

Bassett Creek Watershed Management Commission



POLICY MANUAL

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References (not included)

- A. Bassett Creek Watershed Management Commission Watershed Management Plan, September 2015
- B. Local Cooperation Agreement Between the Department of the Army and City of Minneapolis
- C. Mississippi WMO Joint and Cooperative Agreement for Boundary Change
- D. BCWMC Bylaws
- E. BCWMC Joint Powers Agreement

1 INTRODUCTION

This Policy Manual is meant to facilitate consistent implementation of current governance and operational policies of the Bassett Creek Watershed Management Commission, and to clearly document policies and procedures for new BCWMC 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 BCWMC are:

- Minnesota Statute 103B.201
- 1993 BCWMC Joint Powers Agreement
- 2001 revised BCWMC Bylaws
- the 2015 BCWMC 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 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 BCWMC. 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.

Applicable funding: Not applicable

Adopted:

Citation:

Strategies to implement policy:

1. In order to comply with Open Meeting law requirements, Commissioners will route communications with other Board members through the Administrator.
2. Commissioners will bring suggestions, requests and recommendation for consultant assignments and preparation of work products to the Commission for approval and assignment.

3. 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.
4. 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.
5. The Commission administrator must be made aware of upcoming requests for work product and studies from Commission consultants.

2.2 Guidelines for Consultant Services

Policy: 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 the duties and responsibilities of the Bassett Creek Watershed Management Commission that the Commission's consultants (administrator, recording secretary, 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.

Applicable funding: Not applicable

Adopted: May 2010

Citation: BCWMC Memo (Draft resolution, Item 4H, BCWMC Board agenda, April 15, 2010)

Strategies to implement policy:

1. When reasonably practicable, consultants will secure prior approval of the Commission for providing services to the Commission.
2. No prior authorization by the Commission is needed in the following circumstances:
 - a) Work or services included in the budget (if the budget for that item has not been exceeded).
 - b) Project reviews in response to applications received by the Commission.
 - c) Routine telephone calls or requests for information from Commissioners, member cities, government agencies, or citizens.
 - d) Responding to requests for information or assistance from member cities when services will not exceed \$2,000.
3. If the work or services ordered do not fall within the exceptions listed in strategy 2, 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 Chair may convene a meeting of the Executive Committee if, in the judgment of the Chair, such a meeting is warranted to decide whether to authorize the work.

4. The consultant may contact the Administrator for authorization to proceed at any time the consultant is in doubt about whether to proceed.
5. Budget exceedances must be approved by the Commission if they fall outside a \$2,000 limit.

2.3 Administrator Policies

Policy: The Administrator works at the direction of the Commission to assist the Board.

Description: The guide for the relevant policies pertaining to the Administrator will be governed by the contract between the Administrator and the Commission, as well as the Work Plan.

Applicable funding: Annual budget amount

Adopted: April 2010

Citation: BCWMC Administrator’s contract

Strategies to implement policy: See contract with BCWMC Administrator and Roles and Responsibilities Document in Appendix A

2.4 Cities Responsibilities

Policy: The BCWMC has been a successful organization due to its leadership and the cooperation of the nine member cities. Cities have responsibilities to the BCWMC, as set by either the policies stated in the BCWMC Watershed Management Plan (WMP), the joint powers agreement, or BCWMC board actions.

Description: A key means by which the Commission works with cities is by working cooperatively to identify water quality improvement and flood control projects within the watershed.

Applicable funding: Administrative fund

Adopted: 2004, Updated November 16, 2016

Citation: BCWMC Watershed Management Plan

Strategies to implement policy: See 2015 Watershed Management Plan sections 5.2.1 (City Responsibilities) and Section 4.0 (Policies) and Roles & Responsibilities Document

2.5 Committee Responsibilities

Policy: Committees will be assigned clear guidelines by the Commission to help with the efficient operation of the Commission.

Description: The Bassett Creek Watershed Management Commission has several committees with separate responsibilities. Examples include the Education, Administrative Services, and Budget Committees. These guidelines are intended to provide guidance to

Commissioners.

Applicable funding: Some committee work includes making recommendations on Commission spending.

Adopted: July 2001, Amended November 16, 2016

Citation: BCWMC Bylaws, Article VI, Section 3, Roles and Responsibilities Document (Appendix A)

Strategies to implement policy:

1. Commissioners are encouraged to serve on BCWMC committees to deepen their awareness and knowledge of Commission issues.
2. Committee membership may include persons who are not members of the Commission.
3. Commission may assign additional tasks to committees specific to their duties.

2.6 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: In furtherance of this policy, the Commission has adopted the attached Record Retention Schedule (Appendix B). The Record Retention Schedule provides the Commission's plan for managing its records by establishing minimum retention periods for the records based on their administrative, fiscal, legal and historic value. It lists categories of records that are maintained by the Commission, identifies how long the Commission will retain them, whether or not they have archival value, their classification under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 and how they are being stored.

Applicable funding: Administrator and/or Admin Services budgets

Adopted:

Citation: Minnesota Statutes 138.17, and Minnesota Statutes Chapter 13

Strategies to implement policy:

See Appendix B

2.7 Policies and Procedures for Public Access to Documents

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

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. In addition, the Commission has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the Commission. 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.

Applicable funding: Administrator and/or Admin Services Budgets

Adopted:

Citation: BCWMC Data Practices Procedures (Attachment C)

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

2.8 Public Purposes Expenditures

Policy: The Bassett Creek Watershed Management Commission policy is to spend public money only for Commission purposes. To that end, the Commission has adopted a policy regarding expenditures for travel, training, etc.

Description: Minnesota law mandates that governmental entities make expenditures only for public purposes and only as authorized to accomplish the purposes for which the entity was created. The BCWMC establishes the following policy and protocols to ensure that BCWMC expenditures serve clear, documented watershed purposes. The BCWMC will be responsible for the implementation of this policy and associated protocols.

Applicable funding: Not applicable

Adopted:

Citation:

Strategies to implement policy:

1. **Travel.** The BCWMC may pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses related to the performance of official BCWMC functions. Expenditures must be approved in advance by the Commission and must be directly related to the performance of BCWMC functions. Expenses of BCWMC consultants shall be paid according to contracts.

A Commissioner will be reimbursed for mileage expenses incurred when using their personal vehicle to conduct BCWMC business. Mileage will not be reimbursed for travel to and from BCWMC regular, special, or committee meetings. Mileage will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service. Mileage expenses need not be approved in advance, but mileage expenses will be reimbursed only when accompanied by documentation of the date, number of miles traveled, purpose and destination(s).

2. **Staff and Commissioner training.** The BCWMC may pay reasonable registration, tuition, travel and incidental expenses (including lodging and meals) for education,

development and training when expenditures are directly related to the performance of duties. Expenditures must be approved in advance by the Commission.

3. **Food and beverages.** The BCWMC may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of staff, Commissioners/staff or the public in activities, events and functions directly related to BCWMC purposes. Circumstances under which BCWMC expenditures for food and beverages will be allowed include:
 - a. Food and/or beverages provided as part of a structured agenda of a conference, workshop, work session, outreach meeting, seminar, when the topic or subject of which relates to the official business of the BCWMC and the majority of the participants are not BCWMC staff or Commissioners/staff;
 - b. Food and/or beverages may be provided as part of a formal meeting primarily for BCWMC staff or Commissioners/staff where food and/or beverages are necessary to facilitate the conduct of the meeting, to ensure continuity and support the participation of staff, Commissioners/staff and other participants. Examples of potential qualifying events include:
 - i. An extended planning or operational analysis meeting;
 - ii. An extended meeting of department Commissioners/staff, with or without BCWMC Commissioners/staff, to develop long-term strategic plans;
 - iii. A structured training session for staff generally; or
 - iv. Official meetings of the BCWMC Commission, a committee, task force or advisory group.
 - c. Food and/or beverages may be provided for occasional staff recognition and appreciation events and activities, when approved by the Commission in accordance with a BCWMC staff recognition and appreciation policy and budget.
 - d. The BCWMC may pay for food and/or beverage expenses incurred in connection with a meeting or event attended by staff and/or Commissioners/staff, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to BCWMC purposes.
 - e. BCWMC meetings and training sessions will be scheduled to avoid the need to provide food whenever possible.
 - f. The BCWMC will not pay for alcoholic beverages under any circumstances.

4. **Outreach and stakeholder involvement.** The BCWMC may pay for community and stakeholder outreach and involvement programs to ensure the efficient and effective conduct of BCWMC programs, projects and meetings conducted to gather public and intergovernmental input and participation in BCWMC planning, research, rulemaking and program or project design.

5. **Membership, donations.** BCWMC funds may be expended for membership in professional organizations if the organization is an association of a civic, educational or governmental nature and its activities are directly related to BCWMC purposes or the improvement of BCWMC operations. BCWMC funds may not be donated to any professional, technical or charitable organization, person or private institution. The BCWMC may contract for services rendered by such organizations.
6. **Protocols.** The following protocols are established to ensure compliance with above policies:
 - a. All invoices or reimbursement requests must include or be accompanied by a copy of the Administrator’s written approval and must include itemized receipts or other appropriate documentation of expenses incurred. Documentation also must include the date the expense(s) were incurred, location, purpose, participating or attending individuals and relevant affiliation, explanation of the need for food and/or beverage for the meeting, event or activity, and any other relevant information.
 - b. Copies of all documentation specified herein will be recorded and maintained in accordance with the BCWMC records retention policy.
7. **Miscellaneous.**
 - e. The BCWMC administrator will secure an approval described above for expenses he or she will incur from the Chair of the Commission, except that the Administrator may approve expenses for BCWMC-conducted programs, events, and activities.

2.9 Investment and Depository of Funds

Policy: The Commission adopts the following guidelines regarding investment of Commission funds.

Description: It is the responsibility of the Commission to invest Commission funds in order to attain a market rate of return while preserving and protecting the capital of the overall portfolio and to ensure compliance with statutory requirements applicable to the Commission’s designation a depository financial institution. Investments will be made in compliance with statutory constraints and in safe, low-risk instruments.

Applicable funding: Operating budget

Adopted:

Citation: Minnesota Statute Chapter 118A

Strategies to implement policy:

1. **Scope.** This policy applies to all financial assets of the Commission including but not limited to:
 - General Fund
 - Construction Fund
2. **Designation of Depository and Collateralization.** The Commission annually will designate a financial institution or institutions in the State of Minnesota as the

depository of Commission funds. In the event the Commission does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository will furnish collateral, as necessary, in the manner and to the extent required by Minnesota Statutes section 118A.03, as it may be amended, and other applicable law. Collateral will be held in safekeeping in compliance with Section 118A.03, as it may be amended.

3. **Delegation of Authority.** Minnesota Statutes section 118A.02 provides that the governing body may authorize the treasurer or chief financial officer to make investments of funds under Sections 118A.01 to 118A.06 or other applicable law. The Commission authorizes the Treasurer or Deputy Treasurer to invest Commission funds pursuant to this policy and state law for the Bassett Creek Watershed Management Commission.

The Treasurer or Deputy Treasurer shall assure compliance with this policy and further develop and maintain adequate controls, procedures, and methods assuring security and accurate accounting on a day-to-day basis.

4. **Objectives.** At all times, the Commission's investments shall be made and maintained in accordance with Minnesota Statutes Chapter 118A as it may be amended. The primary objectives of the Commission investment activities shall be in the following order of priority:

- i. Security

Security of principal is the foremost objective of the investment portfolio. Preserving capital and protecting investment principal shall be the primary objective of each investment transaction.

- ii. Liquidity

The investment portfolio shall remain sufficiently liquid to meet projected disbursement requirements.

- iii. Return on Investment

The investment portfolio shall be designed to manage the funds to maximize returns consistent with items A and B above and within the requirements set forth in this policy.

5. **Prudence.** The "prudent person" standard shall be applied in managing Commission investments. All investment transactions shall be made in good faith with the degree of judgment and care, under the circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of their own affairs, in accordance with this policy.
6. **Eligible Investments.** All investments will be considered eligible if they are made in accordance with Minnesota Statutes Section 118A.04.
7. **Investment Restrictions.** In addition to statutory prohibitions, investments specifically prohibited are derivative products, structured notes, inverse index bonds, repurchase agreements not authorized by statute, and other exotic products.

8. **Safekeeping.** Commission investments, contracts and agreements will be held in safekeeping in compliance with Minnesota Statutes Section 118A.06. In addition, before accepting any investment of Commission funds and annually thereafter, the supervising officer of the financial institution serving as a broker for the Commission shall submit a certification stating that the officer has reviewed the Commission Investment and Depository Policy and incorporated statement of investment restrictions, as well as applicable state law, and agrees to act in a manner consistent with the policy and law. The Commission will annually will provide the policy, as it may be amended. The certification shall also require the supervising officer to disclose potential conflicts of interest or risk to public funds that might arise out of business transactions between the firm and the Commission. All financial institutions shall agree to undertake reasonable efforts to preclude imprudent transactions involving the Commission funds.
9. **Conflict of Interest.** Any Commissioner or staff member involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair his/her ability to make impartial investment decisions.
10. **Internal Controls and Reporting.** Internal controls are designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. Before the Commission invests any surplus funds, competitive quotations shall be obtained. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations will be requested for instruments that meet the maturity requirement. The Commission will accept the quotation that provides the highest rate of return within the maturity required and within the limits of this policy.

The Commission Treasurer or Deputy Treasurer shall be limited to investing funds for up to a maximum term of seven years. The Commission administrator shall request approval from the Commission to authorize investment of funds for terms exceeding seven years.

Monthly, the Commission Treasurer or Deputy Treasurer shall provide an investments report to the Commission. Investments shall be audited and reported with financial statement annually. It shall be the practice of the Commission to review and amend the investment policy from time to time as needed.

2.10 Required Scheduled Activities

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

- Financial audit
- Selection of official newspaper
- Selection of BCWMC officers
- Depository bank identification
- Set operating budget and cities assessments
- Consultant solicitation (biennial)

Description: These tasks are required by the BCWMC Joint Powers Agreement.

Applicable funding: Not applicable

Adopted:

Citation: BCWMC Joint Powers Agreement

2.11 Code of Ethics/Conflict of Interest

Policy: The Bassett Creek Watershed Management Commission seeks to operate in accordance with high ethical standards and wishes to establish 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. Therefore, to supplement and specify its commitment to compliance with the Ethics in Government Act, Minnesota Statutes section 10A.07, the Commission has adopted a conflict of interest policy.

Applicable funding: Not applicable

Adopted:

Citation:

Strategies to implement policy:

1. **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 prepare a written statement describing the matter requiring action and the nature of the potential conflict, and deliver the statement to the Chair of the Board of Commissioners prior to the board's consideration of or taking action on the matter. If a potential conflict arises and a Commissioner does not have sufficient time to prepare a written statement, the Commissioner must orally inform the board prior to discussion of the matter.
2. **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, unless the effect on the Commissioner is no more than on any other member of the Commissioner's business classification, profession or occupation. Commissioners must also abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the Commissioner limits the Commissioner's ability objectively to consider, deliberate or vote. The Commissioner's nonparticipation in the matter will be recorded in the minutes.

3 EXTERNAL/OPERATIONAL POLICIES

3.1 Project Review Fees

Policy: The Commission will charge a fee for review of all project plans and designs triggering the Commission's Requirements for Improvements and Development Proposals, including plans and designs submitted by member cities.

Description: Review fees are charged to the applicants for review to recover costs of the program. Charges are set on the basis of the size of the project, type, and also on wetland related projects.

Applicable funding: Project review fees

Adopted:

Citation: See current fee schedule.

Strategies to implement policy: See current fee schedule.

3.2 Funding

3.2.1 General Administrative 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.

Applicable funding: Annual city funds

Adopted: July 30, 2002, Amended December 18, 2014

Citation: Joint Powers Agreement, Section VIII, Subd. 3.

Strategies to implement policy:

1. 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 1. The Commission adopts a budget after adjustments as necessary at the August meeting.
2. The general administrative costs are assessed among the member cities on the basis of a formula set in the joint powers agreement, which is 50% based on the net tax capacity of property within the watershed and 50% on the basis of land area within the boundaries of each city.
3. Invoices to the Commission will be reviewed by the BCWMC Administrator who will provide a written recommendation to pay or not to pay.
4. The Commission will keep approximately 50% of its annual operating expenses as an Administrative Fund balance for the following purposes:

1. To provide appropriate cash flow to pay for Commission projects and programs
2. To fund projects or programs that arise unexpectedly

3.2.2 Capital Improvement Program Funding

Policy: The County will levy an ad valorem watershed-wide tax for capital projects of greater than \$25,000.

Description: This process provides transparent oversight of Board decisions by elected representatives of member cities and Hennepin County. The BCWMC has been implementing its capital improvement program (CIP) since 2004. As called for in the BCWMC's approved watershed management plan, the BCWMC funds its water quality improvement projects using an ad valorem tax levy administered by Hennepin County (MN Statutes 103B.251). Although the BCWMC provides the funding, the member cities are responsible for constructing the CIP projects.

Applicable funding: Hennepin County ad valorem tax levy throughout the Bassett Creek watershed.

Adopted: 2004, Amended December 18, 2014

Citation: Joint Powers Agreement, Section VII, Method of Proceeding, Subd. 5 and MN Statute 103B.251.

Strategies to Implement Policy:

1. The Commission will strive to levy amounts that are relatively stable from year to year.
2. In addition to its 10-year CIP as outlined in its Watershed Management Plan, the BCWMC maintains a "working version" of its CIP that covers a 5-year period. Early in the year, the BCWMC reviews its 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.
3. The BCWMC and TAC will consider the criteria for eligible CIP projects identified the Watershed Management Plan (Policy 110).
4. The procedures set forth in the joint powers agreement are similar to those followed by cities in the case of capital projects paid for by special assessments under Minnesota Statutes, Chapter 429. As in the case of 429 improvement projects, the process begins with the preparation of a feasibility report on the proposed project.
5. Following receipt of the feasibility report, the Commission would hold a hearing on the proposed project, giving at least 45 days notice to the clerk of each member city.
6. Following the hearing, the Commission could order the project by a 2/3 vote of its members. That order would designate the cities responsible to construct the project,

direct the preparation of plans and specifications, and certifies to Hennepin County the tax levy that is needed for the following year to implement the upcoming CIP project.

7. The Commission will enter an agreement with the responsible city to design and construct the project.
8. The Commission may apply for grant funding for the implementation of CIP projects.
9. Cities may contribute to the costs of CIP projects in order to expand the scope of the CIP project and/or for the ability to take partial credit for pollutant removals achieved by the CIP project with the following guidance:
 - a) If cities know that they plan to request regulatory credit from a particular future CIP project, that information should be presented during the development of the 5-year CIP list.
 - b) The city should demonstrate an explicit reason and need for the request to take pollutant removal credit such as plans for a future project or development in the same area.
 - c) The city should demonstrate that other mechanisms (including innovative and emerging technologies) for stormwater management in the area are not possible, are considerably less practical, or are considerably costlier than collaborating on the CIP project.
 - d) The city should contribute to the total cost of the project in at least the same ratio as the city's stormwater management needs to the total stormwater management provided by the CIP project, and the cooperative agreement entered into for the project must identify the amount of stormwater management capacity for regulatory credit the city may use for the design and construction of the project.
 - e) The city project for which pollutant removal credit is being sought must be located within the same BCWMC subwatershed as the CIP project.
10. Capital Improvement Program projects will be constructed by the city assigned responsibility for the project. Eligible project expenses incurred by the city will be reimbursed by the Commission after submittal of appropriate documentation. Project costs eligible for reimbursement are listed in Table 5-1 of the Watershed Management Plan.
11. The Commission may use one of several means to determine the amount to be paid by each member city.
 - a. First, the funding may be provided on the basis of a negotiated settlement among member cities.
 - b. Second, the cost may be provided by member cities on the same basis as the administrative formula.
 - c. Third, the Commission may modify the "50/50" formula by a 2/3 vote if it determines that any member community receives a direct benefit from the capital improvement that can be defined as lateral as well as a trunk benefit (which our legal counsel assumes would generally be a concept applied to water quantity rather than water quality projects), or if the Commission determines that the project provides direct

benefit to one or more cities that is so disproportionate as to require in a sense of fairness a modification to the 50/50 formula. Any city aggrieved by the determination of the cost allocation may appeal the decision and have it submitted to arbitration.

12. Following the issuance of the order for the improvement, each city will be given at least 90 days to determine the method it will use to raise its share of the project cost. After 90 days has elapsed, or notice has been received, by the Commission from each city that it has made such a determination, the Commission may order the advertisement for bids for the project.

The project will be constructed by the city assigned responsibility for the project. Other cities will pay, or contract for the payment of, its share of the cost. Payment is to be made by member cities within 30 days of statements from the engineer certifying that the work has been done.

3.3 Administrative Expense Charges to Capital Improvement Projects

Policy: The Commission will recover administrative costs not to exceed a 2.5% margin of the cost for CIP projects.

Description: This policy sets in place the method to compensate the Commission for administrative expenses associated with CIP projects.

Applicable funding: Not applicable

Adopted: August 18, 2005, Amended December 18, 2014

Strategies to Implement Policies:

1. 2.5% is included in the CIP project levy to reimburse the Commission for administrative expenses.
2. Up to 2.5% of the total project cost is transferred from the CIP account to the Administrative Account

3.4 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.

Applicable funding: CIP Closed Project Account

Adopted: October 20, 2005, Amended March 19, 2009, Amended December 18, 2014

Citation: Policy statement by Commission

Strategies to Implement Policy:

1. 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.

2. 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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Partial funding of TMDL study costs if the Commission has sufficient information to determine with reasonable assurance that the TMDL study will identify, plan, design, or redesign capital projects to be funded with a County tax levy.
3. 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, of approximately \$250,000, the Commission finds that an accumulation of funds between \$250,000 and \$500,000 is reasonable. Money will not be accumulated to an amount in excess of \$500,000 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.
4. 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.
5. If project costs exceed projections, cities responsible for construction may request additional funds.

3.5 Creek and Streambank Maintenance, Repair and Channel Sediment Removal Fund (Channel Maintenance Fund)

Policy: The BCWMC will maintain a Channel Maintenance Fund through its annual assessment to help finance minor stream maintenance, repair, stabilization, restoration, and

restoration project and/or portions of larger stream restoration projects. (2015 BCWMC Watershed Plan Policy 57)

Policy: The Channel Maintenance Fund may also be used to finance the BCWMC’s share of maintenance projects that have a regional benefit, or to partially fund smaller, localized projects that cities wish to undertake. (2015 BCWMC Watershed Plan Policy 58)

Policy: The member cities are responsible for funding maintenance and repairs that are primarily aesthetic improvements. (2015 BCWMC Watershed Plan Policy 62)

Description: The BCWMC established the Creek and Streambank Maintenance, Repair, and Sediment Removal Fund (Channel Maintenance Fund) through its annual assessment to cities in 2004. This fund is used to finance minor stream maintenance, repair, restoration, or sediment removal projects or to help fund portions of larger projects. The BCWMC established this policy and fund to realize benefits including reduced potential for flooding, water quality improvement, and mitigating water quality impairments along the BCWMC Trunk System. Member cities contribute through the annual assessment.

Applicable funding: Streambank Maintenance, Repair, and Sediment Removal Fund

Adopted: January 2004, amended December 2015

Citation: 2015 BCWMC Watershed Management Plan; TAC memos 11/13/03 & 11/5/15

Strategies to Implement Policy:

1. Funds will be used for projects only along the BCWMC Trunk System as identified in the 2015 Watershed Management Plan, Table 2-9 and Figures 2.14 and 2.15.
2. Funds may be used to support creek bank maintenance projects that have regional benefit, or to partially fund relatively low-cost projects that cities wish to undertake.
3. Funds may be used for maintenance and repairs needed to restore and maintain designed flow rate. The designed flow rate is the flow for the regulatory flood levels used to set the Bassett Creek Flood Profiles Table 2.9 of the 2015 BCWMC Watershed Management Plan.
4. Funds may be used on a portion of a project that provides watershed benefits, including reduced potential for flooding, mitigation of water quality impairment, or minimizing the potential for water quality impairment.
5. Funds may be used to repair a previously constructed BCWMC Capital Improvement Project, but, except as noted in item 3 above, may not be used for regular and on-going maintenance of such projects including vegetation management.
6. Funds may be used for localized and permitted sediment removal projects along the BCWMC Trunk System.
7. The portion of the fund each member city is eligible to receive is based on the percentage of the BCWMC Trunk System that is located in each city.

City	Percent of Trunk System
Minneapolis	8.23
Golden Valley	48.99
Plymouth	26.42
New Hope	7.31
Crystal	9.05
Total	100

8. Funds may be used to pay for the project design, development of bid documents, and construction of the project.
9. The city will enter into an agreement with the BCWMC for use of the funds.
10. Funds will be dispersed by the BCWMC after an approved reimbursement request and appropriate documentation from the city.
11. Cities may use the funds as a “cost share” with private landowners at the amount/percentage the city deems appropriate, or can use the funds to finance entire projects.
12. A cost share amount from the city will not be required by the BCWMC (although funds may not be adequate to finance entire projects).
13. The balance of unallocated accumulated funds for each city will be reviewed by the Commission once every three years to ensure that total funding accumulated is not unreasonably high.

3.6 Dispute Resolution

Policy: The Commission will provide a process for solving potential disputes that allows the organization to focus on its goals.

Description: If watershed management disputes should arise between the BCWMC member cities, these disputes may be referred to the BCWMC for resolution. Although the BCWMC’s joint powers agreement does not specifically give the BCWMC the power to decide such disputes, the BCWMC will hear the disputes and endeavor to reach a mutually agreeable solution whenever possible. Under the joint powers agreement, the BCWMC’s findings and recommendations would not be binding unless the parties to the dispute wish to make a prior agreement to that effect.

Applicable funding: Administrative funds

Adopted: 2004

Citation: 2015 Watershed Management Plan 5.1.1.5

Strategies to Implement Policy:

1. The BCWMC will mediate inter-community disputes relating to watershed management problems within the Bassett Creek watershed.

2. Disputes will be referred to a committee of three BCWMC members or alternate members from member communities who are not parties to the dispute. Members will be appointed by the BCWMC chair or vice-chair, which will also appoint one of the three members as the chair of the committee.
3. The committee chair will call a meeting where each party to the dispute will be allowed to present its suggestions to resolve the dispute.
4. The committee may consult with the members of the BCWMC staff and will prepare findings and recommendations to resolve the dispute.
5. The committee’s recommendation will be presented to the full BCWMC, which may accept, reject, or amend the recommendation before forwarding the findings and recommendations to the parties of the dispute.

3.7 Use of Investment Income

Policy: 100% of the income from BCWMC long-term investments (e.g., 4M and 4MP funds) will be categorized as “unrestricted” funds and will be posted to a Special Projects Fund within the BCWMC Operating Budget (similar to the Flood Control Long Term Maintenance Fund or Channel Maintenance Fund). Use of the Special Projects Fund will require approval by the Commission prior to the expenditure. Use of the Special Projects Fund will be prioritized toward studies or planning to help target capital improvement projects or BCWMC programs (e.g., subwatershed analyses). In limited and extenuating circumstances, the Special Projects Fund may be used for other purposes (e.g., closing budget gaps in regular BCWMC programs) but only with thorough evaluation, review by the TAC, a recommendation from the Budget Committee, and approval by a majority of members at a Commission meeting.

Applicable funding: Investment income

Adopted: December 21, 2023

Citation: December 21, 2023 Commission meeting minutes

3.8 Use of Requests for Proposals from Consulting Firms

Policy: The BCWMC will use consultants to perform the majority of its work. Requests for proposals from consultants will follow the guidelines below.

Applicable funding: Annual operating budget and CIP funds

Adopted:

Citation: Meeting minutes – October 20, 2016

Guidelines:

A. Primary engineering consultant:

The BCWMC contracts with a consulting firm for day-to-day engineering services (the “Commission Engineer.” The contract with the Commission Engineer will be reviewed every 2 years. The following tasks will only be performed by the Commission Engineer:

- Flood Control Project inspections
- Development reviews as required by Watershed Plan or at the request of member cities
- Capital Improvement Program (CIP) project reviews (50% plans, 90% plans, final plans)
- XP-SWMM model maintenance and updates
- P8 model maintenance and updates
- Watershed-wide total maximum daily load study (TMDL)
- Local water management plan reviews- except when Commission Engineer develops the local water management plan for the city.

For the purposes of developing the annual budget the Commission Engineer will provide the budget committee with a simple, one page or less, proposal for each of the above tasks that includes an itemized list of tasks with estimated costs.

B. Engineering consulting services not listed in Section A above.

At the direction of the Commission, the BCWMC may contract with firms other than the Commission Engineer for the following services:

- Routine lake monitoring
- Routine stream monitoring
- Watershed Outlet Monitoring Program (WOMP) sample collection & equipment maintenance
- WOMP flow analysis and data analysis
- Specific studies (e.g. localized TMDLs, CIP effectiveness monitoring AIS pathways analysis, subwatershed analysis, resource management plans, etc.)

At the direction of the BCWMC, contracts for these services may be multi-year, as appropriate. The criteria for selecting a consultant may be based on a variety of factors, such as, but not limited to:

- Special skills of a particular consultant
- Type of project
- Commission's past experience with a particular firm, and
- Estimated Project Cost

For RFP administration, the BCWMC Administrator will:

- Draft the RFP in cooperation with the BCWMC Technical Advisory Committee (TAC)
- Allow the TAC to review the RFP and refine the RFP before distribution
- Allow the TAC to review the responses to the RFP and make recommendations to the BCWMC to consider at their monthly meeting.
- Forward all responses to the RFP and the TAC's recommendation to the BCWMC for final consideration and approval.



Bassett Creek Watershed Management Commission

Roles and Responsibilities Consultants, Commissioners, Technical Advisory Committee, and other Commission Committees

June 2013; updated August 2023

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, Minnesota Watersheds, 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, Minnesota Watersheds, 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, deputy treasurer, and recording secretary,.
8. Coordinates the work of Commission legal counsel, deputy treasurer, and recording secretary as necessary.
9. 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, tabling at events, etc.
10. Coordinates and oversees work of the Commission Engineer, consultants, contracts and agreements; assists with performance reviews, and reviews all invoices to the Commission.
11. With input from commissioners, the TAC and Commission Engineer develops annual CIP for Commission consideration and keeps CIP "fact sheets" updated.
12. Tracks status of Commission budget, including CIP project budgets and the closed project account, assists with annual financial audit, and coordinates this work with the Deputy Treasurer or contracted accountants.
13. Coordinates administrative tasks related to shepherding capital projects through various processes or through actual project implementation including Plan amendments, Hennepin County approval process, BWSR approval process, permitting, contracting, outreach with community members, etc.

14. Tracks status and reports progress on implementation of CIP projects including reviewing expenses or reimbursement requests; taking or collecting photos before, during, and after construction; assisting with preparation of final report; and keeping project webpage updated.
15. Identifies opportunities and helps to secure grant funding and develop partnerships to accomplish Commission goals, in coordination with Commission Engineer.
16. Tracks progress and implementation of Commission programs and activities including objectives, schedules and budgets in coordination with Commission Engineer.
17. 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.
18. 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 erosion control inspections of Commission-approved projects, as needed.
4. Performs inspections of the Commission's flood control project and prepares report with recommendations.
5. Performs inspections of the Commission's CIP projects, as needed or directed and prepares report with recommendations.
6. 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 agencies, and partners; and assists the Administrator with coordinating certain aspects of Watershed Management Plan development.
7. Represents the Commission on a technical level at various meetings and through correspondence with partners and others as directed by the Commission or Administrator.
8. Provides technical recommendations to the Commission on projects, plans, and monitoring programs.
9. 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.
10. Coordinates with the TAC, helps set TAC meeting agendas, provides meeting materials as needed, and assists Administrator with preparation of TAC memo to Commission.
11. Provides meeting agenda items and meeting materials to the Administrator.
12. Identifies opportunities and helps to secure grant funding and develop partnerships to accomplish Commission goals.

13. Reviews member cities' local water management plans for conformity with Commission plan, as directed by the Commission.
14. Assists Commission with reporting on TMDL implementation progress (including water quality modeling).
15. Maintains and updates the Commission's watershed-wide hydrologic and hydraulic (XP SWMM) model and water quality (P8) model for use in floodplain management and to assess impacts of water quality best management practices.
16. Apprises the Commission of technical innovations in stormwater management and proposed policy/rule/statute changes that could affect the Commission.
17. 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 regular performance reviews of contractors.
11. Reviews and approves invoices.
12. Makes decisions using sound science pertaining to flooding and water quality 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 flooding and water quality for entire watershed.

ADMINISTRATIVE SERVICES COMMITTEE – meets quarterly or as needed

1. Makes recommendations on overall administration, processes, and administrative details of the Commission.
2. Provides feedback to the Administrator on performance; provides direction for improvement or changes to tasks or priorities.

BUDGET COMMITTEE – meets during budget development; approximately April - June

1. Develops annual draft operating budget in coordination with the Administrator for consideration by the Commission.
2. Assists with developing the “budget detail” to fully describe budget line items.

EDUCATION COMMITTEE – meets as needed

1. Develops and refines the Education and Outreach Plan of the Commission.
2. Assists with carrying out the tasks outlined in the Education and Outreach Plan, in coordination with the Administrator.
3. Represents the Commission at various events and recruits volunteers to assist at events.
4. Makes recommendations to the Budget Committee for annual expenditures in education and outreach tasks.
5. Attends meetings of the West Metro Watershed Alliance and other education-related organizations as needed or directed; and assists the Administrator with coordinating events, publications, and programs that involve and benefit the Commission.

PLAN STEERING COMMITTEE – meets monthly or as scheduled

1. Guides the development of the 2025 Watershed Management Plan (Plan) acknowledging climate change science impacts.
2. Guides the work of the Administrator and Engineer on tasks related to the development of the Plan.
3. Tracks the budget and schedule of the Plan development; recommends adjustments as necessary.
4. Assists with implementing the public input process of the Plan development.

Discusses and reviews sections of the draft Plan; recommends changes and/or submission to the Commission for review.