



Land and Water Shall be Preserved

Minnesota Association of Watershed Districts

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Oct. 28, 2016

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TO: Watershed Districts

FROM: Barb Haake, MAWD Resolutions/Policy Committee Chair

Re: 2016 Proposed Resolutions Recommendations

Below are the recommendations of the MAWD Resolutions/Policy Committee to MAWD membership for the 2016 MAWD Annual Meeting. The committee will meet again at our Annual Meeting on Friday, December 2nd at 7:30 am to entertain any questions regarding their recommendations from the proposing watershed district or other member districts and review any Board of Director's Resolutions. Please watch for the location of this meeting on the Annual Meeting program.

This packet also contains one resolution to be presented to the MAWD Board of Directors by several board members for action at our Board meeting scheduled on Thursday, Dec. 1, 2016 at 3 pm at Arrowwood Conference Center. If passed by the Board for the membership to consider, it will be forwarded to the Resolutions Committee for recommendation prior to submission to the full membership.

Resolution#	Sponsoring WD	Title
Resolution # 1;	Yellow Medicine River WD:	<i>Making Human Resources Expertise Available to Districts through MAWD</i>
Committee Recommendation: Recommended to pass as presented.		

Resolution #2;	Lower MN WD:	<i>Establishments of Watershed Districts in the MN River Basin</i>
Committee Recommendation: Retain present policy as adopted by the membership at the 2015 Annual meeting. That policy includes MAWD supporting: (1) legislative establishment of MN River Basin Commission, (2) legislative direction for the completion of the One Watershed/One Plan within the basin and provide BWSR with sufficient funding to realize a 2018 time frame completion (3) legislative establishment of watershed districts in the basin if BWSR determines that established WMOs are non-implementing the one-watershed/one plan as adopted.		

Resolution #3;	Two Rivers WD:	<i>Increase in Managers Per Diem</i>
Committee Recommendation: Because this is current MAWD Policy as established at the 2015 Annual Meeting this resolution should be tabled.		

Resolution #4; Rice Creek WD: *Correcting Watershed-Based Wetland Conservation Act Implementation*

Committee Recommendation: Recommended to pass as presented.

Resolution #5; Minnehaha Creek WD: *Tax Treatment of Conservation Easements*

Committee Recommendation: Recommend the full membership review and consider this resolution.

Resolutions #6; Middle Fork Crow River WD: *Support Legislation to lift Middle Fork Crow River WD general fund levy*

Committee Recommendation: Recommend approval except to amend to cap tax levy at \$500,000. Propose following amendment to this resolution: **WHEREAS**, Removing the \$250,000 levy cap and allowing the levy ~~to be limited by the 0.048 percent of estimated market value cap to~~ increase to a cap of \$500,000, will give Middle Fork Crow River Watershed District

Resolutions #7; Middle Fork Crow River WD: *Watershed District Funds: Statutory Correction to Impose a Project Tax*

Committee Recommendation: Recommend to pass as presented.

Resolution #8; Middle Fork Crow River WD: *Amend MN Open Meeting Law to Allow WD manager meeting participation via electronic means outside the territorial limits of the WD or state*

Committee Recommendation: Recommend to pass as amended. Amend language to delete established MAWD policy that would require approval by the local watershed district board of managers prior to allowing electronic participation during board meetings. This policy was established at the MAWD 2013 Annual Meeting.

Resolution #9; MAWD Board of Directors: *Support increasing general fund levy cap to \$500,000 by legislative action* (will be submitted to full board on Dec. 1, 2016 for consideration for presentation to full membership at Annual Meeting)

Committee Recommendation: No action until Board considers.

2016 MAWD Resolutions Background Information

Proposing District: Yellow Medicine River Watershed District
Contact Name: Tim Buysse, Board President
Emily Javens, Administrator
Phone Number: 507-872-6720 office
Email Address: ymrw@centurytel.net
Resolution Title: Making Human Resources Expertise Available to Districts through MAWD

Factual points which provide background to, or a basis for, the issue addressed by Resolution:

The Yellow Medicine River Watershed District found itself without staff in the summer of 2015. One of their first acts was to contact the MN Association of Watershed Districts for help. They assumed the organization would offer help to a struggling district. Nothing was available. Even though they have since found an administrator, the District could benefit from having someone to call when faced with human resources issues.

Based on the above facts, what is the proposed solution to the problem discussed above:

The committees working on strategic and succession planning should thoroughly investigate options for making human resources expertise available to districts. This could be accomplished in a number of ways:

- MAWD hires a full time human resources specialist to support Districts
- MAWD partners with MASWCD and together we hire a human resources specialist
- MAWD works with BWSR who hires a human resources specialist to assist districts
- MAWD requests proposals for a private consultant who will provide services upon request of a district on a fee-based system
- MAWD provide a list of vetted private consultants who can assist districts directly to districts at pre-negotiated rates

Likely reaction by the public or other governmental units?

The majority of districts should find value in this service.

This issue is of importance (Check one):

To just our district: _____

To just our region: _____

To the entire state: _____

RESOLUTION

Making Human Resources Expertise Available to Districts through MAWD

Whereas, the majority of watershed district offices are staffed by fewer than five people;

Whereas, the majority of district administrators are not specialists in human resources, yet are charged with all of the responsibilities of running an organization;

Whereas, hiring full time human resources specialists would not be cost-effective for the majority of districts,

Whereas, mistakes made in the management of human resources can be costly to districts;

Whereas, the MN Association of Watershed Districts is undergoing succession and strategic planning efforts and are actively re-evaluating the role it will play for districts in the future;

NOW, THEREFORE, BE IT RESOLVED that the MN Association of Watershed Districts research potential options of making human resources expertise available to districts and make every effort to assure districts have access to the expertise they need to effectively manage their organizations.

Submitted by the Yellow Medicine River Watershed District

2016 MAWD Resolutions Background Information

Proposing District: Lower Minnesota River Watershed District

Contact Name: Yvonne Shirk, President, LMRWD

Linda Loomis, District Administrator

Contact Information: 612-306-5802 *Cell*

763-545-4659 *Office*

6677 Olson Memorial Highway

Golden Valley, MN 55427

Resolution Title (brief subject statement): Establishment of Watershed Districts in the Minnesota River Basin

Factual points providing background and basis of the issue:

The most recent Minnesota River basin authority, the Minnesota River Board, a joint powers organization of counties in the Minnesota River basin, dissolved in December 2013 and forwarded a report to the legislature suggesting that the legislature needs to provide a framework for the future of water management in the basin.

Neither the counties, the legislature nor any state agency has taken the Minnesota River Board recommendation to restore a coordinated water management framework for the Minnesota River Basin. There are few watershed districts in the Minnesota River Basin to provide coordinated water management within the respective watershed and the remaining areas of the basin are loosely organized and rely primarily on state and federal funding for implementation and administration, and could use legislative funding authority provided to watershed districts to fund long term commitments to water quantity and quality management efforts in the respective watersheds.

The Lower Minnesota River Watershed District is charged with improving the water quality of the Minnesota River within its boundaries and managing sediment removed from the 9 foot navigation channel in order to maintain navigation.

Recent research and technical studies have concluded that managing the flow is key to improving the water quality and reducing the sediment yield of the Minnesota River.

Proposed solution: New legislation establishing watershed districts for each of the 13 major watersheds in the Minnesota River Basin.

The long term success of One Watershed One Plan developed for each of the 13 major watersheds in the Minnesota River Basin will depend on the collective commitment to implementation and local funding, which watershed districts afford. Establishment of watershed districts can provide a comprehensive solution to water management that is fair and equitable; provide shared roles, responsibilities, accountability, priorities and financing.

Likely reaction of public or other governmental units?

Because this proposes new governmental entities with taxing powers, there will likely be concerns raised by the public or other governmental units. The proposed Basin Commission, however, is necessary to accomplish the implementation required by the LMRM TSS TMDL and the State's Sediment Reduction Strategy.

This issue is of importance (Check one):

To just our District:

To just our Region:

To the entire State: X

2016 MAWD Resolution

*Resolution Requesting Watershed District
Establishment in all the Major Watershed
in the Minnesota River Basin*

WHEREAS, the most recent Minnesota River basin authority, the Minnesota River Board, a joint powers organization of counties in the Minnesota River basin, dissolved in December 2013 and forwarded a report to the legislature suggesting that the legislature needs to provide a framework for the future of water management in the basin, and

WHEREAS, neither the counties, the legislature nor any state agency has taken the Minnesota River Board recommendation to restore a coordinated water management framework for the Minnesota River Basin; and

WHEREAS, there are few watershed districts in the Minnesota River Basin to provide coordinated water management within their respective watersheds; the remaining areas of the basin are loosely organized and rely primarily on state and federal funding for implementation and administration and have not used available legislative authority to provide funding for long-term commitments to water quantity and quality management efforts in the respective watersheds; and

WHEREAS, since its establishment, in 1962, the LMRWD has had the responsibility for managing the sediment removed from the 9 foot navigational channel in order to maintain commercial navigation on the Minnesota River; and

WHEREAS, the amount of sediment removed from the channel has continued to increase without any way or means to secure efforts to reduce sediment yield to the navigational channel, and

WHEREAS, recent research and technical studies conclude that managing the flow of water leaving the various 13 river basins in the Minnesota River is a significant element of a sediment yield solution; and

WHEREAS, the development and implementation of the One Watershed One Plan for all the 13 major watersheds in the Minnesota River Basin in a timely manner and consistent with the strategic goals of the Minnesota River will be critical to the overall success in achieving flow and sediment reductions; and

WHEREAS, the long-term accountability of the major watershed organizations that evolve from the One Watershed One Plan to achieve the outcomes of the plan will be dependent on their collective commitment to implementation and local commitment of funding; and

WHEREAS, it will be difficult to achieve a comprehensive solution to water management within the basin that is fair and equitable, provides shared roles, responsibilities, accountability, priorities and financing throughout the 13 watersheds, without a watershed district structure in place for each of the

13 watersheds; and

WHEREAS, the property owners within the LMRWD continue to be taxed for management of sediment coming from the areas above the LMRWD within the Minnesota River basin to the tune of \$500,000 average annual costs with no way to have the contributors of the sediment share in to the cost or be accountable for their share of the solution; and

NOW, THEREFORE BE IT RESOLVED, that the LMRWD Board of Managers supports: 1) legislative establishment of a clear timeframe for the establishment of watershed districts for each of the 13 major watersheds in the Minnesota River Basin to provide effective and efficient, proactive watershed planning; administration; project development; implementation; construction and maintenance of water resource projects and programs of benefit to the Minnesota River Basin with a focus on water quantity and water quality management; and

2) legislative direction for the completion One Watershed One Plan efforts by 2018 for each of the 13 major watersheds within the Minnesota River Basin; watershed districts to be established by 2020 and comprehensive plans for each of the established watershed districts completed by 2022 and provision of sufficient funding to BWSR to realize this timeframe and provision of cost-share funding to the established watershed districts for timely completion of the watershed districts' overall plans; and

3) the legislature provide that if watershed districts are not established and overall plans are not completed within the established timeframes, no state grant monies shall be available for water resource projects within the respective watershed(s).

2016 MAWD Resolution Background Information

Proposing District: Two Rivers Watershed District
Contact Name: Dan Money, District Administrator
Phone Number: 218-843-3333

Resolution #3

Resolution Title: Increase in Manager Per Diem

Factual Points which provide background to, or a basis for, the issue addressed by Resolution:

1. The current Manager per diem for Watershed Districts is currently set at a maximum \$75 per day under MN Statute 103D.315, Subd. 8.
2. This per diem rate was effective August 1, 2005 and has not been changed in 11 years.
3. The IRS cost of living rate increases have averaged 2.4% per year in the 11 years.
4. Over those 11 years, calculated at 3% per year, the rate for 2017 would be approximately \$99.71
5. Duties of Managers, including attending watershed district board meetings, reviewing permit applications, attending related local and regional meetings, and attending to the day to day business of the watershed district can amount to a significant investment of time.

Based upon the above facts, what is the proposed solution to the problem discussed above:

The proposed solution to this problem is to increase the Manager per diem from \$75 per day to \$100 per day. This would cover the IRS 'COLA' increases of an average 2.4% per year, but would not account for future expected COLA costs. It is not anticipated that the legislature would revisit this issue for at least another 10 year period.

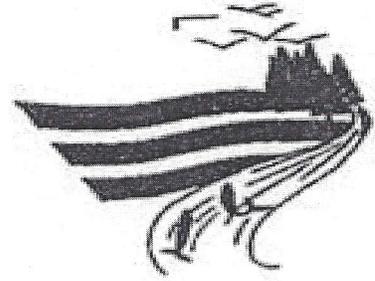
Likely reaction by the Public or other governmental units:

It is unknown what the reaction to this proposal will be. The public may or may not agree with the reasoning behind this resolution. Some may be wary of an increase in per diem for an appointed official. Local units of government should likely agree with the reasoning, but may compare the proposed rate with their own rates (SWCD, County Commission, Township, etc.).

This issue is of importance: To just our District
 To just our Region
 To the entire State

Two Rivers Watershed District

In Roseau, Kittson, & Marshall Counties



*Board of Managers: President-Darrel Johnson, V.P.-Jim Kukowski, Secretary-Daryl Klegstad, Treasurer-Paul Olsonawski
Manager-Roger Anderson, Manager-Allen Brazier, Manager-Gary Johnson*

Staff: Dan Money, District Administrator; Matt Thompson, Head Technician

410 5th Street S., Suite 112, Hallock, MN 56728 - Phone (218) 843-3333 - Email: daniel.money@mn.nacdnet.net

World Wide Web: www.TwoRiversWD.com

Resolution

WHEREAS, Minnesota Statute 103D.315 Subd. 8 states “The compensation of managers for meetings and for performance of other necessary duties may not exceed \$75 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties”, and

WHEREAS, The current rate of \$75 per day has not changed since August 1, 2005, a period of 11 years, and

WHEREAS, Within the 11 years since the last rate change, the IRS cost of living has increased by 2.4% per year on average, and

WHEREAS, Duties of watershed district managers to attend board meetings, review permits, attend committee meetings, attend local and regional meetings, and conduct other regular business of the watershed district can take a significant time investment, and

WHEREAS, The current rate of reimbursement has not kept pace with inflation, and

WHEREAS, It is increasingly difficult for County Commissioners to attract and recruit qualified individuals to serve on watershed district boards, in part due to lack of compensation.

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts pass a resolution seeking to modify the language of Minnesota Statute 103D.315 Subd. 8 to read “The compensation of managers for meetings and for performance of other necessary duties may not exceed \$100 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties”.

2016 MAWD Resolutions Background Information

Proposing District: Rice Creek Watershed District

Contact Name: Patricia Preiner, President, RCWD
Phil Belfiori, District Administrator

Phone Number: 763-398-3070

Resolution Title (brief subject statement): Correcting Watershed-Based Wetland Conservation Act Implementation.

Factual points providing background and basis of the issue:

Historically, the Wetland Conservation Act (WCA) gave replacement siting preference to wetland replacement in the same watershed as the impact. (See Minn. Stat. §103G.222, subd. 1(e) (1992)). The preference continued until 2007, at which time amendments restricted replacement by banking providing that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area. (see Laws 2007, Chap. 57, sec. 121). The 2007 amendments provided special siting priorities for wetland impacts occurring in the seven-county metropolitan area, allowing replacement siting: “(1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.” (see Laws 2007, Chap. 57, sec. 121).

Statutory amendments in 2011 (see Laws 2011, Chap. 107, sec. 67) adopted a requirement that, regardless of replacement method, “Impacted wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.” The 2011 amendments eliminated the special siting priorities for wetland impacts occurring in the seven-county metropolitan area. The 2011 amendments went on to require the following replacement siting priority for all wetland impacts: “(1) on site or in the same minor watershed as the impacted wetland; (2) in the same watershed as the impacted wetland; (3) in the same county or wetland bank service area as the impacted wetland; (4) in another wetland bank service area; and statewide for public transportation projects (with certain restrictions). The concept of bank service areas was intended to make WCA consistent with Army Corps’ compensatory mitigation.

The 2011 amendments departed from a longstanding principle of watershed-level water resource management by using a county boundary based assessment of percentage of remaining, pre-statehood wetlands (see Rule 8420.0120). This departure and the statutory amendment that followed failed to recognize that several major watersheds, and bank service areas, in Minnesota straddle different pre-statehood wetland percentage areas. For example, in northern and northwestern Minnesota, multiple major watersheds, and bank service areas 2 and 3 over lay areas determined to be <50%, 50%-80% and >80%. Similar situations occur throughout the boundary zone between the various pre-statehood

wetland areas. As another example, in the northeast metropolitan area, a single 10 digit HUC watershed might overlay areas determined to be <50%, 50%-80% and >80%. (see Attached Maps).

The statutory amendments failed to reconcile watershed and bank service area boundaries with the county boundary-based pre-statehood wetland evaluation. Unfortunately, WCA no longer gives flexibility to allow replacement within the major watershed – which means, according to the replacement siting priority, an impact in a less than 50% area could be replaced in a different watershed than the impact, even though wetland replacement opportunities are available within a 50%-80% area within the watershed. This, again, is because of the use of county boundaries in determining the pre-statehood percentage areas.

The Rice Creek Watershed District straddles two pre-statehood percentage areas. Portions of the district in Hennepin, Ramsey and Washington Counties are considered <50% areas and the portion of the district in Anoka County is considered in a 50%-80% area. Despite the availability of wetland replacement opportunities, and established banks, within the 50%-80% area of the watershed, replacement for impacts in other areas of the district, based on siting priorities, will now occur in a different watershed and, most likely, in a different bank service area – solely because the pre-statehood wetland percentage areas were drawn on county boundaries. This result violates two fundamental principles of water resource management (1) that replacement should occur as close to the impact site as possible, and (2) that water resources should be managed on a watershed scale – and not, as here, by political boundary. The Rice Creek Watershed District's concern is not unique. As explained above, this situation applies in several areas of the state.

Proposed solution: Seek amendment to Statutes Section 103G.222, subdivision 5 to restore watershed-level resource management by allowing replacement of wetlands within either the bank service area or the major watershed of the impact.

Likely reaction of public or other governmental units: Public reaction might be critical of flexibility provided in this proposal, however, the impact of this proposal is limited to the instances where major watersheds and bank service areas straddle pre-statehood percentage boundaries. This proposal should be generally well supported by other local units of government in the boundary areas. BWSR staff has recognized the disconnect between pre-statehood percentage areas and watershed/bank service area boundaries.

This issue is of importance (Check one):

To just our District:

To just our Region:

To the entire State: **X**

2016 MAWD Resolution

Correcting Watershed-Based Wetland Conservation Act Implementation.

WHEREAS, watershed-scale water resource management is a principle of common importance to Watershed Districts; and

WHEREAS, historically, the Wetland Conservation Act (WCA) gave replacement siting preference to wetland replacement in the same watershed as the impact. (See Minn. Stat. §103G.222, subd. 1(e) (1992)); and

WHEREAS, the preference continued until 2007, at which time amendments restricted replacement by banking providing that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area. (see Laws 2007, Chap. 57, sec. 121); and

WHEREAS, the 2007 amendments provided special siting priorities for wetland impacts occurring in the seven-county metropolitan area, allowing replacement siting: “(1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.” (see Laws 2007, Chap. 57, sec. 121); and

WHEREAS, statutory amendments in 2011 (see Laws 2011, Chap. 107, sec. 67) adopted a requirement that, regardless of replacement method, “Impacted wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.” The 2011 amendments eliminated the special siting priorities for wetland impacts occurring in the seven-county metropolitan area. The 2011 amendments went on to require the following replacement siting priority for all wetland impacts: “(1) on site or in the same minor watershed as the impacted wetland; (2) in the same watershed as the impacted wetland; (3) in the same county or wetland bank service area as the impacted wetland; (4) in another wetland bank service area; and statewide for public transportation projects (with certain restrictions). The concept of bank service areas was intended to make WCA consistent with Army Corps’ compensatory mitigation; and

WHEREAS, the 2011 amendments departed from a longstanding principle of watershed-level water resource management by using a county boundary based assessment of percentage of remaining, pre-statehood wetlands (see Rule 8420.0120 and Attached Maps). This departure and the statutory amendment that followed failed to recognize that several major watersheds, and bank service areas, in Minnesota straddle different pre-statehood wetland percentage areas. For example, in northern and northwestern Minnesota, multiple major watersheds, and bank service areas 2 and 3 overlaid areas determined to be <50%, 50%-80% and >80%. Similar situations occur throughout the boundary zone between the various pre-statehood wetland areas. As another example, in the northeast metropolitan

area, a single 10 digit HUC watershed might overlay areas determined to be <50%, 50%-80% and >80%; and

WHEREAS, the statutory amendments failed to reconcile watershed and bank service area boundaries with the county boundary-based pre-statehood wetland evaluation; and

WHEREAS, despite the availability of wetland replacement opportunities, and established banks, within a major watershed, replacement for impacts in the major watershed may now occur in a different watershed and, most likely, in a different bank service area, solely because the pre-statehood wetland percentage areas were drawn on county boundaries; and

WHEREAS, the result of the statutory amendments violates two fundamental principles of water resource management (1) that replacement should occur as close to the impact site as possible, and (2) that water resources should be managed on a watershed scale.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Association of Watershed Districts supports amendment to Statutes Section 103G.222, subdivision 5 to restore watershed-level resource management by allowing replacement of wetlands within either the bank service area or the major watershed of the impact.

2016 MAWD Resolutions Background Information

Proposing District: Minnehaha Creek Watershed District

Resolution #5

Contact Name: Lars Erdahl, Administrator, on behalf of the MCWD Board of Managers

Phone Number: 952-471-0590

Email Address: lerdahl@minnehahacreek.org

Resolution Title (brief subject statement): Tax-law Treatment of Conservation Easements

Factual points which provide background to, or a basis for, the issue addressed by Resolution:

State tax law was amended in the 2013 legislative session to preclude county tax assessors from taking a conservation easement on land into account when setting the taxable value of a property. Prior to the change, Minnesota Statutes section 273.117 gave assessors the discretion to reduce the taxable value of a property based on the fact that a recorded conservation easement constrained how the property could be used. This change also removed a significant financial incentive for property owners to grant conservation easements and thus removed an important tool for local governments to achieve natural resource protections.

Although the amendment included an exception for lands where the easement covers "riparian buffers along lakes, rivers, and streams that are used for water quantity or quality control", the definition for "Riparian buffer" is not defined for purposes of the tax code. Due to the lack of a definition – e.g., a set of particular criteria an assessor would analyze to determine whether or not a particular easement qualifies as a riparian buffer to which the exception would apply – individual assessors have no clear or consistent methodology for applying the exception, likely making them less inclined to assess a diminished valuation.

Additional background information available on BWSR website:

[http://www.bwsr.state.mn.us/easements/RIM%20easements%20and%20property%20tax%20valuation August%202013-2.pdf](http://www.bwsr.state.mn.us/easements/RIM%20easements%20and%20property%20tax%20valuation%20August%202013-2.pdf)

Based upon the above facts, what is the proposed solution to the problem discussed above:

To address the uncertainty and negative affect of the 2013 amendment on potential conservation easement donors, especially with regard to easements that would provide protection of water resources, the following options are offered for consideration:

- Define "riparian buffer" for purposes of state tax code, and
- Establish an administrative procedure whereby a watershed organization would certify, for purposes of section 273.117, a conservation easement or restriction as meeting the water quantity and quality purposes cited in the tax law and therefore be eligible for a reduction in taxable market value.

Likely Reaction by the Public or Other Governmental Units?

A change to the State tax law would be a challenge, but clarity of the definition of the terms and process for the riparian lands exemption might be well-received. Administrative efforts to allow watershed organizations to assist county assessors with evaluation of water quantity and quality purposes for the easement would also be well-received. Any reduction in local property tax base might potentially be less well-received.

This issue is of importance (check one):

To just our District: _____

To just our Region: _____

To the entire State: _____

Resolution

Tax-law Treatment of Conservation Easements

Whereas, State tax law was amended in the 2013 legislative session to preclude county tax assessors from taking a conservation easement on land into account when setting the taxable value of a property; and

Whereas, prior to the change, Minnesota Statutes section 273.117 gave assessors the discretion to reduce the taxable value of a property based on the fact that a recorded conservation easement constrained how the property could be used; and

Whereas, this change removed a significant financial incentive for property owners to grant conservation easements and thus removed an important tool for local governments to achieve natural resource protections; and

Whereas, conservation easements are an important tool to protect and improve natural resources; and

Whereas, conservation easements on riparian lands have direct benefits along lakes, rivers, and streams for water quantity or quality control; and

Whereas, incentives to encourage conservation easements on riparian lands provide long-term natural resource benefits for current and future generations;

NOW THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts pursue a legislative initiative to define "riparian buffer" for purposes of conservation easements in state tax code and to establish an administrative procedure whereby a watershed organization would certify, for purposes of section 273.117, a conservation easement or restriction as meeting the water quantity and quality purposes cited in the tax law and therefore be eligible for a reduction in estimated market value.

2016 MAWD Resolutions Background Information

Resolution #6

Proposing District: Middle Fork Crow Watershed District

Contact Name: Margaret Johnson

Phone Number: 320-796-0888

Resolution Title (brief subject statement): Support of Legislation to lift Middle Fork Crow River Watershed District's general fund levy cap.

Factual points providing background and basis of the issue:

Minnesota statutes section 103D.905, subd. 3, provides that a watershed district's general fund: may not exceed 0.048 percent of estimated market value, or \$250,000, whichever is less.

Absent additional levy authority, a non-metro watershed district's ability to fund projects and programs is limited to water management district charges; benefitted property assessment; ad valorem tax funds allocated from the general fund.

The general fund must also pay the general expenses of the watershed district, including staff pay and benefits, manager per diem, facilities expense, etc.

State grant funding is limited and seldom pays the full cost of meritorious projects proposed by watershed districts pursuant to their watershed management plans and in support of TMDLs or other, state-wide water quality or quantity management objectives.

Absent additional levy authority it is practically impossible for non-metro watershed districts to implement plans and projects by any means other than benefitted property assessment or water management district charge – each of which are difficult to justify in the case of water quality projects.

Middle Fork Crow River Watershed District is completing its participation in the North Fork Crow River Watershed One Watershed One Plan planning process. The outcome of this process will be a One Watershed Plan that will require local participants to commit to funding projects identified within the plan within their jurisdictional boundaries. Such funding is practically impossible for the Middle Fork Crow River Watershed District under the current, general fund levy limit.

Removing the \$250,000 levy cap and allowing the levy to be limited by the 0.048 percent of estimated market value cap, will give Middle Fork Crow River Watershed District the flexibility to meet its basic operating budget while also giving it means to allocate general fund dollars to complete projects identified in its current watershed management plan and those identified in the draft One Watershed Plan within the Middle Fork Crow River Watershed planning area.

Based upon the above facts, what is the proposed solution to the problem:

Middle Fork Crow River Watershed District intends to work with its constituent counties and its legislative delegation to draft special legislation affecting a change in its general fund levy cap. The District requests MAWD support this effort.

This issue is of importance (Check one):

To just our District: X

To just our Region:

To the entire State:

WHEREAS, Minnesota statutes section 103D.905, subd. 3, provides that a watershed district's general fund: may not exceed 0.048 percent of estimated market value, or \$250,000, whichever is less; and

WHEREAS, Middle Fork Crow River Watershed District is completing its participation in the North Fork Crow River Watershed One Watershed One Plan planning process. The outcome of this process will be a One Watershed Plan that will require local participants to commit to funding projects identified within the plan within their jurisdictional boundaries. Such funding is practically impossible for the Middle Fork Crow River Watershed District under the current, general fund levy limit; and

WHEREAS, Removing the \$250,000 levy cap and allowing the levy to be limited by the 0.048 percent of estimated market value cap, will give Middle Fork Crow River Watershed District the flexibility to meet its basic operating budget while also giving it means to allocate general fund dollars to complete projects identified in its current watershed management plan and those identified in the draft One Watershed Plan within the Middle Fork Crow River Watershed planning area.

THEREFORE, the Minnesota Association of Watershed Districts support the efforts of Middle Fork Crow River Watershed District to draft and advance special legislation affecting a change in its general fund levy cap.

2016 MAWD Resolutions Background Information

Resolution #7

Proposing District: Middle Fork Crow Watershed District

Contact Name: Margaret Johnson

Phone Number: 320-796-0888

Resolution Title (brief subject statement): Watershed District Funds; Statutory Correction (Resolution Renewal)

Factual points providing background and basis of the issue:

Minnesota Statutes section 103D.905, subd. 9, allows Watershed Districts to impose a Project Tax Levy, in addition to other tax levies provided in law, to pay the costs of projects undertaken by the Watershed District which are to be funded, in whole or in part, with the proceeds of grants or construction or implementation loans under the state's Clean Water Partnership program (sections 103F.701 to 103F.755), including that costs of bonds and notes issued by the watershed district under the program or construction or implementation loans under the program.

Section 103D.905, subd. 9, was included in statute at a time when the Clean Water Partnership program was the only program offering grant, cost share and low interest loan dollars for water quality and environmental enhancement projects. The rationale for the statutory amendment was to provide a mechanism to ensure watershed district possessed tax authority to re-pay state loans under the Clean Water Partnership program. However, the statutory language was broad enough to allow the imposition of a project levy to pay shortfalls in the cost of projects funded in whole or part by the program. The rationale for allowing an additional ad valorem tax was that the projects or actions had already been reviewed and vetted by state government, and by virtue of receiving funding, were found to be of broad public or state-wide benefit.

Now, Watershed Districts routinely compete for Clean Water Fund, Outdoor Heritage, Legacy and other funds which are all reviewed and vetted by state government or the Legislative and Citizens Committee on Minnesota Resources, and by virtue of receiving funding, are found to be a broad public or state-wide benefit. Funds received under these "new" programs should be given the same consideration as Clean Water Partnership funds as Watershed District seek to find local funding and matching dollars for projects. A Watershed District should have the same special revenue generating authority regardless of whether funding derives from the Clean Water Partnership program, Clean Water Fund, Outdoor Heritage, Legacy or other funding source. This aspect of the additional funding authority is especially important as organizations begin to implement One Watershed Plans.

Based upon the above facts, what is the proposed solution to the problem discussed above:

In order to correct the omission that has occurred with the creation of new funds, we recommend that MAWD ask BWSR sponsor an amendment to section 103D.905, subd. 9, to include all current and future, state-wide grant, cost share or low interest loan programs.

This issue is of importance (Check one):

To just our District:

To just our Region:

To the entire State: **X**

WHEREAS, Minnesota Statutes section 103D.905, subd. 9, allows Watershed Districts to impose a Project Tax Levy, in addition to other tax levies provided in law, to pay the costs of projects undertaken by the Watershed District which are to be funded, in whole or in part, with the proceeds of grants or construction or implementation loans under the state's Clean Water Partnership program (sections 103F.701 to 103F.755), including the costs of bonds and notes issued by the watershed district under the program or construction or implementation loans under the program; and

WHEREAS, section 103D.905, subd. 9, was included in statute at a time when the Clean Water Partnership program was the only program offering grant, cost share and low interest loan dollars for water quality and environmental enhancement projects; and

WHEREAS, one rationale for allowing an additional ad valorem tax is that included projects or actions are reviewed and vetted by state government, and by virtue of receiving funding, are found to be of broad public or state-wide benefit; and

WHEREAS, now, Watershed Districts routinely compete for Clean Water Fund, Outdoor Heritage, Legacy and other funds which are all reviewed and vetted by state government or the Legislative and Citizens Committee on Minnesota Resources, and by virtue of receiving funding, are found to be a broad public or state-wide benefit; and

WHEREAS, funds received under these "new" programs should be given the same consideration as Clean Water Partnership funds as Watershed District seek to find local funding and matching dollars for projects; and

WHEREAS, a Watershed District should have the same special revenue generating authority regardless of whether funding derives from the Clean Water Partnership program, Clean Water Fund, Outdoor Heritage, Legacy or other funding sources; and

WHEREAS, at its annual meeting in 2013, MAWD adopted a resolution directing its staff to work with the Board of Water and Soil Resources to sponsor an amendment to section 103D.905, subd. 9, to include all current and future, state-wide grant, cost share or low interest loan programs; and

WHEREAS, to date no action has been taken in furtherance of the resolution.

THEREFORE, the Minnesota Association of Watershed Districts renews its direction to staff to work with the Board of Water and Soil Resources to sponsor an amendment to section 103D.905, subd. 9, to include all current and future, state-wide grant, cost share or low interest loan programs.

2016 MAWD Resolutions Background Information

Resolution #8

Proposing District: Middle Fork Crow Watershed District

Contact Name: Margaret Johnson

Phone Number: 320-796-0888

Resolution Title (brief subject statement): Amendment to the Minnesota Open Meeting Law (MOML) (Statutes Chapter 13D) to allow watershed district manager participation in meeting via electronic means outside of the territorial limits of the watershed district or state.

Factual points providing background and basis of the issue:

Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public.

Minnesota Department of Administration (MDA) Advisory Opinion 13-009, issued on March 19, 2013, states that plain language of the statute does not forbid a member of a public body from “attending” a public meeting at a location “open and accessible to the public” outside of the entity’s geographic area. Though opinion 13-009 is in direct conflict with the Minnesota Supreme Court decision in Quast v. Knutson, 150 N.W.2d 199 (Minn. 1967), future courts will give some deference to the MDA opinion. In Quast, the Court ruled that the phrase “open to the public” as used in the MOML means “within the territorial confines” of the public body.

Several counties face challenges finding watershed district managers who are willing and able to attend all meetings at all times during the year. For this reason, some very well qualified individuals decline service on watershed boards. Some watershed districts are unable to assemble a quorum during winter months when several managers may be temporarily relocated to warmer climates.

Allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers.

Based upon the above facts, what is the proposed solution to the problem:

In order to eliminate confusion or concern over the two differing interpretations of Chapter 13D (i.e., that articulated in Advisory Opinion 13-009 and that articulated in Quast v. Knutson), we recommend that MAWD work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.

This issue is of importance (Check one):

To just our District:

To just our Region:

To the entire State: **X**

WHEREAS, Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public; and

WHEREAS, Minnesota Department of Administration (MDA) Advisory Opinion 13-009, issued on March 19, 2013, states that plain language of the statute does not forbid a member of a public body from “attending” a public meeting at a location “open and accessible to the public” outside of the entity’s geographic area; and

WHEREAS, MDA Advisory Opinion 13-009 is in direct conflict with the Minnesota Supreme Court decision in Quast v. Knutson, 150 N.W.2d 199 (Minn. 1967), in which the Court ruled that the phrase “open to the public” as used in the MOML means “within the territorial confines” of the public body; and

WHEREAS, several counties face challenges finding watershed district managers who are willing and able to attend all meetings at all times during the year. For this reason, some very well qualified individuals decline service on watershed boards. Some watershed districts are unable to assemble a quorum during winter months when several managers may be temporarily relocated to warmer climates; and

WHEREAS, allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers; and

WHEREAS, at its annual meeting in 2013, MAWD adopted a resolution supporting watershed district manager participation in meetings via conference call or other electronic means; and

WHEREAS, to date no action has been taken in furtherance of the resolution.

THEREFORE, the Minnesota Association of Watershed Districts directs its staff to work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.

2016 MAWD Resolutions Background Information

Proposing District: MAWD Board of Directors

Contact Name: Ray Bohn

Phone Number:

(day) 651-452-8506

(cell) 612-554-0840

(evening) cell #

Email Address: raybohnmg@gmail.com

Resolution Title (brief subject statement): Increase General Fund Levy Cap to \$500,000

Factual points which provide background to, or a basis for, the issue addressed by Resolution:

- A. MN Statute 103D.905, sub.3 provides that a watershed district general fund may not exceed 0.048 percent of estimated market value, or \$250,000 whichever is less.
- B. It is becoming increasingly difficult to provide both administrative funding and matching funding for the increasing projects required of local water management entities with the present cap on funding.
- C. If the one watershed/one plan is going to succeed watershed districts must have the local funding to support those watershed projects.
- D. Watershed district costs are increasing every year, and we need the ability to keep up with those ever increasing costs.
- E. Watershed districts have not had an increase in their general fund levy since 2001 increase.

Based upon the above facts, what is the proposed solution to the problem discussed above:

Increase the cap on our general fund tax levy statewide to allow all watershed districts the capacity to adequately fund their administrative costs and project costs.

Likely Reaction by the Public or Other Governmental Units? May be some pushback, but watershed districts must be able to justify any increase and a cap will remain in place.

This issue is of importance (Check one):

To just our District: _____

To just our Region: _____

To the entire State: _____

MAWD Board of Directors Proposed Resolution

Increase General Fund Levy Cap to \$500,000

WHEREAS: MN Statute 103D.905, sub.3 provides that a watershed district general fund may not exceed 0.048 percent of estimated market value, or \$250,000 whichever is less; and

WHEREAS: It is becoming increasingly difficult to provide both administrative funding and matching funding for the increasing projects required of local water management entities with the present cap on funding; and

WHEREAS; If the One watershed/One plan is going to succeed watershed districts must have the local funding to support those watershed projects; and

WHEREAS; Watershed district costs are increasing every year, and we need the ability to keep up with those ever increasing costs; and

WHEREAS: Watershed districts have not had an increase in their general fund levy since 2001;

NOW THEREFORE BE IT RESOLVED, the Minnesota Association of Watershed Districts supports legislation to increase the cap on the general fund levy to \$500,000.