

Governance Committee Meeting

July 14, 2023 9:00 am

Virtual meeting via Zoom

Present:

Managers: David Ziegler, President
Tom Duevel, Vice President

Staff: Terry Jeffery, District Administrator
Louis Smith, Attorney, Smith Partners
Amy Bakkum, Office Administrator

1. Call to Order

President Ziegler called the governance committee meeting to order at 9:06 am.

2. Attendance

President Ziegler, Manager Duevel, Administrator Jeffery, Attorney Smith, and Office Administrator Bakkum were present. It was noted that the committee was meeting via Zoom due to the COVID-19 pandemic.

3. Approval of the agenda

A tentative agenda was shared onscreen. Manager Duevel moved to approve the agenda which President Ziegler seconded. Motion to approve the agenda passed 2-0.

4. Reading and approval of minutes of last meeting

Administrator Jeffery noted that the change noted by President Ziegler at the regular board meeting had been incorporated into the draft governance committee meeting minutes. President Ziegler moved to accept the minutes of the last meeting to which Manager Duevel seconded. Motion to accept minutes of the last meeting passed 2-0.

5. New Business

5.1 Discussion of delegation authority

Attorney Smith began the discussion by noting that there were two main questions to be discussed under this topic. The first was whether the board wants to make any substantive adjustments to the authority that's delegated to the administrator on permits. He noted that the resolution before the board during the prior regular meeting made some slight adjustments based on past discussion. Second, Attorney Smith stated that he had drafted a comprehensive resolution that restates all delegated authority on permits and on Wetland Conservation Act

decisions. If the board wants to go that direction, the resolution would be adopted and then added as an amendment to the governance manual.

Administrator Jeffery provided background regarding the discussion to the committee. He noted that a huge efficiency is gained by delegating authority for permit approvals to the administrator. Administrator Jeffery continued to say that the permit review process is extremely intense, with both Barr Engineering and Smith Partners reviewing the application. He stated that for certain items not spelled out by the rules such as variances, the board should weigh in and make that decision. Administrator Jeffery noted that most watershed districts participating in a metro wide regulatory discussion have delegated most everything [to the administrator] except for variances or projects.

Manager Duevel agreed that delegation makes sense as it is the managers' role to set policy and deal with difficult issues that fall outside of policy while the administrator's job is day-to-day operations. He asked about the quickest way to resolve it.

President Ziegler stated that the best way to get it resolved is for Attorney Smith to make a recommendation that the governance committee and Administrator Jeffery agree to, and then bring that recommendation to the board.

Attorney Smith noted that should the committee want this new delegation in the governance manual, then 30 days' notice would be provided. Administrator Jeffery stated that delegation can also happen through resolution and that the resolution could be incorporated into the governance manual when the full manual is brought forward. There was discussion regarding the types of decisions that would come before the board and the various ways that a change in delegation might be done.

Attorney Smith shared a resolution onscreen which Attorney Welch created based on the board's earlier discussion. He stated that the resolution intends to provide a single and comprehensive statement of delegated regulatory authority. Attorney Smith walked the committee through the resolution language and the delegations described therein. The committee discussed bringing the resolution to the next regular board meeting to have a discussion followed by a vote. The resolution would eventually be housed in the governance manual.

6. Old Business

6.1 Governance manual review

The committee continued its review of the governance manual at page 36, regarding access to government data. A proposed change which would have the district make a good faith effort to use the least costly employee to prepare data request responses was rejected. Another proposed change elaborated further on trade secret data and was rejected as it is already dealt with adequately. Non-substantive changes to language to this section of the manual were accepted.

Regarding the records retention schedule, a proposed change to permanently keep all materials presented or made available before, at, or after the board meeting was rejected as too broad. The committee recommended language which would keep only those materials presented at the meeting. Non-substantives changes to this section were accepted.

A suggestion to have a written policy regarding staff training including a standard form was rejected as both too broad and redundant considering what is already required per staff training. The committee and Administrator Jeffery then discussed the food and beverage policy, reviewing protocols about what is required for staff or manager reimbursement, and what the district is allowed to purchase for events.

7. Adjournment/Continuance

The meeting was adjourned at 10:31 am.