

CHESTER HEIGHTS SEWER SERVICE DISTRICT ADVISORY BOARD BYLAWS

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PURPOSE: The Chester Heights Sewer Service District was created by the Olmsted County Board of Commissioners under the authority of Minnesota Statutes 375B. The purpose of the District is to provide sewer collection and treatment for the residents and businesses of the Chester Heights area in Marion Township.

1. DISTRICT ORGANIZATION

Section 1.1 Name of the District. The name of the District shall be the Chester Heights Sewer Service District (the "District"), and its governing body shall be called the Advisory Board (the "Board").

Section 1.2 Office. The principal office of the District shall be within the Olmsted County Public Works Department offices, 2122 Campus Drive SE, Rochester, MN 55904.

2. BOARD ORGANIZATION

Section 2.1 Members.

- A. Number of Members.** The Board will consist of five members who either own or rent property located within the boundaries of the District. All Board members shall be appointed by the Olmsted County Board of Commissioners. The County Board will strive to provide diversity in its appointment of Board members.
- B. Current County Employees Prohibited.** Current County employees are prohibited from serving on the Board to avoid potential conflicts of interest, though employees who have retired are eligible to be appointed and serve one year after their date of retirement.
- C. Limits on Members Employed by Contractors.** Employees or members of organizations with whom the County is currently under contract to provide mandated services to the District are prohibited from serving on the Board to avoid potential conflicts of interest only if:
 - 1) these individuals provide mandated sewage treatment support services to the District through their work for a private contractor and
 - 2) in their service as a Board member, they would oversee or directly influence the services to be provided by the contractor to the County.
- D. Members Who Are Minors.** The County Board may, at its option, choose to permit minors to serve as ex officio members of the Board, provided a majority of the County Board members are satisfied that a prospective

member who is a minor is of sufficient maturity to properly understand and participate in the proceedings of the Advisory Board. All minors who wish to serve as an Advisory Board member shall complete an application and include at least one letter of recommendation from an adult who knows the minor well for consideration by the County Board. Minors who meet these criteria must apply using the application from the County Youth Commission and be approved by a Deputy County Administrator. No more than 2 minors may serve on the Advisory Board at any time and they shall serve as ex-officio members.

- E. Member Term Limits.** Board members may initially serve for no more than two consecutive three-year terms. Initial terms will be staggered to provide for an orderly turnover of members at the end of their terms. Board members wishing to serve a second term shall verbally express their interest to the staff supporting the Board and Deputy County Administrator and, with their approval, may continue to serve a second term without re-application.

However, once a Board member has completed his/her second term and a period of at least one year has elapsed, that Board member will become eligible for reappointment to serve on the Board for up to two more consecutive three-year terms.

- F. Member Attendance.** Board members shall regularly attend Board meetings and any other Board member assigned duties. Board members shall be permitted two unexcused absences for each year of Board service. If a Board member incurs three unexcused absences within one year, this matter shall be referred to a Deputy County Administrator on behalf of the Board for further action pursuant to the procedure set forth in Section H below.

- G. Member Compensation.** Board members shall be paid per diem compensation as determined by resolution of the Olmsted County Board of Commissioners for their attendance at Board meetings and for any other Board member duties as assigned. County elected officials who are assigned to serve on the Board shall not receive per diem compensation for Board duties.

- H. Member Conduct.**

- 1) It is critically important that members of the public who have business before the Board feel confident that the Board will treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation and their local human

rights commission activity. By choosing to serve as a Board member, members shall refrain from engaging in speech or conduct that will reasonably tend to make members of the public with business before the Board feel the Board will not treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation and their local human rights commission activity.

- 2) Board members shall also comply with the following County policies pertaining to their Board service:
 - a)** Accepting Donations
 - b)** Conflict of Interest Legal and Ethical Practices
 - c)** Diversity and Inclusion Policy
 - d)** Gifts – Gratuities
 - e)** Political Activity (during Board service times)
 - f)** Solicitation on Premises (during Board service times)
 - g)** Tobacco Free Grounds (during Board service times)
 - h)** Weapons in the Workplace (during Board service times)
 - i)** Animals in the Workplace (during Board service times)
- 3) Board members are also prohibited from representing to others that they speak on behalf of the entire Board, or the Olmsted County Board of Commissioners, unless the Board has authorized the member to do so, though members may continue to speak in their role as an individual member serving on the Board.
- 4) If a Board member is convicted of a criminal offense which directly relates to the administration of laws or ordinances by a County Department which come before the Board for action, this shall be grounds for removal of the Board member pursuant to the procedure outlined in Section 2H7 below. This would include a Chester Heights Sewer Services District Board member being convicted for violating the County's Chester Heights Subordinate Service District Ordinance. A member once removed shall be eligible to be reappointed to the Board however after the passage of 5 years or proof of rehabilitation from the conviction, whichever occurs first.

- 5) Ex parte communications between members of the Board and members of the public who have business pending before the Board for official action concerning that matter is discouraged in order to ensure that all nonpublic information pertinent to Board matters is produced in an open meeting to which all of the Board members and the public have access.
- 6) Board members are discouraged from publicly stating their positions in advance on matters of official business coming before the Board because of the perception by the public that they no longer retain an open mind to listen to all sides of matters of official business. If Board members do state their positions in advance, they will be precluded from participating when the matter of official business is brought up for discussion and a vote by the Board.
- 7) The Board Chair and Vice Chair shall investigate the allegations brought against a Board member with the assistance of County staff and the County Attorney's Office as needed. The Board member shall be given an opportunity to present information relevant to the allegations. If the Board Chair and Vice Chair determine a Board member has engaged in speech or conduct which violates this standard, the Board Chair shall notify the Deputy County Administrator of the pertinent facts which support its conclusions and a recommendation concerning disciplinary action. If the allegations are proven by a preponderance of the evidence to the Deputy County Administrator, the Board may, depending on the facts which are proven, choose to 1) censure the member privately, 2) issue a public censure of the member and establish a probationary period for further disciplinary action if violations continue, or 3) may recommend that the County Board remove the member from the Advisory Board and appoint a suitable replacement member.

Section 2.2 Officers. The Board shall elect a Chair and Vice Chair. Each officer will be elected by a majority of the Board members in November of each year and serve an annual term in the office elected. An officer may serve no more than 2 consecutive years in the elected position. The Chair shall preside at all meetings of the Board. The Vice Chair shall preside at any meeting of the Board in the absence of the Chair and may exercise all powers and perform all responsibilities of the Chair if the Chair cannot exercise or perform the same due to absence or other inability.

3. BOARD MEETING PROCEDURES

Section 3.1 Regular Meetings. The Board shall hold regular meetings on the third Thursday of April, July, September and November, commencing at 4:00 o'clock p.m. or at such other time as the Board may determine. All meetings and notices

of meetings shall comply with the Minnesota Open Meeting Law. All meetings will be conducted per the spirit of the current edition of Robert's Rules of Order.

Section 3.2 Special Meetings. Special meetings of the Board may be called by the Chair or, in the event of the Chair's absence or inability, by the Vice Chair at any time, upon three days prior notice to the Board members. Upon the same notice, any two Board members may also call special meetings of the Board. A notice of any special meetings shall be posted in the principal office of the District no less than three days prior to such special meetings. Special meetings may also be called by complying with the notice requirements set forth in Minnesota Statutes Section 13D.04, Subd. 2.

Section 3.3 Quorum And Voting at Meetings. A quorum shall consist of a simple majority of the currently appointed Board members. A quorum is necessary in all voting by the Board. Each Board member present shall be entitled to one vote. All non-ex-officio members shall have the right to vote on matters which come before the Board for action.

Any action taken or decision made shall be by a majority vote of the Board members present provided a quorum has been established. Once a quorum has been established, all subsequent actions and decisions shall be deemed to be valid even if a quorum is lost before the end of the meeting.

Section 3.4 Board Members Attendance. Board members shall regularly attend Board meetings and any other Board member assigned duties. Board members shall be permitted two unexcused absences for each year of Board service. If a Board member incurs three unexcused absences within one year, this matter shall be referred to a Deputy County Administrator on behalf of the Board for further action pursuant to the procedure set forth in Section 2H7 above. Any Board member may voluntarily resign membership at any point prior to the expiration of his or her term. Resignation shall be given by written notice to the Chair and the County Board.

Section 3.5 Public Participation At Meetings. Members of the public are welcome to attend Board meetings and address the Board. The Chair shall specify the limits of time and rules for participation and shall also have discretion to limit public involvement as deemed necessary to facilitate the orderly conduct of Board business.

4. BOARD LEGAL AUTHORITY

Section 4.1 Powers of Board. The Board shall serve as advisors to the Olmsted County Board of Commissioners on all matters relating to the operation and financing of the District. All matters relating to receipt and expenditures of funds, property and operations of the District shall be first reviewed by the Advisory Board for action by the County Board. All financing used to support District operations shall

be consistent with the requirements of Minn. Stat. Section 375B.09. Except as otherwise provided, the exercise of the powers and the performance of the duties of the Board and officers of the District and all other activities transactions and procedures of the District or any of its officers, agents or employees, respectively, shall be governed by the provisions of law relating to similar matters in a county, so far as applicable, as well as any standards established by the City of Rochester concerning acceptance of sewage generated within the District for processing and disposal.

Section 4.2 Actions of the District. All actions required to be taken by the District shall be taken by the District Advisory Board.

Section 4.3 Regulation of District. The District Advisory Board may recommend to the County Board the enactment of ordinances, and regulations concerning the operations of the District, recommend enlargement of the District to serve additional properties pursuant to Minn. Stat. Section 375B.08, recommend that the County Board exercise financing authority available to sewer service districts to support District operations pursuant to Minn. Stat. Section 375B.09, recommend withdrawal of the District pursuant to Minn. Stat. Section 375B.11 if its essential functions can no longer be carried out, adopt resolutions and take other appropriate action relating to any matter within the powers and purposes of the District, and may do and perform all other acts and things necessary or proper for the effectuation of said powers and the accomplishment of said purposes.

5. MISCELLANEOUS

Section 5.1. Fiscal Year. The fiscal year of the District shall be the calendar year.

Section 5.2. Checks. All checks must be prepared and distributed through the Olmsted County Finance Department.

Section 5.3 Financial Statement. The District's financial statement shall be prepared by the Olmsted County Finance Department and shall be examined by the District. The financial statement shall disclose all receipts and disbursements, their purpose, money on hand and the purposes to which it shall be applied, the District's credits and assets and its outstanding liabilities.

Section 5.4 Supplies, Purchasing, Facilities and Services. The District may purchase the supplies and materials it needs. The District shall use the facilities of the Olmsted County Purchasing Department for all purchases. Olmsted County may furnish offices, structures and space, equipment and supplies, clerical, administrative, engineering, technical and other assistance to the District.

Section 5.5 Amendment of Bylaws. Amendments to these Bylaws may be provisionally approved by a two-thirds vote of Board Members, provided that any

such proposed amendment shall first have been delivered to each Board member at least five days prior to the meeting at which such amendment is considered and is in accordance with the enabling resolution adopted by the Olmsted County Board of Commissioners. However, the proposed amendments shall not become final and binding until they have been approved by a majority vote of the Olmsted County Board of Commissioners following approval by the Advisory Board.

Adopted _____, 2021 by the Olmsted County Board of Commissioners.

1/6/2021 | 5:46 PM CST

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Matt Flynn, Chair
Matt Flynn
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Lisa Morris Helmstetler
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Lisa Helmstetler- Morris, Deputy Clerk of the Board

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF OLMSTED COUNTY, MINNESOTA, THIS _____ DAY OF _____, 2021.

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Matt Flynn
1/6/2021 | 5:46 PM CST
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Matt Flynn, Chair Olmsted County Board

ATTEST:

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Lisa Morris Helmstetler
1/6/2021 | 6:26 PM CST
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Lisa Helmstetler- Morris, Deputy Clerk of the Board LAST AMENDED: