

DECC BOARD OF DIRECTORS MEETING

Video-Conference via Zoom
Wednesday, October 28, 2020
11:30 AM to 1:00 PM

I. APPROVAL OF AGENDA

II. APPROVAL OF MINUTES

Regular Board Meeting from September 30, 2020

III. APPROVAL OF CHECK RUN

Check Run - September 2020

IV. EXECUTIVE DIRECTOR REPORT

- a. William A. Irvin
- b. City Council Budget Presentation
- c. Stagehand Contract
- d. Public Board Information on Website

V. COMMITTEE REPORTS

- a. Executive
- b. Finance
 - i. October 2020 Finance Report
 - ii. Parking Rate Increase Discussion
- c. Governance
- d. Personnel

Ongoing Discussion Items:

- Vision and Mission Statement Review
- Strategic Plan
- Recommendations to approve Data Request and Public Use of Space Policies

VI. OLD BUSINESS

VII. NEW BUSINESS

VIII. ADJOURNMENT

IX. UPCOMING MEETINGS

Our next regular business meeting is scheduled for November 18, 2020 at 11:30 AM. Location to be determined.

DECC BOARD REPORT

OCTOBER 2020

- Minutes
- Check Run
- Action Items
- Staff Reports
- Informational Packet

ENTERTAINMENT AND CONVENTION CENTER AUTHORITY
REGULAR BOARD MEETING
September 30, 2020

A Regular Board Meeting was held Friday, September 30th, 2020 as a video-conference via Zoom.
Board Members Present: Chair Karen Pionk, Vice Chair Pat Mullen, Secretary Lynne Williams, Roz Randorf, Martha Bremer, Peter Singler, Mary Finnegan, Laura Mullen, Bill Nelson, Don Ness, Carrie Heffernan
DECC Staff Present: Roger Reinert, Caty Kaups, Renae Matt, Jeff Stark, Mary Sullivan, Steve Rankila, Wade Abrahamson, Sue Ellen Moore
Others Present: Steve Hanke – Duluth City Attorney and Media

CALL TO ORDER and QUORUM: Pionk called the meeting to order at 11:32 AM. A quorum of directors was present.

The Board took time to make introductions and welcome new board member, Laura Mullen.

MOTION: Pionk reviewed the agenda and Nelson made a motion to approve. Bremer seconded. The agenda was approved unanimously.

MOTION: Mullen made a motion to approve the meeting minutes from the regular meeting on August 26, 2020 and a special meeting on September 11, 2020. Randorf seconded. The minutes were approved unanimously.

Finance Report

Caty Kaups [Finance Director] notified the Board that the last payment of \$100,000 from the MN Historical Society Legacy Grant for the painting of the William A. Irvin was received. An overview was given of the August financials, as well as a 9-month budget outlook which covered the COVID-19 saliva testing site, significant staffing changes, and tenant payment schedules.

Heffernan joined at 11:40 AM.

The Board took time to discuss part-time staffing expenses, unemployment liability, and the “We Have the Space” campaign. There was discussion on Bentleyville and their plan for queuing cars without using the DECC parking lot. The Board took additional time to discuss the check run.

MOTION: Finnegan made a motion to approve the August 2020 Finance Report and check run. Singler seconded and the motion carried.

Committee Reports

Finance: The Finance Committee reported that they now have a regular monthly meeting scheduled. They have been reviewing finances closely and will be focusing on capital expenses, parking rates, the purchasing process, and the City Council budget presentation.

Governance: The Governance Committee reported that they will be meeting monthly and working in subcommittees. They are reviewing the DECC’s Mission Statement, the orientation process for new board members, policies, and potential legislation changes.

Personnel: The Personnel Committee reported that three proposals have been received to organize an executive director search. An overview was given regarding each and it was stated that they will hold any further action until given the directive from the Executive Committee.

Executive: The Executive Committee reported that they met with three executive committee members from Visit Duluth with Noah Schuchman as acting facilitator to review common goals and principles between the organizations. Additional meetings have been scheduled to continue conversations and the Executive Committee requests that any search for an executive director be on hold until there is a better understanding between the DECC and Visit Duluth.

There was discussion on the possibility of drafting the annual strategic plan in sections and working within smaller groups to bring back to the full board for review.

Additionally, it was reported that the rescindment period for Chelly Townsend's separation agreement has expired, making the agreement final as of September 26, 2020.

Staff Reports

Interim Executive Director: Roger Reinert reported that the current operations staff has been organized into two groups. The Internal Operations Team led by Steve Rankila is focusing on the maintenance and preservation of the fiscal assets and the External Operations Team led by Jeff Stark is focusing on how to use those assets in innovative ways to bring in earned revenue.

The Board was given an update on the payment arrangement with Vista Fleet, the status of an outstanding invoice at Fraser Shipyards, and ongoing conversations regarding utility expenses at MN Power. It was added that UMD has agreed to pay \$105,000 as an advance to their 2021 lease agreement.

There was additional discussion on the potential for off-site learning labs for students and other potential revenue opportunities.

The Board was notified of two additional full-time furloughs that went into effect last week. Additionally, the process has begun to notify almost 400 currently furloughed employees of a permanent layoff.

The Board was informed that the City Council made approved the City Attorney Office to offer limited legal support as well as legislative support for potential federal funding. The City Attorney Office will review the Ticketmaster renewal contract before moving forward with its execution.

The Board took some time to discuss these reported updates and changes.

External Operations: Jeff Stark [Director of Venue Operations] gave an update on the COVID-19 saliva testing site and answered questions related to this event. Mary Sullivan [Director of Event Planning] gave an overview on the results of recent conferences held at the DECC, the first since the closure due to the pandemic. She also answered questions related to the Catering Policy and future event bookings.

Internal Operations: Steve Rankila [Director of Building Maintenance] gave an overview of equipment and systems that are in need of repairs and how the team is working to prioritize the necessary updates. Wade Abrahamson [Chief Engineer] briefly updated the Board on the fifty-four year old transformer and the needed chiller upgrade. The Board took some time to discuss these systems and estimated costs.

Old Business

No report.

New Business

City Attorney Agreement: An agreement with the City Attorney Office was reviewed and there was an introduction of Steve Hanke [Attorney with the City of Duluth]. There was discussion regarding the differences and similarities in the agreements with other Authorities and clarification on how the expense compares to outsourced legal counsel.

MOTION: Randorf made a motion to approve of Reinert moving forward with the City Attorney Agreement. Williams seconded. The motion carried.

Policy Drafts: The Board reviewed the draft of the Data Practices Policies and took some time to discuss information related to requests. It was determined that the Governance Committee would review these policies and how they relate to the employment policies, then bring it forward for approval at the October meeting.

Williams logged off at 1:07 PM.

An overview was given on the Public Use of Space Policy. A recommendation was made for Reinert to work with the Personnel Committee, then potentially other Committee Chairs, to initiate focuses on the Strategic Plan draft.

Mullen logged off at 1:10 PM.

Public Access of Board Information: It was requested to have the DECC staff review what type of information could be posted on the website for public access and bring a recommendation to the Board in October.

ADJOURNMENT: Bremer made a motion to adjourn which was seconded by Singler. The meeting adjourned at 1:12 PM.

Upcoming Meetings

Next board meeting will be a regular meeting on October 28, 2020 at 11:30 AM. Location to be determined.

Minutes reported by Renae Matt, Executive Assistant.

Submitted by:

Karen Pionk, Chair

Lynne Williams, Secretary



Payment Register

DECC Operating Cash

Tuesday, September 22, 2020 - Monday, September 28, 2020

Date	Check Reference	Method	Name	Status	Amount	Bank Amount	Open	Difference	Cleared/Vld
09/25/2020	000001242	EFT	MINNESOTA DEPT OF REVENUE (MNTAXES)	Open	9,087.00		9,087.00		
09/28/2020	66936	Auto Check	CITON CORPORATION (CITONXX)	Open	62.00		62.00		
09/28/2020	66937	Auto Check	CITY OF DULUTH (CITYCLE)	Open	1,190.50		1,190.50		
09/28/2020	66938	Auto Check	DULUTH 10 THEATRE (DULUTHX)	Open	1,320.00		1,320.00		
09/28/2020	66939	Auto Check	DULUTH AREA CHAMBER OF COMMERCE (DULACHA)	Open	532.39		532.39		
09/28/2020	66940	Auto Check	FASTER SOLUTIONS (FASTSOL)	Open	45.00		45.00		
09/28/2020	66941	Auto Check	GOODIN COMPANY (GOODINC)	Open	72.28		72.28		
09/28/2020	66942	Auto Check	JOHNSON, KILLEN & SEILER, P.A. (JOHNKIL)	Open	3,135.00		3,135.00		
09/28/2020	66943	Auto Check	LARSON ELEVATOR COMPANY (LARSONE)	Open	8,352.00		8,352.00		
09/28/2020	66944	Auto Check	MARSH & McLENNAN AGENCY LLC (MARSHXX)	Open	58,084.00		58,084.00		
09/28/2020	66945	Auto Check	Peterson Septic Pumping, L.L.C. (PSEPTIC)	Open	325.00		325.00		
09/28/2020	66946	Auto Check	TWIN PORTS PAPER & SUPPLY INC (TWINPRTS)	Open	641.07		641.07		
09/28/2020	66947	Auto Check	U.S. BANK CORP./World Perks Visa (USBANKX)	Open	32.63		32.63		
09/28/2020	66948	Auto Check	U.S. BANK CORP./World Perks Visa (USBANKX)	Open	297.00		297.00		
09/28/2020	66949	Auto Check	U.S. BANK CORP./World Perks Visa (USBANKX)	Open	1,306.80		1,306.80		
Grand Totals:					84,482.67	0.00	84,482.67	0.00	



Payment Register

DECC Operating Cash

Tuesday, September 29, 2020 - Monday, October 5, 2020

Date	Check Reference	Method	Name	Status	Amount	Bank Amount	Open	Difference	Cleared/Ad
10/02/2020	000001243	EFT	ING (INGXXXX)	Open	24,108.05		24,108.05		
10/02/2020	000001244	EFT	PERA (PERAXX2)	Open	6,783.80		6,783.80		
10/05/2020	66950	Auto Check	DULUTH ENTERTAINMENT AND CONVENTION CENT (FLEXDEC)	Open	568.88		568.88		
10/05/2020	66951	Auto Check	Duluth Joint Powers Enterprise Trust, C/O Wells Fargo IRT (JPEXXXX)	Open	12,090.00		12,090.00		
10/05/2020	66952	Auto Check	I U O E LOCAL #70 (IUOEXXX)	Open	331.58		331.58		
10/05/2020	66953	Auto Check	NCPEERS GROUP LIFE INSURANCE (PERALIF)	Open	96.00		96.00		
10/05/2020	66954	Auto Check	Black Woods Group Catering (BLKWOODS)	Open	2,485.25		2,485.25		
10/05/2020	66955	Auto Check	CenturyLink (QWEST04)	Open	39.44		39.44		
10/05/2020	66956	Auto Check	CITON CORPORATION (CITONXX)	Open	150.00		150.00		
10/05/2020	66957	Auto Check	Duluth Joint Powers Enterprise Trust, C/O Wells Fargo IRT (JPEXXXX)	Open	10,560.60		10,560.60		
10/05/2020	66958	Auto Check	MENARDS - WEST DULUTH (MENARDW)	Open	52.87		52.87		
10/05/2020	66959	Auto Check	Minnesota Power (MNPOWER)	Open	246.93		246.93		
10/05/2020	66960	Auto Check	Minnesota Power (MNPOWER)	Open	1,289.35		1,289.35		
10/05/2020	66961	Auto Check	Minnesota Power (MNPOWER)	Open	1,177.33		1,177.33		
10/05/2020	66962	Auto Check	Minnesota Power (MNPOWER)	Open	200.79		200.79		
10/05/2020	66963	Auto Check	NORTHERN BUSINESS PRODUCTS (NRNBUSP)	Open	76.93		76.93		
10/05/2020	66964	Auto Check	NuCo2, LLC (NUCOXXX)	Open	178.38		178.38		
10/05/2020	66965	Auto Check	TERCH & ASSOCIATES (TERCHXX)	Open	1,000.00		1,000.00		
10/05/2020	66966	Auto Check	TWIN PORTS PAPER & SUPPLY INC (TWNPRTS)	Open	5,381.06		5,381.06		
Grand Totals:					66,817.24	0.00	66,817.24	0.00	



Payment Register

DECC Operating Cash

Tuesday, October 6, 2020 - Monday, October 12, 2020

Date	Check Reference	Method	Name	Status	Amount	Bank Amount	Open	Difference	Cleared/Vld
10/12/2020	66967	Auto Check	ARROWHEAD PRINTING, INC. (ARROWHE)	Open	382.61		382.61		
10/12/2020	66968	Auto Check	Black Woods Group Catering (BLKWOODS)	Open	4,410.50		4,410.50		
10/12/2020	66969	Auto Check	Charter Communications (0007223)	Open	292.01		292.01		
10/12/2020	66970	Auto Check	CITON CORPORATION (CITONXX)	Open	400.00		400.00		
10/12/2020	66971	Auto Check	GOODIN COMPANY (GOODINC)	Open	29.24		29.24		
10/12/2020	66972	Auto Check	GRAINGER (GRAINGE)	Open	140.01		140.01		
10/12/2020	66973	Auto Check	INTEGRATED OFFICE SOLUTIONS (INTEGRA)	Open	108.21		108.21		
10/12/2020	66974	Auto Check	INTER CITY OIL CO., INC. (INTCITO)	Open	135.01		135.01		
10/12/2020	66975	Auto Check	Leaf (LEAF)	Open	24.09		24.09		
10/12/2020	66976	Auto Check	MARY BAUFIELD (00024006)	Open	1,600.00		1,600.00		
10/12/2020	66977	Auto Check	NORTHERN ACRYLICS, INC. (NACRYLI)	Open	4,946.75		4,946.75		
10/12/2020	66978	Auto Check	NORTHERN BUSINESS PRODUCTS (NRNBUSP)	Open	86.81		86.81		
10/12/2020	66979	Auto Check	SAM'S CLUB MC/SYNCR (SAMSXXX)	Open	102.69		102.69		
10/12/2020	66980	Auto Check	SPS COMPANIES INC. (DULPLUM)	Open	32.88		32.88		
10/12/2020	66981	Auto Check	SUPERIOR GLASS INC. (SUPGLAS)	Open	400.00		400.00		
10/12/2020	66982	Auto Check	SUPERIOR USA CORPORATION (SUPUSAC)	Open	41.25		41.25		
Grand Totals:					13,132.06	0.00	13,132.06	0.00	



Payment Register

DECC Operating Cash

Tuesday, October 13, 2020 - Monday, October 19, 2020

Date	Check Reference	Method	Name	Status	Amount	Bank Amount	Open	Difference	Cleared/Vd
10/19/2020	66983	Auto Check	Black Woods Group Catering (BLKWOODS)	Open	2,018.40		2,018.40		
10/19/2020	66984	Auto Check	BRADLEY FRANKOVICH (@ONETIM)	Open	28.54		28.54		
10/19/2020	66985	Auto Check	CITON CORPORATION (CITONXX)	Open	625.00		625.00		
10/19/2020	66986	Auto Check	City of Duluth Comfort Systems (WATGASX)	Open	6,401.89		6,401.89		
10/19/2020	66987	Auto Check	City of Duluth Comfort Systems (WATGASX)	Void Stub					
10/19/2020	66988	Auto Check	CITY OF DULUTH, MINN (CITTREA)	Open	180.61		180.61		
10/19/2020	66989	Auto Check	Duluth Energy Systems (DUSTEAM)	Open	5,920.11		5,920.11		
10/19/2020	66990	Auto Check	DULUTH ENTERTAINMENT AND CONVENTION CENT (FLEXDEC)	Open	520.00		520.00		
10/19/2020	66991	Auto Check	Duluth Joint Powers Enterprise Trust, C/O	Open	788.00		788.00		
10/19/2020	66992	Auto Check	Wells Fargo IRT (JPEDENT)	Open	12,090.00		12,090.00		
10/19/2020	66993	Auto Check	Duluth Joint Powers Enterprise Trust, C/O	Open	394.95		394.95		
10/19/2020	66994	Auto Check	Wells Fargo IRT (JPEXXXX)	Open	17.21		17.21		
10/19/2020	66995	Auto Check	Leaf (LEAF)	Open	963.80		963.80		
10/19/2020	66996	Auto Check	SAMUEL HANSON HOOPMAN (@ONETIM)	Open	241.07		241.07		
10/19/2020			STATE INDUSTRIAL PRODUCTS (STATECH)	Open					
10/19/2020			WESTERN LAKE SUPERIOR SANITARY DISTRICT (WLKSUPS)	Open					
Grand Totals:					30,189.58	0.00	30,189.58	0.00	

Action Items

DECC Board
October 2020

Public Access Information on Local State Authority Websites

	Duluth Seaway Port Authority	Duluth Airport Authority	Duluth Entertainment and Convention Center Authority	Proposed Changes for the DECC Website
Upcoming Meeting Notice	x		x	x
Upcoming Video-Conference Meeting Links				x
Upcoming Meeting Agendas		x	x	x
Archive of Meeting Agendas back to 2016		x		
Meeting Minutes		x		
Archive of Meeting Minutes back to 2016		x		
Board Packets and presentations back to 2016		x		
Archive of Board Packets (6 months worth)				x
Press Releases	x	x	x	x
State Auditor or Annual Finance Reports	x	x		x
Board Member Names	x	x	x	x
Board Member Officer Positions	x	x	x	x
Board Member Terms	x	x	x	x
Board Member Photo	x	x	x	x
Board Member Bio	x	x		x
Board Member Committee Assignments			x	x
Individual Board Member contact info				
Generic contact information for full board	x			x

Staff Reports

DECC Board
October 2020

October 2020 Internal Operations Report

Team Lead: Steve Rankila, Director of Building Maintenance

Top 9 Needed Repairs and Estimates

1. Repair heating pump and impeller in boiler room	\$2160.00
2. Replace timer for compressor in AMSOIL	1000.00
3. Repair heat pump in DECC Arena	600.00
4. Replace belts for AMSOIL air handlers	800.00
5. Replace heat pump valve in AMSOIL	2500.00
6. Rebuild compressor for AMSOIL ice plant	1200.00
7. Replace Symphony Hall cooling coil	25000.00
8. DECC kitchen freezer repairs	7000.00
9. DECC walk in cooler repairs	3500.00

Priority Capital Expense Items

1. North Pioneer Hall ice plant-Curling Club and air conditioning – 1976
2. Pioneer Hall chiller – used for ice plant and A/C – 1976
3. DECC power transformer- original equipment – 1966
4. AMSOIL Arena heat exchanger
5. Garage Door 6
6. Entrance F – entry doors – 1966
7. Entrance A – entry doors – 1976
8. Symphony Hall cooling coil – 1966
9. Johnson Control upgrade for City Side
10. DECC Arena coil – 1966

Engineer Scheduling

A four-person engineering schedule has left gaps of coverage of 3-4 hours/seven days a week when there are no engineers in the building. So far we have only had a few small leaks in our heating pipes and one heat pump failure. All were discovered early with no damage to the building. With the beginning of the heating season we expect to find more.

Security Update

Even though we run patrols seven day a week, with the lack of building coverage and the cold weather, we have seen an increase in people trying to gain access to our building. Every day we find people sleeping in the (1) sky walk, (2) parking ramp and (3) a few have found a way into our building. We have two broken windows from vandals, at a cost of \$3000.00.

William A. Irvin Season Conclusion

As the Irvin season comes to an end with total season attendance of 18,179 and great revenue numbers, our team takes pride in how the process of tours was completed while maintaining a safe environment for our customers and staff. We separated each tour group by 5-7 minutes to ensure physical distancing was maintained. Total ticket revenue for the season was \$184,475 and gift shop revenue was \$87,918.17, bringing our gross revenue for the 2020 season to \$272,393.17.

Irvin 2020 Gross Revenue

Date:	Fri	7/10	7/11	7/12	7/17	7/18	7/19	7/24	7/25	7/26	Fri	7/31	8/1	8/2	8/7	8/8	8/10
Total Attendance	167	300	266	304	371	402	355	380	334	315	287	300	113				
Ticket Sales	1665.00	3180.00	2795.00	3085.00	3710.00	3935.00	3620.00	4075.00	3455.00	3170.00	3705.00	4145.00	3020.00	3115.00	1130.00		
Concession	50.50	95.50	25.00	88.00	170.00	117.50	44.50	113.00	157.00	142.00	65.00	79.50	48.00	90.00	14.50		
Gift Shop-Clothing	301.00	437.00	525.95	617.95	723.50	1297.85	1837.00	1298.50	842.00	885.50	1344.50	2046.95	1209.50	1358.00	651.50		
Gift Shop-Novely	738.25	747.43	589.76	972.75	859.75	1012.82	738.24	748.74	595.25	665.74	994.44	1511.50	760.50	904.50	609.98		
Gross Revenue	2754.75	4459.93	3935.71	4763.70	5463.25	6363.17	6239.74	6235.24	5049.25	4863.24	6108.94	7782.95	5038.00	5467.50	2405.98		

Date:	Fri	8/14	8/15	8/16	8/21	8/22	8/23	8/28	8/29	8/30	9/3	9/4	9/5	9/6	9/7
Total Attendance	517	509	485	515	638	507	663	411	180	392	799	347			
Ticket Sales	5195.00	5165.00	4770.00	4763.00	6485.00	4625.00	5063.00	6499.00	4305.00	1690.00	3570.00	6645.00	8265.00	3625.00	
Concession	59.00	68.50	131.00	51.50	68.00	57.50	52.50	96.50	59.50	25.50	31.50	95.50	113.50	17.50	
Gift Shop-Clothing	2487.50	1520.00	1410.45	2230.00	2264.25	2107.25	1346.90	1617.50	868.00	428.60	468.40	1486.40	1671.60	806.20	
Gift Shop-Novely	1007.25	975.50	807.75	1127.50	1198.00	1442.50	1134.25	1106.00	956.75	327.25	627.05	934.25	1133.00	629.00	
Gross Revenue	8748.75	7729.00	7119.20	8172.00	10015.25	8232.25	7596.65	9319.00	6189.25	2471.35	4696.95	9161.15	11183.10	5077.70	

Gift Shop
\$0.00

Date:	Fri	9/11	9/12	9/13	9/18	9/19	9/20	9/25	9/26	9/27	10/2	10/3	10/4	10/9	10/10	10/11
Total Attendance	203	534	230	195	515	441	422	367	231	422	213	491	313			
Ticket Sales	2190.00	5560.00	2410.00	2170.00	5345.00	4470.00	3135.00	6465.00	4065.00	2515.00	4480.00	4125.00	2100.00	5350.00	3240.00	
Concession	40.50	39.00	13.00	14.50	44.00	60.50	9.00	23.00	21.00	15.00	20.00	34.00	15.00	30.50	11.00	
Gift Shop-Clothing	742.10	1332.50	470.00	435.32	818.00	1379.75	374.50	1551.50	956.00	420.50	896.00	831.50	243.00	773.50	698.50	
Gift Shop-Novely	307.85	817.20	458.50	241.00	844.25	713.50	358.25	955.00	694.00	219.25	511.50	949.75	209.75	428.25	700.25	
Gross Revenue	3280.45	7748.70	3351.50	2860.82	7051.25	6623.75	8994.50	5736.00	3169.75	5907.50	5940.25	2567.75	6582.25	4649.75		

Date:	Fri	10/16	10/17	10/18	Fri	11/6	11/7	11/13	11/14	11/20	11/21	11/27	11/28	12/4	12/5	12/11	12/12
Total Attendance	516	14	344	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ticket Sales	4755.00	110.00	3520.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Concession	4.50	0.00	11.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Gift Shop-Clothing	786.50	237.50	846.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Gift Shop-Novely	581.25	114.00	443.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Gross Revenue	6127.25	461.50	4820.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2020
18179
184,475.00
\$2,633.00
\$49,882.42
\$35,402.75
\$272,393.17

October 2020 EXTERNAL Operations Report

Team Lead: Jeff Stark, Director of Venue Operations

First DSSO Event since March

- Event consisted of 3 days of rehearsal for a reduced Symphony ensemble of approximately 50 members followed by a 90 minute performance (without intermission) of “Strings Attached” for a live audience of just under 125.
- This concert was also live streamed in partnership with WDSE to patrons at home.
- Next performances are:
 - November 7th at 7pm – Afternoon Dances
 - December 5th at 7pm – Bentleyville Holiday Spectacular
- The event went very well and had no issues with physical distancing, patron ingress/egress and there were over 300 patrons that took advantage of the live stream element as well.

Ice

- All ice sheets are currently installed and the Curling season is underway.
- October through December is extremely busy with tournaments, youth hockey games/practices and Figure Skating
- Currently, Fryberger Arena, UMD and Wessman Arena are all offline or unavailable for rentals which has led to an uptick in usage.
- All locker room facilities are closed to prevent close contact of team members and have installed open air “dressing pods” to keep skaters distanced from each other and other user groups. We are following all MDH and MN Hockey guidelines. Plan can be found at: <https://decc.org/wp-lib/wp-content/uploads/2020/10/DECC-Ice-Rental-Policy-JS100820.pdf>

COVID-19 Saliva Testing Site

- The testing site has now been open for almost one month and we’ve identified and worked through some of the problems that have led to lineups.
 - The site is capable of administering 1,200 tests a day.
 - We’ve had one day that testing rose above 1,000, but averaged around 700/day.
 - Because the site is not open on Monday and Tuesday, we experienced lines on Wednesday from 12-3pm when a mixture of pre-registered patients and walk-ins converged. We’ve asked Vault Health to eliminate appointments on Wednesday from 12-1:30pm to address the walk-ins and keep a line from forming.
- We have experienced a high volume of calls, emails and voicemails relating to the test site. We revamped our phone system auto-attendant to guide the public to the correct agencies.

Virtual Event Center Discussions

- In hosting our first few conferences and working with our upcoming client list, it is apparent that virtual is critical and we need to be ready to address those needs to attract new business and retain current customers.
 - A number of events still need to happen for certification, yearly education and other professional credits. These attendees and organizers still need to have a venue to meet, whether it be virtual, hybrid or in person.
- Our goal is to partner with local AV companies to be able to offer an à la carte menu tailored to each group’s needs for a complete array of video conferencing services including room set ups, equipment, hosting and staffing/administration of the technology components. We want to be the “easy button” for planners to still bring their business to the DECC and serve their attendees regardless of if they are there in person or virtual.

Non-Revenue Administrative Events

October 2020 Board Report

Start Date	End Date	Administrative Event
10/22/20	10/22/20	DECC Board Personnel Committee
10/28/20	10/28/20	DECC Board Meeting – <i>tentative</i>
11/18/20	11/18/20	DECC Board Meeting – <i>tentative</i>
12/15/20	12/15/20	DECC Board Meeting – <i>tentative</i>

Non-Revenue Public Service Events

October 2020 Board Report

Start Date	End Date	Public Service Event
10/9/20	10/14/20	Duluth Fire Department Training
11/11/20	11/11/20	Red Cross/UMD Athletics Blood Drive

UPCOMING EVENTS BY DATE

September - November 2020

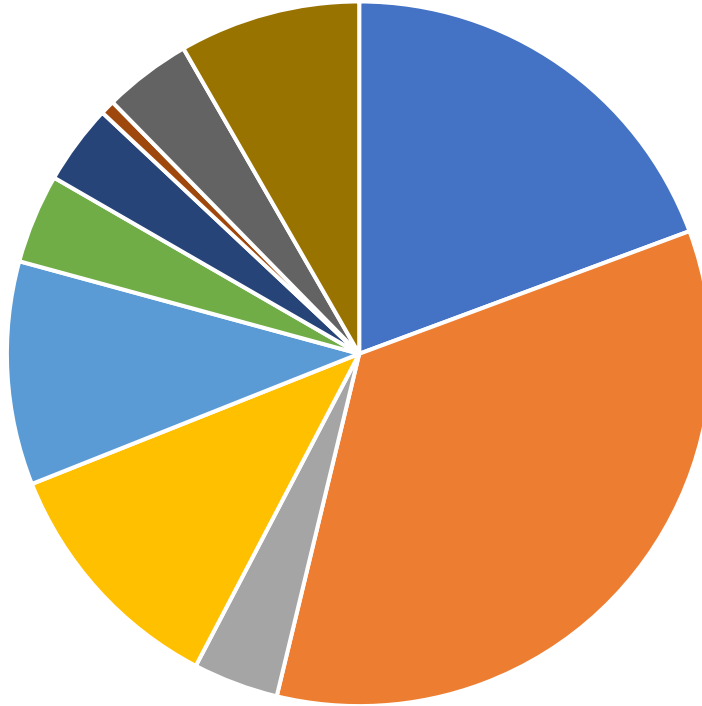
MONTH	DATE	EVENT	GUESTS	SPACE	Notes	Rent	Expo/IT	Catering/ Bar	Total
SEPT	8-9	Donald J Trump for President	250	Harbor Side ballroom		\$5,140	\$1,365		\$6,505
	11	LSRM & NCSR Board Meeting	12	Solon Board Room		\$325			\$325
	15	Chamber After Hours	40	South Pioneer Hall		\$0		\$130	\$130
	19-20	MTMI - Breast Imaging Conf	40	Horizon Level, HSCC		\$2,950	\$751	\$638	\$4,339
	24	BNI Lake Superior	50	South Pioneer Hall		\$495		\$200	\$695
	28-29	MN Assn of Assessing Officers	80	HSCC		\$4,300	\$621	\$865	\$5,786
September Total									\$17,780
Sept 29- Oct 1		Artic Compressor	25	Ed Fitz Exhibit Hall		\$1,350			\$1,350
OCT	10	MN Mayhem Fitness	150/150	Symphony Hall	2 events (womens / mens)	\$4,200	\$170		\$4,370
	18	DSSO Season Opener (2 performances)	200/200	Symphony Hall	Small Audience + Streaming	\$8,500			\$8,500
October Total									\$14,220
NOV	7	DSSO Performance w/ Young People's	200	Symphony Hall	Small Audience + Streaming	\$5,300			\$5,300
	21	Irving Community Club Bingo	250	LSB Ballroom		\$2,500		\$5,400	\$7,900
	21	CSS Thanksgiving Dinner meal prep	N/A	DECC kitchen	**negotiating cost reimbursement**				\$0
November Total									\$13,200
DEC	5	DSSO Holiday Concert	200	Symphony Hall	Small Audience + Streaming	\$3,900			\$3,900
	5	Arthritis Foundation Jingle Bell Run	250	Paulucci Hall		\$955			\$955
	5	Cloquet National Guard holiday party	90	Harbor Side ballroom		\$850			\$850
	5-6	Duluth Gun Show	1,000	Ed Fitz Exhibit Hall		\$3,900			\$3,900
	6	148th Award Ceremony	1,000	Symphony Hall		\$2,770			\$2,770
	17	Outback Concerts Bert Kreischer	2,000	Symphony Hall	Will likely postpone again				\$0
December Total									\$12,375

DECC 9-month Outlook
September 2020 - May 2021

	<u>Most Likely</u>	<u>Monthly</u>
<u>Revenue</u>		
Monthly Contracts	518,700	57,633
Tourism Taxes	923,128	102,570
UMD Lease Revenue	105,000	11,667
Parking	303,000	33,667
Ice Rental	275,000	30,556
Ticketmaster	223,000	24,778
Irvin	110,000	12,222
Covid Testing (through Dec)	98,313	10,924
DSSO/Ballet	17,700	1,967
Events	<u>76,500</u>	<u>12,000</u>
Total Revenues	2,650,341	297,982
<u>Expenses</u>		
Full Time Payroll	788,417	87,602
Part Time Payroll	187,852	20,872
Health Insurance	133,546	14,838
Retiree Health Insurance	95,040	10,560
Unemployment Insurance	878,000	97,556
Vacation/PTO Liability	70,200	7,800
Utilities	585,000	65,000
AMSOIL Bond payment	863,128	95,903
Bldg/Liability Insurance	252,000	28,000
Contract Services	188,640	20,960
Annual Audit	30,000	3,333
Supplies	<u>45,000</u>	<u>5,000</u>
Total Expenses	4,116,823	457,425
Estimated Loss	(1,466,483)	(159,443)

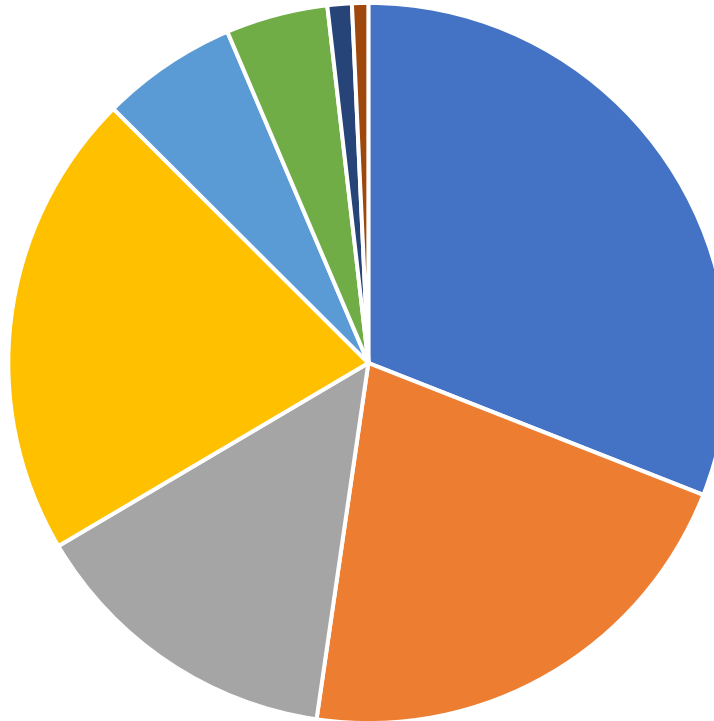
REVENUE

- Monthly Contracts
- Tourism Taxes
- UMD Lease Revenue
- Parking
- Ice Rental
- Irvin
- Covid Testing
- DSSO/Ballet
- Events
- Other



EXPENSES

- Payroll
- Unemployment
- Utilities
- AMSOIL Bond Payment
- Building Insurance
- Contract Services
- Supplies
- Other



BOARD REPORT
 Finance Department
 October 28, 2020

MONTHLY FINANCIAL PACKET

1 Financial Reports for September 2020

Balance Sheet	<i>Page 1</i>
Management Summary with Budget and Prior Year Comparisons	
Summary	<i>Page 2</i>
Detail	<i>Page 3</i>

**2 Operating checks written during month
requiring Board approval:**

Check Run	09/28/20	\$	84,482.67
Check Run	10/05/20		66,817.24
Check Run	10/12/20		13,132.06
Check Run	10/19/20		30,189.58
Check Run			
		<u>\$</u>	<u>194,621.55</u>

3 City Hotel/Motel Taxes Recap

		<u>% change</u>	
2011 Hotel Motel contribution	\$ 1,120,629		
2012 Hotel Motel contribution	\$ 1,195,939	6.7%	
2013 Hotel Motel contribution	\$ 1,258,541	5.2%	
2014 Hotel Motel contribution	\$ 1,353,981	7.6%	
2015 Hotel Motel contribution	\$ 1,541,975	13.9%	
2016 Hotel Motel contribution	\$ 1,683,274	9.2%	
2017 Hotel Motel contribution	\$ 1,708,506	1.5%	
2018 Hotel Motel contribution	\$ 1,818,754	6.5%	
2019 Hotel Motel contribution	\$ 1,869,144	2.8%	
2020 City Hotel/Motel contribution budget	\$ 1,780,620	-4.7%	
2020 City Hotel/Motel contribution estimate	\$ 890,310	-50.0%	of budget
2020 City Hotel/Motel contribution estimate	\$ 1,068,372	-40.0%	of budget

DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY
BALANCE SHEET
SEPTEMBER 30, 2020

<u>Assets</u>		<u>Liabilities and Fund Equity</u>	
Current Assets		Liabilities	
Operating cash	\$ 70,958	Current Liabilities (payable from current assets)	
Operating reserve account	950,000	Accounts payable	191,123
Accounts receivable	173,107	Lease purchase payable	804,508
Accts Rec-Tourism Taxes	830,955	Bond interest payable	0
Inventory	156,590	Bonds payable	0
Prepaid items	27,816	Accrued salaries payable	191,181
		Accrued vacation payable	96,260
		Deferred revenue	331,060
Total Current Assets	\$ 2,209,427		
Restricted Assets		Total Current Liabilities (payable from current assets)	\$ 1,614,131
Ticket Office deposits	\$ 779,451	Current Liabilities (payable from restricted assets)	
Cash and cash equivalents	8,178	Ticket Office deposits	\$ 830,977
Employee flexible benefits plan	0	Employee flexible benefits plan	660
Cash and cash equivalents	0	Total Current Liabilities (payable from restricted assets)	\$ 831,636
Debt reserve	0		
Total Restricted Assets	\$ 787,629	Long-Term Liabilities	
		Net pension liability	3,228,805
Fixed Assets		Net other postemployment benefits	1,553,850
Fixed assets	\$ 151,478,472	Total Long Term Liabilities	\$ 4,782,655
Less allowance for depreciation	(73,973,288)	Total Liabilities	\$ 7,228,422
Fixed assets (net)	\$ 77,505,184	Deferred Inflow	
		Deferred inflow of pension	\$ 854,473
Deferred Outflow		Fund Equity	
Deferred outflow of pension	\$ 312,013	Contributions (net of accumulated amortization)	\$ 65,558,478
		Prior period retained earnings	8,424,005
Other Assets		Current period retained earnings	(1,251,126)
Bond issue costs	\$ 0	Total Fund Equity	\$ 72,731,358
		Total Liabilities and Fund Equity	\$ 80,814,253
Total Assets	\$ 80,814,253		

DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

CONSOLIDATED MANAGEMENT SUMMARY

SEPTEMBER 2020

(Summary)

CURRENT MONTH

YEAR TO DATE

	BUDGET	ACTUAL	VARIANCE	VAR %	2019	BUDGET	ACTUAL	VARIANCE	VAR %	2019
DPTMTL PROFIT/LOSS:										
BUILDING SERVICES	8,605	65,881	57,276	665.6%	(9,269)	377,305	481,661	104,356	27.7%	562,452
PROPERTY MTNC	(208,840)	(110,464)	98,376	47.1%	(213,237)	(1,898,030)	(1,272,189)	625,841	33.0%	(1,781,714)
MARKETING	(15,060)	(5,082)	9,978	66.3%	(13,028)	(139,920)	(65,115)	74,805	53.5%	(82,552)
CATERING	87,520	1,691	(85,829)	-98.1%	96,408	728,385	279,871	(448,514)	-61.6%	1,158,716
CONCESSIONS	(24,640)	(65)	24,575	99.7%	(34,464)	58,035	100,584	42,549	73.3%	129,937
ADMINISTRATIVE	(118,220)	(53,036)	65,184	55.1%	(106,664)	(1,107,130)	(788,566)	318,564	28.8%	(1,043,186)
IRVIN	(2,653)	42,331	44,984	1695.6%	(2,788)	67,937	65,798	(2,139)	-3.1%	(50,995)
TICKET OFFICE	(11,690)	(4,256)	7,434	63.6%	(12,030)	222,225	40,377	(181,848)	-81.8%	296,946
PARKING	37,355	21,344	(16,011)	-42.9%	(7,120)	602,665	261,829	(340,836)	-56.6%	531,859
BAYFRONT	9,976	5,621	(4,355)	-43.7%	7,315	66,826	26,389	(40,437)	-60.5%	61,635
NON-OPERATING REVENUES/EXPENSES:										
CITY HOTEL/MOTEL TAXES	148,385	64,300	(84,085)	-56.7%	145,475	1,335,465	830,955	(504,510)	-37.8%	1,309,275
NAMING RIGHTS REVENUE	16,667	16,667	0	0.0%	16,667	150,003	150,003	0	0.0%	150,003
ARENA BOND PAYMENTS	(89,390)	(89,390)	0	0.0%	(87,905)	(804,510)	(804,508)	2	0.0%	(791,147)
SUBTOTAL OPERATING PROFIT/LOSS	(161,985)	(44,457)	117,528	72.6%	(220,639)	(340,744)	(692,909)	(352,165)	-103.4%	451,230
LESS: DEPRECIATION										
DEPRECIATION (NET)	(61,000)	(61,000)	0	0.0%	(59,000)	(549,000)	(549,000)	0	0.0%	(531,000)
NET CHANGE IN RETAINED EARNINGS	(222,985)	(105,457)	117,528	52.7%	(279,639)	(889,744)	(1,241,909)	(352,165)	-39.6%	(79,770)

DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

CONSOLIDATED MANAGEMENT SUMMARY

SEPTEMBER 2020

(Detail)

CURRENT MONTH

YEAR TO DATE

	BUDGET	ACTUAL	VARIANCE	VAR %	2019	BUDGET	ACTUAL	VARIANCE	VAR %	2019
REVENUES:										
BUILDING SERVICES	187,450	86,426	(101,024)	-53.9%	184,139	2,127,250	1,218,076	(909,174)	-42.7%	2,423,501
MARKETING	3,900	2,917	(983)	-25.2%	3,873	35,100	29,176	(5,924)	-16.9%	38,612
CATERING	236,760	8,496	(228,264)	-96.4%	244,534	2,047,740	711,393	(1,336,347)	-65.3%	2,569,610
CONCESSIONS	350	0	(350)	-100.0%	2,217	542,550	334,019	(208,531)	-38.4%	645,433
ADMINISTRATIVE	31,050	29,515	(1,535)	-4.9%	30,218	284,150	274,868	(9,282)	-3.3%	285,892
IRVIN	43,225	83,261	40,036	92.6%	6,785	461,230	251,801	(209,429)	-45.4%	41,223
TICKET OFFICE	0	0	0	0.0%	0	361,200	121,436	(239,764)	-66.4%	510,932
PARKING	76,000	25,760	(50,240)	-66.1%	65,737	940,000	422,316	(517,684)	-55.1%	972,012
BAYFRONT	20,536	11,536	(9,000)	-43.8%	16,446	191,416	72,720	(118,696)	-62.0%	189,431
NON-OPERATING REVENUES:										
CITY HOTEL/MOTEL TAXES	148,385	64,300	(84,085)	-56.7%	145,475	1,335,465	830,955	(504,510)	-37.8%	1,309,275
NAMING RIGHTS REVENUE	16,667	16,667	0	0.0%	16,667	150,003	150,003	0	0.0%	150,003
TOTAL REVENUES	764,323	328,878	(435,445)	-57.0%	716,090	8,476,104	4,416,761	(4,059,343)	-47.9%	9,135,924

OPERATING EXPENSES:

BUILDING SERVICES	178,845	20,545	158,300	88.5%	193,408	1,749,945	736,414	1,013,531	57.9%	1,861,049
PROPERTY MTNC	208,840	110,464	98,376	47.1%	213,237	1,898,030	1,272,189	625,841	33.0%	1,781,714
MARKETING	18,960	7,999	10,961	57.8%	16,901	175,020	94,291	80,729	46.1%	121,164
CATERING	149,240	6,805	142,435	95.4%	148,126	1,319,355	431,521	887,834	67.3%	1,410,894
CONCESSIONS	24,990	65	24,925	99.7%	36,681	484,515	233,434	251,081	51.8%	515,497
ADMINISTRATIVE	149,270	82,551	66,719	44.7%	136,882	1,391,280	1,063,434	327,846	23.6%	1,329,078
IRVIN	45,878	40,930	4,948	10.8%	9,573	393,293	186,003	207,290	52.7%	92,218
TICKET OFFICE	11,690	4,256	7,434	63.6%	12,030	138,975	81,059	57,916	41.7%	213,986
PARKING	38,645	4,416	34,229	88.6%	72,657	337,335	160,487	176,848	52.4%	418,842
BAYFRONT	10,560	5,915	4,645	44.0%	9,130	124,590	46,331	78,259	62.8%	114,935
ARENA BOND PAYMENT	89,390	89,390	(0)	0.0%	87,905	804,510	804,508	(2)	0.0%	791,147
TOTAL EXPENSES	926,308	373,335	552,973	59.7%	936,729	8,816,848	5,109,671	3,707,172	42.0%	8,650,523

DEPRECIATION:

DEPRECIATION (NET)	(61,000)	(61,000)	0	0.0%	(59,000)	(549,000)	(549,000)	0	0.0%	(531,000)
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NET CHANGE IN RETAINED EARNINGS

	(222,985)	(105,457)	117,528	52.7%	(279,639)	(889,744)	(1,241,909)	(352,165)	-39.6%	(45,599)
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Informational Packet

DECC Board
October 2020

Public Use of Space Policy

POLICY

The DECC's Public Use of Space Policy addresses the definition of users, rules of decorum, and event types. It also addresses political candidate, political event, and government official use.

DECC space rented to a Leasing Party ceases to be public property. No public person, candidate, or government official is allowed to go into the leased space against the wishes of the Leasing Party.

Demonstrations may be allowed when the DECC is used for a government function. The DECC will seek counsel from the Duluth City Attorney's office as needed in relation to this Policy.

PROCEDURE

1. Definitions

The following terms shall have the meanings set forth below for the purposes of this Policy:

- 1.1 "Permitted Areas" shall mean the public skywalk, Northwest Passage, and DECC Arena concourse when open to the general public and shall be referred to as the "Permitted Areas".
- 1.2 "Event" shall mean a public gathering pre-approved by the Executive Director as being in compliance with this Policy.
- 1.3 "Candidate" shall mean a person who has filed for office for an election to be held within two (2) years.
- 1.4 "Executive Director" shall mean the then appointed Executive Director of the Duluth Entertainment and Convention Center Authority or his/her designee.
- 1.5 "Government Official" shall mean any elected or appointed representative of any town, city, county, state, tribe or federal government ("Government") or any employee with an executive position within any Government.
- 1.6 "DECC" means the Duluth Entertainment and Convention Center Authority, otherwise known as the Duluth Entertainment Convention Center.
- 1.7 "Public Person" means any person who is not a Candidate or Government Official, not including DECC staff.
- 1.8 "Restricted Area" means areas not open to the general public or any area that is covered under a current rental agreement.
- 1.9 "Leasing Party" means any person or organizations under contract to rent DECC space for personal or organizational event use and any employee, representative, invitee, customer, vendor or contractor to Leasing Party.
- 1.10 "Tenant" means any entity which is the Tenant under a lease with the DECC for property at the DECC and any employee, representative, invitee, customer, vendor or contractor to Tenant.

2. Rules of Decorum

- 2.1 **Conduct at the DECC.** Any party visiting the DECC must observe order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the activities of the DECC or any Tenant or Leasing Party at the DECC nor disturb any Tenant or Leasing Party or refuse to obey the orders of the Executive Director.
- 2.2 **Merchandise.** No political or campaign merchandise shall be sold within the DECC complex or in areas not open to the general public.
- 2.3 **Masks and Noise Machines.** No masks shall be worn for the purpose of concealing the identity of the person wearing such mask at the DECC. Further, no noise making machines or devices are allowed in the DECC and no voice-altering machines or devices may be used by anyone in the DECC.
- 2.4 **General Conduct.** Any person making disparaging, slanderous, or profane remarks or who willfully utters loud, threatening, or abusive language or engages in any disorderly conduct which would impede, disrupt, or disturb the orderly conduct of the business at the DECC, shall be called to order by the Executive Director and, if such conduct continues, may at the discretion of the Executive Director, be ordered removed and barred from the DECC.
- 2.5 **Offensive Conduct.** No person shall engage in disorderly conduct such as using profane language, yelling or other forms of noisemaking, which disturbs the peace and good order at the DECC.
- 2.6 **Restricted Areas.** No person is allowed in any Restricted Area without prior permission of the Executive Director.
- 2.7 **Permitted Areas.** Visitors are allowed only in the Permitted Areas subject to the following rules:
 - 2.7.1 **Open to the General Public.** The area is unlocked and open to the general public and is not being used by a Tenant or Leasing Party.
 - 2.7.2 **Time.** No visitor shall be allowed in the Permitted Area between the hours of 10:00 p.m. and 7:00 a.m.
 - 2.7.3 **Signs and Flags.** Signs and flags brought to the DECC must not exceed 11 inches by 17 inches. Signs must not display profane language or images.
 - 2.7.4 **Obstructing, Entrances, Driveways, and Movement.** No visitor shall obstruct any entrances to, exits from, or other doorways within buildings or driveways or roadways which may impede the fire code or use any object to do the same. Further, no visitor shall obstruct or constrain the movement of any Tenant, Leasing Party or DECC staff member.
 - 2.7.5 **Obstructing Emergency Vehicles and Personnel.** No visitor may obstruct any emergency vehicles or personnel attempting to leave, enter, or maneuver within the DECC or on DECC grounds.

3. Tours

Upon application to the Executive Director, a person may request a tour of the DECC on behalf of a person, Candidate or Government Official. The Executive Director will consider such application and grant or deny permission for the requested tour, or impose any conditions that the Executive Director determines necessary, in order for such tour to comply with the terms of this Policy.

4. Events

- 4.1 The DECC may conduct or sponsor Events at the DECC at such times and in such manner as the Executive Director shall determine to be in furtherance of this Policy.
- 4.2 DECC staff may attend any event as a member of the general public. However, no DECC employee shall participate in political or campaign events while on duty outside of required job responsibilities.

5. Candidates

- 5.1 Candidates may make application for access to the DECC for an appearance in connection with a Candidate campaigning for public office. The Executive Director shall consider such

application and approve or deny or consider the approval of the application in accordance with this Policy.

- 5.2 The DECC is a public facility and shall not discriminate against the content of events. The Campaign appearance will be scheduled such as to not interfere with general operations of the DECC. The Campaign appearance must be coordinated with the DECC and/or its Tenant(s), or Leasing Party(ies).
- 5.3 The DECC maintains a policy of “open access to all political parties” in regards to access for campaign events, Candidates, and elected officials seeking to learn about or tour the DECC.
- 5.4 Approving a Candidate’s request for use of the DECC for a campaign event does not signify the DECC’s endorsement of that Candidate.
- 5.5 No DECC staff, Leasing Party, or Tenant will be required to be present for a Campaign appearance aside from the staffing of a social event as represented by a signed lease agreement.

6. Government Officials

- 6.1 Government Officials may make application for access to the DECC to conduct official business of the Government Official with respect to DECC activities. The Executive Director shall consider such application and approve or deny or consider it for approval in accordance with this Policy.
- 6.2 The Executive Director will accommodate an elected official who wants to hold a meeting in their official capacity as an office holder on the DECC’s property.
- 6.3 The DECC is a public facility and shall not discriminate against the content of events. The Government Officials appearance will be scheduled such as to not interfere with general operations of the DECC. The Government Officials appearance must be coordinated with the DECC and/or its Tenant(s), or Leasing Party(ies).
- 6.4 No DECC staff, Leasing Party, or Tenants will be required to be present for a meeting held by a Government Official nor help in the planning of a Government Official’s meeting beyond the normal scope of official duties or operations.

PURPOSE

The DECC recognizes the necessity to ensure effective and efficient operations at the DECC and to establish rules set forth in this Policy which relate to the conduct of persons requesting access to the grounds and facility. This Policy seeks to provide a mechanism to ensure the DECC’s ability to continue operations by providing procedures which allow for reasonable access when necessary. This Policy is meant to allow that every member of the public has an equal opportunity to access the general public areas of the DECC, subject to the reasonable limitations contained in this Policy.

HISTORY

Effective [month, date year]

Approved [month, date year] by name, title



DECC Data Practices Policy: Data Requests for the Public

Minnesota Statutes, sections 13.025 and 13.03 require this policy.

DRAFT

DRAFT

Your Right to See Public Data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the Duluth Entertainment and Convention Center Authority must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Request Public Data

You can ask to look at (inspect) data at our offices, or ask for copies of public data that we keep.

Make a written data request. Make your request by completing the data request form on page 7 and submitting it to the Responsible Authority (page 5) via U.S. mail or email.

If you do not use the data request form, your request must:

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons (for example: if you want us to mail copies to you, you need to provide us with an address or P.O Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

How We Will Respond to Your Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.

If we do not have the data, we will notify you in writing via U.S. mail or email within a reasonable period of time.

- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing the data.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - Arrange a date, time, and place for you to inspect the data at our offices; or

We will provide notice to you about our requirement to prepay for copies.

- You may choose to pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.
- Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.

Following our response, if you do not make arrangements within five (5) business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

We are also not required to respond to questions that are not about your data requests, or requests for government data.

Requests for Summary Data

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data.

We will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data.

You may use the data request form on page 7 to request summary data. We will respond to your request within ten business days with the data or details of when the data will be ready and how much we will charge you.

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Data Practices Contacts

Responsible Authority

Roger J Reinert

350 Harbor Drive
Duluth, MN 55802

p. 218-722-5573

f. 218-722-4247

e. rreinert@decc.org

w. decc.org

Data Practices Compliance Official

Roger J Reinert

350 Harbor Drive
Duluth, MN 55802

p. 218-722-5573

f. 218-722-4247

e. rreinert@decc.org

w. decc.org

Copy Costs - When You Request Public Data

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies.

You must pay for the copies before we will give them to you.

Multiple requests made within the same five (5) business-day period will be treated as a single request for the purposes of calculating total copy costs.

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

For 100 or fewer paper copies - 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most other types of copies - actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically sending the data.

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Employee time to make copies is \$18.00 per hour.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

Data Request Form - Requesting Public Data

Request date:

The data I am requesting:

Describe the data you are requesting as specifically as possible.

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but we charge for copies.

Contact information (optional)*

Name:

phone number:

email address:

address:

We will respond to your request as soon as reasonably possible.

* You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.

History

Effective [month, date year]

Approved [month, date year] by name, title

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DECC Data Practices Policy: Requests for Data About You and Your Rights as a Data Subject

Minnesota Statutes, sections 13.025 and 13.03 require this policy.

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What is a “Data Subject”?

When a government authority has information recorded in any form (paper, harddrive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights and how to request data about you, your minor child, or one for whom you are the legal guardian.

When the DECC Has Data About You

The Duluth Entertainment and Convention Center Authority (DECC) has data on many people, such as employees, job applicants, vendors, and clients. The DECC can collect and keep data about you only when we have a legal purpose to have the data. The DECC must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following are examples of public data about you that we might have:

-
- Employee name; employee ID number, actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary
 - Job title and bargaining unit; job description; education and training background; and previous work experience
 - Date of first and last employment
 - Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
 - Final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body (a disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action)
 - Complete terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include

specific reasons for the agreement if it involves the payment of more than \$10,000 of public money

- Work location; a work phone number; badge number; work-related continuing education; and honors and awards received
 - Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
 - Invoices and purchase orders
 - Budgets
-

Private data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have:

-
- Employee performance evaluations
 - Social Security Number
 - Birth date
 - Home address and phone number
 - Checking account numbers
 - Employee health information
 - Passwords
 - Gender and ethnicity
 - Citizenship and Citizen visa code
 - Veteran and disability status
-

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of confidential data about you:

-
- Credit card numbers
 - Security Information
-

Your Rights Under the Government Data Practices Act

As a data subject, you have the following rights.

Access to Your Data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

When We Collect Data From You

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

You must use the consent form we provide on page 11 if you want us to release data to another person.

Protecting Your Data

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

When Your Data are Inaccurate or Incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request For Your Data

You can ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

Make a written data request. You may make your request by completing the data request form on page 9 and submitting it to the Responsible Authority or someone else listed on page 7 via U.S. mail or email.

We recommend using the sample **Data Request Form - Data Subjects** on page 9. If you do not choose to use the data request form, your request must:

- State you are making a request as a data subject, for data about you, your child, or person for whom you are the legal guardian, under Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 10. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.

If we do not have the data, we will notify you in writing via mail or email within 10 business days.

- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days by doing one of the following:
 - Arrange a date, time, and place to inspect data in our offices, for free, or
 - Provide you with the data within a reasonable amount of time. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format

We will provide notice to you about our requirement to prepay for copies.

Following our response, if you do not make arrangements within five (5) business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.

- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

Data Practices Contacts

Responsible Authority

Roger J Reinert

350 Harbor Drive
Duluth, MN 55802

p. 218-722-5573

f. 218-722-4247

e. rreinert@decc.org

w. decc.org

Data Practices Compliance Official

Roger J Reinert

350 Harbor Drive
Duluth, MN 55802

p. 218-722-5573

f. 218-722-4247

e. rreinert@decc.org

w. decc.org

Copy Costs - Data Subjects

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies.

You must pay for the copies before we will give them to you.

Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any).

If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Employee time to make copies is \$18.00 per hour.

Data Request Form - Data Subject

Request date:

Contact information:

Data Subject Name:

Parent/Guardian Name (if applicable):

Phone number:

Email address:

To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

The data I am requesting:

Describe the data you are requesting as specifically as possible:

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but we charge for copies.

We will respond to your request within 10 business days

To Be Completed By Staff Member Responding to Data Request:

Identity Confirmed:

Date:

Staff Name:

Standards For Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- The parent or guardian of a minor must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate or
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

Data Request Form - Informed Consent Form

AN INDIVIDUAL ASKS THE DECC TO RELEASE HER/HIS PRIVATE DATA TO AN OUTSIDE ENTITY OR PERSON. BECAUSE THE DECC DOES NOT HAVE LEGAL AUTHORITY TO RELEASE THE DATA, IT MUST GET THE INDIVIDUAL'S WRITTEN INFORMED CONSENT.

Explanation of your rights and permission to release

If you have a question about this consent, or would like more explanation before you sign it, please contact:

Roger J Reinert
p. 218-722-5573
e. rreinert@decc.org

Letter of Permission to Release Information:

I, _____, give my permission for the Duluth Entertainment Convention Center (DECC) to release data about me to _____ as described in this consent.

1. The specific data I want the DECC to release include:
2. I understand that I have asked the DECC to release the data.
3. I understand that data are classified as private under Minnesota Statutes § 13.43.
4. I understand that by signing this Informed Consent Form, I am authorizing the DECC to release to the person(s) named above data which would otherwise be private and accessible only to me and to the DECC. I understand that without my informed consent, the DECC could not release data which is

This permission to release expires _____. (optional)

Date: _____

Printed Name: _____ Signature: _____

History

Effective [month, date year]

Approved [month, date year] by name, title

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