

Standard Operating Procedures

Governor's Council on Minnesota's Lake Superior Coastal Program

Adopted January 11, 2019

Coastal Council Introduction

General Guiding Principles

- The Coastal Council and the Coastal Program share the same focus – a healthy, vibrant and safe coastal area¹.
- Recognize that each member serves as a volunteer but in different capacities.
- All actions of the Coastal Council reflect the mission of the Coastal Program.

Role of Minnesota Department of Natural Resources

The Minnesota Department of Natural Resources (MNDNR) is the lead agency for the state's coastal management program, Minnesota's Lake Superior Coastal Program (Coastal Program or MLSCP). It is responsible for overall program implementation and program related administrative activities. The MNDNR also provides staff support to the Coastal Council.

Coastal Council Functions

The Coastal Council advises the MNDNR on matters related to the Coastal Program. It:

- Recommends program priorities.
- Reviews and makes recommendations on select programs and projects for Coastal Program funding.
- Reviews the Coastal Program's annual budget.
- Reviews the Coastal Program every two years and makes recommendations.

Member Roles and Responsibilities

- Attend meetings and participate in votes and discussion.
- Serve on committee and ad-hoc work groups.
- Participate in grant application review.
- Abide by the state's conflict of interest policy.

¹ Minnesota's "coastal area" includes all the land and water in the state's federally recognized coastal boundary. The Minnesota waters of Lake Superior are a part of it. On the land side, the coastal area is roughly a six mile wide strip of land along the shore and lower St. Louis River from the City of Cloquet to the Canadian border, including all of its lakes, rivers and streams.

- Comply with the Minnesota Government Data Practices Act.
- Stay interested and engaged in coastal management topics and activities in your community.
- Serve as a liaison between your community and the Coastal Program, when appropriate.

Officers

Officers include the Chair and the Vice-Chair. Duties of the officers are:

- Chair - Preside over meetings, including managing time and ensuring members have an opportunity to be heard.
- Vice-Chair - Assume the responsibilities of the chair in his/her absence.

Electing Officers

Nominations for chair and vice-chair occur at the annual meeting. Officers are then voted on and elected through a majority vote.

The chair and vice-chair serve one-year terms. Officers may be re-elected for additional terms.

Removing Officers from elected positions

The Coastal Council may take action to remove an officer from their elected position if he/she misses three consecutive meetings; neglects his/her duties; abuses his/her authority; or engages in other misconduct that calls into question his/her fitness for office. MNDNR staff will reach out to the officer after the third absence to inquire about his/her desires around continuing to serve. The Coastal Council accept voluntary resignation at any time.

If the Coastal Council takes action to remove an officer from their elected position, they follow the Disciplinary Procedures outlined in the current edition of *Robert's Rules of Order Newly Revised*, Chapter XX.

Committees

The Coastal Council has three standing committees:

- **Executive Committee:** The Executive Committee has general supervision of the affairs of the Coastal Council between meetings.
- **Finance Committee:** The Finance Committee reviews the Coastal Program's annual administrative budget and reports to the Coastal Council at the annual meeting.
- **Grants Committee:** The Grants Committee makes recommendations on grant scoring criteria and other pass-through grant-related matters and reports to the Coastal Council at the annual meeting.

Other committees may be established when the Coastal Council or Executive Committee deem it necessary to carry out the Coastal Council's work.

Appointing Committee Members

Members elect officers, and in doing so establish the Executive Committee (see Electing Officers, above). The chair appoints all other committee members at the annual meeting. The Finance and Grants Committees have no fewer than three members.

Meeting Logistics

Parliamentary Authority

The Coastal Council uses *Robert's Rules of Order, Newly Revised* to govern meetings. These rules help facilitate the business of the council; they also ensure an equal opportunity for all members to contribute and participate in conducting business. These rules of procedure should assist a meeting, not inhibit it.

Meeting Locations and Times

The Coastal Council's meetings are open to the public in accordance with the [Minnesota Open Meeting Law](#) (Minnesota Statutes Chapter 13D).

Meetings are held four times each year, generally on the first or third Friday in January, March, June (annual meeting) and September. Meeting typically last 6 -8 hours. The meeting locations vary; it is in a public space within the coastal boundary.

Committee meetings happen periodically throughout the year.

Special meetings may happen on an as needed basis. The chair can call one, or five or more members can submit a written request to the chair asking for one. MNDNR staff notifies members at least three business days prior to the meeting by email or telephone of date, time, location and reason. The MNDNR also handles the necessary public notification.

Format

Coastal Council meetings are in-person meetings. The Coastal Council is not currently using interactive television, telephone or other electronic means at this time, however there may be opportunities in the future to utilize new technologies.

Materials

MNDNR staff sends out meeting materials (e.g., draft agenda, draft minutes, discussion primers) via email at least one week prior to a meeting; print copies are available at the meeting. MNDNR staff ensures that at least one copy of the materials, excluding any materials classified as other than public under the Government Data Practices Act, are available in the meeting room for inspection by the public.

Grant Applications

MNDNR staff sends grant applications and associated review materials (e.g., scoring forms, subject matter expert comments) by mail once processing is complete. Before sending, staff must have a signed Grant Data Sharing Agreement on file for that grant round. Members can expect to receive the materials no later than two weeks prior to the meeting where scoring is happening. Staff's goal is to have them out to members within one week of receipt.

Members can request to receive the applications and review materials electronically. In those instances, MNDNR staff sends them via an encrypted email to insure data privacy.

Grant applications and associated review materials are non-public at the time of review; copies are not available at the meeting (see Data Practices for more information).

Noticing

MNDNR staff keeps a schedule of regular meetings on file at their offices in Two Harbors. MNDNR staff also list regular meetings on the [Governor's Council of Minnesota's Lake Superior Coastal Program's webpage](#) on the MNDNR's website. One week prior to each regular meeting, MNDNR staff posts the agenda in MNDNR Two Harbors Area Office and sends a copy to the Carlton, St. Louis, Lake and Cook County courthouses for posting on their public bulletin boards.

MNDNR staff posts notice (date, time, place and purpose) of any special meetings on a bulletin board in the MNDNR Two Harbors Area Office and on the MNDNR website. In addition, MNDNR staff either mails notice to people who have requested such mailings; or publishes notice in a qualified newspaper within the coastal area or the State Register at least three days before such meetings.

In the event of an emergency meeting (special meetings called because of circumstances that require immediate consideration), MNDNR staff makes good faith efforts to notify news media that have filed written requests for notice.

Quorum

A simple majority of members is needed before the Coastal Council can conduct business. Without quorum, the council cannot transact business. Members should notify staff if they will be absent or late for meetings so a quorum can be determined.

Agenda

MNDNR staff prepares a draft agenda for each Council meeting, with input from the chair when necessary. The agenda is draft until the Council approves it at the opening of the meeting. At this point, additions, deletions and changes to the agenda can occur to account for things that arise after distribution of the draft. The chair then calls for a motion to adopt the agenda and upon approval, proceeds to the meeting.

Minutes

MNDNR staff are responsible for recording, editing and distributing minutes to members and others who have requested copies.

Voting Journal

MNDNR staff maintains a voting journal for the Coastal Council and keep it at the MNDNR Two Harbors Area Office. It is open to the public during normal business hours.

Conduct

The Coastal Council practices civility at all times; respectful communication is the norm.

Meeting Ground Rules

- It is absolutely crucial that everyone have a chance to be heard and to hear others. Therefore, side conversations or interruptions while someone is speaking should be avoided.
- In order to give everyone a chance to talk, participants should be sensitive about the length and pertinence of their comments and the importance of encouraging participation from all members of the group.
- In order to maximize the productive time available, people should avoid repeating points that have already been adequately made by others.
- It is important to remain open-minded about applications, ideas, and concerns while different points of view are being presented and discussed. It is useful to express underlying concerns or opportunities for agreement.
- Disagreement is inevitable, but must be focused on the issues rather than on perceived motives, relationships or personalities.
- Avoid behavior that denigrates other participants or that is disruptive to the work of the group.
- Work sessions begin and end promptly at scheduled times.

Decision-making

Members decide on motions by voting. Each member has one vote. For a motion to pass, the majority of present members need to support it.

Data Practices

The Coastal Council is subject to the [Minnesota Government Data Practices Act](#) (Minnesota Statutes Chapter 13). All data that the Coastal Council has or receives is public and can be seen by anyone unless there is a state statute or federal law that classifies the data as not public.

Grant Application Data

Some data created and collected as part of Coastal Council's grant review work are classified as private or nonpublic, or protected nonpublic.

- **Public data:** Anyone can access the data.
- **Private or nonpublic:** Those with a business need and the person or organization who submitted a grant application can have access to the data.
- **Protected nonpublic:** Only those who have a business need can access the data. The person or organization who submitted the application cannot have access to the data.

The classification changes depending upon what point in the grant application process data is to be shared or released.

Grant Application Data Evolution

Grant Applications

The grant applicants' name, address, and amount requested is public information. The rest of the application is nonpublic or private data. The entire grant application becomes public (minus any trade secrets) after the evaluation process is complete. The evaluation process is complete once the MNDNR completes its negotiation with grantees.

Evaluation Data

Data created or maintained as part of the evaluation process is protected nonpublic until completion of the evaluation process. This includes the names of individual reviewers; scores and comments; and rankings in any form, including handwritten notes or printed copies.

All evaluation data becomes public (with the exception of trade secrets) after the evaluation process is complete. The evaluation process is complete once the MNDNR completes its negotiation with grantees.

Receiving and Handling Nonpublic Data

1. **Sign and return a Grant Data Sharing Agreement**

MNDNR staff must have a completed grant data sharing agreement on file for each grant cycle. Without it, staff cannot release grant applications and associated review materials to a member.

2. Keep grant applications and review materials close; don't share or discuss with anyone.

Do not discuss applications, meeting discussions, or scores. Return or destroy all data created, collected or maintained as part the review and evaluation process. This includes any electronic or printed copies, handwritten notes, or emails with nonpublic data.

Conflict of Interest

The Coastal Council complies with the State of Minnesota's conflict of interest laws and policies:

- [Minnesota Statutes 10A.07: Conflict of Interest](#)
- [Minnesota Statutes 15.43: Acceptance of Advantage by State Employee: Penalty](#)
- [Minnesota Statutes 16B.98: Grants Management Process](#)
- [Minnesota Statutes 16C.04: Ethical Practices and Conflict of Interest](#)
- [Minnesota Statutes 43A.38: Code of Ethics for Employees in the Executive Branch](#)
- [Minnesota Statutes 471.87: Public Officers, Interest in Contract: Penalty](#)
- [State of Minnesota's Office of Grants Management Policy 08-01: Grants Conflict of Interest](#)

Defining a Conflict of Interest

A conflict of interest (actual, potential, or perceived) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest may exist even if no unethical, improper, or illegal act results from it.

Generally, a conflict of interest exists when a council member:

- Receives direct financial benefit from the applicant organization or application being reviewed;
- Has served within the last two years as an employee or governing board member of an applicant organization being reviewed;
- Has served with or without payment as a consultant to an applicant being reviewed;
- Has a familial relationship with an applicant or with a staff or board member of an applicant organization; or
- Submitted the grant application, a letter of support and/or were personally involved in preparing a grant application under review.

Generally, a conflict of interest does not exist when a council member:

- Has collaborators in the applicant organization, but they are not a part of the grant application;

- Freely donates materials or supplies to the proposed project, and these materials or supplies would also be available to other applicants;
- Pays membership dues to the organization; or
- Lives in the community where the proposed project would take place, and there is equal benefit for all that live there (e.g., public access improvement).

Handling Conflicts of Interest

1. Self-identify conflicts of interest when they arise.

Complete the Conflict of Interest Disclosure form with every grant application review. In instances where conflicts arise during the course of business, members may disclose at any time. Members do not need to disclose the nature of the conflict.

2. Verbally disclose conflicts of interest to the full Coastal Council.

The chair gives members an opportunity to disclose prior to the review of each grant application. In instances where a member is not present, but has provided his/her Conflict of Interest Disclosure form to MNDNR in advance, a MNDNR staff member announces any conflicts.

3. Decide on a course of action as a group.

If Coastal Council members want more information about the conflict of interest, the chair can ask the member to provide it. The Coastal Council discusses and possibly votes on one of several courses of action that are possible:

- The Coastal Council might conclude that the public disclosure is sufficient and that the member can fully participate in the discussion and scoring or vote because everyone can filter any comments, knowing of the member's interest in the topic.
- The Coastal Council might decide that a member should not participate in the discussion and scoring or vote. The member may provide factual information when and if the group specifically requests it from the member.
- The Coastal Council might determine that the member should not discuss, score or vote on the matter, but can remain in the room to hear the discussion.
- The Coastal Council might decide that the member should leave the room during the discussion and vote, to recuse him or herself.

4. Document the disclosure and the decision in the meeting minutes.

MNDNR staff capture both.

5. Follow through on the decision.

Members that are providing only factual information must keep their answers to the question posed and not provide any unsolicited information. The chair can block a question or instruct the Coastal Council to disregard the answer if it goes beyond being factual.

Members staying in the room, but not discussing or voting must be aware of their non-verbal communication.

Addressing Situations When Someone Does Not Self-Disclose a Conflict of Interest

Members have two options if they know that someone is not self-disclosing:

- 1. Speak privately with the member during the break or pass the member a note and explain why you think the member has a conflict of interest and give the member the opportunity to disclose it; or**
- 2. Announce to the group, as politely and professionally as possible, that you believe the member has a conflict that needs to be disclosed.** That announcement then belongs to the group, which must determine how to handle it.

Grant Application Review

The MNDNR offers two types of grants through the Coastal Program: STAR (Short-term Action Request) and Annual grants. The funding helps local communities, agencies, and organizations balance protecting coastal resources with providing places for people to live, work, and play.

Reviewing grant applications is a critical responsibility of members. Grant application review typically happens at each regular meeting. Members are expected to come prepared to meetings, ready to work through the process.

Preparation

- 1. Complete the Conflict of Interest Disclosure form sent with the review materials.**
- 2. Review the Notice of Grant Opportunity and any Questions and Answers**

The grant notice includes all the details about the grant opportunity, including format, priorities, and selection criteria and weights.

- 3. Read through the grant applications and consult subject matter expert comments (when applicable).**

If questions arise, contact MNDNR staff (Coastal Program Manager or designee). MNDNR staff follow-up and provide answers to the Coastal Council as a whole at the review meeting.

4. Provide initial scores on all the applications.

Put your scores on the Application Scoring Worksheet (whole numbers only; a minimum score is 1). Evaluate the applications using the published evaluation criteria. Do not consider: (1) the identity of the applicant; (2) their financial or staffing needs; (3) whether a project is new or a resubmission; (4) the size or age of the organization; (5) the applicant's indirect cost rate; or (6) information (or lack of) that the MNDNR did not ask for in the Notice of Grant Opportunity.

5. Add constructive and substantive comments to the scoring form whenever possible.

Comments included on the scoring worksheets are considered public data and have several benefits. MNDNR staff consider your comments and (may) incorporate them when negotiating with grantees on grant agreements. If not recommended for funding, member comments help provide guidance for future applications.

Other things to keep in mind:

- When drafting comments, consider they may be provided to the applicant.
- Include suggestions for the project in the comments. Suggestions not recorded are not be forwarded to the applicant.
- Make sure comments justify the score provided. Comments and scores must complement each other and make sense as a whole.

Review Process

The Coastal Council reviews each application individually in the order stated on the meeting agenda using the process below:

1. MNDNR staff introduces the grant application.

The introduction includes application number; title; applicant; grant and match amount; and full reading of the Project Summary.

2. Chair calls for conflict of interest disclosure

3. Coastal Council decides on course of action for how to handle member conflicts of interest, if necessary.

For more information on options, consult the "Handling Conflicts of Interest".

4. Members discuss application.

This is the opportunity for members to bring their insight, expertise and questions to the group. Discussion should add to the spectrum of understanding and provide clarification. It is not for advocating for or against a project.

During the discussion, members are able to change their initial scores.

Individual member participation in the discussion may vary depending on decisions made around conflicts of interest (see “Handling Conflicts of Interest”).

5. Members finalize application score on scoring sheet and turn in to MNDNR staff.

MNDNR staff must have all the scoring worksheets before moving on to the next application.

Once review of all grant applications is complete:

6. MNDNR staff compiles scores and presents ranked list to Coastal Council.

Members’ scores are added together and averaged to get a cumulative total score. MNDNR staff rank the applications based on the cumulative total score, with the highest score ranked #1 and so on. Results are projected and read aloud.

7. Chair calls for a vote to recommend funding projects in their rank order.

The Coastal Council does not recommend funding any application that receives a cumulative score below the pre-established minimum.

8. Members turn in their materials.

MNDNR staff collect members’ Conflict of Interest Disclosure form, grant applications, and any other associated review materials for record retention or proper disposal.

Submitting Scores When Unable to Attend Review Meeting

The Coastal Council accepts grant scores and comments from members unable to attend review meetings. Members must email, mail or hand deliver their scoring worksheets and signed conflict of interest disclosure form to MNDNR grants specialist at least five days prior to the review meeting. MNDNR staff incorporate the scores with those provided at the review meeting; and share any member comments.

Communication

Members and MNDNR staff use e-mail and/or phone to communicate between meetings. No voting or action can take place in this manner to comply with the Open Meeting Law.

Media/Public Relations

The chair and MNDNR program manager are the primary spokespeople for the Coastal Council, particularly with the media. However, every member is welcome to and should feel comfortable speaking to community members or groups they are involved in about the Coastal Council in general.

Expense Reimbursement

The MNDNR reimburses members for meeting related expenses (e.g., mileage, meals) in accordance with [Minnesota Statute 15.0593: Agencies Created by Executive Order](#).

Members must submit a complete reimbursement form to be reimbursed. MNDNR staff provide the forms at each meeting. Reimbursement generally happens within 30 days.

Revisions

Changes and revisions to these procedures may happen at any time, after a full discussion of the Coastal Council and approved by an affirmative vote of a majority of members present at a regular Council meeting. All members, whether or not they are present, must have had a chance to see the proposed revisions and comment on them before voting.