elm creek
Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane ▪ Plymouth, MN 55447
PH: 763.553.1144 ▪ email: judie@jass.biz
www.elmcreekwatershed.org

September 2, 2026

Representatives
and
Technical Advisory Committee Members
Elm Creek Watershed Management Commission
Hennepin County, Minnesota

The meeting packet for this meeting may be found on the Commission's website:
http://www.elmcreekwatershed.org/minutes--meeting-packets.html

Dear Representatives and Members:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, September 9, 2026, at 11:30 a.m.** at Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN. We will meet in the **Aspen Room** on the main level.

The Technical Advisory Committee (TAC) will meet one hour prior to the regular meeting, at 10:30 a.m.

The Commission will suspend its regular meeting at 11:30 a.m. for the purpose of conducting **a public hearing** on three proposed capital improvements:

Project 2026-01:	Reconstruct Bridge at Cartway Drive, Champlin.
Project 2026-02:	Maple Grove Sweeper.
Project 2026-03:	Elm Creek Valley Stream Restoration, Maple Grove.

Please email me at judie@jass.biz to confirm whether you or your Alternate will be attending the regular meeting.

Thank you.

Judie A. Anderson, Administrator
JAA:tim
Encls: Meeting Packet

cc:	Alternates	Eric Osterdyk	Diane Spector	Grace Neumiller	Rebecca Carlson
	TAC Members	Karen Galles	Kevin Ellis	City Clerks	Lisa Tilman
	Kris Guenthner	BWSR	Met Council	MPCA	Brian Vlach
	Reviewing Agencies		DNR	Official Newspaper	

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AGENDA
Technical Advisory Committee
September 9, 2026 | 10:30 a.m.

1. Call to Order.
   a. Approve agenda.*
   b. Approve minutes of last meeting.*
2. Presentation – 15175 North Point Drive Shoreline Stabilization, Rogers.
3. Policies, roles and responsibilities.
   a. Proposed Governance Policy Manual.*
4. Other Business.
5. Next TAC meeting _____.
6. Adjournment.

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*in meeting packet
**available at meeting

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Technical Advisory Committee Meeting
Minutes | June 10, 2026

I. A meeting of the **Technical Advisory Committee (TAC)** of the Elm Creek Watershed Management Commission was called to order on Wednesday, June 10, 2026, at 11:03 a.m., in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Derek Asche.

Present: Steven Touney, Champlin; Lauren Letsche, Corcoran; Derek Asche, Maple Grove; Dusty Finke, Medina; Ben Scharenbroich, Plymouth; Mike Albers, Rogers; Kevin Ellis, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three River Park District; Diane Spector, Lisa Tillman, Ben Otto, and Eric Osterdyk, Stantec; and Judie Anderson, JASS.

Also present: Loren Evenrud, Corcoran.

II. Motion by Scharenbroich, second by Touney to approve the **Agenda of the June 10, 2026, meeting.*** *Motion carried unanimously.*

Motion by Scharenbroich, second by Touney to approve the **Minutes of the May 13, 2026 meeting.*** *Motion carried unanimously.*

III. **2025 FUND BALANCES.*** The 2025 draft year-end balances and 2026 estimated available funds for non-operating accounts based on the in-progress financial audit are the following:

A. **Capital Projects Account.** These are funds levied for specific capital projects. The Commission holds these funds until such time as the member cities have completed the work. They then request reimbursement for their costs incurred. The City of Rogers has informed us they intend to complete the Fox Creek projects in the next 1-2 years. The two 2020 levies for ag BMPs supplement the WBIF funding Hennepin County is using for BMPs identified in the South Fork Rush and Diamond Creek SWAs. Three projects were submitted for reimbursement and excess funds transferred to the Closed Project Account (CPA).

Capital Project	Amount Held
Rogers Fox Creek Creekview Phase 2 (2016)	$80,206
Rogers Fox Creek Hyacinth Phase 3 (2017)	112,500
Corcoran Downtown Regional Stormwater Pond (2019)*	0
Livestock Exclusions, Buffers, Stabilizations (2020)	24,883
Agricultural BMPs Cost Share (2020)	19,790
South Fork Rush Creek (2023)*	0
Rogers Downtown Pond Expansion (2023)**	107,444
Rush Creek at Rush Hollow (2024)*	0
2024 direct admin costs for 2025 levy	-450
Account Balance YE 2025	**$344,373**
Levied in 2025 to be received in 2026	
Diamond Lake Alum Treatment	$330,000
Rush Creek – Rush Hollow to Fernbrook	200,000
Corcoran Sweeper	100,000

*Finaled, excess transferred to Closed Projects Account (CPA).
**Finaled in 2026, excess will be transferred to CPA in 2026.

B. Cost Share Projects. The Commission operates two cost share projects, one for city projects and one for partnership projects on private property. The Dayton city cost share project was paid in November 2024 but is shown as a 2025 expense in the 2025 audit. In 2025 the Commission expressed a willingness to cost-share in a potential large shoreline restoration project on Fish Lake but stopped short of encumbering funds.

City Cost Share Projects	Balance
Year End 2024	$211,863
2023 Encumbrance-Dayton (Dayton Rd)	-50,000
Encumbered Account Balance YE 2024	**$161,724**
Levy funds (costs) in 2025	(-138)
2024 Dayton reimbursement (pd in '24, acct in '25)	47,351
2025 Encumbrance-none	-0
Estimated 2025 YE balance	**$164,374**

Partnership Cost Share Projects	Balance
Year End 2024	$93,386
2024 Encumbrance -none	-0
Encumbered Balance YE 2024	**$93,386**
Net levy funds received 2025	+52,488
2025 Encumbrance –	
Estimated 2025 YE balance	**$146,011**
2026 - encumbered for carp removal	10,000
2026 – possible Fish Lake Shoreline cost share*	35,000
Running balance	**$101,011**

*amount not formally encumbered by Commission

C. Closed Projects Account. The Commission's Closed Projects Account (CPA) houses levy funds that exceed final project costs. In addition, on occasion a project does not proceed, and the levy is then transferred to this fund. These funds are intended to be used for other capital improvement projects, including the cost of undertaking feasibility studies to preliminarily scope a future project. These funds may also be used to limit future capital levies for new projects.

Closed Project Account Funds	Balance
Year End 2024	$232,118
2025 Transfers in:	
Corcoran Downtown Pond	+1,639
Rush CR to Rush Hollow	+21,480
2025 transfer unused S Fork Rush Creek levy	+46,399
Estimated 2025 YE balance	**$301,636**

D. Other Assigned Funds Balances. The Commission has also in past years acted to segregate or assign some of its unrestricted reserves to be held for a specific purpose, for example to fund the 4th Generation Plan. These assigned funds may continue to be set aside to be used for these purposes or the Commission may elect to unassign the funds and transfer them to Unrestricted Reserves. From time to time the Commission has budget funding for projects or special studies and set that aside in an Assigned For Projects and Studies Account.

Other Assigned Funds Balances	Balance
Balance YE 2025	**$118,341**
Encumbered for chloride mgt plan	1,582
Encumbered for Fortin Low Salt Design	10,000
Encumbered for website update	15,000
Estimated 2025 YE encumbered balance	**$91,759**

E. Unrestricted Reserve. The last category of funds is the Commission's Unrestricted Reserves, which is cash on hand that has not been designated for a particular use. This helps with monthly cash flow and is a "rainy day reserve" in the event something unusual occurs. The policy is to maintain a cash reserve equal to the greater of five months of operating expenses (line 4) or 50% of annual operating revenues (line 5). Excess interest (line 2) is subtracted out so as not to inflate the amount of operating revenue typically received. Since line 6 is greater than the greater of lines 4 or 5, the Commission's reserves are adequate.

Unrestricted reserve desirable balance calculation using 2025 year-end amounts.

Component		Operating Expenses	Operating Revenues
1	2025 operating year end (unaudited)	$336,231	$388,342
2	Less interest exceeding budget		45,925
3	Net amount	$336,231	$342,417
4	5/12ths of yearly expenses	$140,096	
5	50% of yearly revenues		$171,208
6	**YE 2025 Unrestricted Balance (preliminary)**	**$237,333**	**$237,333**

IV. 2026 ANNUAL CIP.* The next step in the annual Capital Improvement Program process is to adopt a proposed annual CIP that reflects input to date. Adopting the CIP does not mean all the projects will necessarily go forward this fall, it simply indicates the projects we are considering.

A. Staff recommendations.

1. Since both the City and Partnership Cost Share programs are currently adequately funded (~$160,000 and ~$101,000 respectively), Staff recommend that you do not levy this year for these programs.

2. The Commission's CIP cost share policy established $750,000 as a desirable maximum annual levy. Since the potential levy is greater than that amount, Staff recommend postponing phase 2 of the levy for the Diamond Lake internal load project to 2027. That proposed project would be completed over multiple years 2027-2030. Funds already levied and on hand will be sufficient for the 2027-2028 phase of the project.

3. The Fish and Rice Lake Fish Management Plan is compiling data and will soon begin discussion about potential fish barriers to control migration of carp. The project shown on the CIP is a placeholder: the cost and funding plan is not yet known, but it is shown as "TBD." If the Commission does agree to cost share, it could not be from 2026 levy but could be from other sources such as the Closed Projects Account (current balance ~$300,000), or from the 2027 levy. Staff recommend leaving the project on the CIP for 2026 until the Management Plan makes a firm recommendation as to how to proceed. If that is to wait until 2027, the project can simply be rescheduled.

B. Future actions.

1. In August, call for a public hearing on proposed 2026 projects.

2. In September, hold a public hearing to adopt the projects and certify a levy to Hennepin County.

Proposed 2026 Annual CIP

PROJECT	Estimated Cost	Staff Recommendation
City Cost Share Program		
Commission Contribution-Capital Levy	$0	$0
Local Contribution	0	0
Partnership Cost Share Program		
Commission Contribution-Capital Levy	0	0
Local Contribution	-	-
Diamond Lake Internal Load Improvement		
Commission Contribution-Capital Levy	330,000	0
Local Contribution	0	0
Reconstruct Bridge at Cartway and Elm Creek		
Commission Contribution-Capital Levy	250,000	250,000
Local Contribution	1,910,000	1,910,000
Fish and Rice Lakes Carp Management		
Commission Contribution-TBD	100,000	100,000
Local Contribution	TBD	TBD
Maple Grove Street Sweeper		
Commission Contribution-Capital Levy	100,000	100,000
Local Contribution	300,000	300,000
Elm Creek Valley Stream Restoration		
Commission Contribution-Capital Levy	150,000	150,000
Local Contribution	450,000	450,000
SUBTOTAL Commission Contribution-TBD	**$100,000**	**$100,000**
SUBTOTAL Commission Contribution-Capital Levy	**$830,000**	**$500,000**
SUBTOTAL Local Contribution	**$2,660,000**	**$2,660,000**
TOTAL	**$3,590,000**	**$3,260,000**

Motion by Finke, second by Scharenbroich to recommend approval of the foregoing 2026 Annual CIP with inclusion of Staff's recommendations. *Motion carried unanimously.*

V. 2026 MAXIMUM LEVY.* At this time the Commission must set the maximum amount of capital projects levy it expects to certify to Hennepin County. The actual levy will be certified in September, after the Commission holds public hearings on the proposed projects. The table below shows the projects that will be considered in September. The Maximum Levy sets the ceiling for the capital levy; the Commissions can certify a lesser levy amount but cannot increase it. In addition to the project cost, as recently approved, the Commission levies an additional $5,000 per project and $2,500 per cost share program to cover administrative costs, and 1% to cover uncollected levies. These maximum levies must be reported to Hennepin County by mid-June.

A. Project descriptions.

1. Reconstruct Bridge at Cartway. Reconstruction of the Cartway Drive bridge over Elm Creek. The proposed crossing will reduce velocities in and around the crossing, reducing erosion and sediment load transport downstream. The proposed crossing decreases the floodplain elevation and width upstream, reducing flood risk and increasing conveyance capacity. The proposed crossing is conducive to aquatic organism passage. The widened culvert opening more closely mimics bank full conditions to align with the creek restoration that has been completed up and down stream and restores aquatic connectivity.

2. Elm Creek Valley Stream Restoration. Stream restoration and erosion repair of 1,600

linear feet of Elm Creek upstream (south) of Elm Road. Estimated phosphorus reduction of 100 lbs/year, improved riparian environment, enhanced habitat, and improved recreation and access to the creek.

3. Maple Grove Sweeper. Cost participation in the purchase of a street sweeper to expand the City's systematic municipal street sweeping program.

B. 2026 CIP projects to be levied.

Project	Total Cost	City/ Private	Commission Share	Commission Levy
Reconstruct Bridge at Cartway	2,160,000	1,910,000	250,000	255,000
Maple Grove Sweeper	400,000	300,000	100,000	105,000
Elm Creek Valley Stream Restoration	600,000	450,000	150,000	155,000
Subtotal	**$3,160,000**	**$2,660,00**	**$500,000**	**$515,000**
TOTAL LEVY (101% for uncollectable)				**$520,150**

Motion by Scharenbroich, second by Finke to recommend setting the Commission's 2026 maximum levy per the foregoing table. *Motion carried unanimously.*

VI. PROPOSED 2027 OPERATING BUDGET REVISED.*

A. According to the Joint Powers Agreement, the Commission must on or before June 15 of each year adopt a budget for the coming year. The budget must be transmitted along with notice of the apportionment of costs to each city by July 1. Member cities have until August 15 to comment on or raise objections to the budget. If no objections are submitted, the budget proceeds as adopted. If objections are submitted in writing, then the Commission must hold a public hearing to consider modifying the budget or proceeding with no change.

The proposed budget separates the operating expenses from the capital and other non-operating expenses and revenues in order to more clearly determine if member assessments and project review fees are adequately funding operating expenses, or whether the Commission is operating at a deficit or surplus. As discussed at the May 13 meeting, this budget removes the direct costs and revenues relating to project reviews to a separate account. Overhead and non-refundable fees remain in the operating budget.

B. As proposed, the 2027 budget is a continuation of the programs and activities undertaken in 2026, with some slight modifications. The overall proposed 2027 operating budget is about a $20,800 increase over the 2026 budget, mainly due to increases in the monitoring budget and planning for local water management plan reviews starting in 2027. Total general operating expenses equal $357,036.

1. Staff assumed 45 project reviews in 2027 compared to 40 in 2026. No changes are proposed to the review fee structure.

2. Some adjustments have been made to individual line items based on experience, contracts with Three Rivers, USGS, and Hennepin County, and the increasing cost of doing business.

3. A line item has been added for completing reviews of Local Stormwater Management Plans.

4. This budget assumes a modest amount of interest; anything earned above that will accrue to the reserves.

5. This budget assumes a transfer of $5,000 per capital project from levy funds (total of $20,000) to offset administrative costs of supporting capital projects.

C. City Assessments. A 2.6% increase is proposed for 2027 member city assessments to keep up

with inflation. There was no increase in 2024 and 2026 and a 3% increase in 2025. The 2027 budget assumes a $13,436 contribution from cash reserves to limit any increase in assessments. Assessments are based on each city's share of taxable market value and total $263,700. Taxable market value was remarkably steady from 2025 to 2026, so there was not much change between the cities. Other general operating revenue totals $56,500.

VII. OTHER BUSINESS.

The **next meeting** of the Technical Advisory Committee is tentatively scheduled for Wednesday, July 8, 2026.

There being no further business, the meeting was adjourned at 11:31 a.m.

Respectfully submitted,

Judie A. Anderson
Recording Secretary
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Stantec

Memo

To: Elm Creek WMO Commissioners
Elm Creek TAC

From: Eric Osterdyk, PE, CFM
Lisa Tilman, PE
Diane Spector
Judie Anderson

Date: September 2, 2026

Subject: Proposed Policy Manual

Recommended TAC/ Commission Action	Discuss and provide direction.

The Commission and TAC (and staff!) have on various occasions expressed that it would be convenient and desirable to have a single document that summarizes all the various policies and operational guidance. This would serve as a good introduction to the Commission to new Commissioners and TAC as well as a handy reference.

The Bassett Creek WMO has such a Policy Manual that staff have reviewed as a potential model for Elm Creek. Using that document as a starting point, we have pulled together a rough draft for review and comment. Our hope is to go through one or two rounds of comments so that a final version can be adopted by the end of the year.

Not included in this draft are the Records Retention Policy and the Data Practices Act Procedures. The Commission has policies for both, but they are lengthy. Staff will review those to see if they can be condensed.

Please review the attached draft for our discussion, bearing in mind:

1. How much detail should we aim for in the descriptions?
2. What policies/guidelines would you like to see added to the document?
3. Is there anything that can be deleted?
4. Some of the policies need further discussion. For example, the policies regarding the desired maximum balances in the cost share and closed projects accounts and where excess funds should be transferred.
5. Are there any others that need further discussion?

Design with community in mind

ELOM CREEK WATERSHED MANAGEMENT COMMISSION
GOVERNANCE POLICY MANUAL

D R A F T September 2026

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Appendix A. Roles and Responsibilities Document
Appendix B. Records Retention Policy – to be added
Appendix C. Data Practices Act Procedures – to be added

References (not included)

A Elm Creek Watershed Management Plan, January 2026
B.. ECWMC Bylaws
C. ECWMC Joint Powers Agreement

1. INTRODUCTION

This Policy Manual is meant to facilitate consistent implementation of current governance and operational policies of the Elm Creek Watershed Management Commission, and to clearly document policies and procedures for new ECWMC Commissioners and Technical Advisory Committee members. This document is the result of the Board's request for a manual that collects those policies in one place.

The foundation documents for the ECWMC are:

- Minnesota Statute 103B.201
- ECWMC Joint Powers Agreement
- ECWMC Bylaws
- the 2026 ECWMC Watershed Management Plan

This manual will be reviewed annually and updated as necessary and will be submitted to the Office of the State Auditor in compliance with Minnesota Statutes section 6.756, as will any revisions when adopted.

2. INTERNAL GOVERNANCE POLICIES

2.1. Consultant Direction

Policy: The Administrator, Engineer, and Attorney work at the direction of the Commission to assist the Board in meeting its obligations under Minn. Stat. 103B and Minn. Rules 8410.

Description: The policies pertaining to the consultant obligations are governed by their contracts and the Work Plan.

Strategies to implement policy: The Roles and Responsibilities Document in Appendix A sets forth the routine activities of the Administrator.

2.2. Consultant Services

Policy: The Commission will establish clear guidelines which will allow the Commission and consultants to share the same expectations of duties and responsibilities.

Description: It is in the nature of their duties and responsibilities that the Commission's consultants (administrator, attorney, engineer, etc.) are sometimes called on to do work or provide services on behalf of the Commission when there is not an opportunity to secure prior authorization for the work by the Commission. These guidelines are intended to provide guidance to consultants in those situations.

Strategies to implement policy:

a. When reasonably practicable, consultants will secure prior approval of the Commission for providing services to the Commission.
b. No prior authorization by the Commission is needed in the following circumstances:
    I. Work or services included in the budget (if the budget for that item has not been exceeded).
    II. Project reviews in response to applications received by the Commission.
    III. Routine telephone calls or requests for information from Commissioners, member cities, government agencies, or citizens.
    IV. Responding to requests for information or assistance from member cities when services will not exceed $2,000.
c. If the work or services ordered do not fall within the exceptions listed in strategy b, above, the consultant will contact the Administrator for authorization to proceed. If the consultant is unable to contact the Administrator, the consultant may contact the Chair. The Chair may give advice to the consultant as to whether to proceed with such work. The consultant may contact the Administrator for authorization to proceed at any time the consultant is in doubt about whether to proceed.
d. Budget exceedances must be approved by the Commission if they fall outside a $2,000 limit.

2.3. Board Member Interaction with Commission Consultants

Policy: All consultants to the Commission will work under the direction of the Administrator except for legal counsel and auditors who have a professional responsibility to the ECWMC. Consistent with this professional responsibility, Commissioners will endeavor to keep the Administrator and/or Commission Chair informed of conversations and other written communication with consultants as appropriate to facilitate the coordination of Commission activities.

Description: In order for the Commission to function as a cooperative entity and avoid contradictory assignments, it is necessary for the Administrator and/or Commission Chair to be kept informed of communications with consultants.

Strategies to implement policy:

a. To comply with Open Meeting law requirements, Commissioners will route communications with other Board members through the Administrator.
b. Commissioners will bring suggestions, requests and recommendations for consultant assignments and preparation of work products to the Commission for approval and assignment.
c. Individual Commissioners are encouraged to seek information and explanations, especially on upcoming agenda items, from consultants, but will exercise judgment to ensure such requests are reasonable in scope and number, and that substantial costs are not incurred in complying with such requests.
d. Individual Commissioners may not request the preparation of work product or substantial expenditures of time/effort by consultants to the Commission without authorization. The Chair, at her/his discretion, may request preparation of work product when necessary to expediently pursue the Commission's business, subject to the policies in this manual.

2.4. Records and Data Retention

Policy: The Commission will establish and maintain an active, continuing program for the economical

and efficient management of its records as required by Minnesota Statutes 138.17, Subdivision 7.

Description: The Commission has adopted the attached Record Retention Schedule (Appendix B), to manage its records by establishing minimum retention periods for the records based on their administrative, fiscal, legal and historic value and statutory requirements. It lists categories of records that are maintained by the Commission, identifies how long the Commission will retain them, their classification under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 and how they are being stored.

Strategies to implement policy: See Appendix B

2.5. Policies and Procedures for Public Access to Documents

Policy: ECWMC data will be available to the public as per the Data Practices Act (DPA), Minnesota Statutes, Chapter 13 and as outlined in the ECWMC Data Practices Procedures.

Description: This policy is adopted pursuant to Section 13.03, subdivision 2 of the DPA, which states that every public body shall establish procedures to implement the DPA. The DPA states that data of public bodies are to be available to the public unless specifically exempted under the law in cases where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Commission recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the Commission to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

Strategies to implement policy: Follow Data Practices Procedures Document (Attachment C).

2.6. Required Scheduled Activities

Policy: The Commission will carry out the following tasks annually:

a. Financial audit
b. Selection of official newspaper
c. Selection of BCWMC officers
d. Depository bank identification
e. Set operating budget and cities assessments
f. Consultant solicitation (biennial)

2.7. Code of Ethics/Conflict of Interest

Policy: The Commission operates in accordance with high ethical standards and has established clear guidelines for the ethical conduct of Commission business.

Description: Ensuring that conflicts of interest do not affect Commission proceedings is an essential element of maintaining high ethical standards. In addition to compliance with the Ethics in Government Act, Minnesota Statutes section 10A.07, the Commission has adopted a conflict of interest policy.

Strategies to implement policy:

a. **Disclosure of conflicts**. A Commissioner who has a personal financial interest, or other private interest or relationship that limits the Commissioner's ability objectively to consider, deliberate or vote, in a matter scheduled to come before the board must inform the Chair of the nature of the potential conflict, prior to the board's consideration of or taking action on the matter.
b. **Abstention**. A Commissioner must abstain from chairing any meeting, participating in any vote, offering any motion, or participating in any discussion on any matter that may substantially affect the Commissioner's financial interests or those of an associated business or family member.

3. EXTERNAL/OPERATIONAL POLICIES

3.1. Project Review Fees

Policy: The Commission will charge a fee for review of all project plans triggering the Commission's Requirements for Rules and Standards for Development and Redevelopment, including projects submitted by member cities and other government agencies.

Description: Review fees are charged to the applicants for review to recover costs of the program. The project review fee is the actual cost to review the project from initial contact through final submittals. The Commission will maintain a fee schedule establishing initial fee escrows. If that escrow is exceeded the review is considered incomplete until additional funds are deposited. If the cost is less than the escrow, on completion the Commission will promptly refund the balance.

3.2. General Operational Costs

Policy: Commission administration and programmatic costs will be funded through charges to member cities based on area and taxable value.

Description: Member cities are allocated their share of administrative costs based on a formula in the Joint Powers Agreement. Each year the Commission adopts a budget in accordance with the joint powers agreement between the member cities. The budget is adopted before July 1, and cities may comment on or object to the budget before August 15. The Commission adopts a budget after adjustments as necessary at the August meeting.

3.3. Adequate Fund Balance Policy

Policy: it is considered good financial practice to retain a reserve of funds to help with monthly cash flow and as a "rainy day reserve" in the event something unusual occurs.

Description: The Commission's policy is to maintain a cash reserve equal to the greater of five months of operating expenses or 50% of annual operating revenues. This is reviewed each year during the budget and audit process.

3.4. Capital Improvement Program Funding

Policy: To facilitate implementation of improvement projects within the watershed, the Commission may elect to share in the costs of high-priority watershed capital improvements and demonstration

projects that go above and beyond general city management activities and are intended to provide a significant improvement to the water resources in the watershed.

Description: The Commission operates in accordance with a CIP Cost Share Policy. As called for in the approved watershed management plan, the Commission's share of projects are funded using an ad valorem tax levy administered by Hennepin County (MN Statutes 103B.251). The member cities are responsible for constructing the CIP projects.

Strategies to Implement Policy:

a. The Commission will use a maximum annual levy of $750,000 as a working guideline.
b. The cities' share will be a minimum of 75% of the cost of the project. The 75% share will be apportioned to the city/cities in some other manner acceptable to them. Each city will decide the funding mechanism for their share that is best suited to them.
c. Lake internal Load projects may be eligible for up o 100% cost share
d. Approved non-structural practices such as street sweepers and chloride management equipment may be eligible for up to 25% cost share.
e. Early each year, the Commission and TAC will review the working CIP with recommendations from the TAC to consider whether new projects should be added to the CIP or whether project implementation dates and funding sources should be changed, as necessitated by changing priorities, funding availability, partnering opportunities, or other factors.
f. The Commission will enter an agreement with the responsible city to design and construct the project.
g. The Commission may apply for grant funding for the implementation of CIP projects.

3.2 Administrative Expense Charges to Capital Improvement Projects

Policy: The Commission will recover administrative and legal costs incurred to review, approve, levy, and manage CIP costs.

Description: The Commission will charge a flat fee to reimburse its General Fund for administrative expenses associated with CIP projects.

Strategies to Implement Policies:

a. $5,000 per capital project and $2,500 for each cost share program is included in the CIP project levy to reimburse the Commission for administrative expenses.
b. These fees are transferred from the CIP account to the Administrative Account

3.3 Capital Improvement Program Closed Project Account Policy

Policy: Funds remaining in the CIP construction account from completed projects may be used to reduce future tax levies for future CIP projects.

Description: The Commission established the CIP Closed Project Account (the "Account"). This Account will receive remaining funds from completed project accounts.

Strategies to Implement Policy:

a. Upon completion of CIP projects funded in whole or in part by a County tax levy and after reimbursement of Commission expenses and administrative charges and final payment to the City with responsibility for construction of the project, the construction account for that project will be closed and remaining funds will be transferred to the Closed Project Account.
b. As a general guiding principle, the Account will be used for expenses incurred for other projects in the Commission's CIP that are proposed to be funded with a County tax levy. Such expenses include:
    I. The administrative and construction costs of CIP projects. Monies from the Account may be used to reduce or eliminate a tax levy for capital projects in the CIP by transferring monies to the construction accounts for those projects.
    II. Reimbursement to the Commission's General Fund of expenses or administrative fees incurred in connection with a project if the tax settlement for that project is not sufficient to cover such expenses.
    III. Reimbursement to cities that construct projects for administrative or construction costs if tax settlements received from the County are not sufficient to cover such costs. These costs might include cost overruns on projects, change orders, corrective follow-up work or repairs, or other unforeseen project costs.
    IV. Prepayment of project costs to the Commission or to cities for project costs that are incurred before receipt of tax settlement from the County for that project.
    V. Completion of feasibility and subwatershed assessments that will identify, plan, design, or redesign capital projects to be funded with a County tax levy.
c. The Commission does not intend to accumulate unreasonable balances in the Account. Because the Account could be used to fund projects in advance of receipt of tax settlement from the County, and because a number of larger projects in the CIP have total costs, or annual project costs, the Commission finds that an accumulation of funds of up to $100,000 is reasonable. Money will not be accumulated to an amount in excess of $100,000 unless a specific use for such funds has been identified. The Account balances may be kept within this amount by expending funds for any of the purposes identified in this policy.
d. Each year the Commission will consider the status of the Account prior to certification to Hennepin County of requests for tax levies for capital projects.
e. If project costs exceed projections, cities responsible for construction may request additional funds.

3.4 Cost Share Program Account Policy

Policy: Funds remaining in the CIP construction account from completed projects may be used to reduce future tax levies for future CIP projects.

Description: The Commission established the City Cost Share Program for city projects and the Partnership Cost Share Program for projects on private property.

Strategies to Implement Policy:

a. Projects must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules. Only the cost of "upsizing" a BMP above and beyond is eligible.
b. The Commission will share in funding city projects on a 1:1 basis up to $100,000. The

Commission may reimburse up to 100% of the cost of private qualifying BMPs up to $50,000.

c. Projects must be reviewed by the Technical Advisory Committee (TAC) and recommended to the Commission for funding. The TAC has discretion on a case-by-case basis to consider and recommend to the Commission projects that do not meet the letter of the guidelines
d. Unallocated funds are carried over from year to year. Accumulated funds in excess of $100,000 in the Partnership Cost Share Account may be transferred to the City Cost Share Account.
e. For Partnership projects the property owner must dedicate a public easement or equivalent sufficient to install and maintain the BMP. The Member City must obtain a recordable maintenance agreement from the property owner that specifies maintenance requirements and schedule; authorizes the City to inspect the BMP and order maintenance and improvement; and authorizes the City to undertake ordered maintenance and improvement not completed by the property owner and assess the cost that work to the property.

APPENDIX A

Elm Creek Watershed Management Commission
Roles and Responsibilities
DATE

ADMINISTRATOR

1. Implements the strategic direction as set by the Commission.
2. Responds to direction from the Commission.
3. Acts as the primary point of contact and maintains direct communication with Commissioners, TAC members, member cities, consultants, state and local agencies, the public, the media, and other partners (e.g. Met Council, West Metro Water Alliance, Hennepin County, park districts, Metro Blooms, etc.).
4. Coordinates logistics, prepares agendas and materials, writes minutes, and attends meetings of the Commission, Technical Advisory Committee, and other Commission Committees.
5. Represents the Commission at various meetings and through correspondence with partners, and outside interests or groups.
6. Provides primary coordination during the development of the Watershed Management Plan, policy manuals, Education and Outreach Plan, and other organizational documents.
7. Updates and follows the policy manual in coordination with the Commission, and the Commission engineer, legal counsel, and deputy treasurer.
8. Communicates the work of the Commission to commissioners, partners, and the public (with assistance, as needed, from Commission engineer and others) including maintaining an updated website, giving interviews and presentations, submitting press releases, etc.
9. Coordinates and oversees work of the Commission Engineer, consultants, contracts and agreements; and reviews all invoices to the Commission.
10. With input from commissioners, the TAC and Commission Engineer develops annual CIP for Commission consideration.
11. Serves as Deputy Treasurer; tracks status of Commission budget, including CIP project budgets, grants, and special accounts; prepares monthly Treasurer's report; and coordinates the annual financial audit.
12. Coordinates administrative tasks related to capital projects, including Plan amendments, Hennepin County approval process, BWSR approval process, cooperative agreements, and interim and final accounting and reimbursements
13. Identifies opportunities and helps to secure grant funding and develop partnerships to accomplish Commission goals, in coordination with Commission Engineer.
14. Tracks progress and implementation of Commission programs and activities including objectives, schedules and budgets in coordination with Commission Engineer.
15. Leads the development of annual budget (in coordination with Budget Committee), annual

report, and annual work plan; communicates with Hennepin County regarding maximum and actual annual levy amounts.

16. Prepares annual report and annual plan; maintains website; appropriately notices all public meetings; maintains official records of commissioner appointments; maintains official records, follows records retention schedule and data practices act.

ENGINEER

1. Responds to direction from the Commission and Administrator.
2. Reviews development plans and reports to Commission and member cities on compliance of the plans with regards to Commission review standards, requirements, policies and procedures.
3. Performs inspections of the Commission's CIP projects, as needed or directed and prepares report with recommendations.
4. Develops and writes the Watershed Management Plan in cooperation with the Administrator at the direction of the Commission and with input from the TAC, watershed residents, state
5. agencies, and partners; and assists the Administrator with coordinating certain aspects of Watershed Management Plan development.
6. Represents the Commission on a technical level at various meetings and through correspondence with partners and others as directed by the Commission or Administrator.
7. Provides technical recommendations to the Commission on projects, plans, and monitoring programs.
8. Coordinates and performs (as directed) science-based decisions on water monitoring activities, feasibility studies, project designs and other projects or programs as directed by the Commission.
9. Coordinates with the TAC, helps set TAC meeting agendas, provides meeting materials as needed, and assists Administrator with preparation of TAC memo to Commission.
10. Provides meeting agenda items and meeting materials to the Administrator.
11. Identifies opportunities and helps to secure grant funding and develop partnerships to accomplish Commission goals.
12. Reviews member cities' local water management plans for conformity with Commission plan, as directed by the Commission.
13. Assists Commission with reporting on TMDL implementation progress (including water quality modeling).
14. Maintains and updates the Commission's watershed-wide hydrologic and hydraulic model and water quality model for use in floodplain management and to assess impacts of water quality best management practices.
15. Apprises the Commission of technical innovations in stormwater management and proposed policy/rule/statute changes that could affect the Commission.
16. Stores development/project review files and technical data.

DEPUTY TREASURER

1. Takes direction from the Commission Treasurer and Commission
2. Advises the Commission on financial practices, investments, and depositories
3. Maintains access to Commission accounts including checking and investment accounts
4. Assists with the transfer of funds between accounts in order to maintain appropriate balances in checking account and investment funds
5. Assists with maintaining appropriate collateral on all accounts
6. Assists with developing and implementing the Commission's fiscal policies
7. Assists with and review the annual financial audit
8. Maintains signatory authority for checking account; signs monthly checks as needed

LEGAL COUNSEL

1. Responds to direction from the Commission and Administrator
2. Reviews or prepares contracts and agreements; makes recommendations to the Commission.
3. Advises the Commission on pertinent legal matters.
4. Represents the Commission in lawsuits or other matters, as necessary.
5. Develops resolutions for Commission action, as requested.
6. Provides meeting agenda items and/or meeting materials to the Administrator.

TECHNICAL ADVISORY COMMITTEE

1. Responds to requests for input from the Commission and Administrator.
2. Acts as a forum for the exchange of ideas between the member cities, presentation of city activities, and one source of ideas for projects, programs, etc. This may help avoid duplication among cities on watershed-wide activities.
3. Acts as a vehicle for communication from member cities to the Commission.
4. Provides technical advice and local knowledge to Commission; offers recommended alternatives and solutions.
5. Discusses possible CIP projects and project budgets each year for Commission consideration.
6. Recommends projects to be funded through the Commission's channel maintenance fund for Commission consideration.
7. Reviews recommendations from flood control project and CIP project inspections.
8. Performs other duties as assigned by the Commission.

COMMISSIONER

1. Provides overall direction for the Commission; monitors and controls its function.
2. Establishes policies of the Commission.
3. Directs the development and implementation of the Watershed Management Plan.
4. Adheres to the bylaws and Joint Powers Agreement of the Commission including provisions regarding the appointment of Commissioners.
5. Directs the work of the administrator, engineer, and legal counsel.
6. Recruits, supervises, retains, evaluates and compensates all consultants to carry out the work of the Commission.
7. Attends Commission meetings or arranges for alternate commissioner to attend if unable to attend and communicates this to the Chair and Administrator.
8. Participates in Committees, as assigned.
9. Takes action each year to set the annual operating budget, set the annual levy amount, review and approve the annual activity report; review and accept the annual financial audit.
10. Conducts performance reviews of contractors.
11. Reviews and approves invoices.
12. Makes decisions using sound science pertaining to water resources management for entire watershed.

ALTERNATE COMMISSIONER

1. Attends meetings (most importantly if the primary Commissioner is not able to attend) and engages in all discussions of the Commission.
2. Performs duties of the primary Commissioner (as noted above) when the primary Commissioner is not in attendance at a meeting including making motions, seconding motions, and voting on motions. Motioning and voting is performed by the Alternate Commissioner only when the primary Commissioner is not present.
3. Participates in committees, as assigned.
4. Adheres to the bylaws and Joint Powers Agreement of the Commission including provisions regarding the appointment of Commissioners.
5. Makes decisions using sound science pertaining to water resources management for entire watershed.

Appendix B. Records Retention Policy – to be added
Appendix C. Data Practices Act Procedures – to be added