



Item 5D.  
BCWMC 11-16-22

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

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**Minnesota Association of Watershed Districts, Inc.  
2022 Annual Conference and Trade Show  
December 1-3, 2022  
Arrowwood Conference Center, Alexandria, MN**

## **Member Meeting Materials**

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com)
3. Proposed Fiscal Year 2023 Budget
4. Draft Strategic Plan
5. Proposed Bylaws Changes
6. Resolutions Information Packet

This packet has been distributed to administrators and managers via email. Please print copies for your organization. No paper copies of this packet will be sent via the U.S. Postal Service.

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

**PLEASE BRING THE RESOLUTIONS PACKET WITH YOU TO THE CONVENTION.  
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**



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

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## MN Association of Watershed Districts, Inc. 2022 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2022 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 8:00 a.m. on Friday, December 2, 2022 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 2023 budget;
4. To consider and act upon the proposed 2023-2032 Strategic Plan;
5. To consider and act upon the proposed Bylaws changes;
6. To consider and act upon proposed resolutions;
7. To elect three directors, one from each region, for terms ending in 2024; and
8. To consider and act upon any other business that may properly come before the membership.

Sincerely,

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Ruth Schaefer  
Secretary



## MN Association of Watershed Districts, Inc. 2022 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 2022.

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 their respective watershed district or watershed management organization.

**Delegate #1:** \_\_\_\_\_

**Delegate #2:** \_\_\_\_\_

**Alternate:** \_\_\_\_\_

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

\_\_\_\_\_  
Title

\*\* Please return this form to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com) at your earliest convenience. \*\*



**Minnesota Association of Watershed Districts**  
**2022 MAWD Annual Conference**  
Arrowwood Convention Center, Alexandria MN

**Annual Meeting AGENDA**  
**Friday, December 2, 2022 | 8 a.m.**

**GENERAL BUSINESS**

- 8:01 a.m. Call to Order  
8:01 a.m. Approval of Agenda (Action)  
8:02 a.m. Approval of 2021 Annual Meeting Minutes (Action) – Linda Vavra  
8:05 a.m. Treasurer’s Reports – Linda Vavra
- 2022 Year End Financial Report (Action)
  - 2022 Review of Financial Procedure Report (Action)
  - 2023 Proposed Budget (Action)

**REPORTS**

- 8:30 a.m. President’s Report – Linda Vavra  
8:40 a.m. Interim Executive Director’s Report – Jan Voit  
8:50 a.m. MN Board of Water and Soil Resources Report - Executive Director John Jaschke

9:00 a.m. **STRATEGIC PLAN** (Action) – Linda Vavra

9:10 a.m. **BYLAWS HEARING** (Action) – Linda Vavra

9:20 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

*Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.*

**Resolution 1** – Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

**Resolution 2** – Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them

**Resolution 3** – Increased Support and Participation for the Minnesota Drainage Work Group

**Resolution 4** – Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

**Resolution 5** – Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

**Resolution 6** – Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

**Resolution 7** – Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

**Resolution 8** – Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

10:45 a.m. **ADJOURNMENT**

***NOTE: Caucus meetings for each MAWD Region will begin at 11:15 a.m. Check the event program for location. The Trade Show ends at noon, so don’t forget to visit our sponsors and vendors one last time.***

**Minnesota Association of Watershed Districts  
(MAWD)  
2021 Annual Business Meeting**

December 3, 2021  
Via Zoom



**1. Call to Order**

The 2021 MAWD Business meeting convened at 1:00 p.m. by MAWD President Mary Texer, Capitol Region Watershed District (CRWD).

**2. Agenda**

The agenda was reviewed and approved. Peter Fjestad, Buffalo Red River Watershed District moved to approve the agenda. Jill Crafton, Riley Purgatory Bluff Creek Watershed District (RPBCWD) seconded the motion. The motion passed by voice vote.

**3. Secretary's Report**

The 2020 annual meeting minutes were presented by Ruth Schaefer, Middle Fork Crow River Watershed District (MFCRWD). Ruth Schaefer, MFCRWD moved to approve the Secretary's report. Linda Vavra, Bois des Sioux Watershed District (BDSWD) seconded the motion. The motion passed by voice vote.

**4. Treasurer's Report**

Sherry Davis White, Minnehaha Creek Watershed District (MCWD) and MAWD Treasurer, presented the following reports:

- *2021 Year End Financial Report.* Linda Vavra, BWSWD moved to approve the 2021 Year End Financial Report. Rick Sanders, CRWD seconded the motion. The motion passed by voice vote.
- *2022 Proposed Budget.* Dennis Kral, Pelican River Watershed District (PRWD) moved to approve the 2022 Proposed Budget. Michael Welch, Bassett Creek Watershed Management Commission (BCWMC) seconded the motion. The motion passed by voice vote.
- *Independent Accountant's Report on Applying Agreed Upon Financial Procedures.* The report, dated November 24, 2021 was prepared by Redpath and Company, Ltd. Cliff Aichinger, Ramsey Washington Metro Watershed District (RWMWD) made a motion to accept the Report on Applying Agreed Upon Financial Procedures report. Jill Crafton, RPBCWD seconded the motion. The motion passed by voice vote.

**5. Reports**

Reports were given by MAWD President Mary Texer; MAWD Executive Director Emily Javens; Minnesota Association of Watershed Administrators President Scott Henderson; Board of Water and Soil Resources (BWSR) Executive Director John Jaschke; and Clean Water Council (CWC) representative Marcie Weinandt, Rice Creek Watershed District Manager; and CWC Executive Director Paul Gardner.

**6. MAWD Resolutions Hearing**

MAWD President Mary Texer turned the meeting over to Sherry Davis White, MCWD and MAWD Resolutions Committee Chair, to preside over the MAWD Resolutions Hearing.

**Resolution #1 Redirect Clean Water Funds from Soil and Water Conservation District (SWCD) Local Capacity Services to BWSR Accelerated Implementation of Watershed-Based Implementation Funding (WBIF)**

Joe Collins, CRWD moved to adopt Resolution #1. Jill Crafton, RPBCWD seconded the motion. Following discussion, the motion and second were withdrawn. Joe Collins, CRWD made the following motion: MAWD supports SWCD Local Capacity Services be funded from county and state general funds and supports the direction of Clean Water Funds to the BWSR Accelerated Implementation of WBIF. Cliff Aichinger, RWMWD seconded the motion. Following further discussion, Joe Collins, CRWD made a motion to amend the motion as follows: MAWD supports SWCD capacity funds to come from county and state general funds. MAWD supports Clean Water Funds being used for implementation and not for capacity. Jill Crafton, RPBCWD seconded the amendment. A vote on the amendment passed by voice vote. A vote on Resolution #1 as amended passed by voice vote.

- **Adopted Resolution 2021-1: NOW THEREFORE BE IT RESOLVED** that MAWD supports SWCD capacity funds to come from county and state general funds. MAWD supports Clean Water Funds being used for implementation and not for capacity.

**Resolution #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**

Dennis Kral, PRWD moved to adopt Resolution #2. Janice Haggart, PRWD seconded the motion. Following extensive discussion, Dennis Kral, PRWD made the following amended motion: 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 watershed management plans or comprehensive watershed management plans. Linda Vavra, BDSWD seconded the amended motion. The amended resolution was adopted by tally voting: 25 delegates in favor, 6 opposed.

- **Adopted Resolution 2021-2: 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 comprehensive watershed management plans.

**Resolution #3 Increased Flexibility in Open Meeting Law to Utilize Interactive Technology (Version 1)**

David Ziegler, RPBCWD moved to adopt Resolution #3. Jill Crafton, RPBCWD seconded the motion. Discussion was held on the resolution. Cliff Aichinger, RWMWD made a motion to amend the resolution by removing “without limit on the number of times” and “such remote participation may occur” and adding “up to three times in a calendar year per manager”. Ruth Schaefer, MFCRWD seconded the amended motion. Tally vote was taken on the amendment: 25 delegates in favor, 11 opposed. The amended resolution was adopted by tally voting: 29 delegates in favor, 5 opposed.

- **Adopted Resolution 2021-3: 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, up to three times in a calendar year per manager, 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 district to prepare and publish procedures for conducting public meetings using interactive technology.

**Proposed Resolution #4 Increased Flexibility in Open Meeting Law to Utilize Interactive Technology (Version 2)**

Because Resolution #3 was adopted, there was no need to vote on proposed Resolution #4.

**Resolution #4 Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas**

Jackie Anderson, Comfort Lake Forest Lake Watershed District moved to adopt Resolution #4. Linda Vavra, BDSWD seconded the motion. The resolution was adopted by tally voting: 30 delegates in favor, none opposed.

- **Approved Resolution #4: THEREFORE, BE IT RESOLVED**, that MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

**Resolution #5 State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption**

After extensive discussion Joe Collins, CRWD moved an amended version of Resolution #5. Jill Crafton, RPBCWD seconded the motion. The amended resolution was adopted by tally voting: 31 delegates in favor, 2 opposed.

- **Approved Resolution 2021-5: THEREFORE, BE IT RESOLVED**, that MAWD supports requiring State Agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives and a response to the comments is required prior to adoption.

**Resolution #6 Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro 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**

Joe Collins, CRWD moved to adopt Resolution #6. Jill Crafton, RPBCWD seconded the motion. The resolution was adopted by tally voting: 30 delegates in favor, 2 opposed.

- **Approved Resolution 2021-6: THEREFORE, BE IT RESOLVED** that MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multi-year 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).

**7. BYLAWS AMENDMENT HEARING**

MAWD President Mary Texer presided over the Bylaws Amendment Hearing. Mary Texer, CRWD moved to accept all proposed bylaws changes. Jill Crafton, RPBCWD seconded the motion. Following discussion, Sherry Davis White, MCWD made a motion to amend the resolution with the following language for section 8.1 and to delete section 8.2:

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 three months prior to the annual MAWD membership meeting. Resolutions and their justification ~~must~~ should, whenever possible, 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, and must be submitted at least one week prior to the annual MAWD membership meeting. 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~~ any 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.~~

Michael Welch, BCWMC seconded the amendment. Tally vote was taken on the amendment: 27 delegates in favor, 1 opposed.

Sherry Davis White, MCWD made a motion to amend the bylaws by adding the following revised language for section 1.2: MAWD will work to secure the capacity of its members to implement their statutory powers and purposes. Michael Welch, BCWMC seconded the amendment. The amended resolution was adopted by tally voting: 24 delegates in favor, 2 opposed.

Tally voting was done for the amended bylaws. They were adopted by tally voting: 28 delegates in favor, 1 opposed.

## **8. Adjournment**

The meeting adjourned at 5:24 pm.

Respectfully submitted by,

Ruth Schaefer  
MAWD Secretary





# Memorandum

DATE: October 31, 2022  
TO: MAWD Members  
FROM: Jackie Anderson, MAWD Treasurer

## RE: **Proposed FY23 Budget and FY22 Financial Statement**

**It is important to note that the majority of MAWD's revenue is generated through payment of dues.**

### INCOME PROPOSED FY23 BUDGET

- The estimated dues for FY23 are based upon payment in full by current members with the new dues structure.
- The estimated income for the annual conference in FY23 is based on actual revenue received in FY19.
- The estimated costs for the Legislative Day at the Capitol and Summer Tour are based on actual costs for FY22 with consideration of the increased costs for venues and food likely in 2023.

### EXPENSES PROPOSED FY23 BUDGET

#### *Administration and Program Management*

- General Administration – staff: for FY23 includes wages for the new Executive Director (partial salary when hired).
- Benefits/Taxes for Salaried Employee: benefits for the new Executive Director (when hired).
- Administrative and Communications Support: projected expense for half time administrative support.
- Event and Communication Management: projected to the Program Manager for managing MAWD events.

#### *Legislative Affairs*

- Lobbyist Contract.

#### *Professional Services*

- Costs incurred for legal fees is primarily for review of the watershed handbook and for general legal work.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for an annual audit.
- Insurance coverage for errors and omissions insurance for the MAWD Board of Directors, and for general coverage for office, records, and office equipment.

#### *Office Expenses*

- Funds paid to Capitol Region Watershed District for office rent.
- Mileage for directors and contractors, as well as office supplies.

#### *Board and Committee Meetings*

- Funds paid to directors for serving on the Board of Directors and MAWD Committees.

#### President

Linda Vavra (Region 1)  
Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
320-760-1774 | Term 2023

#### Secretary

Ruth Schaefer (Region 2)  
Middle Fork Crow River WD  
[ruths56288@gmail.com](mailto:ruths56288@gmail.com)  
320-212-5973 | Term 2022

#### Treasurer

Jackie Anderson (Region 3)  
Comfort Lake – Forest Lake WD  
[mawdjapa@gmail.com](mailto:mawdjapa@gmail.com)  
612-819-6906 | Term 2024

#### Directors

Peter Fjestad (Region 1)  
Buffalo Red River WD  
[pfjestad@prtel.com](mailto:pfjestad@prtel.com)  
218-731-4630 | Term 2022

Gene Tiedemann (Region 1)  
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[gtiedemann@rrv.net](mailto:gtiedemann@rrv.net)  
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)  
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608-370-3934 | Term 2023

Wanda Holker (Region 2)  
Upper Minnesota WD  
[ewholker@fedtel.net](mailto:ewholker@fedtel.net)  
320-760-6093 | Term 2024  
Appointed until Dec 2022

Mary Texer (Region 3)  
Capitol Region WD  
[metexer@gmail.com](mailto:metexer@gmail.com)  
651-224-2919 | Term 2023

David Ziegler (Region 3)  
Riley-Purgatory-Bluff Creek WD  
[david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com)  
952-905-1889 | Term 2022

Jan Voit  
Interim Executive Director  
[admin@mnwatershed.org](mailto:admin@mnwatershed.org)  
507-822-0921

### *Special projects*

- Funds for anticipated costs incurred with handbook development and rebranding the organization.

### *Education and Events*

- Estimated costs for implementing the Annual Conference, Legislative Day at the Capitol, and Summer Tour.

### **INCOME FY22 ACTUAL**

- The FY22 dues were based on the old dues structure.
- The reduced income for the annual conference is due to holding a virtual event.
- The reduced income for the Legislative Day at the Capitol is a result of lower attendance due to the pandemic as well as increased costs for food and the venue.

### **EXPENSES FY22 ACTUAL**

#### *Administration and Program Management*

- General Administration – staff: wages and separation pay for the former Executive Director.
- Benefits/Taxes for Salaried Employee: benefits for the former Executive Director.
- Administrative and Communications Support - Contract: funds paid for half time Administrative Support Staff.
- Event and Communication Management: funds paid to the Program Manager for managing MAWD events.

#### *Legislative Affairs*

- Lobbyist Contract.

#### *Professional Services*

- Costs incurred for legal fees are related to general legal work and the separation agreement.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for an annual audit.
- Insurance coverage for errors and omissions insurance for the MAWD Board of Directors, and for general coverage for office, records, and office equipment.

#### *Office Expenses*

- Funds paid to Capitol Region Watershed District for office rent.
- Mileage for directors and contractors, as well as office supplies.

#### *Board and Committee Meetings*

- Funds paid to directors for serving on the Board of Directors and MAWD Committees.

#### *Education and Events*

- Estimated costs for implementing the Annual Conference, Legislative Day at the Capitol, and Summer Tour.

The loss reported in FY22 is primarily due to the pandemic impact on registrations for our virtual events, lowering income (revenue), separation pay for the former executive director, legal fees related to the separation agreement, and the additional administrative support costs.

Questions regarding the FY23 proposed budget and/or the FY22 financial information should be directed to Jackie Anderson, Treasurer ([mawdjapa@gmail.com](mailto:mawdjapa@gmail.com) or 612-819-6906) or Jan Voit ([admin@mnwatershed.org](mailto:admin@mnwatershed.org) or 507-822-0921).

Minnesota Association of Watershed Districts  
 FY22 Financial Report and Proposed FY23 Budget  
 October 1, 2021 through September 30, 2022

	FY2023	FY2022	FY2021	FY2020
		Oct'21-Sep'22	Oct'20-Sep'21	Oct'19-Sep'20
<b>INCOME</b>	<b>BUDGET</b>	<b>FY 2022 ACTUAL</b>	<b>FY 2021 ACTUAL</b>	<b>FY 2020 ACTUAL</b>
Dues - Watershed District Members	222,500	188,081	202,175	221,482
Dues - Watershed Management Organization Members	18,750	15,000	7,500	2,000
Annual Conference				
Annual Conference Registrations	70,000	25,046	46,145	71,200
Annual Trade Show and sponsorships	43,500	19,779	29,616	43,120
Pre Conference Workshops	17,000	-	-	17,940
Annual Conference: Other/Prior Year	-	2,500	485	5,747
Legislative Day at the Capitol	6,300	4,069	2,871	-
Summer Tour	16,000	-	-	-
MAWD Workshops	2,500	-	-	-
Interest	25	53	31	43
<b>TOTAL REVENUES</b>	<b>396,575</b>	<b>254,529</b>	<b>288,823</b>	<b>361,532</b>
<b>EXPENSES</b>				
<b>Administration &amp; Program Management</b>				
General Administration - Staff	95,000	126,390	98,250	66,147
Benefits / Taxes for Salaried Employees	26,250	29,550	25,361	24,028
Administrative and Communications Support - Contract	40,000	52,611	8,455	5,200
Event and Communication Management - Contract	43,000	31,500	31,125	32,001
<b>Legislative Affairs</b>				
Administrative Lobbying - Staff	-	-	-	29,028
Lobbying - Contracted Services	45,000	40,000	40,000	40,000
Lobbyist Expenses	1,000	314	-	259
<b>Professional Services</b>				
Legal Fees	15,000	25,919	24,763	208
Accounting and Audit Fees	14,100	10,500	8,150	8,050
Insurance	2,200	2,067	1,971	1,963
<b>Office Expenses</b>				
Rent	4,800	4,800	3,600	4,800
Mileage and General Office Expenses	10,000	5,467	3,514	7,125
Dues, Other Organizations	-	-	385	385
Other Special Items	2,500	-	500	-
Memorials	250	-	-	-
<b>Board and Committee Meeting</b>				
Per Diems and Expenses - Directors	25,000	29,195	20,225	18,504
Board and Committee Meeting Expenses	1,000	2,237	172	121
<b>Special Projects</b>				
WD Handbook, Surveys, rebranding, etc	5,000	-	-	-
<b>Education and Events</b>				
Annual Conference				
Annual Conference	44,500	8,744	13,966	49,734
Annual Trade Show	3,300	-	495	411
Pre Conference Workshop: Drainage	4,000	-	-	-
Pre Conference Workshop: Managers	1,500	-	-	-
Pre Conference Workshop: Administration	1,200	-	-	149
Other	-	-	-	-
Legislative Day at the Capitol	5,500	4,413	-	789
Summer Tour	16,000	852	1,080	-
Credit Card Processing Fees	4,100	1,017	3,065	3,914
Special Workshops	2,500	-	-	-
<b>TOTAL EXPENSES</b>	<b>412,700</b>	<b>375,574</b>	<b>285,077</b>	<b>292,818</b>
<b>REVENUES OVER (LESS THAN) EXPENSES</b>	<b>(16,125)</b>	<b>(121,045)</b>	<b>3,746</b>	<b>68,714</b>
<b>STATEMENT OF NET POSITION</b>				
Assets, Cash and Equivalents, actual		222,050	324,904	325,921
Dues receivable		911	8,147	-
Deposits received - deferred, prepaid expenses		(600)	(15,494)	962
Liabilities, accounts payable, taxes payable		(36,388)	(10,542)	(23,772)
<b>ENDING NET ASSETS</b>		<b>185,974</b>	<b>307,015</b>	<b>303,111</b>



## Memorandum

DATE: October 31, 2022  
TO: MAWD Members  
FROM: Linda Vavra, MAWD President  
RE: **Strategic Plan**

---

### President

Linda Vavra (Region 1)  
Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
320-760-1774 | Term 2023

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[admin@mnwatershed.org](mailto:admin@mnwatershed.org)  
507-822-0921

Over the last several months, the Strategic Plan Committee met to develop a new Strategic Plan. The plan reflects feedback from members and the Minnesota Association of Watershed Administrators, as well as the collaborative input of the Strategic Plan Committee.

Process undertaken:

- A survey was developed and sent to members in January 2022.
- In March, the Minnesota Association of Watershed Administrators provided feedback on the survey and on MAWD governance.
- The Strategic Plan Committee reviewed the survey results and the feedback from the Minnesota Association of Watershed Administrators.
- Based on the feedback, the first draft of the plan was developed.
- The Strategic Plan Committee reviewed and commented on the first draft. The document was revised based on committee comments. The second draft was sent to our membership and also to non-member watershed districts and watershed management organizations for review and comment.
- Seventeen comment letters were received. Almost all those letters supported the draft plan as written; several offered constructive critiques. The committee gave careful consideration to the comments. The most substantive change made in response was moving the scopes of work for the committees from the Supporting Resources section to the Manual of Policy and Procedures. The other changes throughout the document were wordsmithing.
- The Strategic Plan Committee unanimously supported the third draft of the Strategic Plan at its meeting on October 6.
- Committee members then chose their top two priorities under each goal. Those priorities were the basis for developing the 2023-2024 Executive Director Work Plan.
- The Strategic Plan Committee unanimously supported the 2023-2024 Executive Director Work Plan at its meeting on October 17.
- The Strategic Plan, including the 2023-2024 Executive Director Work Plan was reviewed by the MAWD Board of Directors at the October 24 meeting. The MAWD Board unanimously supported moving the draft Strategic Plan to the membership for approval at the annual business meeting on December 2.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or [lvavra@fedtel.net](mailto:lvavra@fedtel.net) or Jan Voit ([admin@mnwatershed.org](mailto:admin@mnwatershed.org) or 507-822-0921).



DRAFT

# MINNESOTA WATERSHEDS

10-Year Strategic Plan

October 2022 Draft

## [Abstract](#)

This document defines Minnesota Watersheds' mission and vision for the future and identifies goals, objectives, strategies, and tactics.

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# MINNESOTA WATERSHEDS

## STRATEGIC PLAN GOALS AND OBJECTIVES

**MISSION:** To support and advocate for leaders in watershed management.

**VISION:** To establish excellence and innovation in all watershed-based organizations.

### GOALS AND OBJECTIVES:



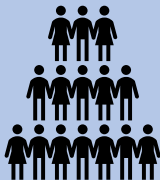
Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

- Ensure Minnesota Watersheds governance and management are aligned with the Strategic Plan.
- Develop concentrated communication efforts.
- Empower Minnesota Watersheds to accomplish its goals and objectives.
- Invest in technological resources to accommodate access to information.
- Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.



Build a watershed community that supports one another.

- Enhance member engagement through inclusivity.
- Grow membership.
- Expand participation at Minnesota Watersheds' events.
- Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.



Serve as a liaison to collaborate with statewide agencies and associations.

- Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
- Increase partnership activities with statewide entities.



Ensure strong legislative policies are in place for watershed management.

- Streamline the resolutions and legislative platform processes.
- Articulate clearly defined legislative policies so members and Minnesota Watersheds' representatives can accurately state our positions.
- Focus and prioritize lobbying efforts
- Increase member engagement in the legislative process.



Enhance the skills of watershed district and watershed management organization boards.

- Provide guidance and direction for efficient and effective member board operations.

## Introduction

This document is intended to be a **long-range, 10-year Strategic Plan**. Each year the Strategic Plan Committee will make recommendations to the Minnesota Watersheds Board of Directors on the organization's top priorities. The Tactics Timetable will be developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: annual work plan for the Minnesota Watersheds Board of Directors; two-year work plan for the Executive Director; and five- and 10-year work plans based on Strategic Plan Committee priorities and work accomplished. This process will be done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

## Definitions

Members – dues paying Watershed districts and Watershed management organizations

Non-members – Watershed districts and Watershed management organizations that have chosen not to pay dues

## Strategic Plan

### Mission

To support and advocate for leaders in watershed management.

### Vision

To establish excellence and innovation in all watershed-based organizations.

### Values

**Collaborate:** work with partners to enhance members' watershed management skills and initiatives.

**Efficient:** provide services to maximize effective science-based principles for watershed management.

**Support:** promote and assist members' efforts in watershed management.

**Member-driven:** seek and consider input to ensure the organization's decisions reflect members' voices.

**Transparent:** communicate information about the performance, financial position, and governance of the organization in an open and honest manner.

## Goals, Objectives, Strategies, and Tactics

Goal 1: Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

### Objectives, Strategies, and Tactics to Achieve Goal 1

1. Ensure Minnesota Watersheds' governance and management are aligned with the Strategic Plan.
  - Focus the organization's efforts on defined goals, strategies, objectives, and tactics.
    - i. Confirm, each month, that Board of Directors' actions reflect the Strategic Plan.
    - ii. If new issues arise that require significant resources, seek member support before pursuing.
    - iii. Do not adopt major policies or expenditures without staff review and recommendations that consider pros and cons, alternatives, costs, and member perspectives.
2. Develop concentrated communication efforts.
  - Communication plan.
    - i. Develop a communication plan that brings structure and consistency to all Minnesota Watersheds' communication efforts.



- Newsletters.
  - i. Adhere to a consistent process for newsletter development and distribution, as well as a process for posting newsletters on the website.
  - ii. Ensure newsletters are distributed to members and non-members.
- Minnesota Watersheds Board of Directors agendas and meeting packets.
  - i. Distribute agendas and meeting packets directly to each member organization ahead of each meeting and post agendas on the website.
- 3. Empower Minnesota Watersheds to accomplish its goals and objectives.
  - Sufficient staffing.
    - i. Invest in sufficient staff to complete identified strategies and tactics.
  - Suitable policies.
    - i. Set policies that ensure adequate funding for staffing and technological resources.
    - ii. Develop an annual work plan for the Minnesota Watersheds Board of Directors.
- 4. Invest in technological resources to accommodate access to information.
  - Robust website.
    - i. Update the website to be an up-to-date and complete resource for boards and administrators.
  - Efficient internal communication tool.
    - i. Work with Minnesota Association of Watershed Administrators to launch a platform for data sharing.
    - ii. Transition electronic files to the cloud for reliable backup and document sharing among staff.
- 5. Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.
  - Member committees.
    - i. Maintain four member committees: Awards, Events/Education, Legislative, and Resolutions/Policy.
    - ii. Adjust committee leadership to one manager and one administrator who serve as co-chairs. Continue to populate the committee with one manager and one administrator from each region.
    - iii. Refine committee scopes of work annually.
    - iv. Develop annual work plans for committees.
  - Executive committees.
    - i. Form three executive committees: Governance, Personnel, and Finance.
    - ii. Governance Committee: Members include one Minnesota Watersheds Board member from each region and the Executive Director.
      - 1. Combine the bylaws, Manual of Policy and Procedures, and Committee into one executive governance committee. This committee would handle minor issues and make recommendations to the board. When major reviews or revisions are warranted, form a member committee, as defined above, to perform the assigned work.
    - iii. Personnel Committee: Members include the Minnesota Watersheds President, Vice President, and Treasurer.
    - iv. Finance Committee: Members include the President, Vice President, Treasurer, and Executive Director.
      - 1. The executive finance committee will prepare a budget and make the annual recommendation to the board on dues. Form a member committee, as defined above, when major projects are warranted, such as proposing a new dues structure.

- v. Refine committee scopes of work annually.
- vi. Develop annual work plans for committees.

Goal 2: Build a watershed community that supports one another.

Objectives, Strategies, and Tactics to Achieve Goal 2

1. Enhance member engagement through inclusivity.
  - Change the name of the organization to accurately represent membership.
    - i. Adopt Minnesota Watersheds as the new name of the organization.
2. Grow membership.
  - Develop and share membership benefits information.
  - Meet individually with non-members to address concerns and increase the number of watershed districts and watershed management organizations as Minnesota Watersheds members.
    - i. Start discussions with the 10 non-member watershed districts and 15 non-member Watershed management organizations on the benefits of membership.
    - ii. Use Minnesota Watersheds Regional Directors and/or Administrators to advocate for Minnesota Watersheds around the state.
3. Expand participation at Minnesota Watersheds events.
  - Increase the number of members that attend Minnesota Watersheds events.
    - i. Be inclusive of members and non-members for Minnesota Watersheds events and meetings to maintain a sense of fairness, apply discounts to members.
    - ii. Hold regional caucuses in conjunction with all Minnesota Watersheds events.
    - iii. Increase the current average attendance of members at Minnesota Watersheds events: Legislative Meeting (75), Summer Tour (130), and Annual Conference (500).
4. Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.
  - Promote the importance of member involvement in the Minnesota Watersheds Board of Directors and on the committees to provide direction and guidance for the organization.
    - i. Ensure members have opportunities to voice concerns and provide input at board and committee meetings.
    - ii. Advocate for Minnesota Watersheds activities through newsletters and the website.

Goal 3: Serve as a liaison to collaborate with statewide agencies and associations.

Objectives, Strategies, and Tactics to Achieve Goal 3

1. Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
  - Work with Board of Water and Soil Resources leadership to address member concerns.
    - i. Identify points of contention, develop a work plan to address issues, and develop opportunities for reducing concerns.
2. Increase partnership activities with statewide entities.
  - Identify opportunities to work with Minnesota Association of Watershed Administrators, Minnesota Association of Soil and Water Conservations Districts, the Association of Minnesota Counties, the League of Minnesota Cities, Local Government Water Roundtable, Drainage Work Group, Clean Water Council, Red River Watershed Management Board, and others as deemed appropriate to promote watershed management.

- i. Ensure Minnesota Watersheds staff attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates for members.
- ii. Strengthen the partnership with Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds events.
- iii. Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, and Association of Minnesota Counties.
- iv. Advocate for the appointment of effective watershed district board members with Board of Water and Soil Resources and Association of Minnesota Counties.

Goal 4: Ensure strong legislative policies are in place for watershed management.

Objectives, Strategies, and Tactics to Achieve Goal 4

1. Streamline the resolutions and legislative platform processes.
  - Evaluate the current resolutions and legislative platform process.
    - i. Identify alternative methods to achieve concurrence on resolutions, adopt a revised process, or reaffirm the current process.
2. Articulate clearly defined legislative policies so members and Minnesota Watersheds representatives can accurately state our positions.
  - Develop a comprehensive platform of clearly defined policies.
    - i. Work with Minnesota Association of Watershed Administrators and the Resolutions Committee to develop a full legislative policy document that is inclusive of policies that can remain on the books indefinitely or until members approve changes to those positions.
    - ii. Draft expectations for support and advocacy for Minnesota Watersheds representatives that serve on the Board of Water and Soil Resources Board, Clean Water Council, and the Local Government Water Roundtable.
3. Focus and prioritize lobbying efforts.
  - Identify legislative issues impacting the most members.
    - i. Support legislation that promotes watershed management.
    - ii. Fend off legislation that limits member abilities to protect and restore water resources.
    - iii. Ensure the Minnesota Watersheds lobbyist(s) have clear direction on Minnesota Watersheds legislative priorities.
    - iv. Align workload with the resources set aside for lobbying and manage member expectations.
4. Increase member engagement in the legislative process.
  - Encourage member involvement on the resolutions and legislative committees.
    - i. Solicit more direct input from members when setting legislative priorities by surveying members or provide another avenue for members to get feedback to the committee before they make a recommendation to the board.
    - ii. Promote committee membership to ensure members' voices are reflected in the legislative platform.
  - Increase communication with members about legislative activity.
    - i. Provide timely and useful reminders to members about how and when engagement with legislators is needed.

- ii. Present members with information that describes how they can assist the Minnesota Watersheds lobbyist during and outside of the legislative session.
- iii. Host an annual event for members to learn about Minnesota Watersheds' legislative platform and receive guidance on how to discuss and interact with legislators on issues.
- iv. Personally call and invite legislators to attend Minnesota Watersheds events.
- v. Set up appointments with members and legislators.

Goal 5: Enhance the skills of watershed district and watershed management organization boards.

Objectives, Strategies, and Tactics to Achieve Goal 5

1. Provide guidance and direction for efficient and effective member watershed district and watershed management organizations board operations.
  - Offer comprehensive training for watershed district and watershed management organizations boards.
    - i. Provide training sessions at all Minnesota Watersheds events.
    - ii. Increase opportunities for the sharing of knowledge between members at Minnesota Watersheds events.
    - iii. Maintain an up-to-date watershed handbook by reviewing the handbook annually and revising it as warranted.
    - iv. Work collaboratively with BWSR to provide regional training.
    - v. Utilize the expertise, knowledge, and experience of Minnesota Watersheds staff and Minnesota Association of Watershed Administrators in the development of education and training for watershed district and watershed management organization boards.

## Supporting Resources

In addition to the Strategic Plan, Minnesota Watersheds has developed supporting resources for its governance and management. The Bylaws and Manual of Policy and Procedures will be reviewed annually and updated as necessary. The Minnesota Watersheds Board of Directors can update all documents except the bylaws which requires adoption by the membership. For the most up-to-date versions of these documents, visit [www.mnwatershed.org](http://www.mnwatershed.org).

### Bylaws

Bylaws are the written rules for conduct of the organization. The Bylaws can be found [here](#).

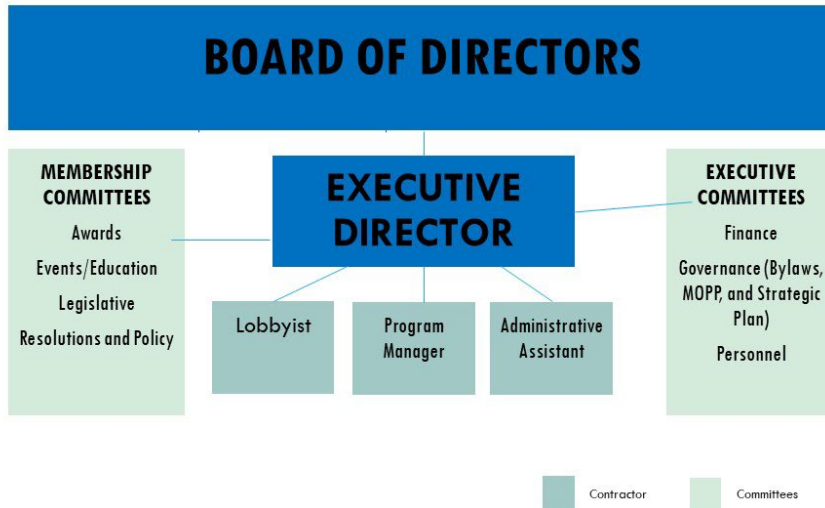
### Manual of Policy and Procedures

The Manual of Policy and Procedures is designed to regulate all major decisions, actions, and principles of Minnesota Watersheds. The Manual of Policy and Procedures can be found [here](#).

### Organizational Chart

An organizational chart shows the chain of command within an organization and can be found below.

# ORGANIZATION CHART



## Tactics Timetable

The Tactics Timetable<sup>1</sup> was developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: annual work plan for the Minnesota Watersheds Board of Directors; two-year work plan for the Executive Director<sup>2</sup>; and five- and 10-year work plans based on work accomplished. This is done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

<sup>1</sup> Hours in the Tactics Timetable are ESTIMATED.

<sup>2</sup> In addition to the information contained in the Tactics Timetable, the Executive Director also carries out the daily operations of Minnesota Watersheds as shown in the table on page 10. The Tactics Timetable and Daily Operations tables together form the two-year Work Plan for the Executive Director. All hours are ESTIMATED and based on a 40-hour work week containing 2,088 work hours.

<b>Goal 1. Fortify the infrastructure to ensure reliable delivery of services</b>	<b>Start Date</b>	<b>Completed</b>	<b>Process</b>	<b>2023 Staff Hours</b>	<b>2024 Staff Hours</b>
<b>Tactics</b>					
<i>Governance and Management</i>					
Confirm, each month, that Board of Directors actions reflect the Strategic Plan			Staff review	24	24
Seek member support if new issues arise that require significant resources			Staff review	6	6
Staff review and recommendations for major policies or expenditures			Staff review	12	12
<i>Communication</i>					
Develop a communication plan			Staff development	160	100
Adhere to a consistent process for newsletter development and distribution	9/30/2022	Ongoing service	Staff development	120	120
Post newsletters on website	9/30/2022	Ongoing service	Board approval	6	6
Distribute newsletters to members and non-members	9/30/2022	Ongoing service	Board approval	6	6
Distribute meeting packets directly to members	10/18/2022	Ongoing service	Board approval	6	6
Post agendas on website	10/18/2022	Ongoing service	Board approval	6	6
<i>Empower Accomplishing Goals and Objectives</i>					
Invest in sufficient staff to complete identified strategies and tactics			Board approval	6	6
Set policies that ensure adequate funding for staffing and technology			Board approval	6	6
<i>Technological Resources</i>					
Update and maintain website			Board approval Staff development	24	33
Work with Minnesota Association of Watershed Administrators to launch a platform for data sharing			Board approval Staff development	40	12
Transition electronic files to the cloud for reliable backup and document sharing among staff			Board approval Staff development	80	40
				502	383

<b>Goal 2. Build a watershed community that supports one another</b>	<b>Start Date</b>	<b>Completed</b>	<b>Process</b>	<b>2023 Staff Hours</b>	<b>2024 Staff Hours</b>
<b>Tactics</b>					
<i>Enhance member engagement through inclusivity</i>					
Adopt Minnesota Watersheds as the new name of the organization			Board approval	10	0
<i>Grow membership</i>					
Develop and share membership benefits information			Staff development	80	40
Meet individually with non-members to address concerns and increase membership			Staff development Partnership with MW BOD & MAWA	200	100
<i>Expand participation at MW events</i>					
Include members and non-members in events			Board approval	3	3
Hold regional caucuses in conjunction with events			Staff development	12	12
				305	155

Goal 3. Serve as a liaison to collaborate with statewide agencies and associations	Start Date	Completed	Process	2023 Staff Hours	2024 Staff Hours
<b>Tactics</b>					
<i>Increase collaborative efforts between Board of Water and Soil Resources and Minnesota Watersheds</i>					
Identify points of contention and develop opportunities for reducing concerns			Staff development	200	120
<i>Identify Opportunities to Partner to Promote Watershed Management</i>					
Attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates			Staff attendance	110	110
Strengthen partnership with Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds' events			Staff attendance	40	40
Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, Association of Minnesota Counties, and Red River Watershed Management Board			Staff development	40	40
Advocate for the appointment of effective watershed board members with Board of Water and Soil Resources and Association of Minnesota Counties			Staff outreach	10	10
				400	320

Goal 4. Ensure strong legislative policies are in place for watershed management	Start Date	Completed	Process	2023 Staff Hours	2024 Staff Hours
<b>Tactics</b>					
<i>Evaluate Current Resolutions and Legislative Platform Process</i>					
Identify alternative methods, adopt revised process, or reaffirm current process			Staff development Partnership with MW BOD & MAWA	60	60
<i>Develop Comprehensive Platform of Policies</i>					
Work with Minnesota Association of Watershed Administrators and the Resolutions Committee to develop a full legislative policy position document			Staff development Partnership with MW BOD & MAWA	100	180
Draft expectations for support and advocacy for representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable			Staff development	40	60
<i>Identify Legislative Issue Impacting Members</i>					
Support legislation that promotes watershed management			Staff time	11	60
Fend off legislation that limits abilities to protect and restore water resources			Staff time	10	10
Ensure lobbyist(s) have clear direction on legislative priorities			Staff time	20	60
Align workload with the resources set aside for lobbying and manage member expectations			Staff time	20	80
				261	510

Goal 5. Enhance the skills of watershed district and watershed management organization boards	Start Date	Completed	Process	2023 Staff Hours	2024 Staff Hours
<b>Tactics</b>					
<i>Offer comprehensive training for watershed district and watershed management organization boards</i>					
Provide training sessions at all Minnesota Watersheds' events			Staff development	40	40
Enhance the sharing of knowledge between members at Minnesota Watersheds' events			Staff development	20	20
Maintain an up-to-date watershed handbook by reviewing it annually and revising it as warranted			Staff development Partnership with MW BOD & MAWA	100	150
Work collaboratively with Board of Water and Soil Resources to provide regional training			Staff time	30	80
Utilize the expertise of staff and Minnesota Association of Watershed Administrators in the development of education and training for watershed officials			Staff development in partnership with MAWA	40	40
				230	330







## Memorandum

DATE: October 31, 2022  
TO: MAWD Members  
FROM: Linda Vavra, MAWD President

### RE: Proposed Bylaws Changes

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#### President

Linda Vavra (Region 1)  
Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
320-760-1774 | Term 2023

#### Secretary

Ruth Schaefer (Region 2)  
Middle Fork Crow River WD  
[ruths56288@gmail.com](mailto:ruths56288@gmail.com)  
320-212-5973 | Term 2022

#### Treasurer

Jackie Anderson (Region 3)  
Comfort Lake – Forest Lake WD  
[mawdjapa@gmail.com](mailto:mawdjapa@gmail.com)  
612-819-6906 | Term 2024

#### Directors

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218-731-4630 | Term 2022

Gene Tiedemann (Region 1)  
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218-289-3511 | Term 2024

Jeff Gertgen (Region 2)  
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608-370-3934 | Term 2023

Wanda Holker (Region 2)  
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952-905-1889 | Term 2022

Jan Voit  
Interim Executive Director  
[admin@mnwatershed.org](mailto:admin@mnwatershed.org)  
507-822-0921

The Bylaws Committee met on October 18 to discuss proposed Bylaws changes. The proposed changes were also discussed at the MAWD Board meeting on October 24.

Those changes are recommended because 1) it has been difficult to fill vacancies on the MAWD Board of Directors and 2) at the Regional Caucus meeting in December of 2021 there was confusion regarding the authority of those in attendance to elect representatives to the MAWD Board of Directors.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or [lvavra@fedtel.net](mailto:lvavra@fedtel.net) or Jan Voit ([admin@mnwatershed.org](mailto:admin@mnwatershed.org) or 507-822-0921).

# 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 secure the capacity of its members to implement their statutory powers and purposes.
- 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 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 or water management organization 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 watershed district or watershed management organization 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 watershed district or watershed management organization shall have more than one board member elected to be a Director on the Board of Directors of the Corporation. *In the event of a vacancy on the Board of Directors, the Board of Directors may appoint a member for the remaining term from a watershed district or watershed management organization with an existing representative on the Board of Directors if there are no other candidates from the*

region requesting appointment to the position. In the event a vacancy is filled by the Board of Directors, such appointment shall be submitted to the regional caucus for approval at the next regional caucus meeting. 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. The member watershed districts and watershed management organizations present at the Regional Caucus meeting shall have full authority to elect a Chairman, Recording Secretary, and representatives to the Board of Directors.

- 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 watershed district or watershed management organization 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 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 Manual of Policy and Procedures.

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 Manual of Policy and Procedures. 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 Manual of Policy and Procedures.
- 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 Manual of Policy and Procedures.

- 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 watershed district or watershed management organization that joins this association until such member watershed district or watershed management organization is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to MAWD's 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 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 .

**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 shall be available for consultation if requested at every scheduled meeting of the 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.

# Resolutions Packet

DATE: October 11, 2022  
TO: MAWD Board of Directors  
FROM: Linda Vavra, Resolutions Committee Chair  
RE: **Resolutions Committee Recommendations**



Committee members present: Region 1 Manager Linda Vavra, Bois de Sioux WD (BDSWD) and MAWD Board; and Region 1 Administrators Jamie Beyer, BDWSD and Dan Money, Two Rivers WD.

Other meeting participants: Region 3 Administrators John Hanson, Valley Branch WD, Randy Anhorn, Nine Mile Creek WD, and Nick Tomczik, Rice Creek WD; and Ray Bohn and Jan Voit, MAWD.

Committee members absent: Region 3 Manager Sherry Davis White and Region 3 Administrator James Wisker, Minnehaha Creek WD and Region 2 Manager Ruth Schaefer, Middle Fork Crow River WD. The Region II administrator position is vacant.

The Resolutions Committee met on Tuesday, October 11, 2022 to review and discuss the resolutions submitted by MAWD members. Their recommendations are as follows.

## Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Support Including at Least One MAWD Member on the Minnesota Department of Health's Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota	Recommends adoption with amendment
2	Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them	Recommends adopting Resolution 2022-02 in place of Resolution 2020-17
3	Increased Support and Participation for the Minnesota Drainage Work Group	Recommends adoption
4	Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan	Recommends adoption
5	Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement	Recommends adoptions
6	Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species	Recommends support with contingency
7	Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months	Does not recommend adoption
8	Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	No recommendation



# BACKGROUND INFO on MAWD RESOLUTION 2022-01

## Resolution to Request MAWD Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

**Proposing District:** Valley Branch Watershed District  
**Contact Name:** John Hanson  
**Phone Number:** 952-832-2622  
**Email Address:** [jhanson@barr.com](mailto:jhanson@barr.com)

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

Stormwater runoff volume control is required through Minnesota’s MS4 program construction stormwater permits, and the rules of many watershed districts and watershed management organizations. Stormwater runoff volume control is typically achieved through infiltration. However, infiltration is prohibited in groundwater contamination and karst areas, including significant areas of the east metro. Stormwater reuse is the only mechanism to achieve volume control in these areas.

The Minnesota Department of health published “[Reuse of Stormwater and Rainwater in Minnesota](#): A Public Health Perspective” in January 2022. A conclusion of that report states, “We have secured funding through the Clean Water Fund to hire a facilitator to create an expanded workgroup to move the Interagency Report recommendations forward and to prioritize and implement research needs.” This resolution modifies the MAWD Resolution 2017-07 to ensure that at least one MAWD member is included in the workgroup.

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

At least one MAWD member should be included in the workgroup.

### Efforts to solve the problem:

Resolution 2017-07 has been in place for five years.

### Anticipated support or opposition:

Cities and developers would likely support this effort.

### 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:	_____ X _____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

# MAWD RESOLUTION 2022-01

## Resolution to Request MAWD Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota

**WHEREAS**, stormwater runoff volume control is required through Minnesota’s MS4 program, construction stormwater permits, and the rules of many watershed districts and watershed management organizations, including those of the District; and

**WHEREAS**, stormwater runoff volume control is typically achieved through infiltration; and

**WHEREAS**, infiltration of stormwater is prohibited in ground water contamination and karst areas, including significant areas of the east metro; and

**WHEREAS**, stormwater reuse is the only mechanism to achieve volume control when infiltration is prohibited; and

**WHEREAS**, the Minnesota Department of Health published “Reuse of Stormwater and Rainwater in Minnesota: A Public Health Perspective” in January 2022; and

**WHEREAS**, a conclusion of that report states, “We have secured funding through the Clean Water Fund to hire a facilitator to create an expanded workgroup to move the Interagency Report recommendations forward and to prioritize and implement research needs”.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Managers of the District to request the Minnesota Association of Watershed District’s support administratively or legislatively including at least one MAWD member on the Minnesota Department of Health’s workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-01 with the amendment shown above.

## **BACKGROUND INFO on MAWD RESOLUTION 2022-02**

### **Resolution Seeking to Request MAWD Support the Passage and Enactment of a State Law that Provides a Limited-Liability Exemption to Commercial Salt Applicators and Property Owners Using Salt Applicators who are Certified Through the Established Salt Certification Program and Follow Best Management Practices**

**Proposing District:** Nine Mile Creek WD  
**Contact Name:** Randy Anhorn, Administrator  
**Phone Number:** 952-835-2078; Cell: 651-472-4061  
**Email Address:** ranhorn@ninemilecree.org

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

This resolution's purpose is to support amendment of state law to provide limited liability protection to commercial salt applicators who are certified through an established voluntary salt applicator certification program and who follow best management practices, as well as property owners who employ or hire certified commercial applicators.

In 2016, the Minnesota Pollution Control Agency (MPCA) completed the Twin Cities Metropolitan Area Chloride Total Maximum Load Study. The chloride TMDL identified 39 waterbodies that were impaired by chloride (i.e., chloride exceeded levels protective of their aquatic communities). At the time, a chloride TMDL had been completed for Nine Mile Creek, identifying winter maintenance practices – the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces – as the largest source of chloride in the creek.

According to the MPCA, more than 365,000 tons of road salt is applied in the metropolitan area each year, and approximately 78 percent of it finds its way into lakes, wetlands, or groundwater. One tablespoon of salt contaminates 5 gallons of water.

In 2017, Nine Mile Creek Watershed District submitted a resolution proposing support for certified applicators liability-limitation legislation. The Minnesota Association of Watershed Districts adopted the resolution.

Each year, Stop Over Salting, a community advocacy group has worked with the legislature to pass a such a bill. The concerns of the legal community opposing this legislation have been addressed and the program to provide the education is established. The salt bill needs continued MAWD support to encourage legislators to act.

2022 House File 2908 (unpassed) attached.

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

Minnesota can significantly reduce overapplication of salt by providing liability limitation from snow and ice slip-and-fall suits to property owners and private property-maintenance professionals who are certified in and conduct their property maintenance in accordance with smart-salting practices.

#### **Efforts to solve the problem:**

The Minnesota Pollution Control Agency currently oversees a Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers, and others on how to maintain safe surfaces using salt efficiently. Nine Mile Creek Watershed, along with other watershed districts and public entities, hosts and sponsors Smart Salting trainings for salt applicators. Nine Mile Creek Watershed was also the first watershed district to require implementation of smart-salting practices as part of permitting within the watershed. Other entities, such as Riley Purgatory Bluff Creek Watershed District, have since made similar requirements. The Stop Over Salting coalition continues to advocate for legislation providing liability limitations. Their members also educate property owners and others and sweep up excessive salt applications. The Mississippi Water Management Organization has created public education videos which explain best practices for snow shoveling and salt application. The Hennepin County Chloride Initiative is developing a "Low Salt, No Salt" campaign aimed at reducing salt use through educating homeowner associations, property managers, and communities of faith. Winter Salt Watch, a program of the Izaak Walton League of America, provides simple testing kits for community monitoring of salt levels to gather national data.

Municipal and county public works departments and the Minnesota Department of Transportation have long trained maintenance staff on proper use of salt. Many have adopted and implemented chloride-management policies and best practices, such as the use of liquid salt to prevent icing and reduce salt use. The liability-limiting legislation is needed to incentivize private salt applicators to receive education on how to implement best winter maintenance practices to reduce salt safely.

**Anticipated support or opposition:**

A broad array of interested parties worked together to develop the bill that was introduced in the last session (HF 2908) and points of contention have been resolved. The legislation is supported but both Republicans and Democrats but has yet to pass.

In addition, multiple organizations signed letters to support the 2022 limited-liability legislation, including:

- Bassett Creek Watershed Management Commission
- Capitol Region Watershed District
- Carnelian-Marine-St. Croix Watershed District
- Coon Creek Watershed District
- Elm Creek Watershed Management Commission
- Mississippi Watershed Management Organization
- Nine Mile Creek Watershed District
- Pioneer-Sarah Creek Watershed Management Commission
- Rice Creek Watershed District
- Riley Purgatory Bluff Creek Watershed District
- Shingle Creek Watershed Management Commission
- West Mississippi Watershed Management Commission
- Valley Branch Watershed District
- Audubon Minnesota
- City of Fridley
- Conservation Minnesota
- Clean River Partners
- CURE (Clean Up the River Environment)
- Clean Water Action Minnesota
- Freshwater Society
- Friends of the Mississippi River
- Friends of Minnesota Scientific and Natural Areas
- Minnesota Ornithologists Union
- Minnesota River Valley Audubon Chapter
- Pollinator Friendly Alliance
- Stop Over Salting
- Vote Climat

**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 2022-02

## Resolution Requesting Support to Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them

**WHEREAS**, chloride contamination of the state’s water resources has been found in urban areas around the state;

**WHEREAS**, the Minnesota Pollution Control Agency has designated 54 waterbodies in the state as impaired for chlorides;

**WHEREAS**, the Twin Cities Metro Area Chloride Management Plan and Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices;

**WHEREAS**, liability for damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of liability; and

**WHEREAS**, the MPCA currently administers a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers and others on how to maintain safe surfaces using salt efficiently.

**NOW THEREFORE BE IT RESOLVED** that the Minnesota Association of Watershed Districts supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-02 in place of Resolution 2020-17.

# **BACKGROUND INFO on MAWD RESOLUTION 2022-03**

## **Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group**

**Proposing District:** Bois de Sioux Watershed District  
**Contact Name:** Jamie Beyer, Administrator  
**Phone Number:** 320-563-4185  
**Email Address:** bdswd@runestone.net

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

There have been recent efforts by special interest groups to enact changes to 103E drainage law without initiation or vetting by the Minnesota Drainage Work Group – despite special interest membership in the Minnesota Drainage Work Group. Bills that bypass referral to the Drainage Work Group erode the Drainage Work Group’s reputation and risk the passage of legislation that does not benefit drainage authorities across the state.

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

Efforts must be made to elevate the reputation of the Drainage Work Group. This can be done by increasing MAWD member participation in meetings and increasing MAWD and MAWD member communications about the work the Drainage Work Group does.

**Efforts to solve the problem:**

Our district has a board manager, engineer, and attorney that participate in Drainage Work Group meetings. We strongly encourage all drainage authorities to be an active and vocal member of this group. Lately, the group has been working in a defensive mode, but the Drainage Work Group could also serve to make improvements to 103E drainage law and general drainage project proceedings.

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

BWSR, other Drainage Work Group members, watershed districts, AMC

**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 2022-03

## Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group

**WHEREAS**, the Minnesota Drainage Work Group (DWG) provides consensus recommendations and evaluations in response to drainage related topics, including those related to Minnesota Statute Chapter 103E Drainage Law. The DWG also provides reports to the Legislature; and

**WHEREAS**, the Minnesota Board of Water and Soil Resources provides coordination and facilitation per Minnesota Statute 103D.101:

*Subd. 13. **Drainage stakeholder coordination.** The Board of Water and Soil Resources shall work with drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management, including recommendations for updating the drainage law in chapter 103E and other related provisions. The board may convene informal working groups or work teams to develop information, education, and recommendations*

**WHEREAS**, membership on the DWG is open and voluntary; and

**WHEREAS**, recently several destructive drainage bills have been brought to the legislature without prior consideration, comment, or recommendation from the DWG;

**NOW, THEREFORE, BE IT RESOLVED** that the Bois de Sioux Watershed District, acting as a drainage authority in Traverse, Wilkin, and Grant Counties, requests that:

1. MAWD communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst MAWD members; and
2. MAWD training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular MAWD event; and
3. In preparation for MAWD member legislative visits, MAWD staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body; and
4. During MAWD staff BWSR visits, MAWD staff regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to MAWD members.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-03.

# BACKGROUND INFO on MAWD RESOLUTION 2022-04

## Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

**Proposing District:** Bois de Sioux Watershed District  
**Contact Name:** Jamie Beyer, Administrator  
**Phone Number:** 320-563-4185  
**Email Address:** bdswd@runestone.net

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

Minn. Stat. § 103D.605 provides a process for a watershed district to construct a project with government aid or as part of a plan. Our watershed district uses this process. For project establishment, Subdivision 5 has a mix of related actions required by the [watershed district managers](#) and the [BWSR board members](#):

*After the project hearing, if the [managers](#) find that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of this chapter, [the board](#) must, by order, establish the project. The establishment order must include the findings of the [managers](#).*

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

After following the Minn. Stat. § 103D.605 process, we found that the BWSR board was not expecting to order the establishment of individual watershed district projects.

**Efforts to solve the problem:**

Our regional BWSR staff support the removal of the BWSR board decision point.

**Anticipated support or opposition:**

Our regional BWSR staff encouraged us to submit this resolution and helped us write it.

**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 2022-04

### Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

**WHEREAS**, Minn. Stat. § 103D.605 provides a process for watershed district project establishment with federal/state government aid or as part of the watershed management plan; and

**WHEREAS**, Minn. Stat. § 103D.605, Subd. 5 requires specific findings by watershed district managers, followed by an order by the BWSR board that includes the findings by watershed district managers; and

**WHEREAS**, both establishment mechanisms identified in this statute (federal/state government aid and watershed management plans) require approvals outside of watershed districts, by the very nature of the mechanisms themselves.

**NOW, THEREFORE, BE IT RESOLVED** that the Bois de Sioux Watershed District requests that MAWD and BWSR work together to clarify Minn. Stat. § 103D.605, Subd. 5.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-04.

# BACKGROUND INFO on MAWD RESOLUTION 2022-05

## Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

**Proposing District:** Bois de Sioux, Two Rivers, and Rice Creek Watershed Districts  
**Contact Name:** Jamie Beyer, Administrator; Dan Money, Administrator; and Nick Tomczik, Administrator  
**Phone Number:** 320-563-4185; 218-843-3333; and 763-398-3079  
**Email Address:** bdswd@runestone.net

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

1. Each time flooding occurs within the State of Minnesota, millions of dollars in damages occur to public infrastructure, cropland, business, and private property. Since 1993, flooding and extreme runoff events from spring snowmelt and from summer rainfall are occurring more frequently and with higher intensity.
2. In the past two legislative sessions (2021 & 2022), a total of only \$17 million of bonding money has been appropriated to the DNR Flood Damage Reduction grant program. The DNR alone shows a current need of over \$166 million for projects that have applied for funding.
3. FEMA and MN HSEM have incurred significant expense to repair and rebuild public infrastructure. Hazard mitigation grants are underfunded.
4. Proven programs such as the Red River Flood Damage Reduction Work Groups 1998 mediation agreement have provided the means to design and construct multi-purpose projects that accomplish significant flood control as well as benefits to water quality and habitat.
5. Counties, Cities, Watershed Districts, Townships, and others many times do not have the resources to construct projects to reduce the effects of severe and repeated flooding, nor do they have the resources to continually repair infrastructure following a devastating flood. The DNR also states that there are \$61,377,150 in state funds that have been requested for community project and \$61,377,150 requested for watershed district projects, for a total need of \$156,241,900. Looking at the average provided to the FHM program over the past five years, at current funding levels it will take 16 years to fund the existing project needs.

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

The proposed solution to this problem is to incorporate a mechanism to provide stable funding to the DNR’s Flood Damage Reduction program, to HSEM’s Hazard Mitigation Grant Program, the MN Outdoor Heritage Fund, Clean Water Fund, and other programs to cost share on multi-purpose projects that address inter-related water issues of provide flood prevention, flood damage reduction, water quality and quantity issues providing natural resources enhancement. A suggested amount is \$30 million per year for each program for a period of 10 years.

**Efforts to solve the problem:**

In general, there is broad bipartisan support for flood hazard mitigation projects – state funds are leveraged 1:1 with local funds and are used to implement projects that prevent flood damage to public and private infrastructure. These projects mitigate damages from current and future climate change impacts. Watershed Districts in the Red River Valley have aggressively lobbied for funds but have been derailed by broader bonding bill politics.

**Anticipated support or opposition:**

It is unknown what the reaction to this proposal will be. Given the lack of funding in recent years but the high demand for funding to construct projects, it is assumed that it would be favorable.

**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 2022-05

## Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement

**WHEREAS**, severe flooding is known to occur repeatedly within the State of Minnesota as indicated by the 14 Presidential disaster declarations for severe rainfall and flooding that have been declared in the past 29 years; and

**WHEREAS**, each flood event costs both public and private entities millions of dollars for repair and replacement of public infrastructure, damage to homes, and damage to cropland that is damaged by flooding; and

**WHEREAS**, flooding also has severe and repeated impacts to water quality and wildlife habitat resulting from erosion, sedimentation, nutrient loading, raw sewage discharges, chemical spillage, and other sources; and

**WHEREAS**, climate studies indicate that over the past 30 years temperatures have warmed and the intensity and duration of rainfall has increased, leading to long-term changes; and

**WHEREAS**, it is estimated that for every dollar spent on flood damage reduction mitigation there is a six dollar return on investment; and

**WHEREAS**, the Red River Basin Flood Damage Reduction Work Group, established in 1998 through a mediation agreement, has established a proven model to jointly design projects that will have multi-purpose projects that provide benefits for flood damage reduction and natural resources enhancement; and

**WHEREAS**, watershed management organizations were established to address water issues on the watershed scale; and

**WHEREAS**, FEMA and MN HSEM provide resources to repair infrastructure following a flood, however very limited resources are available for prevention of flooding; and

**WHEREAS**, the DNR's Flood Damage Reduction grant program and the HSEM's Hazard Mitigation Grant Program and Disaster Assistance Contingency Account have been successful tools for local governments to utilize to design and build projects to reduce and prevent flooding; and

**WHEREAS**, the DNR's FDR program and HSEM's HMG and Disaster Assistance programs are severely underfunded and have not been adequately funded by the State of Minnesota, and

**WHEREAS**, current funding sources for flood damage reduction generally do not fund natural resources concerns such as water quality and habitat, and in turn water quality and habitat funding sources generally do not fund flood damage reduction.

**NOW, THEREFORE, BE IT RESOLVED** that the Minnesota Association of Watershed Districts collaborate with the Red River Watershed Management Board and State Agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-05.

## BACKGROUND INFO on MAWD RESOLUTION 2022-06

### Resolution Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

**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:

Riley Purgatory Bluff Creek Watershed District identified 13 primary goals in its 10-year watershed management plan “Planning for the Next Ten Years” (2018). Of these, two are adversely affected by the inadequate regulation of the operation of wake boats on area lakes:

- #8. Protect, manage, and restore water quality of district lakes and creeks to maintain designated uses.
- #10. Preserve and enhance habitat important to fish, waterfowl, and other wildlife.

RPBCWD recognizes the importance of a stable and healthy shoreline for purposes of water quality, fisheries habitat, and overall lake health. Erosive forces, such as through wave action, can cause shoreline recession, the loss of emergent vegetation, and the introduction of sediment to the water column. Erosion of shorelines and sediment accumulation in near-shore areas are often accelerated by human activities.

Studies performed by RPBCWD identified internal loading as a significant contributor to lake eutrophication in the watershed. One of the more effective management practices for the control of in-lake phosphorous is the application of the flocculant aluminum sulfate. Aluminum sulfate (alum) settles onto the lake bottom, binding to the substrate particles and preventing the release of phosphorous back into the water column. RPBCWD’s observations were that propellor wash interacts with lake bottoms at some depth but it is unclear to what extent this impacts the efficacy of alum treatments.

In February of 2022, the University of Minnesota St. Anthony Falls Laboratory published the results of a study on wave characteristics of wakes produced by recreational boats designed specifically for wake surfing and how those compare to non-wake surfing recreational watercraft. This study found that at 100 feet, the wave heights of wake surfing boats were 3 to 10 inches higher than non-wake surfing boats depending upon a number of factors. It further concluded that waves generated by wake-surfing boats contained 3 to 9 times the total energy of non-wake surf boats and had a greater than 6-fold increase in maximum power.<sup>1</sup>

The authors noted that they had collected velocity and turbulence data associated with propellor wash but the analysis of these data will be used in a later study. (They are currently securing funding for this phase of the study.) Propellor wash will interact with the thermocline and lake bottom at some depth. It is not well understood how this impacts sediment scour and suspension, vegetation growth, and efficacy of in-lake treatments such as aluminum sulfate.

A 2018 report from the Oregon State Legislature summarizes studies on the various effects of wake boats, noting that boat speed is a primary factor in influencing wave size.<sup>2</sup> Also cited in this report is a report by the Scientific and Technical

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<sup>1</sup> SAFL Project Report No. 600, *A Field Study of Maximum Wave Height, Total Wave Energy, and Maximum Wave Power Produced by Four Recreational Boats on a Freshwater Lake*; Mar, Jeffrey, Reisgraf, Andrew, Herb, William, Lueker, Matthew, Kozarek, Jessica, Hill, Kimerly (2022) Available online: [BoatGeneratedWakeWaveReport\\_Feb12022\\_Final.pdf \(umn.edu\)](https://www.safll.org/Portals/0/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf)

<sup>2</sup> Item E: Staff report on safety around wake sports statewide. (2018) Oregon State Legislature. Available online: <https://olis.leg.state.or.us/liz/2018R1/Downloads/CommitteeMeetingDocument/144261>. See also Sara Mercier-Blais & Yves Prairie. (2014) Project evaluation of the impact of the waves created by the type of boats wake boat on the shores of Lake Memphremagog and Lovering; Ruprecht, Glamore, Cogland. (2015) Wakesurfing: Some Wakes are More Equal than Others. Available online: [https://www.researchgate.net/publication/294799932\\_Wakesurfing\\_Some\\_Wakes\\_are\\_More\\_Equal\\_than\\_Others](https://www.researchgate.net/publication/294799932_Wakesurfing_Some_Wakes_are_More_Equal_than_Others).

Advisory Committee to the Chesapeake Bay Program that demonstrates a positive correlation between the size of boat wakes and the extent of shoreline erosion as well as sediment resuspension and nearshore turbidity.<sup>3</sup>

Other public groups and units of government have begun to observe issues related to the use of wake boats on lakes. The Southeast Wisconsin Regional Planning Commission has begun studying the issue within its jurisdiction, reviewing the impacts of recreational boating on North Lake in Waukesha County.<sup>4</sup>

A report to the City Council of Prior Lake, MN, assesses environmental impacts from high-speed boats on the state's lakes. The report summarizes studies focused on ecological impacts caused by waves, including shore and bank erosion, decreased water clarity, water quality degradation, and harm to aquatic plant and animal species. Shallow waters feel the most direct impacts of boat wakes, as well as shoreline areas adjacent to less than 1,000 feet of open water, making near-shore habitat where water depth is approximately 10 feet or less—the littoral zone—the most important to protect.<sup>5</sup>

In spring 2019, Vermont considered legislation presented in Senate Bill 69 “to restrict or prohibit the use of wake boats in certain public waters.”<sup>6</sup> The bill, as introduced, proposes to limit wake boat speed within 200 feet of shoreline, imposing a \$500 fine per violation, and proposes to restrict use of wake boats in certain public waters based on the size of the water body, the use of adjacent land, scenic beauty, or other recreational factors.<sup>7</sup> While the bill did not progress in the 2019 session, it may be re-introduced during a future session.

Wake boats also exacerbate invasive-species risks to lakes. RPBCWD identified several strategies to manage non-native and invasive aquatic species in area lakes. A 2019 University of Minnesota Aquatic Invasive Species Research Center study showed that the large-volume water holding ballast tanks of wake boats provide zebra mussels and larvae a great opportunity for inter-lake transport. These boats are not designed to fully drain all ballast tank water.<sup>8</sup>

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

We have identified three potential interrelated solutions:

1. Limiting wake boats to areas of lakes sufficiently distant from shorelines to allow boat-generated waves to adequately dissipate and lessen energy before affecting shorelines; and
2. Banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally affect sediment, aquatic vegetation, and aquatic habitat; and
3. Requiring wake boats to be designed and existing boats to be modified to enable complete drainage and decontamination of ballast tanks to stop the spread of aquatic invasive species.

#### **Efforts to solve the problem:**

#### **Anticipated support or opposition:**

The Minnesota Department of Natural Resources is already engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines. DNR also actively promotes and enforces state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported. We anticipate seeking DNR support for and leadership of legislation reflecting strategies to solve issues caused by wake boating. We will

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<sup>3</sup> *Id.* See also USDA NRCS. (1997) Slope Protection for Dams and Lakeshores: Minnesota Technical Note 2 (reviewing shoreline erosion processes and causes).

<sup>4</sup> Southeastern Wisconsin Regional Planning Commission (SEWRPC). Memorandum - Preliminary Morphology, Water Level, Water Quality, and Wave Propagation Update for North Lake, Town of Merton, Waukesha County. March 2021

<sup>5</sup> City of Prior Lake, Agenda Item #16. Information Item: A review of environmental impacts from high-speed boats on Indiana's public freshwater lakes; Administrative Cause no. 10-029V. Available online: <https://www.cityofpriorlake.com/documents/WSUM/info17.pdf>.

<sup>6</sup> Bruce Durgin. (2019) Wakeboard Boats Believed to Damage Lakes. The Federation of Vermont Lakes and Ponds. Available online: <http://vermontlakes.org/wp-content/uploads//FOVLAP-Newsletter-Spring-2019-Final-digital.pdf>

<sup>7</sup> Vermont Legislature (2019). Bill as Introduced: S.69. Available online: <https://legislature.vermont.gov/Documents/2020/Docs/BILLS/S-0069/S-0069%20As%20Introduced.pdf>

<sup>8</sup> Dave Orrick. (2019) Zebra Mussel's Best Friend: Wakeboard Boats, New U Study Finds. Livewell also Tested. Accessed through the Minnesota Aquatic Invasive Species Research Center (MAISRC), <https://www.maisrc.umn.edu/news/wakeboards>.

also engage member communities within our watershed to address the issue of wake boats and their impacts on aquatic environments.

**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:	_____

## MAWD RESOLUTION 2022-06

### Resolution Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species

**WHEREAS**, watershed districts conserve the state's water resources "by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources." Minn. Stat. 103D.201, subd. 1;

**WHEREAS**, wake boats driven in Minnesota lakes result in scouring of lake bottoms, disturbance of lake sediment, damage to aquatic plants, erosion of lake shoreline, disturbance of and damage to aquatic habitat, and transfer of water potentially harboring aquatic invasive species in ballast tanks increasing transfer among Minnesota lakes;

**WHEREAS**, options to limit the water-resource impacts of wake boats include: restricting areas of operation within a waterbody and which waterbodies are suitable for their operation; defining the minimum depth of water in which wake boats can be operated in a manner which creates a wake; and requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to reduce the spread of AIS;

**WHEREAS**, the Minnesota Department of Natural Resources is engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines, and actively enforces state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported;

**WHEREAS**, the University of Minnesota's St. Anthony Falls Laboratory plans to study the effect of propellor wash on lake bottoms and shorelines; and

**WHEREAS**, other states have begun to regulate wake boat minimum distance from shoreline and limit the water bodies in which wake boats make operate, and these regulations can provide templates for regulations in Minnesota;

**NOW, THEREFORE, BE IT RESOLVED** that the Minnesota Association of Watershed Districts will work with the Minnesota Department of Natural Resources to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- a) limit lakes and areas of lakes in which wake boats may operate;
- b) require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- c) Provide funding for additional research on the effects of wake boats on aquatic systems.

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**Notes:** The Resolutions Committee recommends adoption of Resolution 2022-06 contingent upon the proposer providing the specific location within the St. Anthony Falls Laboratory research findings that support items a, b, and c.

# BACKGROUND INFO on MAWD RESOLUTION 2022-07

## Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

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

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

Riley Purgatory Bluff Creek Watershed District seeks to address depletion of valuable groundwater resources in Minnesota. 60% of homeowners with irrigation systems in the Twin Cities Metro Area used far more water than they needed to water their lawns<sup>9</sup>. The use of groundwater to irrigate urban and suburban lawns during particular hours of the day during the summer poses needless use of such water during times when evaporation rates are highest, thus wasting precious water resources, many of which take thousands of years to replenish.

Watering lawns (either via landscape irrigation system or manual watering) between noon and sundown generally results in higher evaporation rates than watering morning hours. Watering lawns in the evening has the potential to make lawns susceptible to disease when hot and humid conditions are combined with excess moisture. Watering lawns in the early morning is the most ideal as evaporation demands are low and wind deflection is less of an issue.<sup>10</sup>

Irrigating urban and suburban lawns during or shortly after precipitation events, when soils are saturated, not only wastes a significant amount of groundwater, but also increases runoff and potential pollution of streams, lakes and wetlands.

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

Encourage the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems)
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

### Efforts to solve the problem:

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<sup>9</sup>University of Minnesota Extension, *Planting Grass Seed? Most Twin Citians water lawns ‘way too much’*, 2017, <https://twin-cities.umn.edu/planting-grass-seed-most-twin-citians-water-lawns-way-too-much>

<sup>10</sup> University of Minnesota Extension Turfgrass Science and Metropolitan Council, *Efficient Water Use On Twin Cities Lawn Through Assessment, Research, and Demonstration*, 2016, <https://metro council.org/Wastewater-Water/Publications-And-Resources/WATER-SUPPLY-PLANNING/Twin-Cities-Lawn-Irrigation-System-Surveys-And-Ass.aspx>



**Anticipated support or opposition:**

Cities faced with providing adequate water supplies should support reasonable restrictions on the use of ground water to avoid the expense of drilling new wells and building new treatment facilities.

**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 2022-07

## Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months

**WHEREAS**, groundwater resources are often used in excess to water urban and suburban landscapes, primarily lawns; and

**WHEREAS**, evaporation rates are highest during the hours between noon and dusk and watering landscapes in the evening has the potential to increase susceptibility to plant diseases; and

**WHEREAS**, the ideal time to water lawns and urban and suburban landscapes is in the early morning, due to the low evaporation demands and lessened effects of wind deflection; and

**WHEREAS**, excess watering of urban and suburban landscapes can cause increased runoff and therefore pollution to streams, wetlands, and lakes; and

**NOW, THEREFORE, BE IT RESOLVED** that the Minnesota Association of Watershed Districts encourages the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems).
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

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**Notes:** The Resolutions Committee does not recommend adoption of Resolution 2022-08 because it is overly broad, it is unclear what problem the resolution is intended to address, and it contains overlapping jurisdiction with municipalities.

# **BACKGROUND INFO on MAWD RESOLUTION 2022-08**

## **Resolution Seeking 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 the 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 States 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 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, 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 2022-08

## Resolution Seeking 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 to conduct public meetings; there were many benefits to using 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 the Minnesota Association of Watershed Districts, Inc. hereby 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 the Minnesota Association of Watershed Districts, Inc. supports changes to the Open Meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

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**Notes:** The Resolutions Committee has no recommendation regarding Resolution 2022-08.

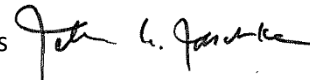
## MEMO

**Date:** February 1, 2022

**To:** Watershed District staff

**Cc:** BWSR Board Conservationist

**From:** John Jaschke, Interim Assistant Director of Regional Operations



### **RE: Watershed District Project Establishments using 103D.605**

According to 103D.605 Projects constructed with government aid or as part of a plan, BWSR must establish the project via BWSR Order. The BWSR Board (Board Order #21-31) has delegated the BWSR Order decision to the Executive Director to provide for efficient processing of WD project establishment requests. The following procedure is required by statute for BWSR to establish the project:

1. Watershed district (WD) provides a copy of the project plan to BWSR Chief Engineer and the Division of Ecological and Water Resources of the Department of Natural Resources (DNR). Both agencies must review the project plan and submit reports to the WD.
2. After the WD receives the reports from BWSR and DNR, the WD schedules and provides notice for a public hearing on the project per 103D.605 subd. 3.
3. WD holds the public hearing and listens to all parties interested in the proposed project.
4. After the project hearing, the WD determines if the project will be conducive to public health, promote the general welfare, and is in compliance with the adopted WD plan and the provisions of Minn. Stat. 103D.
5. The WD submits their official request for a decision from BWSR with their findings (resolution/board order/approved meeting minutes) and any additional supporting material (Engineers Report, hearing documentation, etc.).
6. BWSR, via Board Order, will make a decision on the project. BWSR will inform the WD of the decision with a letter and Board Order distributed via email.

BWSR anticipates working with MAWD in the future to review this statutory requirement.

Please contact your BWSR Board Conservationist with any additional questions.

This Document can be made available  
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2908**

01/31/2022 Authored by Fischer, Acomb, Moller, Vang, Feist and others  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy  
02/21/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law  
03/03/2022 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act  
1.2 relating to environment; establishing certified salt applicator program; limiting  
1.3 liability; requiring a report; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 116.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION**  
1.7 **PROGRAM.**

1.8 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
1.9 meanings given:

1.10 (1) "certified commercial applicator" means an individual who applies deicer, completed  
1.11 training on snow and ice removal and deicer application approved by the commissioner,  
1.12 and passed an examination after completing the training;

1.13 (2) "commercial applicator" means an individual who applies deicer for hire but does  
1.14 not include a municipal, state, or other government employee;

1.15 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing  
1.16 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

1.17 (4) "owner" means a person that owns or leases real estate and that enters into a written  
1.18 contract with a certified commercial applicator for snow and ice removal and deicer  
1.19 application.

1.20 Subd. 2. **Voluntary certification program; best management practices.** (a) The  
1.21 commissioner of the Pollution Control Agency must develop a training program that promotes  
1.22 best management practices for snow and ice removal and deicer application that protect



2.1 water quality and allows commercial applicators to obtain certification as a water-friendly  
2.2 applicator. The commissioner must certify a commercial applicator as a water-friendly  
2.3 applicator if the applicator successfully completes the program and passes the examination.

2.4 (b) The commissioner, in consultation with the University of Minnesota, must provide  
2.5 additional training under this section for certified commercial applicators renewing  
2.6 certification after their initial training and certification.

2.7 (c) The commissioner, in consultation with the University of Minnesota, must provide  
2.8 the training and testing module at locations statewide and may make the recertification  
2.9 training available online.

2.10 (d) The commissioner, in consultation with the University of Minnesota, must annually  
2.11 post the best management practices and a list of certified commercial applicators on the  
2.12 agency's website.

2.13 (e) The commissioner may charge a fee of no more than \$350 per certified commercial  
2.14 applicator for the training or recertification under this section. Fees collected under this  
2.15 subdivision must be deposited in the environmental fund.

2.16 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for  
2.17 damages arising from hazards resulting from the accumulation of snow and ice on any real  
2.18 estate maintained by the certified commercial applicator when the hazard is solely caused  
2.19 by snow or ice and the certified commercial applicator used the best management practices  
2.20 for snow and ice removal and deicing approved by the commissioner.

2.21 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial  
2.22 applicator or owner if the certified commercial applicator or owner:

2.23 (1) commits an act or omission that constitutes gross negligence or willful or wanton  
2.24 disregard for the safety of entrants onto real estate of the owner that is maintained by the  
2.25 certified commercial applicator and that act or omission proximately causes injury, damage,  
2.26 or death;

2.27 (2) intentionally injures an entrant on real estate of the owner that is maintained by the  
2.28 certified commercial applicator; or

2.29 (3) fails to comply with the best management practices for snow and ice removal and  
2.30 deicer application approved by the commissioner.

2.31 (c) The liability of a commercial applicator who applies deicer but is not certified under  
2.32 this section may not be determined under the standards provided in this subdivision.

3.1 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following  
3.2 records as part of the best management practices approved by the commissioner:

3.3 (1) a copy of the applicator's certification approved by the commissioner and any  
3.4 recertification;

3.5 (2) evidence of passing the examination approved by the commissioner;

3.6 (3) copies of the winter maintenance assessment tool requirements developed by the  
3.7 commissioner;

3.8 (4) a written record describing the road, parking lot, and property maintenance practices  
3.9 used. The written record must include the type and rate of application of deicer used, the  
3.10 dates of treatment, and the weather conditions for each event requiring deicing. The records  
3.11 must be kept for a minimum of six years; and

3.12 (5) proof of compliance with the reporting requirements under subdivision 7.

3.13 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification  
3.14 of a commercial applicator who violates this section or rules adopted under this section.

3.15 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under  
3.16 section 466.03.

3.17 Subd. 7. **Reporting required.** By July 1 each year, a certified commercial applicator  
3.18 must submit to the commissioner on a form prescribed by the commissioner the amounts  
3.19 and types of deicers used in the previous calendar year.

3.20 Subd. 8. **Expiration.** This section expires August 1, 2029.

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to claims  
3.22 arising on or after that date.