



Title: Approval of District Funds Depository for Noncash Financial Assurances

Resolution number: 24-002

Prepared by: Name: Deb Johnson
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Reviewed by: Name/Title: Tessa Vacek, Administrative Services Manager

Recommended action: Approval at January 11, 2024 Board Meeting

Summary:

The Minnehaha Creek Watershed District Rules require in certain circumstances that a financial assurance (e.g. performance bond, letter of credit, cash or check escrow deposit) be submitted by a permit applicant to assure the satisfactory completion of a project.

Additionally, contractors, as well as subcontractors, hired by the District to work on an MCWD capital project provide financial assurances. The noncash financial assurance documents are reviewed for compliance with District requirements by the District's legal counsel (Smith Partners) at their office in Minneapolis and held there for safekeeping. Smith Partners provides the District with a monthly accounting of the financial assurances held at their office.

Staff recommends that Smith Partners continue as the District's depository for noncash financial assurances in 2024.



RESOLUTION

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WHEREAS, The District’s legal counsel, Smith Partners, is the current depository for noncash financial assurances received as required from permit applicants by the MCWD rules, and from contractors and/or subcontractors hired to work on an MCWD capital project; and

WHEREAS, Smith Partners provides legal review of these financial assurance documents, has the capacity to maintain them securely for safekeeping, and provides a monthly accounting of the financial assurances held at their office; and

WHEREAS, The District recommends Smith Partners continues as the District’s depository for noncash financial assurances received by the District and requires a monthly accounting of such documents held at the Smith Partners office in Minneapolis.

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: hereby names Smith Partners as the 2024 official depository of noncash financial assurances for the District.

Resolution Number 24-002 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 1/11/2024

Secretary Date: _____