



**Title:** MAWD Annual Meeting Notice and MCWD Delegate Appointment

**Prepared by:** Name: Becky Christopher  
Phone: 952-641-4512  
bchristopher@minnehahacreek.org

**Purpose:**

To provide the Minnesota Association of Watershed Districts (MAWD) annual meeting notice and resolution packet, and to appoint the Minnehaha Creek Watershed District's (MCWD) delegates to the meeting.

**Background:**

The Regional Meetings will take place virtually at 4:00 p.m. on Wednesday, December 1, 2021 for the purpose of electing three members to the MAWD Board of Directors, one from each region, for terms ending in 2024.

The Annual Meeting will be held virtually at 1:00 p.m. on Friday, December 3, 2021 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2022 budget;
4. To consider and act upon proposed resolutions and bylaws amendments;
5. To consider and act upon any other business that may properly come before the membership.

**Summary:**

The MAWD Resolutions Committee has recommended approval of seven resolutions to be considered at this year's MAWD annual meeting. District Legal Counsel and staff reviewed the proposed resolutions. No substantive issues were identified, and no significant issues were found regarding resolutions as they relate to MCWD. Attached is the MAWD resolution packet and below staff have provided a brief analysis of each resolution. At the November 18, 2021 MCWD Board Meeting, the Board of Managers will be asked to appoint two delegates, and one alternate, to represent the MCWD at the aforementioned meetings. Any formal position of these seven resolutions to guide MCWD delegates at the MAWD annual meeting may be addressed at the discretion of the Board.

2021-01: Redirect Clean Water Funds from Soil and Water Conservation District (SWCD) Local Capacity Services to Board of Water and Soil Resources (BWSR) Accelerated Implementation of Watershed Based Implementation Funding

There is a constitutional requirement that Clean Water Fund (CWF) dollars must supplement and not be used as a substitute for traditional sources of funding, which is why the question has been raised as to whether SWCD capacity funding would be considered a substitute. This resolution is an example of broader tensions regarding BWSR's perceived shift of CWF orientation away from watershed-based funding and toward county/SWCD funding for traditional SWCD work. In that respect, raising this objection to SWCD funding is a tactical decision for MAWD.

The Accelerated Implementation Grant has been used by the MCWD in the past for the Long Lake Creek Subwatershed Assessment and the Mud Lake Subwatershed Assessment. This grant program was put on hold in 2019. Staff would be in favor of BWSR reinstating this program, regardless of the funding source.

2021-02: Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement One Watershed, One Plan (1W1P) and Clean Water Fund Programs and Projects

This is an alternative to 2021-01 and seems to be a reasonable proposal. It does not have implications for metro watershed districts.

2021-03 and 04: Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

These two resolutions propose moving to an option for meetings to be held where all members of the governing body may attend remotely, from private locations. In other words, it essentially broadens the pandemic framework under which we've been operating to be acceptable at all times, not just under pandemic conditions.

One chief objection, which resolution 2021-03 references, is that not everyone has the technology to connect. The proposals would address that by requiring that the public can attend at the usual meeting location with at least one representative of the body.

A second objection would be that this would allow members of the governing body to attend remotely, from a private location, at will, thus allowing them to be absent from the jurisdiction for long periods of time, unavailable to constituents, and disconnected from events. 2021-04 addresses this by limiting remote attendance to three times per year per manager.

This change would have broad ramifications to all meetings subject to the Open Meeting Law across the state. There may be open government advocates who would voice concern about steps that lead gradually to a less available and less transparent set of practices under which governing bodies operate.

2021-05: Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

This resolution proposes to work to include damages from flood impoundment management within coverage of federal crop insurance to facilitate landowners' willingness to accept impoundments on their land. The effect of this, more broadly would seem that the cost of impoundment projects to watershed districts would be reduced as the price farmers would demand to grant impoundment easements would be reduced due to the reduced risk. It seems like a reasonable proposal.

2021-06: State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

This proposes, presumably, legislation that requires state agencies to allow for meaningful comment and response to comment from local government units (LGUs) before adopting water management policies. As currently drafted, it is unclear how this proposal would be implemented and to what policies it would apply. It may be that it is simply a statement of position for MAWD to further refine into a specific legislative/administrative strategy.

2021-07: Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding (WBIF) to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B

This proposal aligns with the MAWD recommendations for the distribution of metro WBIF funds, which the MCWD Board voted to support at its May 27, 2021 meeting. BWSR has decided to distribute the next biennium WBIF metro allocation on the basis of metro WD/WMO boundaries, but also to allow SWCDs to prepare "enhanced" SWCD plans to be eligible to receive and spend from the allotment. This resolution is a sound element of the overall effort to push for watershed-based, prioritized-targeted-measurable CWF funding and water resource management. However, the specific BE IT RESOLVED already has been achieved, at least for the biennium. Circumstances will

evolve further leading up to the MAWD convention, so the usefulness of the resolution, or what it should resolve, both will be in flux.

**Supporting documents (list attachments):**

MAWD Annual Meeting Notice and Resolution Packet



Minnesota Association of Watershed Districts, Inc.  
[www.mnwatershed.org](http://www.mnwatershed.org)

---

**Minnesota Association of Watershed Districts, Inc.**  
**2021 Annual Conference and Business Meeting**  
**December 1-3, 2021**  
**HELD VIRTUALLY**

## **Member Meeting Materials**

Enclosed are the following items:

1. Notice of Annual and Regional Meetings
2. Delegate Appointment Form – please submit names [using this form](#)
3. Proposed Fiscal Year 2022 Budget
4. Resolutions and Bylaws Amendment Hearing Packet

This packet has been distributed to administrators via email. **Administrators – please distribute copies to your board members.** No paper copies of this packet will be sent via the U.S. Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, reports, and instructions for voting and accessing the meeting will be distributed to watershed administrators no later than one week prior to the Annual Meeting.

**We are looking forward to seeing you online at this year's convention!**



Minnesota Association of Watershed Districts, Inc.  
[www.mnwatershed.org](http://www.mnwatershed.org)

---

## **MN Association of Watershed Districts, Inc. 2021 Annual and Regional Meeting Notice**

Date of Notice: October 29, 2021

NOTICE IS HEREBY GIVEN that the 2021 Regional Meetings of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 4:00 p.m. on Wednesday, December 1, 2021 for the purpose of electing three members to the MAWD Board of Directors, one from each region, for terms ending in 2024.

NOTICE IS HEREBY GIVEN that the 2021 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 1:00 p.m. on Friday, December 3, 2021 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2022 budget;
4. To consider and act upon proposed resolutions and bylaws amendments;
5. To consider and act upon any other business that may properly come before the membership.

Sincerely,

---

Ruth Schaefer  
MAWD Secretary

*NOTE: Instructions on how to access the virtual meetings will be provided one week before the meeting.*



## MN Association of Watershed Districts, Inc. 2021 Delegate Appointment Form

The \_\_\_\_\_ hereby certifies that it is  
*name of watershed organization*

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2021.

The \_\_\_\_\_ hereby further certifies  
*name of watershed organization*

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the organization.

**Delegate #1:** \_\_\_\_\_  
Name Email Address

**Delegate #2:** \_\_\_\_\_  
Name Email Address

**Alternate:** \_\_\_\_\_  
Name Email Address

Authorized by: \_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Title

# Minnesota Association of Watershed Districts, Inc.

## Fiscal Year 2022 Proposed Budget

(October 1, 2021 - September 30, 2022)

10/29/2021	FY2022	FY2021	FY2021	FY2020	FY2019
<b>INCOME</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>ACTUAL</b>
Dues - Watershed District Members	212,000	224,673	194,028	221,482	214,668
Dues - WMO Members	22,500	15,000	7,500	2,000	2,000
Annual Meeting, Education Workshops and Trade Show <sup>1</sup>	25,000	66,855	46,630	94,887	70,955
Convention Sponsorships	32,000	32,340	29,616	43,120	43,700
Legislative Briefing, Education Workshop, and Day at the Capitol	8,000	8,000	2,871	0	6,275
Summer Tour and Education Workshops	26,250	26,250	0	0	18,100
Special Workshops	2,500	2,500	0	0	0
Interest	25	100	31	43	51
<b>TOTAL REVENUES</b>	<b>328,275</b>	<b>375,718</b>	<b>280,676</b>	<b>361,532</b>	<b>355,749</b>
<b>EXPENSES</b>					
<b>Administration &amp; Program Management</b>					
General Administration - Staff	72,100	69,800	67,793	66,147	62,099
Benefits /Taxes for Salaried Employees	25,000	30,000	25,361	24,028	21,348
Administrative and Communications Support - Contract	22,050	21,000	8,455	5,200	0
Event Management - Contract	35,280	33,600	31,125	32,001	39,753
<b>Legislative Affairs</b>					
Lobbying - Staff (includes Administrative Lobbying)	30,900	31,500	30,458	29,028	29,926
Lobbying - Contracted Services	40,000	42,000	40,000	40,000	40,258
Lobbyist Expenses	1,000	1,000	0	259	1,174
<b>Professional Services</b>					
Legal Fees <sup>2</sup>	6,000	2,000	24,763	208	0
Accounting and Audit Fees	10,500	8,500	8,150	8,050	6,850
Insurance	2,000	1,800	1,971	1,963	1,783
<b>Office Expenses</b>					
Rent	4,800	4,800	3,600	4,800	3,200
Mileage and General Office Expenses	12,250	12,250	3,846	7,510	12,181
<b>Board and Committee Meeting</b>					
Per Diems and Expenses - Directors	25,000	20,000	20,225	18,504	14,100
Board and Committee Meeting Expenses	1,000	1,000	172	121	774
<b>Value-Added Special Projects</b>					
WD Handbook	10,000	10,000	0	0	0
Other Special Projects <sup>3</sup>	2,500	2,500	500		
<b>Education and Events</b>					
Annual Meeting, Education Workshops and Trade Show	7,500	25,000	14,462	50,294	54,462
Legislative Briefing, Education Workshop, and Day at the Capitol	5,500	5,500	0	789	5,133
Summer Tour and Education Workshops	25,450	25,450	1,080	0	7,795
Special Workshops	2,500	2,500	0	0	0
Fees (Event Registration and Credit Card Processing Fees)	4,000	4,000	3,065	3,914	4,042
<b>TOTAL EXPENSES</b>	<b>345,330</b>	<b>354,200</b>	<b>285,025</b>	<b>292,818</b>	<b>304,877</b>
<b>REVENUE OVER EXPENSES</b>	<b>-17,055</b>	<b>21,518</b>	<b>-4,349</b>	<b>68,714</b>	<b>50,872</b>
<b>STATEMENT OF NET POSITION</b>					
Assets, Cash and Equivalents, actual			324,904	325,921	323,522
Deposits received - deferred, prepaid expenses			-15,494	962	-54,109
Liabilities, accounts payable, taxes payable			-10,490	-23,772	-35,185
<b>ENDING NET ASSETS</b>			<b>298,920</b>	<b>303,111</b>	<b>234,228</b>

<sup>1</sup> FY22 budget is for December 2021 virtual conference

<sup>2</sup> FY21 actual expenditures included board-approved case research, a BWSR petition, and court submittals

<sup>3</sup> May include donations to efforts by partner organizations, FY21 expenditure included donation for wake board research

# Resolutions and Bylaws Hearing Packet



DATE: October 29, 2021  
TO: MAWD Members  
FROM: MAWD Board of Directors and Resolutions Committee

## RE: Resolutions and Bylaws Amendment Hearing

The Resolutions Committee met on Tuesday, October 12, 2021 to review the resolutions submitted by MAWD members this year. Meeting participants: Chair Sherry White, Minnehaha Creek WD; Joe Collins, Capitol Region WD; Linda Vavra, Bois de Sioux WD; Michelle Overholser, Yellow Medicine River WD; Jamie Beyer, Bois de Sioux WD; and Emily Javens and Jan Voit, MAWD. Absent with prior notice: James Wisker, Minnehaha Creek WD. The MAWD Board of Directors met on October 25, 2021 and accepted the recommendations of the resolutions committee as presented.

The committee feedback is summarized in the table below and discussed further after each resolution. Members (2 delegates from each watershed organization) will vote on the resolutions at the annual business meeting on December 3, 2021. Note: the committee only recommends whether they think the resolution fits the mission of MAWD and its members. Voting for or against a resolution will not determine if MAWD resources will be allocated to the issue. If a resolution is adopted as MAWD policy, it just means we support the idea. It is up to the MAWD Board to determine how much time, money, and energy is put behind each item.

## Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding	Recommends adoption
2	Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects	Recommends adoption with amendment
3	Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	Recommends adoption
4	Increased Flexibility in Open Meetings Law to Utilize Interactive Technology	If Resolution #3 is adopted, this resolution is moot
5	Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas	Recommends adoption
6	State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption	Recommends adoption with amendment
7	Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B	Recommends adoption

## Proposed Bylaws Amendment

This year we will also be reviewing and acting on proposed changes to the bylaws. Potential changes include adding an emergency resolution process that would allow the Board of Directors to temporarily adopt time-sensitive policies until they can be formally adopted by members. Other updates include requiring a super majority of the board before a director can be removed, adding a general statement that MAWD will work to protect the statutory rights of members, and various minor clarifications.



# BACKGROUND INFO on MAWD RESOLUTION 2021-01

## Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

**Background that led to the submission of this resolution:**

For the past several bienniums, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs. There seems to be some general consensus that this is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. In the meantime, each biennium, \$24 million of the Clean Water Fund is used for this purpose. It can be debated that this is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

**Ideas for how this issue could be solved:**

Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

**Efforts to solve the problem:**

There have been no efforts to date for this change since it may be current MAWD policy to support this funding allocation from the Clean Water Fund.

**Anticipated support or opposition:**

Most watershed districts would likely support this effort. However, SWCDs are likely to oppose a shift in this funding to the Accelerated Implementation grants for Watershed Based Implementation Funding. Given the statewide affect of this resolution, it would be better coming from the MAWD Board directly.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ X
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X
Applies to the entire state:	_____ X	Impacts MAWD bylaws or MOPP:	_____

# MAWD RESOLUTION 2021-01

## Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

**WHEREAS**, for the past several biennium, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs.

**WHEREAS**, the distribution of \$24 million in Clean Water Fund dollars to SWCDs is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. It is unclear that distribution of these funds is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

**THEREFORE, BE IT RESOLVED** that MAWD supports the redirection of Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

---

### Notes on Committee discussion:

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR's responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

The Committee recommends adoption of this resolution.

# BACKGROUND INFO on MAWD RESOLUTION 2021-02

## Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

**Proposing District:** Pelican River Watershed District  
**Contact Name:** Dennis Kral, President  
**Phone Number:** 218-846-0436  
**Email Address:** [prwdinfo@arvig.net](mailto:prwdinfo@arvig.net)

### Background that led to submission of this resolution:

Watershed district workloads have increased greatly over the past several years and for WD's to be eligible for the non-competitive BWSR Capacity Base grant (FY20 Base Grant \$107,500) to augment/match our local tax dollars would be very helpful for the non-metro, smaller watershed districts to increase their local capacity to implement activities that are consistent with the purposes of the Clean Water Fund to "...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...".

### HOW THE BWSR LOCAL CAPACITY FUNDS ARE USED

BWSR provides non-competitive Clean Water Funds to our Soil and Water Conservation District partners to augment the local county tax funding for:

1. General administration and operations. Employing additional staff, rental of office space, automobile operating expenses, postage and utilities, and board member compensation and expenses, technology/capital expenditures, education, information, inventory, mapping, monitoring/data collection, planning and assessment, project development, regulations, ordinances, enforcement, technical/engineering assistance.
2. Cost share/incentives. water storage and treatment (retention/detention/wetland restoration, vegetation), excess nutrients (lake and stream quality restoration, groundwater sustainability), riparian zone management (ditches, lakes, streams, waterways), and soil erosion (agricultural practices, conservation drainage, forestry practices, groundwater, livestock waste management, non-structural management practices, streambank and shoreline protection, subsurface sewage treatment systems, urban stormwater practices, wetland restoration/creation, wind erosion, special projects.

### Ideas for how this issue could be solved:

The District recommends requesting BWSR to include non-metro watershed districts as an eligible local unit of government who may receive a local capacity base grant funds if requested by a WD, to assist with the implementation of Clean Water Fund eligible activities.

### Anticipated support or opposition:

No opposition is anticipated from other local government units.

### This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

## MAWD RESOLUTION 2021-02

### Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

**WHEREAS**, the planning and implementation of capacity funding for watershed districts over the past decade has fallen behind needed funding for new programs like the 1W1P and other watershed district programs that requires watersheds districts to expend funds for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, travel, and related office expenses; and

**WHEREAS**, a large majority of non-metro watershed districts have a levy cap of .048 of market value or a maximum of \$250,000, regardless of the size or complexity of the watershed district plan; and

**WHEREAS**, the legislature has provided additional capacity funds to SWCDs while Greater Minnesota WDs have operated at the same levy cap for the past 20 years, even though demands for services have increased (especially with the demands required for 1W1P planning efforts); and

**WHEREAS**, watershed districts operating under MN Statutes 103D in Greater Minnesota have an on-going need for capacity funding for watershed districts for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, staff and manager training, travel, IT development for public transparency, and a multitude of other related administrative expenses.

**NOW THEREFORE BE IT RESOLVED** that MAWD supports capacity base funding resources directed to non-metro watershed districts who request this assistance, to implement the activities as outlined in approved watershed district water management plans or 1W1P that are consistent with the purposes of the Clean Water Fund to “...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...”.

**Notes on Committee discussion:**

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR’s responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

Funding for capacity should come from the general fund, not the CWF. If it is coming from the CWF, then Greater Minnesota watershed districts should be eligible to receive the funds. The \$250,000 levy cap limits the ability of Greater Minnesota watershed districts to implement projects.

It was suggested that a way to solve the inequity of the \$24 million CWF dollars would be to expand eligibility to include non-103B watershed districts restricted by the \$250,000 general levy limit and remove SWCD eligibility for those SWCDs that already receive \$250,000 or more from their county.

The Resolutions Committee recommends adoption of this resolution.

# BACKGROUND INFO on MAWD RESOLUTION 2021-03

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**Proposing District:** Riley Purgatory Bluff Creek Watershed District  
**Contact Name:** Terry Jeffery, Interim District Administrator  
**Phone Number:** 952-807-6885  
**Email Address:** tjeffery@rpbcwd.org

### Background that led to the submission of this resolution:

Due to the impacts of the COVID-19 pandemic, The Open Meeting Law, Minnesota Statutes Chapter 13, was revised by the 2021 Minnesota Session Laws to provide increased flexibility for participation in public meetings by telephone and interactive technology. The revisions to Minnesota Statutes Sections 13D.02 and 13D.021 provide for this additional flexibility in the event that a health pandemic or emergency is declared under Chapter 12 of Minnesota Statutes. When the health pandemic or emergency is no longer declared, the standard, non-emergency meeting participation and notice requirements for remote participation by a member of a public body apply.

The standard, non-emergency language in the Open Meeting Law allows a member of a public body board to remotely attend and participate in a public meeting using interactive technology, provided that participation is from a public and publicly noticed location (13D.02 Subdivision 1 (5)); and 2). A member may participate remotely from a nonpublic location in a public meeting up to three times in a calendar year due to military deployment or medically documented personal health reasons.

Many public bodies, including watershed districts, successfully used interactive technology to conduct business, including public meetings, during the pandemic. Benefits to using these platforms that went beyond health and safety included reduced travel costs and time for the public and organizations using the platform; increased opportunities for public engagement; lower barriers to public engagement; and increased equity and opportunity for potential leaders and participants.

This proposed resolution declares MAWD's support for changes to the Open Meeting Law that would eliminate the requirement that public body board members participating in a meeting remotely by interactive technology be in a public and publicly noticed location, and the limitation on the number of times a member may participate remotely in a calendar year. It requires public bodies to provide members of the public access to public meetings using interactive technology at the regular meeting location, at which at least one representative of the public body must be present. It requires that the public be provided the opportunity to offer public comment during the meeting from remote locations or the regular meeting location. It further requires that a public body conducting public meetings under the revised Open Meeting Law must publish procedures for conducting meetings using interactive technology to put its members and the public on notice.

### Ideas for how this issue could be solved:

Revise Minnesota Statutes Section 13D.02 to eliminate the limitation on a member of a public body's remote participation in public meetings by interactive technology, and eliminate the requirement that the location of the member be public and noticed as such; provide opportunity for public participation by interactive technology at the regular meeting location; and require a public body that conducts a public meeting using interactive technology to publish procedures for conducting meetings using interactive technology.

All other requirements of the Open Meeting Law would continue to apply to ensure public access and transparency, including, but not limited to: roll call voting; public comment; ability to be seen and heard; public notice; representation by a member or designated representative at the regular meeting location; and recording and posting of public meeting minutes.

### Efforts to solve the problem:

The District has discussed trends in interactive technology use by watershed districts and other public bodies, as well as anticipated legislative action, with its attorneys. The District has no state agency, legislative, or county responses to report.

**Anticipated support or opposition:**

The District anticipates support from organizations that experienced benefits from use of interactive technology for their public meetings that would like to continue to use the flexibility of interactive technology. The District also anticipates public support for the continued use of interactive technology, which has expanded access to public meetings.

Opposition may come from advocates for the existing Open Meeting Law.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ <u>X</u>
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ <u>maybe</u>
Applies to the entire state:	_____ <u>X</u>	Impacts MAWD bylaws or MOPP:	_____

## RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

### PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:

#### **13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.**

##### **Subdivision 1. Conditions.**

- (a) A meeting governed by Section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology 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, chief legal counsel, or chief administrative officer is physically present at the regular meeting location where participation by interactive technology is available to members of the body and public present, unless participation at the regular meeting location is not practical or prudent under Section 13D.021; and
  - (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
  - (5) ~~each location at which a member of the body is present is open and accessible to the public.~~
- (b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participate from a location that is not open or accessible to the public, ~~if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:~~
- ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
  - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

##### **Subdivision 4. Notice of regular ~~and all member~~ locations.**

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, ~~and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b).~~ The timing and method of providing notice must be as described in section 13D.04.

##### **Subdivision 6. Record.**

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology, and state the reason or reasons for the appearance by interactive technology.

##### **Subdivision 7. Public comment period.**

If a public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

##### **Subdivision 8. Rules and procedures.**

A public body that conducts a meeting under this section must publish procedures for conducting meetings using interactive technology no later than December 31, 2022.

# MAWD RESOLUTION 2021-03

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**WHEREAS**, the Open Meeting Law (Minnesota Statutes Chapter 13D) provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

**WHEREAS**, during the COVID-19 pandemic, many public bodies, including watershed districts, used interactive technology platforms, including reduced travel costs and time to the public and the organizations using the platform; increased opportunities for public engagement; decreased barriers to public engagement; and increased equity and opportunity for potential leaders and participants;

**WHEREAS**, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires that a member participating through interactive technology must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (13D.02, subdivision 1(A)(5), subdivision 1(b));

**WHEREAS**, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

**NOW, THEREFORE, BE IT RESOLVED** that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

**BE IT FURTHER RESOLVED** that MAWD supports changes to the Open meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

-----  
**Notes on Committee discussion:**

It takes a lot of work to coordinate both in-person and online meetings, especially when side conversations take place. Online meeting costs can be expensive. Some watershed districts will be permanently offering an online option for the public. There are benefits to not limiting the number of times for remote participation for managers that are gone in the winter months. It may even entice more people to be interested in serving as managers since it is difficult to fill those positions in Greater Minnesota. Watershed districts could implement being more restrictive with the number of times remote participation could occur.

Current state law requires that meetings must be held within the watershed district and that everyone has to be able to see the board members participating. Many Greater Minnesota residents do not have access to online technology. Online meetings do not allow for personal connections. If watershed districts only use online technology, it gives permission to the legislature to do the same. It can be perceived as a way to avoid the public and public input.

The Committee recommends adoption of this resolution and generally supports (1) more flexibility for online meetings, (2) not requiring managers to be in a public place, (3) not requiring watershed districts to have a reason for an online meeting, and (4) allowing individual districts the flexibility to implement an internal policy that is more restrictive than state law.



# BACKGROUND INFO on MAWD RESOLUTION 2021-04

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**Proposing District:** Rice Creek Watershed District  
**Contact Name:** Nick Tomczik, District Administrator  
**Phone Number:** 763-398-3079  
**Email Address:** ntomczik@ricecreek.org

**Background that led to submission of this resolution:**

Due to the COVID-19 pandemic, changes were made to the open meetings law to offer increased flexibility during the pandemic. These changes provide additional flexibility to the requirements and exemptions in place due to a health pandemic or emergency declaration. Moving forward, traditional open meetings requirements are in place unless the health pandemic or emergency declaration are made.

The existing open meetings law allows for members to attend and participate using interactive technology, but all members participating from a remote location must still be in a public (and publicly noticed) location (13D.02 Subdivision 1 (5)) unless the health pandemic or emergency declaration is made.

Many public boards (including watershed district boards) used modern interactive technology to conduct business during the pandemic. There were many benefits to using these platforms that went beyond health and safety during a pandemic. These benefits included reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants.

This proposed resolution would declare MAWD support to seek changes to the Open Meeting Law that would modify the requirement for all watershed district board members to participate from a public (and publicly noticed) location when using interactive technology (during normal times).

**Ideas for how this issue could be solved:**

Amend Minnesota Statutes section 13D.02 so that a member may participate up to three times per calendar year through interactive technology from a location that is not open and accessible to the public. (See attached Proposal for specific language.) All other requirements of the Open Meeting Law would apply to assure public access and transparency. The remaining requirements include (but are not limited to) roll call voting, participation by the public / public engagement, ability to be seen and heard, public notice, one member in the normal and noticed public location, and recording / posting minutes.

**Efforts to solve the problem:**

Discussing trends and anticipated legislative action on this topic with attorneys. No action or response to report at this time.

**Anticipated support or opposition:**

Support is anticipated from organizations that experienced the benefits of interactive technology for their meetings and wish to see this flexibility. Support from much of the public is anticipated because of greater access to these meetings.

Opposition may come from organizations that advocate for current open meeting laws.

**This issue (check all that apply):**

Applies only to our district:	_____	Requires legislative action:	_____ X
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ maybe
Applies to the entire state:	_____ X	Impacts MAWD bylaws or MOPP:	_____

# RICE CREEK WATERSHED DISTRICT

PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:

## 13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

### Subdivision 1. **Conditions.**

- (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology 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) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
  - ~~(5) Each location at which a member of the body is present is open and accessible to the public.~~
- ~~(b)~~ A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public. Thereafter such member must be present in a location that is open and accessible to the public for the remainder of the calendar year, and:
  - ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
  - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

# 2020 MAWD RESOLUTION 2021-04

## Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

**WHEREAS**, the Open Meeting Law (Minnesota Statutes Chapter 13D) generally provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

**WHEREAS**, during the COVID-19 pandemic, many public bodies (including watershed district boards of managers) used interactive technology to conduct their business; there were many benefits to using these interactive technology platforms that went beyond health and safety during a pandemic, including reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants;

**WHEREAS**, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires generally that members must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (See Section 13D.02, subdivision 1(a)(5), subdivision 1(b));

**WHEREAS**, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

**NOW, THEREFORE, BE IT RESOLVED** that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location up to three times in a calendar year.

-----  
**Notes on Committee discussion:**

See discussion on Resolution #3. If that resolution is adopted, Resolution #4 is moot.

# BACKGROUND INFO on MAWD RESOLUTION 2021-05

## Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

**Proposing District:** Wild Rice Watershed District  
**Contact Name:** Kevin Ruud, Administrator  
**Phone Number:** 218-784-5501  
**Email Address:** Kevin@wildricewatershed.org

### Background that led to submission of this resolution:

Watershed districts are faced with locating flood impoundment areas necessary for projects. The problem is it is difficult to convince landowners to sell (especially larger tracts) unless they keep their property in production and have some assurance they will be able to continue to raise a crop within the impoundment area, and further that the crop within such area be eligible for federal crop insurance. Presently, multi-peril crop insurance is available through the Federal Crop Insurance Program Act which is operated and managed by the Risk Management Agency, which is part of the USDA (which is in turn subject to the general supervision of the Secretary of Agriculture). Such multi-peril insurance, however, covers only drought, freeze, disease, and other natural causes. Unnatural causes for crop losses within an impoundment area from flood events are not covered by crop insurance. The result is it becomes very difficult to get property owners to allow their land to be used for flood impoundment areas. The result is projects which may otherwise be viable/beneficial are never built.

### Ideas for how this issue could be solved:

The Risk Management Agency of the FCIP needs to expand coverage of multi-peril crop insurance to include crop losses within a flood impoundment area while the site is operational no differently than coverage for losses due to natural causes. To accomplish this, the MAWD needs to inform legislators of the problem – both indirectly through legislators and directly with the Risk Management Agency and/or the Secretary of Agriculture – and invited them to expand multi-peril insurance to include crop losses within flood impoundment areas. Suggested language changes/additions to the Code of Federal Regulations would need to be adopted by FCIP/RMA to accomplish adding crop losses within flood impoundment areas as insurable.

### Efforts to solve the problem:

The WRWD Board of Managers has sent a 7-22-21 letter to Senator Amy Klobuchar with a copy to Senator Tina Smith and Representative Michelle Fischbach inviting her/their assistance in creating multi-peril crop insurance coverage specific to farming within flood improvement areas in the Red River Basin of the North. The letter was sent recently and no response has yet been received. A copy of the letter is attached.

### Anticipated support or opposition from other governmental units?

Most city, state, or other political subdivisions, tribes, FEMA, and Canada would likely support any efforts to increase the likelihood of being able to create flood impoundment areas. Special interest groups opposed to government flood control efforts may oppose such an expansion of multi-peril crop insurance.

### This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

# MAWD RESOLUTION 2021-05

## Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

**WHEREAS**, the Wild Rice Watershed District (WRWD) board/staff have explored the feasibility of various potential flood control projects which may prove beneficial to both the WRWD, as well as the entire Red River Basin, but a continuing problem is locating a flood impoundment areas which is supported vs. opposed by the owners of the property needed for such an impoundment area.

**WHEREAS**, WRWD property owners have expressed they would have interest in selling an easement to allow their property to become an impoundment area for a flood control project if they knew their property would be/remain eligible for federal crop insurance for crop losses sustained on the property within the impoundment area. The result of having willing property owners make their land available for impoundment areas could dramatically improve the chances of putting beneficial flood damage protection projects on the ground.

**WHEREAS**, the WDWD board/staff have discussed that to accomplish getting crop losses within flood impoundment areas covered by multi-peril crop insurance, there needs to be legislative and/or administrative action taken to convince the Federal Crop Insurance Program/Risk Management Agency, or the Secretary of Agriculture, to so expand the coverage of multi-peril crop insurance.

**THEREFORE, BE IT RESOLVED**, that MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

-----  
**Notes on Committee discussion:**

This is a farm bill issue and funds to pay for the insurance would be the cost of the federal government. It is a means to get the support of the federal government for flood control projects.

For future resolutions, it would be helpful to have examples of specific application, costs, and other measurable information submitted with the resolution background information.

The Committee recommends adoption of this resolution.

## Wild-Rice-Watershed-District

11 5th Ave East · Ada MN 56510 · Phone (218) 784-5501 · Fax (218) 784-2459 · [www.wildricewatershed.org](http://www.wildricewatershed.org)

July 22, 2021

Senator Amy Klobuchar  
Brian Werner, Senior Legislative Assistant  
425 Dirksen Senate Office Building  
Washington, DC 20510

Senator Klobuchar,

The Wild Rice Watershed District (WRWD) is requesting assistance to address current rules within the Federal Crop Insurance program that we feel could help to reduce the nationwide impacts of flooding on crop land and resultant Federal expenses from insurance claims.

**Issue:** Currently, Section 1508(a)(1) of the Federal Crop Insurance Act states in part, "to qualify for coverage under a plan of insurance, the losses of the insured commodity must be due to drought, flood, or other natural disaster." Since under the current rule, insurance is provided only to protect against naturally occurring events, agricultural land within flood control impoundments is not eligible for coverage.

### Reasons for Change:

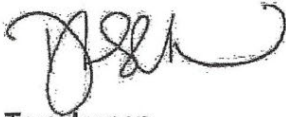
1. Flood control impoundments are designed to temporarily store water in controlled locations during times of excessive runoff. These sites typically are designed to contain higher volume runoff events that result from spring snowmelt events. However, these sites also provide downstream flow and flood reduction during summer growing season flooding. Most of these sites are designed with the ability to store water with average depths of 5-10-ft. This increased depth of storage allows for less acres of land to be inundated. For example, one acre of land inundated in an impoundment site, stores a volume equivalent to 10-40 acres of downstream flooded land (assuming 3-6" of flood depth). This reduction in inundated area ultimately results in less Federal expenses from insurance claims
2. Farmers know that there are risks associated with farming within flood impoundments. However, they should not be penalized in times of severe financial distress because current federal laws do not allow for the purchase of crop insurance when farming flood impoundments. While there is some risk, the farming of flood impoundments provides some opportunities for farmers to increase their capacity to grow crops in a time of food uncertainty for our nation. There are significant input costs associated with crop production and it is unreasonable for our farmers to take all the risk without some form of crop insurance tool being available to offset the risks of farming in flood impoundments.

3. Farming flood impoundments can also be a water quality management tool if nutrients are properly managed. For example, the raising of hay or other forages or corn for silage results in high levels of nutrients being reduced because the entire crop is being removed. Watershed Districts are supportive of farming flood impoundments because it reduces the public costs to control noxious weeds and maintain land, can result in nutrient removal, provides opportunities for farmers to increase crop production, and can provide a revenue stream for WD's to offset maintenance and operational costs associated with the operation of flood impoundments.

We request your assistance in the creation of a crop insurance tool or coverage specific to the farming of flood impoundments for the Red River Basin of the North. When our farmers are profitable, there is economic benefit throughout the Basin and economic vitality is enhanced.

We would appreciate your assistance in addressing this issue to lessen risks for farmers and to reduce public costs. Thank you for your consideration and the WRWD looks forward to further discussing these matters with you.

Sincerely,



Tara Jensen  
Bookkeeper, WRWD

CC: Senator Tina Smith  
Representative Michelle Fischbach  
WRWD Managers

# BACKGROUND INFO on MAWD RESOLUTION 2021-06

## State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

### Background that led to the submission of this resolution:

State agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates. As an example, there is no requirement that BWSR solicit and consider local government input on water management policy. Why input is often requested, it is usually in the form of a survey or other front-end approaches that may seem to address stakeholder input. In reality, the final draft policy is a critical document that local governments are interested in seeing to determine impacts of the policy. In many instances, those implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

### Ideas for how this issue could be solved:

Require State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

### Efforts to solve the problem:

State Associations have requested draft policies prior to adoption, but this process has been inconsistent, provides a very limited window for input, and not established to consistently and thorough consider local government input.

### Anticipated support or opposition:

Local units of government, i.e. watershed districts, counties, SWCDs, and cities would likely support this, but may have opposition from state agencies. This should be considered a potential MAWD resolution.

### This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X _____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____ _____



## MAWD RESOLUTION 2021-06

### State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

**WHEREAS**, State Agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates.

**WHEREAS**, there is no requirement that BWSR solicit and consider local government input on water management policy.

**WHEREAS**, the final draft policy of a State Agency is a critical document that local governments are interested in seeing to determine impacts of the policy.

**WHEREAS**, local units of government implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

**THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

---

#### Notes on Committee discussion:

Having a meaningful period of time for comment that doesn't tie the hands of staff and lobbyists is important. Implementing what is requested in this resolution would not just impact watershed districts, but also other local government units.

BWSR spends significant energy into gathering input from local governments but does not allow much time to review what is put on paper before the BWSR board needs to adopt it. Greater Minnesota often feels they do not receive information until it has already been adopted as BWSR policy. While watershed districts give comments after the fact, BWSR should be open to providing for comment and input in advance of adopting policy.

Watershed districts are required to draft documents, provide a 60-day comment period, and then respond to the comments in writing. This is a process that could easily be implemented by BWSR.

In the case of the Metro WBIF, BWSR did not respond to the technical paper submitted by MAWD or to the letters they received from metro watershed districts.

If this resolution is adopted (or any resolution that is adopted), it goes to the MAWD Legislative Committee. The MAWD Legislative Committee makes a prioritized recommendation that is presented to the MAWD Board for adoption.

There are a variety of options that could be pursued in regard to this particular resolution. It is past the point of writing a letter. The next steps would be going to the legislature or submitting a rule making petition to the BWSR Board.

If adopted, this would apply to all government entities (DNR, MPCA, etc.), not just BWSR.

The Committee recommends adoption of this resolution if the following amendment would be added during the resolutions hearing:

**THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to seek a meaningful, not less than 60-day review and comment from affected local units of government on new or amended water management policies and a response to the comments is required prior to adoption.

## **BACKGROUND INFO on MAWD RESOLUTION 2021-07**

### **Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B**

**Proposing District:** Capitol Region Watershed District  
**Contact Name:** Mark Doneux, Administrator  
**Phone Number:** 651-440-9390  
**Email Address:** mdoneux@capitolregionwd.org

#### **Background that led to the submission of this resolution:**

The Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed-based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

Pilot programming for watershed-based implementation funding was implemented in the 2018-2019 and 2020-2021 biennium as a means to developing best practices for the long-term sustained implementation of WBIF.

Throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

In addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plans to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

In response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

#### **Ideas for how this issue could be solved:**

Throughout the implementation of the WBIF pilot programs a variety of alternatives have been identified. These are outlined in the attached policy analysis matrix (Attachment A) and include:

- A. Allocated funds by BWSR defined 10 Metro Watershed Areas.
  1. Eligible LGUs meet in each of the 10 WS Areas to decide distribution of funds. \*Used in FY2020-2021 cycle
- B. Allocate funds by BWSR defined 33 Metro Watershed Areas.
  1. Eligible LGUs meet in each of the 33 WD Areas to decide distribution of funds.
- C. Allocate each eligible entity in Metro (WMO, SWCD, County, up to 47 entities) to fund each plan.
- D. Metro-wide competitive grant for all eligible entities.
- E. Allocate funds by BWSR defined 3 Metro Watershed Areas based on major river basins (MN, Miss, St Croix).
  1. Eligible LGUs meet in each of the 3 WS Areas to decide distribution of funds.
- F. Allocate funds to each of the 33 Metro Watershed Management Organizations with approved Plans. WMO/WDs decide the distribution of funds.

- G. Allocate funds to each of the 23 metro Watershed Management Organizations with approved plans that are not part of a 1W1P. WD/WMOs decide the distribution of funds.

**Efforts to solve the problem:**

Throughout the time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the LGWR.

In addition to consistent feedback regarding the lack of specific and measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives.

**Anticipated support or opposition:**

We believe most or all Metro Watershed Districts have or will support this approach. To date, Capitol Region, Rice Creek, Ramsey Washington Metro, Minnehaha Creek, Vadnais Lake WMO, and South Washington have already sent a letter of support for this approach to Watershed Based Implementation Funding.

**This issue (check all that apply):**

To the entire State:	_____	Requires legislative action:	_____ X _____
Only to Region III:	_____ X _____	Requires state agency advocacy:	_____ X _____
Only our District:	_____	Impacts MAWD bylaws or MOPP:	_____

## MAWD RESOLUTION 2021-07

### **Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B**

**WHEREAS**, the Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

**WHEREAS**, throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

**WHEREAS**, in addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plants to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

**WHEREAS**, in response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

**THEREFORE, BE IT RESOLVED** that MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multiyear 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

-----  
**Notes on Committee discussion:**

This resolution stems from a need to ensure 1W1P funds are distributed on a watershed basis. To date, metro watershed districts have worked with BWSR to work on the details, but their recommendations have not been integrated into BWSR policy or decision making.

BWSR does not recognize that metro watershed district plans are inclusive of SWCDs. There is an existing watershed management plan amendment process that could be used if SWCDs do not feel they are adequately represented in the watershed-based plan. Instead, BWSR is proposing enhanced SWCD plans that would be equally eligible for funding.

As it is currently proposed, the 1W1P funds would be distributed to the watershed area. Instead of using the existing watershed plan and committees that are already established, a committee consisting of representatives from SWCDs, cities, counties, and a watershed

district would make the decision on how the funds would be spent. A watershed district would have no decision-making ability. The seven SWCDs in the metro have signed a letter saying they want to have the option to write their own enhanced plans.

The MAWD Board meets on October 25. The BWSR Board meets on October 27 and intends to act on the proposal that includes a process for enhanced SWCD plans. The Committee recommends adoption of this resolution, knowing that there may be amendments from the floor at the MAWD business meeting based on the decision made at the October BWSR Board meeting.

Attached to this resolution is the policy analysis submitted by MAWD to BWSR that reviews program criteria against proposed policy proposals. Several letters were submitted to BWSR in support of this analysis and are available upon request.

# BYLAWS

## MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

St. Paul, Minnesota

### ARTICLE I.

#### Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., hereinafter referred to as MAWD.
- 1.2 Purpose. The purpose of MAWD is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, MAWD will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. MAWD will work to protect the statutory rights of its members.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, MAWD shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as Manual of Policy and Procedures (MOPP) to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

### ARTICLE II.

#### Membership

- 2.1 Membership. Each dues-paying watershed district (WD) or water management organization (WMO) duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to membership in this corporation.
- 2.2 Delegates. Alternates. When a WD or WMO becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.
- 2.3 Termination of Membership. Any member that has failed to pay its dues is not in good standing and shall be stricken from the membership roll.

- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.
- 2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors. An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.

### **ARTICLE III. Meetings of Membership**

- 3.1 Annual Meeting. An annual meeting of this corporation shall be held to vote for the election of the Board of Directors and to transact such other business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be considered.
- 3.3 Quorum. A majority of the delegates (two per member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

### **ARTICLE IV. Board of Directors**

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed board member per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual meeting of the Association. No WD or WMO shall have more than one board member elected

to be a Director on the Board of Directors of the Corporation. Regional caucuses shall elect a Chairman and Recording Secretary from its delegates for the purpose of its election procedure and report the election results to the Convention at a designated time.

- 4.3 Regions. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any WD or WMO in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Policy and Procedure Manual.
- 4.4 Number, Qualification and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.
- 4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a super majority of ~~the~~ 7 members of this board may remove one or more directors from their term of office without cause.
- 4.7 Meetings, Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided for. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the MOPP.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the MOPP. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses



incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a Director are considered to also be the pecuniary interest of the Director.

- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

## **ARTICLE V. Board Officers**

- 5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:

- 5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:

- Convene and preside over regularly scheduled board meetings.
- Have general powers and duties of supervision and management as directed by the MOPP. usually vested in the office of president.
- Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.

- 5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:

- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
- Have general powers and duties of supervision and management as directed by the MOPP. usually vested in the office of Vice-President.

- 5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

- 5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

## ARTICLE VI.

### Fiscal Year, Dues and Annual Review of Financial Procedures

- 6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.
- 6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Policies and Procedures Manual.
- 6.3 Annual Dues. Annual dues shall be payable in January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized WD or WMO that joins this association until such member WD or WMO is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to MAWD's the Authorized Accounting-accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

- 6.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The review results shall be furnished to all members within forty-five days after receipt thereof by the Treasurer.

## ARTICLE VII.

### Employees

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, MAWD may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Policies and Procedures Manual.

## ARTICLE VIII.

### Resolutions and Petitions

- 8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least 3 months prior to the annual MAWD membership meeting. Resolutions and their justification must be submitted to the MAWD Resolutions/Policy Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.

8.2 Emergency Resolutions. The Legislative Committee will review any emergency resolutions and make recommendations to the Board who will vote the recommended action up or down. The membership will vote to confirm the action at the next membership meeting.

8.3 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from at least 15 members before a Special meeting of the membership will be convened.

## **ARTICLE IX.**

### **Chapters**

9.1 Chapters. Members may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors.

## **ARTICLE X.**

### **Rules of Order**

10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the 12<sup>th</sup> edition of Robert's Rules of Order Newly Revised shall govern the proceedings of this corporation. For consistency in operation, a copy ~~of Robert's Rules of Order~~ shall be available for consultation if requested at every scheduled meeting of the Board of Directors and Membership meetings.

## **ARTICLE XI. Amendments**

11.1 Amendments. These Bylaws may be amended by a majority vote of the members of this corporation only as provided below.

11.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.

11.3 Special Meeting. These Bylaws may be amended by the members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written, either by mail or electronically, notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.