AGENDA
Technical Advisory Committee
January 8, 2020

1. Call TAC meeting to Order.
   a. Approve agenda.*
   b. Approve Minutes of last TAC meeting.*

2. Review revised Rules.
   a. Elm Creek.*
   b. Shingle Creek comparison.*

3. 2003-2020 Member Assessments.*
   a. Consumer Price Index.*
   b. Market Values.*
   c. Member Assessments.*

4. Other Business.

5. Next meeting ________________.

6. Adjournment.

*in meeting packet
**available at meeting
Technical Advisory Committee (beginning on page 1)
and Regular Meeting (beginning on page 2)
Minutes – December 11, 2019

I. A meeting of the Technical Advisory Committee (TAC) for the Elm Creek Watershed Management Commission was convened at 10:03 a.m., Wednesday, December 11, 2019, in the Mayor’s Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by James Kujawa.

In attendance: Kevin Mattson, Corcoran; Sarah Nalven, Wenck Associates, Dayton; Derek Asche, Maple Grove; Kaci Fisher, Hakanson Anderson, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; James Kujawa, Kris Guentzel, and Kirsten Barta, Hennepin County Dept. of Environment and Energy (HCEE); Jeff Weiss, Barr Engineering; Brian Vlach, Three Rivers Park District (TRPD); and Judie Anderson, JASS.

Not represented: Champlin.

Also present: Ken Guenthner, Corcoran; Doug Baines, Dayton; Liz Weir, Medina; Nico Cantarero, Wenck Associates; and Steve Christopher, Board of Water and Soil Resources (BWSR).

A. Motion by Scharenbroich, second by Fischer to approve the agenda* Motion carried unanimously.

B. Motion by Asche, second by Scharenbroich to approve the minutes* of the October 9, 2019 Technical Advisory Committee meeting with the following correction:

II. Motion by Asche Simmons, second by Tuominen Barta to recommend to the Commission that Barr Engineering be named as the Commission’s Technical Consultants... .

Motion carried unanimously.

II. Joint Powers Agreement.*

Included in the meeting packet was a redlined version of the 2004 JPA. It has been reviewed and redlined by the Commission’s attorney, Joel Jamnik. Most of the edits were to bring the document into conformance with the most current State Statute language and to bring the historical references up-to-date. The members considered placing a cap on annual increases in member assessments. After discussion, the members requested a spreadsheet showing past annual member assessments, including associated market values. It was also preliminarily agreed that the revised JPA should have an expiration date. This information will be provided at the January TAC meeting along with a redlined version of the current Rules.

III. Project Review Fees.

A. Included in the meeting packet were the following: (1) the project review application form dated September 1, 2019;* (2) the project review fee schedule and worksheet dated September 1, 2019;* (3) the Commission’s 2020 approved operating budget;* (4) Weiss’ November 6, 2019 email entitled, Fees vs. Spent;*
A. Motion by Walraven, second by Weir to approve the agenda.* Motion carried unanimously.

B. Motion by Moore, second by Guenthner to approve the minutes* of the November 13, 2019, regular meeting. Motion carried unanimously.

C. Motion by Butcher, second by Weir to approve the December Treasurer’s Report and Claims* totaling $222,004.20. Motion carried unanimously.

II. Open Forum.

III. Action Items.

IV. Old Business.
RULES OF THE

ELM CREEK WATERSHED MANAGEMENT COMMISSION

The purpose of these rules is to provide procedures for the operation of the Elm Creek Watershed Management Commission, pursuant to and by the authority of its Joint Powers Agreement.

I. OFFICERS AND APPOINTEES

A. The Officers of the Elm Creek Watershed Management Commission (hereafter, "Commission") shall be the Chair, Vice Chair, Secretary and Treasurer. An Executive Secretary, Administrator, Deputy Treasurer, Technical Advisor and Attorney will be appointed by the Commission.

B. The Chair shall be the presiding officer of the Commission. He/she shall preside at all meetings of the Commission and shall have all of the same privileges of discussion, making motions and voting as do other members. The Chair may delegate certain responsibilities to the Executive Secretary Administrator as necessary to properly carry out the duties of the office.

C. The Vice Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair.

D. The Treasurer shall have the custody of the funds and securities of the Commission and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Commission and shall deposit all monies and other valuable effects in the name and to the credit of the Commission in such depository as may be designated by the Commission. He/she shall disburse the funds of the Commission as ordered approved by the Commission on orders signed by the Chair and shall render to the Commission at regular meetings, or as they may request, an account of all his/her transactions as Treasurer and of the financial condition of the Commission. No Commission funds shall be disbursed without the signature of at least two officers of the Commission. The Treasurer may delegate certain responsibilities to the Executive Secretary Administrator as necessary to properly carry out the duties of the office. As regards financial matters, the Administrator shall serve as Deputy Treasurer for the Commission.

E. The Secretary or his/her delegate shall attend all meetings of the Commission and shall act as Clerk of such meetings and shall record all votes and the minutes of all proceedings in a minute book kept for that purpose. He/she shall give notice of all meetings of the Commission and shall perform such other duties as may be prescribed by the Commission. The Secretary may delegate certain responsibilities to the Executive Secretary Administrator as necessary to properly carry out the duties of the office.

F. The Hennepin Conservation District County (hereafter, "District County") shall serve as the Technical Advisor to the Commission and shall be a non-voting member of the
Commission with no financial responsibilities. The District County shall perform also provide such technical and advisory services as are agreed upon from time to time in addition to those specified by these rules. A Technical Advisor shall be named by the Commission and shall be a non-voting member of the Commission. The Technical Advisor shall provide such technical and advisory services as are agreed upon from time to time in addition to those specified by these Rules.

G. The Executive Secretary Administrator/Deputy Treasurer is appointed by the Commission to coordinate activities of the Commission, accept perform delegated duties by the Commission officers, and accept perform business duties not assigned to officers. The Administrator/Deputy Treasurer shall be a non-voting member of the Commission.

H. The Attorney is appointed by the Commission to represent the Commission and to advise the Commission in legal matters. The Attorney shall be a non-voting member of the Commission.

I. The officers and appointees of the Commission shall give bond as required by the Commission, and by the Agreement, with corporate sureties satisfactory to the Commission for the faithful performance of their duties and for restoration to the Commission, in case of death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind coming into their possession or under their control, belonging to the Commission. The premium on any such bond shall be paid out of Commission funds.

J. Other persons may be engaged to perform any service or hold any office as required by the Commission.

K. The term of office of all officers shall be one year, commencing April 1. Staff persons shall serve at the pleasure of the Commission.

L. The Commission shall hold its election of officers at the first regular meeting during the month of March each year, with newly elected officers assuming office on April 1 of that year. Written notice of the election shall be made in notices of regular meetings for the prior two months of January and February. In any event, the officers shall be held over in their offices until such election occurs.

M. The budget year of the Commission shall be the calendar year.

II. MEETINGS

A. The regular meetings of the Commission shall be held monthly at a time and location specified by the Commission in accordance with state law, on the second Wednesday of each month at 3:00 p.m. at Plymouth City Hall, Plymouth, Minnesota, unless written notice of a change of meeting time or place is sent to the members three days prior to the meeting. All meetings shall be noticed as required by the Minnesota Open Meetings Law.

B. Written notice of all meetings of the Commission shall be sent provided to all Commissioners, to duly appointed Alternate Commissioners of all parties, and to the Clerk of each member city/town.
C. Special meetings of the Commission may be called by the Chair, or any other three Commissioners jointly. The purpose of any special meeting shall be stated in the notice of the meeting. **Business conducted at special meetings shall be limited to the purpose stated in the notice.**

D. Written notice of regular meetings shall be **provided mailed** at least four days prior to each meeting and written notice of special meetings shall be **provided mailed** at least two days prior to each such meeting.

E. At any meeting of the Commission, the presence of a majority of the Commissioners shall constitute a quorum. The presence of an Alternate Commissioner in lieu of his/her Commissioner shall count in calculating the majority. Non-voting members shall not be calculated when determining a quorum.

F. If the Secretary is absent from a meeting and he/she has not delegated his/her responsibilities to the Executive Secretary **Administrator**, or if the Executive Secretary **Administrator** is absent from the meeting, the Chair shall appoint a Secretary Pro Tem for the meeting.

G. All meetings shall be conducted in accordance with **any meeting rules adopted by the Commission, Robert’s Rules of Order Revised**, except as otherwise provided in the Agreement of these Rules.

### III. COMMITTEES

A. A Business Planning Committee of the Commission is hereby created, composed of all members of the Commission. The Business Planning Committee may meet monthly at a time and place designated by the Commission. Written notices of such meetings shall be sent to the members three days prior to the meetings. The Business Planning Committee shall be responsible for assisting the Chairman in setting the agenda for the regular Commission meeting and performing other ministerial functions not subject to open meeting law requirements.

B. **A** Technical **Advisory** Committee of the Commission is hereby created, composed of a representative from each member city, the Commission’s Technical Advisor, a representative from Three Rivers Park District, a representative from Hennepin County Department of Environment and Energy, and the Administrator, three (3) voting members of the Commission and the Hennepin Conservation District. Members of the Technical Committee shall be appointed by the Commission Chair for a term of one year. The Chair shall additionally appoint one (1) alternate to this Committee. The Technical **Advisory** Committee may meet monthly at a place and time designated by the Chairman. Written notices of such meetings shall be sent provided to the members of the committee three days prior to the meetings.

1. The purpose of the Technical **Advisory** Committee shall be to review guidelines, standards and polices used to evaluate plats, plans and proposals of parties to the Joint Powers Agreement as provided in section VI., Construction Site Erosion, and Section X., Flood Hazard—Area, in the most current Elm Creek Watershed Management Plan, and make recommendations thereon to the full Commission, in order to establish procedures to assess flooding, water quality, sedimentation and erosion. **(any others?)**

2. The Technical **Advisory** Committee shall schedule operations to carry out a water quality monitoring program in the watershed according to the policies **set forth in** in-section
VIII.1., Critical Areas Lake Drainage Basin, of the most current Elm Creek Watershed Management Plan and will provide technical advisory assistance to any local government unit as requested with evaluation of erosion according to the policies in Section VII.1., Critical Areas Cropland, of the Elm Creek Watershed Plan. The Technical Advisory Committee may assist members in identifying and implementing capital improvement projects and feasibility studies that align with the purpose of the Commission as set forth in Section Three of the Joint Powers Agreement.

3. The Technical Advisory Committee shall review all local surface water management plans for consistency with the most current Elm Creek Watershed Management Plan and the requirements of the Metropolitan Surface Water Management Statute Water Planning and Project Implementation Statute 103B.473.

C.B. An Executive Committee of the Commission is hereby created, composed of the four officers of the Commission, the District Hennepin County, the Commission’s Technical Advisor, Attorney, and the Executive Secretary Administrator and shall provide direction for the Commission. Among its duties, the Executive Committee shall assume the role of steering committee, review these rules, formulate educational programs for the public and member staffs, review legislation and recommend action and direction to the Commission. The Executive Committee may shall meet once every three months as necessary at a place and time designated by the Chairman. Written notices of these meetings shall be sent provided to the members three days prior to the meetings.

D.C. Public Participation. The Commission will explore the possibility of creating a Citizen’s Advisory Committee to the Commission if a need is determined by the Commission or any of its members. If such a committee is created, the Commission will establish a format for the public review of its Annual Work Plan.

IV. PROJECT REVIEWS

A. Constructions/Development Requiring Commission Review. In order to prevent future problems of flooding and sedimentation, the Commission has determined that the following plans shall come before the Commission for review and approval or disapproval: The Commission has adopted a Watershed Management Plan pursuant to the Minnesota Watershed Act and the Metropolitan Surface Water Management Act. The Commission will implement the Plan’s principles and objectives to accomplish its statutory purpose of conserving, protecting, and managing the water resources within the boundaries of the watershed as identified in the Rules and Standards found in Appendix C of that Plan. These Rules and Standards protect the public health, welfare, and natural resources of the watershed by regulating the alteration of land and waters in the watershed.

A.  

1. All development/construction/grading within or adjacent to the following Critical Areas mapped in the Management Plan:

   a. Construction Site Erosion.
   b. Flood Plains.
   c. Upland Storage Areas.

2. All commercial/industrial subdivisions or site development plans.
3. All residential subdivisions more than 20 acres in size with more than two dwelling units per acre.

4. All residential subdivisions, regardless of size with more than three dwelling units per acre.

B. Procedures. In order to expedite the plan reviews in each of the categories listed above, along with practical recommendations that will assure the application of standards in a manner consistent with the policies of the Elm Creek Watershed Plan, the following procedures shall be followed:

1. One copy of All plans and proposals will be sent electronically by the member responsible for plan reviews directly to the District County Commission’s Technical Advisor Office.

2. One signed copy of Three copies of grading plans, erosion control plans, along with the Commission form requesting plan review and including the name of the applicant or his/her representative and where he/she can be reached, and signed city authorization for review shall be submitted to the District County Commission office.

3. The District County Commission’s Technical Advisor will have ten (10) work days in which to respond.

4. The District County Commission’s Technical Advisor shall contact the applicant or his/her representative when additional information is required for review or a revision is required in the submitted plans.

5. One copy of the District’s County’s Commission’s Technical Advisor’s recommendations for changes will be sent to the responsible member, one copy to the applicant or his/her representative, and one copy will be filed in the District County Commission Office.

6. If requested by the responsible member or the applicant, the District County Commission’s Technical Advisor shall meet with both parties to discuss their recommendations and make revisions thereto if agreed to by the District County Office Commission’s Technical Advisor.

7. The Plan with the District’s County’s Commission’s Technical Advisor’s recommendations shall then be forwarded to the Commission.

C. Commission Approval/Disapproval of Plan Reviews.

1. The District County Commission’s Technical Advisor shall provide the Commission with a written report each month describing its disposition of each plan review and listing its recommendations for each plan’s approval, approvals subject to District the County Commission’s Technical Advisor’s recommendations, or recommendations for disapproval.

2. In cases where problems are encountered with the plan or proposal that cannot be resolved between the applicant or his/her representative, or member responsible for plan reviews, and the District County Commission’s Technical Advisor, all involved persons will receive
notice to come before the full Commission to present data and information on the nature of the conflict.

3. After review of the District County Commission's Technical Advisor's recommendations, data and information presented by others, and other pertinent information discussed or presented, the Commission will approve or disapprove each plan review presented in the written monthly report.

D. Enforcement Policy. In the event that enforcement of the Commission's review actions is required and is not undertaken as a matter of course by the submitting member, the Commission will tender the matter to the member for enforcement by it in accordance with its official controls. This referral policy is in accordance with Sec. 3.13 of the Agreement and the statutory powers to which it refers, Minnesota Statutes Minn. Stat. § 103B.201 473.875—through 473.883103B.251.

V. ANNUAL REQUIREMENTS

A. Requirements for annual financial, activities and audit reports. Within 120 days of the end of the Commission's fiscal year, the Commission shall submit to the Board of Water and Soil Resources a financial report, an activity report, and an audit and a financial report for the preceding fiscal year if it has expended or accrued funds during that time. These reports may be combined into a single document. The audit report for the preceding fiscal year must be prepared by a certified public accountant or the state auditor and forwarded to the state auditor's office within 420 days of the end of the fiscal year for the required contents of these reports. Refer to MN Rule Sec. 8410.0150.

B. The Technical Advisor and Executive Secretary Administrator shall develop an Annual Work Plan prior to the regular meeting of the Commission held in May March.

VI. WATER APPROPRIATION FOR NON-ESSENTIAL USES

A. Policy. In order to comply with Minnesota Statutes 473.877.4, which requires permits for non-essential water appropriation uses such as lawn sprinkling, car washing, and golf course and park irrigation, the following standards and application form have been established by the Commission.

B. Scope. Each tributary of the Elm Creek Watershed qualifies. The Elm Creek main stem from the junction of Rush and Elm Creeks including the Mill Pond in Champlin do not qualify, are not governed by these rules, and permits are not required.

C. Standards and Criteria:

1. From lakes. Permits will be issued to lakeshore (riparian) owners for appropriation for non-essential uses from the lakes. Each permit shall recite a minimum lake level elevation which requires cessation of all appropriation if and when that minimum elevation is reached. In the event such minimum elevations are changed, the elevation recited in permits issued shall remain governing until the permits expire. The following table lists the lake levels and runout elevations of affected lakes:

<table>
<thead>
<tr>
<th>Runout*</th>
<th>Water Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterbody</td>
<td>Elevation</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>Rice</td>
<td>890.50</td>
</tr>
<tr>
<td>Weaver</td>
<td>914.30</td>
</tr>
<tr>
<td>Cook</td>
<td>941.60</td>
</tr>
<tr>
<td>Fish</td>
<td>891.65</td>
</tr>
<tr>
<td>Jubert</td>
<td></td>
</tr>
<tr>
<td>Dubay</td>
<td></td>
</tr>
<tr>
<td>French</td>
<td></td>
</tr>
<tr>
<td>Diamond</td>
<td>904.41</td>
</tr>
<tr>
<td>Grass</td>
<td>909.29</td>
</tr>
<tr>
<td>Cowley</td>
<td></td>
</tr>
<tr>
<td>Henry</td>
<td></td>
</tr>
<tr>
<td>Meadow</td>
<td></td>
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<tr>
<td>Mud</td>
<td></td>
</tr>
</tbody>
</table>

*Where runout elevations are not listed, the lake may be either landlocked or unknown with existing survey data.*

2. From Elm, Rush and Diamond Creeks and their tributaries. Because flows are nominal except during periods of flooding and high water, no permits will be issued. Any lake or waterway-frontage (riparian) owner may petition the Commission for revision of this rule. The petition shall be accompanied with the facts, reasons, and photos or other exhibits showing why this rule is unreasonable generally or under the specific circumstance of the petitioning riparian owner.

3. From wetlands. No permits will be issued, except on a showing of hardship or unique circumstances.

4. Permit applications. Permit applications will be in the form included as part of these rules and when executed and delivered by U.S. Mail to the address provided will constitute the permit. Each permit will be valid for two (2) calendar years.

5. No vested rights. No rights to appropriate will vest with the owner, run with the land, or otherwise attach to the property regardless of the renewals made or any other factors.

VI. CODE OF ETHICS

A. Purpose

1. The Commission confirms its determination that ethical standards among the members are essential to the proper conduct of its public responsibilities. By eliminating conflicts of interest and providing a guide for conduct in Commission matters, the Commission strives to promote the faith and confidence of the citizens of Elm Creek Watershed in their government.

2. As regulators of natural resources, the members become involved in another kind of ethical code as well. In deciding the 1976 case of *Bryson v. County of Freeborn*, the Minnesota Supreme Court stated that, “In the Environmental Rights Act (Minn. Stat. 116.B) our state legislature has given this land ethic the force of law. Our construction of the Act gives effect to this broad remedial purpose.” The Court, in support of its opinion, quotes from Aldo Leopold’s *A Sand County Almanac:*


“A generation ago, the conservationist Aldo Leopold espoused a ‘land ethic’ which he described as follows:

‘All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in the community, but his ethics prompt him also to cooperate (perhaps in order that there may be a place to compete for).

‘The land ethic simply enlarges the boundaries of the community to include soils, waters, plants and animals, or collectively, the land.’

“In short, a land ethic changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen of it. (emphasis added) It implies respect for his fellow members, and also respect for the community as such.”

The Bryson case came up when Freeborn County wanted to straighten a right-angle curve in a county road and fill a good part of Bryson’s marsh (a few acres) to do it. Under the [Minnesota Environmental Rights] Act, prudent and feasible alternative to damaging natural sources must be examined.

This Minnesota Environmental Rights Act “land ethic” in turn is tempered by the U.S. Constitution’s Fifth Amendment which provides that no private property can be taken without payment of just compensation. Thus, regulation in the name of land ethics to a point of constriction which is de facto “taking” of property is not lawful. The Commission is to be guided by these principles as it applies its specific standards to its decision and policies.

3.2. The following standards of conduct are intended to serve as guidelines for members in carrying out their public responsibilities and are in addition to any statutory requirements, attorney general opinions or court rulings which prescribe allowable actions for members.

B. Standards of Conduct.

1. Members [Commissioners] shall not use their positions to secure special privileges or exemptions for themselves or others or to intentionally jeopardize the position or employment of others.

2. Members [Commissioners] may not participate in deliberations in any matter before the Commission which affects that member’s financial interests directly or indirectly or those of a business with which the member is associated. Whenever such conflict is recognized, the affected member shall disclose for the record such interest prior to any discussion or vote and disqualify himself/herself from any further official activity on the issue.

3. A member [Commissioner] shall not act as an agent or attorney for another in any matter before the Commission or before any court, administrative board or tribunal in any matter in which the Commission is a party.
4. Members **Commissioners** shall not directly or indirectly receive, or agree to receive, any compensation, gift or reward or gratuity as an inducement to support or influence any matter or proceeding connected with, or related to, the duties of the office.

5. Members **Commissioners** shall not enter into any contract with the Commission. Any member **Commissioner** who is an officer director, partner, agent, proprietor or employee of any firm or has a proprietary interest of 10 percent or more in any company, business, enterprise or corporation, partnership, labor union or association doing business with the Commission shall make known that interest in writing as provided in the Disclosures section of these Rules.

C. Disclosures.

1. No later than (30) thirty days after the date of the adoption of this policy existing members shall receive a copy of the Code of Ethics and the disclosure form and return the completed form to the Executive Secretary. **Administrator.** Members, elected or appointed, shall no later than (30) thirty days following election or appointment to office and each year thereafter by April 1, complete the disclosure form and return it to the Executive Secretary. **Administrator.** All subsequent applicants for membership on the Commission shall file a completed disclosure form. Within thirty (30) days after the acquisition or sale of any property, each member shall file as a public record with the Clerk of the community he/she represents, a list of all real property in which the member has a beneficial interest, disclosing each individual item held, and by whom. Homestead shall be excluded from the above disclosure. Each member shall disclose all positions as officer, director, partner, agent, proprietor or employee of any firm in which such a member has a proprietary interest of 10% or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission and indicate with respect to each such relationship whether services are gratuitous or for compensation. **Annually, by the last Monday in January, each Commissioner is required by the Minnesota Campaign Finance Board to complete and return an up-to-date “Annual Statement of Economic Interest for Public Officials” form.**

2. Disclosure Form. The disclosure information required by this Code of Ethics shall be set forth on a form which shall be made available by the Executive Secretary **Administrator** and attached hereto as Appendix A.

D. Discipline.

1. Upon the signed written complaint of any person questioning adherence to this policy or on the Commission’s own volition, the Commission shall refer the matter to its Attorney for investigation, and the Commission’s Attorney shall report the results of his investigation to the Commission within 45 days thereafter. A copy of such report shall be furnished to the person complained against. Such person may request a hearing on this matter before the Commission which request shall be filed with the Executive Secretary **Administrator** not later than 10 days following receipt by such person of its Attorney’s report.

2. Upon receipt of its Attorney’s report and at the conclusion of any hearing on the matter, the Commission by majority vote may dismiss the complaint as having no merit, may adopt a resolution of censure, or may remove the member **Commissioner** from such Commission. The member **Commissioner** complained against shall not participate in the Commission’s deliberations or vote with respect thereto.
VIII. VII AMENDMENTS

These rules, after written notice to the members Commissioners provided no less than four days prior to the meeting, may be amended by the affirmative vote of the voting majority of the Commissioners. A majority of a quorum is not sufficient to amend these rules.

Dated

Chairman

Executive Secretary Administrator
BYLAWS RULES

SHINGLE ELM-CREEK WATERSHED
MANAGEMENT COMMISSION

ARTICLE I

NAME AND MEMBERSHIP

Section 1. The name of this Commission shall be the “Shingle Elm Creek Watershed Management Commission.” The members of this Commission are the following municipalities:

City of Brooklyn Center
City of Brooklyn Park
City of Crystal
City of Champlin
City of Corcoran
City of Dayton
City of Maple Grove
City of Minneapolis
City of New Hope
City of Osseo
City of Medina
City of Plymouth
City of Rogers
City of Robbinsdale

ARTICLE II

DEFINITION OF TERMS

Section 1. For the purposes of these bylaws rules, the terms defined in this section shall have the meanings given them.

Sec. 2. “Commission” means the organization created by the Joint and Cooperative Powers Agreement for Shingle-Elm Creek, the full name of which is “Shingle-Elm Creek Watershed Management Commission.” It shall be a public agency of its members.

Sec. 3. “Board” means the Board of Commissioners of the Commission, consisting of one Commissioner from each of the governmental units which is a party to this Agreement and which shall be the governing body of the Commission.

Sec. 4. “Council” means the governing body or a governmental unit which is a member of this Commission.
Sec. 5. "Governmental Unit" means any city, county or town.

Sec. 6. "Member" means a governmental unit which entered into the Agreement.

Sec. 7. "Agreement" means the "Joint and Cooperative Powers Agreement" adopted by the nine seven member councils creating and establishing the "Shingle-Elm Creek Watershed Management Commission."

Sec. 8. "Officers" means those persons designated as officers in Article IV, Section 1 of these bylaws rules.

ARTICLE III

COMMISSION MEMBERS

Section 1. The Commission shall have nine seven Commissioners, one from each of the parties to the agreement.

Sec. 2. The term of office of each member Commissioner shall be three years one year and until his or her successor is selected and qualified except as provided in Article III, Section 3 of this Agreement. Terms of office shall terminate on February 1 in accordance with the aforesaid articles.

Sec. 3. If any Commissioner dies, resigns or is removed in accordance with the provisions of Article III, Subdivision 4 of this "Agreement", Agreement, his/her office shall be deemed vacant, and a successor shall be appointed for his/her unexpired term by the council which appointed him/her.

Sec. 4. Alternate Commissioners may be appointed to represent a member. The Alternate must be appointed by the council and may serve in lieu of the member’s Commissioner if the Commissioner is not present at the meeting. If duly appointed, he or she may participate in all discussions and may vote on all proposals before the Board Board if the Commissioner is not present. Alternate Commissioners shall serve three year one year terms as prescribed in Article III, Subdivision 3 of the "Agreement", Section 2.

ARTICLE IV
OFFICERS AND EMPLOYEES

Section 1. The officers of the Commission shall be the Chair, Vice Chair, Secretary and Treasurer. The offices of the Secretary and Treasurer may be combined and held by the same person. A Recording Secretary, Administrator, and a Deputy Treasurer may be appointed by the Commission. The duties of the Recording Secretary, Administrator, or and the Deputy Treasurer may be combined and held by the same person who need not be a member of the Commission.

Sec. 2. The term of office for all officers shall be one year, and they shall be selected at the first business meeting held after February 1.

Sec. 3. The Chair shall be the presiding officer of the Commission. He or she shall preside at all meetings of the Commission, but shall have all of the same privileges of discussion, making motions and voting as do other members.

Sec. 4. The Vice Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair.

Sec. 5. The Treasurer shall have the custody of the funds and securities of the Commission and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Commission and shall deposit all monies and other valuable effects in the name and to the credit of the Commission in such depository as may be designated by the Commission. He/she shall disburse the funds of the Commission as ordered approved by the Commission on orders signed by the Chair, Vice Chair, Secretary or Treasurer, taking the proper vouchers for such disbursements, and shall render to the Commission at regular meetings, or as they may request, an account of all his/her transactions as Treasurer and of the financial condition of the Commission. He/she shall supervise and direct the work of the Deputy Treasurer. No Commission funds shall be disbursed without the signature of at least two Officers of the Commission, one of whom shall may be the Treasurer or his/her authorized Deputy Treasurer.

Sec. 6. The Secretary shall attend all meetings of the Commission and shall act as Clerk of such meetings and shall record all votes and the minutes of all proceedings in a minute book kept for
that purpose. He or she shall give notice of all meetings of the Commission and shall perform such other duties as may be prescribed by the Commission. He or she may assign the aforesaid duties to a Recording Secretary if authorized to do so by the Commission.

Sec. 7. The Deputy Treasurer, if one be appointed, shall assist the Treasurer and shall perform his or her administrative duties during the absence or disability of the Treasurer, but the performance of such duties shall not make him or her a member.

Sec. 8. The officers and employees of the Commission shall give bond as required by the Commission, and by the Agreement, with corporate sureties satisfactory to the Commission for the faithful performance of their duties and for restoration to the Commission, in case of death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind coming into their possession or under their control, belonging to the Commission. The premium on any such bond shall be paid out of Commission funds.

Sec. 9. Any person engaged to perform any service or hold any office for the Commission, other than Chair, Vice Chair, Secretary and Treasurer, may be engaged on a full-time, part-time or consulting basis, as determined by the Commission.

ARTICLE V

MEETINGS

Section 1. Regular monthly meetings of the Commission shall be held at such locations and at such times as are specified from time to time by resolution of the Board. The Secretary shall cause copies of all such resolutions notices to be provided promptly to each of the Members and filed in the primary offices of the Commission at 3235 Fernbrook Lane, Plymouth, Minnesota 55447. In the event the Commission determines to hold a regular meeting at a location or time other than specified in such resolution notice, such meeting shall be deemed a special meeting for purposes of giving notice; and notice of such meeting shall be given to all members in accordance with Article V, Subd. 7 of the Agreement, to all Commissioners and Alternate Commissioners in accordance with this Article, and to the public in accordance with Minnesota Statutes, section 13D.04, as amended.
Sec. 2. For purposes of posting notice of meetings as required by Minnesota Statutes, Section 13D.04, the community bulletin board at 3235 Fernbrook Lane, Plymouth, Minnesota 55447 shall be deemed the principal bulletin board of the Commission.

Sec. 3. Written notice of all meetings of the Commission shall be sent to all Commissioners, to duly appointed Alternate Commissioners of all parties and to the Chief Administrative Officer of each Member City. All public hearings shall be in the evening at a designated City Hall within the Watershed.

Sec. 4. Special meetings of the Commission may be called by the Chair or any other three Commissioners jointly. The purpose of any special meeting shall be stated in the notice of the meeting.

Sec. 5. Written notice of regular meetings shall be mailed at least four days prior to each meeting and written notice of special meetings shall be mailed at least two days prior to each such meeting.

Sec. 6. At any meeting of the Commission, four Commissioners or their Alternate Commissioners shall constitute a quorum.

Sec. 7. If the Secretary is absent from the meeting, and if a Recording Secretary has not been selected, the Chair shall appoint a Secretary Pro Tem for each meeting.

Sec. 8. All meetings shall be conducted in accordance with Robert’s Rules of Order Revised, except as otherwise provided in the Agreement or these bylaws rules.

Sec. 9. The Commissioners may from time to time determine the order of business for Commission meetings. The usual order of business at such meetings shall be as follows:

A. Call to Order.
B. Roll Call.
C. Minutes of Previous Meeting.
E. Bills
F. Consideration of Communications Business Requiring Action by the Commissioners.
G. Old Business.
H. New Business.
I. Consideration of Communications.
J. Adjournment.

ARTICLE VI.

POWERS AND DUTIES OF COMMISSION
Section 1. The Commission is created and established by the Agreement. Its powers and duties shall be those established in said Agreement.

Sec. 2. The Board may exercise all powers necessary and incidental to the implementation of purposes and powers set forth in the Agreement.

Sec. 3. The Board may establish work committees, which committees shall act in an advisory capacity to the Board. These committees may contain persons who are not members of the Commission.

ARTICLE VII.

FINANCIAL MATTERS

Section 1. Commission funds may be expended in accordance with procedures established by law for the expenditure of funds for statutory cities. Orders, checks and drafts shall be signed by two of the following: the Chair, Vice Chair, Secretary, and the Treasurer, or Deputy Treasurer. All claims shall be paid after audit approval by the Commission. A roll-call vote shall be taken and the Commission need not sign or initial individual claims (See MSA 471.705, Subd. 1). At least two Officers of the Commission shall sign all orders, checks or drafts in accordance with Article IV.

Sec. 2. The fiscal year of the Commission shall be the calendar year.

Sec. 3. The Commission shall cause an annual audit to be made of all its books, reports and records by a certified public accountant.

Sec. 4. A depository for Commission funds shall be designated by the Commission at its annual meeting each year. Prior to such designation the Treasurer may recommend his choice of depository. Commission funds shall be deposited in accordance with the laws applicable to cities.

ARTICLE VIII.
AMENDMENTS TO BYLAWS RULES

Section 1. These bylaws rules may be amended at any regular or special meeting of the Commission, provided that a seven day prior notice of the proposed amendment has been furnished to each member.

Sec. 2. A majority vote of Commissioners shall be necessary to adopt any amendment to these bylaws rules.

Sec. 3. In any instance where these bylaws rules are in conflict with the "Joint and Cooperative Agreement," Joint Powers Agreement, the Agreement shall control.

ARTICLE IX.

TECHNICAL ADVISORY COMMITTEE

Section 1. There is hereby created a Technical Advisory Committee (TAC) of the Commission.

Sec. 2. The Council of each member city may appoint a member, and one or more alternate members of the TAC who may act in the absence of the TAC member. The clerk of each city shall notify the secretary administrator of the Commission of such appointments. TAC members may be, but need not be, members of the Board. TAC members shall serve at the pleasure of the Council that appoints them and are not required to meet statutory qualifications for board members.

Sec. 3. The TAC is a committee of the Commission and its meetings shall be subject to the Minnesota Open Meeting Law, Minn. Stat., Sec. 471.705.

Sec. 4. The Board may by resolution delegate to the TAC any duties or responsibilities that may lawfully be so delegated.

Sec. 5. Notice of all regular and special meetings of the Commission shall be given to all TAC members, and copies of all correspondence, agenda materials and other written materials provided to members of the Commission shall also be provided to TAC members.

Sec. 6. TAC members may attend and participate in all meetings of the Commission. TAC members shall not have the authority to make motions or vote on matters before the Commission
but shall otherwise have the rights of a Commission member to question, discuss, debate and comment on
any matter before the Commission.

   Adopted this eighth day of June, 2006 ____________.

________________________________________
Chair

ATTEST:

________________________________________
Recording Secretary Administrator
### 2003
<table>
<thead>
<tr>
<th>2002 Tax Capacity</th>
<th>Member Fees</th>
<th>2003 Budget Share</th>
<th>2003 Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI = +2.3%</td>
<td>%</td>
<td>Dollars</td>
<td>%</td>
</tr>
<tr>
<td>Champain</td>
<td>1,100</td>
<td>5.04%</td>
<td>5,391.09</td>
</tr>
<tr>
<td>Corcoran</td>
<td>1,000</td>
<td>7.08%</td>
<td>7,570.57</td>
</tr>
<tr>
<td>Champlin</td>
<td>1,100</td>
<td>5.54%</td>
<td>5,711.70</td>
</tr>
<tr>
<td>Dayton</td>
<td>1,200</td>
<td>4.77%</td>
<td>5,107.38</td>
</tr>
<tr>
<td>Hassan</td>
<td>1,100</td>
<td>5.87%</td>
<td>5,771.09</td>
</tr>
<tr>
<td>Maple Grove</td>
<td>1,100</td>
<td>5.79%</td>
<td>6,069.47</td>
</tr>
<tr>
<td>Medina</td>
<td>1,000</td>
<td>5.69%</td>
<td>6,489.91</td>
</tr>
<tr>
<td>Plymouth</td>
<td>1,000</td>
<td>4.18%</td>
<td>4,744.13</td>
</tr>
<tr>
<td>Rogers</td>
<td>1,000</td>
<td>4.10%</td>
<td>4,728.77</td>
</tr>
<tr>
<td>Totals</td>
<td>8,278,938,800</td>
<td>100.00%</td>
<td>100,000,000</td>
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### 2005
<table>
<thead>
<tr>
<th>2004 Taxable Market Value</th>
<th>2005 Budget Share</th>
<th>Focus</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI = +3.4%</td>
<td>%</td>
<td>Dollars</td>
<td>%</td>
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<tr>
<td>Champain</td>
<td>958,995,200</td>
<td>7.24%</td>
<td>10,129.30</td>
</tr>
<tr>
<td>Corcoran</td>
<td>727,893,000</td>
<td>6.91%</td>
<td>8,813.59</td>
</tr>
<tr>
<td>Champlin</td>
<td>377,297,100</td>
<td>4.56%</td>
<td>6,980.24</td>
</tr>
<tr>
<td>Dayton</td>
<td>345,976,400</td>
<td>4.18%</td>
<td>8,509.59</td>
</tr>
<tr>
<td>Hassan</td>
<td>429,572,800</td>
<td>5.19%</td>
<td>7,271.00</td>
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<td>Maple Grove</td>
<td>406,491,300</td>
<td>5.93%</td>
<td>7,041.34</td>
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<tr>
<td>Medina</td>
<td>360,043,300</td>
<td>7.67%</td>
<td>11,993.55</td>
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### 2007
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<th>2006 Taxable Market Value</th>
<th>2007 Budget Share</th>
<th>Focus</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI = +3.9%</td>
<td>%</td>
<td>Dollars</td>
<td>%</td>
</tr>
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<td>Champain</td>
<td>562,148,400</td>
<td>5.75%</td>
<td>9,782.00</td>
</tr>
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<td>647,893,000</td>
<td>6.63%</td>
<td>11,290.00</td>
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<tr>
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<td>499,895,200</td>
<td>5.12%</td>
<td>8,699.33</td>
</tr>
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<td>Dayton</td>
<td>441,960,600</td>
<td>4.52%</td>
<td>7,691.67</td>
</tr>
<tr>
<td>Hassan</td>
<td>5,347,293,000</td>
<td>54.79%</td>
<td>903,55.33</td>
</tr>
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<td>Maple Grove</td>
<td>824,945,900</td>
<td>46.40%</td>
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</tr>
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<td>544,083,800</td>
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<td>Plymouth</td>
<td>1,100,052,900</td>
<td>11.26%</td>
<td>19,143.30</td>
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<td>Totals</td>
<td>9,768,901,740</td>
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<td>170,000,000</td>
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### 2009
<table>
<thead>
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<th>2008 Taxable Market Value</th>
<th>2009 Budget Share</th>
<th>Focus</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI = +0.4%</td>
<td>%</td>
<td>Dollars</td>
<td>%</td>
</tr>
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<td>Champain</td>
<td>551,900,300</td>
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<td>8,964.35</td>
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<td>Corcoran</td>
<td>828,217,000</td>
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<td>13,452.48</td>
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<td>Champlin</td>
<td>580,864,500</td>
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<td>Dayton</td>
<td>537,385,900</td>
<td>4.85%</td>
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<td>Hassan</td>
<td>824,215,400</td>
<td>52.64%</td>
<td>34,813.26</td>
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<td>Medina</td>
<td>650,196,100</td>
<td>5.87%</td>
<td>10,560.94</td>
</tr>
<tr>
<td>Plymouth</td>
<td>1,275,791,400</td>
<td>11.51%</td>
<td>20,722.30</td>
</tr>
<tr>
<td>Rogers</td>
<td>11,081,900,000</td>
<td>100.00%</td>
<td>180,000,000</td>
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### 2011
<table>
<thead>
<tr>
<th>2010 Taxable Market Value</th>
<th>2011 Budget Share</th>
<th>Focus</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI = +3.2%</td>
<td>%</td>
<td>Dollars</td>
<td>%</td>
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<tr>
<td>Champain</td>
<td>480,085,600</td>
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<td>8,932.73</td>
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<td>Corcoran</td>
<td>704,789,600</td>
<td>6.85%</td>
<td>12,882.95</td>
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<tr>
<td>Champlin</td>
<td>528,922,900</td>
<td>5.14%</td>
<td>9,668.26</td>
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<tr>
<td>Dayton</td>
<td>506,303,500</td>
<td>3.95%</td>
<td>7,426.88</td>
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<tr>
<td>Year</td>
<td>Market Value</td>
<td>Budget Share</td>
<td>Focus</td>
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<tr>
<td>------</td>
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<tr>
<td>2013</td>
<td>10,234,943,500</td>
<td>100.00%</td>
<td>188,000.00</td>
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<tr>
<td>2015</td>
<td>9,838,866,560</td>
<td>100.00%</td>
<td>197,000.00</td>
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<tr>
<td>2017</td>
<td>10,074,725,896</td>
<td>100.00%</td>
<td>209,000.00</td>
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<tr>
<td>2019</td>
<td>10,662,758,927</td>
<td>100.00%</td>
<td>219,700.00</td>
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<tr>
<td>2020</td>
<td>13,132,366,710</td>
<td>100.00%</td>
<td>237,300.00</td>
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<table>
<thead>
<tr>
<th>City</th>
<th>Market Value</th>
<th>Percentage Increase</th>
<th>Dollars</th>
<th>Percentage Increase</th>
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</thead>
<tbody>
<tr>
<td>Dayton</td>
<td>5,613,392,300</td>
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<td>102,608.03</td>
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<tr>
<td>Medina</td>
<td>830,631,900</td>
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<td>15,183.24</td>
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<tr>
<td>Plymouth</td>
<td>631,150,100</td>
<td>6.14%</td>
<td>11,536.89</td>
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<tr>
<td>Rogers</td>
<td>1,081,067,000</td>
<td>10.91%</td>
<td>19,760.99</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>10,234,943,500</td>
<td>100.00%</td>
<td>188,000.00</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>Market Value</th>
<th>Percentage Increase</th>
<th>Dollars</th>
<th>Percentage Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dayton</td>
<td>5,490,107,700</td>
<td>54.47%</td>
<td>105,134.88</td>
<td></td>
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<tr>
<td>Medina</td>
<td>773,549,700</td>
<td>7.68%</td>
<td>14,813.38</td>
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<td>Plymouth</td>
<td>630,559,500</td>
<td>6.26%</td>
<td>12,075.14</td>
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<td>Rogers</td>
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<td>Totals</td>
<td>10,078,398,100</td>
<td>100.00%</td>
<td>193,000.00</td>
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</table>
Taxable Market Value by Year

Items 3 b and 3c
Assessment Change per Year in USD

Champlin
Corcoran
Dayton
Hassan
Maple Grove
Medina
Plymouth
Rogers
Totals

items 3 b and 3c