

Lower Minnesota River East 1W1P

Joint Powers Board Meeting Minutes

Date & Time: 3:00-5:00pm, Thursday, October 17th 2024

Location:

Le Sueur County Soil and Water Conservation District Office
181 W Minnesota Street, Le Center, MN 56057

And

Virtual – Microsoft Teams

Attendees: Jeff Docken (Rice County), Doug Schoenecker (Scott SWCD), John King (Le Sueur County), County), Holly Bushman (Le Sueur County), Steve Pahs (Rice SWCD), Brad Behrens (Rice County), Barb Peichel (BWSR), Anne Sawyer (BWSR)

I. Welcome & Review Agenda

Troy Kuphal called the meeting to order at 3:01 pm.

II. Election of Officers

The first item on the agenda is election of officers for the Joint Powers Board. Troy Kuphal opened up nominations for Chair. John King nominated Dan O’Keefe as Chair. There were no other nominations for Chair. Troy Kuphal next open up nominations for Vice Chair. Doug Schoenecker nominated himself as Vice Chair. There were no other nominations for Vice Chair.

III. Review and Approval of Agenda

There was one amendment to the agenda. Tax ID was added to the agenda item with Insurance.

Motioned by Docken; Seconded by Schoenecker to approve the agenda with the amendment.

The Motion carried unanimously for the agenda to be approved.

IV. Review and Approval of September 19th Meeting Minutes

Motioned by Schoenecker; Seconded by Schoenecker to approve the September 19th meeting minutes.

The Motion carried unanimously for the approval of the September 19th meeting minutes.

VI. Lower Minnesota Rive East Watershed Comprehensive Management Plan Adoption (Decision Item)

The Plan has been approved by BWSR. The ST is recommending JPB approval of the Plan.

Motioned by Docken; Seconded by King to approve the Comprehensive Watershed Management Plan.

The Motion carried unanimously for the Plan to be approved.

VII. Bylaws (Informational and Decision Item)

In the JPA, we state that the JPB may adopt Bylaws. Bylaws are intended to further assist the JPB in working together by providing direction and guidance for the decisions making processes. The end goal is to make the JPB more efficient.

The Draft Bylaws were updated based off of PC comments at the September meeting. Holly cleaned up the bylaws to follow current state statute for virtual meeting requirements. Additionally, Holly updated the bylaws to state we will be following Open Meeting Law and removed Roberts Rules of Order as that is not a requirement for the board. Lastly, Holly updated the Bylaws to be more consistent with utilizing may, will, and shall.

Barb had some additional comments for the Bylaws but sent them before any updates could be made. She suggested to clean up the Bylaws with grammatical errors. Additionally, she had a few major revisions which was for the Advisory Committee section. Suggestions were to add tribal nations, simplify the AC members list to be more generic, and remove the statement that an AC is required.

Motioned by Docken; Seconded by Schoenecker to approve the Updated Bylaws with suggested edits above and give staff the discretion to approve any grammatical errors.

The Motion carried unanimously for the approval of the Bylaws with suggested edits.

VIII. Draft Subagreements and Roles

Draft Subagreements were developed for each LGU and was based off of FY'24-26 Workplan. Subagreements are required in order for staff to perform any specific roles for implementation efforts. The Subagreements outlined the roles that are needed for the LoMRE Partnership. Legal Counsel has reviewed the first round of subagreements.

Holly wanted to first dive into the roles to help further explain what each partner would be doing. The specific tasks for each role are referred to in an Appendix to simply the agreements and allow flexibility for changes.

Holly next explained the subagreements and how they were formed. There were a few items that needed further discussion by the JPB and Staff: Term of Agreement, Date of Execution, and Threshold/Maximum amount of funds set aside for each LGU.

Troy commented and stated that work completed by staff can be done under one agreement or different agreements. Right now, we only have one source of funding to supplement staff, but this likely will change in the future. Troy further explained that we have workplans for each different grant and then an overarching full workplan for the entire partnership which includes all efforts and funding sources for implementation efforts. After some discussion, the JPB felt comfortable leaving it as one agreement right now and deciding in the future how to separate the different funding sources.

Both Anne and Barb commented on the term of the agreement and execution date and suggested the start date begin when the Grant Agreement has been approved and the expiration date should match up with the grant agreement if the partnership wants to have as much flexibility as possible. The expiration date for the Watershed Based Implementation Funding Grant currently is December 31, 2027. That will be updated throughout the entire document.

Funding allocated to each partner was based off the Watershed Based Implementation Funding Workplan. Holly went into detail how each total was calculated. Some assumptions had to be made for 2026 as we do not know how much the partnership will be receiving yet. The threshold set is a not to exceed amount. The JPB was comfortable with this and understands agreements may need to be amended in the future. Furthermore, a suggestion was made to break the different roles and associated funds into different clauses.

There was some additional discussion about adding some language into the subagreements that describes how to reimburse staff for tasks that proceed a grant agreement and may not be covered by other grant funding sources. A provision will be added into the subagreement that states if a grant agreement is not executed and there is a required for reimbursement of services, nonstate grant funding sources can cover these expenses.

At this point in time, the subagreements were not ready for JPB approval, and needed some further revisions. However, the JPB was comfortable with the staff roles and associated tasks.

Motioned by King; Seconded by Docken to approve the LoMRE Implementation Staff Roles and associated tasks for the Partnership.

The Motion carried unanimously for the approval of the staff roles and tasks.

IX. Legal Services (Informational Item)

Holly provided a summary about legal services for both planning efforts and previous conversations the PC had. During planning efforts, the partnership has relied on local legal counsel. However, in previous discussions the PC agreed that hiring out a third party would be easiest as local legal counsel can be overwhelmed with current workloads. Legal Counsel for implementation efforts would overall be pretty minimal and for things such as amending bylaws or JPA, reviewing contracts or agreements, or any other legal advice or services.

At this point in time, legal services will not be needed until 2025. However, the ST recommends drafting an RFP and having the JPB review. Holly started developing a list of firms to send the RFP to.

No board action is needed on this item and was just up for discussion.

X. JPB Insurance and Tax ID (Decision Item)

Insurance is a requirement for the JPB. The ST reached out to MCIT since they have the most expertise in working with these types of partnerships. There were no major red flags when Holly was talking with an MCIT staff. They do require a survey to be filled out and submitted in order to receive a quote for insurance.

The ST recommends the JPB to approve authorizing staff to submit the insurance survey on behalf of the partnership.

Motioned by Docken; Seconded by King to authorize staff to submit the insurance survey to MCIT on behalf of the Partnership.

The Motion carried unanimously for the approval of authorizing staff to submit an insurance survey to MCIT.

The other item that needs to be completed in order to receive funds and begin implementation efforts is setting up a Tax ID number. The new federal employer identification number is required and will be needed for Audits as well as setting up a bank account. This can be done online, and approval is relatively fast.

The JPB also recommend that we authorize the Chair to enter into an agreement with MCIT once we receive the quote and contract.

Motioned by King; Seconded by Docken to authorize the Chair to enter into an agreement with MCIT for insurance on behalf of the Partnership.

The Motion carried unanimously for the approval of authorizing the Chair to enter into an agreement with MCIT for insurance.

The ST recommends the JPB to approve authorizing staff to apply for a Federal Employer Identification Number on behalf of the partnership.

Motioned by Docken; Seconded by Schoenecker to authorize staff to apply for a Federal Employer Identification Number on behalf of the partnership.

The Motion carried unanimously for the approval of authorizing staff to apply for a Federal Employer Identification Number .

XI. LoMRE Cost Share Policies and Procedures (Informational and Decision Item)

The ST has worked on a Watershed Cost-Share Policies and Procedures document. This is required prior to implementation efforts. Holly went through each section of the document. This is the first time the JPB has seen this document. There was some discussion to amend the bidding process threshold to \$50,000. Additionally, there was discussion about adding more language for project requirements as it relates to different policies. Since there were revisions and most board members have not had time to review this document, the document was up for discussion only.

XII. WBIF Request, Workplan, and Grant Agreement

The ST submitted a WBIF request on behalf of the LoMRE Partnership and it was approved by BWSR. The ST also submitted a WBIF Workplan on behalf of the partnership which was similar to the funding request. The ST is waiting on BWSR approval. The Grant Agreement can be signed at any time; however, a workplan, cost share policies, and ranking/scoring measures must be approved before funds can be spent. The grant agreement has not been sent yet to staff.

The JPB recommended authorizing the chair to sign the grant agreement once it comes in.

Motioned by King; Seconded by Docken to authorize the JPB Chair to sign the grant agreement.

The Motion carried unanimously for the approval of the grant agreement.

Furthermore, a bank account will need to be set up in order to deposit funds. There was discussion that setting up an account at a bank where the fiscal agent already has existing accounts makes the most sense. Troy recommended Hometown Bank in Jordan.

Motioned by Docken; Seconded by King to authorize staff to set up an account at Hometown Bank in Jordan for the partnership.

The Motion carried unanimously for the approval of staff setting up an account at Hometown Bank in Jordan.

XIII. Future Meetings and 2025 Schedule

- Meeting in November to finalize and approve various documents.
- May need to meet in December of 2024.
- 2025 JPB will meet quarterly, and we can always cancel if need be.
- Next Steering Team Meeting: **Wednesday, November 20th, 10:00am-1:00pm**
- LMREWJPB Meeting: **Thursday, November 21st, 3:00pm-5:00pm**

XIII. Meeting Adjourn

Motioned by Schoenecker, Seconded by Docken at 4:43 pm

The Motion carried unanimously for the approval to adjourn at 4:43pm.