2016 MAWD Resolutions Background Information

Proposing District: Middle Fork Crow Watershed District

Contact Name: Margaret Johnson

Phone Number: 320-796-0888

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

Factual points providing background and basis of the issue:

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

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

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

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

This issue is of importance (Check one):

To just our District:  
To just our Region:  
To the entire State:  X
RESOLUTION # 16-01
RESOLUTION OF THE MIDDLE FORK CROW WATERSHED DISTRICT BOARD OF MANAGERS

Recommending Renewal of a Resolution to the MAWD Board Regarding Watershed District Project Levy Authority

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

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

WHEREAS, the rationale for allowing an additional ad valorem tax was that the projects or actions had already been reviewed and vetted by state government, and by virtue of receiving funding, were found to be of broad public or state-wide benefit; and

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

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

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

THEREFORE BE IT RESOLVED, that the Middle Fork Crow Watershed District approves submitting the attached resolution to MAWD and directing it to work with BWSR to amend section 103D.905, subd. 9, to include all current and future, state-wide grant, cost share or low interest loan programs.
HF 2456

as introduced - 90th Legislature (2017 - 2018) Posted on 03/31/2017 07:18pm

KEY: strikethrough = removed, old language. underscored = added, new language.
Version List Authors and Status

Jump to page/line # eg. 2.1

1.1 A bill for an act
1.2 relating to taxation; modifying levy authority of watershed districts; amending
1.3 Minnesota Statutes 2016, section 103D.905, subdivision 9.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 103D.905, subdivision 9, is amended to read:
1.6 Subd. 9. Project tax levy. In addition to other tax levies provided in this section or in
1.7 any other law, a watershed district may levy a tax:
1.8 (1) to pay the costs of projects undertaken by the watershed district which are to be
1.9 funded, in whole or in part, with the proceeds of money appropriated by law for grants or
1.10 construction or implementation loans under sections 103F.701 to 103F.755 to the district;
1.11 (2) to pay the principal of, or premium or administrative surcharge, if any, and interest
1.12 on, the bonds and notes issued by the watershed district pursuant to section 103F.753; or
1.13 (3) to repay the construction or implementation loans under sections 103F.701 to
1.14 103F.755.
1.15 Taxes levied with respect to payment of bonds and notes shall comply with section
1.16 475.61.
RESOLUTION # 16-02
RESOLUTION OF THE MIDDLE FORK CROW WATERSHED DISTRICT BOARD OF MANAGERS

Recommending Amendment to the Minnesota Open Meeting Law (MOML)(Statutes Chapter 13D) to Allow Watershed District Manager Participation in Meeting via Electronic Means Outside of the Territorial Limits of the Watershed District or State

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

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; and

(4) each location at which a member of the body is present is open and accessible to the public; and

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

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

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

WHEREAS, allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers; and
WHEREAS, Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; and

(4) each location at which a member of the body is present is open and accessible to the public; and

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

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

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

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

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

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

THEREFORE, the Minnesota Association of Watershed Districts directs its staff to work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.
WHEREAS, at its annual meeting in 2013, MAWD adopted a resolution supporting watershed district manager participation in meetings via conference call or other electronic means; and

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

THEREFORE BE IT RESOLVED, that the Middle Fork Crow Watershed District approves submitting the attached resolution to MAWD and directing it to work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.
2016 MAWD Resolutions Background Information

Proposing District: Middle Fork Crow Watershed District

Contact Name: Margaret Johnson

Phone Number: 320-796-0888

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

Factual points providing background and basis of the issue:

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

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

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

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

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

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

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

Based upon the above facts, what is the proposed solution to the problem:
Middle Fork Crow River Watershed District intends to work with its constituent counties and its legislative delegation to draft special legislation affecting a change in its general fund levy cap. The District requests MAWD support this effort.

This issue is of importance (Check one):

To just our District: X
To just our Region:
To the entire State:
WHEREAS, Minnesota statutes section 103D.905, subd. 3, provides that a watershed district's general fund: may not exceed 0.048 percent of estimated market value, or $250,000, whichever is less; and

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

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

THEREFORE, the Minnesota Association of Watershed Districts support the efforts of Middle Fork Crow River Watershed District to draft and advance special legislation affecting a change in its general fund levy cap.
RESOLUTION # 16-03
RESOLUTION OF THE MIDDLE FORK CROW WATERSHED DISTRICT BOARD OF MANAGERS

Seeking Support of Legislation to lift Middle Fork Crow River Watershed District’s General Fund Levy Cap

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

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

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

THEREFORE BE IT RESOLVED, that the Middle Fork Crow Watershed District approves submitting the attached resolution to MAWD seeking support for the efforts of Middle Fork Crow River Watershed District to draft and advance special legislation affecting a change in its general fund levy cap.
Resolution #8

2017 MAWD Resolutions

Background Information

Proposing District: Rice Creek Watershed District

Contact Name: Phil Belfiori

Phone (office): 763-398-3071

Email: pbelfiori@ricecreek.org

Resolution Title: Aligning commercial carp fishing regulations with clean water goals, and promoting markets for invasive carp

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

Commercial carp fisherman and watershed districts share a common desire to remove carp from Minnesota waters. Commercial fisherman work to remove and sell carp as a business. Watershed districts remove carp to restore water clarity in lakes and rivers. Commercial carp fishing in Minnesota is regulated by State Statutes (97C.800), and rules developed by the Minnesota Department of Natural Resources (DNR). While the regulations recognize the positive impact to natural resources of removing carp, they also create financial and logistical burdens to watershed districts and commercial operators. Combined with poor commercial market conditions for carp products, these burdens have made commercial carp fishing financially challenging.

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

Watershed districts will be in a better position to work with commercial fisherman to remove carp and improve water clarity by better aligning commercial carp fishing regulations with clean water goals, and by encouraging market growth for commercial carp products. This may be accomplished by creating streamlined regulatory conditions for commercial carp fisherman that are actively working with watershed districts (or other clean water LGU’s, e.g. counties), and using scientifically accepted methods for managing carp populations. Further, the State of Minnesota could offer, or prioritize within existing programs, small-business development grants or loans to businesses that provide or use commercial carp products.

Likely reaction by the public or other governmental units?

The resolution would likely have broad public support. DNR may have concerns. However, the intent of the Resolution is to encourage dialogue and cooperation between the DNR and watershed districts, and not force one-sided policy. The resolution may face resistance from special sportsman’s groups (e.g. Bowfishing Associations).

This Issue is of importance:

To just our District ___

To just our Region ___

To the entire state _x_
Resolution

Aligning Commercial Carp Fishing Regulations with Clean Water Goals, and Promoting Markets for Invasive Carp

Whereas, commercial fishing for carp in Minnesota waters is governed by State Statues (97C.800) and Minnesota Department of Natural Resources (MN DNR) Rules; and

Whereas, carp are known to degrade water quality and damage aquatic ecosystems; and

Whereas, watershed districts and other local units of government desire to restore water quality in lakes and rivers; and

Whereas, managing carp is a proven method for restoring water quality; and

Whereas, cooperation between commercial carp fisherman and watershed districts on removing carp is beneficial to both parties;

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts call on legislators and the MN DNR to:

1. Better align commercial carp fishing laws and rules with clean water goals, and
2. Offer, or prioritize through existing programs, small-business development loans and/or grants to businesses that provide or use commercial carp products
2017 MAWD Resolution Background Information

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

Resolution Title: Stable Funding for Flood Damage Reduction

Resolution #9

Factual Points which provide background to, or a basis for, the issue addressed by 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.
2. In the past two legislative sessions (2016 & 2017), a total of only $11 million of bonding money has been appropriated to the DNR Flood Damage Reduction grant program.
3. FEMA and MN HSEM have incurred significant expense to repair and rebuild public infrastructure.
4. 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 funding, nor do they have the resources to continually repair infrastructure following a devastating flood.

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

The proposed solution to this problem is to incorporate a mechanism to provide stable funding to the Flood Damage Reduction program to cost share on flood prevention and flood reduction projects. A suggested amount is $20 million to $25 million per year for a period of at least 10 years.

Likely reaction by the Public or other governmental units:

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 is of importance: ___ To just our District
___ To just our Region
x ___ To the entire State
Resolution

WHEREAS, Severe flooding is known to occur repeatedly within the Red River Valley and within the State of Minnesota, and

WHEREAS, Each flood event costs the public millions of dollars to repair and replace infrastructure that is damaged by flooding, 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 Flood Damage Reduction grant program has been a successful tool for local governments to utilize to design and build projects to reduce and prevent flooding, and

WHEREAS, The DNR FDR program is severely underfunded.

NOW, THEREFORE, BE IT RESOLVED that the Minnesota Association of Watershed Districts pass a resolution asking the MN Legislature to provide stable funding for the DNR FDR program. A suggested sustainable level of funding is $25 million per year for the next 10 years.