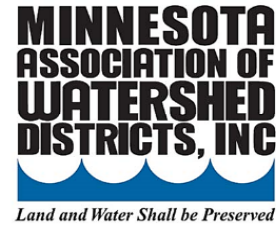


Minnesota Association of Watershed Districts (MAWD) Board of Directors Meeting

August 23, 2022



1. CALL TO ORDER

President Vavra called the meeting to order at 1:00 p.m. A quorum was present.

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

Board Member attending via Zoom: Mary Texer

Board Member absent: Gene Tiedemann

Others present: Jan Voit, MAWD Support Services; Rob Sip, Red River Watershed Management Board (RRWMB); LeRoy Ose, Board of Water and Soil Resources (BWSR); Marcie Weinandt, Clean Water Council (CWC); John Waller, Rice Creek WD; David Ziegler and Tom Duevel – Riley Purgatory Bluff Creek WD; and Jason Braaten, Roseau River WD; and Louis Smith, Smith Partners by telephone

2. GENERAL HOUSEKEEPING

Agenda

Director Fjestad made a motion to approve the agenda with the addition of Treasurer and Finance Committee replacement, resolutions, update from Ray Bohn on the Drainage Work Group (DWG) and Wetland Conservation Act (WCA), and a closed session for personnel issues. Director Schaefer seconded the motion. Motion carried unanimously.

Member Comment Period

No MAWD members were present to address the Board.

Secretary's Report

Director Fjestad made a motion to approve the minutes of the April 18, June 20, July 25, and August 1 meetings. Director Gertgen seconded this.

Treasurer's Report

Director White reported that the current account balances are:

- Checking: 68,413.65
- Savings: 204,749.47
- Total: 273,163.12

The accountant suggested that non-members and those that have not paid dues be removed from the list. A list of past members should be maintained. Director Anderson made a motion to include active members in one report and inactive members in a second report as part of the Treasurer's Report. Director White seconded the motion and it carried unanimously.

The final pay out for the former executive director will be made in September. A final lobbying report from the former executive director is necessary to have the figures accounted correctly in the budget. Director Fjestad moved to accept the treasurer's report. This was seconded by Director Anderson and the motion carried unanimously.

3. UNFINISHED BUSINESS

Request for Proposal (RFP) for Lobbyist

Ray Bohn was present to discuss the lobbyist position. He provided the Board with a historical perspective of the position since he was hired in 1995. He intends to lobby for another session and believed that his experience of over 30 years would be a benefit to MAWD.

Discussion was held regarding:

- the contract length,
- the experience of the person that is hired,
- the uncertainty of the political makeup because it is an election year,
- the possibility of working in partnership with the RRWMB,
- the financial implications of hiring a second lobbyist to work in tandem with Ray Bohn,
- whether it was necessary to hire a second lobbyist now or to wait two years,
- the difficulty in hiring a new executive director and lobbyist in the same year,
- the need to clarify the policy-making process and the involvement of the lobbyist in policy development, and
- the executive director's role in the lobbying process.

Director Texer made a motion to enter a two-year contract with Ray Bohn serving as senior lobbyist the first year and formulating an RFP for a junior lobbyist with water knowledge to work with Ray for those two years. The second year, the junior lobbyist would serve as the main lobbyist with Ray's assistance. Director Anderson seconded the motion.

Discussion was held regarding:

- the need to determine what each lobbyist would do before an RFP is distributed,
- that changes to executive director's position description would be necessary based on the final decision about a lobbyist,
- the costs incurred with hiring a second lobbyist may not be much more than the current costs given that the workload for Ray would be decreased, and
- instead of worrying about who is taking over, let Ray be the lead lobbyist until he decides to retire.

Director Fjestad made a motion to amend the previous motion to simply hire Ray Bohn as lobbyist for two years. Director White seconded the motion. Director Texer withdrew the motion and Director Anderson withdrew the second. Director Fjestad withdrew the amendment and Director White withdrew the second.

Director Fjestad made a motion to retain Ray Bohn as lobbyist for two years giving Ray the authority to seek a partner that will be approved by the Board. Director Anderson seconded the motion and it carried unanimously.

RFP for Auditor

Director White reported that it is too late to secure an auditing firm for 2022 because budgets and staffing for these entities have already been set. Director White made a motion to draft and distribute an RFP for auditing services for the 2023 fiscal year. Director Fjestad seconded the motion and it carried unanimously.

4. NEW BUSINESS

Executive Director Position Description

Suggestions from the Board were compiled by Director Texer. Given the discussion at today's meeting, there are changes that need to be made. Directors Anderson and Texer will work with Ray Bohn to update the position description. Director Texer made a motion to move the position description to the next meeting. Director Gertgen seconded the motion and it carried unanimously.

[Louis Smith joined the meeting by phone.]

MAWD Support Services

Louis Smith reported that a closed session would be held when discussing an individual's performance. This item is intended to define MAWD's interim staffing needs.

Discussion was held regarding the importance of moving forward, clarification of duties, and having Jan Voit step into the executive director's job on a temporary basis. Discussion was held regarding the number of hours, reimbursable expenses, and interim salary. Director Anderson made a motion to change Jan Voit's contract to accommodate the executive director's position on an interim basis, hours will be reported to the Board monthly, not to exceed 40 hours per week, and a wage of \$50 per hour. Director Gertgen seconded the motion. This will be a contract position with no benefits. The motion carried unanimously. Directors Texer and Anderson will update the contract and send it to Louis Smith for review.

Polk County and Red Lake WD

Louis Smith gave an overview of the information provided in the Board packet. The Red Lake WD took jurisdiction over a petition to improve Polk County Ditch 39 pursuant to Minnesota Statutes Section 103D.625. Landowners appealed to the district court, contending that Polk County had jurisdiction over the drainage proceeding, and RLWD did not. The district court ruled against RLWD, holding that a WD may have jurisdiction over a drainage improvement petition only if the county has formally transferred jurisdiction over the drainage system to the WD. This ruling conflicts with the legal position and practice of WDs operating throughout the Red River Basin and the state.

The practice of drainage law has been a consensus that whenever an improvement petition is filed, if a WD exists in the watershed of the drainage system, the petition needs to be filed with the WD. The WD manages the proceeding whether or not a transfer of jurisdiction from the county has occurred. After the proceeding, the drainage authority sometimes remains with the WD and sometimes goes to the county for maintenance. The idea in water law is that when a WD is in existence, having authority over improvement proceedings is key to how water resources are managed. Louis Smith was contacted by Rinke Noonan and the RRWMB about being friends of the court. The Red Lake WD is going to appeal. This issue has statewide significance. It is appropriate for MAWD to also be a friend of the court and share in the expense.

Rob Sip reported that the RRWMB has agreed to have Louis Smith work on the brief and get involved on their behalf. Director Fjestad made a motion to have Louis Smith draft a friend of the court brief on behalf of MAWD. Director Holker seconded the motion and it carried unanimously. Louis Smith will work on the brief with Rob Sip and Jan Voit.

[Louis Smith left the meeting.]

5. REPORTS

RRWMB

Rob Sip welcomed everyone to the Red River Partners Summer Tour. He has appreciated the great working relationship with partners in planning this event. The RRWMB has contracted with Lisa Frenette as lobbyist. They have developed a transition plan that will be implemented over the next two and a half years. They have also contracted with Ian Marsh, lobbyist with Park Street Public. He will be working with Lisa during the transition. Rob also said that working with MAWD would be welcome. It is important for both entities to coordinate and work together for the same cause.

Director Anderson asked about the differences between the RRWMB and the One Watershed, One Plan (1W1P) initiative. Rob Sip commented that the RRWMB is a Joint Powers Board comprised of seven WDs with taxing authority. The RRWMB is the fiscal agent for the Red River Basin Flood Damage

Reduction Work Group. The RRWMB has co-funded a position with the Minnesota Department of Natural Resources since the late 1970's to foster coordination, communication, and to reduce conflict.

President's Report

President Vavra reported on Summer Tour planning, increased emails, explained how things are progressing during the leadership change, and thanked everyone for pulling together to help MAWD move forward

MAWD Reports

Lobbyist

Ray Bohn reported on the drainage registry discussion held at the DWG meeting. The proponents will be bringing their position to the September 8 DWG meeting. MAWD will need to take a position on this.

He also reported on the WCA Advisory Committee meeting. The committee will be addressing rulemaking that began in 2015. There have been statutory changes to the WCA since that time. It is unclear whether the rulemaking is intended to address statutory changes or the entire WCA. This is something MAWD needs to watch closely.

Finance

Director Fjestad made a motion to elect Director Anderson as treasurer. Director White seconded the motion and it carried unanimously.

Director White gave an update on the Finance Committee. She reminded the Board that the committee met twice during the summer and recommended the new dues structure. It will be necessary to meet with the accountant and the finance committee and talk through the budget for 2023. The first step will be to meet with staff and the accountant to develop a draft budget. Generally, there are three committee meetings in October. It would be better to start in September. The process for budget adoption is that the committee makes a recommendation to the Board, and the Board makes a recommendation to the membership. Director Anderson will serve as committee chair.

Strategic Plan

Director Texer reported that comments on the Strategic Plan (Plan) are due August 31. Because the Plan was distributed earlier this week, some WDs may ask for an extension. The next meeting will be held in September.

Legislative

Director Anderson reported that a poll was distributed to committee members to schedule a meeting in middle to late September. The process is about a month behind.

Events/Education

Director Anderson reported that this committee will need to meet soon to work on the annual conference. She also was concerned that these committees were combined and that the focus of each is different.

Resolutions

Director White explained that as of today, two resolutions had been submitted. The process is to have staff review them and make recommendations. The committee looks at staff recommendations. The committee meeting is scheduled for October 11. The submission deadline is two months before the annual meeting. Director White will remain a committee member. Director Vavra will serve as the committee chair.

Partner Reports

BWSR

LeRoy Ose attended the regional meeting that recommended approval of the Middle-Snake-Tamarac Rivers 1W1P. They also received a presentation on “Keep It Clean”. An abstract will be sent to MAWD for consideration as a presentation at the annual conference.

CWC

Marcie Weinandt stated that the CWC recommends how Clean Water Funds (CWFs) are spent. The legislature makes the final decision. More funds are directed to implementation projects because of the completed 1W1Ps. At the last meeting, the CWC heard a presentation by Brian Martinson, Association of Minnesota Counties; LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD); and Emily Javens, MAWD about local government implementation of the CWF.

In the past, CWFs have been used for SWCD capacity funding. The CWC has been consistent in their message that funding for this should be legislative or from counties, not from CWFs. She serves on the policy committee. They are working to develop a business model that legitimizes payments to SWCDs or WDs to put projects on the ground. When there has been a budget surplus, the CWC has not seen proposals on how those funds will be used. As a result, some changes have been made in the timing of the final recommendations. The CWC will forward their recommendations to the legislature in November with an option to revise in January if additional funds are available.

Discussion was held regarding the budget surplus and SWCD capacity funding. There is no legislative proposal to repay the CWFs that were used for this purpose. It was reiterated that the CWC has never recommended this. It was done by the legislature. Discussion was also held regarding the BWSR grants and policy committee meeting and the discussion about a 90%-10% funding ratio. John Jaschke will be contacted to get clarification about this.

Meeting attendees Tom Duevel, John Waller, David Ziegler, and Jason Braaten introduced themselves.

Confirm Next Meeting Date

The next Board meeting is scheduled for September 26 at 8:00 a.m. on Zoom.

6. ADJOURNMENT

Director Anderson made a motion to adjourn the meeting at 3:18 p.m. Director Fjestad seconded the motion and it carried unanimously.

Ruth Schaefer, Secretary