



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Administrator Jester
Date: September 10, 2024

RE: Correspondence from Member Cities on Joint Powers Agreement (JPA)

At the July 18th Commission meeting, Commission Attorney Anderson reminded commissioners that they reviewed comments from member cities on the JPA at the June meeting and approved only non-substantive changes to the document. At the July meeting he presented the next version of the JPA with those minor changes. (The provision allowing the Commission to compensate commissioners, and a 12-year term were unchanged and remained in the JPA.) The Commission approved his recommendation to submit the July version of the JPA to cities and to request correspondence from city leadership outlining provisions that would prevent the city from approving the JPA.

Letters were received from three cities and are attached here. In summary, the City of Robbinsdale indicates they will not approve the JPA if the provision allowing the Commission to compensate commissioners stays in the document. The City of St. Louis Park recommends revising the term of the JPA to 8 years. The City of Minneapolis strongly supports a JPA term of 8 years.

I recommend the Commission consider the city correspondence and discuss potential revisions to the [current version of the JPA](#) (as found in the July Commission meeting packet), or methods to engage with city leadership about the JPA. Cities have previously requested that a final JPA document be sent for signatures no later than November 1st.

City of Robbinsdale

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August 14, 2024

The Administrator
Bassett Creek Watershed Management Commission
P.O. Box 270825
Golden Valley, MN 55427

Dear Ms Jester,

Bassett Creek Joint Powers Agreement (JPA)

I wish to provide formal advice relating to the DRAFT Joint Powers Agreement (JPA) that has been circulated to Cities. It is acknowledged that agreement from all nine member cities is required to be obtained prior to the end of the calendar year to allow uninterrupted continuation of the Commission.

The content of the proposed JPA was discussed at a recent City Council Work Session. Based on those discussions, the City of Robbinsdale raises formal objection and is not prepared to sign off on the JPA in its current form. There is one clause that we will require to be amended before we would provide approval of the document. The clause of concern is contained in the proposed agreement as Section 3.3 and relates to the Commission itself being empowered with the authority to compensate Commissioners. We find this proposed clause to be unacceptable based on the following reasons –

- Robbinsdale City Code Sections 320.01 Subd 2 and 320.03 Subd 2, specifically identify that Planning Commissioners, Parks, Recreation and Forestry Commissioners and Human Rights Commissioners serve without compensation. While it is noted that these City Code sections refer to specific Commissions, the City seeks to maintain a consistent message across its Commissions.
- The proposed Bassett Creek JPA Section 3.3 language is out of step with the proposed Shingle Creek JPA language (renewal also required by the end of the year) that maintains similar language to the existing Section 5 Subd 6, related to compensation for Commissioners.
- The proposed Bassett Creek JPA Section 3.3 language takes away control of this issue from individual Member cities which is considered undesirable.

- The proposed Bassett Creek JPA Section 3.3 language allowing greater autonomy and independence in compensating Commissioners would be effectively allowing the Commission to establish paying itself without further checks and balances from the City.
- The payment of compensation to Commissioners would cause an increase in City Assessments.
- The City acknowledges the contributions and dedication of all its Commissioners, however it is noted that Commissioners are not publicly elected or held to the same public account as City Council Members with regard to expenditure of City funds.

The City of Robbinsdale requests that the Bassett Creek JPA Section 3.3 language be replaced with the language currently contained within the existing JPA Section 5 Subd 6 whereby each individual City retains the autonomy and authority to compensate its Commissioner(s) at its own discretion.

I look forward to the Commission reconsidering this matter and receiving an amended JPA document for action by City Council.

Yours sincerely,



Tim Sandvik
City Manager

Aug. 22, 2024

Catherine Cesnik, Chair
Bassett Creek Watershed Management Commission
16145 Hillcrest Lane
Eden Prairie, MN 55346

RE: BCWMC Joint Powers Agreement comments from the City of St. Louis Park

Dear Chair Cesnik:

In this letter, the City of St. Louis Park outlines its position on the currently proposed Joint Powers Agreement (JPA) dated July 8, 2024, and provides comments and recommendations.

The City of St. Louis Park has been a supporting member of the Bassett Creek Watershed Management Commission (BCWMC) since its establishment in 1968. The BCWMC has been a long-term valued partner with the city in managing flooding, improving water quality, and promoting the importance of managing stormwater runoff. The city looks to continue to maintain this relationship well into the future.

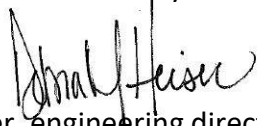
Commissioner, RJ Twiford, Alternate Commissioner, David Johnston, and Technical Advisory Committee Representative, Erick Francis, have appreciated their active role in developing the new JPA's direction with the broader Commission. However, the city would like to express the following concern and provide a recommendation on the proposed version of the JPA, which will define the Commission's existence in the future.

We find the proposed simultaneous expiration of the 10-year JPA and Watershed Management Plan (WMP) problematic and agree that the schedule needs realignment.

- Our recommendation is for the proposed JPA duration to be reduced from 12 to 8 years so as not to be on the same schedule as the WMP update.
- We see an opportunity to avoid a potential issue with updating WMP prior to updating the JPA. We feel that it would be ill-advised for the Commission to undertake the cost and effort to update the WMP prior to ratifying a future JPA if a future JPA is not approved and expires.
- Watershed Management Plan (WMP) update is statutorily mandated, and the Commission cannot modify its updating schedule.

The city appreciates the additional opportunity to comment on the current JPA. Feel free to contact Erick Francis if you have questions.

Sincerely,



Deb Heiser, Engineering Director | City of St. Louis Park

Cc: Kim Keller, city manager; RJ Twiford, BCWMC commissioner; David Johnston, BCWMC alternate commissioner

August 29, 2024

Catherine Cesnik, Chair
Bassett Creek Watershed Management Commission
16145 Hillcrest Lane
Eden Prairie, MN 55346

RE: BCWMC Joint Powers Agreement – Minneapolis comments

Dear Chair Cesnik,

The City of Minneapolis has been a part of the Bassett Creek Watershed Management Commission (BCWMC) since its establishment in 1968. The BCWMC has been instrumental in supporting and leading flood control work that has reduced flooding in Minneapolis with the construction of flood control infrastructure including the new Bassett Creek Tunnel.

The Commission is currently in the process of updating the joint powers agreement (JPA) that defines the Commission's existence. The city, through its commissioner, Michael Welsh, alternate commissioner, Jodi Polzin, and technical advisory committee (TAC) member, Liz Stout has had an active role in providing comments and guidance on the JPA contents and direction.

Currently, the 10-year JPA update is on the same schedule as the update to the BCWMC's Watershed Management Plan. These are two significant processes that are occurring simultaneously. The Watershed Management Plan update schedule is statutorily mandated every ten years so choosing an alternative schedule for the periodic updates to the JPA would be beneficial to both the Commission and member cities.

Once the Commission is completed with the update to their Watershed Management Plan, there is an opportunity to complete an organizational analysis to assist with implementing the new goals and priorities of the plan. The next logical step would be to update the JPA to reflect any organizational changes before going into the next plan update cycle. This is why Minneapolis Public Works strongly supports the Commission adopt an 8-year term for the upcoming JPA and will be encouraging our elected officials to do the same as they approve the JPA language.

Thank you for providing the opportunity to comment on the BCWMC JPA. If you have any questions, please don't hesitate to contact Elizabeth Stout at elizabeth.stout@minneapolismn.gov.

Sincerely,



Bryan Dodds
Deputy Director/City Engineer
City of Minneapolis Public Works

CC: Tim Sexton, Minneapolis Public Works Director
Angie Craft, Minneapolis Public Works
Elizabeth Stout, Minneapolis Public Works
Michael Welsh, BCWMC Commissioner
Jodi Polzin, BCWMC Alternate Commissioner
Laura Jester, BCWMC Administrator