

Joint Powers Agreement (JPA) of the BCWMC



What is the JPA?

- Written contract between the nine member cities that establishes the BCWMC, as authorized under the Metropolitan Surface Water Management Act
- Current version expires January 1, 2025
- Any updated or extended JPA will need to be approved and signed by all nine member cities

The Basic Components

- History, Statement of Intent (Preface)
- Entity Name (Article I)
- Purpose Statement (Article II)
- Definitions of Terms (Article III)
- Membership (Article IV)

Board of Commissioners

(Article V)

- BCWMC's governing body is its Board of Commissioners (Art. 5, subd 1)
- Each member city appoints one commissioner and one alternate commissioner who serve staggered three year terms (Art. 5, subd 1 & 3)
- Commissioners serve without compensation (Art. 5, subd 6)
- The Board will annually elect officers and may establish and update its rules and procedures (Art. 5, subd 7)

General Responsibilities

- BCWMC shall regulate, conserve and control the use of storm and surface water and groundwater within the Bassett Creek watershed (Art. VI, subd 10)
- BCWMC shall have the authority and responsibility to protect and improve water quality in the watershed (Art. VII, subd 11)

BCWMC Powers

(Article VI)

- May employ persons, contract for necessities, contract with public and private entities, and acquire personal property to carry out its duties (Art. VI, subd 2-4, 7)
- May order member cities to perform various projects (Art. VI, subd 8-9)
- May procure insurance to protect itself (Art. VI, subd 11)
- May establish and maintain devices to acquire and record water quality data and enter lands for surveys and investigations (Art. VI, subd 12-13)

BCWMC Powers (cont.)

(Article VI)

- May assist member cities with legal or technical advice related to water quality issues (Art. VI, subd 15)
- May accumulate and invest reserve funds and collect funds from its members, Hennepin County, and other sources, as approved by the Board (Art. VI, subd 16-17)
- May exercise all other powers necessary and incidental to the implementation of its purposes and powers, outlined and authorized under state law (Art. VI, subd 22)

BCWMC Duties

(Article VI)

- Shall develop a watershed plan including a capital improvement program and cooperate with public agencies (Art. VI, subd 5, 23)
- Shall gather data needed to implement projects and provide data to member cities (Art. VI, subd 6, 14)
- Shall procure annual audits and make books, records, and reports available to member cities (Art. VI, subd 19-20)
- Shall establish citizen or technical advisory committees and provide means for public participation (Art. VI, subd 25)

Methods for Proceeding

(Article VII)

- Feasibility studies and public hearings must precede construction of improvement projects, which require a 2/3 majority vote (Art. VII, subd 5)
- Procedural requirements for various improvement contracts, many of which come from state law (Art. VII, subd 5-9)
- No eminent domain authority but can establish land acquisition policies in watershed plan (Art. VII, subd 10)
- Authority to monitor and enforce pollution control and review local water management plans (Art. VII, subd 11-12)

Financial provisions

(Article VIII)

- Member cities contribute to a general fund based 50% on tax capacity and 50% on land area in the watershed (Art. VIII, subd 3)
- An improvement fund shall be established for each capital improvement project (Art. VIII, subd 4)
- May also establish a maintenance fund for repairs and maintenance of capital projects (Art. VIII, subd 4)
- The proposed annual general (operating) budget shall be sent to member cities by July 1 with objections from cities returned by August 1 (Art. VIII, subd 5)

Miscellaneous Provisions

(Article IX)

- Commission cannot levy special assessments (Art. IX, subd 3)
- Member cities cannot directly or indirectly collect or divert any additional surface water to the Mississippi River or its tributaries from any subdistrict or subtrunk without a BCWMC permit (Art. IX, subd 4)

Duration and Dissolution

(Articles X, XI)

- Current JPA expires on January 1, 2025
- If for any reason the entity terminates or dissolves, all BCWMC property must be liquidated and proportionately distributed to eligible member cities