# *Scott County*
# *Board of Commissioners*

## *Operating Rules & Guidelines*

2016

# *Scott County Board of Commissioners*

## *2016*

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| District 1 | Joseph Wagner |
| District 2 | Tom Wolf |
| District 3 | Michael Beard |
| District 4 | Barbara Marschall |
| District 5 | Jon Ulrich |

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| County Administrator | Gary Shelton |
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# I. Overview

**A. Purpose**

The Scott County Board of Commissioners is the body charged by law with the management of the affairs of Scott 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 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 and 375. Minnesota Statutes supersede all bylaws, rules and policies established by the Board.

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

**B. Statement of Principles**

The Operating Rules are designed to produce a procedural balance that considers all principles and articulates a specific process by which those principles interact and work. The rules are representative of the organization's vision:

*Scott County: Where individuals, families and businesses thrive.*

as well as the County's Mission Statement:

*To advance safe, healthy, and livable communities through citizen-focused services.*

**C. Effective Date**

These rules shall become effective upon passage by the County Board on January 5, 2016.

# 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 Administrator.

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 five (5) members elected from single-member districts apportioned on the basis of population as provided by law.

**B. Commissioner District**

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

**C. Terms of Office**

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

**D. Vacancy**

A vacancy in the office of County Board is filled in one of two ways, pursuant to Minnesota Statute §375.101. A vacancy may be filled at a special election to be held not fewer than 30 nor more than 90 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 fewer 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 fewer 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.

A vacancy may be filled by Board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered into the minutes and shall continue until an election is held. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next county general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election.

**E. Officers**

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, and signs all documents requiring signature on the Board's behalf. The Chair's signature, attested to by the County Administrator, 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. The Vice Chair performs various ceremonial duties as assigned by the County Board Chair and as tradition of the Board.

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 County Administrator (Minnesota Statute §375.13).

### 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 (Minnesota Statute §375.055).

In determining the annual salary of the members, the County shall follow the guidelines as prescribed in the Scott County Compensation Policy. 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 accept or reject any salary increase in writing in a form prescribed by the County Board.

### G. Indemnification

Scott County Board members are protected by the defense and indemnification provisions through Scott County's membership in the Minnesota Counties Insurance Trust.

## IV. County Board Meetings

### A. Regular Meetings

At the annual organizational meeting of the Board, the County Board shall adopt a schedule of regular Board meetings for the upcoming year. The schedule will include the location, date and time of the meetings. During the year the schedule may be amended by vote of the County Board.

Unless otherwise stated, all regular meetings of the County Board will be convened in the Board Room of the Scott County Government Center in Shakopee, Minnesota. All regular meetings of the County Board are open to the public. DVDs are distributed to cable television companies and are available for review from the Deputy Clerk to the Board upon request. County Board meetings are video streamed and are available for viewing on the County's website at www.co.scott.mn.us.

### B. Statutory Meeting

The County Board meets at the Board Room of the Government 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. Appointments of Board Committee positions
4. Appointments to serve on inter-agency boards
5. Appointments to serve on internal committees
6. Appointments to serve as Liaisons

### C. Open Meeting Law

All meetings of the Scott County Board of Commissioners and Board Committees are subject to the Open Meeting Law (Minnesota Statute §13D.01, 13D.02, and 13D.021).

**D. Closed Meetings**

The County Board may hold closed meetings as authorized by MN Stat. §13D.05. Business which may be considered in closed session is in accordance with the attorney/client privilege, to consider strategy for labor negotiations, to review the performance of the County Administrator, or as otherwise required or permitted by the Minnesota Open Meeting Law.

Before closing a meeting, the Board will state on record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

**E. Special/Emergency Meetings**

The Scott County Board may by Board action establish a special or emergency meeting. Special meetings shall be preceded by three days' notice, including a posting of the meeting notice on the Scott County Website and either (1) mailed or delivered notice to persons who have requested such notice, or (2) publication of the notice in the official newspaper (Minnesota Statute §13D.04). Procedures to schedule a special meeting shall be in accordance with Minnesota Statutes.

Adjourned or reconvened meetings may be held at any specific time, date and place the Board may adopt without additional notice. However, the time, date and place must be publicly specified by the Board prior to adjourning the meeting in which the time, date and place are established.

Members of the County Board are entitled to ten days' notice of Board meetings. A meeting cannot be held without such notice unless each member has consented to holding a special meeting (Minnesota Statute §13D.04).

The County Board may schedule work sessions, workshops, retreats, forums, or additional meetings at such times and concerning such subjects as may be established by action of the Board. A schedule of such meetings shall be maintained in the County Administration office. Work sessions and other informal meetings of the Board, not regularly held, shall be subject to the same notice requirements of the Open Meeting Law.

A joint meeting with the Scott County Board and any other political subdivision may be held within the boundaries of either subdivision and will be specified in the meeting notice.

**F. Workshops**

The County Board regularly conducts workshops to receive information from staff or outside agencies regarding current or upcoming issues or projects in advance of being requested to take formal action, if needed. While Board workshops are subject to the Open Meeting Law (Minnesota Statutes §13D.01), no formal action is taken; and the workshops are not televised or recorded.

**G. 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 Chair.
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 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. Members of the public interested in addressing the County Board are requested to sign in and make it known at the appropriate time that they wish to speak.

**H. 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 County Board agenda.

If an individual seeks to appear before the County Board, s/he 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 County Board agenda.

For an individual who appears at a County Board meeting unaware of Board operating procedure, a Recognition of Interested Citizens section is included on the meeting agenda. The 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 staff for further review and recommendation.

When a citizen requests that a letter become part of the official record of a Board meeting, the commissioner to whom the letter was addressed or the Chair of the Board (if the letter was addressed to all members of the Board) will note receipt of the letter – including the writer's name, the topic of the letter, and the request that it be made a part of the official record – during the Board meeting. Following the meeting, the letter will be added to the Board agenda packet posted on the Scott County website.

**I. 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 Scott County Government Center Board Room are videotaped for distribution to the cable television companies serving the communities of Scott County. The schedule of the distribution and broadcast dates varies per company and interested viewers should check their local listings. The meetings are also available to be viewed live and on demand by visiting the Scott County web site at www.co.scott.mn.us.

**J. 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 or appropriate committee.

**K. 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 (three votes) of the whole County Board (Minnesota Statute §375.07). Less than a majority of members may convene a meeting, but no business may be transacted. Less than a majority may adjourn the meeting.

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 Administrator to indicate his or her planned absence.

**L. 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. Vote all questions regularly moved and announce the result.
4. May request a roll call vote.
5. Serve as representative of the Board in execution of contracts, orders, determinations and minutes of the Board.
6. May make a motion, and has the same voting rights and responsibilities as other members.

**M. 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 public may speak on any matter before the County Board when recognized by the Chair and within established procedures as outlined in the rules.

**N. County Administrator**

The County Administrator or designee shall attend all meetings of the County Board. The County Administrator represents the staff at the meetings. The County Administrator 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 Administrator to participate in the discussion or request a verbal recommendation on any subject pending before the Board.

The County Administrator or designee shall prepare a written agenda for all regular and special meetings of the County Board. The County Administrator 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. Rules of Procedure

**A. Statement of Purpose of the Board**

The Scott County Board of Commissioners is the body charged by law with the ultimate management and control of all of the affairs of Scott County. As such, it operates as a deliberative and legislative assembly, meeting to discuss and determine the direction and

policies of the County within the framework of state and federal law and ordinances the County Board may adopt. The various elected and appointed officials charged by law or the County Board with the operation of substantive areas of service delivery must conduct the management of their respective departments within the limits established by law and the County Board.

**B. Statement of Principles of the Rules**

The foundation for Rules of Order lies in the basic and enduring principles of rights. Specifically enunciated, these rights include the right of the majority to rule, the right of the minority to be heard, and the right of the individual to participate in the decision-making process. Along with these rights are important canons of efficiency; namely, attend to one matter at a time, and the balancing of the affirmative and negative factions to a pending matter.

Finally, the Rules foster courtesy and decorum, holding firm to the maxim that one must debate motions, not members.

**C. Statement of Purpose of the Rules**

The 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 principles, both to give specific guidance on method and to provide a reasonable compromise in the event of conflict.

**D. Making a Motion.**

1. Obtain the floor (when no other question is pending).
2. State the motion.
3. Another member seconds the motion.
4. Chairperson states the question on the motion to the group.

* Motion is now pending before the membership and open to debate.

Notes: Discussion of a subject is permitted only with reference to the pending motion and after the seconding of the motion.

* Point of order that motion has not been seconded may not be made after debate or the taking of the vote has begun.

**E. Consideration of a Motion**

1. Debate (unless no member claims the floor for that purpose).
2. Chairperson puts the question to a vote.
3. Chairperson announces the result of the vote.

Notes: Maker of motion receives first opportunity at debate.

* Individual member's vote may be changed up until announcement of vote by Chairperson.

* General or unanimous consent. The Chair specifies an action and announces that if there is no objection, the action will be considered adopted. If no member objects, then the matter is adopted. If a member does object, the matter may not proceed by consensus but must be considered through the motion process to a formal vote.

**F. Types of Motions**

1. *Main Motion*
   A. A motion that brings before the members, for their consideration, any particular subject independent of any other pending motion or parliamentary situation.
   B. May be made only when no other motion is pending.

2. *Secondary Motion* - May be made when a main motion is pending and must be acted upon or disposed of before direct consideration of the main motion may be continued.
   A. *Subsidiary Motions*
      1) Motion to Lay on the Table
         - Removes the main motion from consideration and entrusts it to the care of the secretary until its consideration is resumed at an unspecified future time.
      2) Motion to Close, Limit, or Extend Limits of Debate
         - May be applied to one or more pending motions in sequence (but must specify which motions).
         - Requires a two-thirds vote.
      3) Motion to Postpone to a Certain Time
         - Sets the specific time for reconsideration (usually not much longer than the next meeting).
      4) Motion to Commit or Refer:
         - Sends a pending motion to a committee, usually with instructions.
      5) Motion to Amend:
         - Four forms:
         a. Insert certain words.
         b. Strike out certain words.
         c. Strike out certain words and insert others in same spot.
         d. Substitute an entire paragraph or the entire text of a motion on the same subject for the one pending. Term may not be applied to anything less than a complete paragraph.
      6) Motion to Postpone Indefinitely
         - To remove the main motion from the Board's consideration for the session without a direct vote on it.

Notes: Subsidiary motions assist the Board in treating or disposing of a main motion.

- Subsidiary motions are always applied to another motion (it changes the other motion in some way without expressly adopting or rejecting it).
- Subsidiary motions can be applied to any main motion.
- Subsidiary motions must fit into the order of precedence.
- The time when a subsidiary motion is in order extends from the time the motion to which it applies is stated by the chair until the chair begins to take a vote on that motion.
- After a vote has been ordered by the adoption of a motion for the previous question and before this vote has been taken, no subsidiary motion can be made except the motion to lay on the table.
- All subsidiary motions require a second and most allow only limited, if any, debate or amendment.

   B. *Privileged Motions*
      1) Adjourn -- ends a meeting
      2) Short intermission when a question is pending. The length of the recess may be debated.
      3) Raise a question of privilege:
         - Questions relating to the rights and benefits of the Board or one or more of the members.

- Typically involves the comfort of members, their ability to see and hear speakers, the conduct of officers, members or guests, or the accuracy of published reports of the proceedings.

4) Call for orders of the day:
   - Motion urging compliance with an agreement concerning the timing of an item of business, e.g. items scheduled through adoption of an agenda cannot interrupt a pending motion. Robert's Rules of Order (Newly Revised) indicates that a call for an order of the day requires, rather than urges, as assembly to comply with its agenda or schedule, etc., unless two-thirds of the voting members wish otherwise.

Notes: Privileged motions do not relate to pending business, but have to do with special matters of immediate importance.

* All must be seconded and may not be debated or amended
* Privileged motions take precedence over motions of any other class

C. *Incidental Motions*

1) Point of order and appeal:
   - Assertion that a rule is being violated and a request that the rule be enforced by the chairperson. A point of order does not require a second.
   - An appeal, which must be seconded, takes the questions from the Chair and vests the assembly with authority for a final decision on an alleged rule violation.
2) Object to the consideration of a question:
   - Purpose is to enable the Board to avoid altogether any motion that it may deem irrelevant, unprofitable, or contentious.
   - Does not require a second.
   - Requires a two-thirds vote against consideration.
   - Must be raised before there has been any debate or any subsidiary motion has been stated by the Chairperson.
3) Withdraw or modify a motion:
   a) When a motion has been made but not yet been stated by the Chair, it can be withdrawn or modified by the mover.
   b) To withdraw or modify a motion already stated by the Chair:
   - Mover must ask for permission to withdraw or modify
   - Chairperson attempts to get general consent.
   c) If general consent not given:
      *If modifying, motion to amend
      *If withdrawing, vote on motion to withdraw
4) Suspend the rules:
   - Renders temporarily ineffective one of more rules of order.
   - Rules protecting absentees or a basic right of the individual may not be suspended.
   - Requires a second.

Note: An incidental motion is in order only when it is legitimately incidental to another pending motion, or when it is legitimately incidental in some other way to business at hand; it then takes precedence over any other motions that are pending.

The following parliamentary steps do not require a second:

1. Calling for a point of order, point of information, separate vote or motion to grant request of another member for permission to withdraw or modify a motion.
2. Objection to the consideration of a question, before discussion has begun.
3. Objection to proceeding as a matter of general consensus, for example: removing a matter from the Consent Agenda.

**G. Order of Precedence of Motions**

The twelve commonly-used motions below have a fixed rank, called the order of precedence, among them. When one of the motions is pending, any motion higher on the list is permitted, and any motion lower on the list is prohibited, except that to amend or to order the previous questions on an amenable higher-ranking motion is permitted when the higher ranking motion is pending. They are proposed in any upward sequence and put to vote in the opposite downward sequence.

- Adjourn
- Recess
- Raise a question of privilege
- Call for the orders of the day
- Lay on the table
- Order the previous question (close debate)
- Limit or extend limits of debate
- Postpone definitely
- Commit or Refer
- Amend
- Postpone Indefinitely
- Main Motion

**H. Objects of Motions**

The object of a motion is a usual purpose for which the motion is offered. Many motions have more than one object, and many objects can be met by more than one motion. The fact that a motion has a specific object does not mean it is not permissible to use that motion for a somewhat different object.

There are eight common objects, and the list below shows the motions commonly employed with those objects.

1. To change: amend, commit, or modify a motion.
2. To defer: postpone definitely, or lay on the table, commit.
3. To suppress debate: order the previous question (close debate), limit debate.
4. To suppress the motion: object to consideration, postpone indefinitely, or lay on the table.
5. To consider again: reconsider, renew, or mend after adoption.
6. To correct errors or deal with exceptions: point of order, appeal call or orders of the day, or suspend the rules.
7. To interrupt or end a meeting: adjourn or recess.
8. Other: withdraw a motion, raise a question or privilege.

**I. When Motions are Out of Order**

1. If the motion conflicts with governmental laws, requirements of a parent organization, bylaws, rules of order, or standing rules.

2. If the motion presents substantially the same question as a motion previously decided at the same session or if it conflicts with a motion that has been adopted at any previous time and still in force.
3. If the motion conflicts with or presents substantially the same question as one still within the control of the Board.
4. If the motion contains language not allowed in debate, except as may be necessary to quote in a motion of disciplinary nature.
5. If the motion is patently frivolous, dilatory, or absurd. A motion is out of order if it is so insignificant it is apparently introduced only for comic purposes, or it obstructs the known will of the Board or if it does not make sense.

**J. When to Proceed by Consensus, Motion, Resolution, or Ordinance**

1) Consensus:
-Vote not needed.
-No controversy
-Generally used to direct staff.

2) Motion:
-Most frequently used; vote be majority.
-Generally not sufficiently formalized to satisfy most statutory requirements specifying action and voting of the Board.
-Does not require members to be polled or individual vote recorded.

3) Resolution:
-Most frequently required by statute to formalize an act of the Board
-Some statutes require super-majority vote (greater than 3-2) of Resolutions.
-Independent record kept generally by year, in chronological order, e.g., first Resolution of 2016 numbered 2016-001, 2016-002, etc.
-Sometimes used to commemorate persons, events.

4) Ordinances:
-Used only to enact local law.
-Formal publication requirements of hearing and ordinance.
-Independent record kept in compliance of Scott County Ordinances.

*IF AN ISSUE IS NOT COVERED UNDER THE SCOTT COUNTY BOARD OF COMMISSIONERS RULES OF PROCEDURE, ROBERT'S RULES OF ORDER, (NEWLY REVISED) WILL APPLY.*

## VI. Types of Board Action

**A. Resolution**

The County Board takes formal actions by resolution (MN Stat. § 373.02), ordinance (MN Stat. §375.51), or a motion, second and majority support by members of the Board for a Request for Board Action (RBA). 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 postponed only when no other motions are before the County Board. (See Section IV).

**B. Ordinance**

The County Board may take formal action by ordinance (MN Stat. §375.51). An ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct

relating to the affairs of the 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. Request for Board Action (motion)**

Any member of the County Board may move a Request for Board Action (RBA). When supported by another member of the Board and majority vote in favor, the action is approved.

**D. 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. Informal direction is also used to provide additional insight into formal actions previously taken. Informal direction standing alone does not establish Board policy.

**E. Policy Development**

Authority for the development of policies in Scott County is granted to the County Board through MN Stat. Chapter 373 (Counties, Powers, Duties and Privileges), and MN Stat. Chapter 383D (Scott County) and in other statutes.

With the powers granted within these statutes, the County Board may delegate certain authority, as appropriate. These delegations on authority may be rescinded at any time by the Board.

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 Administrator 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 Administrator.

Copies of the agenda and supporting material are made available to 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.

The Agenda and Minutes are available on the Scott County website at www.co.scott.mn.us.

**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. Pledge of Allegiance
3. Amendments to the Agenda
4. Recognition of Interested Citizens
5. Approval of Minutes
6. Consent Agenda
7. Regular Agenda
8. Committee Reports/Commissioner Updates

9. County Administrator Update
10. Attorney/Client Meeting
11. 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 members of the Board or the County Administrator 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. Examples of consent agenda items include, but are not limited to, tax abatements; (penalty and interest claims); personnel actions; miscellaneous contract renewals; and approval of the Record of Disbursements (payment of bills).

The Consent Agenda is considered routine business and is acted upon as one item of business unless a Board member requests removal of an item for separate action. The Board may approve all items on the consent agenda by adopting one action. In the minutes of the meetings, the items passed in the Consent Agenda shall be recorded individually.

**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 noted on the Agenda.

**E. Committee Reports/Commissioner Updates**

Commissioners will report on various meetings they have attended.

**F. Official Records**

The County Administrator 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. Official proceedings of County Board meetings shall be published in the official County newspaper (MN Stat. §375.12). The official Board proceedings are distributed to staff and interested parties, and are also available on the Scott County website.

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

The Resolutions are numbered consecutively, preceded by the calendar year.

DVDs of the County Board meetings shall be made and retained for a period of six months after formal approval of the meeting minutes according to Minnesota Government Data Practices Act Chapter 13. Anyone interested in viewing the DVDs should contact the County Administration office.

## VIII. County Board Committees

**A. 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.

## IX. Advisory Committees

**A. Policy**

The County Board appoints individuals to various boards, committees or commissions, (hereinafter referred to as committees) which have been established by the County Board or pursuant to Minnesota Statute. Authority for establishment of the committees is prescribed in Minnesota Statutes and in Board Policy. The County Administrator will maintain a complete list of committees and their underlying source of creation.

The current list of committees is available in the Office of the County Administrator.

**B. Role and Purpose of Committees**

Each committee serves a statutory, policy, or operational purpose to further the interests of Scott County. Each committee has specific staff assigned and designated to support its function. The function and reporting relationship to the Board varies from committee to committee.

Committees are established to serve a variety of functions. The fundamental purposes for utilizing committees in support of County government are:

1. To involve members of the public in the decision making process.
2. To meet requirements of State law.
3. To ask residents to help define community standards and norms.
4. To provide technical expertise in certain areas.
5. To serve as advocates for the County.
6. To provide an independent sounding board for issues, ideas, and policy matters.

**C. Operating Procedures**

A policy entitled "Citizen Appointment to Advisory Boards & Committees" governs the process for recruiting applicants to committees (Resolution No. 96064 adopting Amended Policy on May 21, 1996 with administrative updates enacted June 27, 2005 and December 15, 2009.) The actual appointments are made by the County Board.

Individuals appointed by the Board to committees receive a per diem reimbursement for attendance at regular or special meetings of such committees unless otherwise stated by the County Board. Compensation shall not be authorized for public officials or employees of other jurisdictions who serve on such committees or advisory bodies by virtue of their office. An annual resolution establishing the per diem rate is adopted by the County Board at the annual organizational meeting.

**D. Attendance Policy**

Attendance and residency criteria are outlined in the Citizen Appointments Policy noted above.

**E. Resignations**

All written and verbal resignations of committee members are acknowledged by the Board and authorization is given to begin the open appointments process to fill the vacancy.

**F. Terms**

The terms of the appointees to the various committees vary per committee, pursuant to Minnesota Statute and Board Policy. The County Administrator maintains a complete list of all committees, including information on member terms and applicable term limits.

**G. Ex-Officio Members**

Ex-Officio members on any committees are non-voting members.

**H. Appointment of Chairs**

Chairs of various committees are selected according to committee bylaws.

## X. Code of Ethics

Effective County government is premised upon public respect and confidence in the integrity and principles of the elected Board members. On December 26, 1995, the Scott County Board formally adopted the NACo "Code of Ethics for County Officials" as a guideline in the administration of official business in Scott County (Resolution No.# 95149).

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 confidentiality or private and confidential information.
- avoid discrimination against any person on the basis of race, color, sex, religion, creed, national origin, age, disability, marital status, place of residence, or status with regard to public assistance.
- comply with the ethical obligations imposed by law, including MN Stat. §10A.07, §10A.071, §382.18, §471.87-.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.

# XI. Citizens

**A. Public Communication**

*Individual Citizen 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 available on the County website, by email subscription or mailed to interested parties at their request. The County Board encourages the residents of Scott County to participate in all aspects of the Board's business, including citizen committees, commissions, and advisory groups.

*Information/News Media Outreach*: Scott County information is distributed through announcements to local news media and in articles provided by staff to local news publications. Information is also available on the Scott County website.

*County Board Meeting Outreach*: Broadcasts of the County Board meetings can be viewed on local cable television channels and DVD copies are available through the Scott County Administrator's Office. County Board meetings are also video streamed and are available for viewing on the County's website at www.co.scott.mn.us.

*Public Hearings Outreach*: 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. Open Meeting Law**

All regular and committee meetings of the County Board and notice of such meetings are subject to MN Stat. §13D.01: Open Meeting Law.

The County Board may hold closed meetings as authorized by MN Stat. §13D.01. Before closing a meeting, the Board will state on record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

**C. 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/Citizen's comments:* Included within every County Board meeting agenda is a Recognition of Interested Citizens portion where the Board has designated an opportunity for citizens to appear and speak on any issue or topic related to County Board business.

To the extent possible, interested citizens shall notify the County Administrator or the Deputy Clerk to the Board of their intent to speak at the meeting and the issue to be discussed. The County Administrator will notify the Chair. In an effort to encourage efficiency and early resolution of issues, the County Board recommends that citizens first contact staff to try to resolve matters before coming formally to the County Board meeting.

*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 County Administrator to the County Board to be placed on the agenda distribution list. The agendas are mailed the Wednesday before the regularly scheduled County Board. The agenda and supportive material are also available on the Scott County website. Copies of the agenda and supportive materials are made available to the public at the County Board meeting.

**D. Responding to Correspondence/Inquiries/Complaints from Citizens**

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

*Written*: Upon receipt of a written inquiry, request for information, or complaint about Scott County business which has been sent to a Board member, upon notification and directions from the County Administrator 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 Administrator or designee advising the Board member(s) upon completion.

*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 methods of handling telephone inquiries. Every effort will be made to maintain open lines of communication between 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.

## XII. Staff

### A. County Administrator

The County Board adopted the County Administrator form of government on November 10, 1970.

The position of County Administrator is established pursuant to MN Stat. §375A.06. The County Administrator is the administrative head of the County, responsible for the administration of the affairs of the County delegated to him by Minnesota Statute and the County Board. The County Board has approved a job description which outlines in detail the duties and responsibilities of the County Administrator.

In general, the County Administrator supervises the divisions and departments which function under the jurisdiction of the Scott County Board. The County Administrator 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 Administrator is accountable for hiring, training, advising, motivating, and appraising the performance of subordinates.

The County Administrator recommends the annual budget and long-range capital expenditure programs to the Board for approval.

The County Administrator recommends to the Board proposed policies concerning the administrative affairs of the County. The County Administrator 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 Administrator serves as Chair of the Division Managers, 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 Administrator, 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 Scott County. In certain instances, Board members may want assistance of County staff in evaluating policy and/or programmatic changes. Board members who wish to initiate policy or program change are encouraged to first present such requests for discussion and possible direction to the County Administrator and staff.

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 Administrator or designee for action.

**C. Legislative Protocol for Staff**

Members of staff who choose to lobby on a policy issue that would affect the operations of the County are expected to confine their efforts to the County's current legislative agenda, which has been approved by the County Board.

Staff participation should be immediately communicated to the County's lobbyist, Public Affairs Coordinator and the County Administrator.

If the issue has not been addressed by the County Board, a position should be sought prior to any lobbying effort on the part of staff. In the interim, staff or the lobbyist should seek direction from the Legislative Committee.

If a member of staff lobbies in a professional capacity, either at the request of a legislator or a professional association, s/he must note in testimony that s/he is speaking as a professional, not as a County representative. Any testimony given or contacts made by staff should be communicated to the lobbyist or the County Administrator.

The contract lobbyist, County Administrator, or designated representative will organize the County's efforts. Staff should not presume to speak for the County Board unless the Board's positions have been reviewed or staff have checked with the Board on specific issues.

When the County is paying the dues for membership in a professional association, staff should not take a position within that professional association that is inconsistent with County Board policy.

Staff and appointed representatives shall notify the County Board of a pending appointment to an advisory board or task force initiated outside of the scope of County Board authority.