

Operating Procedures of the Lessard-Sams Outdoor Heritage Council (LOHC
"COUNCIL")

Adopted: December 17, 2008 (revised: date to be determined)

Section I. LOHC "COUNCIL" Established

A. Powers

The council is in the legislative branch of government. The LOHC_COUNCIL exercises the authorities and powers designated in *Minnesota Statutes*, section 97A.056 (Exhibit 2). The LOHC_COUNCIL also exercises powers granted through periodic state laws usually relating to appropriations and the associated programs or issues.

B. Membership and Organization

Membership and terms are defined in *Minnesota Statutes*, section 97A.056, subd. 2 (a). A vacancy on the LOHC_COUNCIL may be filled by the appointing authority for the remainder of the unexpired term. (*Minnesota Statutes*, section 97A.056, subd. 2 (f)).

Compensation and removal of public members are as provided in *Minnesota Statutes*, section 15.0575. (*Minnesota Statutes*, section 97A.056, subd. 2 (f)).

C. Duties

1. Recommendations: The LOHC_COUNCIL shall recommend an annual legislative bill for appropriations from the outdoor heritage fund established pursuant to Article XI, Section 15, of the Minnesota Constitution and *Minnesota Statutes*, section 97A.056, subd. 1:

Minnesota Statutes, section 97A.056, Subd. 1. Outdoor heritage fund. An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

In so doing, the LOHC_COUNCIL shall consider:

... the outcomes of, including, but not limited to, the Minnesota Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. (Minnesota Statutes, section 97A.056, subd. 3(a))

The council is directed to establish a conservation partners program, to encourage local conservation efforts, open to local, regional, state, and national organizations. (*Minnesota Statutes*, section 97A.056, subd. 3(b))

Approval of the recommended legislative bill requires an affirmative vote of nine members of the LOHC_COUNCIL. (*Minnesota Statutes*, section 97A.056, subd. 3(b))

2. Periodic Organization:—Officers, Make up of Executive committee, Election of officers (how often), Nominations for officers and executive committee.

Membership Structure:

An executive committee structure will be made up of the following officers with members serving 2-year terms.

- Chair (1)
- Vice Chair (1)
- Secretary (1)
- Treasurer (1)
- Legislative Member (1)

Election of Officers:

- a. Nominations for executive committee position - by written sign up by member or nomination by another member. Executive ~~Committee~~ committee positions shall be nominated and elected in the following order: Chair chair (1); Vice-vice Chair chair (1); Secretary-secretary (1); Treasurer-treasurer (1); Legislative-legislative Member member (1).
- b. The initial set of officer's terms are through ~~June of 2009~~ the first Monday in January of the add-odd numbered year or until the date of the next election. Thereafter, ~~e~~ Elections are to be held in ~~June~~ January of the ~~even~~ odd numbered year, or within 30 days of the date when the legislature adjourns to a date it specifies in the following odd numbered year. ~~The Chairchair, Vice-vice Chairchair, Secretarysecretary, and Treasurer-treasurer~~ serve until a successor has been elected.
- c. Distribution of officers among appointing authorities:
 - 1. The Chair-chair will be elected from among all appointing authorities (Governor, House and Senate).
 - 2. The Vice-vice Chair-chair will be elected from among the remaining appointees not appointed by the appointing authority of the Chairchair.
 - 3. The Secretary-secretary will be elected from among the remaining appointees not appointed by the appointing authorities of the Chair-chair and the Vice-vice Chairchair.
 - 4. The Treasurer-treasurer will be elected from among all appointees
 - 5. The Legislative-legislative Member-member will be from either House or the Senate. If prior elections of officers yield an odd number of legislators as officers, then the Legislative-legislative Member's-member's legislative affiliation will balance representation of the legislative bodies.
- d. Nomination and Election of officers will be by the entire LSOHG-COUNCIL membership.
- e. A majority vote of the members present for each position is required.
- f. Elections will be by written ballot.
- g. Proxy: Members may vote by proxy for election of Executive Committee members only. If a member wishes to vote by proxy he/she shall provide his/her proxy to the LSOHG COUNCIL staff and indicate the member he/she wishes to have the signed proxy given to.
- h. Vacancies in Council-council Offices-offices will be filled by election within 45 days of receipt by the Council of written notification of vacancy.

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D. Operations

1. Duties:

- a. The LSOHGCOUNCIL shall recommend appropriations for expenditures from the outdoor heritage fund.
- b. Additional duties prescribed in law.

2. Reportability:

- a. In addition, and in pursuit of D. 1, above, the LSOHG_COUNCIL reviews and acts upon information provided from the following sources: Chairchair, Executive executive Committeecommittee, LSOHGCOUNCIL members, Subcommitteesubcommittees, Staffstaff, Legislature, Statestate, federal and local agencies, citizens and private sector.
- b. The recommendations, findings, and observations of the LSOHG_COUNCIL are forwarded to the appropriate agencies or entities under the signature of the Chairchair or Executive executive Directordirector. This includes approving proposed amendments to project accomplishment plans.

3. Quorum requirements

The quorum requirement for the LSOHG_COUNCIL is ~~seven members~~ half of the qualified members plus one. (*Minnesota Statutes*, section 97A.056, subd. 5 (a)) A majority of the qualified members of any council committee constitutes a quorum. *Minnesota Statutes*, section 645.09

4. Conflicts of Interest Prohibitions and Procedures

Governing conflict of interest:

The LSOHGCOUNCIL is bound by *Minnesota Statutes*, section 97A.056, subd. 4, "Conflict of Interest" as follows:

- a. A LSOHGCOUNCIL member may not be an advocate for or against a LSOHGCOUNCIL action or vote on any action that may be a conflict of interest. A conflict of interest includes direct or indirect personal financial benefit from a request for funding or funded project. A conflict of interest must be disclosed as soon as it is discovered. The LSOHGCOUNCIL shall follow the policies and requirements related to conflicts of interest developed by the Minnesota Department of Administration Office of Grants Management under Minnesota Statutes, section 16B.98. (See Procedures Regarding Conflict of Interest below)
- b. For the purposes of this section, a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has an affiliation with an organization that is subject to LSOHGCOUNCIL activities, which presents the appearance of a conflict between organizational interests and LSOHGCOUNCIL member duties. An "organizational conflict of interest" does not exist if the person's only affiliation with an organization is being a member of the organization.

In addition to the above a LSOHGCOUNCIL member may not serve as a project manager for a request for funding pending before the LSOHGCOUNCIL.

Conflict of Interest to be Managed Through Procedures:

Members of the LSOHGCOUNCIL have been appointed because of their legislative duties, interest, expertise, or knowledge of the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests and habitat for fish, game and wildlife. Therefore, certain affiliations may constitute a conflict of interest that must be managed by the LSOHGCOUNCIL, including:

- receipt of personal financial benefit from a proposing organization or request for funding being reviewed.

- serving as an employee or governing board member of a proposing organization whose request for funding is being reviewed.
- having a family relationship with someone requesting funds or a staff or board member of a requesting organization.

Procedures regarding conflict of interest:

A conflict of interest must be identified before or during the initial request for funding review process. The member must complete the Lessard Sams Outdoor Heritage Council Conflict of Interest Disclosure Form and file it in the LSOHCCOUNCIL office. If a conflict of interest is recognized during the course of a meeting the member must declare the conflict at the first opportunity. Declaring a conflict of interest means that a member may not advocate for or against the request for funding or vote on the request for funding. In addition, existing law and institutional policies on conflict of interest cover the LSOHCCOUNCIL members and staff and other legislative staff.

5. Rules of Order

The LSOHCCOUNCIL will use Mason’s Manual of Legislative Procedure as the rules of order for the LSOHCCOUNCIL.

6. Open Meetings and Transparency

The LSOHCCOUNCIL will conduct open meetings as described in *Minnesota Statutes*, section 97A.056, subd. 5, summarized as follows:

- Meetings of the LSOHCCOUNCIL and other groups the LSOHCCOUNCIL may establish are subject to *Minnesota Statutes*, chapter 13D "Open Meeting Law," including provision of public copies of members’ materials.
- Meetings shall be recorded. Meeting records shall be made available to the public in text or other accessible formats.
- Meeting schedules, agendas, and materials shall be made available to the public in advance on-line and via Listserv. The LSOHCCOUNCIL shall establish a Listserv and a web site for the purpose of communicating with the public.
- The LSOHCCOUNCIL may make use of video-conferencing to facilitate participation by its members and by those asked to present information to the LSOHCCOUNCIL.

7. Audits

Every two years, the LSOHCCOUNCIL will conduct financial and program audits of the expenditure of appropriations from the Outdoor Heritage Fund and the uses to which they are put to ensure consistency with the Constitutional mission of the Fund, consistent with M.S. 97A.056, Subd. 6:

M.S. 97A.056, Subd. 6. Audit. The LSOHC shall select an independent auditor to audit the outdoor heritage fund expenditures every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

M.S. 97A.056, Subd. 6. Audit.

The legislative auditor shall audit the outdoor heritage fund expenditures, including administrative and staffing expenditures, every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

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Section II. Duties of LSOHCCOUNCIL Officers

A. Chair:

1. Presides at LSOHCCOUNCIL and Executive Committee meetings
2. Serves as primary spokesperson for the Council
3. Provides direction to staff
4. The ~~Chair~~ chair or the ~~Chair's~~ chair's designee authorizes travel:
 - a. Authorizes travel, outside of travel for regular Council or committee business meetings, for LOHG Council members by- in response to a written authorization form or memo request from a Council member that specifically states the date, location, time, purpose and estimated expense of the travel. This member travel request will be submitted to Council staff for review with the Chair.
 - b. Council staff, per the authorization from the Chair and consultation with the Legislative member will be authorized or denied in writing to sign reimbursement forms for the requested travel. A memo or form confirming verbal authorization to be filed in LOHG office prior to trip.
 - c. All travel requests, outside of regular council business, must complete the authorization process 30 days prior to travel date
 - b.d. Out-of-State travel requires the concurrence of LCC policies.
 - e.e. Expense vouchers to be submitted after authorized travel, pursuant to guidelines established by the council, on the following basis:
 - i. For public members, per the expense policy of the Commissioner's Plan, Chapter 15 (Exhibit 3)
 - ii. Public members are authorized to collect per diem spent on authorized council activities, as provided in *Minnesota Statutes* 15.075, subd. 3.
 - iii. For LSOHCCOUNCIL staff, consistent with Commissioner's Plan.
5. Sets time, place and date of and thereby authorizing travel for:
 - a. Executive Committee meetings
 - b. LSOHCCOUNCIL meetings
The chair will be responsible for working with staff to develop an agenda.
 - c. Authorizes council and committee meetings and travel (time, place and date set by council or committee chair)

B. Vice Chair

- 1 Performs duties of ~~Chair~~ chair in absence of ~~Chair~~ chair.
- 2 Member of Executive Committee

C. Secretary

- 1 Performs the duties of the ~~Vice-vice~~ Chair ~~chair~~ in absence of ~~Vice-vice~~ Chair ~~chair~~
- 2 Member of the Executive Committee

D. Treasurer

- 1 Performs the duties of the ~~Secretary~~ secretary in absence of ~~Secretary~~ secretary
- 2 Member of the Executive Committee
- 3 Prepares reports on the balance and projected revenue in the Outdoor Heritage Fund in conjunction with staff
- 4 Tracks the operating budget and reports to the council on the expense throughout the year.
- 5 Works with staff to develop annual operating budgets.

E. Legislative Member

- 1 Performs the duties of the ~~Secretary~~secretary in absence of ~~Secretary~~secretary
- 2 Authorizes legislator travel
- 3 Provides primary communications link with the other legislative bodies
- 4 Member of the Executive Committee

F. Minutes

Any LSOHCCOUNCIL member, except the chair, may move approval of the minutes. The chair of the meeting at which minutes were approved will sign the minutes.

Section III. Committees

A. Executive Committee

The Executive Committee:

1. Reviews and acts upon matters brought forth by the ~~Chair~~chair and Executive Committee members, discussion material provided by ~~Executive~~executive ~~Director~~director.
2. Recommends action to full LSOHCCOUNCIL
3. Reviews and recommends LSOHCCOUNCIL Administrative Budget to the Council.
4. Approves accomplishment plans and periodic payment authorization for conduct of LSOHCCOUNCIL recommended projects and programs. And reports such approvals to the council.
5. Gives policy and program direction to LSOHCCOUNCIL operations.
6. Oversees audits and compliance
7. Recommends statutory changes to the Council

B. Personnel Committee

Annually reviews performance of the Executive Director and recommends candidates for the position.

C. Other Committees of the Lessard Council

The Chair may appoint other committees.

Section IV. Staff

A. Executive Director

1. The ~~Executive~~executive ~~Director~~director serves at the pleasure of the Council. The Council selects and recommends the individual who will serve as the LSOHCCOUNCIL's ~~Executive~~Executive ~~Director~~Director to the Commissioner of the Department of Natural Resources for appointment. Legislative Coordinating Commission.
2. Duties of the ~~e~~Executive ~~Director~~director are to:
 - a. Hire, fire, organize, supervise, and otherwise administer the regular staff, within the budget and staffing limit authorized by the LSOHCCOUNCIL.
 - b. Hire temporary staff and interns outside the limits above, subject to budget availability.
 - c. Administer all LSOHCCOUNCIL affairs.
 - d. Interacts with the Minnesota Legislature and legislative staff.
 - e. Bring to attention of Chair and or LSOHCCOUNCIL, matters relevant to LSOHCCOUNCIL programs.
 - f. Administer the LSOHCCOUNCIL budget. Reviews for approval all non-member expenses.
 - g. Make corrections consistent with an approved accomplishment plan.

- h. Review current LSOHGCOUNCIL programs.
- i. Develop new programs at the direction of the Chairchair.
- j. Maintain communications with the legislature, private sector, non-governmental, federal, state and local government agencies.
- k. Make preparations required for all LSOHGCOUNCIL meetings.
- l. Provide staff needed by LSOHGCOUNCIL and LSOHGCOUNCIL subcommittees.
- m. Serve as exclusive liaison between consultants and Chair, LSOHGCOUNCIL and committees thereof.
- n. Approve accomplishment plans changes, which will help achieve the intended effect of any appropriation. Significant accomplishment plans amendments judged by relative size of the proposed amendment or by the significance of the impact on the intended effect of the program, must be reported to LSOHGCOUNCIL for information.
- o. Manage auditors responsible for auditing the uses of the Fund.
- p. Assign responsibility and delegates authority to other staff as appropriate.
- q. Direct preparation of annual reports on LSOHGCOUNCIL activities and accomplishments.

Attached Exhibits

Exhibit 1 – Minnesota Constitution, Article XI, Section 15

Exhibit 2 – Minnesota Statutes 2009, 97A.056

Exhibit 3 – Expense Reimbursement (excerpt from Commissioners Plan)

Exhibit 4 – Minnesota Statutes, 15.0575 – Administrative Boards and Agencies Compensation

Exhibit 5 – Minnesota Statutes, Chapter 13D, Open Meeting Law

Exhibit 6 – Minnesota Statutes, 3.055 and 13D.06 Enforcement of Open Meeting Law

Exhibit 7 – MN Department of Administration, Office of Grants Management Operating Procedures, Poicy 08-01

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****Staff will update exhibits per any changes to the above documents.**

