - i. The administrator reviews at least once each quarter all financial journal entries made by the accountant.
- IV. **Spending Authority.** All expenditures by NMCWD must be approved in advance by the board, except that the board by resolution may delegate to the administrator the authority to bind NMCWD, with or without countersignature, to a purchase of goods or services, or to enter into a contract for same.
- V. **Banking**
- a. NMCWD maintains a current signature card at the depository bank.
 - b. The administrator and treasurer may transfer funds between NMCWD accounts and may deposit funds into NMCWD accounts.
 - c. Cash withdrawals from NMCWD accounts are prohibited.
 - d. The administrator is authorized, after consultation with the treasurer, to invest NMCWD funds in accordance with Minnesota Statutes chapter 118A.
 - e. All deposits to NMCWD accounts must be made intact, and NMCWD’s bank is instructed not to return cash from a deposit to an NMCWD account.
- VI. **Checking**
- a. The administrator is not an authorized signatory of NMCWD checks.

- b. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of NMCWD will not be valid unless signed by two managers, except that a check, draft or other order for payment of less than \$100 is valid with one manager's signature.
- VII. **Credit card use.** The administrator is authorized to incur charges to the NMCWD credit card in accordance with duly delegated contracting and spending authority.
 - a. A receipt must be obtained for all NMCWD credit card purchases. Credit card purchases for which a detailed receipt is not provided must be reimbursed by the individual making the purchase, unless an affidavit of no receipt is provided and is reviewed and approved by the administrator.
- VIII. **Reporting**
 - a. All expenditures and investments, receipts and disbursements made must be compiled for presentation to the board of managers by the treasurer in a timely manner.
 - b. Within 180 days of the end of NMCWD's fiscal year (January 1 – December 31), the annual audit will be filed with the Board of Water and Soil Resources and the audit and Special District Financial Reporting Form will be filed with the Office of the State Auditor.
 - c. The administrator and treasurer will regularly review relevant records and documents for any of the following, and report to the treasurer (for the administrator) or the board of managers (for the treasurer) any of the following if found:
 - i. Unusual or unexplained discrepancy between actual performance and anticipated results (costs in a general expense categories well beyond the budgeted amount);
 - ii. Receipts that do not match deposit slips;
 - iii. Disbursements to unknown and/or unapproved vendors;
 - iv. A single signature on a check or pre-signed blank checks;
 - v. Gaps in receipt or check numbers;
 - vi. Late financial reports;
 - vii. Disregard of internal control policies and procedures.
- IX. **Depositories and collateralization.** In accordance with state law, the NMCWD Board of Managers names an official depository or depositories at its January meeting each year (depository bank(s)). In the event the board of managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository bank provides NMCWD with a proof of collateralization in accordance with state law (Minnesota Statutes section 118.03) for an amount equal to the amount on deposit at the close of the depository bank's banking day beyond the amount covered by federal insurance, if any. The collateral provided by each depository bank will be maintained in an account in the trust department of a bank or other financial institution not

owned or controlled by the same (depository) bank or in a restricted account at a federal reserve bank.

X. **Financial Assurances and Abandoned Property.** See NMCWD Policy for Management of Financial Assurances and Abandoned Property.

XI. **Miscellaneous**

- a. NMCWD will not maintain a petty cash fund.
- b. NMCWD will not accept cash (currency) in payment of permit fees or financial assurances.
- c. NMCWD will not cash personal or third-party checks.
- d. The administrator must insure NMCWD property against theft and casualty loss.

**Nine Mile Creek Watershed District
Board of Managers**

Technology- and Artificial Intelligence-Use Policy

Adopted as amended February 18, 2026

General Information

This policy defines the appropriate use of technology resources provided by and available to Nine Mile Creek Watershed District to its managers and staff and provides provisions governing use of artificial intelligence by managers, staff and consultants.⁴

NMCWD Technology-Use Policy

NMCWD provides technology resources for purposes of efficient and effective conduct of NMCWD business.

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

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

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

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

Personal Use

Reasonable incidental personal use of NMCWD Technology Resources is allowed but should never preempt or interfere with NMCWD business, may not result in increased cost to NMCWD and may not compromise the security or integrity of NMCWD business or NMCWD Technology Resources. All use of NMCWD Technology Resources, including personal use, must adhere to provisions in this policy, including the following:

⁴ The provisions of this policy supplement, for NMCWD staff, the mobile-phone policy and protocols in the NMCWD Employee Policy Manual.

- Personal files should not be stored on NMCWD computers. “Personal files,” as used herein, includes but is not limited to personal documents, spreadsheets, photos, media files (.mp4, .wav, .mov, or any other type file downloaded or created by copying a compact disk or digital video disk).
- NMCWD 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 NMCWD 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 NMCWD Technology Resources are issued are responsible for the proper use and care of such equipment. Only NMCWD managers and staff may use NMCWD Technology Resources. Use of NMCWD Technology Resources by family members, friends or others is prohibited.

Software

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

Email

Manager and staff 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 staff must adhere to these guidelines when accessing, using and sending email on or via NMCWD Technology Resources:

- Never transmit an email that you would not want other NMCWD officials, the NMCWD 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 NMCWD records must retained in accordance with the NMCWD Records Retention Schedule. NMCWD Technology Resources provided to the managers and administrator will not be automatically or routinely backed up. Data files may be

temporarily stored on NMCWD Technology Resources in a manager's or the administrator's possession. But the official records of NMCWD will be maintained by the administrator on computer storage media physically located at the NMCWD business office and maintained by NMCWD.

Personal Devices

NMCWD managers and staff may choose to use personal equipment to read or compose email or access NMCWD data. Managers and staff understand that using personal equipment to conduct NMCWD 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 or necessary. (Staff use of personal technology is subject to the relevant provisions of the NMCWD Employee Policy Manual.)

Artificial Intelligence-Use Policy

This policy applies to use of generative artificial intelligence tools in the development of content presented to or published or distributed by NMCWD. The policy recognizes the opportunities for efficiency when AI tools assist human content creators and recognizes that trust in content relied on and published or distributed by NMCWD stems from collaborative and rigorous development, editing, and vetting processes that protect NMCWD from reputational damage and legal liability.

This policy applies to all who participate in creating or exchanging knowledge, documentation, art, graphics, presentations, or publications (Materials) for or on behalf of NMCWD. Further, this policy describes the restrictions that NMCWD places on the use of AI in performing activities on behalf of or related to NMCWD. The policy applies to managers, staff and consultants under contract to NMCWD (collectively, Participants).

Participants are responsible for using permitted AI in an ethical and lawful manner. In addition, when using AI in content production for or on behalf of NMCWD, Participants:

- are prohibited from inputting not-public data, as defined in the Minnesota Data Practices Act and related NMCWD policy, into AI systems or tools;
- retain legal, personal and professional responsibility for the veracity, accuracy and quality of all content presented to NMCWD to establish or support a basis for action or for publication or distribution.
- must disclose the use of AI and acknowledge or credit any significant contribution made by AI to create Materials.

Although AI may be used, AI may not be used as the sole originator of content. Participants must thoroughly review all outputs from any AI system before using for purposes described herein.

Appendix A

Nine Mile Creek Watershed District

Inventory of Not-Public Data on Individuals

Adopted March 4, 2021, Amended February 18, 2026

This document describes categories of private or confidential data on individuals maintained by Nine Mile Creek Watershed District (*see* Minn. Stat. § 13.05 and Minn. Rules 1205.1200). This document is also part of NMCWD’s efforts to ensure that not-public data on individuals are only accessible to individuals whose work assignment reasonably requires such access (*see* Minn. Stat. 13.05, subd. 5). In addition to the employees listed, NMCWD managers and legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the NMCWD Data Practices Compliance Official:

Administrator

office@ninemilecreek.org

952-358-2276

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public/ Private	Minn. Stat. § 13.03, subd. 4	Administrator
Applicant records	Completed assessments and results, related documentation, and application forms.	Public/ Private	Minn. Stat. § 13.43	Administrator
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	Minn. Stat. § 13.393	Staff on as needed basis as part of specific work assignments.
Background check results	Data resulting from background reviews of employees and volunteers prior to employment or involvement in NMCWD activities	Private	Minn. Stat. § 13.43	Administrator, managers as pertinent to hiring of the administrator; other staff as pertinent to specific program responsibilities.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public/Private Confidential	Minn. Stat. § 13.601	Administrator; other staff as needed.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of NMCWD.	Private	Minn. Stat. § 13.43, subd. 17	Administrator
Employee expense reports	Expense reimbursement requests	Public Private	Minn. Stat. § 13.43	Administrator
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Private, except state law specifies specific public data.	Minn. Stat. § 13.43	Administrator
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	Minn. Stat. § 168.346	Administrator

Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by NMCWD for notification purposes or as part of a subscription list for NMCWD's electronic periodic publications as requested by the individual.	Private	Minn. Stat. § 13.356	Administrator; consultants as needed for specific projects and programs.
Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Private/Confidential.	Minn. Stat. § 13.43 179A.03, subd. 4	Administrator
Response to data requests	Data collected by the NMCWD Data Practices Compliance Official in responding to requests for data maintained by NMCWD.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	Minn. Stat. § 13.37	Administrator

Social Security numbers	Social Security numbers assigned to individuals	Private	Minn. Stat. § 13.355	Administrator
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	Minn. Stat. § 13.43	Administrator
Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	Minn. Stat. § 13.43	Administrator