Call to Order
Williamson

Pledge of Allegiance
Act On Approving Agenda

Secretary's Report (January Minutes & Special Meeting)
Pesta

Treasurer's Report (Financial) (January/February's)
Katterhagen

Cost Share Report
Anton

1 Decisions Needed
Speaker

1. Approve minutes from the joint meeting on February 5, 2019 1 min Anton
2. Approve 2019 AREA 2 Envirothon Sponsorship in the amount of $150.00 1 min Anton
3. Approve amendment FY2019 Local Capacity work plan & amendment grant agreement 5 min Anton
4. Approve 2019 Contractor for AIS Program - Review RFP’s 10 min Anton
5. Land Stewardship Award 10 min Anton
6. Conservationist Award 10 min Anton
7. Approve Conflict of Interest Protocol Resolution #20190314-01 (New) 3 Min Anton
8. Approve Landowner In-kind Contribution Hourly Rate Resolution #20190314-02 (New) 3 Min Anton
9. Approve Request for Data Resolution #20190314-03 (New) 3 Min Anton
10. Approve Erosion Control and Water Management Program Resolution #20190314-04 (Update) 3 Min Anton
11. Approve Technical Expertise Resolution #20190314-05 (Update) 3 Min Anton
12. Approve Delegation of Signature Resolution #20190314-06 (Update) 3 Min Anton

2 Discussion

1. Summary of Liaison Meeting & Input from District Manager & County Administration approx. 30 min.
2. Update on the Annual Feedlot Meeting 1 min Anton
3. Update on Supervisor’s Plaque 1 min Anton

3 Reports

1. Commissioner’s Report Kircher/Kneisl
2. Staff Report SWCD Staff
3. Pheasants Forever Report Thoma
4. NRCS Report Kleinschmidt
5. 1W1P- SRWD Williamson
6. BWSR Report Pence

4 Informational

1. Audit review will be during April's SWCD Board meeting
2. AREA II Meeting - March 20, 2019

5 Other

Adjourn

The next regular SWCD board meeting will be April 11, 2019 at 8:30 a.m. at the Historic Courthouse, (Prairie Conference Room), 215 1st Ave South, Long Prairie, MN 56347.

Conservation, Protection, and Enhancement of Todd County’s Natural Resources
MINUTES FROM THE JANUARY 10, 2019 REGULAR BOARD MEETING

Chairman Williamson called the Thursday, January 10, 2019 meeting to order at 8:32 a.m.

The meeting was held at the Historic Courthouse, 215 1st Ave South, Long Prairie, MN 56347. Board members present were: Tom Williamson, Leland Buchholz, Kenny Pesta, Dale Katterhagen and Dan Whitney. Others present were: Tim Stieber, Division Director, Deja Anton, SWCD District Manager, Sarah Katterhagen, Program Coordinator, Lew Noska, Conservation Technician, Kevin Brown, Conservation Technician, Luke Thoma, Pheasants Forever, Russell Kleinschmidt, NRCS, Dave Kircher, County Commissioner, and Gary Kneisl, County Commissioner.

Missing: Chris Pence, BWSR.

The Pledge of Allegiance was recited.

Williamson asked if there were any additions to the agenda. Katterhagen made a motion, seconded by Pesta to approve the agenda for January 10, 2019 regular board meeting with the additions of:

- Decisions Needed, Item 10: Approve District Manager to attend MASWCD manager training.


Williamson asked if there were any additions or corrections to the minutes from the December 13, 2018 regular board meeting.

Discussion: S. Katterhagen stated that Williamson contacted the office regarding a motion correction in naming supervisors who made and seconded; error has been corrected. Buchholz made a motion, seconded by Katterhagen to approve the minutes as disbursed from the December 13, 2018 regular board meeting.


Supervisor Dan Whitney entered the board meeting at 8:38 a.m.

Introductions were made.

Katterhagen, Williamson and Whitney read Oath of Office statement.

Katterhagen presented December’s Program Summary. Katterhagen made a motion, seconded by Pesta to accept December’s program summary with receipts totaling $14,711.73 and disbursements totaling $290,691.70. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

COST SHARE REPORT: Reviewed by Anton.
Buchholz made a motion, seconded by Katterhagen to approve the 2019 mileage rate for per diem reimbursements at $0.58. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.


Katterhagen made a motion, seconded by Pesta to approve Staples World as the official newspaper for Soil and Water. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

Buchholz made a motion, seconded by Katterhagen to approve the SWCD Board of Supervisors 2019 appointment as follows:

- Liaison Committee: Buchholz and Whitney
- Planning Commission & Board of Adjustment: Katterhagen
- WCTSA Committee: Pesta Alternate: Williamson
- Water Plan: Katterhagen
- Local Work Group: Pesta
- SRWD 1W1P Committee: Williamson Alternate: Buchholz

Discussion: Whitney asked what the liaison committee is: Stieber explained that the District is different than other Districts and is co-located with the County. Two Supervisors and two Commissioners meet at least one time per year to discuss agreement, issues, and other topics. It helps to keep both boards informed. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

Katterhagen made a motion, seconded by Buchholz to approve accepting 2019 AIS funds from Todd County. Discussion: Stieber added the SWCD has been implementing the AIS program for Todd County. Board agreed it’s not necessary for a Supervisor to sit on the AIS committee, staff just need to report outcomes and activity in staff report or at a board meeting to keep the board informed. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

Buchholz made a motion, seconded by Katterhagen to approve paying MCIT invoice for SWCD Board coverage for a total of $1,480.00. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

Katterhagen made a motion, seconded by Pesta to approve paying Annual MASWCD dues in the amount of $3,410.98. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.

No motion was made regarding Supervisors attending the Day at the Capitol event.

Katterhagen made a motion, seconded by Pesta to approve SWCD District Manager attending the MASWCD Manager’s training. Affirmative: Williamson, Buchholz, Pesta, Whitney and Katterhagen. Motion Carried.
DISCUSSION

Discuss Policy Review: Anton handed out suggested polices for 2019- with recommendations on what policies should be created or amended. She would like feedback from the board prior to March’s board meeting on which policies she should continue to develop.

Update on 2018 SWCD Audit: The Audit will take place during the week of January 22, 2019.

Update on SWCD Grant Reconciliation: Stieber noted any grant over $50,000 requires a grant reconciliation. Todd SWCD will be having a grant reconciliation on January 28, 2019.

2019 Feedlot Meeting Update: The meeting will be March 20, 2019.

Discuss Liaison meeting date and topics: The meeting date will be February 19, 2019 at 12:30 p.m. Items of discussion include agreement, progress on an office for the District Manager and vehicle purchase.

Discuss date and topics for joint meeting with Todd County Commissioners: The joint meeting will be February 5, 2019 at 9:30 a.m. Items of discussion include: 2018 SWCD Annual Report, 2019 SWCD Annual Work Plan, and Feedlot inventory.

Discuss AIS Committee Meeting: The AIS committee meeting will be held on Monday, January 14, 2019. Items of discussion include 2018 highlights and 2019 AIS Annual plan of work.

Discuss Water Plan Committee and Local Work Group Meeting: The Water Plan committee and local work group meeting will be Friday, April 5, 2019 starting at 9:30 a.m.

Discuss Draft 2018 Annual Report: Anton presented the draft 2018 Annual Report. The board will vote on approval at the joint meeting with Todd County Commissioners on February 5th, 2019.

Discuss 2019 Conservationist Award: See handout from Anton.

Discuss 2019 Land Stewardship Award: Selection criteria, procedure and purpose: See handout from Anton.

REPORTS:

Commissioner Report: Commissioners’ reported they will have an important meeting coming up regarding the Expo building.

Staff Reports: Anton reviewed technical projects on her staff report, and she will continue to list technical projects going forward. Brown reported he is entering 2018 inspections into tempo, working on the preliminary plan for Waltzing’s projects, and completed Williamson survey. Noska reported he completed cost share spot checks that weren’t completed, working on wetland requests, and reminded the board that the District has buffer cost share funds available. S. Katterhagen reported she will start prepping Audit materials for Stieber, and will start preparing for the grants reconciliation. Stieber reported he is working heavily on the Hollermann expansion.

Pheasant Forever Report: Thoma reported he is working on EQIP applications for the Honey Bee program and also is providing technical assistance to landowners.

There was a discussion on the CREP program.
NRCS Report: Kleinschmidt reported he is working on EQIP applications and status reviews.

1W1P Report: Williamson reported no meeting since the last board meeting. There will be a meeting coming up in the next few weeks.

BWSR Report: No report.

INFORMATIONAL: No informational topics were discussed.

Chairman Katterhagen adjourned the meeting at 11:34 a.m.

The board of Supervisors will be having a joint meeting with Todd County Commissioners on February 5, 2019 at 9:30 a.m.

The next meeting of the Todd SWCD Board of Supervisors will be held on Thursday, March 14, 2019 beginning at 8:30 a.m. at the Todd County Historic Courthouse (Prairie Conference room), Long Prairie, MN 56347.
MINUTES for SPECIAL MEETING of the SWCD Board of Supervisors held on February 14, 2019

- Meeting opened at 8:34 a.m. by Buchholz
  Present: Katterhagen, Pesta, Buchholz, Kneisl, Anton
  Absent: Williamson; Whitney
- Pledge
- Motion by Katterhagen to approve agenda; 2nd by Pesta. Approved

Discussion Item 1:

The board studied the 2015 Service Agreement between the County of Todd and the Todd Soil and Water Conservation District. (See Attachment 1 with areas of specific interest highlighted in yellow.)

Anton explained her understanding of the hiring process: Liaison committee>Personnel> if no changes are made to the duties, job is posted; if changes are made, the job description goes through a Springstead Study and then on to the Board for final vote prior to posting> liaison committee interviews top applicants>Hire is made

Kneisl clarified that the primary need was for a Planning & Zoning Administrator.

Pesta clarified that we now have a District Manager for the SWCD and that position is responsible for the management of the SWCD.

Buchholz explained that with the SWCD District Manager being a new position, there may be impacts to the job description of the Director as the previous Director oversaw all components of both the SWCD and Planning & Zoning. The SWCD’s primary concern is that the hands of the District Manager should not be “tied” by language previously appointing a specific job assignment to the Director.

Katterhagen questioned whether a division was necessary, do we need a director?

Anton responded that it was her understanding that remaining under the Division umbrella, protected the SWCD as an interest and supported office of the County. Said Division would need a Director, of sorts. TSWCD staff are considered employees of the County.

Pesta stated that the purpose of a District Manager was to answer to the SWCD Supervisor’s, not the County Board.

Anton added that the County Board may want to re-examine the responsibilities of the Director as with the hiring of the SWCD District Manager, the responsibilities of the Division Director have been significantly reduced by as much as half.

Members read through the job description and made revisions (in red) to clarify where the duties of the Director and the SWCD District manager intersect. (See Attachment 2.) Two areas in blue were areas Anton found after the fact that may need revisions.

Buchholz emphasized the importance of maintaining the reputations of both the SWCD and the County.

He expressed a hope that the County Administrator would be present at the Liaison meeting and Ogren- HR, if possible.
Anton informed Board that Ogren requested members of the interview committee.

Pesta requested that Katterhagen and Lee be the appointed interview members and that two SWCD Board members should always be on the interview committee.

Katterhagen said he was not on the liaison committee that Lee and Whitney were.

Pesta made a motion to appoint Katterhagen and Buchholz to the interview committee for the remainder of the year.

Katterhagen 2nd. Approved

Buchholz requested to add appointments to the interview committee in each January Board Meeting Agenda.

Discussion Item 2:

Anton explained the County-wide need for a certified Nutrient Management position. A grant through Area 2 has already been obtained to cover the costs of the position and would be managed just like any other grant. The position would be a three year position. The Division does have space to house this position. The position would benefit primarily Todd and Morrison Counties but any Area two County could seek assistance from this position.

Buchholz expressed that it would be good for Todd to have a leadership role in Area 2 and this is one way to make it possible.

Kneisl asked if the position required prior expertise and previous experience in Nutrient Management.

Anton responded yes, that the new hire would need to be certified as a Technical Service Provider.

Kneisl asked who would conduct the hiring of the individual.

Anton responded- it would go through County process.

Kneisl asked if the position would be union.

Anton responded- no, she did not believe it would be as this is a grant funded position.

Anton would complete the job description and bring it to the Liaison Committee- if the Liaison committee thought it viable, it would be on the agenda for the February 25th Personnel committee for review. She did not want to go through any further efforts until after the Liaison committee.

Buchholz asked for further comments. None heard.

Buchholz adjourned the meeting at 10:10 a.m.

The next meeting of the Todd SWCD Board of Supervisors will be held on Thursday, March 14, 2019 beginning at 8:30 a.m. at the Todd County Historic Courthouse (Prairie Conference room), Long Prairie, MN 56347.
## CASH PROGRAM SUMMARY

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**TOTAL** $804,155.88 $3,390.68 $2,696.47 $804,850.09

Prepared by: Sarah Katterhagen, Program Coordinator

Reviewed by: Deja Anton, SWCD District Manager

Dale Katterhagen, District Treasurer

Prepared by: Sarah Katterhagen, Program Coordinator

Reviewed by: Deja Anton, SWCD District Manager

Dale Katterhagen, District Treasurer
ACCOUNT ACTIVITY REPORT

Page Break Option: 1 - Page Break by FUND  
2 - Page Break by DEPT

Sort: 1st: 2nd 3rd 4th 5th 6th
G  D  T  N  M  W

F - G/L Object Within Fund Number
G - G/L Account Number
P - G/L Object Within Dept Number
D - Transaction Date
M - G/L Month & Year
N - Vendor/Payer Name
T - Type Of Transaction
W - Receipt/Warrant Number

Range Subtotals: 1 - No Subtotals
2 - Detail and Subtotals by OBJECT Range
3 - Subtotals only by OBJECT Range
4 - Account Totals and Subtotals by OBJECT Range
5 - Account Totals and Subtotals by PROGRAM Range

Report Basis: 1 - Cash

Print YTD Totals: No

Type of Report: 1 - DETAIL
2 - ABBREVIATED

Specific Dates: From: 01/01/2019 Thru: 01/31/2019

Comment:
FUND Range From 79 Thru 79
DEPT Range From 603 Thru 603
### ACCOUNT ACTIVITY REPORT

**Report Basis:**

**From:** 01/01/2019  **Thru:** 01/31/2019

**Todd County**

**Fund 79 - TODD SOIL & WATER AGENCY FU**

#### DEPT 603 - SOIL AND WATER CONSERVATION (FEEDLOT PROGRAM)

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#### 79- 603- 000- 0000- 5530 - FEE - DEPT PRJ SALES

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## TODD SOIL & WATER CONSERVATION DISTRICT
### SWCD TREASURER'S MONTHLY REPORT
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Prepared by: Sarah Katterhagen, Program Coordinator  
Reviewed by: Deja Anton, SWCD District Manager  
Dale Katterhagen, District Treasurer

JE- was for reclass for FY16 Local Cap funds, non related expenses  
Removed grants that CASH has been spent
ACCOUNT ACTIVITY REPORT

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**ACCOUNT ACTIVITY REPORT**

From: 02/01/2019 Thru: 02/28/2019

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**Todd County**

**ACCOUNT ACTIVITY REPORT**

From: 02/01/2019  
Thru: 02/28/2019

Report Basis: 1

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**PROGRAM 551**

79-603-551-0000-6845 - PROGRAM EXPENSE (FEEDLOT)

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**PROGRAM 574**

79-603-574-0000-5301 - MN GRANT

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**PROGRAM 580**

79-603-580-0000-6845 - PROG/PROJ EXP- LOCAL CAPACITY SERV GR

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**PROGRAM 585**

79-603-585-0000-5301 - MN GRANT- OSAKIS LK MINOR WTRSHD/MP

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**DEPT 603 - SOIL AND WATER CONSERVATION (FEEDLOT)**

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73 Transactions  
12 Accounts  
Final Total 106,723.89

Copyright 2010-2018 Integrated Financial Systems
## Todd County

### Treasurer's Cash Trial Balance - SWCD

As of 02/2019

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<th>YTD</th>
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<td>Disbursements</td>
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<td>9,876.52-</td>
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<td><strong>Fund Total . . . .</strong></td>
<td><strong>106,723.89</strong></td>
<td><strong>107,418.10</strong></td>
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<td><strong>911,553.98</strong></td>
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<tr>
<td>All Funds ........</td>
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<td>Disbursements</td>
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<td><strong>Total ........</strong></td>
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<td><strong>107,418.10</strong></td>
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### Cost Share Project Summary

#### Report for March’s Board Meeting

#### Cost Share Funds Encumbered

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<th>Contract Deadline Date</th>
<th>Amount</th>
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<td>Wiese</td>
<td>Pit Closure</td>
<td>12/1/2019</td>
<td>$7,350.00</td>
<td>75%, Request for Extension</td>
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<tr>
<td>Overman</td>
<td>Well Sealing</td>
<td>12/7/2019</td>
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<td>Bauer</td>
<td>Streambarb</td>
<td>Stream project. Other source of funding</td>
<td>SRWD Funded through SRWD. Demonstration site</td>
<td>Kevin/Deja</td>
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<td>Middendorf</td>
<td>Ag Waste Phase II</td>
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#### Waiting for Estimates

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<th>Tech Lead</th>
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<tbody>
<tr>
<td>Unger</td>
<td>Shoreline</td>
<td>Riparian AID, State Cost Share, Local Capacity</td>
<td>TBD</td>
<td>Kevin met with landowner, will be getting bids</td>
<td>Deja</td>
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<tr>
<td>Larson</td>
<td>Ag Waste-Small fix</td>
<td>Performance Credit Funds</td>
<td>TBD</td>
<td>Getting bids, goal to be ready for Sept.</td>
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<td>Johnson</td>
<td>Pit Closure</td>
<td>Local Capacity Funding</td>
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#### Planning Stages

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<td>Heile</td>
<td>Pit Closure</td>
<td>2019-MPCA Partridge River</td>
<td>TBD</td>
<td>Waiting for Grant Agreement-March</td>
<td>Kevin/Deja</td>
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<td>Villard Township</td>
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<td>Waiting for Grant Agreement-March</td>
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<td>Motley Cemetery</td>
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<td>Waiting for Grant Agreement-March</td>
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<td>Shoreline</td>
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<td>Dooley</td>
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#### Other Projects

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<td>Harff</td>
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*Well Sealing projects- may skip Planning Stages- and jump right into encumbering*

*List doesn’t include all projects, only projects that are top priority and funding is available*

*Projects are not in any order*

Last updated: 3/5/2019
Minutes of the Joint Meeting of the Todd County Board of Commissioners and Todd County SWCD Supervisors held on February 5th, 2019

Call to Order

The Todd County Board of Commissioners met in the Commissioner’s Board Room in the City of Long Prairie, MN on the 5th day of February, 2019 at 9:10 a.m. with all members of both boards present.

On motion by Katterhagen and second by Pesta, the following motion was introduced and adopted by unanimous vote: To call the joint meeting to order.

On motion by Kircher and second by Erickson, the following motion was introduced and adopted by unanimous vote: To call the joint meeting to order.

Approval of Agenda

On motion by Buchholz and second by Katterhagen, the following motion was introduced and adopted by unanimous vote: To approve the agenda as presented.

On motion by Becker and second by Neumann, the following motion was introduced and adopted by unanimous vote: To approve the agenda as presented.

WCA Policy Review

On motion by Whitney and second by Katterhagen, the following motion was introduced and adopted by unanimous vote: To approve the suggested changes in Wetland Policy as submitted to allow improved policy implementation along with amending the policy by adding ‘granting’ under County Responsibilities #4.

On motion by Kircher and second by Neumann, the following motion was introduced and adopted by unanimous vote: To approve the suggested changes in Wetland Policy as submitted to allow improved policy implementation along with amending the policy by adding ‘granting’ under County Responsibilities #4.

Todd County SWCD Annual Report 2018

Deja Anton, District Manager reported on the 2018 Annual Report and held discussion.

On motion by Buchholz and second by Katterhagen, the 2019 SWCD Annual Report was accepted as read and presented.

Todd County SWCD Work Plan 2019

Deja Anton, District Manager reported on the 2019 Work Plan and held discussion.

Farm & Ranch Inventory/Registration Cycle

Deja Anton, District Manager provided a visual presentation of the purpose, results, historic patterns and future initiatives regarding the Farm & Ranch Inventory/Registration Cycle.

Staffing Updates

Deja Anton, District Manager provided an update as to present staffing within SWCD.

Adjourn

On motion by Buchholz and second by Katterhagen, the Todd County SWCD Board of Supervisors adjourned the joint meeting.

On motion by Becker and second by Neumann, the Todd County Board of Commissioners adjourned the joint meeting and reopened the regular County Board meeting.
On a motion by Becker and second by Kircher, the preceding minutes of the County Board of Commissioners and SWCD Supervisors Joint Meeting held February 5, 2019 were duly approved by unanimous vote at the Todd County Board of Commissioners at the Regular Board Meeting held on February 19, 2019.

Witness my hand and seal:

Gary Kneisk County Board Chairperson

Denise Gaida, Todd County Auditor-Treasurer
January 7, 2019

TO: District Supervisors – Area 2

FROM: Starla Arceneau  
Area 2 Envirothon, Secretary/Treasurer

RE: 2019 Area 2 Envirothon Sponsorship

This letter is a funding request to the Area II Districts to submit their 2019 Sponsorship Dollars for the Area 2 Envirothon that will take place in April at the Prairie Woods Environmental Center near Spicer. We encourage all of the Districts to support this great educational event for students, including those Districts who do not have schools participating. We also encourage District Staff to become involved by volunteering to help at this year’s Envirothon.

Judy from Stevens SWCD will be coordinating the 2019 Envirothon and the Envirothon Committee has in the past been instrumental in helping with fund raising, registration, setup, food, bookkeeping and decision making.

It takes a budget of approximately $2,700 to host an Envirothon each year. Our committee is once again asking each District to contribute $150 towards this budget. We appreciate your support and are looking forward to another successful Envirothon in 2019.

Contribution checks should be written out to Area 2 Envirothon and mailed to:

Douglas SWCD  
C/O Starla Arceneau  
900 Robert St Suite 102  
Alexandria, MN  56308

Thanks in advance for your support!
# Todd County Soil and Water

## FY19 Local Capacity Budget

Expires: 12/31/2021

Amount Awarded with Amendment $120,000.00

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration- SWCD</td>
<td>$40,000.00</td>
<td>33%</td>
</tr>
<tr>
<td>Education/Outreach-Materials + SWCD</td>
<td>$10,000.00</td>
<td>8%</td>
</tr>
<tr>
<td>Technical Assistance- SWCD</td>
<td>$25,000.00</td>
<td>21%</td>
</tr>
<tr>
<td>Technical Assistance-WCTSA</td>
<td>$5,000.00</td>
<td>4%</td>
</tr>
<tr>
<td>Cost Share</td>
<td>$40,000.00</td>
<td>33%</td>
</tr>
</tbody>
</table>

Total Budget $120,000.00 100%

*Additional $20,000.00 went for Cost Share Projects*
This amendment is by and between the State of Minnesota, through its Board of Water and Soil Resources ("Board") and Todd SWCD, 215 1st Ave S Ste 104, Long Prairie, MN 56347 ("Grantee").

Recitals
1. The Board has a Grant Agreement with the Grantee identified as the 2019 SWCD Local Capacity and Buffer Law Implementation - Todd SWCD, PO # 3000009527, for the following grants:

<table>
<thead>
<tr>
<th>Grant ID</th>
<th>Grant Title</th>
<th>Previous Expiration Date</th>
<th>Amended Expiration Date</th>
<th>Previous Award Amount</th>
<th>Amended Award Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P19-2414</td>
<td>2019 - SWCD Local Capacity Services (Todd SWCD)</td>
<td>12/31/2021</td>
<td></td>
<td>$100,000.00</td>
<td>$120,000.00</td>
</tr>
<tr>
<td>P19-2504</td>
<td>2019 - Buffer Law (Todd SWCD)</td>
<td>12/31/2021</td>
<td></td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

2. The Grantee requests a modification to their FY 2019 SWCD Local Capacity Services Grant Work Plan and additional funds to implement the modifications.
3. The Board has approved this Amendment through their Board Order #18-32.
4. The Board and Soil and Water Conservation District are willing to amend the Original Contract as stated below.

Contract Amendment
**REVISION 1.** Total Grant Awarded: $120,000 $140,000
**REVISION 2.** 2. Grantee’s Duties

2.1 IMPLEMENTATION: is amended as follows:
The Grantee will implement their amended Workplans, which are incorporated into this Agreement; and, abide by the *SWCD Conservation Delivery and Capacity Grants Policy* for the Local Capacity Services Grants, and *FY 2018 Clean Water Funds Policy* for the Buffer Program Implementation Grants.
Except as amended herein, the terms and conditions of the Original Grant Agreement remain in full force and effect.

APPROVED:

Todd SWCD

By: __________________________
Title: __________________________
Date: __________________________

Board of Water and Soil Resources

By: __________________________
Title: __________________________
Date: __________________________
## AIS Budgeting

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy #1: Program Management</td>
<td>$16,000.00</td>
<td>10%</td>
<td>$13,054.41</td>
<td>$16,000.00</td>
<td>10.4%</td>
</tr>
<tr>
<td>Strategy #2: Outreach and Education</td>
<td>$6,000.00</td>
<td>4%</td>
<td>$6,733.91</td>
<td>$8,000.00</td>
<td>5.2%</td>
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<tr>
<td>Strategy #3: Inspections</td>
<td>$106,063.00</td>
<td>69%</td>
<td>$107,813.21</td>
<td>$110,000.00</td>
<td>71.6%</td>
</tr>
<tr>
<td>Strategy #4: Monitoring</td>
<td>$4,500.00</td>
<td>3%</td>
<td>$2,480.00</td>
<td>$2,500.00</td>
<td>1.6%</td>
</tr>
<tr>
<td>Strategy #5: AIS Control projects</td>
<td>$21,000.00</td>
<td>14%</td>
<td>$12,647.34</td>
<td>$17,063.00</td>
<td>11.1%</td>
</tr>
<tr>
<td>Contingency Funds</td>
<td>-</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Allocation</strong></td>
<td><strong>$153,563.00</strong></td>
<td>100%</td>
<td><strong>$142,728.87</strong></td>
<td><strong>$153,563.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Un-spent $10,834.13
A Veteran owned company LAMB Labor Services, Inc has been doing AIS inspections for North Fork Crow Water Shed District and Stearns County for the past three (3) years, and we will be doing it for both entities in 2019. Last year (2018) we had the contract for Todd County.

We try very hard to fill any gaps in coverage, all our office staff (6) will be authorized inspectors for level 1, three (3) will be authorized for level 2.

Projected costs for the 2019 season:

Zone 1 and Zone 2 (total of 4,000 hours) will be at $18.00 per hour.

Zone 3 (total of 2,000 hours) will be at $18.50 per hour

Training will be at $12.00 an hour (6 hours per inspector) for an estimated 25 inspectors.

All the inspectors will go through the DNR training and must be authorized to work, we also communicate with our inspectors in person on a weekly basis (we try to stop more often, but minimum is once per week). This year we are also implementing on the spot training and testing our inspectors on the process, AIS etc.

Our company is a staffing company that services over 15 companies year around, we have experience in people. It’s what we do. We utilize T-Sheets which is a mobile app that’s GPS enabled that’s used for clock in and clock outs and location.
We talk to our inspectors and look at the data from the DNR website to see what lakes are being used and when and try to make adjustments. When we adjust, we always communicate to the County on the what/where and why.

We try to use local people and those that are involved in Lake Associations as much as we can.

We go to all the High Schools in the area as this is a very good summer job that has satisfaction and helps them with people skills.

One of the sectors of people that we pursue, are people with disabilities and Veterans.

Thank you for the opportunity

Len Gilmore

LAMB Labor Services, Inc
Proposal for
Todd County
Aquatic Invasive Species Prevention Program
AIS Inspection Services

STEPHANIE JOHNSON, PRESIDENT
PO Box 277, St. Joseph MN 56374
320.249.7550   sjohnson@waterguards.net
I. Executive Summary
WaterGuards is pleased to submit this proposal to Todd County for watercraft inspection and boater education services in Todd County for the summer of 2019. WaterGuards is an experienced provider and will fulfill the requirements outlined in the request for proposal at an hourly rate of $16.70/hour for Level I inspections. Please see detail below.

II. Introduction
WaterGuards provides lake access watercraft inspection and boater education services in order to prevent, limit or slow the introduction, establishment and spread of aquatic invasive species into our lakes and other waters. Our mission is to help counties, government units and lake improvement districts fight against invasive species.

WaterGuards was founded in 2011 by Stephanie Johnson. As a long-time lake resident, she saw the need to help lakeshore owners protect their waters. After helping her own lake association implement a watercraft inspection and boater education program, she decided to help other lake associations and Minnesota counties do the same. Stephanie works regularly as an inspector and educator at area lakes to stay up-to-date and have first-hand knowledge of issues boaters and inspectors face.

III. Our Package/Scope of Work
Our standard watercraft inspection and education package includes:

- **Watercraft Inspectors.**
  - DNR trained Level I and/or II Inspectors to monitor your lake landings for invasive species.
  - Inspectors educate boaters on the laws and best practices to avoid spreading invasive species, improving our long-term odds of limiting the spread of invasive species.
  - Inspectors are dedicated to protecting Minnesota waters from invasive species.
  - Inspectors are uniformed with an official vest and lanyard designating status as an inspector to provide quick recognition by boaters and offer a visual sign of authority.
  - Each inspector has an electronic device for the DNR survey.
  - WaterGuards Level 1 inspectors are at least 16 years of age and Level 2 inspectors are at least 18 years of age.

- **Professional Management.**
  - WaterGuards hires the watercraft Inspectors. This includes advertising for employees, interviewing, and finding the right people to protect your waters.
  - We hire the most reliable and professional inspectors. We do not discriminate and are proud to hire military veterans, seniors and college students alike.
  - We work to ensure our inspectors get the best training and support to do the best work.
  - We schedule the inspectors so your access points are covered when you want them covered. We use an online scheduling app/system to maximize employee utilization and minimize any absences from your lake accesses.
  - We use an electronic attendance app with built-in GPS. Employees “clock in and out” via personal cell phone. Employees may not clock in or out if they are not at their designated site.
  - We regularly spot check watercraft Inspectors for quality assurance and immediately address staffing issues if they arise.
  - We assign a roving crew manager to coach inspectors.
We assist our inspectors when they must report findings or submit samples of invasive species to the DNR or make reports to law enforcement.

We keep inspectors up-to-date on recent invasive species infestations and also provide ongoing reminders of best practices all summer long.

WaterGuards maintains a good working relationship with the Minnesota DNR.

We have experience managing Level 2 inspectors with a decontamination unit.

Payroll Management.

WaterGuards is an independent contractor. WaterGuards hires the employees, generates the W-2s, checks the I-9s and gathers the W-4s. The inspectors are WaterGuards, LLC employees.

WaterGuards includes payroll taxes (FICA, FUTA, worker’s compensation and state and federal unemployment) in its hourly rate.

WaterGuards maintains its own workers compensation and liability insurance.

We pay our employees higher hourly wages to attract and retain the best available talent.

IV. Inspection Schedule/Lakes

WaterGuards will provide inspection services from mid-May to mid-October 2019.

Level I Inspectors

<table>
<thead>
<tr>
<th>Lake Zones and Lakes for AIS Inspection</th>
<th>Minimum No. of Inspection Hours Per Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone 1: Birch Zone</strong> - Big Birch, Little Birch, Bass, Twin, Mary and Goose (only landings in Todd County)</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Zone 2: SW Zone</strong> - Osakis, Maple, Fairy, Lily, Little Sauk, Big Sauk, Cedar and Guernsey Lake (only landings in Todd County)</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Zone 3: SE Zone</strong> - Big Swan, Long, Mound, Moose, Mons, Little Swan, Latimer, Charlotte Lake, Dower, Big, Beauty, Pine Island, Turtle, Mill, Coal and Thunder Lake</td>
<td>2,000</td>
</tr>
</tbody>
</table>

Hours of operation will concentrate around the busiest time periods and will vary over the course of the season based on daylight.

Inspectors will use personal electronic devices or County-issued devices for data collection.

V. Hourly Rate

Hourly Rates for Inspections

- $16.70/hour for Level I Inspectors.
- These rates include employee’s hourly pay, all payroll taxes, liability insurance, workers compensation insurance, on-going educational updates, and more.
• Other than limited DNR training, WaterGuards only charges for hours inspectors actually spend at the access unless agreed to by Todd SWCD.

**Reduced Hourly Rate for DNR Training**

• $15/hour for DNR Training.

For DNR required training, not expected to exceed 8 hours per inspector (Level 1) or other training as agreed to by the Todd County SWCD and WaterGuards. For example, any Todd County SWCD Inspection Program supplemental training.

VI. Answers to Todd County SWCD Questions

1. Briefly outline your organization’s experience, training, and performance with conducting watercraft inspections for AIS.

   • **100% Committed to Watercraft Inspection Services.** We are 100% committed to lake access watercraft inspection and boater education services. This is all we do. We do not provide employees/inspectors for any other occupation or industry. This focus allows us to offer the best watercraft inspection services available. Our staff works closely with the Minnesota DNR and other counties and lake improvement districts in Minnesota and remains current on aquatic invasive species issues and best practices for watercraft inspection. All our management and staff are DNR trained and certified.

   • **Three Years of Experience in Todd County.** WaterGuards knows and understands the waters and constituents in Todd County. We started the watercraft inspection program in Todd County in 2015 and successfully served Todd County in 2016 and 2017.

   • **Inspecting Watercraft Since 2011.** From its start in 2011, WaterGuards has focused on protecting Minnesota lakes. We now have 8 seasons of experience. We learn more and do better every year.

   • **Significant Experience in Other Counties.** The following are other examples of past and/or present customers: Isanti County LiDs (2015, 2016, 2017, 2018), Stearns County LiDs (2012, 2013, 2014, 2015), Sherburne County (2016, 2017, 2018), Dakota County (2018), Goodhue County (2018), Ramsey County (2017, 2018), City of Eden Prairie (2018) as well as various Lake Improvement Districts.

   • **Good Reviews.** We consistently receive great reviews from our customers, the DNR, and our employees.

2. Provide a projection of how you would expect to expend AIS funds. At a minimum provide the total bid amount. Include a bid (total expected cost) that covers each Zone and the expected number of inspections per hour you expect to deliver over the season (total inspections/total hours worked in that zone).

We will utilize funds equitably and in the best possible manner in each zone as outlined:
## Lake Zones and Lakes for AIS Inspection

<table>
<thead>
<tr>
<th>Zone</th>
<th>Lakes Description</th>
<th>Inspections Hours/Zone</th>
<th>Average Inspections/Hour</th>
<th>Total # of Inspections</th>
<th>Total Cost/Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1: Birch Zone</td>
<td>Big Birch, Little Birch, Bass, Twin, Mary and Goose</td>
<td>2,150</td>
<td>2</td>
<td>4,300</td>
<td>$35,905</td>
</tr>
<tr>
<td>Zone 2: SW Zone</td>
<td>Osakis, Maple, Fairy, Lily, Little Sauk, Big Sauk, Cedar, Guernsey</td>
<td>2,100</td>
<td>1</td>
<td>2,100</td>
<td>$35,070</td>
</tr>
<tr>
<td>Zone 3: SE Zone</td>
<td>Big Swan, Long, Mound, Moose, Mons, Little Swan, Latimer, Charlotte Lake, Dower, Big, Beauty, Pine Island, Turtle, Mill, Coal and Thunder Lake</td>
<td>2,000</td>
<td>1</td>
<td>2,000</td>
<td>$33,400</td>
</tr>
</tbody>
</table>

| Total | 6,250 | 8,400 | $104,375 |
| DNR Level 1 Training | 112 hours | $1,680 |
| Bid Total | | | $106,055 |

### 3. Detail any training, instruction, or work standards that all your inspectors will be exposed to.

**High Standards for Recruiting.** WaterGuards uses a proprietary set of interview questions designed over many years to recruit and select the best inspectors possible. We also implement recruiting efforts through online employment websites, social media, colleges and universities, and word of mouth. We hire inspectors with good people skills that engage well with the public. We do not over recruit and over promise. We hire the right number of people and work with them to provide their optimum number of work hours per week.

We do not discriminate and are proud to hire military veterans, seniors and college students alike. We will hire local people and will re-hire previous Todd County inspectors with good references.

**DNR Training.** We work with our inspectors and the DNR to coordinate Level 1 training opportunities.

**Employee Resources.** We maintain an Employee Resources page on our website that provides employment policies to ensure understanding and compliance of our work standards/expectations for our employees. We welcome and encourage feedback from our inspectors on boater response, activity, scheduling, etc.

**On-Going Communications.** We implement continuous email and in-person communications with inspectors to provide reminders of best practices and updates to DNR materials, resources, and findings.

**Good Professional Relationships.** WaterGuards maintains good relationships with DNR management and staff.

**Active Management.** WaterGuards provides an area manager/coach. The manager maintains regular communications with inspectors, with Todd County, and with lake associations. The manager works as an inspector and also serves as a coach to ensure inspectors are up-to-date on most recent AIS happenings, to provide continual training on thorough inspections and engagement with boaters, and to communicate area happenings (i.e. fishing tournaments, special events, etc.). The manager also spends extra time with new inspectors at the beginning of the season and will work with Sheriff Department Water Patrol Interns with regard to the inspection program. Our area manager/supervisor lives in Todd County and has three years’ experience working as a Level 1 inspector in Todd County.

**Regular Spot Checks.** WaterGuards management regularly and randomly spot-checks our inspectors to monitor compliance with DNR inspection processes and procedures. WaterGuards’ President will also visit inspectors randomly throughout the season.

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4. Provide anything you believe is unique about your services.

We provide the best value in the industry:

Robust Scheduling Software. We employ technology to maximize employee utilization and minimize any absences from your lake accesses. This technology allows us to be flexible in our scheduling (i.e. split shifts, special tournament coverage, accounting for weather or fish activity, etc.) and account for last-minute changes.

Best employee wages. We pay our employees well! Our experience is the following:
   a. High wages make it easier to attract and retain the best people for the job.
   b. High wages emphasize the importance of the job and of doing it well.
   c. High wages incentivize higher output- employees work harder to demonstrate that they deserve the job.
   d. Happy employees show their happiness in good customer service.

GPS attendance. We utilize GPS for shift “clock in and out” for the best employee accountability.

Excellent Retention. We enjoy consistently high employee retention rates. Many of our employees work for us year after year. Long-term staff provide a knowledgeable workforce. Todd SWCD will benefit from the return of qualified employees that know the lakes, the frequent users, and the public officials.

Professional Management. WaterGuards is led by a seasoned professional with a Master’s in Business Administration and a dedicated commitment to aquatic invasive species prevention. Our President and our coordinators are always on call throughout the season.

Extensive Experience. We have extensive experience with DNR Level I, Level II and the Ambassador program.

On-Going Communication. Continuous communications with inspectors provide reminders of best practices and updates to DNR materials, resources, and findings. Regular communication with Todd County staff enables us to adapt to changes in schedules, tournaments, AIS findings etc.

Quality Education. We believe the best defense against AIS is education! We make sure our inspectors are thoroughly educated on AIS so they may educate and effectively inform citizens and Todd County lake users.

Clear Focus. We’ve been involved in this business, and only this business, since 2011.

5. Detail how you plan to respond to changing lake use with your inspection program.

Flexibility. We have the flexibility to shuffle inspectors around to different landings with little notice to adapt to weather changes, boater activity, landing problems or closures, fishing tournaments, DNR projects, etc. Our scheduling software makes it easy to account for these changes.

6. Detail any plans to use lake associations or volunteers to augment the program during the season.
**Volunteers.** WaterGuards will work with the DNR, Todd SWCD, and area lake associations to establish an Ambassador Program to encourage lakeshore owners, bait shops, fishing and sportsman clubs, and area citizens, to volunteer to educate watercraft users.

**Outreach.** Ideas for outreach include handouts, meetings, and in-person communication at the landings. Our manager, as well as our inspectors, will deliver AIS messages and literature. Messages could include AIS literature (with photos of various AIS and AIS infestations) and props (i.e. epoxied examples of actual AIS).

**Giveaways.** If Todd County funds allow, our inspectors could give away AIS-branded cell phone wallets, fishing lures, or other promotional items at the landings.

**Building Relationships.** We would like to establish relationships with area fishermen, resorts, and fishing tournament directors so that we can all stay abreast of concerns and happenings on area waterways.

VII. **Insurance**

Please see the following page for certificate of liability insurance.

*This proposal will remain valid until May 1, 2019.*
## COVERAGES

### A. COMMERCIAL GENERAL LIABILITY

- **TYPE OF INSURANCE:** Commercial General Liability
- **CLAIMS-MADE:** X
- **OCCUR:**
- **GEN'L AGGREGATE LIMIT APPLIES PER:**
  - POLICY: X
  - PROJECT: PRO.
  - LOC:
- **POLICY NUMBER:** CPP 1181002
- **POLICY EFF:(MM/DD/YYYY):** 05/08/2018
- **POLICY EXP:(MM/DD/YYYY):** 05/08/2019
- **LIMITS:**
  - EACH OCCURRENCE:
  - DAMAGE TO RENTED PREMISES (EX EXCERPT): $1,000,000
  - MED EXP (Any one person): $5,000
  - PERSONAL & ADV INJURY: $1,000,000
  - GENERAL AGGREGATE: $2,000,000
  - PRODUCTS - COMPO/POP AGG: $2,000,000

### B. AUTOMOBILE LIABILITY

- **ANY AUTO:**
  - OWNED AUTOS ONLY:
  - HIRED AUTOS ONLY:
  - NON-OWNED AUTOS ONLY:
- **TYPE OF INSURANCE:** Commercial General Liability
- **POLICY NUMBER:** CPP 1185635
- **POLICY EFF:(MM/DD/YYYY):** 05/08/2018
- **POLICY EXP:(MM/DD/YYYY):** 05/08/2019
- **LIMITS:**
  - COMBINED SINGLE LIMIT (EA accident):
  - BODILY INJURY (Per person): $1,000,000
  - BODILY INJURY (Per accident):
  - PROPERTY DAMAGE (Per accident):

### C. UMBRELLA LIABILITY

- **TYPE OF INSURANCE:** Commercial General Liability
- **CLAIMS-MADE:**
- **OCCUR:**
- **POLICY NUMBER:** UMB 1031176
- **POLICY EFF:(MM/DD/YYYY):** 05/08/2018
- **POLICY EXP:(MM/DD/YYYY):** 05/08/2019
- **LIMITS:**
  - EACH OCCURRENCE:
  - AGGREGATE:
  - DISEASE/EMP:

### D. WORKERS COMPENSATION

- **TYPE OF INSURANCE:** Commercial General Liability
- **CLAIMS-MADE:**
- **OCCUR:**
- **POLICY NUMBER:** EONMINF144314452
- **POLICY EFF:(MM/DD/YYYY):** 05/08/2018
- **POLICY EXP:(MM/DD/YYYY):** 05/08/2019
- **LIMITS:**
  - EACH CLAIM:

## DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RFP Cover Page
Aquatic Invasive Species Prevention Aid 2018

Company or Organization Submitting Proposal

Contact information (address etc.) will be used for billing information

<table>
<thead>
<tr>
<th>Company or Organization Name</th>
<th>WaterGuards LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address (for billing)</td>
<td>PO Box 277, St. Joseph MN 56374</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Stephanie Johnson</td>
</tr>
<tr>
<td>Contact Person email</td>
<td><a href="mailto:sjohnson@waterguards.net">sjohnson@waterguards.net</a></td>
</tr>
<tr>
<td>Contact Person Phone</td>
<td>320-249-7550</td>
</tr>
<tr>
<td>Tax ID #</td>
<td>45-5571248</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RFP Category Check All That Apply</th>
<th>Expected Amount to Be Billed to AIS Prevention Funds During 2019 by Your Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>AIS Inspection Services</td>
</tr>
<tr>
<td></td>
<td>AIS Management or Control Projects</td>
</tr>
<tr>
<td></td>
<td>AIS Watercraft Landing Improvement</td>
</tr>
</tbody>
</table>

Notes:

- AIS Inspection Services are at total cost.
- AIS Management or Control Projects and Watercraft Landing Improvements
  
  o Your organizations Total Cost x 50% = Amount Expected to Bill AIS Funds
  o AIS Management and Control Projects and Watercraft Landing Improvement Project amounts serve to gauge adequacy of funds compared to number and size of projects submitted. If a control project cannot be completed due to weather or other factors there are no negative consequences to the organization.

1) Submit RFP cover page and additional information outlined to Todd County SWCD.
2) RFP’s will be reviewed and compared to budgeted funds available.
3) Contracts will be prepared in March for Inspections Services.
4) Contracts for Management and Control Projects and Watercraft Landing Improvement projects will be prepared later in the spring when it is more apparent which projects will be completed during 2019.
5) Unsuccessful applicants will be notified.
2019 Land Stewardship Award Nominees

Nominee #1 - Raise sheep and bees. The couple have presented at Envirofest and other venues on the importance of pollinators. Offers tours of the farm, gardens and greenhouse. Installed high tunnel that has an aquaponics system utilizing goldfish as purifiers and nutrient enhancement for the plants. Sells at our local Farmers Market – specializes in microgreens.

Nominee #2 – On the Little Birch Lake Association. Instrumental and active in the Todd County AIS Program. In past he would volunteer at the Enviro Fest.
Conservation Farmer of the Year

Farm 1:
- Family Dairy farm with 2 sons and daughter helping with the operation
- Installed two manure pits and flush system
- Will be helping the 2019 feedlot meeting by doing a tour of their farm
- Hosted the 2018 breakfast on the farm
- Breakfast on the farm committee
- Helped advise a landowner on best practices for installing CRP free will
- Irrigation Management
- Grid Sampling
- GPS Field Equipment
- 2017 Feedlot Panel
- Cover Crop experiments
- 2016 Vertical tillage field day
- CNMP
- CSP Renewal
- Kids center in the barn to keep family oriented
- Self-train, pro active

Farm 2:
- 120 acres of rotational grazing
- 130 feet of headlock, 2 feed lanes, manure stacking slab, interior cement throughout the lot, settling basin, vegetated treatment area, and raised up earthen lots to control water
- Buffers installed
- Majority of land was put into grass and hay
- All manure and nutrients are applied at agronomic rates
- Soil sampling, manure sampling
- Uses plots to determine what seed works best
- Member of the American Legion
- Director for the Toddy County Corn Growers Board
- 20 year veteran of the U.S. Army as a Vertical Engineer. Has two deployments overseas
A RESOLUTION ESTABLISHING CONFLICT OF INTEREST PROTOCOLS FOR BOARD SUPERVISORS & STAFF

WHEREAS, there may be situations where a member of the Board, district staff or their direct relations, close friends, or immediate business associates may benefit financially or through private gain, or give the appearance thereof, in a decision or action exercised by the SWCD

WHEREAS, the appearance of impartiality and/or preferential treatment, defined hence forth as conflict of interest, see bottom of page, is not desired or exercised by the SWCD or its Board

WHEREAS, individual Board members and staff retain a right to recuse their involvement in decisions or work activities that may give appearance of impartiality or preferential treatment

BE IT RESOLVED, Todd SWCD District Board Chair will call for acknowledgment of conflict of interest for any line item listed on the agenda at the start of each and every meeting.

BE IT FURTHER RESOLVED, if a conflict of interest is acknowledged that the board member or staff representing this conflict of interest will be recused from all decision making or input for the line item in which the conflict exists.

BE IT ONCE FURTHER RESOLVED, if the conflict of interest develops outside of board meetings in the form of professional duties or obligation, it is to be brought to the attention of the SWCD District Manager and/or SWCDD Division Director to reassign such duties and/or obligations.

CONFLICT OF INTEREST: “No official or employee of a state or unit of local government or a nongovernmental recipient shall participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, award, cooperative agreement, claim, controversy, or other particular matter in which award funds (including program income or other funds generated by federally-funded activities) are used, where to his/her knowledge, he/she or his/her immediate families, partners, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment has a financial interest of less than an arms-length transaction. In the use of agency project funds, personnel and other officials shall avoid any action which might result in, or create the appearance of: • Using his or her official position for private gain. • Giving preferential treatment to any person. • Losing complete independence or impartiality. • Making an official decision outside of official channels. • Affecting adversely the confidence of the public in the integrity of the government or the program.”

______________________________________                                           ________________
District Chairman        Date
A RESOLUTION ESTABLISHING LANDOWNER INKIND CONTRIBUTION HOURLY LABOR RATE

WHEREAS, landowners may opt to perform some of the labor requirements in installing a cost-sharable practice under direction of the project engineer or technical staff.

WHEREAS, no landowner in kind contribution hourly rate for manual labor has been established by BWSR Grant Administration Manual

WHEREAS, BWSR recommends the Iowa Custom Survey to determine other pay rates for specific install duties, machinery rental, and equipment use;

WHEREAS, the Iowa Custom Survey does list a rate, updated annually, for farm labor wages for equipment operation.

WHEREAS, equipment operation may be defined to include tools, implements, or machinery directly related to and necessitated by the practice standard for installation

BE IT RESOLVED, Todd SWCD District Board approves a rate matching that listed in the most current Iowa Custom Rate Survey for line item farm labor wages/ equipment operation.

________________________________________                                           ________________
District Chairman        Date
TODD SOIL AND WATER BOARD OF SUPERVISORS

A RESOLUTION ESTABLISHING DATA REQUEST PROTOCOL

WHEREAS, the work accomplished and documentation thereof by the SWCD is considered public data

WHEREAS, the Data Practices Act requires collection and storage of information limited to that information that is needed to administer the program

WHEREAS, there are times when members of the public request copies or information previously collected by the SWCD as public information

WHEREAS, some of this information may be of a highly sensitive nature regarding the rights and securities of the individual or entity on whom the information is being requested.

WHEREAS, some of the public requests made require substantial time and volume of information on the part of SWCD employees

BE IT RESOLVED, Todd SWCD District employees will follow the Todd County Data Request Policy pertaining to determination of sensitivity of the data, data allowed to be released, response time, and invoicing of any applicable associated fees outlined within the Policy

________________________________________                                        ______________________
District Chairman        Date
TODD COUNTY:

PUBLIC ACCESS TO GOVERNMENT DATA
AND
RIGHTS OF SUBJECTS OF DATA

Adopted:
August 2, 2011

Updated:
August 7, 2012
Todd County does not discriminate on the basis of race, creed, color, sex, sexual orientation, national origin, age, marital status, disability, religion, reliance on public assistance or political opinions or affiliations in employment or the provisions of services. This document is available at our Web site at:  www.co.Todd.mn.us.
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The data subject has the right to ask and be told whether the County maintains data about her/him, and whether those data are classified as public, private or confidential.

The data subject has the right to see all public and private data about her/himself.

Under certain circumstances, data about a minor data subject may be withheld from a parent or guardian.

The County may not charge a fee for letting the subject see data about her/himself.

The subject has the right to be informed of the content and meaning of public and private data about her/himself upon request.

The subject has the right to have copies of all public and private data about her/himself.

The County may charge a fee for providing a data subject with copies of public and/or private data about her/himself.

Actions relating to the right of the data subject to challenge the accuracy and/or completeness of public and private data about her/himself

The data subject has the right to challenge the accuracy and/or completeness of public and private data about her/himself.

The data subject has the right to include a statement of disagreement with disputed data.

If the County determines that challenged data are accurate and/or complete, and the data subject disagrees with that determination, the subject has the right to appeal the County's determination to the Commissioner of Administration.

Documents:

HOW TO DETERMINE WHETHER TODD COUNTY MAY LAWFULLY COLLECT, STORE, USE AND RELEASE DATA ON INDIVIDUALS

HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO PRIVATE DATA ON INDIVIDUALS

HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO CONFIDENTIAL DATA ON INDIVIDUALS

THE TENNESSEN WARNING NOTICE

MODEL INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA

CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU

Section V. Your Rights as a Member of the Public to Access Government Data

The law says that all the data we have are public (can be seen by anybody) unless there is a state or federal law that classifies the data as not public.

You have the right to look at all public data that we keep.

We do not have to give you data that we do not keep.

We may not have to give you public data in the form you want.

We cannot charge you a fee for looking at public data.

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You have the right to know if we keep data about you

We cannot charge you a fee for looking at data about yourself

You have the right to have copies of data about yourself

We have the right to charge a fee for making the copies

You have the right to know why you cannot see or get copies of data we keep about you

You have the right to challenge the accuracy and/or completeness of data about you

You have the right to include a statement with inaccurate and/or incomplete data

You can appeal our decision about your data challenge
SECTION I
INTRODUCTION

Why was this policy written?
In Chapter 250, Section 41 of the 1999 Minnesota Session Laws, the Legislature directed the Commissioner of Administration to prepare policies and procedures to assist government entities in complying with the requirements of [Chapter 13, the Minnesota Government Data Practices Act] that relate to public access to government data and rights of subjects of data.

Todd County has adopted this policy to comply with the MGDPA.

What is the purpose of this policy?
The Minnesota Government Data Practices Act (MGDPA) sets out certain requirements relating to the right of the public to access government data and the rights of individuals who are the subjects of government data. These are key and fundamental components of the MGDPA, and are the two components which provoke the greatest number of questions.

The purpose of the policy is to explain, in a practical way, what the MGDPA requires of Todd County in handling government data requests from members of the public, subjects of data and other government units or agencies. Portions also are intended to be useful to anyone seeking access to public data and to individuals who are the subjects of government data.

What is the scope of this policy?
This policy provides direction in complying with those portions of the MGDPA that relate to public access to government data and to the rights of subjects of data. Although the MGDPA establishes other requirements, they are not discussed here. For further information on these other requirements, see Chapter 13 itself and the rules previously adopted by the Department of Administration, Minnesota Rules, Chapter 1205.

The public access requirements discussed in this policy are:
• The presumption that all government data are public unless classified as not public by state statute or federal law;
• The right of anyone to know what kinds of data are collected by Todd County and how those data are classified;
• The right of anyone to inspect, at no charge, all public government data at reasonable times and places;
• The right of anyone to have public data explained in an understandable way;
• The right of anyone to have copies of public government data at a reasonable cost;
• The right of anyone to an appropriate and prompt response from Todd County when exercising these rights; and
• The right of anyone to be informed of the authority by which Todd County can deny access to government data.
• (See Minnesota Statutes section 13.03, subdivision 1-3.)
The rights of data subjects addressed in this policy are:

- The right to know whether Todd County maintains any data about the subject and how those data are classified;
- The right to inspect, at no charge, all public and private data about the subject;
- The right to have the content and meaning of public and private data explained to the subject;
- The right to have copies of public and private data about the subject at actual or reasonable cost;
- The right to be given a notice (Tennessen warning) when either private or confidential data about the subject are collected from the subject;
- The right to have private or confidential data about the subject collected, stored, used or disclosed only in ways that are authorized by law and that are stated in the Tennessen warning notice; in ways to which the subject has consented by an informed consent; or in ways that are authorized by law after the data have been collected;
- The right not to have private or confidential data about the subject disclosed to the public unless authorized by law;
- The right to consent to the release of private data to anyone; and
- The right to be informed of these rights and how to exercise them within Todd County when the County maintains the data.

(See Minnesota Statutes section 13.04; section 13.05, subdivision 3 and 4; and section 13.05, subdivision 8.)

Who should use this policy?
The policy is designed to be used by:

- the responsible authority, the data practices compliance official, and other employees of Todd County;
- local government officials;
- members of the public who are seeking access to government data; and
- individuals who are the subjects of government data.

How is the policy organized and how may it be used?
The policy is composed of the following sections, each of which includes documents referenced within:

Section II provides a summary of key elements of the MGDPA which are relevant to the policy. Information in this section may be used by County staff, and may be provided to the public and to individual data subjects.

Section III is addressed to the responsible authority(s) for Todd County, and describes what is required of the County in order to comply with requirements relating to the right of the public to access government data. This section is intended to guide the Responsible Authority(s) in establishing the specific procedures required of Todd County by the MGDPA. The County may provide any of the documents in this section to the public in order to achieve compliance with the public notice requirements of Minnesota Statutes section 13.03, subdivision 2(b).
Section IV describes what is required of Todd County in order to comply with requirements relating to the rights of subjects of data. Also addressed to the responsible authority(s), this section is intended to guide the County in establishing the specific procedures required of each entity by the MGDPA. The County may provide any of the documents in this section to the data subject in order to comply with the requirement that the subject be informed of their rights and how to exercise them within the County. (Minnesota Statutes section 13.05, subdivision 8.)

Section V is written from the perspective of Todd County. It is addressed to members of the public to guide them in exercising their right to access government data. Todd County may provide it to the public in order to comply with the public notice requirements of Minnesota Statutes section 13.03, subdivision 2(b).

Section VI also is written from the perspective of Todd County. It is addressed to the subjects of government data to guide them in exercising their rights under the MGDPA. Todd County may provide it to data subjects to comply with the requirements of Minnesota Statutes section 13.05, subdivision 8.

Why is the policy not structured as a formal policy and procedure manual?
The MGDPA requires each of the over 3000 state and local government entities in Minnesota to establish data practices, policies and procedures. The specific procedures for Todd County necessarily will vary by department and according to numerous other factors, including department function, size, and structure.

What meanings have been assigned to certain terms used in this policy?
The term, data, when used in this policy, means government data, as discussed in Section II.

County refers to Todd County as a subject to the MGDPA.

MGDPA is the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.

Person refers to any member of the public, and includes individuals, members of the media, corporations, non-government organizations, etc.

Subject means a data subject; an individual who is the subject of government data.
SECTION II
THE MGDPA: A SUMMARY OF PROVISIONS

What is the Minnesota Government Data Practices Act?
The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, is a state law that controls how government data are collected, created, stored (maintained), used and released (disseminated). See A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT at the end of this section.

What are government data?
Government data are all data kept in any recorded form by Todd County. As long as data are recorded in some way by a government entity, they are government data, no matter what physical form they are in, or how they are stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or videotape, on charts, maps, etc. Government data do not include mental impressions.

It is important to remember that government data are regulated at the level of individual items or elements of data, so that any given document, record or file contains many data elements.

Who must comply with the MGDPA?
The law applies to state agencies in Minnesota. State-level entities include the University of Minnesota and state-level offices, departments, commissions, officers, bureaus, divisions, boards, authorities, districts and agencies.

The MGDPA applies to political subdivisions, including counties, cities, school districts, special districts, boards, commissions, districts and authorities created by law, local ordinance or charter provision. Although townships are political subdivisions, the MGDPA does not apply to townships.

Statewide systems are subject to the MGDPA. A statewide system is a record keeping or data administering system that is established by federal law, state statute, administrative decision or agreement, or joint powers agreement, and that is common to any combination of state agencies and/or political subdivisions.

Community action agencies organized pursuant to the Economic Opportunity Act of 1964 also are subject to the MGDPA.

Persons or entities licensed or funded by, or under contract to, a government entity are subject to the MGDPA to the extent specified in the licensing, contract or funding agreement: Specifically:
• Pursuant to Minnesota Statutes section 13.05, subdivision 6, if a person receives data on individuals from a government entity because that person has a contract with that entity, the person must administer the data in a manner that is consistent with the MGDPA.
- Pursuant to Minnesota Statutes section 13.05, subdivision 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity’s functions, all of the data are subject to the requirements of the MGDPA and the contractor must comply with MGDPA requirements. A contractor who fails to comply may be sued under section 13.08, civil remedies. The contract must clearly inform the contractor of these responsibilities.

- Pursuant to Minnesota Statutes section 13.02, subdivision 11, if the data are collected by a nonprofit social services entity which performs services under contract to a government entity, and the data are collected and used because of that contract, access to the data is regulated by the MGDPA.

- If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA, or if the party has another type of contract with a government entity, the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.

- Pursuant to Minnesota Statutes section 13.46, persons contracting with portions of the welfare system may be subject to the MGDPA because of the contract.

**The Courts and the Legislature are not subject to the MGDPA.**

**What is the data classification system and how does it regulate access to data?**

One important way in which the MGDPA regulates access to government data is by establishing a system of data classifications that define, in general terms, who is legally authorized to access the data. The classification system consists of three categories of data. Each data category contains three data classifications. Every data element must fall into one of the nine resulting classifications. See, THE MINNESOTA GOVERNMENT DATA PRACTICES ACT: DEFINITIONS AND CLASSIFICATIONS OF DATA, at the end of this section.

**What are the categories in the data classification system?**

At the most basic level, the system establishes three categories of government data:

- **Data on individuals** are any data which identify an individual (a living human being) or from which an individual can be identified.

- **Data not on individuals** are data that do not identify individuals. They include data about legally created persons such as business entities, as well as administrative, policy and financial information maintained by Todd County. Data not on individuals also include:
  - Private or confidential data which have been stripped of any data that would identify an individual;
  - Data about an individual that are collected or created after that individual’s death; and
• Summary data, which are private or confidential data which have been stripped of any data that would identify an individual, and which are used to produce statistical records or reports. For information on requirements relating to summary data, see Minnesota Statutes section 13.02, subdivision 19 and section 13.05, subdivision 7; and Minnesota Rules, part 1205.0700.

• Data on decedents are data about a deceased individual which were created or collected before the individual’s death.

What are the data classifications within each of these three categories?
Within each of these three categories, the MGDPA establishes three data classifications. Each classification defines who is legally authorized to access data classified in that way.

One of the classifications in all three categories is public data Todd County must provide public data to anyone upon request, regardless of who is requesting the data or why.

Data in the other classifications in each category are not public.

Not public classifications for data on individuals are as follows:
• Private data on individuals are, as a general rule, accessible only by the data subject (and, if the subject is a minor, by the subject’s parent or guardian); by County staff whose work assignments reasonably require access; by agencies and persons that are authorized by law to access the data; and by anyone with the consent of the data subject. See Sections IV and VI for detailed information about who may access private data on individuals.
• Confidential data on individuals generally are accessible only by authorized staff of the County which maintains the data and by agencies and persons who are authorized by law to access the data. See Sections IV and VI for detailed information about who may access confidential data on individuals.

Not public classifications for data not on individuals are as follows:
• Nonpublic data not on individuals are not accessible to the public but are accessible to the data subject, if any. Although the MGDPA is silent on this point, it is reasonable to conclude that access to the data should be limited to entities or persons who have the legal authority to do so, and to County staff on a need-to-know basis. It also is reasonable to conclude that a representative of the organization which is the subject of the data may access the nonpublic data and may consent to its release.
• Protected nonpublic data not on individuals are not available either to the public or to the subject of the data. Again, though not addressed by the MGDPA, it is reasonable to conclude that protected nonpublic data are accessible to entities or persons who are authorized by law to access the data, and to County staff whose work assignments reasonably require access, but are not accessible to the data subject.
Not public classifications for data on decedents are as follows:

- **Public** data on decedents are data which, before the death of the data subject, were classified as private data on individuals. Access to private data on decedents is the same as access to private data on individuals. Additionally, the personal representative of the estate may access the data if the estate is in probate or, if not in probate, the data are accessible to the surviving spouse or, if there is no surviving spouse, to the decedent’s child or children. If there are no children, the decedent’s parents may access the data. The MGDPA refers to the personal representative and the survivors of the decedent as the representative of the decedent.

- **Confidential** data on decedents are data, which before the death of the data subject, were classified as confidential data on individuals. Access to the data is the same as access to confidential data on individuals.

Access to data on decedents generally is the same as access to data on individuals. Upon the death of the individual data subject, the rights of the data subject transfer to the representative of the decedent. See Sections IV and VI for information about the rights of data subjects.

**How does one know how data are classified?**

The MGDPA classifies all government data as public unless a specific state statute or federal law classifies the data as not public. Todd County must determine what types of data we maintain and what data classifications apply to the data. If no statute or federal law can be identified that classifies the data as not public, the data are presumed to be public and available to anyone upon request.

The MGDPA itself classifies many types of government data. (See sections 13.30 though 13.90.) The last section of this law, section 13.99, lists other Minnesota Statutes that classify government data as not public, or that place restrictions on access to government data.

**How else does the MGDPA regulate data handling practices?**

In addition to classifying data, the MGDPA establishes important rights for individuals who are the subjects of government data. Many of these rights are established at Minnesota Statutes section 13.04 and are discussed more fully in Sections IV and VI of this policy.

The MGDPA does not establish comparable rights for businesses and other organizations which are the subjects of data not on individuals.

The MGDPA also imposes significant duties on government entities, many of which are established by Minnesota Statutes section 13.05. These duties, including the requirements relating to public access and the rights of data subjects discussed in this policy, are summarized in the document, MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST at the end of this section. One requirement is that Todd County appoint a responsible authority to ensure compliance with the MGDPA. The duties of the County are assigned to its responsible authority.
In the 2000 Legislative Session, section 13.05 was amended to require Todd County to appoint a *data practices compliance official* to whom questions or concerns about data practices problems may be addressed. The responsible authority may be the data practices compliance official. The official must be appointed by December 1, 2000.

**What is the role of the Commissioner of Administration?**

Pursuant to section 13.05, subdivision 4, the Commissioner of the Minnesota Department of Administration is given the authority to approve new uses and dissemination of private and confidential data on individuals.

Section 13.06 of the MGDPA gives to the Commissioner certain powers with regard to approving temporary classifications of data.

Section 13.072 of the MGDPA gives the Commissioner authority to issue advisory opinions concerning the rights of data subjects and the classification of government data. Commissioner’s opinions may be found at: [www.ipad.state.mn.us](http://www.ipad.state.mn.us).

**What are the consequences for not complying with the MGDPA?**

Pursuant to section 13.08 of the MGDPA, a government entity may be sued for violating any of the Act’s provisions.

Section 13.09 provides criminal penalties, and disciplinary action as extreme as dismissal from public employment, for anyone who willfully (knowingly) violates a provision of the MGDPA.

**Where can more information about the MGDPA be found?**

The following sources may provide helpful information about the MGDPA and other data practices laws. It is important to note, however, that *only the legal advisor for the County has the authority and responsibility to provide specific legal advice about the provisions of the MGDPA, and other laws, as they relate to that entity.*

Local government associations – such as the Association of Minnesota Counties, the Minnesota County Insurance Trust, the League of Minnesota Cities, the Minnesota School Boards Association, the Minnesota Association of County Officials, and the Minnesota Police and Peace Officers Association – may be consulted for information specific to matters within their jurisdiction.
Additionally, assistance with data practices issues is available from:

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
305A Centennial Building, 658 Cedar Street
St. Paul, MN 55155
Voice: 651.296.6733 or 1.800.657.3721
Fax: 651.205.4219
www.ipad.state.mn.us

Opinions issued by the Commissioner of Administration, pursuant to Minnesota Statutes section 13.072, are available on the IPAD Web site. Copies of individual opinions, an opinion summary, and an index to Commissioner’s Opinions are available from IPAD upon request.

Minnesota Statutes Chapter 13 (the MGDPA) may be found on the Web site of the Revisor of Statutes at: http://www.revisor.leg.state.mn.us/revisor.html.

Minnesota Rules, Chapter 1205, the Rules Governing Data Practices, promulgated by the Minnesota Department of Administration, also may be found on the Web site of the Revisor of Statutes at: http://www.revisor.leg.state.mn.us/revisor.html.
A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

The Minnesota Government Data Practices Act regulates the handling of all government data that are created, collected, received, or released by a state entity, political subdivision, or statewide system, no matter what form the data are in, or how they are stored or used.

Briefly, the Act regulates:

♦ what information can be collected;
♦ who may see or have copies of the information;
♦ the classification or specific types of government data;
♦ the duties of government personnel in administering the provisions of the Act;
♦ procedures for access to the information;
♦ procedures for classifying information as not public;
♦ civil penalties for violation of the Act; and
♦ the charging of fees for copies of government data.

Almost all government data are either data on individuals or data not on individuals. Data on individuals are classified as either public, private, or confidential. Data not on individuals are classified as public, nonpublic, or protected nonpublic. This classification system determines how government data are handled (see chart, below).

<table>
<thead>
<tr>
<th>Data on Individuals</th>
<th>Meaning of Classification</th>
<th>Data not on Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>Available to anyone for any reason</td>
<td>Public</td>
</tr>
<tr>
<td>Private</td>
<td>Available only to the data subject and to anyone authorized by the data subject or by law to see it</td>
<td>Nonpublic</td>
</tr>
<tr>
<td>Confidential</td>
<td>Not available to the public or the data subject</td>
<td>Protected Nonpublic</td>
</tr>
</tbody>
</table>
THE MINNESOTA GOVERNMENT DATA PRACTICES ACT: DEFINITIONS AND CLASSIFICATIONS OF DATA

The Minnesota Government Data Practices Act (MGDPA) establishes a system of data classifications that define, in general terms, who is legally authorized to access government data. This classification system is constructed from the definitions provided in Minnesota Statutes section 13.02. See also Minnesota Rules part 1205.0200.

**GOVERNMENT DATA**

All data kept in any recorded form, regardless of physical form, storage media, or conditions of use.

MS § 13.02, SUBDIVISION 7

<table>
<thead>
<tr>
<th>DATA ON INDIVIDUALS*</th>
<th>DATA ON DECEDENTS</th>
<th>DATA NOT ON INDIVIDUALS *</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC</td>
<td>PUBLIC</td>
<td>PUBLIC</td>
</tr>
<tr>
<td>Accessible to anyone for any reason</td>
<td>Accessible to anyone for any reason</td>
<td>Accessible to anyone for any reason</td>
</tr>
<tr>
<td>MS § 13.02, SUBDIVISION 15</td>
<td>MS § 13.02, SUBDIVISION 15</td>
<td>MS § 13.02, SUBDIVISION 4</td>
</tr>
<tr>
<td>PRIVATE **</td>
<td>PRIVATE **</td>
<td>NONPUBLIC</td>
</tr>
<tr>
<td>Accessible to the representative of the decedent; Not accessible to the public</td>
<td>Accessible to the subject of the data, if any; Non accessible to the public</td>
<td></td>
</tr>
<tr>
<td>MS § 13.02, SUBDIVISION 12</td>
<td>MS § 13.10, SUBDIVISION 1B</td>
<td>MS § 13.02, SUBDIVISION 9</td>
</tr>
<tr>
<td>CONFIDENTIAL **</td>
<td>CONFIDENTIAL **</td>
<td>PROTECTED NONPUBLIC</td>
</tr>
<tr>
<td>Not accessible to the data subject; Not accessible to the public</td>
<td>Not accessible to the data subject; Not accessible to the public</td>
<td>Not accessible to the data subject; Not accessible to the public</td>
</tr>
<tr>
<td>MS § 13.02, SUBDIVISION 3</td>
<td>MS § 13.10, SUBDIVISION 1A</td>
<td>MS § 13.02, SUBDIVISION 13</td>
</tr>
</tbody>
</table>

*Individual is defined at MS § 13.02, subdivision 8. Individual means a living human being. It does not mean any type of entity created by law, such as a corporation.

**Private and confidential data on decedents become public data ten years after the death of the data subject and 30 years after the creation of the data.
MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST

The Minnesota Government Data Practices Act (MGDPA), its accompanying rules, and related statutes impose specific obligations upon Todd County to comply with the procedural requirements of the statute. This document summarizes these obligations.

The MGDPA is Chapter 13 of Minnesota Statutes. The Rules implementing the MGDPA are found in Minnesota Rules, Chapter 1205.

<table>
<thead>
<tr>
<th>Authority</th>
<th>Topic</th>
<th>Specific Obligation</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MS § 13.03, Subd. 2; MN Rules 1205.0300</td>
<td>Customer service</td>
<td>Establish procedures to ensure that officials respond promptly to requests for government data.</td>
<td>Facilitate public access; Hold entity accountable</td>
</tr>
<tr>
<td>2 MS § 13.05, Subd. 8</td>
<td>Access procedures</td>
<td>Prepare a public document setting forth the rights of data subjects and procedures for subjects to access public and private data about themselves.</td>
<td>Inform citizens of their rights as subjects of government data, and explain how to exercise those rights</td>
</tr>
<tr>
<td>3 MS § 13.05, Subd. 5(1); MN Rules 1205.1500</td>
<td>Data quality</td>
<td>Establish procedures to ensure that data on individuals are accurate, complete and current</td>
<td>Protect against the use of erroneous data in making decisions that affect individuals</td>
</tr>
<tr>
<td>4 MS § 13.05, Subd. 5(2)</td>
<td>Data security</td>
<td>Establish procedures to ensure security safeguards for data on individuals</td>
<td>Protect individual privacy; Prevent alteration of data</td>
</tr>
<tr>
<td>5 MS § 13.05, Subd. 1; MN Rules 1205.1500, subpart 3</td>
<td>Inventory of Records</td>
<td>Create and annually update an inventory of records containing data on individuals, including data collection forms</td>
<td>Create central repository of data classifications; Give notice of the data maintained by entity</td>
</tr>
<tr>
<td>Authority</td>
<td>Topic</td>
<td>Specific Obligation</td>
<td>Purpose</td>
</tr>
<tr>
<td>-----------</td>
<td>-------</td>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>7 MS § 13.05, Subd. 11</td>
<td>Contract provisions</td>
<td>When preparing contracts by which a private sector contractor performs government functions, insert provisions that clearly oblige the contractor to comply with MGDPA as if it were a government entity</td>
<td>Extend protection into the private sector where public sector performs government duties; Prevent government entities from concealing data in the private sector</td>
</tr>
<tr>
<td>8 MS § 13.05, Subd. 7; MN Rules 1205.0700, subpart 3</td>
<td>Summary data</td>
<td>Prepare summary data upon the written request of any person; establish procedures for gaining access to summary data</td>
<td>Provide reasonable access to data for research purposes while protecting individual identities</td>
</tr>
<tr>
<td>9 MS § 13.05, Subd. 9, 10</td>
<td>Dissemination of not public data to other governmental entities without authority</td>
<td>The County may not share not public data with another entity unless required or permitted by state statute or federal law</td>
<td>Assure public policy basis for dissemination of not public data; Protect individual privacy</td>
</tr>
<tr>
<td>10 MS § 138.163; MS § 15.17, Subd. 3</td>
<td>Disposition of records</td>
<td>Dispose of and transfer records in accordance with statutory procedures</td>
<td>Ensure proper disposition of records preserved for legal or historical purposes</td>
</tr>
<tr>
<td>11 MN Rules 1205.1500, subpart 1</td>
<td>Plan for periodic review</td>
<td>The County must formulate a plan for reviewing the administration of data practices</td>
<td>Ensure periodic determination of which data are necessary to maintain</td>
</tr>
<tr>
<td>12 MN Rules 1205.1500, subparts 4, 5</td>
<td>Modification of data handling procedures</td>
<td>Modify data collection and maintenance procedures to eliminate unnecessary data</td>
<td>Appropriate step following determination described above (11)</td>
</tr>
<tr>
<td>14 MN Rules 1205.0500, subpart 3</td>
<td>Parental access and notice to minors</td>
<td>Procedures for parents to access data about their minor children</td>
<td>Ensure parental rights while protecting minor’s interests concerning parental access</td>
</tr>
<tr>
<td>Authority</td>
<td>Topic</td>
<td>Specific Obligation</td>
<td>Purpose</td>
</tr>
<tr>
<td>----------</td>
<td>-------</td>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>15 MN Rules 1205.1300, subpart 4</td>
<td>Authorized uses of data</td>
<td>Enumerate the authorized uses of data by category</td>
<td>Enable administrators to know how to respond to requests for data; Facilitate answers to questions about dissemination of data</td>
</tr>
<tr>
<td>16 MN Rules 1205.1600</td>
<td>Informed consent</td>
<td>Design forms for obtaining informed consent for new release or use of private data</td>
<td>Ensure that contents of informed consent forms comply with legal requirements</td>
</tr>
<tr>
<td>17 MN Rules 1205.1000</td>
<td>Responsible Authority</td>
<td>Each governmental entity must appoint a responsible authority</td>
<td>Identify the county’s principal decision maker about data practices</td>
</tr>
<tr>
<td>18 MS § 13.05, Subd. 13</td>
<td>Data practices compliance official</td>
<td>Each governmental entity must appoint a compliance official</td>
<td>Identify the person within the county to whom questions or data practices problems may be directed</td>
</tr>
<tr>
<td>19 MN Rules 1205.1200, subpart 2; MS § 13.03, Subd. 2</td>
<td>Designees</td>
<td>Post the names of data practices designees, if appointed</td>
<td>Identify the other key data practices officials in each entity</td>
</tr>
<tr>
<td>20 MN Rules 1205.1300, subpart 5</td>
<td>Training</td>
<td>Responsible authority must train designees and other staff</td>
<td>Ensure compliance and avoid liability</td>
</tr>
</tbody>
</table>
SECTION III
DUTIES OF THE RESPONSIBLE AUTHORITY
ACCESS TO GOVERNMENT DATA BY MEMBERS OF THE PUBLIC

The Minnesota Government Data Practices Act gives every member of the public the right to see and have copies of all public data kept by government entities. The MGDPA also places upon government entities various obligations relating to this right.

The rights and obligations described in this section do not apply to the right of a data subject to access data about herself or himself. These rights and obligations are described in Sections IV and VI.

What is the most basic requirement for properly responding to a data request?
In order to properly respond to requests for government data, Todd County must identify the types of data it maintains and to determine how each type of data is classified. (See How does one know how data are classified? in Section II.)

Minnesota Statutes section 13.05, subdivision 1, specifically requires Todd County to prepare a public document that identifies these data categories and classifications for data on individuals. We are not required to prepare a public document for data not on individuals.

The public document must contain the name, title, and address of the County’s responsible authority(s). Forms that are used by the County to collect private and confidential data on individuals must be included in the document. The document must be updated annually. See Minnesota Rules, parts 1205.1200, and 1205.2000, subpart 5, an advisory form for the public document.

Are there other requirements relating to access to government data by the public?
Minnesota Statutes section 15.17, the Official Records Act, requires Todd County to make and maintain all records that are necessary to a full and accurate knowledge of their official activities. This requirement exists so that the public understands the actions taken by County departments and the reasons for those actions. Section 13.03, subdivision 1, of the MGDPA requires Todd County to keep records that contain government data in a way (or ways) that makes the data easily accessible for convenient use.

Who can make a data request?
Anyone may exercise the right to access public government data by making a data request.

To whom must a data request be made?
A data request must be made to the responsible authority(s) or to the appropriate designee(s) specified in the County’s public document.
What kinds of data may a person request?
The person requesting government data may request access to specific types of data or data elements, to specific documents or portions of documents, to entire records, files or databases, or to all public data maintained by Todd County.

Must a data request be made in writing?
Generally, the County will not require data requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data. The County may require the use of a form designed for this purpose. If the use of a form is required, it must be designed so that it complies with the requirements of the MGDPA, and must establish how it will provide guidance to the public in using the form.

May the County permit standing requests for data?
The County may not prohibit or refuse a standing request for data. It may, however, limit the duration of a standing request or, after a period of time, confirm the requestor’s desire to continue the standing request. Todd County limits the duration of a standing request for data to 6 months.

Must a government entity respond to a data request?
Once the County has received a request, it must respond to the request.

What kind of response must the County make and how soon must it respond?
The County must respond to a data request appropriately and promptly. More than anything else, what is appropriate and prompt depends upon the scope of the request, and may vary depending upon such factors as the type and/or quantity of data requested, the clarity of the data request, and the number of staff available to respond to the request.

How does the County determine the appropriate response to a data request?
The first step in responding to a data request is to determine what specific data are requested. This may require the County to seek clarification from the requestor. Although the County may not require the requestor to provide identification, provide a reason for the request, or justify the request, the County may request identifying information from the requestor if that information is necessary to fulfill the request.

The County also must determine whether it maintains the requested data. The County is not required by the MGDPA to provide data which it does not maintain. The County also is not required to produce data in a particular form or format if the data are not maintained in that form or format. (The County may provide data in a specific format pursuant to a data request for summary data. See, What special requirements apply to requests for summary data?)

If Todd County maintains the requested data, it then must determine how the data are classified. As described above, we must know what data we maintain and how those data are classified in order to be able to determine that requested data may be made available to the requestor.
What is the appropriate response if the requested data are not public?
If the County determines that the requested data are not public, it must inform the requestor. This may be done orally at the time of the request, or may be done in writing as soon as possible after the request is made.

When informing the requestor, the County must cite the specific statutory section, temporary classification or specific provision of federal law that classifies the data. Making a general statement such as, “We cannot give you the data because of the data privacy act,” is not an appropriate response. The County must cite the specific section of law (such as Minnesota Statutes section 13.43) which classifies the data as not public.

If the requestor asks for a written certification that the request has been denied, the County must provide the certification, citing the specific statutory section, temporary classification or specific provision of federal law upon which the denial was based.

What is the appropriate response if the data are public?
If the County determines that the data are public, it must provide the data to the requestor, regardless of who the requestor is, or the reason for requesting the data.

What limits may the County place upon access to the requested data?
Todd County may limit access to data to reasonable times and places – for example, during normal work hours, on certain days, at designated times for certain types of requests, at press conferences, or at negotiated times and/or locations.

What are the County’s obligations if asked to explain the data provided?
The County must explain the meaning of the data provided if the requestor asks for an explanation. This includes explaining the meaning of technical terminology, abbreviations, words or phrases.

The explanation must be provided in an understandable way. When providing explanations for non-English speakers or for persons with hearing or vision impairments, the County may need to provide an appropriate interpreter.

May the County refuse to provide copies of public data?
Todd County may not refuse a request for copies of public data. If copies cannot be provided at the time of request, they must be supplied as soon as reasonably possible. If copies are requested in electronic form, and the County maintains the data in electronic form, the data must be provided in electronic form.

May the County assess a fee for separating public from not public data?
No.
May the County assess a fee for inspection of public data?
No. *A fee may not be charged for inspection of government data.* This includes situations where:
- It is necessary for the County to display computerized data on a terminal or print a copy of the requested data in order for the requestor to inspect the data,
- A person wishes to visually inspect a paper document or data kept in any other medium that may be inspected visually, or
- A person requests access to electronic data via her/his own computer equipment, and possibly prints copies or downloads data on her/his own equipment.

Just remember: Looking is free. (See, however, Minnesota Statutes section 169.09, subdivision 13(f), which permits law enforcement entities to charge a fee for access to traffic accident reports.)

May the County assess a fee for providing copies of public data?
Todd County requires the payment of a fee for providing copies of public data or for electronically transmitting the data. The fee may include the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying and compiling, and electronically transmitting the data or copies of the data. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the County in charging for search and retrieval time.

Specific factors that may be considered in establishing a fee may be found at Minnesota Rules part 1205.0300, and in the document, FEES FOR PROVIDING COPIES OF PUBLIC DATA, included at the end of this section.

May the County assess an additional fee for providing copies of data that have commercial value?
In certain circumstances, the County may assess a fee in addition to the fee for providing copies of public data. The additional fee may be assessed when the County receives a request for copies of data which have commercial value, and which are a substantial or discrete portion of an entire formula, pattern, compilation, program, device, method, technique, process, database, or system that was developed by the County with a significant expenditure of public funds. Todd County determines whether the data have commercial value.

The ability to assess an additional fee allows the County to recover the cost of developing a system to maintain and manage electronic data. For example, the cost to Todd County to convert its property tax and land records from paper to electronic form constitutes the cost of development of its property information database.

The additional fee must be calculated in a reasonable manner. To do so, the County may consider the actual development costs incurred in producing the valuable data, and a reasonable estimate of how many requestors may be willing to pay the additional fee.

For discussion of specific factors that may be considered in establishing a fee, see Minnesota Rules, part 1205.0300 and the document, FEES FOR PROVIDING COPIES OF PUBLIC DATA, included at the end of this section.
What special requirements apply to requests for summary data?
Summary data are statistical records and reports that are prepared by removing all identifiers from private or confidential data on individuals. Summary data are public.

The responsible authority(s) for the County must prepare summary data upon the request of any person if the request is in writing and the requestor pays for the cost to prepare the data.

The responsible authority(s) may delegate the preparation of summary data to anyone outside of the County, including the requestor, if (1) that person/purpose is set forth in writing, (2) the person agrees not to release any of the private or confidential data used to prepare the summary data, and (3) the County reasonably determines that the access will not compromise private or confidential data on individuals.

Todd County may require the requestor to prepay the cost of preparing summary data.

FEES FOR PROVIDING COPIES OF PUBLIC DATA

Minnesota Statutes section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, the responsible authority for Todd County may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data, or the data themselves, but may not charge for separating public data from not public data.

Additional criteria for determining copy costs are set forth at Minnesota Rules, part 1204.0300, subpart 4. Various Commissioner’s opinions, issued pursuant to Minnesota Statutes section 13.072, have established the following factors that may be used to determine how much we may charge for providing copies of public data.

THESE COSTS MAY BE INCLUDED, AS LONG AS THEY ARE REASONABLE:

- Staff time required to:
  - retrieve documents (The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the County in charging for search and retrieval time)
  - sort and label documents, necessary to identify the data to be copied
  - remove staples, paper clips
  - take documents to copier for copying
  - copy documents
- Materials (paper, copier ink, staples, diskettes, mag tapes, video or audio cassettes, etc.)
- Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data (keeping in mind that computerized data must be easily accessible for convenient use)
- Mailing costs
• Vehicle costs directly involved in transporting data to the appropriate facility when necessary
to provide copies (for example, when the County is unable to provide copying services for
photographs, oversize documents, videos, etc.)

**THESE COSTS MAY NOT BE INCLUDED:**
• Purchase of copier
• Maintenance of copier
• Normal operating expenses of computer
• Staff time required to:
  • **Separate public from not public data**
  • Open a data request that was mailed
  • Sort, label or review data, *if not* necessary to identify the data to be copied
  • Return documents to storage
  • Provide information about the data to the requester (ie, explain content and meaning of
data)
• Administrative costs that are not related to copying
• Records storage
• Sales tax
• The entire cost of operating a computer for a measured unit of time, when fulfilling a request
for copies was the only task performed during that unit of time.
SECTION IV
DUTIES OF THE RESPONSIBLE AUTHORITY:
THE RIGHTS OF SUBJECTS OF GOVERNMENT DATA

The Minnesota Government Data Practices Act establishes specific rights for individuals who are the subjects of government data, and establishes controls on how Todd County collects, stores, uses and releases data about individuals. The Legislature established these rights and controls because the decisions that Todd County makes, when using information about those individuals, can have a great effect on their lives.

These rights allow the data subject to:
- Decide whether to provide the data being requested
- See what information the County maintains about that subject
- Determine whether that information is accurate, complete and current and what impact the data may have (or have had) on decisions the County has made
- Prevent inaccurate and/or incomplete data from creating problems for the individual

This section is addressed to the responsible authority(s) for the County and explains the following rights of individual data subjects:
- The right to be given a notice (Tennessen warning) when either private or confidential data about the subject are collected from the subject;
- The right to know whether Todd County maintains any data about the subject and how those data are classified;
- The right to inspect, at no charge, all public and private data about the subject;
- The right to have the content and meaning of public and private data explained to the subject;
- The right to have copies of public and private data about the subject at actual and reasonable cost;
- The right to have private or confidential data about the subject collected, stored, used or disclosed only in ways that are authorized by law and that are stated in the Tennessen warning notice; or in ways to which the subject has consented via an informed consent;
- The right not to have private or confidential data about the subject disclosed to the public unless authorized by law;
- The right to consent to the release of private data to anyone; and
- The right to be informed of these rights and how to exercise them within the County.

The responsible authority(s) may use the information in Section VI to inform data subjects of their rights and how to exercise them within the County.

For a summary of the role of the County in protecting the rights of data subjects, see these documents at the end of this section:
- HOW TO DETERMINE WHETHER TODD COUNTY MAY LAWFULLY COLLECT, STORE, USE AND RELEASE DATA ON INDIVIDUALS
- HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO PRIVATE DATA ON INDIVIDUALS
- HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO CONFIDENTIAL DATA ON INDIVIDUALS.
To actualize these rights, the MGDPA requires that the County and the data subject each take certain actions. This section describes these actions by discussing four points at which they intersect:

- When the data are collected;
- When the data are used or released by the County;
- When the individual exercises the rights to access data about herself or himself; and
- When the data subject challenges the accuracy and/or completeness of the data.

An important note about who may exercise the rights of the individual

Minnesota Rules, part 1205.0200, subpart 8, defines an individual as a living human being. Pursuant to section 13.02, subdivision 8, of the MGDPA, every individual is presumed competent to exercise all of the rights established by the MGDPA.

In the case of individuals who are under the age of eighteen, the MGDPA defines “individual” to include a parent or guardian, or someone who is acting as a parent or guardian in the absence of a parent or guardian. This means that a minor is presumed to be competent to exercise her/his rights under the MGDPA and so are her/his parent(s) or guardian(s).

Todd County must presume that a parent may exercise the rights of the minor unless the responsible authority is provided with evidence that a court order specifically directs otherwise. Such court orders include those relating to divorce, separation or custody, and the termination of parental rights. Any other legally binding instrument may bar a parent from exercising the minor’s rights.

In some cases, a minor may have a legally appointed guardian who will be able to provide proof of appointment. In other instances, someone may be acting as a parent or guardian of the minor because the parent or guardian is absent. In that case, the County must establish, based on knowledge of the particular situation, whether the person may exercise the rights of the minor.

Given various social and legal factors – such as the existing variety of custody arrangements, blended families, etc. – there may be more than one or two adults who are considered parents or guardians under the MGDPA.

In the case of individuals who have been judged to be legally incompetent, the MGDPA permits the individual’s legally appointed guardian to exercise that individual’s rights. A guardian wishing to exercise these rights must provide proof of legal guardianship in order to do so.
**Actions at the point of data collection**

**What controls are placed on the collection and storage of data on individuals?**
Todd County may **collect** and **store** public, private and/or **confidential** data on individuals **only** if necessary to administer or manage a program that is authorized by state law or local ordinance, or mandated by the federal government. Todd County may not collect or store any data on individuals without proper legal authority, either expressed or implied.

**What actions must the County take before collecting and storing data on individuals?**
Todd County must identify its specific legal authority(s) for collecting and storing public, private or confidential data on individuals. It must also determine what types of data on individuals it collects or stores and how those data are classified.

The County also must identify its specific legal authority(s) for using and disseminating private and confidential data on individuals. These determinations are critical to complying with the Tennessen warning notice requirements, and providing data subjects with other rights, as discussed below. The determinations also provide information that must be included in the public document required by Minnesota Statutes section 13.05, subdivision 1.

**What is a Tennessen warning notice?**
Whenever the County asks an individual to provide private or confidential data about her/himself, the County must give that individual a notice – sometimes called a Tennessen warning. See the document, THE TENNESSEN WARNING NOTICE, at the end of this section.

**What must be included in the notice?**
The Tennessen warning notice must inform the individual of:
- The purpose and intended use of the data. This is why the data are requested and how they will be used within Todd County.
- Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not s/he is required by law to provide the data requested;
- Any consequences to the individual of either supplying or refusing to supply the data. The County is required to state the consequences known to the County at the time when the notice is given; and
- The identity of other persons or entities that are authorized by law to receive the data. The notice must specifically identify recipients that are known to the County at the time the notice is given.

**When must the Tennessen warning notice be given?**
The Tennessen warning notice is given at the point of data collection. The notice must be given whenever:
- Todd County requests data;
- The data are requested from an individual;
- The data requested are private or confidential; and
- The data are about the individual from whom they are requested.

All four of these conditions must be present before a Tennessen warning notice must be given.
When is a Tennessen warning notice not required?
The notice does not have to be given by law enforcement officers who are investigating a crime.
The notice does not have to be given to the data subject when:

- the data subject is not an individual,
- the subject offers information that has not been requested by the County,
- the information requested from the subject is about someone else,
- the County requests or receives information about the subject from someone else, or
- the information requested from the subject is public data about that subject.

How does the County decide what to include in a Tennessen warning notice?
Preparation of a Tennessen warning notice begins by identifying the County’s legal authority(s) for collecting, storing, using and releasing data on individuals. This should be done by, or in close consultation with, the County’s legal advisor. The specifics of these enabling authorities determine the reasons for collecting the data, how the data will be used, who is authorized to access the data, etc.

Each notice must be “tailored” to the requirements of the specific program or data collection event for which it is being prepared. Within each department, it is likely that more than one notice will be needed.

A model or sample Tennessen warning notice has not been included in this policy because it is not possible to prepare one Tennessen warning notice that will cover all situations.

How does one know that a notice is complete?
In drafting the specific text of the notice, it can be helpful for the County to pose each of the required elements in the notice as a question, and to answer each question very specifically, using the results from the research into legal authority(s) for collecting and storing the data being requested. The answers can become the first draft of the notice.

Then ask and answer the same questions from the perspective of the individual data subject(s) to whom the notice will be given, and use the responses to revise and refine the draft as necessary.

When the test of the notice completely satisfies the questions of both the County and the data subject, the notice most likely is complete and in compliance with legal requirements.

What are some practical suggestions for drafting a Tennessen warning notice?
In choosing words and phrasing for the Tennessen warning notice, it is hard to overemphasize the importance of using language that most people easily understand. The goal is to allow the data subject to make a meaningful decision to supply – or not supply – the information requested. Assuming the notice is complete and accurate, that choice can be meaningful only if the subject clearly understands what the County communicates in the notice.

Communicating the contents of the notice may require preparation of the notice in more than one language, or it may require the provision of an interpreter. The County should ensure that the subject has the opportunity to question anything in the notice and receive a clear explanation.
Does a Tennessen warning notice have to be given in writing?
The law does not require that the notice be given in writing. For practical and legal purposes, it is best to give the notice in writing (or in another recorded format). Although there is no law that requires an individual to sign an acknowledgment that s/he has received the notice, many entities ask the data subject to sign and date a written notice, in which case a copy of a written notice should be given to the data subject.

When information is collected over the phone, the notice should be provided orally. The employee should record such details as whether the notice was given, the date given, and the identity of the person giving the notice. If given orally, the subject also should be given the notice in writing, as described above, as soon as practicable.

What authority does the County have when it has given the notice?
Once the proper notice has been given, the County may lawfully collect, store, use and disseminate the data, as described in the notice.

What are the consequences of not giving the notice?
Data on individuals cannot legally be collected or stored if a proper Tennessen warning notice was not given. The Commissioner of Administration has issued numerous advisory opinions on this point. See in particular Opinions 95-028, 95-035, and 98-001.

Does this mean that the data never can be stored if a Tennessen warning notice was not given?
Not necessarily. Private or confidential data collected before August 1, 1975 (the effective date of the Tennessen warning notice requirement), may be stored for the reasons the data were collected. These data also may be stored for reasons of public health, safety or welfare, if the County obtains the approval of the Commissioner of Administration.

Actions when data are used or released by the County

What controls are placed on the use and dissemination of data on individuals?
Todd County may use and disseminate private or confidential data on individuals only if necessary to administer or manage a program that is authorized by state law or local ordinance, or mandated by the federal government. The County may not use or disseminate any private or confidential data on individuals without proper legal authority, either express or implied.

This limitation on use and dissemination does not apply to public data on individuals because public data may be used or disseminated to anyone for any purpose.
What actions must the County take before using or releasing private or confidential data on individuals?
Todd County must identify its specific legal authority(s) for using and disseminating private and confidential data on individuals. The County must use this information to comply with the Tennessen warning notice requirements discussed above.

What authority does the County have after giving a proper Tennessen warning notice?
Once the notice is given, the County may lawfully use and release private and confidential data on individuals, as described in the notice, without liability.

Can the County use or release private or confidential data if it has not given a proper notice?
As a general rule, private and confidential data on individuals cannot legally be used or disseminated if a proper Tennessen warning notice was not given. The Commissioner of Administration has issued numerous advisory opinions on this point. See in particular Opinions 95-028, 95-035, and 98-001.

Does this mean that the data never can be stored, used or released if a Tennessen warning notice was not given?
Not necessarily. If Todd County needs to use or release stored data in a way or for a purpose that was not included in the Tennessen warning notice, it may do so in one of these ways:

- **Informed Consent:** The County may seek the data subject’s informed consent to use or release the data in the new way. Obtaining the individual’s informed consent is the primary way to recover from a situation where a complete or proper Tennessen warning notice has not been given. See the document, MODEL INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA, included in this section.

- **Subsequent Law:** If a federal, state or local law is passed after the notice has been given, and if that law requires or permits the use or release of the data in a way that was included in the Tennessen warning notice, then the data may be used or released as permitted or required by the new law. The County also must revise the notice to reflect the requirements of the new law.

- **Old Data:** Private or confidential data collected before August 1, 1975 (the effective date of the Tennessen warning notice requirement), may be used and released for the reasons the data were collected. These data also may be used or released for reasons of public health, safety or welfare, if the County obtains the approval of the Commissioner of Administration.

- **Special Circumstances:** When it is not possible or practical to obtain the consent of the data subject(s), the County may seek the approval of the Commissioner of the Department of Administration to use or release the data in a way or for a purpose that was not included in the Tennessen warning notice. For example, the County might seek approval to use the data in a new way if consents would be required from hundreds or thousands of people, or if the data subject(s) is/are not able to give informed consent.
Actions relating to the subject’s right to access data about herself or himself

Sections 13.04 of the MGDPA gives specific rights to individuals who are the subjects of government data. One of these rights is the right of the data subject to access data about himself or herself.

The data subject has the right to ask and be told whether Todd County maintains data about her/him, and whether those data are classified as public, private or confidential.

To exercise this right, the subject must make a request to the responsible authority(s) for the County or to designee as specified in the public document required pursuant to 13.05, subd. 1. Generally, the County will not require the requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data.

Todd County requires the individual to provide identification for all data requests that include non-public data.

Criteria for deciding whether to require written data requests, or the use of a form, include the frequency of requests, the magnitude of a request or requests, and the sensitivity of data requested.

Departments requiring the use of a form must design the form so that it complies with the requirements described in this section, and must establish how it will provide guidance to the data subjects in using the form.

The County must respond to such a request immediately, if possible, or within ten working days. Response includes informing the individual that s/he is the subject of data maintained by that entity and how those data are classified. It is important to note that, even though individuals cannot access confidential data about themselves, they do have the right to know whether confidential data are maintained by the County.

The data subject has the right to see all public and private data about her/himself.

To exercise this right, the subject must make a request to the responsible authority(s), or the appropriate designee, as specified by the County. The County may require that the request be in writing, and require the use of a form for this purpose as discussed above.

Todd County will require the individual to provide identification in order to confirm that s/he is the subject of the data, and will require staff to be present at inspection in order to physically protect the data.

The County must let the subject view the data immediately, if possible, or within ten working days of receiving the request, excluding Saturdays, Sundays and legal holidays. Inspection times and locations may be reasonably limited.
If the subject has requested data that are not accessible to him/her, the County must inform the individual of this fact at the time of the request, and must cite the specific section of state or federal law that gives the County the authority to withhold the data from the subject.

The data subject is entitled to see all public and private data which Todd County maintains about him or her, but is not entitled to gain access to private or confidential data about other people which may appear in the records or files. Todd County is required to determine what information relates to which person so that it may lawfully comply with requests for access to the data. The County cannot refuse to give a data subject access to private or public data about her/himself just because not public data about other people are maintained in the record or file.

When an individual data subject requests data that include not public data about other individuals, the proper action for the County is to remove from the requested data all private and confidential data about other individuals.

After the subject has reviewed data about her/himself, Todd County is not required to show the data to the subject for six months unless:

- The County collects or creates more data about the subject before six months have passed. If more data have been collected before the passage of six months, the subject has the right to inspect the data s/he originally viewed, as well as the newly-collected or created data; or
- The data subject has challenged the accuracy and/or completeness of the data, or is appealing the results of such a challenge, as described below.

Under certain circumstances, data about a minor data subject may be withheld from a parent or guardian.
A minor has the right to request that the County withhold private data about her/him from the parent or guardian. The County will require that the request be in writing. A written request must include the reasons for withholding the data from the parents and must be signed by the minor subject.

Upon receipt of the request, the responsible authority must determine whether honoring the request is in the best interests of the minor. In making this decision, the responsible authority(s) must consider, at a minimum:

- Whether the minor is old and mature enough to explain the reasons for the request and to understand the consequences of making the request;
- Whether denying access to the data may protect the minor from physical or emotional harm;
- Whether there is a reason to believe that the minor’s reasons for denying access to the parent(s) are reasonably accurate; and
- Whether the nature of the data is such that disclosing the data to the parents could lead to physical or emotional harm to the minor.

If the data concern medical, dental or other health services provided pursuant to Minnesota Statute sections 144.341 to 144.347, and the data meet, at minimum, all of the above criteria, the data may be released to the parent only if failure to do so would seriously jeopardize the health of the minor subject.
A public educational entity or institution may not deny a parent access to education records or special education records about a minor child. See *MODEL EDUCATIONAL DATA SHARING/ACCESS POLICY*, published by the Minnesota Department of Administration, December, 1999.

**The County may not charge a fee for letting the subject see data about her/himself.**
Looking is free. Even if the County is required to produce a copy in order to permit the subject to view the data, it cannot assess a fee for doing so.

**The subject has the right to be informed of the content and meaning of public and private data about her/himself upon request.**
Upon the request of the data subject, the County must explain the content and meaning of the data. This includes explaining the meaning of technical terminology, abbreviations, or words or phrases.

The explanation must be provided in a way the subject understands, including the use of another language, an interpreter, or other means. The County must clearly inform the subject how to exercise this right.

**The subject has the right to have copies of all public and private data about her/himself.**
To exercise this right, the subject must make a request to the responsible authority(s), or to the appropriate designee, as specified by the County.

Generally, the County will not require data requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data. The request may require the use of a form designed for this purpose.

Todd County requires the individual to provide identification for all data requests that include non-public data.

The County must provide the requested copies of the data immediately, if possible, or within ten working days of receiving the request.

If the subject has requested copies of data that are not accessible to him/her, the County must inform the individual of this fact at the time of the request, and must cite the specific section of state or federal law that gives the County the authority to withhold the data from the subject.

The data subject is entitled to have copies of all public and private data which the County maintains about him or her, but is not entitled to access or copy private data about other people which may appear in the records or files. Todd County is required to determine what information relates to which person so that it may lawfully comply with requests for copies of the data. The County cannot refuse to give a data subject copies of private or public data about her/himself just because private data about other people are maintained in the record or file.
The County may charge a fee for providing a data subject with copies of public and/or private data about her/himself.

The County may charge only the actual and reasonable cost of making, certifying, and compiling the copies. In general, postage will be charged, however, the fee may be waived at the County’s discretion.

**Actions relating to the right of the data subject to challenge the accuracy and/or completeness of public and private data about her/himself.**

The data subject has the right to challenge the accuracy and/or completeness of public and private data about her/himself.

If a data subject believes that public or private data about him/her are inaccurate and/or incomplete, s/he has the right to file a data challenge with the County.

See the document, CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU, at the end of this section.

The subject may challenge only accuracy and completeness of data. The Rules of the Department of Administration provide these definitions:

- **Accurate** means the data are reasonably correct and free from error.
- **Complete** means that the data describe all of the subject’s transactions with the County in a reasonable way.

Data may be inaccurate or incomplete because a wrong word, name, or phrase was used; because the data give a false impression about the subject; because certain information is not in the record; because certain information in the record should not be there; or for other reasons.

To challenge the accuracy and/or completeness of data, the data subject must communicate in written form to the responsible authority(s) for the County that the subject is challenging the accuracy and/or completeness of data Todd County maintains about her/him. Written form includes communication via letter, e-mail message, or fax.

The written communication must identify the specific data being challenged; describe why or how the data are inaccurate or incomplete; and state what the subject wants the County to do to make the data accurate or complete, i.e. add, alter or delete data.

Upon receipt of the challenge notice, the responsible authority(s), or someone within the County designated by the responsible authority(s), must review the notice and the challenged data promptly. Although it is not required, appointing a disinterested person to review the challenge often enables a more expeditious resolution of the dispute.

Within 30 business days, the responsible authority(s) must determine if the data are inaccurate or incomplete. The responsible authority may agree with all, part, or none of the data challenge, and must notify the subject of the determination about the challenge.
If the responsible authority *agrees* that challenged data are inaccurate and/or incomplete, the County must make the changes requested and try to notify anyone who has received the data in the past, including anyone named by the subject.

If the responsible authority *does not agree* that the challenged data are inaccurate and/or incomplete, the County must notify the subject, who then has the right to appeal the County’s determination to the Commissioner of the Minnesota Department of Administration.

**The data subject has the right to include a statement of disagreement with disputed data.**

If Todd County determines that challenged data are accurate and/or complete, and the data subject disagrees with that determination, the subject has the right to submit a written statement of disagreement to the responsible authority(s).

The form of the statement of disagreement is of the subject’s choosing, and must be included with the disputed data whenever the disputed data are accessed or released.

**If the County determines that challenged data are accurate and/or complete, and the data subject disagrees with that determination, the subject has the right to appeal the County’s determination to the Commissioner of Administration.**

The subject has the right to take this step only after both the subject and the County have properly completed all the steps in the data challenge process. The subject may appeal only the County’s determination about the accuracy and/or completeness of data.

If Todd County has given the subject written notice of the right to appeal its determination, the subject must exercise the right to appeal within 60 calendar days. If the County has not given the subject written notice of this right, the subject has 180 days within which to file an appeal.

The requirements for filing an appeal are set out at Minnesota Rules, part 1205.1600, and in the document, CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU, at the end of this section.
HOW TO DETERMINE WHETHER TODD COUNTY MAY LAWFULLY COLLECT, STORE, USE AND RELEASE DATA ON INDIVIDUALS

Before collecting or storing any data on individuals, Todd County must ask:

Q: Is the collection or storage necessary for the administration and management of a program specifically authorized by the Legislature or County Board of Commissioners, or mandated by the federal government? Has the relevant enabling authority been identified?
A: No -- The data may not be collected or stored
A: Yes Proceed to the next questions.

Q: Is Todd County asking an individual to supply private or confidential data about herself or himself?
A: No -- The data may be collected without a Tennessen warning notice
A: Yes A Tennessen warning notice must be given before the data are collected

Before using or releasing any data on individuals, Todd County must ask:

Q: Are the data classified as private or confidential data on individuals?
A: No -- The data are public and may be used or released
A: Yes Proceed to the next question

Q: Is the use or release necessary for the administration and management of a program specifically authorized by the Legislature or County Board of Commissioners, or mandated by the federal government?
A: No -- The data may not be used or released
A: Yes Proceed to the next question

Q: Was a Tennessen warning notice required when the data were collected?
A: No -- Use or release the data
A: Yes Proceed to the next question

Q: Was the data subject informed (in a Tennessen warning notice) that the data would be used or released for this purpose?
A: Yes Use or release the data
A: No -- If the data are confidential, the data may not be used or released
-- If the data are private, the data subject’s informed consent must be obtained before releasing or using the data. (See also Minnesota Statutes section 13.05, subdivision 4, for alternative authorities for use and release of private data.)
HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT
CONTROLS ACCESS TO
PRIVATE DATA ON INDIVIDUALS

This document explains, generally, when private data about an individual lawfully may be used or released and who has the right to access private data.

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, regulates access to government data. One way the MGDPA does this is by classifying data in ways that define who is legally authorized to see the information. For example, Minnesota Statutes section 13.43 classifies certain personnel data as private data on individuals.

Generally, private data may be accessed only by:

• the data subject
• staff of the County whose work assignments reasonably require access (need to know)
• any person or entity authorized by law to access the data
• anyone who has the permission of the data subject
• anyone who has a court order to access the data

(See section 13.02, subdivision 12; section 13.05, subdivision 9; and Minnesota Rules, part 1205.0400.)

The MGDPA also controls access to private data by permitting disclosure of the data only if necessary to carry out a program or function specifically authorized by state or federal law. (Section 13.05, subdivision 3.) This authority may be explicitly established by law or it may be implied.

A third control is found in section 13.04, subdivision 2, which requires Todd County to give a notice whenever it asks an individual to supply private data about himself or herself. This notice is called a Tennessen warning and it must inform the individual of the following:

• Why the data are being collected and how the County intends to use the data;
• Whether the individual may refuse or is legally required to supply the data;
• Any consequences to the individual of either supplying or refusing to supply the data; and
• Who else is authorized by law to receive the data.

Although the MGDPA does not require the Tennessen warning notice to be in writing, Todd County will include this notice on the forms used to collect information about individuals.

Last, section 13.05, subdivision 4, prohibits the use and release (dissemination) of private data for any purpose that was not stated in the Tennessen warning notice, unless

• the data subject has given permission (informed consent)
• a law allowing the new use or release is enacted after the data have been collected, or
• the new use or release is approved by the Commissioner of the Minnesota Department of Administration.
An informed consent must be in writing, must not be coerced, and must explain the reasons for the new use or release of the data and the consequences of that new use or release. (Minnesota Rules part 1205.1400.)

**General summary:**
If private data were *collected from the data subject*, the County may use or release the data
- if Todd County has the legal authority to do so and the use or release of the data was properly explained in the Tennesen warning notice
  - or
- if the data subject has consented to the new use or release.

If private data were *not collected from the data subject*, the County may use or release the data
- if Todd County has the legal authority to do so
  - or
- if the data subject has consented to the new use or release.
HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO CONFIDENTIAL DATA ON INDIVIDUALS

This document explains, generally, when confidential data about an individual lawfully may be used or released and who has the right to access confidential data.

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, regulates access to government data. One way the MGDPA does this is by classifying data in ways that define who is legally authorized to see the information. For example, Minnesota Statutes section 13.82, subdivision 5, classifies certain criminal investigative data as confidential data on individuals.

Generally, confidential data may be accessed only by:
- the data subject
- staff of the County whose work assignments reasonably require access (need to know)
- any person or entity authorized by law to access the data
- anyone who has a court order to access the data

(See section 13.02, subdivision 3; section 13.05, subdivision 9; and Minnesota Rules, part 1205.0600.)

The MGDPA also controls access to confidential data by permitting disclosure only if necessary to carry out a program or function specifically authorized by state or federal law. (Section 13.05, subdivision 3.) This authority may be explicitly established by law or it may be implied.

A third control is found in section 13.04, subdivision 2, which requires Todd County to give a notice whenever it asks an individual to supply confidential data about himself or herself. This notice is called a Tennessen warning and it must inform the individual of the following:
- Why the data are being collected and how the County intends to use the data;
- Whether the individual may refuse or is legally required to supply the data;
- Any consequences to the individual of either supplying or refusing to supply the data; and
- Who else is authorized by law to receive the data.

Although MGDPA does not require the Tennessen warning notice to be in writing, Todd County will include this notice on the forms used to collect information about individuals.

Last, section 13.05, subdivision 4, prohibits the use and release (dissemination) of confidential data for any purpose that was not stated in the Tennessen warning notice, unless
- a law allowing that use or release is enacted after the data have been collected, or
- the new use or release is approved by the Commissioner of the Minnesota Department of Administration.
**General summary:**
If confidential data were *collected from the data subject*, the County may use or release the data
- if Todd County has the legal authority to do so and the use or release of the data was properly explained in the Tennessen warning notice.

If confidential data were *not collected from the data subject*, the County may use or release the data if it has the legal authority to do so.
### THE TENNESSEE WARNING NOTICE

**Minnesota Statutes Section 13.04, subdivision 2**

| The notice must be given when: | 1. An individual  
2. Is asked to supply  
3. Private or confidential data  
4. Concerning self |
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<tr>
<td>All four conditions must be present to trigger the notice requirement.</td>
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<tr>
<th>The notice does not need to be given when:</th>
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</table>
| - the data subject is not an individual  
- the subject offers information that has not been requested by the County  
- the information requested from the subject is about someone else  
- the County requests or receives information about the subject from someone else, or  
- the information requested from the subject is public data about that subject. |

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<tr>
<th>Statements must be included on the form that inform the individual:</th>
</tr>
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| - Why the data are being collected from the individual and how the County intends to use the data;  
- Whether the individual may refuse or is legally required to supply the data;  
- Any consequences to the individual of either supplying or refusing to supply the data, and  
- The identity of other persons or entities authorized by law to receive the data. |

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<tr>
<th>Consequences of giving the notice are:</th>
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<tr>
<td>Private or confidential data on individuals may be collected, stored, used and released as described in the notice without liability to the County.</td>
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</table>

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<tr>
<th>Consequences of giving an incomplete notice, or not giving the notice at all, are:</th>
</tr>
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</table>
| Private or confidential data on individuals cannot be collected, stored, used or released for any purpose other than those stated in the notice unless:  
  - The individual subject of the data gives informed consent;  
  - The Commissioner of Administration gives approval; or  
  - A state or federal law subsequently authorizes or requires the new use or release. |
MODEL
INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA
For Todd County

Purpose of This Consent Form
The purpose of this consent form is to provide Todd County with a vehicle for sharing information about individuals which complies with the requirements of state and federal laws that regulate access to government data.

When to Use This Consent Form
A consent form must be completed in order to disseminate private data on individuals when the release of the data is necessary to administer or manage a legally authorized program and one of the following conditions applies:

- The data subject was not given a Tennesen warning notice when the data were collected from that subject. (See below for an explanation of the Tennesen warning notice.)
- The release of the data is for a purpose or to a recipient which was not included in the Tennesen warning notice.
- A Tennesen warning notice was not given because the data were not collected from the data subject.
- In other situations where the consent of the data subject is required in order to release data about that subject.

These requirements are established by the Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes. The MGDPA regulates the collection, creation, maintenance, use and dissemination of all data maintained by government entities in Minnesota and classifies data on individuals as follows.

Minnesota Statutes section 13.02, subdivisions 8 and 12, define private data on individuals as data that are not available to the public but that are available to the subject of the data and to the parents of the data subject if the subject is a minor. Minnesota Rules, part 1205.0400, permits access by those within the collecting entity whose work assignments reasonably require access.

The MGDPA establishes several controls on the collection, use and dissemination of private data. Section 13.05, subdivision 3, limits the collection, use, storage and dissemination of private data on individuals to that necessary to administer and manage programs authorized by state or local government or mandated by the federal government.
Section 13.04, subdivision 2, requires that Todd County give a notice to an individual whenever
the County asks the individual to provide private or confidential data about her/himself. The
notice is called a Tennessen warning notice. The notice must state:
1) the purpose and intended use of the data being collected,
2) whether the individual may refuse to supply the data or is required by law to supply the data,
3) the consequences of either supplying or refusing to supply the information, and
4) the identities of all those who are authorized by law to access the data.

Section 13.05, subdivision 4, limits the subsequent use and dissemination of private or
confidential data, collected from an individual, to what was described in the Tennessen warning
notice. If the County wishes to use or release the data in a way not communicated in the
Tennessen warning notice, this statutory section requires the County to obtain the individual’s
informed consent. The standards for obtaining an informed consent are set out at Minnesota
Statutes section 13.05, subdivision 4(d) and Minnesota Rules, part 1205.1400.

(In lieu of obtaining informed consent from the data subject, Todd County may use or
disseminate private data for a new purpose with the approval of the Commissioner of the
Minnesota Department of Administration pursuant to Minnesota Statutes section 13.05, subd.
4(c) and Minnesota Rules, part 1205.1400.)

This model consent form meets all of the above standards and, as a general rule, may be used by
any department or person who is subject to the MGDP. Departments may tailor this form to
accommodate their specific needs; altered form may fail to meet legal requirements. (For
example, some members of family services collaboratives would like a consent form that
requires completion only once and which accommodates all possible releases of data between or
among a number of entities. Suggestions have included designing a check off system consisting
of various boxes that represent entities and types of data. Although such a form might be
convenient for entities that routinely share varying types of private data with other entities, it
likely would not meet the legal standards for an informed consent.)

This consent form is not appropriate for use in situations where the specific form and content of
an informed consent are dictated by law. (For example, see Minnesota Statutes section 13.05,
subdivision 4(a)(1)-(7).)

CONSULT YOUR LEGAL ADVISOR BEFORE USING THIS OR ANY OTHER
CONSENT FORM.
This is especially important where use of the consent form may present issues of compliance
with other laws such as the Americans with Disabilities Act, or with the requirements relating to
the release of data about minor children.

The model form, appearing on the next page, is addressed to the data subject. Instructions to
government entities for completing the form also follow.
TODD COUNTY
CONSENT FOR RELEASE OF INFORMATION
We are asking for your consent (permission) to release information about you to the entities or persons listed on this form. The information cannot be released without your consent. This form tells you what information we want to release, or what information we want another entity to release to us. This form tells you the reasons we are asking for your consent. You have the right to look at all the information to be released and have copies of it. You should do this before you give your consent to release the information. If you want to look at the information or have copies of it, you must talk to (NAME OF AUTHORITY AND HOW TO CONTACT).

You may consent to release all of the information, some of the information or none of the information. You may consent to release information to all, some, or none of the entities listed on this form.

If you give us your consent, we can release the information for (TIME PERIOD) or until (EVENT OR CONDITION). You may stop your consent any time before (THIS TIME PERIOD, EVENT, OR CONDITION). If you want to stop your consent, you must write to (NAME AND ADDRESS OF AUTHORITY) and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

You do not have to consent to the release of any information that tells people that you or your child is disabled. If you are asking for help because of a disability, we may need information about the disability in order to help you.

If you have a question about anything on this form, please talk to (NAME OF AUTHORITY) before you sign it.

---------------------------------------------------------------------------------------------------------------------

[A.] I authorize Todd County to release information about [name of data subject]. I understand that:

[B.] The information I agree to let you release is:

[C.] The information will be given to:

[D.] You are asking me to release this information so that:

[E.] If this information is released, what will happen is:

[F.] If this information is released, what will happen is:

[G.] Signature of client ____________________ Date signed ______________

[H.] Signature of parent or guardian ______________ Date signed ______________

[I.] Signature of person explaining this form and my rights ____________________ Date signed ______________
INSTRUCTIONS FOR USING THIS FORM

These instructions correspond to the lettered sections on the reverse side of this form. Use plain language when tailoring this form to accommodate your specific needs.

A. Enter the complete name and address of the entity that maintains the information. Include any relevant program names, staff names, titles and phone numbers.

B. Identify, as specifically as possible, the reports, record names or types of information or records that will be released.

C. Identify the entity or entities to which the information will be released. Include the name and address of the entity. Include relevant staff names and titles. Be specific.

D. Describe specifically and completely the purpose(s) for seeking the client’s informed consent and the new use(s) to which the information will be put.

E. Describe specifically and completely the consequences to the data subject of releasing the information. This means all of the consequences known to the County at the time the consent is signed.

F. Describe specifically and completely the consequences to the data subject of not releasing the information. This means all of the consequences known to the County at the time the consent is signed.

G. Instruct the client to sign the consent and enter the date on which the consent is signed.

H. As a general rule, a parent or guardian’s signature should be obtained when the client is under the age of 18 or has a legally appointed guardian; however, specific requirements for obtaining consent to release data in these circumstances vary. Instructions for completing this portion of the form should be developed in consultation with your legal advisor.
Consent Requirements Specific to Family Services Collaboratives

Outlined below are the conditions under which a consent is needed in order to share client data among members of a family services collaborative. These requirements are established by Minnesota Statutes section 124D.23.

- Collaborative members that are subject to the MGDPA:
  - County Human Services and schools in the same collaborative:
    - For county Human Services Public Health, you do not need to secure the client’s consent in order to inform each other whether you are serving an individual or family. As a general rule, however, you must obtain the client’s informed consent in order to release any other client data to anyone else, including other members of the collaborative. (Check with your legal advisor or data practices advisor to determine whether a state or federal law requires or permits you to release the data. If this authority exists, you do not need to obtain the client’s consent.)
  - Other members of the collaborative:
    - You do not need to obtain the client’s consent form to release client data to someone within your entity who has been identified by the entity as needing the data in order to do her/his job. As a general rule, however, you must obtain the client’s informed consent in order to release any client data to anyone else, including other members of the collaborative.

- Collaborative members that are not subject to the MGDPA:
  - You may collect and use client data as permitted by laws, codes of professional conduct, ethical standards, bylaws that are applicable to your entity, and in ways that are consistent with the promises made to clients. Consult your entity’s policies and procedures, or legal advisor, before collecting or releasing client data.
Members of a Collaborative Organized Pursuant to a Joint Powers Agreement:
There are a number of questions relating to whether the status of collaboratives organized pursuant to a joint powers agreement differs from that of collaboratives that are not organized in this way. The County Attorney should be consulted for specific advice.

Consent Requirements Specific to Children’s Mental Health Collaboratives:
Minnesota Statutes section 245.493, subdivision 3, permits members of a children’s mental health collaborative to share client data only if 1) the client gives written informed consent and 2) the information sharing is necessary in order for the collaborative to carry out its statutory duties. Proper use of this model consent form will fulfill the first requirement; however, members of children’s mental health collaboratives must consult their legal advisors for a specific interpretation of the second requirement.
CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU

The Minnesota Government Data Practices Act gives you the right to challenge the accuracy and/or completeness of public and private data being maintained about you by any government entity in Minnesota. **There are two steps in this process.**

The **first step** is to make a data challenge to Todd County. If the County agrees that the data are inaccurate or incomplete, we must change the data so they are accurate and/or complete.

If the County does not agree with the data challenge, you have the right to take the **second step** and appeal the County’s determination to the Commissioner of the Minnesota Department of Administration.

*It is important to follow the steps carefully and to perform all of the procedures described below.*

**Step One: Making a Data Challenge**

First, identify the County’s responsible authority(s). This person, or a designee, must make sure that the County complies with state data practices laws.

The responsible authority for a **county social services** entity is the director of that entity. For **other county offices**, the responsible authority is appointed by the board. Each **elected official** (such as a Sheriff or County Auditor) is the responsible authority for his or her office.

Next, write to the responsible authority(s) and ask to look at all public and private data the County maintains about you. In order to protect your rights, it is very important that you make your data request to the responsible authority(s).

You may wish to make an appointment to inspect the data, which you may do free of charge. You also may ask for copies of the data. If you do, the government entity does have the right to charge you reasonable copying costs.

Review or inspect the data very carefully and make a note about any information that you believe is inaccurate or incomplete. **Inaccurate** means that the data are not correct or that there are errors in the data. For example, data might be inaccurate because a name is not spelled right, someone is not quoted correctly, wrong facts are stated, or a name, time or date are wrong. **Incomplete** means that the data do not describe all of your contacts with the County in a reasonable way. For example, data might be incomplete because words are left out of a report, a document is missing from a file, or an interviewer did not file a report about an interview.
Inaccurate or incomplete data can be a word, a sentence, a phrase, a paragraph, a number, a punctuation mark, etc. Sometimes it is difficult to decide exactly what makes the data inaccurate or incomplete.

The next step is to notify the County’s responsible authority(s) that you are challenging the accuracy and completeness of data that the County maintains about you. To protect your rights, be sure to say clearly that you are challenging data under the provisions of Minnesota Statutes section 13.04, Subdivision 4. This challenge notice must be done in writing – such as by letter, e-mail or fax. If you are sending a letter, you may wish to send it by certified mail with return receipt requested. Be sure to keep a copy of your letters and any other correspondence.

In your challenge notice:

- Identify the data that you are challenging. There are many ways to do this. Because it is important to be very specific, a good way to identify the data is to make a copy of the document(s) containing the data, clearly mark the data you are challenging, and enclose the copy with your letter.

- Describe why or how the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.

- Say what you think should be done to make the data accurate or complete. For example, you may ask the County to add a word, phrase, page, etc., to make the data complete or accurate. You may ask the County to change the data to make them accurate or complete. You also may ask the County to remove data from a file or delete some of the data to make the rest of the data complete and/or accurate. Again, be very specific and explain very carefully what you want the County to do to make each piece of data accurate and/or complete.

When the responsible authority(s) receives your challenge notice, s/he has 30 days to review it and to decide if the data are inaccurate or incomplete. The responsible authority(s) may agree with all, part or none of your data challenge. The responsible authority(s) must notify you of his or her decision.

If the responsible authority(s) agrees with your challenge, the County must make the changes you requested and try to notify anyone who has received the data in the past. This includes anyone you name.

If the responsible authority(s) does not agree to correct or make changes to the data you have challenged, s/he must notify you. Then you have the right to take the second step in the process. The second step is to appeal the County’s decision (determination) about your challenge.
Step Two: Appealing the County’s Decision About Your Challenge

If you do not agree with the results of your data challenge, you may appeal the County’s decision to the Commissioner of the Minnesota Department of Administration.

If the County told you in writing that you have the right to appeal its decision about your data challenge, you must file your appeal within 60 days of the decision. If the County did not tell you in writing that you have the right to appeal, you have 180 days from the date of the decision to file your appeal.

You must send your appeal to the Commissioner of Administration in writing - a letter, an e-mail message, a fax, etc. You must include your name, address and a phone number (if any), the name of the entity that has the data you challenged, and the name of the responsible authority for that entity.

Describe the data that you believe are inaccurate or incomplete, and tell why you disagree with the County’s decision about your challenge.

Also tell the Commissioner what you want to happen because of your appeal. For example: Do you want the County to remove data from its files? Do you want the County to change or add data?

Include a copy of your data challenge letter and copies of any other correspondence about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration  
State of Minnesota  
50 Sherburne Avenue  
Saint Paul, MN 55155

If the Commissioner determines that your appeal meets all of the requirements in the law, the appeal will be accepted. At that point, the Department’s Information Policy Analysis Division (IPAD) will try to resolve the dispute in an informal way, using conferences and/or conciliation. The IPAD also may suggest that you and the County take the matter to mediation.

If the dispute cannot be resolved informally, the Commissioner will, in most instances, order a hearing by an administrative law judge in the state Office of Administrative Hearings. The administrative law judge then hears the case and makes a recommendation to the Commissioner. The Commissioner reviews the recommendation and issues an order about whether the data are accurate and/or complete. You and Todd County each have the right to appeal the Commissioner’s order to the Minnesota Court of Appeals.

You do not need to be represented by an attorney to appeal the results of a data challenge, but legal advice can be helpful because the administrative law process can be technical and complex.

August 2, 2011  
Access to Government Data & Rights of Subjects of Data
SECTION V
YOUR RIGHTS AS A MEMBER OF THE PUBLIC TO ACCESS GOVERNMENT DATA

The Minnesota Government Data Practices Act gives you, and all other members of the public, the right to see and have copies of public data that we keep. The law also controls how we keep government data and what we tell you when you ask to see the data that we have.

These rights and controls are:

The law says that all the data we have are public (can be seen by anybody) unless there is a state or federal law that classifies the data as not public.

We have a report that lists the kinds of data we keep about individuals, how each kind is classified, and what law classifies that kind of data. This report is called General Records Retention Schedule. If you want to see or have a copy of this report, contact:

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<tr>
<th>Name</th>
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<td>Peter Mikkelson</td>
<td>County Sheriff</td>
<td>732-2157</td>
<td>115 3rd Ave. S.</td>
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</table>

You have the right to look at all public data that we keep.

You may request and receive public information over the phone, in person, through the mail, or via e-mail. If it is not possible to give you the info in the way you ask, we will contact you to decide on another way to give you the information you asked for.

To look at public data that we keep, contact:

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You can make your request during normal working hours, which are 8:00 a.m. to 4:30 p.m.

You also have the right to make a standing request. Standing requests expire after 6 months.

You may ask to see:

- specific types of data or data elements;
- specific documents or portions of documents;
- entire records, files or data bases;
- all public data we keep.

In your request, you should say that you are making a data request under the MGDPA. Tell us as clearly as you can what information you want to see. If we are not sure exactly what information you are requesting, we will ask you, but you do not have to tell us who you are or explain why you are asking for the data.

We will let you know as soon as we can whether or not we have the data you are asking for. If you are asking for public data and we have the data, we will let you see or have copies of the data right away. If we need more time to identify, find, or copy the data you are asking for, we will let you know and we will tell you when we will be able to give you the data.

**We do not have to give you data we do not keep.**
If we do not have the data you are asking for, we will tell you right away. We do not have to collect or create data for you in order to respond to your request.

**We may not have to give you public data in the form you want.**
If we have the data you are asking for, but we do not keep the data in the form you want, we may not be able to give you the data in that form. If we cannot put the data in the form you want, you may have the data in our format and convert it to the form you want. If we put the data in the form you want, we will let you know how long it will take us to provide the data and how much it will cost. Then you can decide if you want the data in that form or not.

**We cannot charge you a fee for looking at public data.**
You have the right to look at public data at no cost. We will let you look at computerized data on a computer screen, or print a copy, so that you can inspect the data at no charge.

You also may inspect public data on your own computer, and you may print or download the data using your own computer, at no cost.

We cannot charge you a fee for separating public data from data that are not public.
You have the right to have public data explained in a way you understand.
If you have any questions about the meaning of public data that we keep, please contact someone from the list below and ask for an explanation. If you ask, we will provide an interpreter or find another way to explain the data.

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You have the right to have copies of the public data that we keep.
You have the right to have a copy of any data that you have a right to see. This includes the right to have copies of all or parts of specific documents, files, records, data bases or types of data that we keep. If you ask for the copies in electronic form, and we keep the data in electronic form, we will give you the data in electronic form.
To ask for a copy of public data that we keep, contact someone from the list below or use the data request form available from each department.

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In your request, say that you are making a request for copies of data under the MGDPA. Tell us as clearly as you can what types of data or information you want copies of. If we have any questions about the copies you are requesting, we will ask you. You do not have to tell us who you are or explain why you are asking for the data.

Once we have your request, we will provide the copies you asked for as soon as reasonably possible, depending on how many copies you are requesting and how many staff we have available to respond to your request.
We have the right to charge you a reasonable fee for providing copies. We will require the payment of a fee for providing copies of data. If you ask us to mail or fax the copies, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will charge you a fee to certify the document.

The County may charge an additional fee for data having commercial value. The fee will be based upon the time and expense of creating the data, and the public value of the data. The fee for each type of commercial valued data will be approved annually by the County Board as part of its County Fee Schedule.

Our fee for providing copies is set out in the SCFS. We require prepayment of any fees connected to data practices requests.

You have the right to know why you cannot see or get copies of data that are not public. If the information you ask for is not public data, we will tell you that when you make your request, or we will notify you in writing as soon as possible. We also will tell you which specific law makes the information not public. If you ask, we will put this in writing for you.

You have the right to see and have copies of summary data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing- letter, fax, e-mail, etc. to any of the names listed below and pay the fee to prepare the data.

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We do require prepayment. When we receive your request, we will contact you to make detailed arrangements to prepare the summary data.

We will let you or someone else prepare the summary data if:
• you explain in writing why you want to prepare the data;
• if you agree not to release any of the private or confidential data used to prepare the summary data; and
• if we determine that giving you access to private and confidential data will not compromise those data.

If you have any questions about how to access public data that we keep, please contact the appropriate responsible authority listed below or contact our compliance official, Nathan Burkett, at 732-6447, 347 Central Ave, Suite 5.

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SECTION VI
YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices Act is a law that gives you important rights when we collect, create, keep, use or release data about you, and controls how we collect, use, and release data about you.

An important note about who may exercise your rights
The law defines an individual as a living human being and gives every individual all of the rights discussed in this document.

If you are a minor (which means that you are not yet 18 years old), your parents or your guardian usually have the same rights as you do. This means that each of your parents or your guardian usually can look at and have copies of information we keep about you. Usually, they each have the right to give their consent to release the data about you. They each can challenge the accuracy and completeness of the data about you.

If you have no parents, or if your parents are not a part of your life, then the person who is caring for you has these rights.

In some cases, your parent or guardian does not have these rights. For example, we will not let your parent(s) or guardian exercise the rights the law gives you if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental rights of your parent(s). Sometimes a state or federal law says that we cannot let your parents see information about you.

If you have been appointed as the legal guardian for someone, you may exercise that individual’s rights under the MGDPA. To do so, you must show proof of your appointment as legal guardian.

The law controls how we collect, keep, use and release data about you.
We can collect, keep, use and release private and confidential data about you only when a state or federal law allows or requires us to do it. The law also says we can collect, keep, use and release private and confidential data about you only if we need to in order to do our job.

The law says we must give you a notice when we ask you to give us data about yourself. When we ask you to give us private or confidential data about yourself, we will give you a notice. The notice sometimes is called a Tennessen warning notice. The notice tells you these things:

- We will tell you why we are collecting the data from you and how we plan to use the data.
- If there is a law that says you must give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
- We will tell you what might happen (consequences) to you if you give us the data.
• We also will tell you what might happen (consequences) to you if you do not give us the data.
• We will tell you what other people or entities have the legal right to know about, see or have copies of the data you give us. When we tell you this, we will be as specific as we can be.

Parts of Todd County may collect information about you for different reasons and use it in different ways, so we may give you more than one notice, and the notices may be different. We will explain anything in the notice if you ask us.

Whenever we can, we will give you the notice in writing for you to read and sign, and we will give you a copy of the written, signed notice to keep. If we ask you for information over the phone, we will give you the notice when we talk to you, and we will give or send you a copy in writing as soon as we can after that. You do not have to sign the notice if mailed in response to a verbal Tennessen notice.

We only must give you the Tennessen warning notice when we are asking you to give us private or confidential data about yourself. We have to give you the notice when we do not:
• you give us information we haven’t asked for,
• the information we are asking for is about someone else,
• the information we are asking for is public data about you, or
• the information is collected by a law enforcement officer who is investigating a crime. This includes police officers, and members of the fire department and sheriff’s office.

The notice puts limits on what we can do with data we keep about you.
Usually, after we give you the Tennessen warning notice and you choose to give us the data we ask for, we will use and release the data only in the ways that were stated in the notice. There are some exceptions to this rule. These exceptions are:

• If a federal, state or local law is passed after we give you the notice and collect the data from you, and if that law says we may or must use or release the data in a way we did not tell you about in that notice, then we will use or release the information in order to comply with the new law.
• Sometimes, after we collect private or confidential data about people for one purpose, we need to use or release that information for a different purpose. If there is no law that says we can use the data for the new purpose, we need permission from those people in order to use or release the information in the new way. Sometimes we cannot get their permission. This might happen if we need to ask hundreds or thousands of people for permission to use data about them, or if the people cannot give us their permission to use the data in the new way. If this happens, we may ask the Commissioner of the Minnesota Department of Administration to approve the new use or the new release of the information. We will use or release the data in the new way if the Commissioner approves.
• If we collected private or confidential data about you before August 1, 1975, we have the right to use, keep and release the data for the reasons we collected it. We also can ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
• If a court orders us to release private or confidential data about you, we must release the data.
If we need to use or release data about you in a new way, we need your permission.

If we need to use or release private data about you in a way that we did not tell you about in the Tennessen warning notice, we will ask you for your informed consent. This has to be done in writing, so we will ask you to read and sign a consent form. A copy of the form we use is at the end of this document.

The consent form tells you:

- What information we want to release, or what information we want someone else to give us. You may consent to release all of the information, some of the information, or none of the information that is listed on the form.
- The reasons we are asking for your consent and how the information will be used. You may consent to all, some, or none of the uses/purposes listed on the form.
- Who will release the information and who will receive it. You may consent to release information to all, some, or none of the entities or people listed on the form.
- What will happen (the consequences) if you let us release or use the information in a new way.
- Who to talk to if you have any questions.

You do not have to let us use or release the information in the new way. Before you decide, you should look at the information. The consent form tells you who to talk to if you want to look at the information or have copies of it.

We must explain everything on the consent form in a way that you understand. After you read and understand the consent form, we will ask you to sign it.

If you give us your consent, we can release the information for the length of time that is written on the consent form. You may stop your consent any time before that time is over. If you want to stop your consent, you must write to the person named on the form and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

We also will ask for your consent if someone asks us for private data about you and the law does not let us give the data to that person.

If you ask us to release private data about you to someone else, we will ask for your informed consent. If you give us your informed consent, we must release the data in the way you ask.

We only ask for your informed consent to release private data about you. We do not need to ask for your consent to release public data about you because the law says we must give public data to anyone who asks. The law does not give you the right to see confidential data about you or to let anyone else see the data.
You have the right to know if we keep data about you.
If you ask us, we will tell you if we keep information about you and we will tell you if the data are classified as public, private or confidential. To find out what information we keep about you, contact the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. You must use a special form to make your request. A copy of this form is at the end of this document.

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In your request, tell us as clearly as you can what types of data or information you want to see. You have the right to see specific documents, files, records or types of data that we keep. You also have the right to ask for and see all of the public and private data about you that we keep.

Once we have your data request, we will show you the data right away if we can. If we cannot show you the data right away, we will show you the data in no more than ten business days.

The law says we must protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.

After you have looked at the data you requested, we do not have to let you see the data again for six months, unless we collect or create more information about you before six months have passed. You do not have to wait for six months to see the data again if we have collected new data about you, or if you have challenged any of the data, or if you are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.

Note regarding access to data about minors:
If you are a minor, you have the right to ask us not to let your parents or guardian have private data about you. If you do not want us to give your parents information about you, you must write to the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. Tell us why you do not want to release the information to your parents; then sign your name, on your request. If you have any
questions about how to do this, talk to the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

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After you make your request, we must decide if we will let your parents see the data. Before we make this decision, we must think about:

- Is there a law that says we must give the data to your parents?
- Do you have a good reason for asking us not to release the data?
- If we give your parents the data, would you be harmed in any way?
- Do you understand what will happen if we do not release the data?

We also must think about whether it is in your best interest for us not to give the data to your parents.

**We cannot charge you a fee for looking at data about yourself.**

You do not have to pay any money just to look at data about yourself, even if we must make a copy of the information so that you can look at it.

**You have the right to have public and private data about you explained to you.**

If you have questions about the data we keep about you, please contact the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. We will explain the data in a way you understand. If you ask, we will provide an interpreter or explain the data in some other way.
You have the right to have copies of data about yourself.  
You have the right to have a copy of public and private data about yourself – in other words, you may have a copy of any information you have the right to see. To get a copy of public or private data that we keep about you, contact the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

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In your request, tell us as clearly as you can what data or information you want copied. You have the right to have copies of specific documents, files, records, or types of data that we keep. You also have the right to have copies of all of the public and private data about you that we keep.

Once we have your request for copies, we will give you the copies right away if we can. If we cannot give you the copies right away, we will give them to you in no more than ten business days.

We have the right to charge a fee for making the copies.  
We require the payment of a fee for providing copies of data. We can only charge you the actual cost of making and compiling the copies. If you ask us to mail or fax the copies to you, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will charge you a fee to certify the document.

You have the right to know why you cannot see or get copies of data we keep about you.  
If the information you want to see is not public or private data about you, we will tell you that, and we will tell you what part of the law says we cannot show it to you.

You have the right to challenge the accuracy and/or completeness of data about you.
If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only accuracy and completeness of data.
- **Accurate** means the data are reasonably correct and do not contain any errors.
• *Complete* means that the data describe the history of your contracts with us in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

To make a data challenge, write a letter to the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-7447, 215 1st Avenue South, Suite 300 and say that you are challenging the accuracy and completeness of data we maintain about you.

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*Tell us very clearly what data you are challenging.* Be very specific. For example, make it clear whether you are challenging a specific word, sentence, date, time, or name.

*Tell us very clearly why or how the data are inaccurate or incomplete.* Be very specific and write down as many reasons as you can.

*Tell us very clearly what you think should be done to make the data accurate or complete.* For example, you may ask us to add information, change the data we have, or remove information from our records.

When we receive your letter, the law says we have 30 days to review it and the data you are challenging, to decide whether all, some or none of the data are inaccurate or incomplete, and respond to your challenge.

If we *agree* with all or part of your challenge, we will correct the inaccurate or incomplete data and try to notify anyone who has received the data in the past. This includes anyone you tell us has received the data.

If we *do not agree* with all or part of your challenge, we will tell you we believe that the data you are challenging are accurate and/or complete.
You have the right to include a statement with inaccurate and/or incomplete data. If you believe that public or private data we have about you are not accurate or complete, you have the right to include a statement of disagreement with the data. If we release the disputed data to anyone else, we must include your statement or disagreement with the data.
You can appeal our decision about your data challenge.

If you do not agree with our decision about your challenge, you may appeal the decision to the Commissioner of the state Department of Administration. When we respond to your challenge letter, we will tell you that you have the right to appeal our decision. You then have 60 days (about two months) to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days (about six months) to file your appeal.

Your appeal must be made to the Commissioner of Administration in writing- a letter, an e mail message, or fax. Include your name, address, and a phone number, and make sure you name Todd County and its responsible authority(s).

Say that you are appealing a decision we made about your data challenge (or your challenge to accuracy and/or completeness of data we keep about you). Tell the Commissioner what data you believe are inaccurate or incomplete. Also tell why you disagree with our decision.

Then tell the Commissioner what you want to happen because of your appeal. For example, do you want us to add, change or delete data in our files?

Include a copy of your challenge letter and any other letters about your challenge that you have sent or received. Send your appeal to:

  Commissioner of Administration
  State of Minnesota
  50 Sherburne Avenue
  Saint Paul, MN 55155

The Commissioner’s staff will contact you about your appeal. The Commissioner’s staff can be reached at:

  Information Policy Analysis Division (IPAD)
  Minnesota Department of Administration
  305A Centennial Building, 658 Cedar Street
  Saint Paul, MN 55155

  Voice: 651.296.6733 or 1.800.657.3721
  Fax: 651.205.4219
  www.ipad.state.mn.us
If you have any questions about your rights, please contact the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

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A RESOLUTION ESTABLISHING COST SHARE RATE UTILIZING FY 15 AND FUTURE EROSION CONTROL AND WATER MANAGEMENT PROGRAM FUNDS

WHEREAS, The Erosion Control and Water Management Program, commonly known as the State Cost Share program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts to share the cost, with the land occupier, of conservation practices for erosion control, sedimentation control, or water quality improvements that are designed to protect and improve soil and water resources;

WHEREAS, Cost Share rates represent the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice;

WHEREAS, The BWSR Board establishes cost share rates through policy and implements these rates through grant agreements with Districts;

WHEREAS, Local rates can be set prior to receiving any applications from land occupiers, district boards may set different cost share rates up to the maximum identified in BWSR policy.

BE IT FURTHER RESOLVED, any cost share contracts utilizing Erosion Control and Water Management Program (Formally known as State Cost Share Program) for shoreline best management practices to be cost shared at a rate up to fifty percent (50%).

________________________________________                                           September 11, 2014
District Chairman        Date
TODD SOIL AND WATER BOARD OF SUPERVISORS

A RESOLUTION ESTABLISHING COST SHARE RATE UTILIZING FY 15 AND FUTURE EROSION CONTROL AND WATER MANAGEMENT PROGRAM FUNDS

WHEREAS, the Erosion Control and Water Management Program, commonly known as the State Cost Share program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts to share the cost, with the land occupier, of conservation practices for erosion control, sedimentation control, or water quality improvements that are designed to protect and improve soil and water resources;

WHEREAS, cost share rates represent the percent of practice installation costs that may be provided to a land occupier for materials and labor necessary to install the practice;

WHEREAS, the BWSR Board establishes cost share rates through policy and implements these rates through grant agreements with Districts;

WHEREAS, district boards may set local cost share rates prior to receiving any applications from land occupiers, up to the maximum rate identified in BWSR policy.

BE IT RESOLVED, Todd SWCD District Board approves establishing the following rate: any cost share contracts utilizing Erosion Control and Water Management Program (formally known as State Cost Share Program) for shoreline best management practices are to be cost shared at a rate up to fifty percent (50%).

________________________________________               __________________
District Chairman        Date

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A RESOLUTION ESTABLISHING POLICY ON TECHNICAL EXPERTISE

WHEREAS, The District Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). Appropriate technical expertise may include, but is not limited to, the following: conservation partnership Technical Approval Authority, professional licensure, reputable vendor with applicable expertise and liability coverage, or other applicable credentials, training and/or expertise.

BE IT FURTHER RESOLVED, District staff will obtain the necessary trainings to obtain technical authority by working with the NRCS office and West Central Technical Services Area (WCTSA) Engineers. Todd SWCD will utilize WCTSA for project certification on cost share contracts, until staff obtain their necessary training.

_____________________________________    __________________
District Chairman                   Date
A RESOLUTION ESTABLISHING POLICY ON TECHNICAL EXPERTISE

WHEREAS, the District Board and staff have shared responsibility to procure and ensure required job approval authorities, technical expertise, skills and training for technical staff who design practices, inspect, and/or sign cost-share contracts for ecological and engineering practice implementation and pay out.

BE IT RESOLVED, district staff will work to acquire the necessary trainings, certification, and job approval authorities utilizing BWSR, NRCS office, the NRCS Area Resource Conservationist (ARC), West Central Technical Services Area (WCTSA) Engineers and/or other area SWCD staff members with applicable job approval authorities.

Be IT FURTHER RESOLVED, Todd SWCD will utilize the design plan signature of WCTSA Engineers or other professional engineer to certify cost share contracts, until staff obtain necessary job approval authority(ies) on engineering practices.

_____________________________________    __________________
District Chairman                   Date

Page 1 of 1
Board Action Tracking Number: 20190314-05
A RESOLUTION ESTABLISHING POLICY AUTHORIZING STAFF TO SIGN DOCUMENTS

WHEREAS, District Boards may delegate signing contracts and supporting program documents to District staff.

BE IT FURTHER RESOLVED, Division Director is authorized to apply for grants, sign grant agreements, payment vouchers, cost share payment forms, and RIM easement documents.

BE IT FURTHER RESOLVED, if the Division Director isn’t available to sign the documents, the Program Coordinator is authorized to sign the same documents listed above.

_____________________________________    __________________
District Chairman                   Date
A RESOLUTION ESTABLISHING POLICY AUTHORIZING STAFF TO SIGN GRANT AGREEMENTS AND PROGRAM DOCUMENTS

WHEREAS, district boards may delegate the signing of contracts and supporting program documents to selected District staff.

WHEREAS, there may exist times when a delegated staff member is absent or unavailable for signing

BE IT NOW RESOLVED, Todd SWCD Board of Supervisors’ delegates authorization to sign grant agreements, payment vouchers, and other required program related documents to those holding the position of Todd SWCD District Manager, Todd SWCDD Division Director or Todd SWCD Program Coordinator, preferably in that order.

_____________________________________    __________________
District Chairman                       Date
Purpose of Position
Under the supervision of the County Coordinator and the direction of the County Board, the purpose of this position is to manage the Planning & Zoning Department while overseeing the administration of the County Ordinance. The position has accountability for a number of distinct functions encompassing comprehensive land use and resource planning to promote orderly land development and to protect and enhance the resources of the County. These functions are accomplished through serving as Planning and Zoning Administrator, implementing comprehensive long range planning, enforcement of state and local regulations and rules, development of resource management initiatives, and the administration and enforcement of the county zoning ordinance. (Changed position of paragraphs)

The Soil and Water Conservation District Board of Supervisors assists in the hiring and provides input into the annual evaluation of Division Director.

(A secondary purpose) of this position is to provide leadership and coordinate overall administration of the Division which includes Soil and Water Conservation District and Planning and Zoning Departments. As a division leader, the position has responsibility for a broader organizational management role, participating in the development and execution of organizational vision, strategy and goals with respect to programs, people and resources.

The incumbent will serve as professional staff support to the County Board, Planning Commission, Board of Adjustment, and other bodies as assigned. The Director works collaboratively with the SWCD District Manager, various committees, organizations and the community to facilitate an efficient review and development of processes to educate stakeholders on procedures, ordinances and recommendations to achieve the vision and goals of the County’s Comprehensive Plan and Comprehensive Local Water Plan.

The position, along with that of the SWCD District Manager, seeks to establish and maintain synergy between the Planning and Zoning and Soil and Water Conservation District as these two departments work on common activities such as buffers, water planning, feedlots, shore land, and on land uses ongoing in the county.

The position requires a land use professional with extensive Planning and Zoning experience and demonstrated leadership ability with experience in a closely related assignment.

Position Specific Essential Duties and Responsibilities
The following duties are normal for this position. These duties are not to be construed as exclusive or all-inclusive. Other duties may be required as assigned. To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable an individual with disabilities to perform the essential functions.
Basic Performance Expectations of all Todd County Staff

- Serves as a positive example to other County personnel with regard to workplace actions, decisions, work skills, attitude and adherence to workplace policy and procedures
- Has strong communication and interpersonal skills, is honest, fair and dependable
- Embodies teamwork and cooperation within and across County departments and with the public
- Communicates effectively with the Department/Division leader and keeps management apprised of important matters ongoing in the department
- Respect all colleagues, co-workers, board members and the public and lead those around you to do the same
- This position requires regular and timely attendance in accordance with the department schedule
- Performs other duties as assigned or apparent

Responsible for Providing Leadership for the Planning and Zoning Department

Be positively visible in the County Community by:
- Attending meetings of other governmental units or groups on an as needed basis
- Presenting to interested boards, committees or groups as requested on issues of interest
- Preparing and managing public relations

Set clear standards for public relations and decorum amongst division staff
- Support the values of the County Board and the Soil and Water Conservation District Board of Supervisors, ensure staff is aware of those values, and ensure that decisions are made in accordance with those values.
- Present information and issues to these boards in understandable and factual manner
- Encourage and demand innovation in processes and practices employed by staff
- Grow the knowledge base of the Department and the County through individual and staff development and ongoing training and development
- Encourage staff, board members and community members to engage in educational activities
- Accept, encourage and engage with individuals and groups who have diverse points of view
- Participate with state wide leadership groups and professionally represent the County

Provide professional support to the County Board, the Soil and Water Conservation District Board of Supervisors and County Administration
- Ensure positive relationships between the County Board and the Soil and Water Conservation District Board of Supervisors
- Provide accurate policy analysis to the County Board, the Soil and Water Conservation District Board of Supervisors and County Administration
- Maintain neutral competence, lay out potential options, and consider all possible variables in analyzing potential consequences
- Facilitate planning processes with the County Board, the Soil and Water Conservation District Board of Supervisors, County Administration and Staff to identify strategic goals, policy positions of the Board(s) and ensure that all Staff understand and are able to execute the policies of the Board(s)
- Land Use Strategy: Develop recommended practices, applications and projects to support the achievement of county land use strategies, initiatives and projects, ensuring the achievement of short term and long term goals
- Natural Resources Protection Strategy: Support the development of SWCD recommended practices, applications and projects to support the achievement of county natural resources protection strategies, initiatives and projects, ensuring the achievement of short term and long term goals
- Legislation: Review and analyze legislation and regulatory developments, assessing the impact on county land use regulations and ensuring compliance
- Forecasting: Analyze and interpret trends, forecasts, models and other data points influencing
land use planning and ensure appropriate recommendations and revisions are made to address the County’s long term vision and strategy related to land use planning

Specific Division Director Duties Include

1. The Director serves as Planning and Zoning Administrator and takes responsibility for the Planning & Zoning Department including staff and financial management, workload assignment, quality review, etc.

2. Administer the County’s comprehensive plan, ensuring effective application and document relevance, taking into account strategic priorities, stakeholder objectives, trends, forecasts and legislation.

3. The Director, along with the SWCD District Manager, leads the hiring process for all staff within the SWCD and the Planning and Zoning Departments.

4. The Director trains, coaches, and evaluates Planning and Zoning staff and completes the evaluation of SWCD District Manager.

5. The Director, in collaboration with the SWCD District Manager, is responsible to develop and enhance synergy between SWCD and Planning Departments so that each Department remains strong and resilient to change. The SWCD District Manager develops projects, programs, and activities with input and direction from the SWCD Board of Supervisors. The Director manages the Planning and Zoning office activities and Division wide concerns.

6. The Director administers the County Land Use Ordinance, ensuring clarity and consistency in interpretation and application, identifying and developing needed revisions, and going through the processes needed to update them.

7. The Director is responsible for developing a transition plan for the Planning and Zoning Department considering upcoming retirements, training for new staff, workload, etc. to ensure continued quality and consistent customer service.

8. The Director, along with the SWCD District Manager, act as county leads for One Watershed One Plan and ensuring that Local Water Plan objectives are being implemented through the Planning and Zoning process.

9. The Director will maintain an erosion and sediment control permit for shore land areas.

10. The Director develops staff reports and recommendations and presents cases to the Board of Adjustment and Planning Commission on zoning, rezoning, conditional use permits and variance applications.

11. The Director will establish a fee schedule for permits and applications and submit to commissioners.

12. The Director will implement the Ordinance Enforcement Policy adopted in 2018 ranking all significant violations, submit top violations to commissioners each fall for administrative assessment of noncompliance fees and implement the other parts of the policy.

13. The Director prepares an annual report outlining achievements, setting department goals, and budget.

14. The Director, along with the SWCD District Manager when applicable, secures NRBG and other funding sources through application preparation and submission and ensuring that annual reporting is submitted for shore land, SSTs, and other programs.
15. The Director and SWCD District Manager are responsible for evaluating equipment and supply needs for the Division and determining office space, seating arrangements, and other office wide modifications to the work area.

Education and Experience
- Bachelor’s degree with coursework in business, public administration, planning, or related field and extensive experience in a related planning and zoning, soil and water conservation with increasing responsibilities, or equivalent combination of education and experience.
- Five or more years experience in implementing all aspects of a planning and zoning program.
- Previous demonstrated supervision experience – preferably building and maintaining professional staff for a period of 5 years.
- Valid driver's license

Knowledge, Skills and Abilities
- Effective leadership skills including team leadership experience, coaching and development skills, personal and interpersonal skills, project management and decision making skills, business acumen, financial reasoning, strategic agility and long range planning skills are required.
- Ability to communicate effectively orally and in writing.
- Demonstrated skill working with elected and appointed boards.

Physical Requirements
This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing and using hands to finger, handle or feel and occasionally requires standing, walking, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling, lifting and repetitive motions; work has standard vision requirements; no special vocal communication skills are required; no special hearing perception is required; work requires preparing and analyzing written or computer data, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to outdoor weather conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).
**Director Position Review of Facts for SWCD District Supervisors:**

- Last fall, the Director made it clear that to successfully implement programming for both departments, duties would have to be divided. He managed both but put in consistently more than 40 hour work weeks and never felt he could do justice to both departments at the same time. Thus, the development of the District Manager position.
- The Director, while understanding the need and benefits to remaining united as a Division with the County Planning & Zoning department, was promoting the construction of a wall to separate the offices. There is an org chart in existence that also provides example to his thinking of separating the Division into two distinct departments.
- Before full implementation of this or any other organizational idea, the Director found different employment. This has left both departments and County Administration in somewhat of a quandary.
- The SWCD District Manager, being short staffed for the months of December and January, filled in for the position of feedlot officer until the start date of the new conservation tech/ feedlot officer on February 11, 2019. The Friday prior, the Director vacated his position. The duties of the District Manager normally include (as described in job description) but are not limited to: management of staff, projects, and activities, water planning responsibilities, and SWCD technical oversight, grants and funding, long range planning for natural resource programming, zoning administration and enforcement, education & outreach, recommendations to BOA & PC on zoning, rezoning, conditional use permits, and variances, and assisting in in department budget and ensure responsible management.
  - Due to the Director vacancy, additional duties have included further financial involvement in office construction (facility concerns) & truck purchase (county fleet); developing new job descriptions through liaison, personnel committee, work sessions, Springstead and Board Approval; voucher approvals, cross staff resolutions, etc. In a typical week, 40 work hrs. are reached by late Wednesday/early Thursday in order to accomplish new duties by deadline. The District Manager has delegated some duties to staff as she deems applicable but has heard some staff are feeling like they will have too much on their plate if extra duties are assigned to them.
- Some of the duties outlined in the District Manager job description are designed to be performed in collaboration with the Director. To carry on as District Manager without a Director or Partner Lead appears, at this early stage of the game, to burden the District Manager in the same manner as the previous Director.
- There has not been a fair trial run of a District Manager with and without a Director or vice versa. It’s too early to know what is “normal” and achievable. As one staff member phrased it, staff do not know what they will need from a Director or Manager as staff have not yet begun the busy season.
- One consistent message has been the need for STRONG leadership from above whether that is the District Manager and partnering Division Lead or a Director. Leadership, while taking into consideration the needs of all employees, is necessary from the TOP down. While either of the two leadership choices could model quality leadership, it is ultimately up to the Boards on which approach is more effective.
- It has been expressed by Administration that a Director Position is favored at this time.
So what needs to happen?

The Boards and Administration need to mutually agree on the type of position to hire. The Board(s) and Administration have two basic options:

1) **To support the hiring of a Planning and Zoning Lead that oversees Planning & Zoning and collaborates in shared duties of Division Management with the SWCD District Manager, as equals.**

**Some Pros:**
- SWCD retains some individual identity while still being under the Division umbrella;
- Duties and Responsibilities that can be shared reduce pressure on both leads;
- Both departments are represented equally at all levels of leadership (Department Heads; Commissioners, County Admin, etc.);
- Potentially less overhead costs to the district and county;
- If one lead left; the other could “hold down the fort” temporarily having shared many of the same management type duties;
- There would exist shared goals and vision;
- County Board will hear both voices of the Division.

**Some Cons:**
- Potential lack of oversight of the two leads on a daily/ weekly basis. The County Coordinator already has his plate full. How will they cross check each other for reasonableness and accountability?;
- Great pressure put on the two leads to function on the same wavelength- what if the hires have opposite philosophies? Hard to make final calls.
- The management of financial accounts can get complicated- who manages each account and to what extent...79; 605, etc.- both departments would require access;
- County Board will hear two voices of the Division- may be conflicting.
- District Manager job description may need to be redefined or fine-tuned.

2) **To hire a Director to oversee Planning and Zoning and SWCD operations above the SWCD District Manager.** This Director would oversee the financials, Zoning administration and policy, and represent both Departments at upper management levels: commissioners, Department Head meetings, facility operations, etc.

**Some Pros:**
- SWCD District Manager would have less high level accountability/duties and could focus on those duties outlined in the current job description;
- One decision maker, as opposed to two.
• There is someone to oversee the District Manager in evaluation and supervision.
• The County Board only has to hear information from one consistent source.
• Under the District Manager, SWCD staff currently carry uncertainties to a transition without a Director. They have never had to work under the Manager. Hiring a Director would return to “normal” for them which is easy as that is what they are used to.

Some Cons:
• The SWCD remains a subunit of the Director’s responsibilities due to the presence of a District Manager while the Director has full accountability over Planning & Zoning; will the focus of the Director duties become unintentionally lopsided for accountability purposes?
• How do we make the SWCD as valuable to the Director as Planning and Zoning without creating another overload position?
• OR, the Director, if the position is defined nearly as it once was, could become overloaded with accountability responsibilities and underserve the needs of the Planning and Zoning Departments.
• The need for a District Manager is questionable in this case depending on the duties outlined under the Director; Instead, does the Division actually need a Director and an Assistant Director (which looking at the current District Manager job description- one could come to the conclusion that it is already such with technical responsibilities added on top.);
• The County Board only gets to hear information from one source- is SWCD represented accurately by a Division Director- there has been some concern of this in the past.
• Lastly, with the existence of both a Division Director and District Manager, there lies a return/continuance to potential confusion by SWCD staff on who their actual supervisor is...

So, what is the opinion of your SWCD District Manager?

Both options appear to be viable options dependent upon the qualities and personality of the new hire. Dual leadership can be an exciting and highly effective approach that is often overlooked by traditional leadership theory. However, it is critical that both leaders are accepting and open and can add their individual strengths together to develop a common vision. Having one overall Director alleviates the requirement of a common leadership strategy. While both the Director and SWCD Manager must work together, ultimately, it is one individual that is truly in leadership position. The success of the Division is risky under both leadership approaches but there is less potential for opposing/conflicting ideas under one Directorship.

The District Manager is currently working nearly 60 hours a week adapting to the new role and covering in the absence of a feedlot officer and second Division lead assigned full responsibilities over the Planning & Zoning department. There is an Interim lead over Planning & Zoning with limited supervisory responsibility. The SWCD District Manager does not feel she has had the proper time to fully grow into the position to give a broader perspective outside of that which has been listed above.

For these reasons and partly because the situation applies to both County and SWCD leadership roles, in which she is a part of, the SWCD District Manager feels it a conflict of interest to provide further input into this matter. (In other words, sorry, I am of no help. 😞) Deja
Purpose of Position
The purpose of this position is to supervise and manage field staff and programs of the Soil and Water Conservation and Development Division as directed by the Division Director.

The position works collaboratively with the Director to provide leadership and coordinate overall administration of the SWCD Division. As a leader, the position has shared responsibility for a broad organizational management role, participating in the development and execution of organizational vision, strategy and goals with respect to programs, people, and resources.

The position operates under the supervision of the Division Director in carrying out the directives of the County Coordinator, the County Board, and Soil and Water Conservation District Board (SWCD) of Supervisors. The position has accountability for a number of distinct functions encompassing comprehensive land use and resource planning to both promote orderly land development and to protect and enhance the resources of the County. These functions are accomplished through comprehensive long range planning, enforcement of state and local regulations and rules, development of resource management initiatives, and the administration and enforcement of the county zoning, septic and shore land ordinances, Wetland Conservation Act, Feedlot, Buffer Initiative, Aquatic Invasive Species, and other regulatory programs that are developed or are mandated by the state. Non-regulatory programs include SWCD cost share offerings, landowner technical assistance, and education and outreach activities to bring about change in a voluntary manner.

The incumbent will provide direction to assigned staff and serve as professional staff support to the County Board, SWCD Board, Planning Commission, Board of Adjustment, and other bodies as necessary and assigned. The District Manager works collaboratively with various committees, organizations and the community to facilitate an efficient review and development of processes and to inform and educate stakeholders on best practices and procedures, ordinances and recommendations to achieve the vision and goals of the County’s Comprehensive Plan, Comprehensive Local Water Plan, and SWCD work plans.

The position requires a land use or natural resources professional with prior demonstrated work experience in a closely related assignment.

Basic Performance Expectations of all Todd County Leadership
- Serves as a positive example to other Department Heads and County personnel with regards to workplace actions, decisions, management skills, attitude, and adherence to County policy.
- Has strong communication and interpersonal skills, is honest, fair, and dependable.
- Embodies teamwork and cooperation within and across County departments and with the public.
- Communicates effectively with the Department Heads and keeps supervisor apprised of important matters ongoing in the department.
- Respect all colleagues, co-workers, board members and the public and lead those around you to do the same.
- This position requires regular and timely attendance in accordance with the department schedule.
- Performs other duties as assigned or apparent.

Position Specific Essential Duties and Responsibilities
The following duties are normal for this position. These duties are not to be construed as exclusive or all-inclusive. Other duties may be required as assigned. To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable an individual with disabilities to perform the essential functions. This position is to support and drive forward the Soil Water Conservation District guiding principles and values: [SWCD Guiding Principles and Values](#)

1. The District Manager is acting manager for Soil and Water District activities including staff, projects, and activities.
2. Assists in the hiring, training, coaching, and evaluation of staff.

3. The District Manager is the lead Water Planner, One Watershed One Plan lead, and contact for MPCA TMDL and WRAPs development activities for Todd County waters resources. Prepares components of long-range comprehensive land use plans, County Water plan, watershed plans, etc. and presents plans at public hearings and community meetings and manages the planning activity resources in accordance with plans, ordinances, policies, rules and laws.

4. The District Manager is the grants and funding development lead for Soil and Water District Department working to bring in funds needed to support staff positions and provide cost share for Best Management Practices throughout the County.

5. Provides project management for assigned projects, including developing work plans, contracts for services, assigning and monitoring work, and project reporting, and approving project expenditures (AIS, Shoreland Protection, new initiatives).

6. Assists the Division Director in planning, organizing, and directing the activities of the office, including long-range planning, zoning administration and enforcement, natural resource programs, and other related functions.

7. Oversees education and outreach activities for SWCD including coordination of newsletters, press releases, events, etc.

8. Conducts various types of public meetings, forums and hearings; prepares information for public distribution; and represents the county's policies and positions at community meetings.

9. Serves on task forces, committees and other community organizations to provide information and expertise in the assigned project areas.

10. Reviews and makes recommendations to the Board of Adjustment, Planning Commission on zoning, rezoning, conditional use permits and variance applications as requested.

11. Assists the Director to develop, modify, or draft land use policies or zoning ordinances.

12. Prepares work plans, schedules, correspondence, and communication materials.

13. Assists in preparation of annual strategic plan and departmental budget process to ensure the mission and programs of the department are managed responsibly.

Provide Stable and Consistent Soil, Water, Conservation and Development Division Leadership

- Be positively visible in the County Community by:
  - Attending meetings of other governmental units or groups on an as needed basis.
  - Presenting to interested boards, committees or groups as requested on issues of division interest.
  - Preparing and managing a division public relations plan.
  - Making clear and requiring standards of public relations and decorum amongst division staff.

- Support the values of the County Board and the Soil and Water Conservation District Board of Supervisors, ensure staff is aware of those values, and ensure that decisions are made in accordance with those values.
  - Encourage and demand innovation in the practice area of the division.
  - Grow the knowledge base of the Division and the County through individual and staff development.
  - Encourage staff, board members and community members to engage in education in areas of division interest.
  - Accept, encourage and engage with individuals and groups who have diverse points of view.
  - Participate with state wide leadership groups and professionally represent the County.

Provide professional support to the Director and the Soil and Water Conservation District Board of Supervisors

- Work to ensure positive relationships between the County Board and the Soil and Water Conservation District Board of Supervisors.
  - Maintain communications between the County Board, the Soil and Water Conservation District Board of Supervisors and County Administration by establishing clear lines of professional communication.
  - Carefully articulate differences of position between the County Board and the Soil and Water Conservation District Board of Supervisors to County Administration, and work with Administration to present options and facilitate mediation.
Facilitate planning processes with the County Board, the Soil and Water Conservation District Board of Supervisors, County Administration and Staff to identify strategic goals, policy positions of the Board(s) and ensure that all Staff understand and are able to execute the policies of the Board(s).

- **Land Use Strategy:** Develop recommended practices, applications and projects to support the achievement of county land use strategies, initiatives and projects, ensuring the achievement of short term and long term goals.
- **Natural Resources Protection Strategy:** Develop recommended practices, applications and projects to support the achievement of county natural resources protection strategies, initiatives and projects, ensuring the achievement of short term and long term goals.
- **Legislation:** Review and analyze legislation and regulatory developments related to Soil and Water District programs.

**Assist Director with professional management of the Soil, Water, Conservation and Development Division**

- Work with Director to develop and implement sound budget policy and process.
  - Ensure the best possible value for every dollar spent.
  - Explore collaborative opportunities.
  - Seek and obtain grant funding which supports the policy priorities of the Board(s).
- Ensure the work of the Soil and Water District is carried out efficiently and professionally.
  - Manage employee performance through setting clear expectations, engaging in performance coaching or mentoring and completing effective evaluations.

**Minimum Education and Experience/Special Requirements**

Bachelor's degree with coursework in business, public administration, planning, or related field and extensive experience in a related soil, water, conservation or development position with increasing responsibilities, or equivalent combination of education and experience. Valid driver's license.

**Preferred Qualifications**

Previous leadership experience.
Demonstrated success leading employees or a team.
Ability to communicate effectively orally and in writing.

**Knowledge, Skills and Abilities**

Effective leadership skills including team leadership experience, coaching and development skills, personal and interpersonal skills, project management and decision making skills, business acumen, financial reasoning, strategic agility and long range planning skills are required.
Ability to communicate effectively orally and in writing.

**Physical Requirements**

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing and using hands to finger, handle or feel and occasionally requires standing, walking, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling, lifting and repetitive motions; work has standard vision requirements; no special vocal communication skills are required; no special hearing perception is required; work requires preparing and analyzing written or computer data, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to outdoor weather conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).
Manager's Report for January 3, 2018- March 6, 2019

Feedlot & Farm Conservation Program:

*Site Visits (2) Hollermann* - Feedlot Inspections 1/8 & 2/1
*Producer/Citizen Assistance- Counter & Phone Calls until October 3 (Feedlot Related): (57)*

*Registration Processing: 5 hrs.*
*Inspections and General Feedlot Administration 47.5 hrs.*
*Annual Feedlot Meeting Planning 9.5 hrs.*
*Meetings/ Trainings: SWCD Board Meeting (12/13)*
*Nutrient Management Plan Review- Henry Street and Hollermann Dairy- 4 hrs.*
*MPCA Annual Feedlot Report- 22.5 hrs.*

_Hollermann Conditional Use Request:_
Consultation with Nutrient Management Planner: 4 hrs.
Hollermann Phone Consultation: 3.5 hrs.
Long Lake Phone Consultation: 7 hrs.
Drafting of EQB letter for Tim- 1 hr.
Draft Research & Revision of Tim’s E. coli Findings Report- 2.5 hrs.
Design Plan for Reroute of Yard Water- 3 hrs.
Emergency Plan- 1 hr.
Research and Development of Hollermann Case Findings for Planning Commission: 33 hrs.

_In house Meetings:_
Hollermanns 1/3; 1/12; 1/19 & 2/17
Long Lake Don Brown 2/17
Presentation at the Planning Commission Meeting on 2/7
Attendance at the Board of Commissioners’ Meeting 1/19
Permit Issuance 3/4

_Trainings:_ CF0 Web-Ex- Annual Reporting 1/16

_Other:_
Obtained New Feedlot Hire: Reba Van Beusekom Start Date 2/11
In Office Meetings:
Henrich 1/23 @ NRCS
Smoke N- Motion 1/16 (Feedlot Meeting)
Newspaper article- Feedlot Meeting
Feedlot Team Meeting 2/25

_Ag Water Quality Hours- 1.5*

_AgBMP Program – Annual Report & Statewide Skype Meeting 1/21*
**SWCD Manager Duties:**

**Grants:**
- Osakis 319 Grant Reporting Review/Amendment
- Local Capacity Grants Revisions
- Research & Development 319 Grant Application Partridge River E. coli Reduction Project Phase II - 26 hrs.

**Publications:**
- Review of Work Plan
- Annual Report Completion - Final Draft
- SWCD District Newsletter
- Agendas for Staff, SWCD Board, Joint Meeting & Liaison Meetings (and Liaison minutes)
- 2019 Grant Application

**Other General Management Tasks:**
- Voucher Review & sign off
- Review of Staff Hours and Wage Report Submittals
- Prep for all Board(s) and Staff Meetings
- Development of Nutrient Management Position 4.5 hours
- Radio Show Outreach 2/15
- Customer Education Phone Calls: tree sales, private ditch, wetland questions
- Monthly Reporting
- Truck Purchase Protocol

**General Meetings:**
- General Staff: 1/7; 1/14; 1/28; 2/5; 2/11; 2/25; 3/4 (Individual Staff Meetings)
- SWCD Board Meeting(s): 1/9 & 2/14 (Special)
- Todd County Corn & Soybean Growers 1/8
- Todd SWCD FY16 Reconciliation Meeting 1/28
- Liaison Meeting: 2/19
- Joint Board Meeting (SWCD Supervisors & County Board) 2/5
- Planning Commission Meetings 2/7
- BOC Meeting 2/19 & Work Session 3/5
- Personnel Committee 2/26
- In house individual SWCD Supervisor/Commissioner 1:1 Meetings (brief): 1/10; 1/18; 1/23; /3/4; 3/5
- NRCS/SWCD Combined Meeting: 3/6
Water Planning Duties:

Meetings:
1W1P 2/5
Sauk River WRAPS 2/13
Sauk River Watershed Partnership Meeting 2/15
Sauk River Clean Water Partnership Skype 3/4
City of Clarissa DWSMA concerns w/ Marilyn Bayerl

AIS:
AIS Committee Meeting 1/14
In House Larry Beebus 2/21
Assistance & Contract development 5.5 hrs.

Technical Duties:

Trainings:
Stormwater Construction Installer Course & Certification 2/4
WASCOB Training 2/20
Shoreland Restoration Training 2/22
Seeding Plan Training; 3/1

Other:
Development of Bid Packets for Motley Cemetery & Villard TWP Projects
SRWD Bauer project- 3 hrs. Discussion with John & Scott over contract, SWPPP concerns, & funding
  - In house Meeting w/ MBC Drainage 2/27
  - Pre- Construction Meeting 3/6
Project Status Report for Feedlot & Conservation Programming

Top Conservation Focus- (Bold currently under construction): (Items in Bold= new for this report)

1. **Middendorf**- Spring 2019 Construction
2. **Kreemer**- Project Complete – Final Compliance Inspection and Permit Review due
3. **Wiese**- Pre-Con Complete; Spring 2019 closure planned
4. **Vetsch**- Permit Issued- Pre-Construction Meeting held; Construction for Spring 2019
5. **Henry Street Properties, LLC**- Completed; Under Permit for MMP- Land Agreement has been submitted
6. **Hollermann Family Dairy, Inc.**- Permit Issued; waiting for further survey and final design plans
7. **Bauer**- Design complete. Pre-Con scheduled
8. **Williamson**- Plan Completed; working on securing funding; MAWQCP
9. **Johnson**- 1st bid has come in
10. **Motley Cemetery**- survey complete Request for final; Bid Packet Needed;
11. **Villard TWP**- preliminary plan- Request for final; Bid Packet Needed
12. **Rewitzer**- Construction slated for 2019- Will need permit
13. **Henrich**- Construction slated for 2019- Will need permit
14. **Alexander**- Request for Partridge River Pit Closure
15. **Helle**- Request for Partridge River Pit Closure
16. **J-V Feeders**- NMP Complete- Design Plan Complete- Elevated to EQIP consideration for 2019
17. **Eischeid**- Working on final design- Plan 4 MAWQCP- Wants 2019 Construction
18. **May**- Forage and Biomass seeding plan completed; waiting on soil test results
19. **Schmitz**- Low cost fix design- Under Permit- Spring Inspection due
20. **Lamm**- Waiting for nutrient management plan; survey & design in preliminary stages
21. **Lamusga**- waiting for Nutrient Management plan- preliminary design
22. **Schmidt**- Constructing Lot 1
23. **Buderus North**- Refer to Planning & Zoning for CUP Review- no action; Failure to meet deadlines
24. **Bertram**- Tech assistance and SWCD contract requested
25. **Gray**- developing Nutrient Management Plan and working on acceptable design
26. **Judd**- Preliminary design
27. **Julig**- Nutrient Management Plan Complete- final design- Construction slated for ? Change in circumstances
28. **Hauer**- Nutrient management plan complete- design complete- P&Z referred entered into County agreement- - minimum action- construction due by 2023 per County Agreement. Request for Pit Closure funding. Change in circumstances
29. **Larson**- technician design complete-waiting for bids. Contact Needed by Deja
30. **Waltzing**- Preliminary plan in progress; interested in receiving Riparian funds c/s. Site Visit Next Step.
31. **Asfeld**- Roof Over Structure ranked
32. **Fry**- Watering Facility- waiting for preliminary design. Design Needed.
33. **Anderson**- shoreland project- survey in process
34. **Unger**- preliminary plan
35. **Berschel**- Nutrient Mgt. Plan Complete- Construction slated for Spring 2020- Grant Declined
36. **Keppers**- plan complete- grant submitted- Grant Declined
37. **Johnson**- plan complete- grant submitted- Grant Declined
38. **Hallerman**- preliminary design- grant submitted Grant Declined
Conservation, Protection, and Enhancement of Todd County’s Natural Resources

Soil & Water Conservation District

Kevin Brown
January & February 2019 Staff Report

Feedlot:
- Hollermann Dairy - Survey
- Eischeid – Design Plan Meeting
- Hollermann – MMP
- Middendorf – Permit
- Henry Street – Land Application Review
- Lamm – Survey
- Hollermann – Permit Application Review
- Hienrich – Design Plan

Conservation Planning:
- May – Seed Planning
- Bauer – Streambank Restoration
- Williamson – Water and Sediment Control Basin
- Waltzing – Exclusion Fencing

MAWQCP:
- Bakke – Contract Signature
- Pansch – Assessment

MinnFarm:
- Troson Dairy

Phone Calls:
- Don Brown – Hollermann feedlot expansion case (1)
- Williamson – Water and Sediment Control Basin (1)
- Jason Johnson – Pit Closure (2)
- Wayne Bauer – Streambank Restoration (5)
- Joel Pansch – MAWQCP (2)
- Howard MBC – Bauer Streambank Restoration (3)
- Jacob May – Seed Planning (6)
- Nate Middendorf – Feedlot Project (1)
- Rick Baum – Prescribed Grazing (1)

Conservation, Protection, and Enhancement of Todd County’s Natural Resources
• Joe Eischeid – Design Review (1)
• Kurt Waltzing – Exclusion Fencing (2)
• Mike Kutter – Feedlot Registration (1)
• Corey Lamm – Site Visit (1)

**Tempo:**
• Completed Inspection in Tempo

**Training:**
• Cow/Calf Days
• WASCOB Training w/ BWSR and NRCS
• CAWT Workshop
• Shoreland Restoration Training w/ BWSR
• How to Write a Seeding Plan w/ BWSR and NRCS
• Irrigation & Nutrient Management Clinic
Staff Report for Feb 1, 2019 to Feb. 28, 2019:

Reba Van Beusekom

- Started Feb. 11th
- Feedlot registrations
  - Put in several of 2018’s
- Historical documents
  - Going through out files to link them to the current pits with the parcel
    - 3 and a half townships completed, but still need to be re-filed
- Site visits
  - Eischeid – talked about plans for cost-share and moving forward with the project
  - Pansch – talked about MMP and other conservation practices
  - Hollermann Dairy – talked about basin plans and site visit to walk the property
- Trainings
  - TEMPO training – 2/19/2019
  - WASCOB Training – Alexandria, 2/20/2019
  - Cert. Ag Waste Training – Hutchinson, 2/21/2019
- Annual Feedlot Meeting Prep
  - Radio show – 2/15/2019
  - Made postcard and sent out
  - Made flyer to hand out
Reporting Dates: January-February 2019

**Trainings/Meetings attended:** East Ottertail Nutrient Management Clinic, Walk-In Access DNR Webinar, Introduction to ISTS, and Design of ISTS

**WCA:**

New Applications received:
- Todd County Public Works – CSAH 19 Safety Widening
- Todd County Public Works – CSAH Paving and Culvert

Ongoing Violations/Upcoming Projects:
- Hartford Twp. – 275th Ave Delineation
- Richard Zunker – Over excavation of private ditch

Other:
- Historic Riverside Park Mapping
- Tiling Setback Mapping
- WCA Policy Revisions
- Contractor Responsibility article

Customer outreach:
- 4 Site visits
- 36 Phone calls, office visits, etc.

**SWCD:**

- Buffer Technical Assistance
- Buffer Cost-Share landowner assistance
- Buffer Law State Compliance Tracking
- Tree Sale Assistance
- Feedlot Program Assistance (watershed delineation)

**County:**

- Front Counter Assistance (mapping)
- Planning and Zoning Historic Aerial Assistance
Financial/Reporting/Administrative:
- Financials—deposits & vouchers
- Phone call with a Supervisor (Dan) about District’s Budget
- FY2016 Local Capacity grant verification was completed- some minor changes needed to be made. Overall—tracking/expenditures have are good – with minor changes. Cost Share files are good—minor recommendations
- Billable Rates- Will be working on billable rates –The method we currently us is to add 10% to the top (for Administration + Operations)—I will be looking at if a “direct” billing rate if we would have a higher rate.
- All grant reporting is completed and has been reviewed and approved
- Created Period #1 time tracking cards
- Completed MCIT reporting
- Submitted Audit to BWSR- I talked with BWSR-and Audit can be replacement for financial statements—per phone discussion on 3/5/2019

Tree Program
- About 45% of the trees have been sold. (right on track)
- Processed tree orders
- Tree Pick up date has not been set- Will depend on the weather
- Looking at potentially having Tree tubes available at pick up

Projects
- Overman—He working with his contractor to get an itemized bid for his well seal. {still waiting to hear back from his contractor—did a follow up e-mail on 2/27/2019—contract expires 12/1/2019}

Grant Programs
- Grant tracking was updated
- Completed Grant year end reporting—and follow that was needed after Tim’s last day

Feedlot Program:
- Processed 2018 registrations in TEMPO
- Starting to prepare 2019 Registrations to be sent out.
- Assisting in Feedlot meeting planning

Meetings/Trainings:
- Staff meetings—Attended
- Attended a manager’s meeting at Stearns SWCD with Deja

County Programs:
- Planning & Zoning financials {Reviewed with PZ interim}
- Updated 2019 forms on the County website

AIS Program:
- Assisted Deja as needed
CRP: Still has not been a signup or any updates on CRP since early September. I am currently working on 2 contract mods with producers. One is implementing a burn break around the acres and planning MCM for a burn. The second is a planting that is lacking natives so we are trying to plan MCM for an inter-seeding of forbs and some grasses. I have written three letters to FSA county committee approving contract components for producers so they can receive cost share payments or stay in contract compliance. There has been a few seed mixes that have needed approval and I am Still pre planning for a future signup.

CREP: There hasn’t been much moving on the CREP applications. We do not have any new applications at this time. There a few folks that might be interested in enrolling this summer. We’ve got site visits scheduled right now and will talk more on site this summer. One applicant stopped in and asked to change some boundaries around on their application. I am working with BWSR and FSA to make that happen. FSA still does not have access to some of the CRP softwares that are needed to get the 3 apps into the final easement phase.

EQIP: We had 18 honey bee applications that I assisted NRCS with writing the plans for. Some of them required some back and forth with the producer, coops and other parties involved do to possible herbicide residuals. The plans are completed and now we are just touching up the minor details and making sure all of the I’s are dotted and T’s are crossed. EQIP Consumed the majority of my time over the last month or 2
EQIP applications were completed and ranked for 31 eligible applications totaling a little more than $1.6 million. We had a total of 45 applications in the first batching period. Total of around $42.7 million in applications were submitted in Minnesota with only around $30 million in expected funds. Those funds are still not received in Minnesota and we are waiting on these funds before pre-approving applications. Most status reviews are completed, and Annual Practice Reminder letters will be sent out at the end of the month.

CSP modifications, status reviews, non-compliance agreements, and payments have all been made. There is no word on a sign-up for 2019 as CSP as well as our other programs are working through the new Farm Bill legislation for rulemaking, etc.

CRP is still limited to status reviews, plan revisions, and site visits with the new Farm Bill, but it sounds like there will be a sign-up sometime in 2019.

The Local Work Group (LWG) in conjunction with the Annual Water Plan meeting will take place on Friday April 9th from 9:30-12:00 pm in the Todd County Commissioner Board Room. We hope to see many folks there and will be sending out invites, a news article, and radio PSA. It will be a chance to review what the County (SWCD and NRCS) has done over the last year as well as weigh in on the local resource concerns and priorities.

Wetland determination backlog is around 3-4 months out, and we are starting to see a few more requests now that we are getting closer to Spring. If you know of anybody considering drainage or clearing projects, please let them know to stop in now to avoid a longer wait once Spring comes.

All the reorganization of the USDA and Agencies are continuing. In Minnesota some Customer Service Team (CST) Leads are being filled. In addition, I have taken over as Acting DC in Wadena County as of March 7th. I plan on being in the Wadena office 1 day per week on Wednesday. However, this will be flexible depending on the needs. I will still be available via phone (218-631-3195 x3) and e-mail while in Wadena.

We continue to see many folks stopping in for assistance and general questions. We usually see a new application for EQIP and questions on CSP every couple weeks. Our office, besides the contract management and EQIP application process that has kept us busy, is also attending meetings, events, and trainings in the area. These are pertinent to getting the word out about conservation and our programs and keeping up on technical skills.