

Dakota County Board of Commissioners

Operating Rules and Guidelines

2023



The mission of Dakota County is efficient, effective, responsive government.

Dakota County Board of Commissioners
2023~~2~~

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Operating Rules and Guidelines

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I. Overview

A. Purpose

The Dakota County Board of Commissioners is the body charged by law with the management of the affairs of Dakota County. The County Board operates as a deliberative and legislative assembly, meeting to discuss and determine the direction and policies of the County within the confines of state and federal law. The County Board acts on behalf of, and is held accountable by, the citizens of Dakota County.

The County Board functions within the statutory framework of Minnesota law. General duties, powers and responsibilities are found in Minnesota Statutes, especially but not exclusively Chapters 370, 373, 375 and 383D. Minnesota Statutes supersede all bylaws, rules and policies established by the Board.

The Operating Rules of the Dakota County Board of Commissioners are intended to facilitate the transaction of business by the County Board and its committees. The following principles shall guide the County Board in its interpretation and application of the Rules.

B. Statement of Principles

The Operating Rules intend to strike a procedural balance that considers all principles and enunciates a specific process by which those principles interact and work. The rules are representative of the organization's values and mission.

Dakota County has implemented a comprehensive statement of organizational values, or principles. The Board's principles form the framework through which the operating rules and actions of the Board are constructed and evaluated. The seven essential principles include the following:

1. **Governing Dakota County.** Elected officials empower a strong, professionally managed work force to accomplish the goals and mission of Dakota County.
2. **Customer Commitment.** Our objective is to serve those who use our products and services in the most efficient and

effective way possible.

3. **Commitment to Staff.** Dakota County government is committed to providing a positive and healthy work environment. We are committed to preparing and educating our workforce to provide quality services.
4. **Expectations of Each Other.** We expect honesty, integrity, and a commitment to the values of our organization, without regard for position or title.
5. **Managing County Government.** Our goal is to create an organizational culture which fosters creativity and a willingness to take reasonable risks, with an acceptance of responsibility, accountability and authority.
6. **Measuring Government Performance.** Dakota County government will provide fiscally prudent, risk sensitive, cost-effective solutions to the challenges we are asked to face while fostering a continuous improvement organizational culture.
7. **Communicating Government.** We want the County Board and Dakota County to be recognized as an organization with a high standard of excellence, recognized for its leadership.

C. Effective Date

These rules shall become effective upon passage by the County Board.

II. Amendments to the Operating Rules

Any member of the County Board may initiate action to amend the Operating Rules. Amendments to the Operating Rules may also be initiated by the County Manager.

During the statutory meeting, the County Board shall review, amend if necessary, and adopt the Operating Rules for the year.

At any time throughout the year, the County Board may amend (or suspend)

the Operating Rules by an affirmative vote of the members. Changes shall be effective immediately upon passage.

The statute references included in the text are current as of the adoption of the Operating Rules. Any changes in statute or law affecting the rules are effective immediately and will be reflected in the next draft of the rules.

III. County Board Organization

A. Membership

The County Board of Commissioners consists of seven (7) members elected from single-member districts apportioned on the basis of population as provided by law.

B. Commissioner Districts

The boundaries of commissioner districts, including the procedures to follow in the event that a redistricting is needed, are established pursuant to Minn. Stat. § 375.025.

C. Terms of Office

The term of each Board member is four years, except as otherwise established pursuant to Minn. Stat. § 375.03.

D. Vacancy

A vacancy in the office of County Board is filled at a special election not less than 30 or more than 60 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election, but the special election shall be held not less than 14 days after the special primary. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term.

If the vacancy occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by

the person elected at the general election for the ensuing term. That person shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office (Minn. Stat. § 375.01).

E. Officers

Prior to the statutory meeting each year, but following the general election, the County Board shall hold a governance workshop to designate the Chair and Vice-Chair for the next calendar year.

The County Board, at its statutory meeting (first Tuesday after the first Monday of each year), elects from its members a Chair and a Vice-Chair. The Chair presides at the County Board meetings, decides on questions of order, subject to vote of the County Board, and signs all documents requiring signature on the Board's behalf. The Chair's signature, attested to by the Clerk to the County Board, is binding as the signature of the County Board.

The County Board elects from its membership a vice-chair at the same time and place and in the same manner as provided for the election of the chair. The vice-chair performs the duties of the chair when the chair is unable to perform those duties.

If the Chair and Vice-Chair are absent from any meeting, the members present shall choose one of their members as temporary Chair, and all documents requiring the signature of the County Board shall be signed by a majority of it and attested to by the Clerk to the Board (Minn. Stat. § 375.13).

The Chair-designee will solicit input from the County Board members prior to the statutory meeting regarding interest in serving on standing committees and other County Board-member appointed committees, organizations and boards. At the statutory meeting (and if applicable during the year), the Chair of the County Board shall have the authority to recommend committee chairs, appointment of members of the County Board to standing committees and other County Board-member appointed

committees, organizations and groups, subject to approval by the County Board.

F. Compensation

County Board members receive as compensation for services an annual salary as set by resolution of the County Board. The salary must be established prior to the end of the preceding year and is effective January 1 of the New Year. The resolution shall contain a statement of the new salary as defined on an annual basis and must be published in the official County newspaper and one other newspaper of the County (Minn. Stat. § 375.055).

In determining the annual salary of the members, the County Board shall follow the guidelines as prescribed in the Unclassified Employees Compensation Plan. The County Board may, from time to time, review and amend the Unclassified Employees Compensation Plan.

Prior to the effective date of a new salary, each County Board member shall have the option to decline any salary increase in writing in a form prescribed by the County Board.

G. General Expense Allowance

Each member of the County Board is allowed an annual sum as determined by the County Board as and for a general expense allowance account (Minn. Stat. § 383D.05). Typical discretionary expenditures paid from this account include the purchase of mobile devices and data plans, postage, books, subscriptions and personal auto mileage for business related purposes. Unreimbursed registration fees and travel costs related to conferences, and similar meetings within Minnesota are not paid from this account. Expenses that may be paid by the general expense allowance funds are generally those that the Board Member deems to be necessary in order to fulfill the duties of office.

In accordance with law, the County Board by resolution determines the annual

general expense allowance account level. Prior to December 31 of any year, each Board Member may make an irrevocable election as to whether general expense allowance account for the following year shall be treated as an unaccountable or accountable plan. Failure to make an election is deemed election of an unaccountable plan. If the general expense allowance for a commissioner is designated as an unaccountable plan, that commissioner will receive the general expense allowance in twelve equal monthly payments.

H. Additional Accountable Commissioner Expenses

The County Board will designate an annual sum for an Additional Accountable Commissioner Expenses account for the entire County Board. This account is available to reimburse business related expenses incurred by any Commissioner if (1) the Commissioner has designated his/her general expense allowance as an accountable plan, and (2) the Commissioner has incurred expenses in Minnesota (except conferences) that exceed the amount of his/her General Expense Allowance account. When a Commissioner meets both qualifications, all qualifying expense reimbursement requests submitted within 60 days of the date incurred will be non-taxable accountable plan payments and will be paid from the Additional Accountable Commissioner Expenses account.

I. In-State Conference Expenses

The County Board will designate an annual sum for unreimbursed In-State Conference Expenses account for the entire County Board. This account is available to reimburse Commissioner expenses related to attending conferences and similar meetings within Minnesota as well as any virtual conference or similar meetings. Such expenses include conference attendance fees, travel to/from the conference, and overnight stays (if the

conference is outside of the seven county Twin Cities metro area). A Commissioner may obtain reimbursements of in-state conference expenses from this account regardless of whether the Commissioner has elected to designate his/her General Expense Allowance as an accountable or unaccountable plan. This account is an accountable plan only with no option for unaccountable plan election. All expense reimbursement requests submitted within 60 days of the date incurred will be non-taxable accountable plan payments.

If the requests from all Commissioners for reimbursement of in-state conference expenses exceeds the budget account for such expenses, the County Board will determine whether a budget amendment is needed to increase the available funds for In-State Conference Expenses.

J. Out-of-State Travel Expenses

Each Member of the County Board is allowed an annual sum as determined by the County Board in the County Board budget for unreimbursed Out-of-State Travel Expenses (Minn. Stat. § 471.661). This account is available to reimburse Commissioner expenses for meetings, conferences and other trips or travel outside Minnesota related to carrying out the business of Dakota County. A Commissioner may obtain reimbursements of out-of-state travel expenses from this account regardless of whether the Commissioner has elected to designate their General Expense Allowance as an accountable or unaccountable plan. This account is an accountable plan only with no option for unaccountable plan election. All expense reimbursement requests submitted within 60 days of the date incurred will be non-taxable accountable plan payments.

When a Commissioner is appointed by a national organization to serve on a national committee during the current year, the one-time sum of \$5,000 will be added to a budget line item for County Board national committee travel. The funds placed in this account are pooled and

available to pay national committee travel expenses incurred by any Commissioner serving on a National committee.

The unspent balance of the national committee travel account at the end of the calendar year is carried over to that account for the following year.

The County Board policy on Commissioner out-of-state travel is that each Commissioner may attend out-of-state conferences and meetings related to carrying out the business of Dakota County of their own choice and may incur costs for such travel up to that Commissioner's Out-of-State Travel Expenses account balance. The policy on national committee travel is the Commissioners serving as a member of a national committee may attend committee meetings and incur travel costs for such travel up to the balance in the national committee travel account. If a Commissioner wishes to attend an out-of-state conference or meeting after exhausting his/her account balance for that calendar year, or a Commissioner wishes to attend a national committee meeting after the national committee travel account is exhausted, the Board Chair has authority to approve administratively the transfer of funds from another Countywide account (such as BIP) to cover the overage. The transfer of funds will be disclosed to all Commissioners through the monthly budget update report.

K. County Board Budget

The County Board is allocated an annual budget which includes salary and benefits. The Clerk to the Board prepares monthly reports on County Board budget expenditures. The County Board may, on an annual basis, have access to Budget Incentive Funds. The County Board authorizes, by majority vote, expenditure of County Board Budget Incentive Program (BIP) funds. The County Board Chair and County Manager may authorize expenditure of BIP funds for commissioner expenses with subsequent ratification by the County Board required.

L. Indemnification

Dakota County Board members are protected by the defense and indemnification provisions of the Dakota County Employee Indemnification Plan, as most recently amended on May 21, 2013, by Resolution No. 13-250.

IV. County Board Meetings

A. Open Meeting Law

All meetings of the Dakota County Board of Commissioners, Board Committees of the Whole, and Special Board Committees are subject to the Open Meeting Law (Minn. Stat. Ch. 13D).

B. Statutory Meeting

The County Board meets at the Boardroom of the Administration Center for the transaction of business on the first Tuesday after the first Monday in January. The County Board transacts organizational business during this meeting, including:

1. Administration of the Oath of Office (if required)
2. Election of Officers
3. Appointment of Board Committee Chairs.
4. Appointments to Serve on Inter-Agency Boards
5. Appointments to Serve on In-County Boards
6. Appointments to Serve as Liaisons
7. Appointment of Citizens to Serve on Advisory Committees

C. Regular Meetings

The County Board by resolution shall adopt, and from time to time may amend, a schedule of regular County Board and committee meetings for the year. The schedule shall include the location, date and time of the meetings.

Unless otherwise stated, all regular meetings of the County Board will be convened in the Boardroom of the Administration Center in Hastings,

Minnesota.

If the County Board Chair determines that there is no significant business for the County Board or County Board Committee to attend to at a scheduled meeting of the County Board or a County Board Committee, the County Board Chair or Committee Chair may cancel the meeting by providing five days' prior notice of the cancellation to each Commissioner.

D. Closed Meetings

The County Board may by resolution close a meeting if permitted or required by Minnesota Statutes Chapter 13D, provided that before closing the meeting the County Board shall state on the record the specific grounds permitting the meeting to be closed and describing the subject to be discussed during the closed meeting.

E. Special Meetings

Special meetings may be called by the County Board Chair or by three members of the County Board by providing a writing describing the purpose of the meeting filed with the Clerk to the County Board who shall then provide written notice to all the members of the time and place of meeting. A special meeting shall be preceded by at least three days' notice, including a posting of the meeting notice and either (1) mailed or physical or electronically delivered notice to persons who have requested such notice, or (2) publication of the notice in the official newspaper (Minn. Stat. § 13D.04). The notice shall include the date, time, place and purpose of the special meeting.

F. Work Sessions

The County Board may schedule work sessions, retreats, forums or similar gatherings at such times and concerning such subjects as may be established by resolution of the Board. A schedule of such meetings shall be maintained in the County Administration office. Such gatherings shall be noticed as for a regular or special meeting.

A joint meeting with the Dakota County Board and any other political subdivision may be held within the

boundaries of either subdivision and will be specified in the meeting notice.

In conjunction with legislators and city and township officials, a policy forum may be held to discuss policy issues of interest to residents and elected officials in Dakota County. Such policy forums are not a regular or special meeting of the County Board, but rather are Countywide governmental discussions to facilitate exchanges of information of relevance to Dakota County and its local governments. While not a regular or special of the County Board and therefore not subject to meeting notice requirements in Section IV C and E, at least three days' prior notice of such policy forums will be provided by (1) posting notice of the forum on the Dakota County website and (2) mailed or physical or electronically delivered notice to persons who have requested such notice.

G. Emergency Meetings

The County Board Chair or Vice Chair is hereby authorized to schedule an emergency meeting in circumstances that require immediate consideration by the County Board. Upon the convening of an emergency meeting, the County Board may determine that an emergency meeting is not required and may adjourn the meeting without conducting any business. A good faith effort will be made to provide notice to each news medium that has filed a request for such notice. Posted or published notice is not required. The notice shall include the date, time, place and purpose of the emergency meeting.

H. Recessed Meetings

Recessed meetings may be held at any specific time, date and place which the County Board may schedule without additional notice, if the time, date and place are established during the meeting which is to be recessed.

I. Meetings Conducted by Interactive Technology

The County Board may conduct a meeting by interactive technology to the extent permitted by Minn. Stat. § 13D.02.

J. Meetings Conducted by Telephone or Other Electronic Means

The County Board may conduct a meeting by telephone or other electronic means when the chair of the County Board or the County Attorney or the County Manager has determined that an in-person meeting or a meeting conducted by interactive television is not practical or prudent because of a health pandemic or an emergency declaration pursuant to Minn. Stat. Ch. 12 Emergency Management, provided that the other conditions of Minn. Stat. § 13D.021 are met.

K. Notice to Commissioners

The Clerk to the County Board shall provide ten days' notice of all regular and three days' notice of special County Board meetings to each commissioner. A meeting may not be held upon less than the prescribed notice to the commissioners unless each commissioner has consented to less than the prescribed notice.

L. Public Hearings

From time to time, the County Board conducts formal public hearings. In addition to those required by law, the County Board may hold public hearings on matters of business when it decides that such hearings are in the best interest of the general public or issues under consideration. The order of business for public hearings generally follows this procedure:

1. Presiding officer opens the hearing and states the purpose.
2. Brief description of issue by County staff or other appropriate persons.
3. Presentation, if applicable, by affected or interested persons.
4. Open discussion by members of the general public.
5. Discussion by the County Board.
6. Public hearing closed by resolution.
7. Decision of the County Board.

At any time during the process, the County Board may address any questions as deemed appropriate.

The County Board may alter the public hearing procedure as needed to assure that

the hearings are conducted in an orderly, fair and expeditious manner, including establishing reasonable time limits of five to ten minutes for speakers individually or on each side of the issue before the Board.

Rules adopted for public hearing procedures are intended to promote an orderly discussion, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising the right to free speech.

All comments by proponents, opponents, or members of the public shall be made at the microphones and individuals making comments shall first give their name and address. This is required for an official record of the public hearing. All members of the public interested in addressing the County Board are requested to register on forms available upon entering the hearing room.

M. Audience/Citizen Requests

The County Board prefers all business matters initiated by citizens coming before them to first be reviewed by staff and scheduled for discussion on the appropriate Committee agenda.

If an individual seeks to appear before the County Board, he/she should notify County Administration of his/her intention and the issue to be presented. Staff will confer with the individual, address the issue and, if necessary, schedule the issue accordingly on the appropriate Committee agenda. When a citizen requests a scheduled appearance at a Committee meeting to discuss an item of business, staff will contact the Committee Chair for a decision on placement and duration of the subject matter on the Committee agenda. No citizen requests will be placed on an agenda for a time certain. No citizen requests will be placed as agenda items on the County Board agenda, unless directed by the County Board Chair.

For an individual who appears at a County Board or Committee meeting unaware of Board operating procedure, an audience section is included on the meeting agenda. Maximum length of time for an item to be presented in this section is five minutes. In general, before taking action,

the County Board will direct the item to the appropriate Committee or staff for further review and recommendation.

N. Broadcasting

The public is invited and encouraged to attend and participate in County Board meetings. The regular meetings of the County Board held in the Administration Center are recorded for distribution to the cable television companies serving the communities of Dakota County. The schedule of the distribution and broadcast dates varies per company and is maintained in the County Administration office. Streaming of the County Board meetings can be viewed live on Dakota County's website.

O. Board Committees

For the purpose of assisting the Board in carrying on its business, committees shall be formed and shall be composed of members as determined by resolution of the Board.

Minutes of the committee meetings shall be kept and shall become official upon approval of the committee. All actions of the committees are considered recommendations to the County Board. For information and further details on the Committees, see Section VIII of these Rules.

P. Quorum

A quorum is necessary for the transaction of business. A majority of the members of the Board constitutes a quorum and no business shall be transacted unless approved by a majority (four votes) of the whole County Board (Minn. Stat. § 375.07). Less than a majority of members may convene a meeting, but no business may be transacted.

Any County Board member who, for any reason, anticipates or plans an absence at any regular or special meeting is encouraged to contact the County Board Chair or the County Manager to indicate his or her planned absence.

Q. Role of Presiding Officer

The presiding officer of the meeting is the Chair. In the absence of the Chair, the presiding officer will be the Vice-Chair. The duties and powers of the presiding officer include the following:

1. Preside at all meetings of the County Board.
2. Preserve order and decide questions raised by members subject to appeal to the Board.
3. To vote all questions regularly moved and to announce the result.
4. Review and comment on the draft agenda for each regular and special meeting of the Board.
5. Serve as representative of the Board in execution of contracts, orders, resolutions, determinations and minutes of the Board and certification of tax rolls.

The Chair of the Board may make a motion and has the same voting rights and responsibilities as other members.

R. Addressing the Chair

Formal protocol is used when speaking to the County Board. The County Board Chair is addressed as “Mr./Madam Chair.” Members of the County Board are addressed as “Commissioner (last name).”

Any member of the County Board or members of the public may speak on any matter before the County Board when recognized by the Chair and within established procedures as outlined in the rules.

S. County Manager

The County Manager or designee shall attend all meetings of the County Board. The County Manager represents the staff at the meetings. The County Manager may participate in the discussion or recommend a resolution or action to the County Board. A member of the Board may call on the County Manager to participate in the discussion or provide a verbal recommendation on any subject pending before the Board.

The County Manager or designee shall prepare a written agenda for all regular and special meetings of the County Board. The County Manager or designee also: 1) makes regular entries of all Board resolutions and decisions upon all questions; 2) records the vote of each member on any question submitted to the Board; 3) preserves and files all business acted upon by the Board; 4) certifies, under seal of the county, copies of any and all resolutions or decisions of the Board; and 5) performs such further duties as designated by the Board.

V. Conduct of Debate

A. Principles

The Rules of Parliamentary Practice embodied in Robert’s Rules of Order shall govern the Board in all cases applicable, except as modified by the rules herein and applicable Minnesota Statutes.

B. Parliamentarian

The Rules of Order governing County Board meetings shall be referred to the County Board Chair for interpretation and enforcement. The County Board Chair may consult with Board members and/or the County Attorney in interpreting and deciding upon rules and questions of order.

C. Role of the Chair

The Chair shall preside over the debate, ensuring equality and fairness in discussion. If necessary, the Chair may restate or ask the Clerk to the Board to restate the motion, who made the motion, and who seconded the motion, or to announce the result of the vote.

D. Suspension of the Rules

Any member of the Board may move for a suspension of the rules at any time during the debate; and, if in order and duly seconded, the Board will vote on the request.

If there is general consensus, the Board may suspend the rules without the formality

of a motion. Such action may occur at any time.

E. Main Motion

The main motion in the form of a resolution shall be considered by the Board. A member may make only one main motion at a time. The Board member(s) may present an initial motion on the resolution and subsequently debate the question; or the Board member(s) may call upon staff for additional information prior to introduction of the motion. The introduction of a main, or substantive motion, is out of order while another main motion is pending. While the question is under debate, no other motion shall be received or entertained except for procedural motions permitted in the rules.

F. Second Required

All motions before the Board shall be seconded prior to consideration by the Board. The second may occur after brief informal discussion. Subsequent to the second of the motion, formal debate may ensue between the members of the Board prior to the formal vote being called.

G. Amended Motion

Any motion may be amended at any time before it is adopted. The amended motion shall have precedence over an existing motion and may be discussed prior to being voted upon. If the amended motion fails, the main motion may proceed for consideration. If the amended motion passes, the amended motion becomes the main motion and may proceed for consideration. Once an amended motion is voted upon, a second amended motion may be entertained.

H. Division of the Question

Upon the request of any Board member, a resolution in debate may be divided and separated into more than one action provided the Chair rules that the resolution will allow such a division. Each of the resulting resolutions must be complete to allow independent

consideration and action.

I. Withdrawal of Motion

After a motion has been stated by the Chair, it is deemed to be in the possession of the Board but may be withdrawn by the member introducing the motion at any time before a vote. The Chair must accept or reject the withdrawal request. This motion cannot be debated or amended. If the motion is withdrawn, the effect is the same as if it had never been made.

J. Discussion Procedures

The following operating rules shall guide debate:

1. Any Commissioner desiring to speak shall address the Chair, and not proceed until being recognized. When two or more members address the Chair at the same time, the Chair shall designate the order of speaking.
2. Upon recognition of the Chair, the Board member making the motion has precedence to address the Board first, with the option of explaining the reasons why the motion is made. Subsequently the floor is open to any member of the Board. There is no time limit for comments from individual Board members.
3. A member, once recognized, shall not be interrupted when speaking, unless it is to call that member to order. No member shall interrupt another in debate without his/her consent. To obtain such consent, he/she shall first address the Chair.

K. Adoption

A motion or resolution shall be adopted if approved by a majority of the whole Board (Minn. Stat. § 375.07).

L. Procedural Motion

In addition to the substantive motions, the following procedural motions shall be in order. This is a partial list of those motions from Robert's Rules that are most

often used. It is not intended to be a complete list.

These motions shall be considered in the following order of precedence as taken from Robert's Rules of Order:

1. Motion to Adjourn
2. Motion to Recess
3. Motion to Suspend the Rules
4. Motion for Division of the Question
5. Motion to Defer Consideration (Motion to Lay on the Table)
6. Call of the Previous Question
7. Motion to Postpone to Certain Time or Day
8. Motion to Refer to Committee
9. Motion to Amend
10. Motion to Reconsider

M. Voting

It is the duty of every member to vote. With the exception of procedural motions noted below, voting shall be done by roll call vote and recorded as a "yes" or "no" or "abstain" vote by the Clerk of the Board and duly noted in the minutes. The roll call shall be called by the Clerk, in a predetermined order based on the seating of the members and rotating with each resolution voted upon. When the Chair ascertains that there is consensus among Commissioners, and a roll call vote is not otherwise required, the Chair may propose the Board proceed on that basis or on a voice vote and the Board may so proceed. Examples of appropriate situations include approval of the agenda, closing a public hearing, adjournment, and the like. These procedural motions and accompanying votes will be recorded in the minutes, and resolution numbers will be assigned.

VI. Types of Board Action

A. Resolution

The County Board takes formal action by resolution (Minn. Stat. § 373.02) or ordinance (Minn. Stat. § 375.51) only, both of which are initiated through a motion. A motion may be introduced by any member of the County Board.

The main motion in the form of a resolution is the means by which a member may present a substantive proposal to the County Board for consideration and action. Since it is the basic motion for the transaction of business, only one subject may be considered at a time and the main motion may be proposed only when no other motion is before the County Board. (See Section IV).

B. Ordinance

The County Board may take formal action by ordinance (Minn. Stat. § 375.51). An ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the affairs of the County. County Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

C. General Consensus

The County Board provides informal direction by consensus. Informal direction is most often used to provide staff with preliminary Board perspective on a matter which will require future formal action by resolution or ordinance. Informal direction is also used to provide additional insight into formal actions previously taken. Informal direction standing alone does not establish Board policy or authorize action.

D. Policy Development

Authority for the development of policies in Dakota County is granted to the County Board through Minn. Stat. Ch. 373 (Counties, Powers, Duties, and Privileges), Minn. Stat. Ch. 375 (County Boards), and Minn. Stat. Ch. 383D (Dakota County) and in other statutes. With the powers granted within these statutes, the County Board may delegate certain authority, as appropriate, through Board resolutions. These delegations of authority may be rescinded at any time by

the Board.

The Board applies the following criteria during the policy development process to ensure Board decisions are effective and sustainable:

1. Explicit: Policies should be in written form.
2. Current: Policies should be up to date.
3. Literal: Policies mean what they say.
4. Centrally available: Policies are kept together in one place.
5. Brief: Avoid unnecessary language.
6. Encompassing: Policies should revise the largest policy issue before dealing with smaller issues.

E. Notice of Resolution

Any member of the Board may introduce a resolution for consideration and action pursuant to general rules and operating procedure. A copy is provided to other Board members and the County Manager with as much advance notice as reasonable and practical.

The introduction of resolutions and ordinances during the Board meeting occurs by motion and second as more fully set forth in Section IV. Resolutions not included on the printed Board Agenda are referred to the appropriate Board Committee, unless they are included within one of the following categories, whereupon they may be considered by the Board without referral:

1. Resolutions of commendation
2. Resolutions recommended for immediate approval by the County Manager
3. Resolutions which no member objects to being considered
4. Resolutions on a matter of an urgent nature, or if some consequence or crisis will result due to inaction at the meeting.

The County Board may at any time refer an item or resolution to the appropriate Committee for further review and deliberation.

VII. County Board Agenda

A. Preparation and

Distribution

The County Manager shall cause preparation of the agenda and supporting material for each regular and special meeting. Members of the Board may request an item to be placed on the agenda by informing the County Manager. Prior to finalizing the agenda, the County Manager shall seek review from the Chair of the proposed agenda and schedule of business.

The Board agenda packet, including the meeting agenda and supporting material, shall be received by each member of the Board no later than the Friday preceding the regular Tuesday meeting.

Copies of the agenda and supporting material are made available to the County staff, public and media as appropriate. A distribution list is maintained in the County Administration Office. Members of the public who are interested in following issues considered by the Board may register their name and address with County Administration to be placed on the agenda distribution list.

If possible and if time allows, Board members are encouraged to identify and request future agenda topics within the agenda section entitled "Future Agenda Items." Early identification of future agenda items informs the Board that a particular subject will be discussed and provides staff an opportunity to conduct any research, study and background sufficient to support the Board discussion.

B. Order of Business

The Order of Business for each regular meeting of the County Board shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Audience (Citizen Comment)
5. Approval of Agenda
6. Public Hearing (if necessary)
7. Presentation (if necessary)
8. Consent Agenda
9. Regular Agenda
10. Inter-Agency
Announcements/Reports

11. County Manager's Report
12. Information
13. Adjournment

The Order of Business may be changed as needed to accomplish objectives and priorities of the meeting. The Order of Business may be changed at the recommendation of the Chair, any member of the Board or the County Manager subject to County Board consensus.

C. Consent Agenda

The Consent Agenda consists of routine agenda items, which are not likely to require additional debate and discussion. Items which are approved in a Board committee appear on the County Board Consent Agenda under a section titled "Items Recommended By Board Committees." Other routine agenda items including, but not limited to, plat approvals, tax abatements (penalty and interest claims), minor budget amendments, personnel actions, tax forfeiture actions, and miscellaneous contract renewals will follow on the Consent Agenda.

The Consent Agenda is considered as one item of business. The Board may approve all items on the consent agenda by adopting one motion. In the minutes of the meeting, the items passed in the Consent Agenda shall be recorded individually and by separate Resolution numbers.

Prior to approval of the Consent Agenda, any member can remove an item on the Consent Agenda for further discussion and/or for the purposes of separate consideration. The Chair shall determine the location on the agenda for the item of business which will subsequently be considered. A member need not remove an item on the Consent Agenda for the sole purpose of voting "no." During the roll call vote for the Consent Agenda, a member can record a "no" vote on a particular item by referencing the item's number on the agenda.

D. Regular Agenda

The Regular Agenda consists of items which are likely to require additional discussion and review. Items of business

within the Regular Agenda are considered individually and in the order of business as approved by the Board at the meeting.

E. Official Records

The County Manager or designee shall cause preparation of the official minutes of each meeting. Board meeting minutes shall be kept in accordance with all provisions of statute in order to provide an accurate record of County Board actions. The record is not intended to be a verbatim transcript of all discussion and debate; the record is primarily a compilation of official actions.

The minutes of the County Board meeting shall be prepared and submitted for approval at the next succeeding County Board meeting. A summary of the Official proceedings of County Board meetings shall be published in the official County newspaper (Minn. Stat. § 375.12). The Official Board Proceedings are also distributed to staff and interested parties.

The official public record of County Board meetings is available in the County Administration Office.

The resolutions are numbered consecutively, preceded by the last two digits of the calendar year.

Audiotape or videotape recordings of the County Board meetings shall be made and retained for a period of one year after formal approval of written minutes unless otherwise prescribed by statute. Anyone interested in listening to the audiotapes or videotapes should contact the County Administration Office.

VIII. County Board Committees

A. Committees of the Whole

Committees of the Whole are established to promote the efficient and effective conduct of business by the County Board. The general purpose and function of the Committee system is to facilitate the review, analysis and discussion on major issues of County business prior to formal Board action.

Standing

Committees of the Whole allow full preparation and discussion of issues by all members of the Board prior to a formal Board meeting.

Standing Committees of the Whole ensure all members are knowledgeable about the issues and full Board is to make a decision as a collective source of authority. Unified policies are most effectively developed when the Board takes action as a whole.

Standing Committees of the Whole shall include all seven members of the County Board. Other Committees of the County Board, such as, but not limited to, subcommittees and ad-hoc committees may be established from time to time at the discretion and approval of the Board. The membership and structure of committees is subject to change at the discretion and approval of the Board.

General Duties: The Committee of the Whole meeting schedules are established annually by the County Board.

Each standing Committee studies and may make recommendations on issues raised by the Committee, issues assigned to the Committee by the County Board, or issues raised by staff and directed to the appropriate Committee through the Division Director and/or the County Manager. Each standing Committee shall report to the Board upon such matters referred to the Committee by the Board, except such matters as are expressly referred to the Committee for study or information only.

No action taken by a standing Committee is binding to the Board. All actions of the standing Committees are advisory and considered recommendations to the County Board. A recommendation of a Committee is presented to the County Board in the form of a resolution.

Appointments: The Chair of the County Board recommends the Chair of each of the Committees of the Whole at the statutory meeting of the Board. The Chair of each of the Committees of the Whole must be approved by the Board.

There are three standing Committees of the Whole:

1. General Government and Policy Committee of the Whole.

The General Government and Policy Committee of the Whole meets to review matters of business concerning policy, budget, and the administrative functions of the County, the Public Services and Revenue Division, Courts, County Sheriff and County Attorney. Specific areas include finance, administration and planning, and proposed recommendations regarding the conduct of County business.

Issues concerning, but not limited to, Financial Services, Communications, Information Technology, Employee Relations, Risk Management, Elected Offices, Library Services, as well as overall County administration and policy directions, are considered by this Committee.

2. Community Services Committee of the Whole.

The Community Services Committee of the Whole meets to review matters of business from the Community Services Division. Policy decisions considered by this Committee concern the delivery of human service needs within the County, coordination with federal and state funded programs, and prioritizing County resources to provide the maximum service to citizens. The Community Services Committee addresses areas which plan and implement programs to assist eligible individuals in achieving economic and social self-sufficiency, to protect individuals from harm, and to promote public health and safety.

Issues concerning, but not limited to, Social Services, Community Corrections, Employment and Economic Assistance, Veterans Services, Public Health, and Extension are considered by this Committee.

3. Physical Development Committee of the Whole.

The Physical Development Committee of the Whole meets to review matters of business from the Physical Development Division.

Policy decisions involving development,

regulation, preservation, and management of the land, water, parks system, and roads and highways within the County are the primary focus of the Committee.

Issues concerning, but not limited to, Capital Facilities, Property Management, Planning, Growth Management, Physical Infrastructure, Environmental Management, Highways, Parks, Survey and Land Information, Soil and Water Conservation, and the Community Development Agency are considered by the Committee.

B. Special Committees

The Board may establish a special Committee as deemed necessary. A special Committee shall advise the Board as directed and may report recommendations to the Board for appropriate action. Unless expressly stated in the creation of the special Committee, it shall automatically dissolve when its work is accepted by the Board. These special Committees are subject to the Open Meeting Law (*see* Section IV, Part A).

C. Rules of Operation

Rules of procedure for standing Committees are governed by Robert's Rules of Order and those Operating Rules established by the County Board.

The Committee Chair presides at the Committee meetings. If the Committee Chair is absent, the County Board Chair performs the duties of the Committee Chair. In the event the County Board Chair is absent, the County Board Vice-Chair performs the duties of the Committee Chair. The County Manager or designee, in cooperation with the Division Director, prepares the agenda and supporting material for each meeting. Any member of the Committee may request an item to be placed on the agenda by informing the County Manager or Division staff. Prior to finalizing the agenda for distribution, the Division Director seeks review from the Committee Chair on the proposed agenda and schedule of business.

The Committee Chair has the option to use either voice vote or roll call vote in proceedings, subject to the consensus of the Committee.

Each Committee keeps minutes of its meetings and makes the meetings and meeting notices available to the public, pursuant to requirements of Minnesota law. Official copies of all Committee agendas and minutes are retained in the County Administration Office.

The order of business for each regular meeting of the Committees is subject to Committee business and priorities. In general the agenda may include the following:

1. Call to Order and Roll Call
2. Audience
3. Approval of Agenda
4. Introduction of New Employees
5. Consent Agenda
6. Regular Agenda
7. Staff Update/Reports
8. Other Business
9. Adjournment

The Committees generally meet at least, but are not limited to, once a month to consider and act on matters of business. A meeting may be postponed or canceled at the direction of the Committee Chair with consensus from the Committee. Additional meetings may be scheduled if the need arises. Meeting procedures must comply with the Minnesota Open Meeting Law.

A Committee recommendation requires approval by a majority (four votes) of the entire Committee. Items of business that do not pass out of Committee do not routinely proceed to the County Board. However, a Committee may place an item by motion or consensus direction—without resolution—on a County Board agenda. An individual Committee member may also request an item be placed on the County Board agenda.

All items of business, with the exception of information items, which pass out of Committee will proceed to the County Board. Unless the Committee directs otherwise, all items which proceed to the County Board for action shall be placed on the Consent Agenda.

Items approved in a Committee

appear on the County Board Consent Agenda in a special section labeled as such. The resolutions for these items are included in the County Board agenda packet and are referenced by titles on the agenda. No individual Requests for Board Action are included for these items unless requested by a member at the Committee meeting. The Clerk to the Board retains all Committee agenda packets on file for reference.

In the event an item is unanimously approved when a Board member is absent, the absent member will receive copies of that Committee item in the County Board agenda packet. When an absent member decides to pull one of these items from the County Board Consent Agenda, if possible, the member will notify County Administration on the Monday prior to the County Board meeting so copies of that item can be reproduced for all Board members to review when the item comes up for discussion.

When an item of business is continued, tabled or postponed by a Committee of the Whole for further Committee consideration and action, this decision does not require County Board approval. Staff is directed to take the necessary action as identified by the Committee and place the item back on the Committee agenda as directed.

IX. Code of Ethics

Effective County Government is premised upon public respect and confidence in the integrity and principles of the elected Board members. The County Board has formally adopted the National Association of Counties (NACo) "Code of Ethics for County Officials" as a guideline in the administration of official business in Dakota County (Resolution No. 91-741; November 5, 1991). The County Board has also adopted a Code of Conduct governing County officials who are engaged in the awarding and administration of federal funds (Resolution No. 91-661; September 24, 1991).

It is the belief of the County Board that the trust bestowed upon them as elected officials is of utmost importance in the

relationship between themselves and the public. With this belief, the following statements serve to augment the NACo Code of Ethics and further emphasize the priority and commitment the County Board has placed on ethical standards.

In the execution of their official duties, all County Board Members shall strive to:

- Observe the highest moral and ethical standards.
- Maintain and respect the confidentiality of private and confidential information.
- Avoid discrimination against any person on the basis of race, color, sex, religion, creed, national origin, age, disability, sexual orientation, marital status, place of residence, or status with regard to public assistance.
- Comply with the ethical obligations imposed by law, including Minn. Stat. §§ 10A.07, 10A.071, 382.18, 471.87-471.895, including, where appropriate, disclosing conflicts of interest, abstaining from decision-making, eliminating conflicts of interest, and declining gifts.
- Work to create a positive environment in public meetings where all individuals may feel comfortable in their roles as observers or participants.
- Allow citizens, staff, or colleagues sufficient opportunity to present their views. Be tolerant, respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, staff or colleagues.

X. Members of the Public

A. Public Communication

Individual Outreach: The County Board believes members of the public have the right to be informed of the Board's process and decisions and should have the opportunity to present their views to the Board. Meetings are open to the public. Board/Committee agendas are mailed or electronically distributed to interested persons at their request. The County

Board encourages the residents of Dakota County to participate in all aspects of the Board's business, including citizen committees, commissions and advisory groups.

Information/News Media Outreach:

Dakota County regularly produces and makes available for broadcast on cable access channels programming about specific issues of interest. County information is distributed through announcements to local news media and in articles provided by staff to local news publications.

County Board Meeting Outreach:

Broadcasts of County Board meetings can be viewed on four cable television channels and recordings are available through the Dakota County website or upon request. Streaming of the County Board meetings can be viewed live on Dakota County's website. The County Board agenda packets are also available through the County Libraries. The County Board may occasionally hold evening meetings to expand opportunities to increase public participation.

Public Hearings: The County Board is interested in securing optimal public input on matters of business. In addition to hearings required by law, public hearings and open forums may be conducted at the discretion of the Board.

B. Audience Participation at Board Meetings

It is the intention of these rules to support the interest of the general public in following Board business during their meetings.

Audience Comments: Included within every County Board meeting agenda is an audience section where the Board has designated an opportunity for members of the public to appear and speak on any issue or topic related to County Board business.

To the extent possible, interested persons shall notify the Clerk to the County Board of their intent to speak at the meeting and the issue to be discussed. The Clerk will notify the Chair. In an effort to encourage efficiency and early resolution of issues, the County Board recommends that

members of the public first contact staff to try to resolve matters before coming formally to the County Board meeting. In addition, the County Board recommends that new items of business or concerns be first considered by the appropriate Committee.

Anyone interested in appearing before the County Board should sign the "Request to Address the Dakota County Board" sheet at the entrance to the room. ~~Questions directed to the Board may not be answered immediately; however, whenever possible, all appropriate questions will be the Board and/or responded to in a timely and effective manner by County staff.~~

It is the intention of the Board, by adoption of these rules, to ensure that its affairs are conducted in an open, orderly, and efficient manner, that persons desiring to address the Board on matters pertaining to the agenda or germane to County business are afforded an opportunity to speak, that persons in attendance may observe and hear the proceedings without distraction, and that the Board is able to transact County business with minimal disruption. When participating at a Board meeting:

- A person desiring to speak may only speak if acknowledged by the Board Chair and if they are being respectful and civil.
- All remarks shall be addressed to the County Board as a whole, not to any specific member(s) or to any person who is not a member of the County Board.
- Comments are limited to a period of five (5) minutes. The Chair reserves the right to announce a shorter duration for comment prior to the opening the comment period it necessary to assure completion of County business at the meeting. Additional time may be granted at the discretion of the Chair.
- Copies of written materials must be provided to the County Board members, the County Manager, the County Attorney, and any media present at the meeting. Handouts provided to the County Board members become government data and are thereafter under classifications

designated in the Minnesota Government Data Practices Act and/or other privacy laws.

- If there are a number of individuals present to speak on the same topic, all persons must sign in and designate a spokesperson or two.
- Board members will listen to comments but will not engage in discussion, nor answer specific questions, during the Public Comments section of the agenda. Board members will listen to learn and understand, not to argue debate or discuss during the public comments portion. Board members or County staff may ask questions in order to gain a thorough understanding of concerns, suggestions, or requests. If follow-up to a person's comments or questions is requested ~~or required by~~ the Board Chair, ~~will direct~~ the County Manager or ~~County Attorney designee will to~~ do so during or after the meeting ~~or after they have~~ they have had time to gather the facts, follow up on any legal issues if necessary and review the matter thoroughly.
- Disruptive and/or disrespectful behavior will not be allowed. Examples of such behavior include arguments, obscenity, profanity, insults or attacks against a person in his or her personal capacity, physical violence or threat thereof, repetitious references, or such other comments or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting. The Chair will address such a speaker, give them a warning and/or use appropriate means to remove such a person from the meeting up to and including the use of law enforcement.

Distribution of Agenda: Members of the public who are interested in following issues considered by the County Board may register their name and address with the Clerk to the County Board to be placed on the agenda distribution list. The agendas are distributed the Friday before the regularly scheduled County Board and Committee

meetings.

C. Responding to Correspondence/Inquiries/Complaints from Members of the Public

County Board members and staff are committed to customer service and will endeavor to provide timely and efficient response and communication to the residents of Dakota County.

Written/Electronic Correspondence:

Upon receipt of a written or electronic inquiry, request for information, or complaint about County business which has been sent to a Board member, upon notification and direction from County Manager or designee, staff will confer with the member to determine the appropriate course of action. The inquiry will be handled as directed with the County Manager or designee advising the Board member upon completion.

Pursuant to the Dakota County Records Retention Schedule official records in the form of correspondence generated and received by individual commissioners or on behalf of the entire board concerning County business should be retained for six years. Copies of such correspondence should be provided to the Clerk to the Board for retention.

Telephone: Incoming telephone calls requesting a specific Board member are forwarded to the Board Member per his/her instructions. Administration staff will periodically review with Board members the preferred method of handling telephone inquiries. Every effort will be made to maintain open lines of communication between the Board members and their constituents.

Telephone calls requesting information about specific areas of County business are forwarded to the appropriate department. Customer service is of primary importance to the County Board and staff and an appropriate method of tracking the information requests and responses will be utilized.

XI. Staff

A. County Manager

The County Board adopted a modified County Manager form of government on August 12, 2014.

The position of County Manager is established pursuant to Minn. Laws 2014, Ch. 167, codified at Minn. Stat. § 383D.76. The County Manager is the administrative head of the County and has all the powers and shall perform all the duties of an administrative or executive nature vested in the County Board and as delegated by the County Board. The County Board has approved a job description which outlines in detail the duties and responsibilities of the County Manager. The County Manager is the single point of delegation and is held accountable for the Board's expectations of organizational performance. The County Manager undergoes a semi-annual performance review and is evaluated by the County Board annually.

In general, the County Manager supervises the divisions and departments which function under the jurisdiction of the Dakota County Board. The County Manager coordinates the various activities of the County, unifies the management of its affairs, and makes recommendations to the Board regarding the structure of County departments and functions, including reporting relationships, physical facilities and locations. The County Manager is accountable for hiring, training, advising, motivating, and appraising the performance of subordinates. The County Manager recommends the annual budget and long-range capital expenditure programs to the Board for approval.

The County Manager recommends to the Board proposed policies concerning the non-administrative and non-executive affairs of the County. The County Manager will keep the Board informed, make recommendations, and comment upon legislative initiatives which affect the

County and, as directed by the Board, will represent the County in its relations with other governments. The County Manager recommends short-and long-term goals to the Board, and periodically measures organizational and individual accomplishments against goals, objectives, and timetables.

B. Role of Staff

The County Manager, with the support of staff, in a timely and responsible manner, answers inquiries and requests regarding issues and concerns brought by Board members or the citizens of Dakota County. In certain instances Board members may want assistance or County staff involvement in evaluating policy and/or programmatic changes. Board members who wish to initiate policy or program change are encouraged to first present such requests to the appropriate Committee for discussion and possible direction to the County Manager and staff. The County Board, not individual members, has authority over the County Manager. The County Manager answers to the Board as a whole.

Functions which are deemed routine such as interpretation of policy and procedure, general constituent business, and/or research which require minimal time may be directed, by the Board or individual member, to the County Manager or designee for action.

ADDENDUM

Guidelines for Requested Resolutions and Proclamations

The Dakota County Board is a nonpartisan body that does not advocate for positions or policies that do not have a direct, unambiguous and explicit relationship to the County's policies, programs, services, or budgets. This policy provides the County Board and Administration with guidelines in responding to requests for Resolutions and Proclamations. It outlines, in general, the reasons for Board Proclamations and Resolutions:

Ceremonial Proclamations and Resolutions are documents signed by the Board Chair and issued for: public awareness, arts and cultural celebrations and special honors.

Resolutions — Resolutions for the County Board to take affirmative action on an item of County business such as:

- Approval of Board minutes, County policies, procedures, and guidelines
- Approval of the annual budget, budget amendments, capital improvement plans, to establish funds, to make large purchases
- Approval to advertise for bids and proposals, to enter into contracts and agreements
- Approval of interim or ad hoc committees to analyze issues
- Approval of appointments of some employees and appointments to various boards and committees
- Approval of comprehensive plan and other plans, ordinance and ordinance amendments, permits, licenses, findings of facts, and other regulatory issues
- Approval of employment policies and union agreements
- Approval of commissioner's salaries, approval of official newspaper, approval of official website, and other annual requirements
- Establishing or dissolution of Joint Powers Agreements
- Enacting a State of Emergency
- Other actions required by State or Federal law or policy

Statements to Influence State and Federal Policy:

- Resolutions about State policy that are directly and explicitly related to the County policies, budget, programs and services. For example, issues of importance raised by the Association of Minnesota Counties and the Minnesota Inter-County Association, and funding of local projects and initiatives.
- Resolutions about Federal policy that are directly and explicitly related to the County policy, budget, programs and services. For example, issues of importance raised by the National Association of Counties and funding of local projects and initiatives.

Proclamations and Resolutions will not be issued for:

Issues in which the County Board is not required by Federal law or policy, State law or policy, or local law or policy to act upon unless identified above. For example: expressing an opinion on matters of political or ideological controversy; expressing an opinion on issues generally identified and known as supported by one political party and/or opposed by a political party; expressing an opinion or position on topics that have no direct, unambiguous and explicit relationship to the County's policies, programs, services, or budgets; events or organizations with no explicit and

unambiguous relationship to the County's policies, programs, services, or budgets; campaigns or events contrary or not directly related to County policies.

Administration of the Guidelines:

Requests for County Board action on a Resolution or Proclamation will be processed by the County Manager, or its designee, upon consultation with the County Board Chair. The County Manager, or its designee, will apply the guidelines and provide a reply to the requestor. This policy/guideline, or the administration of this policy/guideline, does not exclude anyone from bringing their issues and/or opinions to the County Board, as a person can either contact a County Commissioner directly and/or present their issue to the Board during the Public Comment Period portion of a Board meeting Agenda.