



Title: Authorizing Administrator to Commit District Funds to Complete Carp Removal

Resolution number: 21-046

Prepared by: Name: Anna Brown
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Reviewed by: Name/Title: Chuck Holtman, Attorney

Recommended action: Approval of the resolution will allow carp removal activities contracted with Carp Solutions LLC to continue in the event that a government shutdown goes into effect on July 1, 2021. If the DNR determines that grant funded activities complete during the shutdown are not eligible for reimbursement, MCWD will cover the cost of the work performed during that time.

Schedule: Week of June 28: Planned carp removal on Parley Lake

Budget considerations: The not to exceed cost for this work is \$25,000

Past Board action: Res #: 21-039 Authorization to Contract for 2021 Box Netting in Parley Lake

Summary:

On June 17, 2021, MCWD received a letter from the Board of Water and Soil Resources addressed to all contractors, vendors, and grantees advising that, in the event of a government shutdown, all work under contract must be suspended on June 30, 2021 at 11:59 pm. The letter did not address Lessard-Sams Outdoor Heritage Council (LSOHC) Funding, which is administered by the Department of Natural Resources. Staff followed up with DNR who informally advised that they were currently recommending that LSOHC grantees suspend all work in the event of a shutdown.

The MCWD's legislative affairs consultant has been advised by legislative staff that both Clean Water Fund and LSOHC grants are encumbered in their entirety in the year that the grant is awarded, in which case the government shutdown should not impact our ability to seek reimbursement for work carried out during that time. However, absent consistent guidance from the State agencies administering these grants, MCWD should make contingency plans in the event that the work is deemed ineligible for reimbursement.

Specifically, MCWD contracted with Carp Solutions on May 27, 2021 for baited box net removal. The first removal attempt is project to be complete between June 28 and June 30 for a cost not to exceed \$25,000. Should unforeseen circumstances cause the work to be completed after June 30th, staff is recommending the work be performed in order to maintain progress towards carp removal goals and not lose costs spent towards deploying nets and baiting the area. This may require MCWD to absorb the costs of the work should reimbursement not later be forthcoming.

Supporting documents:

- June 17, 2021 Letter from John Jaschke, BWSR Administrator



RESOLUTION

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- WHEREAS, in September 2017, the Lessard Sams Outdoor Heritage Council (LSOHC) recommended the SMCHB Habitat Restoration project for \$567,000 in funding, and the funding was approved by the MN Legislature in May 2018;
- WHEREAS, on May 28, 2021 the MCWD Board of Managers approved a contract with Carp Solutions in an amount not to exceed \$44,900 for carp removal on Parley Lake;
- WHEREAS, on June 17, 2021, MCWD received a notice from the Minnesota Board of Water and Soil Resources advising that in the event of a government shutdown, all work under contract by BWSR grantees must be suspended by June 30 at 11:59 pm, except that work may continue with grantee funds;
- WHEREAS, in Minnesota Department of Natural Resources grant administration staff, in informal correspondence, have made the same recommendation pertaining to work being carried out through LSOHC funding;
- WHEREAS, staff recommend that, in the event of a government shutdown, work under the contract with Carp Solutions that is in progress after June 30 continue, so that the MCWD does not lose the value of work already performed, and the coordinated progress of carp management work within the subwatershed is not disrupted.

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District administrator to commit additional district funds to complete carp removal if required in the event of a government shutdown, in an amount not to exceed \$25,000.

Resolution Number 21- 046 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 6/24/2021

Secretary Date: _____

Date: 06/17/2021

To: Contractors, Vendors, and Grantees

From: John Jaschke, Executive Director

RE: Potential Temporary Suspension of State Contract Performance

We are writing because your organization has a relationship with the Board of Water and Soil Resources (BWSR) either under a current contract with an expiration date after June 30, 2021, or a new contract that becomes effective on or after July 1, 2021.

As you may know, the Minnesota State Legislature adjourned May 17, 2021, without appropriating money to fund the operations of state government for the fiscal year that begins July 1, 2021.

Although we believe there will be a successful and timely resolution to budget negotiations, due to the uncertainty at this time, we must advise all contractors, vendors, and grantees that in the absence of legislatively authorized appropriations as of July 1, 2021, all work activity under our contracts must be suspended as of 11:59 p.m. on June 30, 2021, unless the contractor is specifically told otherwise. This does not preclude work being done on projects using local or other non-state funding sources. However, at this time, payments required of this agency under those contracts will be suspended and any work performed during a shutdown will not be compensated by the state. If any additional information is provided to BWSR, we will notify you in a subsequent communication.

We will keep you informed of progress regarding legislative authorization of appropriations, and we will issue public notices when budgets are approved, and contract performance may be resumed. We suggest that you monitor state websites, bulletins, and media publications for further information.

Sincerely,



John Jaschke