Utility Management Best Legal Practices & Ask the Lawyer

Effective Utility Management Workshop
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F&H Background

• Provides legal, analytical, public affairs, and media relations services to primarily greater Minnesota units of government

• Specializes in local government law, public labor and employment, environmental law and legislative advocacy

Establishment and Authority

• Municipal utilities
  – Governing statute and charter/code/resolution establishing
  – Regulation largely through local council or commission

• Cooperatives
  – Articles of incorporation and by-laws

• Investor-owned utilities

Minn. Stat. §§ 412.321; 412.331
Governing Body

- Local utility commission or by a city council
  - Commissioners generally appointed by the city council or Mayor
  - Municipal utilities subject to all state laws regarding public bodies, including:
    - Minnesota Government Data Practices Act
    - Minnesota Open Meeting Law
    - Public bidding laws
    - Public labor and employment laws
- Provide orientation and training on role and authority

Organization

- Mission and vision of utility and each department/division/section
- Organizational chart
- Services needed and provided
- Functions performed to provide services
- Staffing levels and positions
Job Classification and Compensation

- Job Description
  - Evaluate to ensure
    - Current
    - Accurate
    - Complete
  - Analyze to ensure compliance with federal and state laws
- Establish job evaluation system to “point” jobs
- Pay equity law compliance
  - Compensation reasonable relationship to points
  - Establish uniform pay structure
- Consider “total rewards”
- Timekeeping that includes actual hours worked

Personnel Management and Labor Relations

- Governing documents and authority
- Personnel policies
  - Comprehensive
  - Adherence
- Performance management
  - Establish expectations
  - Regular department/division/section meetings
  - Ongoing feedback
  - Reward
  - Develop and succession
  - Personnel actions
    - Coaching and counseling
    - Discipline
  - Performance evaluations
    - Consider tying to pay
Personnel Management and Labor Relations, continued

- Standard operating procedures and administrative guidance
- Review labor contracts and potential past practices
  – Make unilateral or negotiated changes as warranted

Insurance, Loss Control & Safety

- Insurance
  – Workers’ compensation, liability, property
- Practical steps to avoid losses and reduce cost of any losses that might occur
- Safety policies, work group, and training
  – Implementing sound practices to reduce or avoid repetitive work injuries
  – Preventative maintenance to reduce injuries
Finances

• Budget
  – Community and organizational needs, goals, and objectives
  – Use to communicate the value of services
  – Tie budgeting to goals in budget documents
• Expenditures
  – Valid authority and furthers a public purpose
• Accounting
  – Written policies and procedures
  – Internal control system

Records Management

• State laws govern the creation, maintenance, and destruction of records as well as public’s right to access government data
• Official records act
• Records retention law and schedule
• Minnesota Government Data Practices Act (MGDPA)
  – Policy
  – Training

Minn. Stat. §§ 15.17; 138.17; 13.01, et seq.
Meetings

• Open Meeting Law
  – Requires that meetings of public bodies must generally be open to the public
  – Public notice requirements
  – Limited exceptions for closed meetings

• Meeting minutes
  – Must keep a full and accurate record of actions

Environmental/Regulatory

• Regular environmental audit review
  – Status of permits/compliance
  – Evaluation of potential issues/changes

• Proactive monitoring of and engagement in regulatory changes and legislative activity

• Proactive engagement and due diligence in permitting process
Questions?