The Board convened the special meeting at 1:00 p.m.

Board Members in Attendance: Patricia Preiner, John Waller, Steve Wagamon, and Mike Bradley.

Board Members Absent: Barbara Haake (with prior notice).

Others: Administrator Phil Belfiori; Communications & Outreach Coordinator Beth Carreño; Water Resource Specialist Kyle Axtell; Rachel Olm, Houston Engineering (HEI); John Kolb, Rinke Noonan; Barbara Haake (via telephone – listening only).

Consider correspondence to the District’s Legislative Delegation and Local Government Units on proposed legislation.

Administrator Belfiori distributed to the Board a District memo re: Strategies for Legislative Communications re: HF 2687 and SF 2419 dated 3/20/18, Rinke Noonan memo re: DNR Public Waters/Drainage System Guidance, and two draft letters (one for legislators and other for LGUs) requesting their support on proposed bills HF 2687 and SF 2419 clarifying public waters and public drainage system laws. The Rinke Noonan memo and draft letters were emailed to the Board yesterday 3/19/20.

Drainage Attorney Kolb informed the Board that this item is fast moving and recently, the DNR released their guidance memorandum related to public waters authority over work done in public drainage systems. Mr. Kolb reviewed his memo dated March 18, 2018 and summarized his findings from his review of the guidance memo. He also presented the following 5 bullets and explained that these items represent his fundamental position on how the law should be implemented through the guidance memo.

Public Drainage Repairs (103E) and Public Waters Law (103G):

- Repairs of existing systems where rights existing at the time of the PWI and that the PWI did not change those rights.
- Repairs, conducted IAW 103E/103D, and taking into consideration the factors found in rule 6115.0200, subp. 3, do not require a DNR permit.
- DNR cannot dictate a repair depth – rather, it can only concur or non-concur that the work constitutes repair after compliance with 103E.701, subd. 2.
- DNR permission, under 103E.011, subd. 3, only applies to new drainage systems or drainage system improvements that remove, construct, or alter a dam affecting public systems.
waters; establish, raise, or lower the level of public waters; or drain any portion of a public water.

- The “substantially affect public waters” language found in 103G.245, subd. 2(2) does not apply to drainage system repairs.

Attorney Kolb further outlined his concerns in the guidance document. He believed that nothing will happen this year with the legislation but recommended keeping the Districts stakeholders aware/updated on this item and see what happens with the implementation of the guidance document. He noted that the two proposed letters to the LGU’s and legislators follow this recommendation.

Manager Waller informed the Board of a piece of legislation “Enforcement of Groundwater Appropriation Permit; White Bear Lake” that the City of Hugo gave support to at their council meeting last night. He asked the Board if they should also support this legislation. The Board agreed by majority consensus to revisit this item at a future meeting to gain more knowledge on the subject. They also believed it was important to keep the District priorities/message clear.

Board and staff discussed the 3 potential options for the legislative communication:

1. **The letter may be sent “as is”**
2. **The letter may be sent as a “Legislative Update”**
   - What legislative initiatives the RCWD supported this year and status
   - This would include both HF2687 / SF2419 and information on the amendment to the Watershed Law and/or MS 13D.02
3. **The letter can be replaced or supplemented with an (e)newsletter option that includes a ditch maintenance piece (a ditch maintenance piece is already being developed for the newsletter) and supported by a post on the website**
   - The Board may also wish to have this topic covered in a future City-County Partner Meeting

Staff recommended combining the second and third options.

Motion by Manager Bradley, seconded by Manager Preiner, to support staff’s recommendation of combining the second and third options for LGU Communications. Motion carried 4-0.

The special meeting was adjourned at 1:45 p.m.