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## RCWD BOARD OF MANAGERS WORKSHOP

Monday, April 10, 2023, 1:00 p.m.

Rice Creek Watershed District Conference Room  
4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota

or via Zoom Meeting:

Join Zoom Meeting

<https://us06web.zoom.us/j/87479134074?pwd=a016R3RxaExleUlzbFd3WlJsK3Bvdz09>

Meeting ID: 874 7913 4074

Passcode: 187249

Dial by your location +1 312 626 6799 US (Chicago)

Meeting ID: 874 7913 4074

Passcode: 187249

## Agenda

### ITEMS FOR DISCUSSION (times are estimates only)

- 1:00 Employee Handbook
- 1:30 RCWD Manager Bylaws Review
- 2:30 District Facilities Evaluation and Management
- Administrator Updates (If Any)

4325 Pheasant Ridge Drive NE #611 | Blaine, MN 55449 | T: 763-398-3070 | F: 763-398-3088 | [www.ricecreek.org](http://www.ricecreek.org)

BOARD OF  
MANAGERS

Jess Robertson  
Anoka County

Steven P. Wagamon  
Anoka County

Michael J. Bradley  
Ramsey County

Marcie Weinandt  
Ramsey County

John J. Waller  
Washington County

1:00 Employee Handbook

# MEMORANDUM

## Rice Creek Watershed District



**Date:** April 3, 2023  
**To:** RCWD Board of Managers  
**From:** Nick Tomczik, Administrator  
**Subject:** Rice Creek Watershed District Employee Handbook Update

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### Introduction

The District has been working to update its employee handbook. The next step in the process is to review Board- recommended changes in the draft handbook.

### Background

An employee handbook is a tool providing a framework of policies from which all members of the District will address routine matters as well as provide policy for situations that *may* never happen. The goal of the handbook is to provide clarity of what staff expect from the District and what the District expects from staff.

The Board at its March 6<sup>th</sup> workshop reviewed the draft employee handbook. The Board by consensus agreed to several revisions and those changes undertaken by staff. The Board directed staff to investigate a few other areas. Those remaining items are below in a listing by section number along with language adjustments.

5.1 - The detail regarding the searching of private vehicles was cut; yet continues to discuss search. The “to have” included back into sentence as otherwise changes the meaning of the sentence.

6.4 - 4<sup>th</sup> Paragraph The language on self-protection tools requires reporting to Administrator with just cause.

6.5 - Strengthened language regarding annual driver’s license check.

7.10 – Added language regarding opportunity for Performance Improvement Plan (PIP).

8.1 – The Board discussed the Juneteenth Holiday, propose to leave out, as is.

8.4 – Returned to two week (from three) balance for consideration as now there is no “cash out/payback” and accrual sufficient for use would require over a year.

### Request for Board Consensus

Staff recommend the Board review the draft employee handbook and confirm the text is prepared for board adoption.

### Attachment

Draft Rice Creek Watershed District Employee Handbook

# Rice Creek Watershed District Employee Handbook



Adopted DATE

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## 2 INTRODUCTION

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### 2.1 WELCOME

Welcome to Rice Creek Watershed District (District)! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of the opportunities to enhance your career and further the District's goals. With your active involvement, creativity, and support, the District will continue to serve its constituents and enhance water quality and address flood control. We sincerely hope you will take pride in being an important part of the District's success.

This Handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible staff. Employees should familiarize themselves with the contents of the Employee Handbook as soon as possible, as it will answer many questions about employment with the District.

The Board has delegated human resources administration to the District Administrator ("Administrator"). The Administrator will develop, as necessary, all forms, practices, procedures, and instructions for the proper administration of the Handbook. All employees will receive a copy of the Handbook as part of the hiring process.

Except where this Handbook explicitly reserves a decision to the Board, or where it would be contrary to state or federal law, all human resources judgments and decisions on behalf of the District will be made by the Administrator.

If at any time during your employment you have a question concerning any matter addressed by this Handbook, you should raise the question with the Administrator. The Administrator will keep the Board appropriately informed of human resources matters and will be accountable to the Board with respect to human resources administration.

You also may communicate directly to a Board Manager if you consider a matter sensitive such that it is problematic to present to the Administrator.

The contents of this Handbook are subject to change from time to time without notice by the Board. At any time, the Board may revoke, modify, change, and revise the contents of this Handbook and other policies. Staff will always be informed of any changes and held accountable to abide by them.

It is the policy of the Board that the Handbook be reviewed by the Board at least every two years. The most recent revision of this Handbook and its contents supersedes any and all previous handbooks and policies.

We look forward to your contributions and success in the job. Our future success as a District and as individuals depends on our mutual respect and cooperation. We want to maintain a reputation as a customer-focused District that strives to achieve excellence in providing services in the watershed. Let's do this together!

## **2.2 ABOUT RICE CREEK WATERSHED DISTRICT**

The Rice Creek Watershed District (District) is a political subdivision of the State of Minnesota established under the Watershed Law. The District is governed by a Board of Managers (Board). The Board is comprised of five members who are appointed by the county commissioners from their county of residence (Anoka-2, Ramsey-2, Washington-1) to serve three-year terms. The Board employs a District Administrator and other District staff, and contracts with independent contractors for engineering, legal, human resources, and financial services to assist the District in carrying out its statutory purpose and duties. The RCWD mission is to manage, protect, and improve the water resources of the District through flood control and water quality projects and programs.

general statutory purpose is to conserve the state's natural resources, flood control and conservation projects implementing sound scientific principles for the protection of the public health and welfare. As a member of the District staff, you play an important role in helping the District carry out its statutory purpose and duties.

## **2.3 EMPLOYMENT AT WILL**

Employment at the District is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the president of the District.

This means that either the employee or the District may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this Employee Handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no District representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written that changes the at-will relationship.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. The District employees have the right to engage in or refrain from such activities.

## 3 EQUAL OPPORTUNITY AND COMMITMENT TO INCLUSION

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### 3.1 EQUAL OPPORTUNITY

In accordance with state and federal law, the District provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment (full time, part time, temporary and seasonal), including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The District expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

The District will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the District's business operations.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Administrator or a Board Manager. The District will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the Administrator or a Board Manager.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- Shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; *or*
- Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

### **3.2 AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION**

The District is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the District's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the District. The District prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request an accommodation from the Administrator and should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The District then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made, or if any other possible accommodations are appropriate. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the District to prohibit harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. The District prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

### **3.3 COMMITMENT TO INCLUSION**

The District is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in District policy and the way we do business at the District and is an important principle of sound business management.

### 3.4 HARASSMENT AND COMPLAINT PROCEDURE

It is the District's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, customer, or third party based on actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws. The District will not tolerate such conduct.

Furthermore, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The District will take all reasonable steps necessary to prevent and eliminate unlawful harassment.

**Definition of "unlawful harassment."** "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, a hostile, or an offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or another characteristic protected by state or federal law.

**Definition of "sexual harassment."** While all forms of harassment are prohibited, special attention should be paid to sexual harassment. "Sexual harassment" can include all of the above actions, as well as other unwelcome conduct, and is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, a hostile, or an offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual or other harassment and retaliation against individuals for cooperating with an investigation of sexual or other harassment complaints violate the District's policy.

The District expects that each of its employees will treat alleged violations responsibly and confidentially.

**Complaint procedure.** If you believe you have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment, or other inappropriate conduct, as soon as possible following the occurrence, deal with the problem in any one of the following ways:

- 1) Tell the person specifically what behavior is unwanted and tell him/her to stop at once. This helps identify a clear understanding of expected future behavior. After you have addressed the problem, document what was said and what understanding was reached. Sufficient detail as to time, place and actions allows for accurate reporting. (An employee who is not comfortable discussing the matter with the offending person may contact the Administrator or Board President for counsel and assistance.)
- 2) If the unwanted behavior does not stop after your complaint, or if you do not feel comfortable confronting the person, or if the harassment is an incident of a very serious nature, report it immediately to the Administrator. If the Administrator is the source of the alleged harassment, report it to the Board President, or if you feel that the Administrator has not responded appropriately, then make an additional report to the Board President. Specific details of the harassing or offensive behavior should be provided.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy has occurred, the District will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination. No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

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## 4 CONFLICTS OF INTEREST AND CONFIDENTIALITY

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### 4.1 CONFLICTS OF INTEREST

The District expects all employees to conduct themselves and District business in a manner that reflects the highest standards of ethical conduct and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. The District recognizes and respects the individual employee's right to engage in activities outside of employment that are private in nature and do not in any way conflict with or reflect poorly on the District.

If a situation arises in which there is a potential conflict of interest, the employee should discuss this with the Administrator for advice and guidance on how to proceed. The list below suggests some of the types of activities that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

- Simultaneous employment by another organization that is a competitor of or supplier to the District;
- Carrying on District business with an organization in which the employee, or a close relative of the employee, has a substantial ownership or interest;
- Any outside activity which may interfere with the operation of the District;
- Misusing privileged information or revealing confidential data to outsiders;
- Using one's position in the District or knowledge of its affairs for personal gains; *and*
- Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of District business.

Employees must obtain prior approval from the Administrator, or in the case of the Administrator, from the Board, before engaging in any other employment that may constitute a conflict of interest.

Employees who know of a violation or potential violation of this policy are expected to report it to the Administrator or Board President.

### 4.2 CONFIDENTIALITY

As a trusted employee of the District, you will have access to confidential information. This applies to confidential information in any format, whether oral, written, electronic or other media.

Confidential information is any and all information disclosed to or known by you because of employment with the District that is not generally known to people outside the District about

its business. The protection of such information is vital to the interests and success of the District.

Information may be relating to such matters as the District's employee and compensation data; organizational procedures; manuals; contracts; accounting and bookkeeping practices; office policies and practices; financial information; records and reports; business plans, general and specific; litigation; materials subject to attorney/client privilege; data classified private or non-public by the Minnesota Government Data Practices Act.

You will be expected to protect the confidentiality of such information during the course of your work and not discuss it with relatives, acquaintances or other members of the public.

If you have a question about the confidentiality of certain information, check with the Administrator. Employees who know of a violation or potential violation of this policy are expected to report it to the Administrator or Board President.

An employee who improperly uses or discloses confidential information will be subject to disciplinary action up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information.

## 5 EMPLOYMENT RELATIONSHIP

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### 5.1 EMPLOYEE PRIVACY

It is the District's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise, you may be requested to cooperate with an investigation. The investigation may include procedures to safeguard the District and its employees, such as searches of personal belongings. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of District facilities and equipment only for the business purposes of the District. Accordingly, materials that appear on District hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the District at any time without notice to the employees. Employees do not have to have any expectation of privacy with respect to any material on District property. The District may monitor its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline. Employees are expected to keep personal communication to a minimum and to emergency situations.

**Video surveillance.** As part of its security measures and to help ensure a safe workplace, the District may position video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc. Videotapes will not include an audio component.

### 5.2 EMPLOYMENT CLASSIFICATION

Written job descriptions will be prepared for all District employment positions. The descriptions will consist of a title, a description of the responsibilities and typical examples of work performed, and other information on the required qualifications and abilities necessary to perform the duties of the position. Job descriptions should be reviewed annually between the employee and the supervisor, and adjustments made as needed.

All employee positions will be classified pursuant to applicable Fair Labor Standards Act (FLSA) as either Non-Exempt (employees who are entitled to overtime compensation) or Exempt (employees who are not entitled to overtime compensation.)

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the District classifies its employees as shown below. The District may review or change employee classifications at any time.

**Exempt.** Exempt employees are typically paid on a salary basis and are not eligible to receive overtime pay.

**Nonexempt.** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

**Regular, full time.** Employees who are not in a temporary status and work a minimum of 40 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Regular, part time.** Employees who are not in a temporary status and who are regularly scheduled to work less than 40 hours weekly and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the District and are subject to the terms, conditions, and limitations of each benefits program.

**Temporary, full time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the District's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. These employees are not eligible for the full-time benefits package.

**Temporary, part time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work less than 40 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. These employees are not eligible for the full-time benefits package.

### 5.3 WORKWEEK AND HOURS OF WORK

The standard workweek is from Sunday 12:00 a.m. until Saturday 11:59 p.m. and generally consists of 40 work hours. Office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Individual work schedules may vary depending on the needs of each department, including occasional evening and weekend work. Employees are required to work according to the schedule for their assigned position. Working more than 40 hours in a week may occasionally be required to meet deadlines or to accomplish objectives. Nonexempt employees will receive overtime pay at 1.5 times their hourly rate.

**Meals and Rest Breaks.** Employees are entitled to a 30-minute unpaid meal break each day. Any nonexempt employee who is required to work through a meal break will be paid for the 30-minute period. Employees are also entitled to two 15-minute rest periods each day.

### 5.4 TIME RECORDS

All nonexempt employees are required to complete accurate weekly time reports showing all time actually worked, and other time that comprises a 40-hour workweek. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each week, you and your supervisor must sign the time sheet attesting to its correctness before forwarding it to the Administrator within the designated time.

Exempt employees shall also log their time for purposes of tracking expenses for various work activities and for tracking accrued leave and flex time.

## **5.5 OVERTIME**

When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one-half their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as holiday, vacation, sick time, bereavement time, and jury duty, does not apply toward work time. All overtime work must be approved in advance by a supervisor.

## **5.6 FLEX TIME**

Exempt employees may accumulate flex time for any work time beyond a 40-hour workweek. For purposes of calculating flex time, holidays, vacation and personal leave days do not count; only hours actually worked will be used in the calculation. The supervisor is expected to work with employees, within reason, so that flex time accumulated in a timesheet pay-period is used within the following timesheet pay period. There is no carryover beyond that timeframe, and flex time will be zeroed out, as it is not intended to be a stockpile alternative leave. If unforeseen circumstances prohibit the use of accrued flex time, it must be approved by the Administrator to be used at a later time. Flex time is not to be used during “in office” days. Furthermore, upon giving notice of termination, any accrued flex time will be zeroed out.

If flex time becomes routine for any employee, the Administrator needs to be notified to ensure a balance of work.

Neither the Administrator nor supervisors are eligible to accumulate flex time.

## **5.7 DEDUCTIONS FROM PAY/SAFE HARBOR EXEMPT EMPLOYEES**

The District does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

**Permitted deductions.** The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- SDI (State Disability Insurance);
- Public Employees Retirement Association (PERA);
- Court-ordered garnishments;
- Deductions for employee benefits when authorized by the employee;
- Absence from work for one or more full days for personal reasons other than sickness or disability;

- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- Offset for military pay;
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; *and*
- Any full workweek in which the employee does not perform any work.

During the week an exempt employee begins work for the District or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the Administrator. The report will be promptly investigated, and if it is found that an improper deduction has been made, the District will reimburse the employee for the improper deduction.

## 5.8 PAYCHECKS

The District's pay period for all employees is twice monthly on the 15<sup>th</sup> day and the last day of the month. For exempt employees, the paycheck will include hours worked in the previous pay period up to the payday. For nonexempt employees, the paycheck will have a lag of 2-3 weeks. If a payday falls on a federal holiday, employees will receive their paycheck on the preceding workday. Paychecks are directly deposited into your checking and/or savings accounts.

## 5.9 EXPENSES

The District will reimburse employees for reasonable and necessary expenses incurred in the performance of his/her duties. This includes reimbursement for mileage when using a personal vehicle on District business. The rate used is that which is specified by the Internal Revenue Service for mileage allowance at the time the expense occurs. The employee must provide the Administrator with proof of mileage and other expenses to receive reimbursement.

## 5.10 SALARY ADMINISTRATION

The District encourages continual improvement in performance and the ongoing development of ability in each employee through a sound, well-administered salary and performance review program.

Effective Salary Administration is to establish and maintain salary structures that will enable the District to attract and retain qualified and competent personnel essential to function effectively and achieve its stated objectives for quality, consistent service.

The District seeks to follow the principle of equal pay for equal work and maintain salary relationships among positions within the organization, which are internally consistent in

recognizing significant differences in position responsibilities and requirements, and in compliance with applicable government requirements and regulations.

The District will generally compensate employees based on the District and general economic conditions, competitive market practices, employee performance, and staff development. All salary actions must be approved by the Administrator.

## **5.11 PROFESSIONAL DEVELOPMENT**

Employees are encouraged to continue to develop their competencies and strengthen their skillsets to better serve in their current and potential future roles within the District.

**Reimbursements.** All regular, full-time employees may be eligible for educational assistance after completing 120 days of employment. To qualify, course must be taken from an accredited educational institution and the employee must receive a passing grade of “C” or better (when grades are assigned) or equivalent. The courses taken should relate to the employee’s present job or provide additional training to help the employee prepare for a future position within the District.

To apply for educational assistance beyond that required by the District to maintain mandatory skill levels, the employee is to first discuss the proposed course with the Administrator who will help determine whether reimbursement is applicable. The employee must then submit a written request prior to registering for the course. The Administrator must approve the course and forward it the Board of Managers for final approval.

Once the request is approved, the employee should register for the course and pay for the tuition and fees. To receive reimbursement, the employee must provide the District with tuition receipts and evidence of satisfactory course completion (C grade or better) within 60 days after the course is completed.

An annual limit per calendar year per employee is at the discretion of the District. Termination of employment, for any reason, prior to course completion, will make the employee ineligible for reimbursement.

**Memberships.** The District will support active memberships of employees in those business and professional organizations that serve to strengthen the District's ability to conduct its business or maintain its image in the community. Leadership in such organizations and serving on committees is supported.

Memberships will be provided to those employees having key functional responsibilities that require these memberships. Payments by the District are limited to initiation fees, annual dues, and the cost of a lunch or dinner in connection with local meetings. Approval must be received from the District Administrator, and funds included in the District’s annual budget, before the District pays fees and travel expenses to out-of-town conferences.

## **5.12 PERSONNEL FILES**

You are responsible for providing the District with current personal contact information (name, address, phone number, e-mail), required tax data (number of dependents, income tax withholding), insurance beneficiaries and emergency contacts, and other information which may affect your employee status. As your personal contact information changes, please inform the Administrator.

Your personnel file will include the following information: applications for employment, employment agreements, wage and salary history, any notices of commendation, warning, discipline, or termination, any authorization for a deduction from your pay, fringe benefit information, leave records, and District employment history including compensation, positions held, promotions and transfers, and performance evaluations.

Personnel files are maintained by the Administrator and are considered confidential. Supervisors may only have access to personnel file information on a need-to-know basis. Employees may review their own personnel files and may copy them but may not remove documents from their file. Inspections by employees must be requested in writing to the Administrator and will be scheduled at a mutually convenient time or as required under state law. Personnel files are to be reviewed in the District offices. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

If you are contacted as a reference for a current or past employee, refer that person to the Administrator. Only the Administrator or Board (in the case of the Administrator) is authorized to provide reference checks or make recommendations in response to questions about current or former employees.

## **5.13 EMPLOYMENT OF RELATIVES AND DOMESTIC PARTNERS**

Relatives and domestic partners may be hired by the District if (1) the persons concerned will not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, “relatives” are defined as spouses, children, siblings, parents, or grandparents. A “domestic partnership” is generally defined as a committed relationship between two individuals who are sharing a home or living arrangements.

Current employees who marry each other or become involved in a domestic partnership will be permitted to continue employment with the District provided they don’t work in a direct supervisory relationship with each other or otherwise pose difficulties as mentioned above. If employees who marry or live together do work in a direct supervisory relationship with each other, the District will attempt to reassign one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, the employees will be permitted to determine which one of them will resign from the District.

## **5.14 SEPARATION FROM EMPLOYMENT**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisors at least 10 working days in advance of the last day of work. The 10 days must be actual working days. Holidays and vacation will not be counted toward the 10-day notice. For supervisors, a written notice must be provided at least 20 working days in advance of the last day of work.

Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire, and eligible for any vacation balance payout.

In most cases, an exit meeting on or before the last day of employment will be conducted to collect all District property, and discuss final pay, among other topics. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Should it become necessary because of business conditions to reduce the number of employees or work hours, this will be done at the discretion of the District.

## 6 WORKPLACE SAFETY

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### 6.1 COMMITMENT TO SAFETY

Protecting the safety of our employees, volunteers and visitors is the most important aspect of carrying out our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

In the event of an emergency, call the appropriate emergency personnel at 911 to activate the medical emergency services.

Any workplace injury, accident, or illness must be reported to the Administrator as soon as possible, regardless of the severity of the injury or accident. A First Report of Injury form for the Worker's Compensation Insurance of the District will be completed. Compensation for a work-related injury or illness shall be made in accordance with the provisions of the workers' compensation program. Proper notification must be given to the Administrator of the expected duration of all such absences. You will be required to provide a release from a physician upon your return to work. The District reserves the right to require you to be seen by a physician of its choice.

### 6.2 DRUG-FREE AND ALCOHOL-FREE WORKPLACE

It is the policy of the District to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the District.

The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical marijuana) while on District or client premises or while performing services for the District is strictly prohibited. The District also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the District prohibits off-premises abuse of alcohol and controlled substances (including medical marijuana), as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the District's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

- **Pre-employment:** as required by the District for all prospective employees who receive a conditional offer of employment;
- **For cause:** upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or have adversely affected the employee's job performance; or
- **Random:** as authorized or required by federal or state law.

Compliance with this policy may be a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening may be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

### **6.3 SMOKE-FREE WORKPLACE**

Smoking is not allowed in District buildings or work areas at any time. "Smoking" includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

### **6.4 WORKPLACE VIOLENCE PREVENTION**

The District is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse; attempts to intimidate others; menacing gestures; stalking; or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at District-sponsored functions.

All District employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform the supervisor or Administrator. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the District, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

The District prohibits the possession of weapons on its property at all times, including our parking lots or District vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, knives that can be used as weapons (excluding pocket knives, utility knives, and other instruments that are used to open packages or cut string and for other miscellaneous tasks), and martial arts paraphernalia. Stun guns and other self-protection tools need to be reported

and approved with just cause by the Administrator. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The District reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on District property.

## **6.5 VEHICLE/EQUIPMENT USE AND SAFETY**

Due to the nature of work performed by the District, a variety of motorized vehicles and specialized equipment are utilized in accomplishing job duties. Use of District vehicles or equipment for personal reasons is prohibited unless approved by the Administrator. Where required, employees must receive licenses/ certifications needed to operate equipment or drive vehicles. Employees must submit annual proof of a valid drivers license; periodic reviews may be done to ensure compliance. In all situations, appropriate safety gear must be worn while operating equipment and vehicles, which will be provided by the District.

Employees who operate RCWD vehicles are required to report to the Administrator any driving violations or driving under the influence (DUI) violations as soon as possible. Consequences for incurring these violations may result in the loss of the ability to utilize a RCWD vehicle.

Routine maintenance of all District vehicles and equipment will be scheduled by the designated employee assigned for maintenance. Employees must notify the administrator if any vehicle or equipment appears to be damaged, defective, or in need of repair or maintenance.

**Vehicles.** Safe driving is top priority when operating a vehicle while driving for District business. Your first responsibility is to pay attention to your driving. Never allow a cell phone or other mobile device to distract you from concentrating on driving.

Under no circumstances should you feel that you need to place yourself or others at risk while driving to fulfill business needs. Do not use your cell phone as a hand-held device; avoid using altogether. Find a safe place to pull over to make or receive phone calls, send or receive text messages, or manipulate navigation apps.

Only District employees are permitted to drive District-owned or leased vehicles. Non- business related passengers are not allowed to ride in/on District vehicles unless required to accomplish District job duties.

All vehicles will be equipped with first aid kits and emergency equipment including fire extinguishers as appropriate for the vehicle.

Employees are responsible for any fines related to moving, parking or any other violations incurred as a result of employee misconduct. The District will not reimburse for such fines.

It is the responsibility of the operator to ensure District vehicles are returned with proper equipment and in the same condition as when they were taken. It is also the operator's responsibility to verify equipment that is taken out of the vehicle is returned to the vehicle.

If a vehicle accident occurs, the employee is to take the appropriate steps in filing a police

report and report it immediately to the Administrator.

Employees who fail to follow safety guidelines are subject to discipline.

**Equipment.** Employees who use District property or equipment are responsible to protect it from being lost, damaged, or stolen. If District-owned property or equipment is lost, damaged, or stolen because of willful negligence or disregard, the employee will pay the District an amount equal to the replacement or repair cost of the property or equipment, or the amount of the insurance deductible if the loss is covered by insurance. Disciplinary action, up to and including termination of employment may also occur in this situation.

All District property must be returned after usage and/or upon termination of employment. The employee is responsible for payment of the value of any property issued by the District that is not returned, unless authorized by the Administrator. The District assumes no responsibility for loss or damage to the personal property of an employee unless use of said property is required by the District.

## **6.6 EMERGENCY CLOSINGS**

The Administrator or Board President is authorized to adjust office operations, schedule or closure for all health and safety situations to suit the community level of risk guidance issued by the Centers for Disease Control and/or Prevention and Minnesota Department of Health, weather, or any other condition that threatens employee health or safety.

It is the responsibility of the employee to contact the Administrator to find out whether the workplace has been declared officially closed for all or part of the day. If an employee is unable to get to work, and the workplace is open, the time missed will be considered paid personal leave time off if earned, or unpaid leave if there is no earned leave accumulated.

The District will always make every attempt to be open for business. In situations in which some employees are concerned about their safety the Administrator may advise staff that the office is not officially closed, but employees may choose to leave the office if they feel uncomfortable.

If the office is officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you leave earlier than the official closing time, you will be paid only for actual hours worked, or you can take personal or vacation time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

## 7 WORKPLACE GUIDELINES

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### 7.1 ATTENDANCE

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval also may result in discipline up to and including termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three consecutive days or more, the employee will be considered to have voluntarily resigned employment.

### 7.2 TELEWORK

A hybrid working arrangement began in May 2022 and has an indefinite timeline. It combines the intentional and informal collaboration and communication benefits of in-person work with the flexibility and focus time provided by telework. This allows an employee to choose to perform work on a scheduled, recurring basis at a location that is not the permanent/principal work site provided by the employer. It is not a condition of employment, but an optional workplace arrangement.

Employees must have a dedicated and functioning workspace for telework. Adequate and secure internet connectivity is a necessary component of a telework arrangement, and is at the employee's expense.

Non-telework includes time at the District office, field site visits, off-site trainings, and meetings in other locations, such as a local government office.

As District needs and individual position duties allow, employees may telework up to 60% of each workweek. Employees are expected as necessary to come to the office/field sites on their telework day to accomplish District needs via in-person meetings, trainings, field work, landowner contacts, etc. Employees should expect to have weeks where telework time is less than the maximum amount allowed.

There is no maximum to the amount of time employees may work in the office and there is not an expectation that staff should telework. Telework time will be scheduled on specific days that will ensure for adequate coverage in the office by other staff. Flex time is not to be used on scheduled office hours; furthermore, avoid taking personal time on scheduled office days.

Time within the telework day(s) may be flexed (e.g. later start time to account for an evening meeting).

### 7.3 OUTSIDE EMPLOYMENT

Employees generally are permitted to work a second job as long as it does not interfere with their job performance or create a conflict of interest with the District. All employees, including part-time employees, must obtain prior approval from the Administrator before undertaking any outside employment or other work activity.

Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. In addition, employees who have accepted outside employment may not use paid sick time to work on the outside job. However, an employee on a leave of absence may continue to work in the outside job if the District under this policy has approved this employment and the employee's reason for leave does not preclude the outside employment.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action up to and including termination.

### 7.4 DRESS AND GROOMING

The District provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our communities, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and professional taste. This includes no halter tops, spaghetti-strapped tops, muscle shirts or inappropriate length of shorts. Please use common sense.

Certain employees may be required to meet special dress and grooming, such as wearing uniforms or safety equipment/clothing, depending on the nature of their job. Personal protective equipment (PPE) shall be reviewed annually by the Administrator to meet OSHA and MNDOT standards to ensure safety of all staff. Any questions or complaints regarding the appropriateness of attire should be directed to the Administrator, where decisions regarding attire will be made.

### 7.5 SOCIAL MEDIA ACCEPTABLE USE

The District encourages employees to share information with coworkers and with those outside the District for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public, and therefore, the District has established the following guidelines for employee participation in social media.

**Note:** As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Snapchat, among others.

**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities and equipment. Employees must ensure that social media activity does not interfere with their work. In general, the District considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas. In addition, employees may not post on a personal blog or webpage or participate on a social networking platform for personal purposes during work time or at any time with the District equipment or property.

**On-duty use of social media.** Employees may engage in social media activity during work time provided it is directly related to their work and approved by their supervisor and does not identify or reference District stakeholders without express permission. The District may monitor employee use of District computers and the Internet, including employee blogging and social networking activity.

**Respect.** Demonstrate respect. A social media site is a public place, and employees should avoid inappropriate comments. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments or engage in other behavior that violates the District's policies.

**Post disclaimers.** Employees who identify themselves as District employees or discuss matters related to the District on a social media site must include a disclaimer on the front page stating that it does not express the views of the District and that the employees are expressing only personal views—for example: "The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position, and repeat it for each posting expressing an opinion related to the District or the District's business. Employees must keep in mind that if they post information on a social media site that is in violation of District policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

**Competition.** Employees should not use social media to criticize the District's competition and should not use it to compete with the District.

**Confidentiality.** Do not identify or reference District business without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

**Trademarks and copyrights.** Do not use the District's or others' trademarks on a social media site or reproduce the District's or others' material without first obtaining permission.

**Legal.** Employees are expected to comply with all applicable laws, including, but not limited to, copyright, trademark, and harassment laws.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

## **7.6 BULLETIN BOARDS**

The District will maintain a bulletin board in the break area to communicate employment announcements and other pertinent material for your review. All required governmental postings are posted on the boards located in the break area. These boards may also contain general announcements.

Employees may submit to the Administrator notices of general interest, such as for-sale notices; recreational-type announcements and/or club functions (e-mail should not be used for the aforementioned); postcards; expressions of gratitude or sympathy; and notices looking for/offering carpools, tickets, roommates, or pets. The District reserves the right to refuse permission to post or to take down any announcement.

## **7.7 SOLICITATION**

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after a shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which include all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

## **7.8 COMPUTERS, INTERNET, E-MAIL, AND OTHER RESOURCES**

The District provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voicemail, scanner, Internet, intranet, e-mail, text messaging, portable electronic devices, or any other District-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of District computer, phone, portable electronic devices, or other communication tools. All communications made using District-provided equipment or services, including e-mail and Internet activity, are subject to inspection by the District. Employees should keep in mind that even if they delete an e-mail, a voicemail, or another communication, a copy may be archived on the District’s systems.

Employee use of District-provided communication systems, including personal e-mail and Internet use, that is not job-related has the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the Internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the District’s systems, as well as the reputation and/or competitiveness of the District. To protect against possible problems, delete

any e-mail messages before opening that are received from unknown senders and advertisers. It also is against District policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on District computers. Violations of this policy may result in termination.

The District encourages employees to use e-mail only to communicate with fellow employees, or others regarding District business. Internal and external e-mails are considered business records and may be subject to federal and state recordkeeping requirements, as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the District.

All use of District-provided communications systems, including e-mail and Internet use, should conform to our District guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voicemail, and Internet communication equipment are provided for District business purposes and are critical to the District's success, your communications may be accessed without further notice by IT department administrators and District management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Employees should pay particular care to the use and security of portable electronic devices when used for business-related purposes, such as laptops, tablets, smartphones, and other data storage media, whether provided by the employer or the employee. Lost or stolen portable electronic devices containing District information may cause breaches of security that result in the loss of District confidential commercial data, the loss of vital research data, the unauthorized disclosure of sensitive employee data, lawsuits against the individual, and lawsuits against the District. Employees should use appropriate password protections for such devices and physically secure them as recommended by the Administrator.

Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the NLRA to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits. Employees have the right to engage in or refrain from such activities.

## **7.9 PERFORMANCE APPRAISAL**

Communication between employees and supervisors is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

While evaluating performance is both an informal and formal process, generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year. If an employee's performance needs improvement, the Disciplinary Procedure will be implemented.

The District identifies a learning period for all new positions to be six months. The learning period will apply to all new employees and all existing employees who are transferred or promoted to a new position. An evaluation of your performance will be conducted at the end of the learning period which may result in confirmation of your fitness for the position, dismissal, or reclassification/transfer back to your original position. The six-month review is not considered a salary review, unless specifically agreed to in writing at time of hire or unless the six-month review coincides with the annual review cycle.

The Administrator or Board (in the case of the Administrator) will conduct a formal written performance appraisal at the end of the calendar year for all employees. Copies of the written appraisal will be provided to the employee with the opportunity for him or her to provide written comments. The appraisal process is intended to be a two-way discussion between the supervisor and employee on any issues or concerns related to job performance.

At the discretion of the Administrator or Board, interim performance appraisals may be scheduled (for example six months prior to the end-of-the-year review) to address any potential concerns early and allow employees to take actions to improve upon their performance and success in doing the job.

## **7.10 DISCIPLINARY PROCEDURE**

The District expects employees to comply with the District's standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the District endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees at-will or in any way restrict the District's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

Step 1: Informal Discussion. When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

Step 2: Coaching. If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present information regarding the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action that may include discharge, and (e) issue a counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and a third party representative (Administrator, Board Manager, or Human Resource Consultant) should meet with the employee in private and proceed via (a) through (d) above and issue a written warning to the employee in the form of a Performance Improvement Plan (PIP).

Step 4: Suspension. The Administrator has the authority to temporarily remove employees from the workplace, with or without pay, and shall inform the Board immediately. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension can result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay), and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## 8 TIME OFF AND LEAVES OF ABSENCE

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### 8.1 HOLIDAYS

The District observes and allows time off with pay for the following 11 holidays:

<u>Holiday</u>	<u>Date/Day</u>
• New Year's Day	January 1
• Martin Luther King, Jr. Day	Third Monday in January
• Presidents' Day	Third Monday in February
• Memorial Day	Last Monday in May
• Independence Day	July 4
• Labor Day	First Monday in September
• Veterans Day	November 11
• Thanksgiving Day	Fourth Thursday in November
• Day after Thanksgiving	Fourth Friday in November
• Christmas Eve Day	December 24
• Christmas Day	December 25

The District, at the start of each calendar year, will designate any additional holidays.

In addition, each employee is entitled to one floating holiday as mutually arranged between employee and supervisor. Floating holidays will be scheduled to ensure at least one person to be in the office on any day the office is scheduled to be open. In the year of employment with the District, employees are eligible for a floating holiday after six months of employment, following the six-month learning period review. A floating holiday does not carry over, nor is it paid out upon termination.

When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday will be declared a holiday. To be eligible to receive compensation for an observed holiday, an employee must be on regular full-time status on the workday before and after the holiday. Regular part-time employees will be paid *pro rata* for holidays. Temporary employees will not be paid for holidays. Paid holidays which occur during a period of vacation or sick leave are not counted as days of vacation or sick leave.

**Holiday pay.** Holiday pay shall be at the employee's regular straight-time rate, inclusive of shift premiums, times the employee's regularly scheduled hours (not to exceed eight hours).

To receive holiday pay, an eligible nonexempt employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid sick leave. If an employee is absent on one or both of these days because of an illness or injury, the District may require verification of the reason for the absence before approving holiday pay.

**Religious observances.** Employees who need time off to observe religious practices or holidays not already scheduled by the District should speak with their supervisor. Depending upon

business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, take vacation time, or take off unpaid days. The District will seek to reasonably accommodate individuals' religious observances.

## 8.2 VACATION

The District recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The District provides paid vacation time to full-time employees for this purpose, and employees are encouraged to take vacation during the year. Part-time employees who are regularly scheduled to work 24 or more hours per week will be eligible for paid vacation on a pro rata schedule.

Full-time employees will accrue paid vacation according to the following schedule:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Annual Leave</u>
Years 1-2	3.33 hours/pay period	80 hours/10 days
Years 3-4	4.00 hours/pay period	96 hours/12 days
Years 5-10	5.00 hours/pay period	120 hours/15 days
Years 11-15	5.66 hours/pay period	136 hours/17 days
Years 16 and over	6.65 hours/pay period	160 hours/20 days

Temporary employees are not eligible to accrue vacation. Request vacation time from your supervisor as soon as possible to help ensure approval. However, the District reserves the right to alter the dates of your vacation if it is in the best interest of the District, as determined by the Administrator. All requests for vacations of five or more days in length must be approved at least 30 days in advance by the Administrator (or the Board President, in the case of the Administrator).

Employees may not take paid vacation until they actually have earned or accrued the vacation time. New employees accrue paid vacation immediately upon employment.

Vacation may be scheduled in increments of half workdays up to a maximum of two weeks in a row.

Vacation time can be accumulated by the employee with a maximum of 260 hours that can be carried forward from one year into the next. It is the responsibility of the employee to schedule vacation time in order to avoid the potential of losing vacation days. Upon termination, a maximum of 260 hours may be included with your last paycheck, at the employee's rate of pay at the time of termination.

The estate of any employee who dies while employed by the District shall be entitled to receive the earned value of the employee's accrued unused leave, in the same manner as the employee would have upon separation from the District.

### 8.3 PERSONAL OR SICK LEAVE

The District recognizes that from time to time, leave for personal illness occurs or personal absences are necessary. Pay for leave assists in maintaining your income flow when you are required to be off work because of your own non-occupational illness or injury, an illness or injury of a spouse, dependent child, parents or a personal obligation which can only be tended to during regular employment hours.

Employees are eligible to receive up to eight hours of leave pay per month, 96 hours (12 days) per year based on hours worked. Newly hired employees are eligible to accrue earned leave immediately and earned leave may be granted after completion of one month of employment. Regular part-time employees working less than 24 hours and temporary employees are not eligible for leave pay.

Leave may be accrued and carried forward without limit from year to year. Employees will not be compensated for any accrued sick leave time upon separation from the District; however, for those employees that were employed by the District on January 1, 2008 will be compensated at the time of separation from the District at an amount equal to the sick leave they had on January 1, 2008 by the hourly rate of pay at that time.

Emergency situations not specifically covered in this policy will be considered on a case-by-case basis. Absences relating to such situations may or may not be charged against your record, at the sole discretion of the Administrator.

For purpose of accruing leave, an employee using earned leave is considered to be working while on earned leave or vacation.

Leave may be granted to employees when the employee is unable to perform work duties due to temporary illness, short-term disability, the necessity for medical, dental or chiropractic care, pregnancy disability or childbirth, or when the employee poses a risk of exposure of contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing employment duties.

To be eligible for leave with pay, an employee shall

- 1) Request the leave, where known to be required, preferably one week in advance, or report promptly to the Administrator the reason for the absence;
- 2) Keep the Administrator informed of the need for leave; and
- 3) If the absence is for more than three days, submit a medical certificate describing the condition or ailment, and an estimate of the length of the leave of absence, if requested by the Administrator.

## 8.4 LEAVE FOR FITNESS

As a way of encouraging health and well-being, and reducing time lost for medical conditions, the District allows employees to use the value of their personal or sick leave to pay for health and wellness programs such as membership to health clubs and weight loss programs.

**Cash-in procedure.** Submit an invoice for an allowable cost and the appropriate amount of leave would be “cashed in” to reimburse the employee, minus appropriate withholdings for state and federal taxes. In exercising this “cash in”, employees must have a minimum of a two-week balance after the deduction, or the “cash in” is not allowed. Sick leave balances are not paid out upon termination.

## 8.5 FAMILY AND MEDICAL LEAVE

The District abides by the federal Family Medical Leave Act (FMLA), even though it is not legally required. FMLA requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The District also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee’s situation is different. Contact the Administrator to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools) to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period measured forward from the date an employee first takes that type of leave.

**Basic leave entitlement.** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or childbirth; (2) to care for the employee’s child after birth or placement for adoption or foster care; (3) to care for the employee’s spouse, child, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

**Military family leave entitlements.** Eligible employees with a spouse, child, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to 7 days of leave); (2) attending certain military events and related activity; (3) arranging child care and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with

covered military family members on short-term temporary rest and recuperation leave (limited to up to 5 days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the armed forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and for which the servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

**Benefits and protections during FMLA leave.** During FMLA leave, the District will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the District's operations. A "key" employee is an eligible salaried employee who is among the highest-paid 10 percent of the District's employees within 75 miles of the worksite. Employees will be notified of their status as key employees, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued before the start of an employee's leave.

**Employee eligibility.** The FMLA defines eligible employees as employees who (1) have worked for the District for at least 12 months; (2) have worked for the District for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite that has 50 or more employees or is within 75 miles of District worksites that, taken together, have a total of 50 or more employees.

**Definition of "serious health condition."** A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, incapacity due to

pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of “continuing treatment.”

**Use of leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies also may be taken on an intermittent or a reduced work schedule basis.

**Substitution of paid leave for unpaid leave.** Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the District requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employees’ own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, employees must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member’s active duty or call to active duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the District’s normal paid leave procedures found in its Vacation and Sick Leave policies.

**Employee responsibilities.** Employees must provide 30 days’ advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, employees must provide notice as soon as practicable and generally must comply with the District’s normal call-in procedures. The District may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The District also may require a second and, if necessary, a third opinion (at the District’s expense) and, when the leave is a result of the employee’s own serious health condition, a fitness-for-duty report to return to work. The District also may delay or deny approval of leave for lack of proper medical certification.

**District responsibilities.** The District will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required, as well as the employees’ rights and responsibilities. If employees are not eligible, the District will provide a reason for the ineligibility.

The District will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employees' FMLA leave entitlement. If the District determines that the leave is not FMLA-protected, the District will notify the employees.

**Other provisions.** Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employees' exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the District has approved the employment under its Outside Employment policy and the employees' reason for FMLA leave does not preclude the outside employment.

**Unlawful acts by employers.** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## **8.6 WORK-RELATED INJURY OR ILLNESS**

You are to immediately report all work-related injuries or illnesses to the District Administrator. The District Administrator will arrange to complete a First Report of Injury form for the Worker's Compensation Insurance of the District.

Compensation for a work-related injury or illness shall be made in accordance with the provisions of the workers' compensation program. Proper notification must be given to the District Administrator of the expected duration of all such absences. You will be required to provide a release from a physician upon your return to work. The District reserves the right to require you to be seen by a physician of its choice.

## **8.7 MILITARY LEAVE**

The District supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Administrator, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the Administrator as soon as possible.

Upon return from military leave, employees will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All regular full-time employees serving on military duty with a reserve component of the US Armed Forces or the National Guard are eligible for up to ten unpaid days per year with advance approval from the Administrator.

## **8.8 UNPAID PERSONAL LEAVE**

Circumstances of a unique personal nature may cause an employee to seek time off without pay. A request for an unpaid personal leave of absence may be approved for a regular full-time employee who has completed at least one year of continuous service, provided it is reasonable in view of the compelling nature and need, employee performance, departmental workload involved and any other relevant individual circumstances. It is the Administrator's responsibility to evaluate the request and recommend approval if it is justified. Approval by the Board is required for any personal leave request and such approval is totally within the board's discretion. Personal leaves of absence will normally be limited to 30 days, and requested after paid leave is exhausted. During unpaid leave, employees will pay for the employer and employee portions of benefits.

## **8.9 BEREAVEMENT LEAVE**

Employees with more than one month of service may take up to five days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparents, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to one day off with pay to attend the funeral of an extended family member (aunts, uncles, and cousins).

The District may require verification of the need for the leave. The employee's supervisor will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of eight hours for one day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime for non-exempt employees.

## **8.10 JURY DUTY/COURT APPEARANCE**

The District supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor (or Board President, in the case of the Administrator) as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to two weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same two-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they actually perform work. All employees may use any accrued time off if required to serve more than two weeks on a jury.

If an employee is released from jury duty after four hours or less of service, the employee must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, personal days or vacation days will be used for this purpose.

An employee who volunteers and has not been officially summoned for jury duty will not be paid and the above-described provisions will not apply. The District reserves the right to request that the Court excuse you from jury duty if your services are deemed to be critical at that time.

## **8.11 TIME OFF FOR VOTING**

The District recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

## **9 EMPLOYEE BENEFITS**

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The District recognizes the value of benefits to employees and their families. The District supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the plan policies, or contact the Administrator. To the extent the information provided here conflicts with the full plan document, the full plan document will control.

Temporary employees are not eligible for District employee benefits except those mandated by state or federal law. Continuous employment with the District is defined as “length of service” which will be used as a basis for vacation, personal leave, layoff, call-back, and may apply to other benefits. Length of service will continue to accumulate except for a resignation, termination, or a break of six months or more due to layoff.

The District pays for benefits such as Workers’ Compensation, Social Security, Medicare and Unemployment benefits, as required by federal and state laws.

### **9.1 MEDICAL AND DENTAL INSURANCE**

Full-time employees working 30 hours or more per week are eligible for insurance on the first of the month following date of hire. To keep coverage in force, every insured employee must work a minimum of 30 hours per week. Purchasing additional insurance may be an option and is indicated in the plan documents. Premiums will be paid through pre-approved payroll deductions of the employee.

The District pays 100% of the monthly medical premium for full time employees, and 50% of the cost of dependent coverage for the lowest cost provider offered in the program.

### **9.2 GROUP LIFE INSURANCE**

The District provides life insurance for full-time employees who work a minimum of 40 hours per week. Employees are eligible for this benefit the day after hire. The basic life coverage is \$50,000. The District pays for the cost of this coverage in full.

### **9.3 SHORT-TERM DISABILITY**

Short-term disability is offered to full-time employees working a minimum of 40 hours per week. Employees are eligible for this benefit the day after hire. If an employee becomes disabled and cannot work for a short period of time, this coverage pays 60 percent of the employee’s salary, up to 26 weeks. This benefit is funded solely by the employer. Employees will not be paid vacation or sick leave for approved absences covered by the District’s program, except to supplement the short-term disability benefits.

Short-term disability benefits may run concurrently with FMLA leave and/or any other leave where permitted by state and federal law.

#### **9.4 LONG-TERM DISABILITY**

Long-term disability benefits are offered to full-time employees working a minimum of 40 hours per week. Eligibility is the day after hire. If an employee becomes totally disabled and cannot work for an extended period of time, this coverage pays 60 percent of the employee's salary, up to the policy limits. This benefit is funded fully by the District.

Long-term disability benefits will run concurrently with FMLA leave and/or any other leave where permitted by state and federal law.

#### **9.5 RETIREMENT**

The District recognizes the importance of saving for retirement and enrolls all eligible employees in the State of Minnesota Public Employee Retirement Association (PERA), General Plan. The rate of contribution by both the District and the employee will be in the proportion set forth under the applicable state law.

#### **9.6 DEFERRED COMPENSATION (OPTIONAL)**

##### **Minnesota State Retirement System**

An employee will be eligible to participate in the State of Minnesota's Deferred Compensation Plan. This is a voluntary plan which allows you to contribute a pretax portion of each paycheck into a State-managed deferred revenue account until the time that the money is withdrawn from the account.

Plans available: MNDCP 457 (b) Def Comp (pre-tax), MNDCP Roth 457 (b) Def Comp (after-tax)

#### **9.7 HEALTH CARE SAVINGS PLAN**

Eligible District employees will immediately participate in a Health Care Savings Plan through the Minnesota State Retirement System. Employees shall contribute the equivalent of two hours of leave per month. The Dollar amount will be calculated using the employee's current salary.

#### **9.8 FLEXIBLE SPENDING ACCOUNT (OPTIONAL)**

A Flexible Spending Account (FSA) is a special account funded with an employee's pre-tax dollars that can be used to pay for certain out-of-pocket health care and child care costs. Eligible the first of the month following hire, an employee elects an amount, within plan limits, at the beginning of the year that is deducted each pay period to fund the account, with a minimum of \$100 annually. FSA dollars need to be spent within the calendar year (there is some rollover allowed into the next year), or the money in the account will be forfeited.

## **9.9 WORKERS' COMPENSATION**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. The District pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The District abides by all applicable state workers' compensation laws and regulations. If an employee sustains a job-related injury or illness, it is important to notify the District Administrator immediately. An injury report, with input from the employee, will be completed, and a claim will be filed with the Provider. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the District's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employees' salary as allowed by state law.

## Employee Handbook Acknowledgement and Receipt

I hereby acknowledge receipt of the Employee Handbook of the District. I understand and agree that it is my responsibility to read and comply with the policies in the Handbook.

I understand that the Handbook and all other written and oral materials provided to me are intended for informational purposes only. The Handbook, District practices, and other communications do not create an employment contract or term. I understand that the policies and benefits, both in the Handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by the board at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the District to employ me now or hereafter and that my employment may be terminated by me or the District without reason at any time. I understand that no representative of the District has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

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Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

1:30 RCWD Manager Bylaws Review



## **MEMORANDUM**

### **Rice Creek Watershed District**

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**Date:** February 27, 2023  
**To:** RCWD Board of Managers  
**From:** Nick Tomczik, Administrator  
**Subject:** Rice Creek Watershed District Board of Managers Bylaws Review

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#### **Introduction**

The District Board of Managers Bylaws article XV requires review of them every five years. This is that manager bylaw review.

#### **Background**

The District Board of Managers adopted and maintain a set of bylaws capturing the administration of District business and affairs. The bylaws themselves in article XV state that the bylaws are to be reviewed every five years.

On January 20, 2023 staff communicated to the each manager the previous point and the review and the discussion of the bylaws at the Board's March 6<sup>th</sup> workshop. The communication included the current bylaws last amended 1/11/2023. The managers having had the opportunity to review the bylaws may bring forth items for discussion and, if any items are raised, develop a consensus direction as a Board.

#### **Request for Board Consensus**

Staff support the Board's review of its bylaws.

#### **Attachment**

Bylaws of the Rice Creek Watershed District

# **BY-LAWS OF RICE CREEK WATERSHED DISTRICT**

(Pursuant to Minnesota Statutes §103D.315, Subdivision 11: “The managers shall adopt bylaws for the administration of the business and affairs of the watershed district.”)

Adopted as revised on March 8, 2023.

## **ARTICLE I.**

### **NAME**

**Section 1. NAME:** Rice Creek Watershed District.

**Section 2. ABBREVIATIONS:** Throughout these By-Laws whenever it is desirable to abbreviate the name of the Rice Creek Watershed District, the initials “RCWD” shall be used.

## **ARTICLE II.**

### **PURPOSE**

**Section 1. General Purpose:** The RCWD Mission Statement is: “Prevent flooding and enhance water quality in harmony with development for the common good.” In pursuit of the Mission Statement, RCWD strives to achieve balance in a variety of roles and responsibilities, including:

- Acting as the drainage authority for all public drainage systems within the boundaries of the District managing surface water transportation and flood control;
- Administering permits for the Permit Review Program which implements principles of the Watershed Management Plan;
- Serving as the Local Government Unit (LGU) responsible for the administration of the Wetland Conservation Act within the watershed, except for State lands and where authority has been expressly granted to another LGU;
- Adhering to the requirements as a regulated Municipal Separate Storm Sewer System permittee to the Minnesota Pollution Control Agency

**Section 2. Manual of Policy and Procedures:** The Board of RCWD has established a management document identified as Policy and Procedures Manual (PPM) to support the orderly and timely details of regular operation. The PPM may be revised at any time by a quorum vote of the Board.

## ARTICLE III

### RCWD OFFICE AND WATERSHED DISTRICT'S BOUNDARIES

**Section 1. DISTRICT OFFICE:** RCWD office is located at 4325 Pheasant Ridge Drive, Suite 611; Blaine, MN 55449-4539.

**Section 2. BOUNDARIES of RCWD:** RCWD covers an area of 186 square miles. Included in its boundaries are twenty-seven (27) cities or townships, partially or in their entirety.

## ARTICLE IV

### BOARD OF MANAGERS

**Section 1. DISTRIBUTION of MANAGERS and APPOINTMENT THEREOF:** Pursuant to MN Statute 103D.301, Distribution of Manager Positions, Subdivision 1: More than one affected county. *“If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district.”* 103D.301 Subd. 3: *“...The county board of commissioners of a county affected by the watershed district...”* appoints the manager.

**Section 2. COMPOSITION of RCWD BOARD OF MANAGERS:** RCWD is composed of five managers appointed by three of the four counties in the watershed district; Ramsey County, two (2) managers; Anoka County, two (2) managers; and Washington County, one (1) manager. There is no one appointed from the fourth county, Hennepin County due to the fact that only a small fraction of RCWD is in Hennepin County.

**Section 3. TERMS OF OFFICE:** Appointments made by the respective counties' Board of Commissioners to the RCWD Board of Managers are for three-year terms. Terms of office begin in January of the year they are appointed unless a county delays in the appointment of a manager.

**Section 4. BONDING:** Before assuming the duties of the Board, each Board member, at District expense, will obtain and file a bond in accordance with Minnesota Statutes §103D.315, subdivision 2. The Board, at District expense, will provide for insurance for its members to provide liability protection on such terms and in such amounts as the Board decides.

**Section 5. VACANCIES:** Any manager who is unable to fulfill their three-year term of office on RCWD Board of Managers shall notify their respective county commissioner of the fact they will leaving their positions as manager on the RCWD so the county they

represent can appoint another manager as soon as possible to complete the departing manager's term in office.

**Section 6. COMPENSATION:** The compensation of managers for meetings and for performance of other necessary duties may not exceed the amount specified by MN Statute 103D.315 Subd.8. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties. " The amount of the per diem compensation will be specified in the PPM.

**Section 7. SUBMISSION OF MANAGERS EXPENSES:** A claim form shall be filled out by each manager and submitted to the RCWD office to be processed and approved in the same manner as other claims. Claims for reimbursement of business related expenses and per diem claims must be submitted by January 15<sup>th</sup> for expenses incurred for the preceding year. Any claims submitted after January 15<sup>th</sup> will not be paid.

**Section 8. DESIGNATION OF DEPOSITORY AND OFFICIAL NEWSPAPERS:** Board shall designate the official District depository and official newspapers annually at the first regular meeting in February.

## ARTICLE V.

### OFFICERS AND BOARD

**Section 1. ELECTION of OFFICERS:** The following officers shall be elected each calendar year on or before the first regularly scheduled meeting in February: President, First Vice-President, Second Vice-President, Secretary and Treasurer. Terms are for one-year unless re-elected.

**Section 2. OFFICER VACANCIES:** MS 103D.315 Subd. 3: "*The managers must fill vacancies occurring in the officers' positions.*"

**Section 3. TEMPORARY APPOINTMENTS OF OFFICERS:** The Board may appoint a Board member as officer pro tem if an officer is absent or disabled and action by that officer is required.

**Section 4. DUTIES OF OFFICERS:**

- (a) President: The President shall preside at all meetings of the Board of Managers. The President shall serve under the supervision and direction of the Board and shall see that all orders and resolutions of the Board are carried into effect. The President shall execute all contracts or instruments requiring an officer's signature, unless otherwise directed by the Board, and shall have the general powers and duties usually vested in the office of President of the Board and shall have such other powers and perform such other duties as the Board may from time to time prescribe.

- (b) First Vice-President: In the absence of the President at a regularly held RCWD meeting, the First Vice-President shall preside at the meeting. The First Vice-President shall exercise and perform the authorities and duties of the President in the event of the latter's absence, death, disqualification, or incapacity until the RCWD Board of Managers elect a new President. The First Vice-President shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.
- (c) Second Vice-President: In the absence of the President and the First Vice-President, the Second Vice-President shall preside at any regularly held RCWD meeting. The Second Vice-President shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.
- (d) Secretary: The Secretary shall cause to be recorded all votes and the minutes of all proceedings of the Board of Managers and of the members in a book to be kept for that purpose. The Secretary shall give, or cause to be given, notice of all meetings of the Board, and shall perform such other duties as may from time to time be prescribed by the Board or by the President.
- (e) Treasurer: The Treasurer shall have the care and custody of the funds and securities and shall disburse the funds of RCWD as may be ordered from time to time by the Board. The Treasurer shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to RCWD, and shall deposit all monies, securities and other valuable effects of the RCWD in the name and to the credit of the RCWD in such depositories as may be designated from time to time by the Board. Except to the extent that some other person or persons may be specifically authorized by the Board to do so, the Treasurer shall make, execute, and endorse all checks and other commercial paper on behalf of RCWD when requested by the Board and shall perform such other duties as may be prescribed by the Board. Checks may be executed before Board approval but the Treasurer shall oversee procedures to prevent premature disbursement.

## **Section 5. PRINCIPLES FOR DECISION MAKING**

- (a). RCWD has adopted a Watershed Management Plan for the whole watershed district. This plan is to be followed by the RCWD's Board of Managers, its staff and its consultants.
- (b). RCWD shall try to control flooding within its district boundaries.
- (c) RCWD has a mission to improve water quality and to contain the quantity of water that is released downstream so it does not exceed the amount of water that was released before improvements/build-outs occurred.
- (d). RCWD has to be part of the solution to reduce TMDL's within its watershed boundaries.
- (e). RCWD's Board of Managers is appointed by their respective county commissioners but the managers are to study, set policy and vote with the whole district in mind. They are to be aware of the impact of every action they take on all of the stakeholders and on the land within its watershed district.

- (f). RCWD's Board of Managers has to plan and make provisions for future growth and redevelopment.
- (g). RCWD has to adhere to and balance between Ditch Law and WCA (Wetland Conservation Act) and the Clean Water Act.
- (h). RCWD Managers answer to their county commissioners and to the taxpayers from all of the counties in the RCWD. RCWD shall institute BMP's at a reasonable cost to the taxpayers.
- (i). RCWD, in adopting a plan for a project, shall consider all of the long-term impacts of the project and adopt a policy that best restores/repairs/rehabilitates a drainage area that minimizes future repairs and gives RCWD a long-lasting solution that can sustain itself in the future.
- (j). Managers shall perform their duties with objectivity, impartiality, accountability, and transparency.

**Section 6. AUTHORIZED SIGNATORIES BY MANAGERS:** All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of RCWD shall be signed by two members of the RCWD Board of Managers, except that the Board, by resolution, may delegate to the District Administrator the authority to sign checks and authorize disbursements for certain categories of operational or administrative expenditures within the Board-approved budget. Checks may be endorsed through electronic signature.

**Section 7. REMOVAL FROM OFFICE:** Any officer may be removed at any time, with or without cause, upon the affirmative vote of two-thirds (2/3<sup>rd</sup>'s) of the authorized votes of the Board of Managers.

## **ARTICLE VI.**

### **CODE OF ETHICS**

**Section 1. Respect and Compliance with the Law:** The Board of Managers and District employees shall respect and comply with the laws and rules affecting the District, and act in a manner that promotes public confidence in the integrity of the District as a public agency. A Board Member or District employee shall not interfere with a Board member or employee's execution of authorized District business.

**Section 2 Respectful and Courteous Behavior:** The Board of Managers and District employees shall be respectful of and courteous to each other and members of the public while carrying out their public duties.

**Section 3. Disorderly Conduct:** The Board of Managers and District employees shall not engage in disorderly conduct which disturbs or interrupts the Board's proceedings.

**Section 4. Intimidation:** The Board of Managers and District employees shall not willfully prevent a Board member or employee from attending to the business of the District, or discharging its legal duties.

**Section 5. Improper Influence:** No Board member or employee shall give or offer a bribe to a Board member or employee, or attempt by menace or other means, to control or influence a member or employee in giving or withholding the member's vote or discharge of job duties.

**Section 6. False or Fraudulent Information:** No Board member or employee while attending to the business of the District shall publish or distribute written material or make verbal comment that the member knows is false or fraudulent.

**Section 7. Malfeasance, Nonfeasance, or Misfeasance:** If any member attending to the business of the district willfully, or otherwise violates their oath of office by: engaging in an unlawful act or deed; not executing their responsibilities, or conducts or executes their responsibilities in a manner that is unlawful or against the best interests of the District as described in the District by-laws, rules, mission statement or code of ethics.

#### **Section 8. Investigation and Report**

**(a) Complaint:** A Board member may make complaint concerning improper conduct by a member of the Board or the Administrator orally or in writing; others must submit the complaint in writing. The notice by a Board member or staff is to be delivered at the time the agenda is reviewed for approval. Notice by others may be delivered at open mike.

**(b) Evaluation and Investigation:** Upon receipt of the complaint, the Board shall conduct an evaluation within 30 days. If the complaint contains allegations of inappropriate conduct under Section 7 of this Article against a member of the Board or the Administrator, the Board shall close one or more meetings for preliminary consideration of the allegations in the complaint, in accordance with the provisions of the Minnesota Open Meeting Law, Minn. Stat 471.705. Upon review of the complaint the Board by resolution may authorize an investigation.

**(c) Consideration of Results and Action.** The Board shall promptly consider the results of the investigation. If after investigation, the Board finds the complaint substantiated by the evidence, the Board may take further action, including the following:

(1) Caution to the Board or Administrator citing the specific behavior or action and noting a more preferred manner of conduct.

(2) Reprimand the Board or Administrator citing the specific behavior or action and noting a more preferred manner of conduct.

(3) With respect to a Board member, issue a letter or resolution to the nominating authority citing the specific behavior or action.

(4) With respect to a Board member, issue a letter or resolution to the appointing authority citing the specific behavior or action.

(5) With respect to a Board member, issue a letter or resolution to the appointing authority requesting a hearing under Minnesota Rule 8410.0040 for violation of the member's oath of office through malfeasance, nonfeasance, or misfeasance.

## ARTICLE VII

### MEETINGS OF RCWD BOARD OF MANAGERS

**Section 1. REGULAR SET MEETINGS:** The managers shall have regular meetings in each month as set forth in the PPM and, if a regularly scheduled meeting is rescheduled, an alternative date for the meeting must be noticed at least one-month prior to the changed meeting date.

**Section 2. SPECIAL MEETINGS:** Special meetings to conduct the business of the RCWD may be held and shall be legally noticed at any other time that the managers may deem necessary.

**Section 3. WORKSHOPS:** There shall be at least one workshop per month. A workshop shall normally be scheduled for the Monday preceding the first regularly scheduled meeting. Additional workshops shall be scheduled at the call of the President. No official board action will be taken at a workshop.

**Section 4. PUBLIC HEARINGS:** Public hearings shall be conducted pursuant to Chapter 429 or any other chapter provision requiring a public hearing.

**Section 5. MEETING CALLED BY MANAGER:** 103D.315 Subd. 10, states: *"A meeting may be called at any time at the request of any manger. When a manager requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight (8) days before the meeting."* The district's office administrator shall notify the managers as soon as possible of the time and place of the pending meeting.

**Section 6. QUORUM and ADJOURNED MEETING:** At all meetings of the managers, a majority of the managers appointed shall constitute a quorum to do business but a majority of those present may adjourn from time to time.

**Section 7. CHAIR of MEETINGS:** The President shall preside as chairperson at all meetings of the managers. In the absence of the President, the First Vice-President shall

preside as the temporary president. In the absence of both, the Second Vice-President shall serve as temporary President. The President and temporary President shall have the same privileges.

**Section 8. MEETING FORMAT:**

- (a) At the hour appointed for a meeting of the RCWD, upon reaching a quorum, the managers shall be called to order by the President or in his/her absence, by the temporary President. The managers shall proceed to do business following a set agenda.
- (b) The President shall preserve order. The President may make motions, second motions or speak on any question, provided, however, that in order to do any of these things, upon demand of any manager, shall vacate the chair and designate a temporary President. The President, or acting President, shall be entitled to vote like other members/managers.
- (c) Every manager, prior to his/her speaking, shall address the President and shall not proceed until he/she has been recognized by the Chair.
- (d) If a manager has a personal interest in a matter, as defined in Section 9, that comes before the RCWD Board of Managers, the manager shall not vote on said issue.
- (e) No person other than a manager shall address the Board except with the consent of the President or by a vote of the majority of the managers present.
- (f) The President has the authority to set a time limit that a manager or a person addressing the board may speak.
- (g) All committees shall be appointed by the Chair unless expressly ordered by the Board. It shall be the duty of committees to act promptly and faithfully in all matters referred to them and to make reports at a future set time/date established by the board.
- (h) Minutes of all meetings of the RCWD Board of Directors shall be recorded, reviewed by the Board, adopted and kept at the District offices. They shall be signed by the Secretary and shall constitute an official record of the procedure.
- (i) Any member may request that the yeas and nays be recorded on any motion voted on by the Board and such request will be granted by the President.

**Section 9. COMMITTEES OF THE BOARD:** The Board of Managers may create such committees as necessary to meet the needs of the organization. There may be “Standing Committees” which are established for multiple years or terms as designated by the President and agreed to by the Board of Managers. There may also be temporary or “ad hoc” committees established by the President to meet the immediate needs or expectations of the Board of Managers.

**Section 10. CONFLICTS OF INTEREST:** A manager who has a personal financial interest, or other private interest or relationship, in a matter scheduled to come before the board must inform the board. Managers must abstain from chairing any meeting, participating as a Manager including sitting with the other Managers or

participating in any discussion, offering any motion, or voting on any matter that substantially affects the financial interest of the manager, a family member, an associated business, unless the effect on the manager's interest is no more than would be on any other member of the manager's profession, occupation or business classification. 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 is involved. A Manager who abstains may, however, exercise the same rights as other private citizens from the audience and provide information when and to the extent authorized by the President. The manager's nonparticipation in the matter will be recorded in the minutes.

**Section 11. APPEAL OF A CHAIR RULING:** A member may appeal to the Board from a ruling of the Chair. If the appeal is seconded, the member may speak once solely on the question involved and the Chair may explain his or her ruling, but no other Board member will participate in the discussion. The appeal will be sustained if it is approved by a majority of the members present exclusive of the Chair.

## **ARTICLE VIII.**

### **PARLIAMENTARY AUTHORITY**

**Section 1. PARLIAMENTARY AUTHORITY:** Robert's Rules of Order Newly Revised (Tenth Edition) shall govern RCWD's meetings in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and/or any special rules of order RCWD may adopt.

**Section 2. SUSPENSION:** Robert's Rules of Order may be temporally be suspended by consent of the majority of the managers.

## **ARTICLE IX.**

### **RCWD ADVISORY COMMITTEE**

**Section 1. ADVISORY COMMITTEE REQUIRED:** Pursuant to 103D.331 Subd. 1. "The managers must annually appoint an advisory committee to advise and assist the managers on all matters affecting the interests of the watershed district and make recommendations to the managers on all contemplated projects and improvements in the watershed district. "

**Section 2. MEMBERS OF ADVISORY COMMITTEE:** 103D.331 Subd. 2 Members:

- (a) "The advisory committee consists of at least five members. If practicable, the advisory committee members selected should include a representative from each soil and water conservation district, a representative of each county, a member of

a sporting organization, and a member of a farm organization. Other advisory committee members may be appointed at the discretion of the managers. The members must be residents of the watershed district, except representatives from soil and water conservation districts and counties, and serve at the pleasure of the managers.”

(b) “In addition, the managers may appoint other interested and technical persons who may or may not reside within the watershed district to serve at the pleasure of the managers.”

## **ARTICLE X.**

### **TECHNICAL ADVISORY COMMITTEE**

**TECHNICAL ADVISORY COMMITTEE:** MS103D.337: “For a district wholly within the metropolitan area, the Board of Managers shall establish a technical advisory committee consisting of representatives of affected statutory and home rule charter cities, counties, and soil and water conservation districts.”

## **ARTICLE XI.**

### **ANNUAL REPORT**

**Section 1. ANNUAL REPORT:** MS 103D.351: “(a) The managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the managers plans for the succeeding year.”

**Section 2. COPIES DISTRIBUTED:** MS 103D.351: “(b) Copies of the report must be transmitted to the Board of Water and Soil Resources, the commissioner, and the director within a reasonable time.”

## **ARTICLE XII.**

### **ANNUAL AUDIT**

**ANNUAL AUDIT:** MS 103D.355, Subd 1. Requirement: “The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor. The annual audit must be made by a certified public accountant or the state auditor at least once every five years, or when cumulative district revenues or expenditures exceed an amount established by the board in consultation with the state auditor.”

## **ARTICLE XIII.**

### **WATERSHED MANAGEMENT PLAN**

**WATERSHED MANAGEMENT PLAN.** MS 103D.401, Subd. 1. Contents:

- (a) “The managers must adopt a watershed management plan for any and all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources.”
- (b) “The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.”

## **ARTICLE XIV.**

### **AMENDMENT TO BY-LAWS**

**Section 1. RCWD BY-LAWS MAY BE AMENDED**, repealed, or adopted by a majority of the RCWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety during a meeting of the RCWD Board of Managers unless said notice is waived by all of the managers. Notice of such alteration or amendment is to be contained in the notice of such meeting. The alteration/s or amendment/d must pass by a 4/5<sup>th</sup>'s vote of the RCWD Board of Managers.

**Section 2. INTERPRETATION** of the By-Laws and any amendment or additions thereto shall rest with the RCWD Board of Managers.

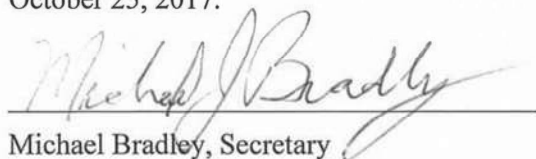
**Section 3. TEMPORARY SUSPENSION OF BYLAWS:** The managers, by unanimous vote of those present, may temporarily suspend a provision of these bylaws. If one or more managers is absent, this authority may not be exercised to suspend a provision, the purpose of which is to protect the rights or interests of managers not present.

## ARTICLE XV.

### REVIEW OF BY-LAWS

**THESE BY-LAWS** shall be reviewed at least every five years and revised if needed. These bylaws govern internal RCWD matters and do not create rights in any third parties.

Adopted as revised by the Board of Managers of the Rice Creek Watershed District,  
October 25, 2017.

  
Michael Bradley, Secretary

Date: 11-6-17

### HISTORY OF BYLAWS REVISION

August 11, 2004 Meeting.

Motion by Manager Haake, seconded by Manager Aiken, to approve the draft to become the official Bylaws of the Rice Creek Watershed District. Motion carried 5-0.

April 11, 2007 Meeting.

Motion by Manager Haake, seconded by Manager Oven, to approve the amendment of Article VI, Section 8 of the Rice Creek Watershed District by-laws. Motion carried 4-1 (Manager Waller opposed).

March 11, 2009 Meeting.

Motion by Manager Waller, seconded by Manager Ogata, acknowledging that proper notice has been given for the consideration by the managers of a proposed by-law change and move to amend Article IV, Section 8 of the By-laws of the Rice Creek Watershed District. Motion carried 3-0.

October 25, 2017 Meeting.

Motion by Manager Bradley, seconded by Manager Waller, to Adopt Resolution 2017-27, "Adopting General Revision of Bylaws." Motion carried 5-0.

January 11, 2023 Meeting.

Motion by Manager Wagamon, seconded by Manager Waller, to Adopt Resolution 2023-01, "Revising Accounting, Funds Management and Investment Manual and Amending Bylaws to Permit Checks to be Signed Before Board Approves Disbursement." Motion carried 4-0.

March 8, 2023 Meeting.

Motion by Manager Weinandt, seconded by Manager Robertson, to Adopt Resolution 2023-02, "Amending Bylaws And Delegating Certain Signing & Disbursement Authority To The District Administrator." Motion carried 4-1 (Manager Waller opposed)

## 2:30 District Facilities Evaluation and Management

# MEMORANDUM

## Rice Creek Watershed District



**Date:** March 29, 2023  
**To:** RCWD Board of Managers  
**From:** Ashlee Ricci, Public Drainage Inspector  
**Subject:** District Facilities - Evaluation and Management

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### **Introduction**

The Watershed Management Plan (WMP) guides the development of an updated District program that focuses on construction, inspection, maintenance, and/or operation of District facilities in accordance with their water management purposes and gages their effectiveness.

### **Background**

District facilities are one of the categories in the WMP that was established to protect the District's investment in projects. The District's facilities' program consists of the operation and maintenance of water management structures and property constructed and/or owned by the District. Staff has asked Houston Engineering, Inc. (HEI) to prepare a memo (attached) to evaluate select facilities for their effectiveness and efficiency in achieving current WMP goals. Additionally, at the direction of the Board, HEI has prepared a memo (attached) explicitly evaluating the Long Lake Sediment Basin.

As the District has evolved, so has the structures that the District has identified as District Facilities. The Board has previously reviewed the incorporated Appendix A – Framework for Consideration of District Facility Management during the Locke Lake Sedimentation basin evaluation. To consistently manage facilities, staff and HEI used this same framework for the selected facilities that needed additional evaluation to document whether the facilities still provided an effective and efficient means to meet the goals of the District.

### **Staff Recommendation**

District staff recommends that the Board develop consensus on Appendix A in the attached memos and incorporate the framework and engineer's recommendations into the Watershed Management Plan and further direct staff to engage the appropriate partners in informational meetings for the Watershed Management Plan update.

### **Request for Board Consensus**

District staff are seeking Board consensus to develop a Watershed Management Plan amendment to update the District Facilities inventory list, consistent with the engineer's recommendations, including the removal of specific facilities and the addition of newly created District Facilities.

### **Attachments**

HEI Technical Memorandum – Evaluation of Management Alternatives for Select District Facilities, dated April 3, 2023

HEI Technical Memorandum – Evaluation of Management Alternatives for Long Lake Sediment Basin, dated April 3, 2023

# Technical Memorandum

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**To:** Nick Tomczik, Administrator  
Rice Creek Watershed District

**From:** Joe Lewis, PE

**Through:** Chris Otterness, PE

**Subject:** Evaluation of Management Alternatives for Select District Facilities

**Date:** April 3, 2023

**Project #:** R005555-0340

## INTRODUCTION

The Rice Creek Watershed District's (RCWD) Watershed Management Plan (WMP) identifies several 'District Facilities' where they participated in constructing, funding or maintaining the Facility. Each Facility was intended to fulfill a function (e.g., water quality, flood control, AIS) consistent with the current WMP when constructed. The purpose of this memorandum is to evaluate selected Facilities for their effectiveness and efficiency in achieving District goals as identified within the current WMP. These goals may have evolved since a Facility was originally implemented. The facilities selected by District staff for evaluation are listed below and their locations shown on **Figure 1**:

- 35W Wetland Treatment Area
- Bethel North
- Floral Park Berm and Outlet
- Highway 10 & 694 Outlet
- Rondeau Lake Outlet Channel

All of these facilities, with the exception of the Rondeau Lake Outlet, consist of a water level management structure to maintain water levels in a natural wetland or constructed basin. This type of facility increases the volume of runoff temporarily retained, increasing the potential to both trap pollutants and reduce peak flow rates at its outlet. The effectiveness of this type stormwater retention BMP is typically related to the permanent pool volume (i.e., dead storage) and the temporary storage volume (i.e., live storage) compared against the anticipated runoff volume from the contributing drainage area for a design event, typically the 2-year event (~2.8-inches of precipitation over a 24-hour period) from a water quality perspective and a 100-year event (~7.1 inches of precipitation over a 24-hour period) for flood control. The greater the amount of dead and live storage available, the greater the effectiveness in pollutant removal and peak flow reduction respectively. Several of the facilities do not raise the normal water levels of natural wetland basins and therefore do not impact

the amount of dead storage; however, those facilities do increase the live storage volume by raising water levels following runoff events.

In 2022, the RCWD prepared a framework for considering the utility of district facilities in achieving District objectives (see **Appendix A**). The first criteria in the framework is with regard to District obligations. In reviewing the establishment of these facilities, we have found no documentation indicating a District obligation to inspect or maintain the facility. The second and third criteria in the framework are with regard to the effectiveness of the facility in achieving a District goal. What follows is a discussion on each facility's design purpose and whether the District's engagement with the facility efficiently achieves those goals.

## FACILITY SUMMARIES AND EVALUATION

### *35W WETLAND TREATMENT AREA (NB-10)*

#### Description and Purpose

The Facility was constructed in 1981 as part of the Upstream Improvements for the Long Lake Chain of Lakes Improvement Project. It consists of 2 weirs and an outlet pipe structure to control water levels within a constructed stormwater pond area located south and west of the I-35W and I-694 interchange. The primary source of runoff to the wetland is from three (3) 36" tall arch culverts under I-35W which receive discharge from the E2 wetland structure immediately to the east of I-35W. The Facility was also intended to increase the treatment efficiency of runoff by eliminating short circuiting of runoff through the existing wetland basin by redirecting existing inflows into the expanded wetland created by the project. The Facility is located on property owned by MnDOT.

#### Effectiveness Assessment

The weir and pipe outlet structures are deteriorated, as documented in a 2009 memo prepared by HEI. The dead storage volume is small relative to the upstream contributing area which severely limits the facilities effectiveness in achieving its stated purpose. The facility receives runoff from an upstream contributing area of approximately 11 square miles which includes Lake Johanna, Lake Josephine, Round Lake, Island Lake, Farrell's Wetland and the Ramsey County Ditch 4 (RCD 4) drainage system. This runoff entering the facility has already received an extended retention treatment period from the E2 Wetland and upstream lakes. Only a small portion of previously untreated runoff enters the Facility, which is diluted with large volumes of runoff from upstream.

The size of the Facility is approximately 1.5 acres with a normal depth of 1.75 feet according to design plans. The overflow elevation is 2.25 feet above the normal water level. This is far below the recommended design criteria for sizing stormwater pond and wetland treatment BMPs given its large upstream drainage area. Based on the size of Facility, it cannot efficiently achieve the WMP goals of flood damage reduction and nutrient loading reduction.

### Recommendation

We recommend the RCWD not invest in the restoration of this Facility and instead decommission it. Components of the decommissioning process may include:

- Amendment of the WMP to remove this site from the list of RCWD-managed facilities
- Consideration of the hydrologic impacts of alternatively removing or leaving in-place the existing outlet infrastructure
- Coordinating with the landowners (City of New Brighton and MnDOT) regarding decommissioning activities and preference

### *BETHEL NORTH (AH-25)*

#### Description and Purpose

The Facility was constructed as part of the Upstream Improvements for the Long Lake Chain of Lakes Improvement Project. The facility is located in the southwest quadrant of the I-694 and Snelling Ave. interchange. Its design consisted of a 12-inch reinforced concreted pipe (RCP) set within a 4.2-foot high earthen embankment berm that also served as a roadway embankment. The upstream end of pipe was fitted with a timber baffle weir and both ends of pipe were stabilized with grouted rip rap according to the design documents. The baffle weir was designed to prevent floatable debris from passing over the weir. The 12-inch RCP, weir and embankment controlled the water levels in a natural wetland basin. The wetland basin and its outlet are located within the Bethel University campus in Arden Hills.

When constructed, the 12-inch RCP pipe passed through a roadway belonging to the University. A review of aerial imagery indicates that the roadway was realigned in the early 2000's, and the components of the Facility's outlet were presumably removed and replaced with Bethel University infrastructure.

#### Effectiveness Assessment

The estimated size of the wetland basin is approximately 1.5-2 acres and receives runoff from 30-40 acres which is mostly in the MnDOT Right of Way along I-694. No design information is available regarding the depth of dead or live storage water levels and therefore treatment volumes are unknown. However, the facility appears to be substantially smaller than modern design criteria recommendations given the size of the drainage area. The I-694 and Snelling Ave interchange was reconstructed in the early 2010's and runoff from MnDOT ROW is now receiving some treatment prior to leaving the ROW. While the Bethel North facility likely still provides a benefit to water quality, its effectiveness is lower than when originally implemented.

### Recommendation

The original outlet components of the Bethel North Facility were removed and replaced with similar infrastructure by Bethel University. Additionally, WCA prevents modifications without mitigation to the wetland basin that currently provides stormwater treatment. Due to these factors, we recommended

that the RCWD no longer continue to actively maintain and repair the facility as there is limited risk of losing the Facility's benefit. We recommend that the WMP be amended to remove this site from the list of RCWD-managed facilities.

### *FLORAL PARK BERM AND OUTLET (AH-13)*

#### Description and Purpose

The Facility was constructed as part of the Upstream Improvements for the Long Lake Chain of Lakes Improvement Project. It is located in the City of Arden Hills within a city park known as Floral Park north of I-694 and west of Hamline Ave. The Facility consists of a 3 foot high embankment berm, baffle weir and 12-inch RCP to control water levels in a natural wetland basin within the park. The pond has a drainage area of approximately 30 acres which is a combination of residential, park/open space, and commercial land use.

#### Effectiveness Assessment

Given the size of the basin and its live storage volume compared to the drainage area, it appears that the facility likely provides some benefit in reducing downstream flows and capturing sediment/nutrients. We are unaware of any other entity charged with maintenance of the structure. Failure to maintain the facility will over time reduce the effectiveness of the facility.

#### Recommendation

We recommend that the RCWD continue its role of inspecting and monitoring this facility. Should repairs be necessary in the future, the simplicity of the facility will require relatively inexpensive actions to maintain. The facility is also located in an accessible area on public property. We recommend the District engage with the City of Arden Hills on developing an agreement to ensure District access for maintenance and inspection. We also recommend consideration of removal of the wood baffle weir in conjunction with future maintenance. Wood baffle walls like these are prone to ice damage and rapid decay and provide marginal utility in skimming floatable pollutants at the discharge location.

### *HIGHWAY 10 & 694 OUTLET (AH-14)*

#### Description and Purpose

The Facility was constructed as part of the Upstream Improvements for the Long Lake Chain of Lakes Improvement Project and is located on the northeast side of US Highway 10 just north of I-694. It consists of a sheet pile weir enclosing the upstream inlet of a 54" x 88" Arch Culvert pipe going under US Highway 10. The culvert outlets on the west side of US Highway 10 and enters a surface channel which outlets into Valentine Lake to the south. The sheet pile weir has an orifice which acts as a low flow outlet which extends the retention time for stormwater runoff in a natural wetland basin, 1.5-2 acres in size, following rainfall events. There is a baffle weir located in front of the orifice to prevent floatable debris from entering the outlet pipe. The design plans show that the weir is set 1.7 feet above the culvert invert and the baffle weir raises the normal water level of the wetland basin by

up to 0.4-feet. The drainage area of the Facility is approximately 50-60 acres and the land use is a combination of residential and open space.

#### Effectiveness Assessment

Given the potential live storage volume compared to the drainage area size, it is expected that the facility measurably reduces peak flows downstream of the culvert. Given the minimal impact the facility has on the normal water level and dead storage volumes, it likely does not provide a significant benefit in reducing downstream sediment and nutrient delivery.

#### Recommendation

We recommend the RCWD continue to inspect and maintain the facility, since the facility continues to provide a benefit in the form of downstream flood flow reduction, no other entity is obligated to maintain this function, and long term maintenance costs are anticipated to be relatively low. We recommend the District engage with MnDOT on developing an agreement to ensure District access for maintenance and inspection. We also recommend consideration of removal of the wood baffle weir in conjunction with future maintenance. Wood baffle walls like these are prone to ice damage and rapid decay and provide marginal utility in skimming floatable pollutants at the discharge location.

### *RONDEAU LAKE OUTLET CHANNEL (LL-2)*

#### Description and Purpose

The Rondeau Lake Outlet Channel is located immediately east of Rondeau Lake in the City of Lino Lakes, north and west of I-35W, and crosses East Rondeau Lake Road. The channel is located within Anoka County Parks property. It serves as the primary outlet for Rondeau Lake and therefore affects lake levels within the Lake. The channel is not a public drainage system under MS 103E.

The segment of the channel east of East Rondeau Lake Road was maintained in 2010 by RCWD as a response to drainage/flooding concerns by area residents, particularly those living on private drainage systems outletting into Rondeau Lake. A DNR Public Waters permit was received for that maintenance and had a condition to monitor vegetation in the lake for multiple years after the maintenance.

RCWD has installed a fish barrier near East Rondeau Lake Road across the outlet channel. The fish barrier is considered a separate district facility.

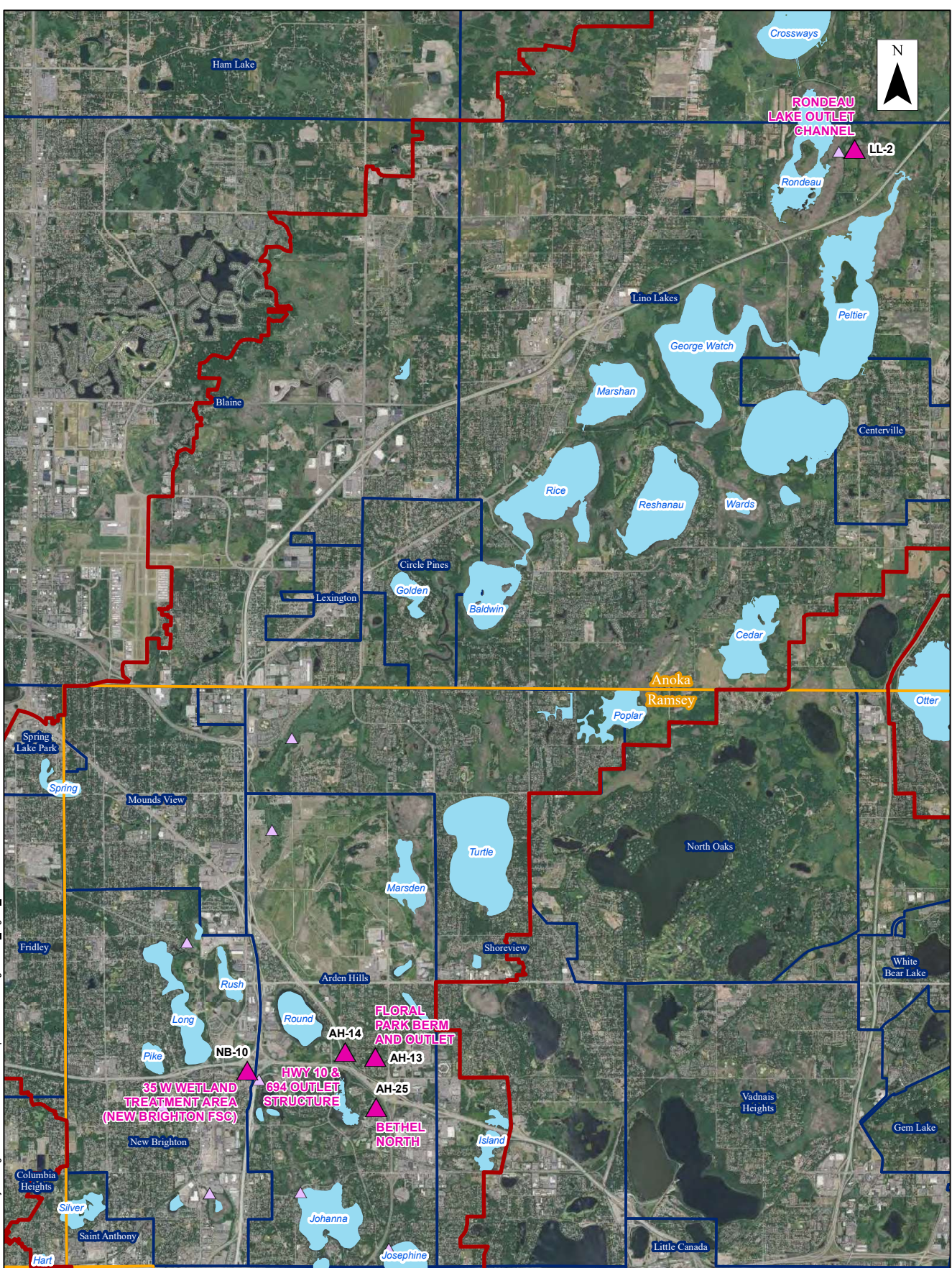
#### Effectiveness Assessment

The outlet channel does not provide a regional flooding or water quality function. In 2015, the District developed a policy and flow-chart to guide the response to drainage complaints to the District. The flow-chart and policy, which have been included in the current WMP, indicate that drainage issues not related to the District's public drainage systems or facilities are outside of the domain and jurisdiction of the District. As the sole purpose of the prior ditch clean-out effort was for private

drainage purposes, continued maintenance of the ditch is inconsistent with current District policy and the WMP.

Recommendation

Since maintenance of the outlet channel does not achieve a District goal, we recommended that the Rondeau Lake Outlet Channel be removed from the list of District Facilities in the WMP.



**Legend**

- Evaluated District Facilities
- Other District Facilities
- RCWD Boundary
- County Boundaries
- City Boundaries

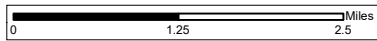


Figure 1

Scale: AS SHOWN	Drawn by: KRB	Project No.: 5555-0272	Date: 2/23/2023
 Houston Engineering Inc.		Maple Grove P: 763.493.4522 F: 763.493.5572	

## APPENDIX A - FRAMEWORK FOR CONSIDERATION OF DISTRICT FACILITY MANAGEMENT

One of the policies within the WMP is to “Manage District-owned facilities in accordance with the original design purposes and/or permit conditions, periodically review these purposes, and modify operation in consideration of current resource management objectives.” Another policy states, “Remove and/or replace District facility infrastructure that no longer serves its original function.” In order to modify the management of a District facility (including in some instances removal and/or abandonment of the facility) it is necessary to evaluate whether the existing facility efficiently and effectively achieves progress toward a District goal, and whether more effective progress can be made by modifying the facility and/or implementing alternatives to that facility. To assist in this evaluation, a framework has been developed consisting of three evaluation criteria:

1. Is the District obligated, by agreement or statute, to maintain the facility?
2. Does the facility achieve, or have the potential to achieve, one or more District *goals* for a resource of concern in the RCWD, identified in the current WMP?
3. Is the facility cost effective in achieving the identified *goals*?

A **flow chart** (see attached figure) provides a graphical representation of how this framework is implemented. There are a few basic tenets to utilization of this framework in evaluating District Facilities:

- District Facilities are to be evaluated with respect to current District goals. While prior project and District goals may provide historical context, they are not germane to current and future management decisions, as they do not reflect current available watershed science and data.
- All facilities are different, even those of a similar project type/purpose. Each facility must be evaluated on its own merits.
- Continuing to maintain or operate District Facilities that do not achieve goals in a cost-effective way is not a responsible use of taxpayer funds.

The following is a guide for considering each of the evaluation criteria.

1. **Is the District obligated by agreement or statute to maintain the facility?**
  - Consider the specificity in the agreement/statute regarding the how/when of required maintenance
  - Non-specific, perceived, or inferred obligations should not be considered
2. **Does the facility achieve, or have the potential to achieve, one or more District goals for a resource of concern in the RCWD, identified in the current WMP?**
  - Identify the goals and associated resource of concern which are applicable to the subject facility

- Describe the process in which the facility achieves or has the potential to achieve those goals. If applicable, identify new information/data needed to address the question and the process for obtaining that information (e.g. field data or modeling)

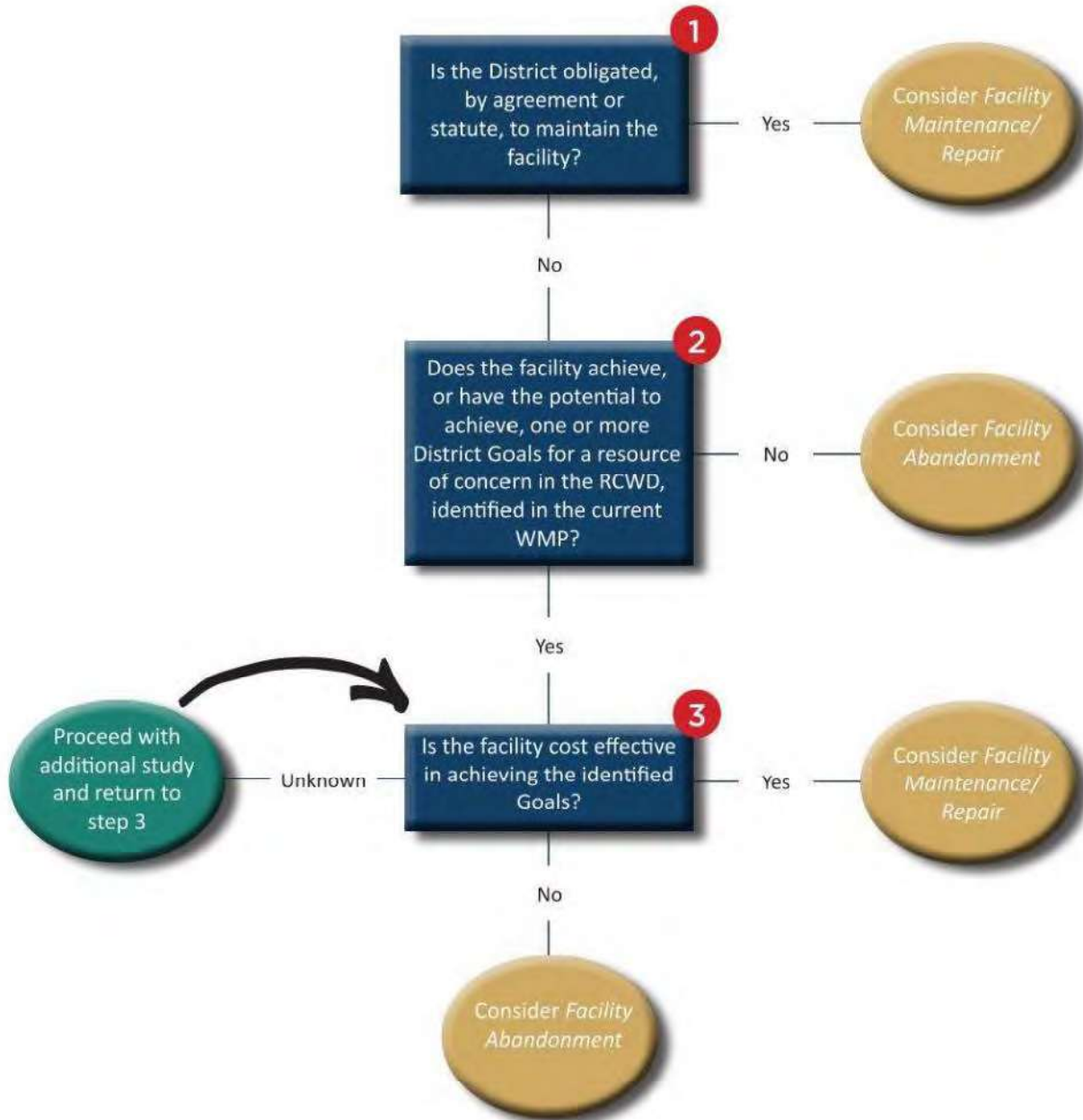
**3. Is the facility cost effective in achieving the identified goals?**

- Identify alternatives to achieve goals
- Compare likely effectiveness of alternatives
- Compare estimated costs of alternatives
- Assess general feasibility of alternatives
- Assess potential for outside funding (grants) for alternatives
- Identify secondary outcomes and benefits of alternatives
- Identify potential unintended consequences or long-term maintenance issues of alternatives
- Identify whether additional information/data is needed to address the question

***Process for Modifying or Abandoning a Facility***

The process for modifying a District Facility depends on the nature and extent of the modification. Project partners (e.g. cities/counties) should be engaged for input that informs the District's evaluation of alternatives. Underlying landowners should be notified of the modifications, and agreements may need to be modified. Permits may need to be modified, or in the case of some facility abandonments, rescinded. Facility abandonment and modifications that change the nature of a facility may require an amendment to the District's WMP.

### District Facility Evaluation Flow Chart



# Technical Memorandum

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**To:** Nick Tomczik, Administrator  
Rice Creek Watershed District

**From:** Joe Lewis, PE

**Through:** Chris Otterness, PE

**Subject:** Evaluation of Management Alternatives for the Long Lake Sediment Basin

**Date:** April 3, 2023

**Project #:** R005555-0340

## INTRODUCTION

The District Facility known as the Long Lake Sediment Basin (LLSB) is located northeast of Long Lake in New Brighton, just upstream of the Minnesota Commercial Railway Bridge over Rice Creek. Its location is shown on **Figure 1**. The purpose of the facility is to reduce cultural eutrophication by capturing nutrients attached to sediment prior to Rice Creek's discharge into Long Lake. The basin is a District Facility defined in the Watershed Management Plan (WMP) managed by the Rice Creek Watershed District (RCWD) and identifies the maintenance of the Long Lake Sediment Basin as an anticipated project of substantial capital scale. The purpose of this memorandum is to evaluate the function of the LLSB with regard to the WMP goal of water quality management to address accelerated sedimentation and the potential future management alternatives of the LLSB.

## BACKGROUND AND EVALUATION

### CONSTRUCTION

The LLSB was constructed in 1980-1981. The project was undertaken by RCWD as part of the Long Lake Chain of Lakes Improvement Project to trap sediment carried by Rice Creek prior to entering Long Lake. It was permitted by the MnDNR under permit number 80-6265 and was also authorized by the U.S. Army Corps of Engineers.

### MAINTENANCE RECORD

Based on documented maintenance projects on the LLSB since its construction, the basin had been dredged roughly every 5-10 years removing a cumulative total of 100,150 cubic yards (CY) of material. The following is a list of sediment volume removed from each past maintenance project:

- 2022 – 17,900 cubic yards
- 2012 - 7,150 cubic yards
- 2007-2008 - 28,100 cubic yards

- 1999 - 9,800 cubic yards
- 1994 - 21,200 cubic yards
- 1986 - 16,000 cubic yards

Prior to the 2022 maintenance project, a technical memo<sup>1</sup> on the feasibility of the maintenance activity was prepared and identified several factors influencing the cost and long-term viability of the facility. Specifically, the memo identified challenges to the long-term maintenance of the basin including: limited access to the basin, disruption to properties surrounding the basin, and limited locations for material dewatering near the basin. As such, the reliability of the site long term for continued maintenance is doubtful.

### *FUNCTION*

Sediment sampling during recent maintenance projects has indicated that the majority of sediment collected by the basin has been coarse sand. The source for the sand appears to be primarily from within the Rice Creek channel rather than sources upstream of Rice Creek (such as tributary channels or storm sewer systems). The coarse-grained sand settles into the basin more efficiently than fine-grained sediments due to the small size of the basin relative to the upstream drainage area and the associated flows. This type of sediment typically has a lower concentration of phosphorus than fine-grained and organic sediments, reducing the effectiveness of the basin in addressing cultural eutrophication. This is supported by the recent sediment monitoring and modeling study<sup>2</sup> completed by the USGS in cooperation with the RCWD.

The basin does effectively reduce the total volume of sediment discharging into Long Lake, which may provide a recreational benefit to the landowners along the lake (including the City of New Brighton and Ramsey County) and other recreational users. However, this function is not a goal of the District as identified in the WMP. The in-channel sediment load to Long Lake is a naturally occurring process which is potentially impacted by changes in hydrology as the watershed has developed. The process will persist even with the incorporation of new stormwater treatment measures to manage runoff volumes upstream.

### *COST-EFFECTIVENESS*

In the approximately 40 years since the LLSB was completed in 1981, nearly 100,000 cubic yards have been removed. The last 2 maintenance projects, in 2022 and 2012, were completed using hydraulic dredging methods rather than mechanical excavation. This was due to increased challenges in accessing the basin with excavation equipment and trucks to haul the sediment off-site.

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<sup>1</sup> Long Lake Sediment Basin Feasibility Review for Maintenance. Houston Engineering Inc, October 2021.

<sup>2</sup> USGS Sediment Monitoring and Streamflow Modeling Before and After a Stream Restoration in Rice Creek, Minnesota 2010-2019.

The hydraulic dredging method requires a sizeable area to dewater the material before final disposal. The same area located on private property has been available in the previous projects but is expected to become more challenging or costly to utilize in the future. Based on the most recent maintenance project, costs to maintain the basin are anticipated to exceed \$60/CY resulting in an expense of \$1-1.5 million every 6-10 years.

Due to the high cost and limited phosphorus capture that can be accomplished by the project, the facility provides a relatively low efficiency in addressing cultural eutrophication in the District's water resources, including Long Lake. Other District projects and programs provide greater efficiency in reducing phosphorus delivery.

## ALTERNATIVES

The RCWD has completed several projects and implemented many programs that address nutrient loading to Rice Creek upstream of Long Lake. In general, the goal of these projects/programs is to decrease the discharge of these nutrients near the source, rather than removing them at or near the resource of concern. The following are examples of some of the projects/practices completed to date:

- Middle Rice Creek Stabilization: Through multiple project phases, the RCWD has remeandered portions of Rice Creek between Baldwin Lake and Long Lake to decrease channel velocity, increase floodplain connectivity, and stabilize the channel. This ultimately decreases bank erosion which is a contributor to the sediment captured by the LLSB. Past studies have identified additional locations for channel stabilization projects that have not yet been completed.
- Stormwater Management Grant: This program has provided funding for numerous BMP's upstream of Long Lake, including multiple municipal projects along or upstream of drainage systems that drain into Middle Rice Creek.
- RCWD Regulatory Program: The RCWD administers rules that limit runoff from development sites, require sediment and nutrient capture BMP's, and address erosion and sediment control on construction sites. The effect of this program is to maintain or decrease flow rates to Rice Creek, reduce sediment and nutrient discharge, and overall limit the potential for development and/or redevelopment to impact downstream water resources including Rice Creek.

Potential practices that could efficiently address Rice Creek's phosphorus delivery to Long Lake include:

- Water storage/detention projects (particularly in the drainage areas of ACD 53-62, ARJD 1, RCD 1, and RCD 8);
- Water reuse / volume reduction projects;
- Retrofit of stormwater outfalls with little/no treatment; and

- Continued implementation of RCWD Regulatory and Stormwater Management Grant Programs.

## EVALUATION OF LONG LAKE SEDIMENT BASIN VIA FRAMEWORK

The viability of the LLSB in achieving District Goals has been evaluated within the district facility evaluation framework developed by the District in 2022 (see **Appendix A**).

### **1. Is the District obligated by agreement or statute to maintain the facility?**

Although the facility was constructed by the District, there is no available documentation indicating a District obligation to maintain the sediment basin at a specific grade.

**Response: No**

### **2. Does the facility achieve, or have the potential to achieve, one or more District Priority Goals for a resource of concern in the RCWD, identified in the current WMP?**

The facility is effective in capturing coarse sediment prior to discharge into Long Lake. Reducing sediment to District water resources is not a specific goal of the RCWD as identified in the WMP. However, addressing cultural eutrophication by decreasing phosphorus delivery is a stated goal. Since sediment carries varying levels of phosphorus, removal of sediment will result in at least some removal of phosphorus.

**Response: Yes**

### **3. Is the facility cost effective in achieving the identified Priority Goals?**

Although the RCWD has successfully coordinated with Ramsey County Parks on access to the site for maintenance, there is a lack of a suitable location on public land near the site to effectively dewater sediment that is removed from the site. As such, the cost to maintain the facility is anticipated to increase into the future. Combined with the marginal returns of phosphorus reduction provided by removal of coarse sediments, the facility lacks the ability to efficiently address the District goal of addressing cultural eutrophication.

**Response: No**

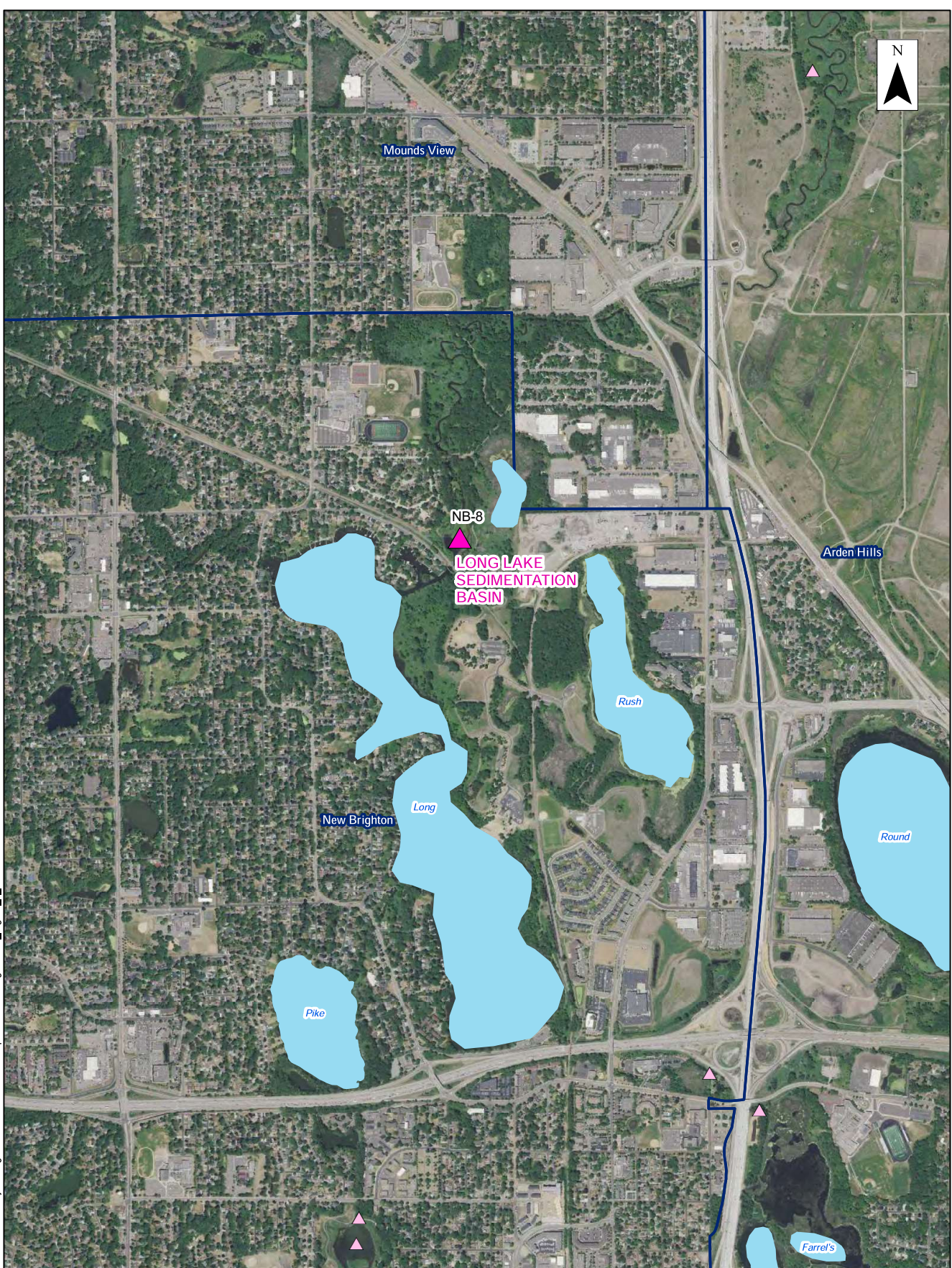
**Based on the answers to Questions 1,2, and 3, the framework recommends abandonment of the Long Lake Sediment Basin as a District Facility.**

## RECOMMENDATIONS

We recommend the Board of Managers adopt as a policy to no longer manage the Long Lake Sediment Basin as a District Facility. This will avoid the expenditure of District funds on inspection and maintenance of this basin which does not have the ability to efficiently further a District goal. We recommend that the District coordinate with the City of New Brighton regarding the District's management approach for addressing cultural eutrophication and the furthering of alternative

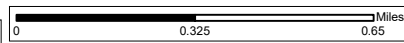
projects as indicated above. The District should amend its Watershed Management Plan to reflect the management change (i.e. removing the facility).

Document Path: H:\Maple Grove\RCWD\IBN\5555-0340 District Facility Management Evaluation\GIS\Maps\KRB Working\RCWD\_Figure\_1\_ND-8.mxd



**Legend**

- ▲ Long Lake Sediment Basin
- ▲ Other District Facilities
- ▭ RCWD Boundary
- ▭ County Boundaries
- ▭ City Boundaries



**Figure 1**

Scale: AS SHOWN	Drawn by: KRB	Project No.: 5555-0272	Date: 2/23/2023
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