

# Notice & Agenda

## Swift County Board of Commissioners

Tuesday, May 17, 2016

11:00 AM

Swift County Board Room – 301 14<sup>th</sup> St N, Benson, MN

If you need any type of accommodation to participate in this meeting, please contact the County Administrator at 320-314-8399 at least 48 hours prior to the meeting. Times are only estimates and items may be taken out of order.

<u>Time</u>	<u>Reference</u>	<u>Item</u>
11:00 a.m.		<b>Call to Order and Roll Call</b>
11:01 a.m.		<b>Approve Agenda</b>
11:03 a.m.		<b>Consent Agenda</b>
	1-3	(1) Minutes from the May 3, 2016 Regular Meeting
	4-17	(2) Consider approving a resolution to enter in a Joint Powers Agreement (JPA) with the Saint Paul Port Authority (SPPA) for the administration and implementation of Property Assessed Clean Energy Program of Minnesota (PACE) on behalf of the County for energy improvements to eligible properties.
	18	(3) Consider approving increased credit card purchasing limits for certain employees
	19-20	(4) Consider approving the appointment of an Assistant County Attorney
	21	(5) Consider amending the public hearing for June 21, 2016 at 11:00 AM to July 5, 2016 at 9:00 AM and appointing a viewer for a petition to outlet lands into CD #60
11:04 a.m.		<b>Consider Approval of Commissioner warrants and review Auditor warrants reviewed</b>
11:05 a.m.	22-34	<b>Presentation on Human Services LEAN event on Intake Process report out</b>
11:15 a.m.	35-37	<b>Jared House, Pomme de Terre Watershed discussion on “One Plan, One Watershed”</b>
11:20 a.m.		<b>Commissioner and Board reports</b>
11:35 a.m.		<b>County Administrator report</b>
11:40 a.m.		<b>Citizens Comments</b>
11:40 a.m.		<b>Andy Sander, County Engineer</b>
	38-40	Consider awarding Sealcoat Project SAP 076-030-004 to the low bidder and allow the Board Chair to sign the contract
		<b>Other Business</b>
	41-64	Consider approving a resolution supporting Chippewa River Watershed’s application for a “one watershed, one plan” project
11:45 a.m.		<b>Recess (Lunch)</b>
12:30 p.m.	None	<b>Community Social Services Director Interviews</b>
		Kristina Pigford (12:30)
		Wendy Danicourt (1:30)
		Lorri Pederson (2:30)
3:30 p.m.		<b>Discussion and possible decision to make an offer to a candidate</b>
4:00 p.m.		<b>Adjournment</b>

## SWIFT COUNTY BOARD MINUTES

May 3, 2016

Chairman Peter Peterson called the meeting to order at 9:00 AM with all members present as well as County Administrator Mike Pogge-Weaver, County Attorney Danielle Olson, Auditor Kim Saterbak, Carolyn Lange, Chris Eng, Kevin Beyer, and Amanda Ness.

Chairman Peter Peterson asked if there were any additions to the agenda. There were none.

**05-03-16-01** Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the agenda as presented. Motion carried unanimously.

**05-03-16-02** Commissioner Fox moved and Commissioner Rudningen seconded to approve the Consent Agenda items: (1) Minutes from the April 19, 2016 Meeting, (2) Setting a public hearing for June 21, 2016 at 11:00 AM and appointing Jim Weidemann as viewer for a petition to outlet into CD #60, and (3) Approval of a contract with Midwest Medical Examiner's Office for Medical Examiner Services. Motion carried unanimously.

**05-03-16-03** Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Commissioner warrants as follows: Revenue: \$50,003.84; Solid Waste: \$16,131.45; Road and Bridge: \$16,093.47; Welfare & Family Services, \$91.26; County Ditches: \$5,642.25; County Health Insurance, \$127.40 which includes the following bills over \$2,000: Geyer Recycling, \$5,691.67; Glacial Plains Cooperative, \$2,540.97; Kandiyohi County Sheriff's Dept., \$6,445.00; Koehl Excavating LLC, \$2,093.50; Swift County Monitor News, \$2,707.50; Swift County Parks and Drainage, \$12,118.00; Waste Management Of Northern Minnesota, \$8,246.72; West Central Communications, \$6,787.14; Yellow Medicine County Jail, \$4,725.16; and Ziegler Inc., \$5,037.11. Motion carried unanimously.

Chairman Pete Peterson asked for citizens comments. There were none.

Administrator Pogge-Weaver, Kevin Beyer of Federated Telephone Cooperative, and Chris Eng of Northland Securities updated the board on the bond rating and the bond sale in regards to the broadband project and answered questions from the board members.

**05-03-16-04** Commissioner Rudningen moved and Commissioner Hendrickx seconded to cancel the public hearing due to the outcome of the bond sale. Motion carried unanimously.

**05-03-16-05** Commissioner Rudningen introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF  
\$7,780,000 TAXABLE GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2016A AND  
PLEDGING FOR THE SECURITY THEREOF TAX ABATEMENTS AND AUTHORIZING  
EXECUTION OF CERTAIN DOCUMENTS RELATED THERETO

The motion for the adoption of the foregoing resolution was duly seconded by member Commissioner Fox and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Commissioners Fox, Hendrickx, E. Pederson, P. Peterson, and Rudningen.

and the following voted against the same: None

Whereupon the resolution was declared duly passed and adopted.

**05-03-16-06** Commissioner Rudningen moved and Commissioner Fox seconded to approve the Loan Agreement, Collateral Account Security Agreement, and Account Control Agreement with Federated Telephone Cooperative and authorize the Board Chair and County Administrator to sign said agreements on behalf of the County at the time of the bond closing, including authorization for the Board Chair and County Administrator to make minor changes to conform with the terms of the bond sale. Motion carried unanimously.

Environmental Services Director Scott Collins requested approval of Conditional Use Permit #5175 requested by Huston Land & Cattle, LLC (Owner) for establishing a new feedlot and constructing a new 100' x 450' confinement mono-slope barn to house 999 animal units located in the NE ¼ of the NE ¼ of Section 7 of Cashel Township.

**05-03-16-07** Commissioner Rudningen moved and Commissioner Edward Pederson seconded to approve CUP #5175. Motion carried 4-0 with Chairman Pete Peterson abstaining.

Director Collins further requested approval of Conditional Use Permit #5173 requested by Falk Farm, LLC (Owner) to erect a small wind turbine, Model DT-30 from Dakota Turbines, to offset a portion of energy usage onsite located in the E ½ of the SE ¼ in Section 36 of Camp Lake Township.

**05-03-16-08** Commissioner Rudningen moved and Commissioner Edward Pederson seconded to approve CUP #5173. Motion carried unanimously.

Board and Committee Reports were given as follows: Commissioner Rudningen reported on Insurance Committee, Extension Committee, and Planning and Zoning. Commissioner Hendrickx reported on SPCC, AMC Conference Planning Meeting, Insurance Committee, AMC Healthcare Committee, and Prairie Waters Tourism. Chairman Peter Peterson reported on Prairie Five CAC, HRA, Supporting Hands Nurse Family Partnership, and Prairie Lakes Youth. Commissioner Fox reported on Chippewa River Watershed, SCBH, and SPCC. Commissioner Edward Pederson reported on DAC, Extension Committee, Historical Society, and RDA.

Administrator Pogge-Weaver updated the board on the bond, the prison, Pioneerland Library Board, the PACE (Property Assessed Clean Energy) Program, possible sharing of a Human Resource Director with the hospital, and Human Services Director interviews.

City Manager Rob Wolfington requested participation from the County to fund planning work related to the development of an industrial park.

**05-03-16-09** Commissioner Hendrickx moved and Commissioner Fox seconded to approve funding from the board discretionary account. Motion carried unanimously.

Administrator Pogge-Weaver informed the board of the bids received on the farm lease.

**05-03-16-10** Commissioner Fox moved and Commissioner Rudningen seconded to approve accepting the high bid for one year only. Motion carried unanimously.

A discussion was held on the County appointment to the vacancy on the Swift County Benson Hospital Board.

**05-03-16-11** Chairman Pete Peterson moved and Commissioner Hendrickx seconded to appoint Administrator Pogge-Weaver to the SCBH Board. Motion carried unanimously.

There was no update on the County Strategic Plan.

**05-03-16-12** Commissioner Edward Pederson moved and Commissioner Rudningen seconded to adjourn. Motion carried unanimously.

Meeting adjourned at 10:43 AM.

WITNESSED:

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Peter Peterson, Chair

ATTEST:

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Michel Pogge-Weaver, Clerk of the Board

DRAFT



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: RDA	REQUESTOR: Jennifer Frost	REQUESTOR PHONE: 320-842-4769
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a resolution to enter in a Joint Powers Agreement (JPA) with the Saint Paul Port Authority (SPPA) for the administration and implementation of Property Assessed Clean Energy Program of Minnesota (PACE) on behalf of the County for energy improvements to eligible properties.	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: SPPA is offering to partner with the County under a JPA to provide financing for energy retrofits and renewable energy projects to eligible non-residential properties located in the County. Eligible properties include business, nonprofit, places of worship, and multi-tenant buildings. MN Statute 216C.435 and 216C.436 authorizes the SPPA to administer, finance and implement a PACE program.  The County's role would be limited to administering the voluntary special assessment on the property to collect repayment for loans up to twenty years and for enforcing its powers of special assessment in the event of non-payment. The assessment stays with the property in the event of a sale, unless otherwise negotiated by the buyer. Unpaid assessments become a lien on the property just as any other special assessment or unpaid property taxes. Approved projects are eligible for 100% financing and the repayment schedule is structured to have an immediate positive cash flow. Loan amounts for PACE projects cannot exceed 20% of the property's assessed value.  Swift County RDA can assist Tax Payer Services in the administration of the special assessment. Additional staff will not be needed in either department as a result of this JPA.  PACE is similar to the closed Swift County Energy Loan Fund (ELF). PACE will allow Swift County to continue to offer dedicated energy retrofit financing without starting and maintaining an internal loan fund. Demand is estimated to be similar to ELF at 1 or 2 projects per year.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	Yes. 4/28/16 Workshop and presentation of program with Peter Lindstrom and Kristi Fernholz of Clean Energy Resource Teams (CERTs), County Treasurer, HRA, Administration.

## Budget Information

FUNDING: NA
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## Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Approved to form	RECOMMENDATIONS: Approve
COMMENTS: "I had no additions or changes. The indemnification clause looks appropriate."	COMMENTS: None



## PACE Highlights

Financing for energy retrofits and/or installation of renewable energy projects for business, non-profit, places of worship, multi-tenant buildings.

### County's Role

Limited to administering special assessment

- Inform SPPA of assessment on property
- Enforce powers of special assessment if non-payment
- Unpaid assessments become lien on property like other special assessment of unpaid property taxes

### Benefits to Borrower

- Building energy efficiency
- Savings to current and future tenants
- Improvement may attract new tenants
- Low cost and long term financing for owner
- Easy transfer for owner of repayment obligations to new owner

### Benefits to County

- County-wide reduction in energy use, greenhouse gas emissions
- Greater use of renewables
- More energy efficiency
- Improving properties, attracting new tenants can stabilize tax based
- Tax neutral to county; no exposure to general fund
- Promotes jobs with equipment installation



**RESOLUTION DESIGNATING THE PORT AUTHORITY TO IMPLEMENT AND ADMINISTER A PROPERTY ASSESSED CLEAN ENERGY IMPROVEMENT FINANCING ON BEHALF OF THE COUNTY, AND PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AS NEEDED IN CONNECTION WITH THAT PROGRAM**

Motion by Commissioner \_\_\_\_\_ Seconded by Commissioner \_\_\_\_\_

**BE IT RESOLVED** by the Board of Commissioners of the County of Swift (the “County”), as follows:

1. The Port Authority of the City of Saint Paul (the “**Port Authority**”) has established the Property Assessed Clean Energy Program (“**PACE OF MN**”) to finance the acquisition and construction or installation of energy efficiency and conservation improvements (the “**Improvements**”), on properties located throughout the State of Minnesota through the use of special assessments pursuant to Minnesota Statutes Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (the “**Act**”).

2. In order to finance the Improvements, the County hereby determines that it is beneficial to participate in PACE OF MN, and to designate the Port Authority as the implementor and administrator of that program on behalf of the County for purposes of financing Improvements located within the County.

3. The County understands that the Port Authority may obtain funding from designated lending institutions or may issue its PACE OF MN special assessment revenue bond(s) to finance the Improvements, and that the sole security for the loan(s) or bond(s) will be special assessments imposed by the governmental entity participating in PACE OF MN.

4. To facilitate and encourage the financing of Improvements located within the County, the County covenants to levy assessments for said Improvements on the property so benefitted, in accordance with the Application and Petition for Special Assessments received from the owner(s) of the Property and approved by the Port Authority. The interest rate on the Special Assessments shall be the interest rate on the Loan(s) or Bond(s), and may include additional interest.

5. After imposition of the special assessments, the County shall collect such assessments and remit them to the Port Authority for use in the repayment of the Loan(s) or Bond(s). The County will take all actions permitted by law to recover the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4.

6. The County Administrator is authorized to execute on behalf of the County, any documents, certificates or agreements necessary to implement the program authorized by this resolution.

Adopted on a \_\_\_\_\_ vote by the Swift County Board of County Commissioners  
the 17th day of May 2016.

Swift County Board of Commissioners

\_\_\_\_\_  
Peter Peterson, Chairman

ATTEST:

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator and Clerk of the Board

Fox            \_\_\_  
P. Peterson   \_\_\_

Hendrickx    \_\_\_  
Rudningen    \_\_\_

E. Pederson  \_\_\_

**Port Authority of the City of Saint Paul  
Property Assessed Clean Energy Program  
(PACE OF MN)  
JOINT POWERS AGREEMENT**

Saint Paul Port Authority  
850 Lawson Commons  
380 St. Peter Street  
Saint Paul, MN 55102  
(651) 224-5686  
(651) 223-5198 (fax)  
[www.sppa.com](http://www.sppa.com)

Revised 4/08/2016

## JOINT POWERS AGREEMENT

This Agreement, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Port Authority of the City of Saint Paul (the “Port Authority”), a body corporate and politic, and the County of Swift, Minnesota, a political subdivision under the laws of Minnesota (the “County”), provides as follows:

WHEREAS, the Port Authority has been engaged in governmental programs for providing financing throughout the State of Minnesota (the “State”) by making loans evidenced by various financing leases and loan agreements, and in the process of operating these programs the Port Authority has developed a high degree of financial expertise and strength; and

WHEREAS, Minnesota Statutes, Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (collectively the “Act”) authorize the County to provide for the financing of the acquisition and construction or installation of energy efficiency and conservation improvements (the “Cost Effective Energy Improvements” as defined in the Act or “Improvements”) on Qualifying Real Properties” as defined in the Act (the “Properties” or “Property”) located within the boundaries of the County through the use of special assessments; and

WHEREAS, the Act authorizes the County to designate a local government unit other than the County to implement the program under the Act on behalf of the County; and

WHEREAS, the County has one or more projects within the boundaries of the County that have Improvements in need of financing, and has adopted its Resolution No. \_\_\_\_\_ (a copy of which is attached hereto as Exhibit A) to designate the Port Authority to implement and administer a program on behalf of the County to finance such Improvements; and

WHEREAS, the Port Authority has created a program under the Act known as the Property Assessed Clean Energy Program (“PACE OF MN”) for purposes of implementing and administering the activities described in the Act, and the Port Authority is willing to implement and administer that program on behalf of the County as requested herein; and

WHEREAS, the County has expressed a desire to make energy improvement financing programs of the kind managed by the Port Authority available for improvements of eligible properties within its boundaries, including but not limited to the Energy Savings Partnership, Trillion BTU and PACE OF MN, and a joint powers agreement is required between the County and the Port Authority for PACE OF MN; and

WHEREAS, the Improvements will serve citizens of Swift County and the State of Minnesota.

NOW THEREFORE, in consideration of the mutual covenants herein made, the parties to this Agreement hereby agree as follows:

1. The Port Authority will exercise the powers of the Act on behalf of the County by providing financing for Improvements located within the boundaries of the County. Except as otherwise provided in this Joint Powers Agreement, the Port Authority shall be solely responsible for the implementation and administration of PACE OF MN and the financing of the Improvements.

2. In connection with its implementation and administration of PACE OF MN, and its financing of the Improvements located within the boundaries of the County, it is anticipated that the Port Authority will enter into various agreements with persons wishing to obtain financing for Improvements located within the boundaries of the County as well as with sources of financing for such Improvements (collectively the “Program Documents”).

3. The Port Authority may and is permitted to charge fees for its implementation and administration of PACE OF MN, which fee will be described in, and payable under, the Program Documents.

4. The Port Authority will have the sole duty and responsibility to comply with or enforce covenants and agreements contained in the Program Documents. This power specifically includes the responsibility for monitoring and enforcing compliance with the provisions of the Program Documents.

5. Either the Port Authority or a lending institution (the “Lender”) will use its own financial resources to finance the Improvements (the “Loan”), or a taxable special assessment revenue bond(s) (the “Bond(s)”) issued by the Port Authority in favor of the Lender will be used to finance the Improvements. Regardless of the financing mechanism, the Lender will advance funds under the Program Documents to be paid from levied special assessments.

6. The Loan(s) or Bond(s) must be a special/limited obligation of the Port Authority, payable solely from special assessments levied by the County as provided herein. The Loan(s) or Bond(s) and interest thereon must neither constitute nor give rise to a general indebtedness or pecuniary liability, or a general or moral obligation, or a pledge or loan of credit of the Port Authority, the County, the City of Saint Paul or the State of Minnesota, within the meaning of any constitutional or statutory provision. To that end, the Port Authority hereby agrees to indemnify and hold harmless the County from and against any claims or losses arising out of the failure of the Port Authority to provide for the payment of principal of, and the interest or any premium on the Loan(s) or Bond(s), from special assessment payments actually paid to the Port Authority by the County. This indemnity must not, however, be construed to relate to any claims or losses which might arise by virtue of the exercise, by the County, of its governmental powers in connection with the Project, or by virtue of the failure of the County to levy and collect special assessments with respect to the Improvements or promptly remit such special assessment payments to the Port Authority as provided in the Program Documents.

7. As and for its contribution to the financing of the Improvements, and as provided in the Act, the County must impose and collect special assessments necessary to pay debt service on that portion of the Loan(s) or Bond(s) attributable to the Improvements located within the boundaries of the County. Evidence that the County has imposed such special assessments is a

precondition to the Port Authority's obligation to provide financing to any Improvements located within the boundaries of the County in accordance with the following process:

A. The Port shall provide to County an application from an Applicant under the Program which includes the following documentation:

1) A copy of the Application containing the legal name of the Applicant, its legal status, its legal address, a description of the Project, the cost of the Improvements, the total amount to be assessed against the Property and the address, legal description and tax identification code for the Property upon which the Improvements are to be constructed or installed.

2) A statement from the Port that the proposed Project as described in the Application qualifies under the requirements of the Act and the Port Authority.

3) A fully-executed copy of the Applicant's Petition and Assessment Agreement suitable for evidencing, and recording if necessary, Applicant's agreement to be assessed for the amount of the Improvements.

B. Upon receipt of the documentation described in Subparagraph A above, County agrees that it will levy an assessment against the Property for the amount to be assessed as set forth in Section 7.A. above.

C. Evidence that the County has imposed such special assessments is a precondition to the Port Authority's obligation to provide financing to any Improvements located within the boundaries of the County.

D. In the event that, after the County levies an assessment against the Property for the costs of the Improvements and related costs as provided for in Subparagraph B above, the Port does not fund the cost of the Improvements as contemplated by this Agreement, the Port shall promptly notify County that it has not and will not fund the costs of the Improvements under the Program and County shall thereafter inform the County Auditor to remove the subject assessment from the Property.

8. Once the County has imposed special assessments to finance Improvements located within the boundaries of the County, the County transfer all collections of the assessments received by it upon receipt to the Port Authority for application to the payment of the applicable Loan(s) or Bond(s). The County will take all actions permitted by law for the recovery of the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4. The County has no obligation to make any payment on the applicable Loan(s) or Bond(s) other than by the imposition and collection of special assessments pursuant to the Act. The County acknowledges that the Lender is a third-party beneficiary of the County's covenants herein with respect to the imposition and transfer of special assessments described herein.

9. Unless otherwise provided by concurrent action of the Port Authority and the County, this Agreement will terminate upon a 30-day's advanced written notice to the other Joint Powers Agreement partner or upon the retirement or defeasance of all Loan(s) or Bond(s), whichever is later; and notwithstanding any other provisions, this Agreement may not be terminated in advance of such retirement or defeasance.

10. This Agreement may be amended by the Port Authority and the County, at any time, by an instrument executed by both of them. The Port Authority or the County may not amend this Agreement, however, if the effect of the amendment would impair the rights of the holder of the Loan(s) or Bond(s), unless the holder has consented to the amendment.

11. This Agreement may be executed in any number of counterparts, each of which when taken together will constitute a single agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Port Authority and the County have caused this Agreement to be executed on their behalf, by their duly authorized officers, as of the day and year first above written.

PORT AUTHORITY OF THE  
CITY OF SAINT PAUL

By: \_\_\_\_\_  
Its: President

By: \_\_\_\_\_  
Its: Chief Financial Officer

COUNTY OF SWIFT, MINNESOTA

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

EXHIBIT A

Extract of Minutes of Meeting of the  
Board of Commissioners of the County of Swift, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the Board of Commissioners of the County of Swift (the "County"), was duly held at the Swift County Government Center in the County, on \_\_\_\_\_, \_\_\_\_\_, 2016, at \_\_\_\_\_ P.M.

The following members were present:

and the following were absent:

\* \* \* \* \*

The Chair announced that the next order of business was consideration of the designation of the Port Authority of the City of Saint Paul to implement and administer a program under Minnesota Statutes, Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 on behalf of the County.

Member \_\_\_\_\_ introduced the following resolution and moved its adoption, the reading of which had been dispensed with by unanimous consent:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DESIGNATING THE PORT AUTHORITY TO IMPLEMENT AND ADMINISTER A PROPERTY ASSESSED CLEAN ENERGY IMPROVEMENT FINANCING ON BEHALF OF THE COUNTY, AND PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AS NEEDED IN CONNECTION WITH THAT PROGRAM

**BE IT RESOLVED** by the Board of Commissioners of the County of Swift (the "County"), as follows:

1. The Port Authority of the City of Saint Paul (the "**Port Authority**") has established the Property Assessed Clean Energy Program ("**PACE OF MN**") to finance the acquisition and construction or installation of energy efficiency and conservation improvements

(the “**Improvements**”), on properties located throughout the State of Minnesota through the use of special assessments pursuant to Minnesota Statutes Sections 216C.435 and 216C.436 and Chapter 429 and 471.59 (the “Act”).

2. In order to finance the Improvements, the County hereby determines that it is beneficial to participate in PACE OF MN, and to designate the Port Authority as the implementor and administrator of that program on behalf of the County for purposes of financing Improvements located within the County.

3. The County understands that the Port Authority may obtain funding from designated lending institutions or may issue its PACE OF MN special assessment revenue bond(s) to finance the Improvements, and that the sole security for the loan(s) or bond(s) will be special assessments imposed by the governmental entity participating in PACE OF MN.

4. To facilitate and encourage the financing of Improvements located within the County, the County covenants to levy assessments for said Improvements on the property so benefitted, in accordance with the Application and Petition for Special Assessments received from the owner(s) of the Property and approved by the Port Authority. The interest rate on the Special Assessments shall be the interest rate on the Loan(s) or Bond(s), and may include additional interest.

5. After imposition of the special assessments, the County shall collect such assessments and remit them to the Port Authority for use in the repayment of the Loan(s) or Bond(s). The County will take all actions permitted by law to recover the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4.

6. The County Manager or Assistant County Manager are authorized to execute on behalf of the County, any documents, certificates or agreements necessary to implement the program authorized by this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Member \_\_\_\_\_ upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF SWIFT            )

I, the undersigned, being the duly qualified and acting \_\_\_\_\_ of the County of Swift, hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of the Board of Commissioners of said County held \_\_\_\_\_, with the original thereof on file and of record in my office and the same is a full, true and complete transcript therefrom.

**WITNESS** My hand officially and the seal of the County this \_\_\_\_\_ of \_\_\_\_\_.

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
County of Swift

(Seal)



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Michel Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving increased credit card purchasing limits for certain employees.	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? no
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: Human Services has requested that the credit card account limit be increased for Shawn Brustuen and Kimberly Guse to \$1,000. These increased limits are due to the purchasing and travel needed by these two employees.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

### Budget Information

FUNDING: n/a
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving the appointment of an Assistant County Attorney	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? no
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: The County has a vacant Assistant County Attorney position due to a recent resignation.  The County interviewed 4 individuals for the position. The candidate that staff is seeking to hire has experience in the Court of Appeals which would be valuable to the department. Staff is requesting board approval to hire this individual at step 3 and credit them with 2 years of experience for purposed of PTO accrual in recognition of the experience they have.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

### Budget Information

FUNDING: None
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Approve	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None

**Mike Pogge-Weaver**  
Swift County Administrator



301 14<sup>th</sup> St N  
P.O. Box 288  
Benson, MN 56215

Phone (320) 314-8399  
Fax (320) 843-2275

**e-mail:**  
mike.poggeweaver@co.swift.mn.us

May 5, 2016

Allison Whalen  
2282 Highland Parkway #304  
St Paul, MN 55116

Re: Assistant County Attorney Conditional Job Offer

Dear Mrs. Whalen:

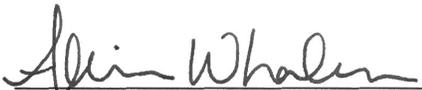
We are excited to provide you with a **REVISED** formal conditional job offer for the 0.9 FTE position as an Assistant County Attorney for Swift County, as we know you would make a great addition to our county.

Subject to formal county board approval on May 17<sup>th</sup>, you will start on Grade 18 – Step 3 which is \$55,373.76 a year (\$29.58/hour at 36 hours/week= \$1,064.88). This is an exempt position under FLSA. You will also be eligible for benefits including paid-time off, prorated at 0.9 of the full-time accrual rate. Also subject to formal county board approval on May 17<sup>th</sup>, for purposes of PTO you will be credited with 2 years of county service which will start you with 20 prorated PTO days a year or 144 hours per year (20 days \* 8 hour \* 0.9 = 144 hours per year). All of the other benefits (health/life/disability insurance) will be the same as a full-time employee.

This is a non-union position and all employment terms and benefits will follow the Swift County Personnel Policy. This offer is conditional upon a successful background check.

It is my understanding you are requesting a start date of August 29, 2016. Please acknowledge your acceptance of this offer by signing below and returning two copies of this document to me no later than May 12, 2016.

Candidate Acceptance: I hereby accept the offer of employment with Swift County as stipulated above.

Signature:   
Allison Whalen

5/5/2016  
Date

Cordially,

  
Mike Pogge-Weaver  
Swift County Administrator

County Board Approval:

\_\_\_\_\_  
Peter Peterson  
Swift County Board Chair

\_\_\_\_\_  
Date

cc: Danielle Olson, County Attorney  
Amanda Ness, Human Resources



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Swift County Drainage	REQUESTOR: Michael Johnson	REQUESTOR PHONE: 320-843-5341
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider amending the public hearing for June 21, 2016 at 11:00 AM to July 5, 2016 at 9:00 AM and appointing a viewer for a petition to outlet lands into CD #60	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: 103E.401 Mandates Public Hearing
BACKGROUND/JUSTIFICATION: Applicant wants to petition unassessed acres into CD #60. June 21st meeting is an evening meeting due to the required Board of Equalization meeting.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? N/A	

### Budget Information

FUNDING: Applicant will pay appropriate costs
---

### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Set the requested hearing
COMMENTS: n/a	COMMENTS: None

# SWIFT COUNTY HUMAN SERVICES INTAKE PROCESS

## KAIZEN EVENT

May 4-5, 2016

### Facilitators:

Melissa Helgeson, Yellow Medicine County

Amanda Ness, Swift County

Casey Olson, Swift County

# KAIZEN TEAM

**Sponsor:** Deanna Steckman

**Co-Champions:** Linda Erhardt and Lorri Pederson

**Team Members:** Teresa Guest, Emily Rademacher, Whitney Tofte, Gary Jensen, Heather Giese, Leanna Larson



# BACKGROUND

The intake process has been an issue for Human Services staff and suggestions have been made for corrections to the process.

# GOALS FOR THE FUTURE STATE

- Update forms
- Reduce duplicate paper copies
- Increase use of existing technology
- Develop written protocol for intake process

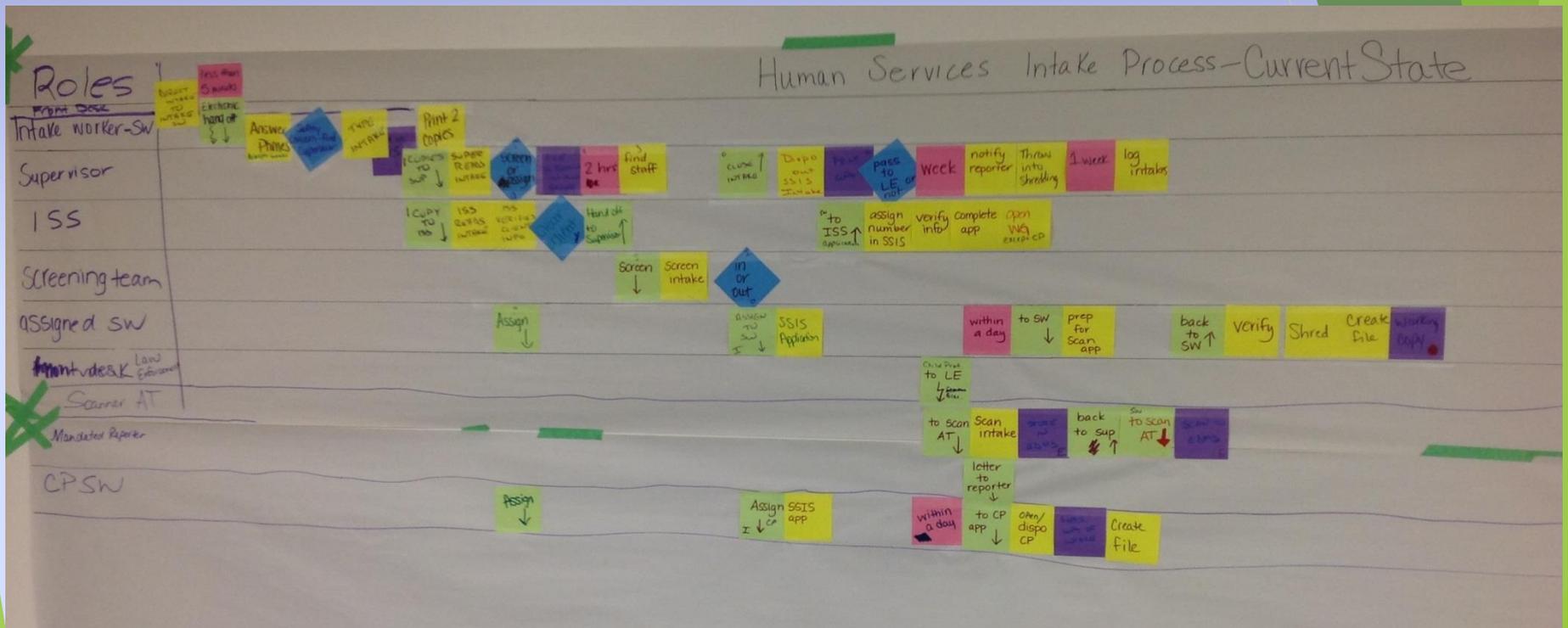


# HUMAN SERVICES INTAKE PROCESS

## SCOPE:

- **First Step: Initial intake**
- **Last Step: Open the case**

# CURRENT STATE



# OBSERVATIONS OF CURRENT STATE

- Scanner should double check to confirm it was scanned and is legible
- Follow up on intakes
- External SSIS app
- SSIS Screenings
- Social Services App
- Email intake from SSIS print screen
- Revisit revised SSIS app (old CSIS form)
- Print function-email intakes SSIS
- Client signature on application
- A lot of paper storage
- A lot of supervisor documentation
- Better use of technology
- The number of touch times
- Duplicate copies of intakes
- Many hand-offs - could it be on an electronic file accessible to everyone?

# PARKING LOT

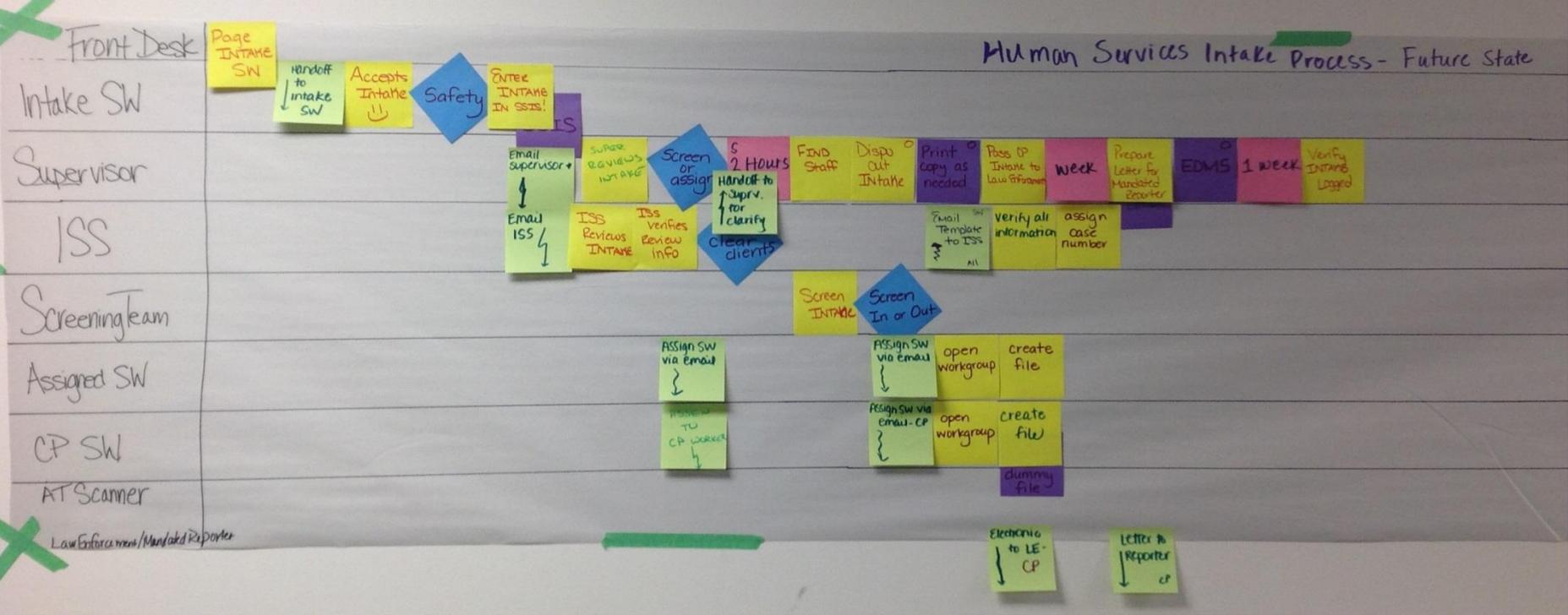
- Electronic Data Management System (EDMS) Work Flow
- Worker Scanning-small personal scanners
- Talk-to-Type Computer Capabilities
- Structured Decision Making (SDM) Tool for Vulnerable Adults



# IDEAS TO IMPROVE EFFICIENCY

- No intake cell phone (use existing paging system)
- Instead of printing, e-mail supervisor and ISS “New Intake” for them to review electronically
- Additional training provided for staff
- Go to an electronic “In/Out” board (utilizing Outlook and Mitel)
- Social worker opens their own cases in SSIS
- Hire full-time Intake Worker

# FUTURE STATE SWIM LANE MAP



# FUTURE PROCESS GENERAL METRICS

Metrics	Current	Future	Change	
Waits	6	3	50%	↓
Decisions	5	4	20%	↓
Store/File	7 (3 electronic/ 4 paper)	5 (2 electronic/ 3 paper)	29%	↓
Handoffs	19	11	42%	↓
Tasks	26	18	31%	↓

# ACTION PLAN

Task (What)	Lead	Timeline
Contact MARCO to setup intercom on conference room phone	Gary	30 days
Mitel Training	Emily/Leanna	30 days
Provide instructions on print to file workaround	Teresa	30 days
Ask Wayne to get permissions on saving from SSIS to EDMS	Gary	30 days
Setup email template in lieu of #2140	Emily/Teresa	30 days
Trial run of opening case protocol	Heather/ Leanna/ Whitney/ Emily	30 days
Training on indexing	Jody	30 days
Update taxonomies	Linda/Lorri	30 days
Written Protocol on SSIS intake process	Linda/Lorri	60 days
Training on new intake process	Heather/ Leanna/ Whitney/ Emily	90 days

QUESTIONS?

## **Pomme de Terre River Association Swift County Support**

The Pomme de Terre River Association (PDTRA) is seeking the support of Swift County to pursue a BWSR grant that will aid in the creation of a One Watershed One Plan (1W1P). The Board of Water and Soil Resources is transitioning from the current county water plan approach to a watershed wide approach. This idea of a 1W1P is based off of recommendations from the LGU Round Table. This is a voluntary transition to 1W1P, but if a plan is not completed by 2027 BWSR can deny competitive grant funding to LGUs/JPBs within the watershed boundary. The PDTRA is in a position to continue our collaborative efforts amongst our six county and six SWCD offices and create a meaning full plan that will help address water quality issues throughout the watershed.

I understand that I will only have five minutes to answer your questions at the May 17<sup>th</sup> meeting, so if you have any questions prior to the meeting please don't hesitate in contacting the association.

Jared House  
Cell (651) 235-7169  
Work (320) 589-4886 Ext. 109  
Jared.house@pdtriver.org

**RESOLUTION**

**RESOLUTION TO SUPPORT A POMME DE TERRE RIVER WATERSHED  
ONE WATERSHED, ONE PLAN PROJECT.**

Motion by Commissioner \_\_\_\_\_ Seconded by Commissioner \_\_\_\_\_

**WHEREAS**, the Minnesota Board of Soil and Water Resources has developed policies for coordination and development of comprehensive watershed management plans, also known as One Watershed, One Plan, consistent with Minnesota Statutes, Chapter 103B.801, Comprehensive Watershed Management Planning Program; and

**WHEREAS**, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

**WHEREAS**, Minnesota Statutes, Chapter 103C.331, subdivision 11, Comprehensive Plan, authorizes Minnesota Soil and Water Conservation Districts to develop and implement a comprehensive plan; and

**WHEREAS**, the counties, watershed joint power entity, and soil and water conservation districts within the Pomme de Terre River #17, as delineated in the attached One Watershed, One Plan Suggested Boundary Map, have interest in developing a comprehensive watershed management plan for this area.

**NOW, THEREFORE, BE IT RESOLVED**, that Swift County recognizes and supports watershed-scale planning efforts consistent with Minnesota Statutes, Chapter 103B.801, also known as One Watershed, One Plan; and

**BE IT FURTHER RESOLVED** that Swift County welcomes the opportunity to collaborate with the counties, watershed joint powers entity, and soil and water conservation districts within the Pomme de Terre River Watershed for watershed-scale planning efforts in the future; and

**BE IT FURTHER RESOLVED** that the Swift County supports an application to the Board of Water and Soil Resources for a planning grant to develop a comprehensive watershed management plan and anticipates entering into a Memorandum of Agreement or Joint Powers Agreement with the counties, watershed joint power entity, and soil and water conservation districts within the Pomme de Terre River Watershed to collaborate on this effort, pending selection as a recipient of a planning grant.

Adopted on a \_\_\_\_\_ vote by the Swift County Board of County Commissioners  
the 17th day of May 2016.

Swift County Board of Commissioners

\_\_\_\_\_  
Peter Peterson, Chairman

ATTEST:

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator and Clerk of the Board

Fox            \_\_\_  
P. Peterson   \_\_\_

Hendrickx    \_\_\_  
Rudningen    \_\_\_

E. Pederson  \_\_\_

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

I hereby certify that the above is a true and correct copy of a Resolution duly passed and adopted  
by the Board of Commissioner for Swift County, Minnesota at their meeting held on May 17,  
2016.

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator and Clerk of the Board

(Seal)



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Highway	REQUESTOR: Andrew Sander	REQUESTOR PHONE: (320) 842-5251
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider awarding Sealcoat Project SAP 076-030-004 to the low bidder and allow the Board Chair to sign the contract.	
AGENDA YOU ARE REQUESTING TIME ON: 11:40 a.m.	ARE YOU SEEKING APPROVAL OF A CONTRACT? yes
IS THIS MANDATED? no	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The Highway Department opened bids of May 11th to sealcoat CSAH 1, 9, 38 and 102.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? none	

### Budget Information

FUNDING:	State and Local funds
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will approve to form prior to final execution	RECOMMENDATIONS: Award to the low bidder
COMMENTS: n/a	COMMENTS: None

# Swift County Highway Department

BID TABULATIONS: S.A.P. 076-030-004

May 11, 2016

Sealcoating CSAH 1, 9, 38 and 102

CONTRACTOR	BID
<b>Morris Sealcoat and Trucking, Inc.</b>	<b>\$228,042.40</b>
<b>Astech Corp.</b>	<b>\$245,783.98</b>

**ENGINEER'S ESTIMATE**

**\$319,873.70**

1,938,102 Job No. SAP 076-030-004  
County State Aid Highway-County Road

STATE OF MINNESOTA

COUNTY OF Swift

**CONTRACT  
HIGHWAY CONSTRUCTION**

This agreement, made this 17th day of May, 2016, between the County of Swift in the State of Minnesota, party of the first part, hereinafter called the County, and Morris Sealcoat & Trucking, Inc. of Morris, MN party of the second part, hereinafter called the contractor. Witnesseth, that the contractor, for and in consideration of the payment or payments herein specified and by the County to be made, hereby covenants and agrees to furnish all materials (except such as is specified to be furnished by the County), all necessary tools and equipment and to do and perform all the work and labor in the construction of (County State Aid Highway) Job No. SAP 076-030-004 located as shown on approved plans CSAH 1, TH 7 to TH 12; CSAH 9, S. Co. line to CSAH 102; CSAH 38, from TH 9 to 1 Mi. E. and CSAH 102, TH 59 to TH 59 for the price and compensation set forth and specified in the proposal signed by the Contractor and hereto attached and hereby made a part of this agreement, said work to be done and performed in accordance with the Plans, Specifications, and Special Provisions therefore on file in the office of the County Engineer of said County, which Plans, Specifications, and Special Provisions are hereby made a part of this agreement.

The contractor further covenants and agrees that he will commence work on or before June 13, 2016, and will have same completed in every respect to the satisfaction and approval of the County, on or before 10 Working Days, 2016.

IN WITNESS WHEREOF, the said County has caused these present to be executed and the contractor(s) has(have) hereunto subscribed his(their) name(s).

Dated at Benson, Minnesota, this 17th day of May, 2016.

County of Swift

By \_\_\_\_\_  
Chairman, County Board

\_\_\_\_\_

\_\_\_\_\_

County Administrator

\_\_\_\_\_

Contractor

Approved as to form and execution this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Attorney



# Request for Board Action

BOARD MEETING DATE:  
May 17, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a resolution supporting Chippewa River Watershed's application for a "one watershed, one plan" project	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? no	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: Chippewa River Watershed's application for a "one watershed, one plan" project. Attached is information on it that they send along with a resolution the board could approve supporting their grant application.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? none	

### Budget Information

FUNDING:	None
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Review and consider approving
COMMENTS: n/a	COMMENTS: None



# One Watershed, One Plan Planning Grants

FY 2016 Request for Proposal

March 23, 2016



## Request for Proposal (RFP) General Information

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. The appropriation language governing the use of these funds is in Laws of Minnesota 2016, 1<sup>ST</sup> Special Session, Chapter 2. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. Final funding decisions will be dependent on the actual funds available. Up to \$1,500,000 is available.

## Application Guidelines

- Applications must be in PDF format and will be submitted electronically via: [BWSR.Grants@state.mn.us](mailto:BWSR.Grants@state.mn.us).
- Applications are subject to a five-page limit, minimum font size 11 pt.
- Applications must include a one page map of the watershed (maps are not included in the page limit) in PDF format. The map may be letter, legal, or ledger size and should identify the planning boundary, the boundaries of the planning partners, and any requested changes to the boundary. The One Watershed, One Plan Suggested Planning Boundaries, including a geodatabase, can be found at: [www.bwsr.state.mn.us/planning/1W1P/index.html](http://www.bwsr.state.mn.us/planning/1W1P/index.html).
- Applications may be submitted by one or more of the eligible local governments on behalf of others in the watershed area. Applicants should demonstrate that a sufficient commitment exists to implement the project through a supporting motion or resolution from the board of each identified participant. A formal agreement between participants establishing a partnership to develop a plan will be required prior to execution of the grant agreement. If a formal agreement is unable to be established within six months of successful grant notification, the grant may be rescinded and funds redistributed.
- Applicants who were previously awarded Clean Water Funds and have expended less than 50% of previous award(s) at the time of this application may need to demonstrate organizational capacity to finalize current projects and complete new project concurrently.
- Applicants are required to submit an estimated budget for the project. The final grant amount for successful applicants will be determined upon completion of a grant work plan. No cash match will be required of grant recipients.

## Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds. All grants must be completed by December 31, 2019.

## Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after work plan approval and execution of the grant agreement provided the grant applicants are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification

and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

## Incomplete Applications

Applications that do not comply with all application requirements, including incomplete or missing application components, will not be considered for funding.

## CWF Project Reporting Requirements

- All grantees are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. All BWSR funded projects will be required to develop a work plan, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. Grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing this activity. For more information go to [www.bwsr.state.mn.us/outreach/eLINK/index.html](http://www.bwsr.state.mn.us/outreach/eLINK/index.html).
- BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- When practicable, grantees shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site (<http://legacy.leg.mn>) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes ([www.bwsr.state.mn.us/cleanwaterfund/stories/](http://www.bwsr.state.mn.us/cleanwaterfund/stories/))
- When practicable, grantees must display the Legacy Logo on printed and other materials funded with money from the Clean Water Fund. The logo and specifications can be found at <http://www.legacy.leg.mn/legacy-logo>
- Grantees will be required to document local involvement in the plan development process in order to demonstrate that the grant is supplementing/enhancing water resource restoration and protection activities and not supplanting.

## Grants and Public Information

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

## Conflict of Interest

State Grant Policy 08-01, (see [http://www.admin.state.mn.us/ogm\\_policies\\_and\\_statute.html](http://www.admin.state.mn.us/ogm_policies_and_statute.html)) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
2. A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or

3. A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

## Submittal

All responses must be electronically delivered to: [BWSR.Grants@state.mn.us](mailto:BWSR.Grants@state.mn.us) and must be received no later than 4:30 p.m. on June 17, 2016. Late responses will not be considered. The burden of proving timely receipt is upon the responder.

## Comprehensive Watershed Management Plan Development Proposals

To propose a watershed area, provide a written response to the following questions.

1. Describe and provide a general watershed map of the proposed planning boundary (map may be separate from the written information). If the proposed planning boundary deviates significantly from the draft planning boundaries being considered by BWSR, provide a brief narrative of the reasons for the deviation.
2. In consideration of the local government units (LGUs) within the boundary, provide a table with:
  - a. A list of all counties, soils and water conservation districts, watershed districts, and watershed management organizations; and whether the LGU has expressed interest in participation in the planning effort;
  - b. Level of interest of each LGU (e.g. verbal, letter, resolution, etc.) or why a given LGU is not interested (e.g. haven't had opportunity to respond, unwilling to commit until the LGU has more information, not willing to participate at all, may participate on limited basis but area too small to be a required participant, etc.); and
  - c. Identification and contact information for a lead staff person(s) and/or primary contact(s) for each LGU.
3. Briefly describe at what point the planning boundary is in strategy development for the MPCA's ten year water approach. List and provide a brief description of any other TMDLs, diagnostic studies, and/or local studies and plans have been completed that will help inform the development of the Comprehensive Watershed Management Plan.
4. Briefly describe how comprehensive watershed management planning is anticipated to benefit the participating LGUs.
5. Briefly describe how a comprehensive watershed management plan is anticipated to benefit resource management within the planning area.
6. Briefly describe how a comprehensive watershed management plan might be used to develop collaborative implementation approaches, sharing of services, and developing and submitting requests for Clean Water Funds.
7. Provide a generalized outline of the approach the participating organizations will take in:
  - a. The development of the required formal agreement; and
  - b. Development of the plan, including anticipated major steps or milestones (see the One Watershed, One Plan Operating Procedures and Plan Content Requirements).
8. Provide an anticipated budget for development of a comprehensive watershed management plan. Be sure to include anticipated local activities as well as potential contract expenses for activities consistent with the eligible activities outlined in the Program Policy.

## Selection Criteria

All complete applications submitted by the deadline will be reviewed by BWSR staff, with assistance from an inter-agency review committee. The successful watershed areas will be selected by the Board of Water and Soil Resources on:

- Geographic distribution;
- Status of the WRAPS Report development (overlapping development of the WRAPS Report and the comprehensive watershed management plan is not desired).
- Recommendation of the BWSR staff and inter-agency review committee; and
- Responses to questions in this RFP will be considered as follows:
  - Inclusion of general watershed map and description of any boundary changes consistent with question 1. (Not including a map will be considered an incomplete application.)
  - Inclusion of a table of local government information consistent with question 2. (Not including this table will be considered an incomplete application. The level of interest indicated of the required partners, consistent with Operating Procedures, is the primary consideration.)
  - Pertinence of existing studies, plans, and information consistent with question 3 to the development of the comprehensive watershed management plan.
  - Demonstration of understanding of the multiple benefits of developing a comprehensive watershed management plan consistent with questions 4, 5, and 6.
  - Demonstration of understanding of the scope of work required for development of a comprehensive watershed management plan, consistent with question 7.
  - Demonstration of realistic approach and estimate of needed grant funds, what the funds will be used for, and that the funds will not supplant existing funds for similar activities, consistent with question 8.

## BWSR Grant Administration

BWSR reserves the right to partially fund any and all applications based on the number of eligible applications submitted, anticipated staff time requirements, and the amount of funding available.

## Timeline

- March 24, 2016 – Application period begins
- June 17, 2016 – Application deadline at 4:30 PM
- June – August, 2016 - Review of applications
- August 24, 2016 - BWSR Board approval of planning grant recipients
- November 1, 2016 – Work plan submittal deadline
- December 31, 2016 – Grant execution deadline. Formal agreement between the partners, consistent with the One Watershed, One Plan Operating Procedures, is required prior to execution of a grant agreement.

## Questions

Question concerning the request for proposal may be submitted to Melissa Lewis, [Melissa.K.Lewis@state.mn.us](mailto:Melissa.K.Lewis@state.mn.us) or 651-297-4735.

**Purpose:** This document outlines processes for initiating a planning effort through the One Watershed, One Plan program as per Minnesota Statutes §103B.101 Subd. 14 and §103B.801.

## Introduction

The State of Minnesota has a long history of water management by local government. One Watershed, One Plan is rooted in this history and in work initiated in 2011 by the Local Government Water Roundtable (Association of Minnesota Counties, Minnesota Association of Watershed Districts, and Minnesota Association of Soil and Water Conservation Districts). Roundtable members determined that it is in the public interest to manage groundwater and surface water resources from the perspective of watersheds to achieve protection, preservation, enhancement, and restoration of the state's valuable water resources. Supporting this determination, the Roundtable recommended that the local governments charged with water management should organize and develop focused implementation plans on a watershed scale.

The recommendation was followed in 2012 by the One Watershed, One Plan legislation ([Minnesota Statutes §103B.101 Subd. 14](#)) that permits the Minnesota Board of Water and Soil Resources (BWSR) to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another, or to be replaced with one comprehensive watershed management plan. The legislation also requires BWSR to establish a suggested watershed boundary framework for these plans. Additional legislation was passed in 2015 ([Minnesota Statutes §103B.801](#)) that outlines the purpose of and requirements for comprehensive watershed management plans.

One Watershed, One Plan is the next logical step in the evolution of water planning in Minnesota. The One Watershed, One Plan vision is to align local planning and implementation with state strategies over a ten year transition period into plans built largely around the state's major watersheds. The operating procedures in this document outline processes to achieve this vision.

Additional information about One Watershed, One Plan can be found on the BWSR website:  
<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

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**NOTE: Plan Content requirements provided in separate document.**

## I. Overview

Participation in One Watershed, One Plan is voluntary. Initiation and scheduling development of plans within the framework should be coordinated to the extent possible with existing plan update and amendment schedules and development or completion of Watershed Restoration and Protection Strategies (WRAPS). The timing and order of the steps below are for the most part suggested and some may be iterative. BWSR staff are available to assist at all steps and may be able to bring additional facilitation resources to the process if requested.

- Step 1.** Review the Suggested Boundary Map (see [II. Boundary Framework](#)) and gather potential local government participants based on the watershed selected.
- Step 2.** Initiate discussion(s) with potential participants and BWSR. This step may include multiple and variable sub-steps such as a number of formal and informal meetings and discussions between participants. The sub-steps will vary by the local governments involved, their history of partnership and/or collaboration, and other potential factors.
- a. Informally notify BWSR staff of intent to explore developing a plan through the One Watershed, One Plan process.
  - b. Convene potential local government participants to consider the following items. Assistance with preparation and neutral facilitation of meeting(s) may be available.
    - i. Select a lead, shared lead, and/or a procedure for convening participants through this step.
    - ii. Confirm intended planning boundary with participants and BWSR staff. Invite additional local government participants if necessary (see [II. Boundary Framework](#) and [III. Participation Requirements](#)).
    - iii. Discuss the requirement for formal agreement between partners (see [III. Participation Requirements](#) and [IV. Formal Agreement](#)).
    - iv. Consider requesting resolutions from the boards of the participating local governments as a means of confirming support.
- Step 3.** Finalize discussion(s) with potential participants and BWSR by:
- a. Formally notifying BWSR of intent to initiate planning. Formal notification can be made electronically and must include confirmation of the:
    - i. Local government participants or partners (see [III. Participation Requirements](#));
    - ii. Planning boundary with proposed changes as applicable (see [II. Boundary Framework](#)); and
    - iii. May include requested plan extensions and waivers for participants' existing plans as applicable. BWSR's policy for Plan Extensions can be found at [www.bwsr.state.mn.us/planning/index.html](http://www.bwsr.state.mn.us/planning/index.html).
  - b. Finalizing formal agreement(s) between local government participants (see [IV. Formal Agreement](#)). Formal agreements must be finished prior to formal initiation of planning.
  - c. Consider applying for a BWSR Plan Development grant as available. If receiving a Plan Development grant, the formal agreement will need to be in place before the grant will be executed.
- Step 4.** Formally initiate planning (see [V. Plan Development Procedures](#)). A thorough stakeholder process is required and should not be any less than procedures of water plans being substituted for or replaced.
- a. Identify stakeholders, notify state agencies, and establish committees
  - b. Gather preliminary issues and priorities through review of existing plans and information and response from stakeholders and agencies.
  - c. Hold initial planning meeting (often called a 'kickoff meeting') to review and discuss the information gathered and input received.

- Step 5.** Draft plan (see [V. Plan Development Procedures](#)). Specific requirements for plan content can be found in the *One Watershed, One Plan – Plan Content for Comprehensive Watershed Management Plans* (Plan Content) document. Steps may be iterative and will include input from stakeholders.
- a. Review and aggregate information from existing plans, land and water resource inventories, and WRAPS. Use the process to identify commonalities and gaps.
  - b. Review state goals and strategies for water and related land use. Use the process to determine identify where local priorities can contribute attaining state goals.
  - c. Consider the aggregated information in setting priorities and targets.
  - d. Develop implementation plan and schedule. Assess if implementation actions are capable of producing measurable results.
  - e. Finalize draft plan. Consider informal review by stakeholders if time allows and/or unresolved issues exist.
- Step 6.** Submit draft plan for formal review and hold public hearing.
- a. After the plan has been drafted, submit the plan to plan review authorities (see [V. Plan Development Procedures](#)).
  - b. Schedule and hold a public hearing on the draft plan after the 60-day review period of the draft plan. A summary of comments received in the review period and the responses to those comments should be made available to all stakeholders and commenters prior to the hearing.
- Step 7.** Approval by BWSR
- a. Submit the final plan to the plan review agencies (see [V. Plan Development Procedures](#)).
  - b. The BWSR Board will review the plan for conformance with the plan content requirements found in the *Plan Content* document.
  - c. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.
- Step 8.** Adopt the plan. Local adoption is required within 120 days of BWSR Board approval. Procedures for local adoption will vary by plan type and the formal agreement between the local governments. See also [V. Plan Development Procedures](#) for more information.
- Step 9.** Implement, evaluate, and revise the plan. Additional information on plan content and evaluation requirements can be found in the *Plan Content* document.
- a. Local development and use of an annual and/or biennial work plan and report between partners is recommended for accountability, e.g. holding an annual meeting in the watershed to discuss the previous year’s accomplishments and confirm direction for the next year. Additional annual/biennial reporting requirements can be found on the BWSR website.
  - b. Five year evaluation of performance is required and updating (amendment) of implementation plan and schedule as needed.
  - c. Revisions required every 10 years. Depth of revision dependent on evidence that implementation is occurring. BWSR can issue ‘findings’ when a plan is good enough that complete revision is not required.

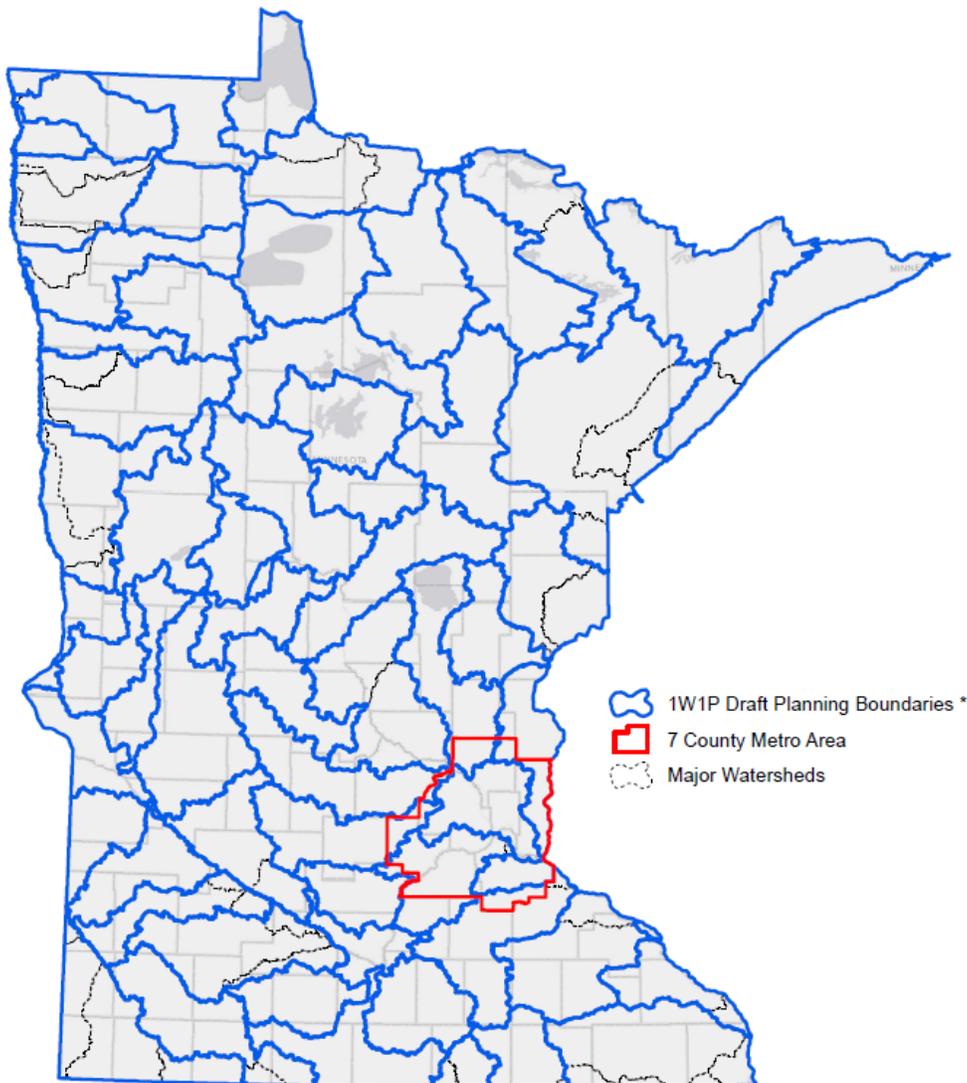
## II. Boundary Framework

The One Watershed, One Plan Boundary Framework consists of three parts: the suggested boundary map; procedures for establishing boundaries, requesting variances on boundaries, and appealing boundaries; and the criteria used to establish and consider requested variances from the suggested boundary map.

### 1. Suggested Map

Local governments partnering to develop a One Watershed, One Plan, must begin with the planning boundaries identified in the Suggested Boundary Map adopted by the BWSR Board on April 23, 2014 (see figure 1). This map was developed by through a formal comment period held January 1 through February 28, 2014. Boundaries within this map are recommended but not mandated; procedures for establishing and deviating from the boundaries can be found within the Boundary Procedures of this section. Alternative formats of the map are available on the BWSR website: <http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

**Figure 1: Suggested Boundary Map**



\*Not legal boundaries; intended for planning purposes through One Watershed, One Plan only.

## 2. Boundary Establishment and Adjustment Procedures

As per Minnesota Statutes §103B.101 Subd. 14, BWSR “shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans.” The procedures for determining boundaries will conform to the following:

- A. **Planning Boundary Establishment.** BWSR Board adopted the One Watershed, One Plan Suggested Boundary Map on April 23, 2014. This map establishes the suggested planning boundaries for plans developed through One Watershed, One Plan.
  - a. Before commencing planning under Minnesota Statutes §103B.101 Subd. 14, local governments participating in the plan (participants; see also [III. Participation Requirements](#)) shall notify the BWSR Board Conservationist and Regional Supervisor of the intent to initiate planning. This notification shall include:
    - i. Local concurrence of all participants within the planning boundary established in the BWSR Board adopted map; or
    - ii. A new map delineating the intended planning boundary with local concurrence of all participants. If submitting a new map, participants must provide written documentation of the rationale and justification for deviation from the BWSR Board adopted map. BWSR staff may request additional information needed to make a plan boundary determination.
  - b. BWSR staff shall have 60 days to determine if a proposed plan boundary conforms with the requirements of Minnesota Statutes §103B.101 Subd. 14 and notify the participants of the determination.
  - c. If the participants disagree with the determination, they may submit a request for review to the executive director. The executive director may bring the issue before the BWSR Board if resolution cannot be found.
  - d. The final planning boundary will be approved by the BWSR Board concurrent with plan approval and incorporated into the BWSR Board order and adopted map.
- B. **Planning Boundary Amendment or Adjustment.** After a planning boundary has been established, participants may find adjustments or amendments to the boundary are necessary. Procedures for changing a boundary will follow the establishment procedure above. The final adjusted boundary will be approved by the BWSR Board concurrent with a plan amendment or next plan approval. BWSR comments on the boundary may include findings that an amendment to the plan is necessary to address the newly included or excluded area(s).
- C. **Appeals.** Participants may appeal a BWSR Board decision to deny approval of a plan or the establishment of a plan boundary. Appeals and disputes of decisions follow existing authorities and procedures of the BWSR Board.

## 3. Boundary Criteria

The following criteria, based on the criteria used for establishing the Suggested Boundary Map, are recommended for use in justifying adjustment to planning boundaries.

- A. **The adjustment will not leave small, orphaned watershed areas between planning boundaries.**
- B. **Smaller than the suggested planning boundary:**
  - Smaller area does not conflict with the purposes/intent of 1W1P.
  - Significant dissimilarities or complexities in resource issues and solutions within suggested planning boundary justify the smaller area.

- Suggested planning boundary crosses a major river, e.g. on both sides of the Mississippi River.
- Existing watershed district in the area.
- Suggested planning boundary crosses Metro Water Planning area
- Boundary for the smaller area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code or watersheds defined by drainage systems managed pursuant to Minnesota Statutes §103E.

**C. Larger than a suggested planning boundary, e.g. one boundary plus additional minor or major watershed(s)**

- Inclusion of a partial watershed on a state line.
- Confluence of major basins.
- Efficiencies due to similarity of issues and solutions.
- Existing watershed district that includes larger area.
- Major watersheds/8-digit hydrologic unit codes already lumped for PCA 10-year watershed approach/WRAPS.
- Boundary for the larger area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code.

**D. When a suggested planning boundary crosses into the seven-county metro:**

- The area within the seven-county metro may or may not be considered for inclusion in the boundary. If included, the area within the seven-county metro is not excluded from Metro Surface Water Management Act.

### III. Participation Requirements

Two Guiding Principles of One Watershed, One Plan include: “One Watershed, One Plan must involve a broad range of stakeholders to ensure an integrated approach to watershed management,” and, “One Watershed, One Plan implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.” When the One Watershed, One Plan planning process is initiated within a watershed area, all potentially affected local units of government within the given planning boundary should be invited to participate. This section outlines participation requirements for local units of government in order to meet these guiding principles while still providing realistic and pragmatic balance for required participation.

In order to balance the need to maximize participation of all affected water planning authorities in watershed-based planning with the reality of the constraints on that participation (particularly in the transition period to One Watershed, One Plan) this section outlines flexibility in participation requirements. For the purposes of this section, levels of participation are defined as:

**Required Participant:** the local government unit must formally agree to a role in plan development and subsequent implementation. “Formally agree” means an in-writing consent to participate (see [IV. Formal Agreement](#)).

**Optional Participant:** the local government unit is encouraged to be directly involved in the planning process, but is not required to formally agree. All municipalities (cities and townships) are optional participants.

**Table 2: Participation Requirements by Local Government**

	Participation Requirement
<b>Soil &amp; Water Conservation District</b>	Required (Metro* SWCDs optional)
<b>County</b>	Required (Metro* counties optional)
<b>103D Watershed District</b>	Required
<b>103B (Metro*) Watershed District or Watershed Management Organization</b>	Optional
<b>Municipality (city or township)</b>	Optional

\*Metro means seven-county metropolitan area.

All local governments with land area within the watershed are given the opportunity to participate in the One Watershed, One Plan and implementation. However, small areas may or may not be critical or practical in management of the watershed to achieve the goals of the plan. If only a small portion of the local government unit is within the watershed planning boundary, the criteria listed in A and B below can be used to determine when participation is required. C and D below outline options for involvement when participation is optional.

- A. If less than 5% of the jurisdictional land area of the local government is within a One Watershed, One Plan planning boundary, participation is optional.
- B. If 5% or greater and less than 10% of the jurisdictional land area of the local government is within the One Watershed, One Plan planning boundary, participation is optional unless:

- i. The area is identified as a priority area as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans. If the WRAPS is not completed additional factors or criteria such as the anticipated impact to the planning process, or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate may also be considered.
  - ii. The area contains or is in close proximity to the watershed outlet or a priority resource(s) as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans such that lack of participation will be detrimental to implementation of the plan.
- C. Required participants are encouraged to:
- i. Keep all local governments within the watershed informed in plan development and encourage participation as practical;
  - ii. Overtly identify a process in the watershed plan for involving optional participants in implementation when applicable; and
  - iii. Consider incorporating streamlined procedures for including optional participants in formal agreements in the future.
- D. Optional participants for those areas that meet A or B above are encouraged to:
- i. Keep themselves informed of plan development as practical;
  - ii. For areas where the local government is not a required participant (e.g. not part of a formal agreement to plan where A or B above applies), the local government is encouraged to adopt the plan for these areas once approved by BWSR, and to consider becoming part of future agreement(s) to implement the plan in these areas if applicable.

## 1. Participation Requirements Procedure

Participation requirements will be discussed as part of the plan initiation process with final determinations made by the Board Conservationist in consultation with the local government participants and BWSR Regional Manager. Disputes of staff decisions will be reviewed by the executive director and brought before the BWSR Board if resolution cannot be found.

Lack of willingness or interest of one local government unit should not be used as an initial basis for denying participation of the majority in One Watershed, One Plan. Additional factors or criteria may be considered, including the anticipated impact to the planning process or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate. At the request of the majority of participants, BWSR may conduct an assessment of the potential impact of the nonparticipation and make a determination as to if the remaining participants should be able to proceed. This assessment and the final recommendation will be reviewed by the executive director and brought before the BWSR Board if resolution cannot be found. In some situations, a watershed planning group may not be able to proceed until One Watershed, One Plan participation requirements are met.

## 2. Participation Requirements and Plan Adoption

After a plan has been completed by participants and approved by the BWSR Board, it will need to be formally adopted within 120 days by all parties. Whether the plan is adopted individually by each county, soil and water conservation district, and/or watershed district; or if it is adopted by an established joint powers board on behalf of the participants; is a decision of the participants as outlined in the formal agreement and the authorities provided therein (see [V. Formal Agreement](#)).

In the case that a required participant decides not to formally adopt the plan after it has been approved by BWSR, the remaining local governments will need to reassess whether or not the plan can be successfully implemented without

adoption by the particular local government. If it is possible the plan will work to a degree without the participant, the plan may need to be amended to function without the participant, and/or the remaining participants may need to work with the non-participant to address issues or concerns. BWSR staff may be available to assist in assessment or mediation at the request of the local governments involved. The decision to adopt the plan or not is a local decision. Any repercussions, such as ineligibility for state grants, will be specific to the individual participant(s) who chose not to adopt the plan.

See also [VI. Plan Development Procedures](#) for more detailed and specific plan adoption information.

## IV. Planning Agreement and Organizational Structures for Implementation

A Guiding Principle of One Watershed, One Plan is that *“One Watershed, One Plan implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.”*

The purpose of this principle is to provide assurances that decision making spanning political boundaries is supported by an in-writing commitment from participants. This section outlines options for this commitment through a formal agreement.

A Formal Agreement in the context of One Watershed, One Plan refers to the participating partners and processes these partners will use to write and implement a watershed-based plan, and is not intended to address or mandate consolidation or changes to existing authorities of local governments. The details of formal agreements between participating organizations establishing the process for plan development and subsequent implementation will vary by the goals of the participants; with recommended overarching goals of maximizing efficiency, minimizing redundancy, preventing duplication of efforts, and clearly outlining the intent and responsibilities of the participants.

1. Planning Agreement. A Memorandum of Agreement (MOA) is recommended as the type of formal agreement to describe the relationships, responsibilities and structure of the partners (i.e., local governments) during the development of the One Watershed, One Plan. If the partners already have a formal agreement in place that encompasses all of the required elements below and includes the authority to conduct planning (e.g. a Joint Powers Agreement), they may use that agreement in place of the recommended Memorandum of Agreement.. Planning agreements must include the following:
  - a. Purpose that includes participation in planning;
  - b. Inclusion of all required participants (see [III. Participation Requirements](#); agreement may include more than the required participants, e.g. a regional agreement that encompasses multiple One Watershed, One Plan planning boundaries);
  - c. Operating procedures and/or bylaws outlining, at a minimum, the means and method for decision making, including plan submittal (see [V Plan Development, 3. Formal Review and Public Hearing](#)), and potentially procedures for stakeholder processes, committees, etc.;
  - d. Identification of a fiscal agent and/or requirement for an audit meeting the provisions of Minnesota Statutes §6.756 if the agreement creates an entity or organization that will be receiving funds directly; and
  - e. Formal agreements for the purposes of planning should be in place prior to initiating plan development.

A template for a MOA and template bylaws, containing the items in a-e above, are available on the BWSR website at: [www.bwsr.state.mn.us/planning/1W1P/index.html](http://www.bwsr.state.mn.us/planning/1W1P/index.html).

2. Organizational Structures for Implementation. During the planning process, partners will identify programs essential to achieving goals and implementing the projects for the watershed. The partners must determine and identify in the plan the organizational structures, whether existing or new, that will most effectively and efficiently implement the plan. Assistance from the Minnesota Counties Insurance Trust (MCIT) and/or the legal counsel of the participating organizations may be required. See [V. Plan Development Procedures](#).

### 1. Agreement Formats and Recommended Use

The information in Table 3 should not be considered legal advice; assistance from MCIT and/or the legal counsel of the participating organizations is recommended.

**Table 3: Formal Agreement Types and Recommended Uses**

Type of Agreement	General Description	Recommended use in relation to <i>One Watershed, One Plan</i>
<b>Memorandum of Agreement (MOA)</b>	<ul style="list-style-type: none"> <li>• Minimum requirement of plan development through One Watershed, One Plan.</li> <li>• Method of formally recognizing a partnership(s).</li> <li>• Specifies mutually-accepted expectations and guidelines between parties.</li> <li>• Generally not considered legally binding; the significance of an MOA is typically in the visibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended to signal intent of participants &amp; outline the decision-making process during plan development.</li> <li>• Cannot be used if the intent is to directly receive state funds as an organization.</li> <li>• Likely not sufficient for collaborative grant applications and sharing of services (JPA recommended for these).</li> <li>• Can be sufficient if the final plan will be adopted individually by each participant, e.g. each participant adopts the completed plan as the organization’s own plan.</li> </ul>
<b>Joint Powers Agreement (JPA)</b>	<ul style="list-style-type: none"> <li>• Agreement to jointly deliver a service or product, or manage or own property.</li> <li>• Legally binding.</li> <li>• Must meet requirements of Minnesota Statute § 471.59.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended if the intent is for the resulting organization to apply for and receive state funds directly for planning and implementation.</li> <li>• Recommended if future sharing of services is anticipated.</li> </ul>
<b>Joint Powers Entity (JPE)</b>	<ul style="list-style-type: none"> <li>• Type of JPA that specifically establishes a new entity or board that operates autonomously from the members. Risk is transferred to this entity.</li> <li>• Legally binding.</li> <li>• JPA of 7-county Metro Watershed Management Organizations must establish JPE and include provisions required by MN Statutes §103B.211 and MN Rule, Chapter 8410.0030.</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary/required/recommended if the final plan will be adopted collectively, e.g. one plan is “held” through the JPA/by the JPE and the participants adopt one plan by reference.</li> <li>• JPA or JPE depends on the purpose and intent of the agreement and amount of risk and liability acceptable to the participants; consult legal counsel.</li> </ul>

## V. Plan Development Procedures

Once formal agreements are in place, plan development may begin. The vision of the Local Government Water Roundtable for plan development is a future of limited updates to watershed-based plans. The vision consists of a streamlined process to incorporate or reference collected data, trend analysis, changes in land use, and prioritization of resource concerns into the watershed-based plan; and an emphasis on watershed management and implementation through shorter-term work plans and budgeting. This vision includes acknowledging and building off of existing plans and data (including local and state plans and data), as well as existing local government services and capacity.

This vision and the consideration that development of a plan through One Watershed, One Plan should not be any less than the implementation requirements of plans that are being substituted for or replaced is reflected in these procedures. Specific content requirements can be found in the *Plan Content document*.

### 1. Committees, Notifications and Initial Planning Meeting

One of the Guiding Principles of One Watershed, One Plan is that the process “*must involve a broad range of stakeholders to ensure an integrated approach to watershed management.*” The first actions in achieving this principle are to establish committee(s) and notify stakeholders. The following steps assume the formal agreement and/or bylaws establishing the planning partnership, and outlining the process and procedures for committee involvement and decision-making are in place. If this process has not been established, additional actions to do so should be included.

**Step 1.** Establish committees and workgroups. The following committees and workgroups are all critical to successful development and implementation of the plan.

- a. Planning Workgroup – This workgroup is **not a requirement** of the plan development process; however, a smaller workgroup of local staff, typically the local water planners and lead staff from participating local governments, BWSR Board Conservationist, and possibly consultant(s) is strongly recommended for the purposes of **logistical (not policy)** and process decision-making in the plan development process and in formulating recommendations for consideration by the Advisory Committee.
- b. Policy Committee – This is a required committee of local plan authorities for the purposes of **making final decisions** about the content of the plan and its submittal and regarding expenditure of funds allocated for plan development. The committee membership and the committee’s decision-making process must clearly be a part of the formal agreement for planning and associated bylaws (see [IV. Formal Agreement](#)). This committee may or may not continue after plan adoption.
- c. Advisory Committee(s) – An advisory committee is required to meet public and stakeholder participation goals and requirements identified in rule and statute for existing local water plans. The purpose of an advisory committee is to **make recommendations** on the plan contents and plan implementation to the Policy Committee. Full establishment of the Advisory Committee may not be finalized until after Steps 2 and 4 (below).
  - i. Depending on size and scope, more than one advisory committee may be necessary. Consider multiple advisory committees when the watershed is large enough to justify regional committees, and/or specialized enough to split into specialty areas such as separate citizen and technical advisory subcommittees.
  - ii. Advisory committee members should include members of the planning workgroup, drainage authority representatives, county highway and planning and zoning staff, and potentially other stakeholders as noted in Step 2 below.
  - iii. Advisory committee membership must include state agency representatives. The state’s main water agencies, or plan review agencies, are committed to bringing state resources to the planning process. Each agency will designate a lead contact for their agency to participate on

the advisory committee; however, specific participation may vary depending on local needs. Consideration should also be given to including federal agency representatives.

- iv. In the initial meeting of the advisory committee(s), a basic set of ground rules should be adopted that identify a decision-making process, and a chair should be appointed. Consensus or modified consensus decision-making is recommended for the advisory committee and the position of chair can be rotating.

**Step 2.** Notify plan review authorities and other stakeholders. Prior to the development of the plan, notification must be sent to the plan review authorities of plan initiation. The notification must include an invitation to submit priority issues and plan expectations, and must allow 60 days for response to the notification. The notification may also be sent to other stakeholders or alternative methods for receiving input may be used for these interested parties.

- a. Stakeholders: drainage authorities, federal agencies, tribal governments, lake or river associations, citizen-based environmental group(s), sporting organization(s), farm organization(s) and agricultural groups, other interested and technical persons such as current and former county water plan taskforce members.
- b. Additional methods for public input should also be considered in addition to the formal notification process, such as web surveys, workshops with specific interest groups, and other citizen surveys.

**Step 3.** Start to aggregate watershed information. Make use of existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. Information to be aggregated includes land and water resources inventories, data, issues, goals, strategies, actions, etc. This aggregation of plan information is not intended to be exhaustive, but rather a compilation for the purposes of understanding current priorities and goals for the watershed and orientation to the watershed. This step and the previous step generally occur concurrently.

**Step 4.** Hold initial planning meeting. The meeting is often referred to as the public information meeting for county water planning or a kickoff meeting in watershed district planning after the priority issues of stakeholders have been gathered; and should be held after steps 2 and 3 above.

- a. The planning meeting must be legally noticed to meet the requirements of MN Statutes §103B.313, Subd. 3 (county water planning).
- b. In consideration of the size of the watersheds, participants may want to consider more than one initial planning meeting and/or options for participating through video conference. Be sure to thoroughly document this participation.
- c. Talk to BWSR staff about potential resources available to assist in planning and facilitating this initial planning meeting in order to achieve effective participation.

## 2. Draft Plan

This section outlines only the high-level steps for drafting the plan. Specifics on the plan content requirements can be found in the *One Watershed, One Plan – Plan Content Requirements* document. Also keep in mind that the steps are not always linear; some steps may be repeated more than once throughout the planning process and others may occur concurrently.

**Step 1.** Review and assess aggregated watershed information for commonalities, conflicts, and gaps; and to better support understanding, discussion, and prioritization. Make use of input received at the initial planning meeting, existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. .

**Step 2.** Analyze gathered information and start writing the plan using available tools for prioritizing, targeting, and assessing measurability. The following is an overview of the content requirements; details can be found in the *One Watershed, One Plan – Plan Content Requirements* document.

- a. **Data and Inventory Information.** Most data and inventory information will be incorporated into the plan by reference, with a general description and information on where to find the data and inventory information. If gaps in inventory information are identified through the plan development process, consider implementation action(s) to fill the gaps rather than delaying the planning process to generate new data.
- b. **Analyze and Prioritize Issues.** Prioritization is the act of ranking something in order of importance, typically such that the more important things are addressed first. This part of the plan writing process is used to reach understanding and agreement on the watershed issues and priorities that will be addressed within the lifespan of the plan.
- c. **Establish Measurable Goals.** After gaining understanding of the issues and priorities in the watershed, measurable goals are developed to address the priority issues. These goals will describe where the planning partners want to be or what they want to achieve within the 10-year timeframe of the plan. Keep in mind that a watershed-based plan may include both goals that are common to the watershed as a whole as well as goals individual to the specific local government participant(s).
- d. **Develop a Targeted and Measureable Implementation Plan and Schedule.** Targeting takes a closer look at the priority issues and goals and identifies specific actions and management practices to achieve the goals. The targeted implementation schedule is a table of specific actions that are planned to be implemented, including items such as location, responsibility, cost, schedule, and potential funding sources of the actions. The implementation plan describes the coordination and programs necessary for achieving the actions in the schedule. The implementation plan and schedule are developed in consideration of available technical skills and capabilities and funding resources, and will:
  - i. Have targeted and measurable actions;
  - ii. Cover a period of 10 years and be designed in a way that supports creation of shorter term work plans and budgets for participating local governments. Depth of future revisions will be dependent on evidence that implementation is occurring. BWSR can issue ‘findings’ when a plan is good enough that complete revision is not required; and
  - iii. Coordinate local water management responsibilities, activities, and necessary technical services across jurisdictional lines while maintaining core local government services on jurisdictional boundaries.

**Step 3.** Determine the most effective and efficient organizational structure(s), existing and/or new, to implement the actions identified in the plan, such as shared services or collaborative grant-making. Modifications to an existing agreement and/or a new agreement may or may not be necessary depending on the implementation plan and needs of the participating local governments. The Minnesota Counties Intergovernmental Trust and/or legal counsel of the participating organizations may be consulted to assist in this determination.

**Step 4.** Consider informal review of the plan, specifically if there were local governments within the watershed who chose not to participate in the planning process, stakeholders interested in the process but not on an advisory committee, or any other issues or concerns that merit broader informal review.

### **3. Formal Review and Public Hearing**

After the plan has been drafted, the Policy Committee submits the plan on behalf of the local plan authorities to the plan review authorities (see definitions below) for formal review. Depending on the decision-making outlined in the

formal agreement for plan development, the participating local governments may need to approve the draft prior to submittal.

- A. The draft plan may be submitted to the plan review authorities electronically via email attachment, website link, or CD. BWSR must receive a paper copy, email attachment or CD of all submitted documents (website link not acceptable) in order to maintain a record of the submittal. If paper copies are requested, they must be provided. It is also encouraged to make a copy of the draft plan available online with a clear process for stakeholder comments.
- B. Plan review authorities have 60-days to provide comment on the plan. Comments must be submitted to both the Policy Committee (can be via a staff or consultant contact; does not mean submitting to each member of the policy committee) and BWSR (Board Conservationist).
- C. The Policy Committee will schedule and hold a public hearing(s) on the draft plan no sooner than 14 days after the 60-day review period of the draft plan. A summary of comments received during the review period must be provided to BWSR, the state review agencies, and anyone who provided comments, and must be made available to all others online or upon request.
  - i. Depending on the formal agreement, the participating local governments may need to hold individual public hearings.
  - ii. If the formal agreement allows the Policy Committee to ‘host’ the public hearing, the committee may want to consider more than one hearing in a large watershed.

#### **4. Approval by BWSR**

After the public hearing, the Policy Committee submits the final draft plan on behalf of the local plan authorities: a copy of all written comments received on the draft plan, a record of the public hearing(s), and a summary of responses to comments including comments not addressed and changes incorporated as a result of the review process to the plan review agencies for final review. Depending on the decision-making outlined in the formal agreement, the participating local governments may need to approve the final draft prior to submittal.

- A. The BWSR Board shall review the plan for conformance with the requirements of Minnesota Statutes §103B.101, Subd. 14 and §103B.801, final input from the state review agencies, this policy, and the *One Watershed, One Plan – Plan Content Requirements* document. Review process includes BWSR staff review and recommendation to a regional BWSR Committee where the plan will be presented to the committee by representatives of the participating local government(s). The Regional BWSR Committee makes a recommendation to the BWSR Board where final decision is made.
- B. The BWSR Board may approve or disapprove a plan which it determines is not in conformance. The BWSR Board shall complete its review and approval within 90 days or the next scheduled BWSR Board meeting.
- C. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.

#### **5. Local Adoption**

Local adoption by the local plan authority is required within 120 days of BWSR Board approval. If so granted through a joint powers agreement, the adoption may be by a watershed joint powers entity. If no joint powers entity with the authorities of the local plan authority was created, each local government unit shall adopt the plan individually. Implementation may occur individually or cooperatively for all or parts of the plan depending on ongoing agreement(s) between the planning partners. A copy of resolution(s) to adopt the plan must be sent to BWSR in order to be eligible for grants.

#### **6. Plan Development Definitions**

The following definitions are used in this section:

**Local plan authority.** For purposes of this policy, a local plan authority means: a county, soil and water conservation district, or watershed organization with authority to write and implement a local plan. County local water planning may be delegated with restrictions as per Minnesota statutes §103B.311.

**Local water plan.** For purposes of this policy, “local water plan” or “water plan” means: a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or 103D.405, a county groundwater plan authorized under §103B.255, or a soil and water conservation district “comprehensive plan” under Minnesota statutes §103C.331, Subd. 11.

**Metropolitan Council.** "Metropolitan Council" means the Metropolitan Council created by Minnesota Statutes, section 473.123.

**Plan review agencies.** “Plan review agencies” means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231. The Environmental Quality Board must also receive final submittal.

**Plan review authorities.** "Plan review authorities" means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, counties, cities, towns, soil and water conservation districts, watershed districts, and watershed management organizations partially or wholly within the watershed; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.

**RESOLUTION**

**RESOLUTION TO SUPPORT A CHIPPEWA RIVER WATERSHED  
ONE WATERSHED, ONE PLAN PROJECT.**

Motion by Commissioner \_\_\_\_\_ Seconded by Commissioner \_\_\_\_\_

**WHEREAS**, the Minnesota Board of Soil and Water Resources has developed policies for coordination and development of comprehensive watershed management plans, also known as One Watershed, One Plan, consistent with Minnesota Statutes, Chapter 103B.801, Comprehensive Watershed Management Planning Program; and

**WHEREAS**, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

**WHEREAS**, Minnesota Statutes, Chapter 103C.331, subdivision 11, Comprehensive Plan, authorizes Minnesota Soil and Water Conservation Districts to develop and implement a comprehensive plan; and

**WHEREAS**, the counties, watershed joint power entity, and soil and water conservation districts within the Chippewa River Watershed #20, as delineated in the attached One Watershed, One Plan Suggested Boundary Map, have interest in developing a comprehensive watershed management plan for this area.

**NOW, THEREFORE, BE IT RESOLVED**, that Swift County recognizes and supports watershed-scale planning efforts consistent with Minnesota Statutes, Chapter 103B.801, also known as One Watershed, One Plan; and

**BE IT FURTHER RESOLVED** that Swift County welcomes the opportunity to collaborate with the counties, watershed joint powers entity, and soil and water conservation districts within the Chippewa River Watershed for watershed-scale planning efforts in the future; and

**BE IT FURTHER RESOLVED** that the Swift County supports an application to the Board of Water and Soil Resources for a planning grant to develop a comprehensive watershed management plan and anticipates entering into a Memorandum of Agreement with the counties, watershed joint power entity, and soil and water conservation districts within the Chippewa River Watershed, to collaborate on this effort, pending selection as a recipient of a planning grant.

Adopted on a \_\_\_\_\_ vote by the Swift County Board of County Commissioners  
the 17th day of May 2016.

Swift County Board of Commissioners

\_\_\_\_\_  
Peter Peterson, Chairman

ATTEST:

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator and Clerk of the Board

Fox            \_\_\_  
P. Peterson   \_\_\_

Hendrickx    \_\_\_  
Rudningen    \_\_\_

E. Pederson  \_\_\_

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

I hereby certify that the above is a true and correct copy of a Resolution duly passed and adopted  
by the Board of Commissioner for Swift County, Minnesota at their meeting held on May 17,  
2016.

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator and Clerk of the Board

(Seal)