



Cannon River

One Watershed, One Plan

“Aligning local water planning on major watershed boundaries with state strategies towards prioritized, targeted and measurable implementation plans”

Minutes

Policy Committee Meeting

January 10, 2018

**Rice County Government Services Building
320 Third St NW, Faribault, MN 55021**

Policy Committee Members: Brad Anderson (Goodhue County), Kevin Chamberlain (Dakota SWCD), Richard Cook (Rice SWCD), Rick Gnemi (Steele County), Cletus Gregor (Le Sueur SWCD), Dan Hansen (Steele SWCD), James Hedeem (Belle Creek WD), Carrie Jennings (North Cannon River WMO), Ed McNamara (Goodhue SWCD), Galen Malecha (Rice County), Keith Morgan (Waseca SWCD), Steven Rohlfig (Le Sueur County), Mike Slavik (Dakota County).

Also in Attendance: Brad Becker (Dakota County staff), Brad Behrens (Rice County staff), Ashley Gallagher (Dakota SWCD staff), Beau Kennedy (Goodhue SWCD staff), Josh Mankowski (Le Sueur County staff), Jenny Mocol-Johnson (BWSR), Mike Schultz (Le Sueur SWCD staff), Brian Watson (Dakota SWCD staff), Camilla Correll (EOR), Terence Swihart (Rice County Attorney), Jennifer Wolf (MCIT).

1. Call to Order

Chair Rohlfig called the meeting to order at 9:05am.

2. Approval of Agenda

Motion by Anderson, second by Malecha to approve the agenda. Motion carried.

3. Approval of Minutes

Motion by Hansen, second by Cook to approve the minutes of the November 8, 2017 Policy Committee meeting. Motion carried.

4. Invoices for Payment

Motion by Hedeem, second by Gregor to recommend approval of invoices for payment. Motion carried.

Jennings arrives 9:10am

5. Workplan Progress Update

Correll provided a presentation on the planning tasks that have been accomplished and upcoming tasks. We are on schedule to have a plan to BWSR for approval by the end of the year. We are transitioning from priority issues and concerns into measureable goals and implementation activities. Questions and comments on the presentation included:

- Who does the 60-Day plan review? Response was that the first step will be approval from the Policy Committee to submit the Plan for review. It will then go to state review agencies and Local Government Units for review.

6. Priority watershed issues and concerns

The presentation by Correll provided an overview of tier one, two and three priority issues and a few examples of how issues become goals and activities. She also explained changes that were made to the priority areas map. Priorities are still subject to change as we develop activities and dollars. Questions and comments on the presentation included:

- Recommendation that groundwater is a watershed wide issue and should be based on sensitivity.
- Two questions were raised when the examples of how to take an issue statement and write measurable goals and implementation activities were presented. First question was, what is the Waterville watershed, doesn't seem like a formal or real watershed? The response was that the term drainage area or sub-watershed could have also been used here. Second question was, where did the 10% reduction number come from? The response was that was just an example for today. When measurable goals are developed they will be based on science or local capacity.

7. Potential operational arrangements

Wolf from Minnesota Counties Intergovernmental Trust (MCIT) provided a presentation on different structure options. She stated that she has no vested interest in their decision and is only presenting options and items to consider when making a decision. The options covered included Memorandum of Agreement, Joint Powers Collaboration, Joint Powers Board/Entity, and Watershed District. Wolf presented many questions to ask first, that will help the group work backwards into the appropriate structure.

The presentation slides provided information and images. Comments below are points that Wolf highlighted, and comments/questions from Policy Committee Members.

Memorandum of Agreement

- Not legally enforceable- Who holds the grant? How do you hold them responsible?
- Write into MOA what the checks and balances are going to be.

Joint Powers Agreement (used to form a Collaboration)

- Counties typically have many JPAs, example may be salt shed JPA with the state.
- No levy authority.
- Question/Comment/Discussion: Match dollars need to come from somewhere for 1W1P. Fairness comes into question on county contributions to match. Also noted that there are other ways to account for match such as staff time or landowner contributions. Current BWSR funding plan reduced match from 25% to 10%.

- The Policy Committee would only be an advisory board. No contracts or grants could be in their name. Can't put grants into an 'entity' that doesn't really exist. The grants could be with the entity (county or SWCD) where the project is located.
- Respective Boards could delegate authority to their representatives.
- Need to think about operation and how this option would play out.
- Question/Comment/Discussion: What is the difference between collaborations and Boards and JPA terminology? Response is that all these options, whether a collaboration or an entity, will operate under a JPA. The way the JPA is written determines the differences. They can be written in a way that also lays out legal responsibilities.
- Collaboration cannot hire or employ staff, employees are retained within member organizations and therefore supervisory roles remain with the employer not the collaboration.

Joint Powers Entity/Board

- First question to ask is whether respective Boards of each member are comfortable delegating all authority to the new entity.
- The Board must be representative of its members.
- If the entity has bonding authority, then representatives must be elected officials.
- Risk is consolidated into the new entity. Sued as a whole and individual members can't be sued separately.
- May or may not have employees, many contract for services.
- Question/Comment/Discussion: Which option did the Root River choose? They choose a JPA that has a Board, and they have ben delegated some authority from their respective Boards. Many of pilot 1W1P watersheds chose an MOA. After these groups receive their first round of funding, this will better tell us which structures worked or didn't work for the pilots. Delegating some authority makes sense because you want the people sitting at these meetings with the most knowledge on the subjects making the decisions.
- Question/Comment/Discussion: What is the preference of the county attorney? There is a preference for a JPA Collaborative. Many more legal considerations when forming an Entity. There was followup response that the structure can always change as we progress.
- Question/Comment/Discussion: Where will match dollars come from? Funding language can be written into a JPA. Example is drug task force outlines funding in JPA. If in a Collaboration any means to generate revenue locally still have to go back to Boards.
- Best to ask questions and back into the right agreement. Another question to ask is, what happens when someone leaves the agreement?
- Question/Comment/Discussion: How is BWSR distributing funding? Root will be in two phases. They will get approximately \$850,00 in the biennium. Cannon River could expect even more than that. It was noted that Clean Water Funds go away in year 2034

- Question/Comment/Discussion: Is it better to keep administrative duties and fiscal agent separate or combine as one? Currently it is broken apart and allows for checks and balances.
- Question/Comment/Discussion: We should be thinking about which structure will move the dial on water quality the most.
- Question/Comment/Discussion: A Policy Member questioned staff as to what their recommendation would be. Staff stated that we should narrow down today, list pro/cons, possibly make decision at April Board meeting. BWSR expects the Plan to at least indicate that discussions on structure have occurred before submitting a plan.

Malecha left at 10:20am.

Watershed District

- There is a formal process to expand or start a watershed district.
- Need to get cities involved early as they are part of the formal process and requires a certain amount of support.
- Presentation slides provided more details on watershed districts.
- Comments: Board chooses to focus on collaboration and entity options. Want to see how projects would be implemented between these options. The members represented at the table would likely be the same as it is now, if either a collaboration or entity. Should be noted that we are also eliminating an MOA and Watershed District options, with the understanding that this decision means we may not be able to move the dial on water quality as quickly as we want.

8. Next meeting

The next Policy Committee meeting was scheduled for April 4th, 9:00 am at the same location, Rice County Government Services Building.

9. Adjourn

Motion by Gnemi, second by Slavik to adjourn the meeting. Meeting adjourned at 10:30 a.m.

Respectfully Submitted,

Galen Malecha, Secretary
Cannon River Watershed 1W1P Policy Committee