

**Minnesota Association of Watershed Districts (MAWD)  
Board of Directors Meeting**

January 10, 2022

Via Zoom



**1. CALL TO ORDER**

President Texer called the meeting to order at 8:02 a.m. A quorum was present.

MAWD Board (Board) Members present: Mary Texer, Sherry Davis White, Ruth Schaefer, Peter Fjestad, Wanda Holker, Jackie Anderson, and Linda Vavra

Board Members absent: none

Others present: Emily Javens, Executive Director; Ray Bohn, Lobbyist; and Jan Voit, Support Services; Board of Water and Soil Resources (BWSR) Representatives: Jill Crafton and Joe Collins; Tina Carstens, Ramsey Washington Metro Watershed District (WD)/Minnesota Association of Watershed Administrators (MAWA) Representative, Mark Doneux, Capitol Region Watershed District (CRWD); Tim Kelly, Coon Creek WD; and Mori Maher, Middle Snake Tamarac Rivers WD

**2. GENERAL HOUSEKEEPING**

*Agenda*

Director Fjestad moved to approve the agenda. This was seconded by Director Holker and the motion carried unanimously.

*Member Comment Period*

No MAWD members were present to address the Board.

*Secretary's Report*

Director White made a motion to approve the minutes of the November 30 meeting with some minor typographical changes. This was seconded by Director Fjestad and the motion carried unanimously.

*Treasurer's Report*

Director White reported that the current account balances are:

- Checking: \$38,425.12
- Savings: \$239,733.64
- Total: \$278,158.76

Director Anderson made a motion to accept the treasurer's report. This was seconded by Director Fjestad and the motion carried unanimously. Discussion was held regarding posting Board meeting information on the website. The agenda will be posted before the meeting. The minutes will be posted after they are approved. The financial reports will be posted quarterly. The expense sheet was revised and will be distributed to directors.

**3. REPORTS**

*President's Report*

Director Texer spent most of her time on the strategic plan survey.

### ***Executive Director's Report***

Emily Javens reported that she met with BWSR Executive Director Jaschke and Ray Bohn regarding the general operating levy. A fact sheet was drafted regarding the levy and presented to Representative Lippert. The draft bill removes the reference to the \$250,000 levy limit and adds language from the metro statute in 103B. The cap of .048 percent of the estimated market value remains in place, which allows for fluctuation based on inflation. She also said that there may be two bills regarding the levy. Jim Stark from the Subcommittee on Minnesota Water Policy has submitted a bill. She has not seen what he drafted. Emily will be testifying to the Subcommittee on Minnesota Water Policy on January 13 about both options for increasing the general operating levy.

Discussion was held regarding:

- How does the revised formula effect WDs with declining population and market values? The draft language will be discussed at the upcoming Buffalo Red River WD and Middle Fork Crow River WD meetings. Their input will be sent to Emily.
- Whether the use of the word "priority" is limiting for WD project implementation. The language was taken directly from the 103B statute regarding levying. Using this language shows that rural WDs are being treated differently than those in the metro. WDs should only be doing projects that are contained in their Watershed Management Plan (WMP), so the language shouldn't be limiting.
- There is a hearing before the Minnesota Supreme Court on Tuesday, January 11 at 9:00 a.m. regarding Anoka County vs Circle Pines. The hearing will be live streamed and recorded. Access to the hearing can be found at [mncourts.gov](http://mncourts.gov).

### ***MAWD Committee Reports***

*Legislative Committee – December 15, 2021*

Director Anderson stated that the general operating levy was the main topic of discussion at the Legislative Committee meeting. The early discussions that Ray and Emily had with legislators puts this issue ahead of where we have been in the past. It also helps that this topic has been repeated to legislators for several years so they likely have a better understanding of the issue. Having this legislation in a ready format is very exciting. She referenced the meeting notes. She said that it helps her to focus on running the meeting and participating in discussion when she doesn't have to be responsible for taking notes. The topic of the bonding bill provides an opportunity to educate our members about the process and how MAWD can help. The remainder of the meeting was focused on adding information from the Resolutions Hearing to the preliminary legislative agenda.

Ray Bohn explained that the forecast predicts a budget surplus. The governor intends to spend general fund money on infrastructure issues. The idea behind this is that using general fund money, rather than bonding, saves the tax payer from paying interest. There will also be some legislators that want to give money back or make tax reductions.

Discussion was held regarding:

- Proactive outreach to members about the governor's intentions for the budget surplus. It would be helpful to have WDs list projects they would want to fund in

general fund money is set aside for infrastructure, as well as reviewing the current WD bonding bills.

- WDs have not traditionally contacted Ray regarding their individual bonding bills, although he works closely with the Red Board lobbyist on those issues.
- The need to contact members before the legislative session begins. The purpose would be to explain the role of the lobbyist and set clear expectations in the context of the MAWD lobbying platform.
- In order to move the general operating levy bill forward, working with Representative Markquart will be necessary. That process will likely involve assistance from WD members. Representative Fisher will help MAWD with this as well.
- Closed sessions at the legislature make it difficult for bills to be heard. There are two-hour time limits for meetings and legislators are reluctant to schedule extra meetings. Holding remote meetings also makes access to legislators challenging because they are often in their home offices rather than in St. Paul.
- In the MAWD legislative platform, the general operating levy issue is being looked at from a couple perspectives. One is raising the cap. The other is obtaining capacity funding. If the governor is interested in funding infrastructure with surplus funds, this may be an opportunity for WDs. It may be possible for BWSR to assist in getting general funds for WDs. The bigger issue is the need for a permanent fix to the funding issue, which is why using the 103B language may be the best option.
- There is no requirement for the legislature to return money to the Clean Water Fund from a general operating levy surplus. Jill Crafton will discuss this issue with the BWSR Executive Director.

Director Fjestad made a motion to accept the 2022 MAWD Legislative Lobbying Platform. This was seconded by Director Vavra and the motion carried unanimously.

#### *Joint Events / Resolutions Committee – December 17, 2021*

This meeting was led by Maddy Bohn and Jan Voit took notes. Emily Javens explained the survey results. They showed that only 10% of those completing the survey were dissatisfied with the annual convention being held virtually. The feedback showed that there was acceptance of the Board's decision, knowing that it was difficult to make.

Director White reported that the Resolutions Hearing took too long. This was likely a result of the difficulty of holding virtual meetings, as well as the need for more detailed information to be submitted in the resolutions process. Ultimately, the process allowed for discussion and resolutions that were accepted by the majority of the members.

Preliminary financial information was distributed. These numbers show that the financial goal was met.

The platform for the conference was much easier to navigate. It was not as complicated to use. The hope is that next year's annual conference will be in person.

## **Partner Reports**

### *MAWA*

Tina Carstens informed the Board that MAWA will be meeting on January 13. Election of officers, updates from partners, committee appointments, regional updates, and interactive discussion are on the agenda. She will have more to report at the next Board meeting.

### *BWSR Board Meeting – December 17, 2021*

Jill Crafton asked if there would be an opportunity to get more input from MAWA regarding their concerns about BWSR or things for which she should be advocating. Currently grants committee meetings are set by BWSR staff and held at times that don't work for members. Often there is a struggle to have a quorum, which is difficult when the committee is making policy recommendations. They are working to find a consistent time to meet.

## **4. UNFINISHED BUSINESS**

### *Region 2 Director Appointment*

Emily Javens explain that appointment of a Region 2 Director is required by MAWD governance documents. This will be an agenda item until the position is filled. There are no candidates at this time.

### *2022 MAWD Board Meeting Calendar*

Emily Javens presented two options for meetings. Option 1 was to continue meeting on a monthly basis. Option 2 was following the historic schedule of meeting on a quarterly basis and holding meetings in conjunction with MAWD events.

Discussion was held regarding the work involved in meeting preparation, understanding the need for monthly meetings, better understanding the Executive Director's needs by meeting more often, meeting quarterly and sending monthly updates by email, treasurer's reports and committee reports being distributed by email, and allowing the MAWD President and Executive Director to decide if a meeting is needed.

Director Anderson made a motion to retain the monthly meeting schedule, with the Executive Director and MAWD President determining if a meeting is needed. This was seconded by Director Vavra and the motion carried unanimously.

## **5. NEW BUSINESS**

### *BWSR Response to Petition Requesting Rulemaking on Enhanced Soil and Water Conservation District (SWCD) Plans*

Emily Javens stated that the response from BWSR was disappointing. She spoke with Louis Smith, MAWD legal counsel regarding the response. While there is an option to appeal, he didn't necessarily recommend that. MAWD would probably not receive the result wanted since courts tend to side with state agencies. He did recommend responding to the letter's inaccuracies, as well as addressing the fact that the BWSR Board did not get a chance to discuss the petition nor did MAWD get an opportunity to state their case. It would also be important to determine if the BWSR Board has officially granted authority to the Executive Director to respond to legal petitions. Emily also stated that there are some things that could be pursued legislatively. She thought the best options would be to respond to the letter,

request that the petition be an agenda item and have an opportunity to present arguments to the BWSR Board, and pursue some options to fix the problem legislatively.

Discussion was held regarding the following:

- SWCDs should not be competing with local government programs.
- BWSR using One Watershed, One Plan to expand the footprint of SWCDs.
- BWSR stating they have the power to do whatever they want.
- WDs and SWCDs are boots-on-the-ground organizations. WDs bring science to their decision making. WDs and SWCDs have differing strengths and weaknesses. BWSR could be doing more to support both organizations in a more complementary way. That can't be done in a BWSR Board meeting because state agencies will not criticize BWSR.
- BWSR staff is entrenched in their own ideology.
- While it may be fair to have a response from the BWSR Executive Director, there is a need to have the BWSR Board recognize and discuss the petition.

Louis Smith is in the process of drafting a response. He plans to get the draft document to Emily this week. She will add details about the inaccuracies in the BWSR response letter.

Director White made a motion to respond to BWSR letter and work through the MAWD legislative platform. This was seconded by Director Anderson and the motion carried unanimously. Once the letter is finalized, it will be signed by Director Texer and Emily and sent to the BWSR Executive Director and the BWSR Board. Joe Collins will follow up with the BWSR Executive Director after the response letter is sent.

#### *2022 Priorities and Goals, Roles and Responsibilities*

Emily Javens explained that one of the areas that has led to frustration is making sure we are all on the same page. Over the last month, she has been thinking about the need to focus and understand exactly what work will be done. It is necessary to have clear objectives and identify who is going to do what. We need a vision for internal communication, as well as external communication with our members and our partners. Over the next six months, we have two events and the legislative session. That is a full workload. The membership expects us to deliver on those things.

She provided a draft work plan developed for the MAWD Legislative Program. Discussion included:

- This document includes everything that people need to know. It is an action plan for delivering and could be used for all of the areas in which MAWD is involved. Good job!
- Protect members against legislation that would limit their ability to restore and protect our water was of particular interest. We need to hear from MAWA what is limiting their ability to do their statutory duties.
- This approach is really good and would be proudly offered to the MAWD members in the northwest region. Thanks, Emily, for writing this up.
- We are doing what we are supposed to. For the membership to better understand this, the process and expectations should be on paper.

- There are other work plans that need to be written. The MAWD Legislative Program Work Plan guides the next six months of work that needs to be undertaken, so it was important to start with this.
- Would it be possible to track how much time the legislative program takes, as well as other efforts, to determine if we are spending our resources in line with our values? MAWD does have some time tracking software. Communication takes about an hour a day. That is important. So are meetings. There is a cost for communication and meetings and the time it takes to put information together. Having the data would help to determine if someone else could take on some of those roles.
- If you don't have written goals, you have no goals. Keep up the good work.

The draft MAWD Legislative Program Work Plan will be distributed to the Board. The Board should provide feedback to Emily as soon as possible. Other work plans will be developed as time allows.

#### *Contract Renewals*

Emily Javens stated that the contract for Maddy Bohn is the same as last year. She did not raise any of her fees. Director Anderson made a motion to approve the contract for events, website, and social media with MBohn Consulting. This was seconded by Director Fjestad and the motion carried unanimously.

Emily Javens explained that MAWD hired Jan Voit to assist her for three months at the end of 2021. As the Executive Director, it is difficult to be a sole employee responsible for the organization's vision, program implementation, and so many other activities. It is hard to attend a meeting, be engaged in discussion, and/or facilitate. Having Jan's assistance in note taking alone has made a huge difference in Emily's workload and has helped her to focus on other things that she should be doing. The two have worked together seamlessly for years, especially in communication. The proposal is to consider a six-month extension. Jan would be responsible for working on the MAWD Handbook, coordinating the Summer Tour with Minnehaha Creek WD (MCWD), preparing meeting notes for BWSR, Drainage Work Group, MAWD meetings and MAWD committee meetings, assisting with newsletters, and other duties as assigned by the Executive Director. Funds for the contract would have to come from reserves. Director Fjestad made a motion to approve the contract for General Support Services for Jan Voit. The motion was seconded by Director White. Discussion was held regarding Jan's work ethic and professional knowledge, the Executive Director's workload is beyond what one person can do, and the upcoming dues discussion. The motion carried unanimously.

Emily Javens explained the contract for lease and administrative support with CRWD. The lease price did not increase, but the personnel rates have increased. Director Anderson made a motion approve the Lease and Administrative Support contract with CRWD. This was seconded by Director Fjestad and the motion carried unanimously.

#### *2023-2025 Strategic Plan Survey*

Director Texer asked board members to provide comments on the draft survey by the end of the day on January 11. The Strategic Plan Committee is scheduled to meet on January 11.

### *Policy Development / Decision-Making Framework*

#### When to Seek Requests for Proposals (RFPs) on Services

Discussion was held regarding when to seek RFPs for services.

- Contracts for which RFPs could be requested include auditing, events management, and lobbying.
- The contract with Ray Bohn is for two years. It goes through 2022. It will be necessary to have an RFP for lobbying services for 2023.
- The timeframe for issuing RFPs should be staggered.
- Emily Javens will provide the board with draft RFP forms.

Director White moved that during the 2022 fiscal year, for the following year, MAWD will issue RFPs for a three-year contract for auditing services and a two-year contract for lobbying services. This was seconded by Director Fjestad and the motion carried unanimously.

#### When to Hold In-Person vs Virtual Events

Discussion was held regarding when to hold in-person or virtual events.

- The decision regarding the legislative event would be simple – if the Capitol is open and legislators are there, then we would be there in person.
- Decisions for virtual or in-person meetings are driven by deadlines for notifying the event forums or locations. Staff time and the turnaround they need to plan a virtual event must be considered.
- The legislative event is going to be held in person. We would owe several thousand dollars if we cancel this time. The hotel has a large meeting space. The legislative event tends to be a smaller group, about 100 people. It is not likely that the Senate will close, nor is it likely that the governor will shut down the state.
- Putting the decision-making process used for the 2021 annual conference would be helpful. Criteria from the Minnesota Department of Health, Center for Disease Control, and the event location were all elements that were used to make the decision. Publishing a policy statement is necessary so the membership knows how a decision is made. Much of the work has been done. Putting it into a policy statement would be the next step.
- The Summer Tour could still work as an in-person event. MCWD is going to follow Occupational Safety and Health Administration (OSHA) rules for an organization that has 100 or more employees for the Summer Tour. They will need to know in the near future how to proceed with this event.

#### *2022 Committees: Scopes of Work, Assignments, and Calendars*

Emily Javens will work with each committee chair to develop the Scopes of Work, assignments, and calendars. This information will be presented at a future meeting.

## **6. ADJOURNMENT**

Director Fjestad made a motion to adjourn the meeting at 10:07 a.m. This was seconded by Director Vavra. Motion carried unanimously.

Ruth Schaefer, Secretary