

**MEETING DATE:** September 10, 2015

**TITLE:** Adoption of updated governance policies consistent with administrator hiring authority

**RESOLUTION NUMBER:** 15-059

**PREPARED BY:** Lars Erdahl; James Calkins; Smith Partners

**E-MAIL:** lerdahl@minnehahacreek.org

**TELEPHONE:** 952-641-4505

**REVIEWED BY:**  Administrator  Counsel  Program Mgr. (Name): \_\_\_\_\_  
 Board Committee  Engineer  Other

**WORKSHOP ACTION:**

<input checked="" type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input type="checkbox"/> Other (specify): _____	

**PURPOSE or ACTION REQUESTED:** Adoption of governance policy revisions consistent with the action taken by the managers June 18, 2015, clarifying and refining the delegation of hiring authority to the administrator.

**PROJECT/PROGRAM LOCATION:** N/A

**PROJECT TIMELINE:** Ongoing

**PROJECT/PROGRAM COST:**

Fund name and number:  
Current budget:  
Expenditures to date:  
Requested amount of funding:  
Is a budget amendment requested?  
Is additional staff requested?

**PAST BOARD ACTIONS:** Numerous prior adoptions of policy and amendments; adoption of Governance Manual, November 20, 2014; adoption of resolution 15-056, clarifying and refining delegation of hiring authority to administrator June 18, 2015.

**SUMMARY:** Under direction from the Board of Managers, staff has been working with legal counsel to ensure that MCWD's governance materials are not only consistent with state law and meet required minimums, but also articulate best practices, speak to specific characteristics of MCWD, and demonstrate to the public, the state and MCWD fellow local governmental entities MCWD's diligence in ensuring that its operations and management are as efficient and effective as possible. The board adopted the first major component of this

effort in November 2014, the MCWD Governance Manual. The Governance Manual consolidated and optimized numerous prior policies pertaining to board's role and functions as the body overseeing and setting the direction of the organization. The manual's policies also address the relationship of the board to the administrator and staff.

The policy revision proposed here would complete the second leg in the process of updating, clarifying and rationalizing MCWD governance processes and associated materials. Following from staff's work with human resources and organizational consultants at Springsted, the Board of Managers adopted resolution 15-056 at the June 18 meeting, clarifying the administrator's hiring authority to manage MCWD's human resources function through maintenance of a useful and up-to-date Employee Handbook. The resolution also directed the administrator to revise MCWD Governance Policy No. 4 – Board-District Administrator Relationship and other policies as necessary to reflect the new articulation of hiring authority and updated human resources terminology, then bring the policy revisions forward for adoption on the July 9 consent agenda. At that meeting, the managers discussed persisting uncertainty with regard to the role of the Board and the Executive Committee in the staff-hiring process, and Manager Calkins agreed to work with counsel to improve the definition of roles in the policies.

The attached policy: 1. States the administrator's authority to manage and administer the MCWD's personnel function; 2. defines the role of the Board of Managers and Executive Committee in the process of hiring directors; 3. provides two ways for the administrator to create new full-time equivalent staff positions.

In the course of refining the changes to Governance Policy No. 4 – Board-District Administrator Relationship, Manager Calkins and counsel identified further clarifications and improvements that could be made to the Governance Policies. The changes proposed here, though, solely implement the decisions and direction of the managers at the June 18 and July 9 meeting with regard to personnel. Further changes to rationalize the policies have been preserved in draft for consideration by the managers when the board next undertakes a review and update of the policies – presumably at the next annual business meeting in December or January.

**RESOLUTION**

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**RESOLUTION NUMBER:** 15-059

**TITLE:** **Adoption of updated governance policies consistent with administrator hiring authority**

**WHEREAS** the Board of Managers has adopted and regularly updated and amended a complete set of governance policies to institutionalize sound management of MCWD's business, finances and affairs;

**WHEREAS** by action at the November 20, 2014, meeting, the Board of Managers adopted an updated, consolidated and definitive Governance Manual, which included governance policies pertaining to the Board of Managers' role in the hiring of MCWD department heads and the delegation of authority to the administrator;

**WHEREAS** in accordance with direction from the Board of Managers at the February 13, 2014, meeting, District staff worked with human resources consultants at Springsted to organize and professionalize MCWD's human resources function; and

**WHEREAS** the Board of Managers, at its June 18, 2015, meeting, adopted Resolution 15-056, delegating to the administrator the authority hire all staff, subject to the notice and review requirements of Governance Policy No. 4 – Board-District Administrator Relationship for the hiring of department heads and the creation and hiring of any new full-time equivalent position, and maintain a current and useful Employee Handbook that does not establish MCWD policy but rather provides for the efficient and effective operation of MCWD's human resources function.

**NOW THEREFORE BE IT RESOLVED** that the Board of Managers adopts the attached amendments to the MCWD Governance Policies and directs the administrator to ensure that the MCWD Governance Manual is updated accordingly and continues to be maintained, further updated and made readily available to the MCWD managers, staff and consultants.

Resolution Number 15-059 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_

MINNEHAHA CREEK  
WATERSHED DISTRICT  
**GOVERNANCE POLICIES**

The Minnehaha Creek Watershed District Board of Managers developed these policies, with the help of the Wilder Center for Communities, to give more specific parameters to the operations of the organization and the roles and responsibilities of the Board and Executive Director.

**At all times, the District's bylaws and relevant statutes will supersede these policies.**

ADOPTED BY THE BOARD OF MANAGERS  
APRIL 24, 2003

*Amended:      October 9, 2003  
                      October 23, 2003  
                      March 1, 2007  
                      October 18, 2007  
                      January 28, 2010  
                      March 22, 2012  
                      January 24, 2013  
                      November 20, 2014  
                      September 24, 2015*

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**POLICY #2: EXECUTIVE LIMITATIONS**

STAFF TREATMENT

With respect to treatment of paid and volunteer staff, the District Administrator may not cause or allow conditions, which are illegal, inhumane, unfair, or undignified.

Accordingly, s/he may not:

1. Violate the guidelines contained within the ~~board approved~~ *Employee Handbook*.
2. Prevent staff from appealing to the MCWD board when internal grievance procedures have been exhausted, if the employee alleges that he/she has been harmed because:
  - a. board policy has not been followed or
  - b. board policy does not adequately protect his/her human rights.

# Minnehaha Creek Watershed District

## POLICY #4: BOARD-DISTRICT ADMINISTRATOR RELATIONSHIP

### PERSONNEL MANAGEMENT, HIRING OF ~~DEPARTMENT HEADS~~DIRECTORS, DISTRICT STAFF AND ADDING FULL-TIME POSITIONS

The District administrator manages and administers personnel and the human resources function of the organization. The administrator is responsible for hiring individuals to fill existing and new staff positions, except that ~~t~~The following procedures ~~shall~~ will be used to hire ~~Department Heads~~ director positions: (MCWD grade level 6 or greater or as defined in the most current Salary Structure).

~~— With the exception of director positions, the hiring of individuals to fill existing and new staff positions that have been approved by the Board of Managers is the responsibility of the District Administrator; the hiring of director position is also the responsibility of the District Administrator subject to the following procedure:~~

1. The Board of Managers ~~Executive Committee shall~~ will be notified ~~when a of~~ Department Head ~~director position will or has become vacant~~vacancies that are proposed.
2. The ~~Executive Committee~~Board of Managers will advise the administrator on whether a ~~director positions that become vacant~~ should be filled through promotion or transfer of current staff or posted. The administrator will consider and respond to the ~~Board of Managers' Executive Committee's~~ comments prior to filling a ~~director~~ position by promotion or transfer of current staff.
3. When a ~~director~~ position is posted, the following procedure will be followed:
  - The position will be posted on web sites and/or in publications with wide distribution.
  - The District Administrator and/or personnel consultant shall review all applications and conduct preliminary interviews of qualified candidates.
  - The Executive Committee will interview the top three or four candidates ~~recommended~~ selected by the District Administrator and/or consultant and will ~~make prepare~~ a recommendation to ~~the administrator for consideration by~~ the Board of Managers ~~on the appropriate steps and the appropriate forum for further consideration of candidates.~~
  - ~~In making a hiring decision, t~~The District Administrator will consider the recommendation of the ~~Executive Committee~~ Board of Managers and ~~board interviews\_ etc. and before forward~~ making an offer ~~of employment~~ to the candidate

# Minnehaha Creek Watershed District

- that ~~s/he or she~~ the administrator determines is best qualified and suited to the position.
- The successful candidate will be introduced to the Board of Managers at the first possible Board meeting after hiring.

New full-time equivalent positions usually will be created and hired pursuant to a departmental work plan and budget that have been reviewed and approved by the Board of Managers. New full-time equivalent positions may be created and hired outside of the workplan-approval process only with the approval of the Board of Managers. ~~and approval by the Board of Managers in response to a recommendation by the Executive Committee as part of their annual review~~