

**BOARD OF WATER AND SOIL RESOURCES
SWCD OPERATIONAL HANDBOOK**

LEGAL

SECTION CONTENTS:

Change of District Name or Headquarters.....2

General Use2

 Conflict of Interest.....2

 Public Purpose (Illegal Gifts)2

 Liability.....3

 Rights, Powers, Duties/Political Subdivisions.....3

 Open Meeting Law3

Operations3

 Data Privacy.....3

 Disclosure of Identity of Informants.....3

 Expenses3

 Fiscal Obligations3

 Budget.....3

 District Funds as Public Funds4

 Insurance.....4

 Audits4

 Charges for Services.....4

 Acquisition of Property4

Employment.....4

 Expense Limits4

 Fair Labor Standards.....4

 Pay Equity.....4

 Social Security4

 Public Employees Retirement Association (PERA).....4

 Workers Compensation.....4

 Sexual Harassment.....4

 Equal Employment Opportunity4

 Unemployment Benefits4

Resolution for Change of District Name5

Resolution for Change of District Headquarters.....6

LEGAL REFERENCE

Soil and water conservation districts (SWCDs) were created and operate under authority of Minnesota Statutes ([M.S. 103C](#)). Districts are also subject to other state statutes and rules, which govern the conduct and operation of public bodies. Districts should keep a current copy of M.S. 103C for reference.

This section contains parts of selected state statutes, rules, and legal opinions, policies of the Board of Water and Soil Resources (BWSR), and guidance material that may be cited in other sections of the SWCD Operational Handbook.

The information presented here is intended only for specific reference valid at the time of handbook preparation and should not be used as the basis for legal actions. Districts should always seek the assistance of BWSR staff, the county attorney, or other legal advisor before establishing policies of a legally binding nature or taking actions which could result in litigation.

CHANGE OF DISTRICT NAME OR HEADQUARTERS

An SWCD may change its name or the location of its principal office (change of city) by adoption of a resolution by a majority of the district board and approval by the BWSR ([M.S. 103C.215](#) or [103C.221](#)).

The required resolutions for these changes are included at the end of this section. The district board passes the appropriate resolution and the action is recorded in the minutes. The resolution form is completed and is signed by the district secretary. Two original copies are sent to the BWSR and one copy is kept in the district files. After the BWSR approves the change, the resolution is filed with the Secretary of State office. Once filed with the Secretary of State, the change is official and the district is notified by the BWSR.

GENERAL USE

Conflict of Interest, [M.S. 609.45](#)

Districts are subject to statutes which prevent public officials from securing benefits or privileges not available to the general public. Each district should adopt and follow a conflict of interest policy.

Public Purpose (Gifts Illegal), [M.S. 609.45](#)

District supervisors and employees are forbidden by law from receiving unauthorized compensation, which includes gifts.

Liability, M.S. 103C.331, subd. 13 and 18

Districts may sue or be sued. Insurance may be obtained for liability and other, losses and the district may require the county to provide the insurance.

Rights, Powers, Duties/Political Subdivisions, M.S. 471

Joints Powers, M.S. 471.59

Districts may enter into agreements with other units of government. Two basic forms of cooperation are available: administration and governance of a joint function and provision of a service by one unit to another.

Open Meeting Law, M.S. 13D

District meetings are considered to be open to the general public. Significant penalties may be levied against individuals who violate this law.

OPERATIONS

Data Privacy, M.S. 13

Districts are subject to the Minnesota Government Data Practices Act. With exceptions, district files are public information. Violation of the act is a misdemeanor and is cause for suspension or dismissal. A summary of the statute is included at the end of this section.

See: **COMPLIANCE CHECKLIST MINNESOTA GOVERNMENT DATA PRACTICES ACT**

Disclosure of Identity of Informants, M.S. 13.44

As part of the Minnesota Government Data Practices Act, the identity of an informant related to any violation of state law or local zoning ordinance concerning real property is classified as confidential.

Expenses, M.S. 103C.315, subd. 4 and BWSR policy 10-9-93

Expenses incurred by district supervisors and employees may be reimbursed. See the [District Supervisors](#) and District Employees sections of this handbook.

Fiscal Obligations

Budgets, M.S. 103C.331, subd. 16

The district shall present an annual budget to the county. The county may provide support to the district.

District Funds as Public Funds

All funds the district receives are public funds, regardless of the source, and must be used for a public purpose. This includes private donations or private fund raising proceeds given to the district.

Insurance, [M.S. 103C.331, subd. 18](#)

Districts may obtain insurance to protect against losses and may require the county to provide the insurance.

Audits, [M.S. 103C.325](#)

Districts are subject to audits. The schedule, procedures, and requirements can be found in the Accounting section of this handbook.

Charges for Services, [M.S. 103C.331, subd. 14](#)

Districts may charge for services.

Acquisition of Property, [M.S. 103C.331, subd. 8](#)

Districts may acquire and maintain real estate and other property.

EMPLOYMENT

For additional information on these items, see the District Employees section of this handbook.

Expense Limits, [M.S. 103C.315](#)

Districts may provide reimbursement for work-related expenses for employees and supervisors.

Fair Labor Standards, [M.S. 177.21](#)

Districts are covered under both the federal and state (M.S. 177.21) fair labor standards laws. These statutes cover terms of employment, such as compensation and work hours.

Pay Equity, Chapter 3920

Districts are subject to provisions of the state pay equity rules which require that jobs of equivalent complexity and responsibility be compensated at a comparable level.

Social Security

Districts participate in the Social Security Program.

Public Employees Retirement Association (PERA)

Districts participate in PERA.

Workers Compensation

Districts must carry workers compensation insurance. See Operations, Fiscal Obligations above.

Sexual Harassment

Sexual harassment must not be allowed in employment or services provided by the district.

Equal Employment Opportunity

Districts are required to provide for equal opportunity in employment and services.

Unemployment Benefits

Districts are subject to unemployment compensation laws.

RESOLUTION FOR CHANGE OF DISTRICT NAME

Be it resolved by the _____ Soil and Water Conservation District supervisors that the name of the district be changed from _____ Soil and Water Conservation District to Soil and Water Conservation District.

State of Minnesota)
)SS
County of _____)

I, _____, secretary of the _____ Soil and Water Conservation District, do hereby certify that the above resolution relating to the change of the name of the Soil and Water Conservation District was adopted by the said district supervisors at a regular meeting held on _____, 19____, that I have compared it with the original resolution as set forth in the minutes of the said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted thereat by a majority vote of the members present.

Signed: _____, Secretary
_____ Soil and Water Conservation District

Dated: _____, 19

