

Minnehaha Creek Watershed District

REQUEST FOR BOARD ACTION

MEETING DATE: March 26, 2015

TITLE: Approval to enter into DNR Delegation Agreement for AIS Prevention Inspection of Water-related Equipment

RESOLUTION NUMBER: 15-023

PREPARED BY: Eric Fieldseth, AIS Program Manager

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REVIEWED BY: Administrator Counsel Program Mgr. (Name): Craig Dawson
 Board Committee Engineer Other

WORKSHOP ACTION:

<input checked="" type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input type="checkbox"/> Other (specify): _____	

PURPOSE or ACTION REQUESTED:

The District and Minnesota Department of Natural Resources entered into a “delegation agreement” in the beginning of 2013, this agreement expired December 31, 2014. Having a delegation agreement allows the District, if it chooses, to hire DNR trained watercraft inspectors. There is no obligation with this agreement, but it is a tool that will be available if needed. The Board is requested to authorize entering a two-year (2015 and 2016) delegation agreement with the DNR for watercraft inspections.

PROJECT/PROGRAM LOCATION:

District-wide

PROJECT TIMELINE:

For the 2015 and 2016 boating season

PROJECT/PROGRAM COST:

Fund name and number: 2206 - AIS

Current Budget:

Expenditures to date:

Requested amount of funding: None

Is a budget amendment requested? No

Is additional staff requested? No

PAST BOARD ACTION:

March 22, 2012, Resolution number 12-027, Authorization to Enter into a Joint Powers Agreement with the Minnesota Department of Natural Resources for Aquatic Invasive Species Prevention and Management.

December 13, 2013, Resolution number 12-114, Approval of DNR Delegation Agreement for AIS Prevention Inspection of Water-related Equipment.

SUMMARY:

In 2012, the MCWD entered into a joint-powers agreement with the DNR to delegate authority to local units of government to perform watercraft inspections and water access control. In 2013, the DNR transitioned to an easier-to-administer standard agreement that would be valid for two years. The delegation agreement is an enabling document, in that it does not obligate the District to provide watercraft inspections but rather sets the terms if the District proceeds to do so. Authority does not take effect for an LGU until it has submitted a plan (i.e., identifying accesses, schedules, and whether staff or contractors will perform inspections,) and the DNR has approved it. Such plans may be amended as necessary during the term of the delegation agreement, and subject to DNR approval.

In 2012, the District provided watercraft inspections at the Christmas Lake public access. In 2013, the City of Shorewood provided the inspection services with a grant from the District. At this time, the MCWD has no plans to provide watercraft inspection services in the MCWD, but having this agreement in place would allow the MCWD to provide a plan to the DNR if we did need to provide inspection services.

As the delegation agreement is a standard set by the State, there is no opportunity to use the District's template for agreements and the terms within them.

RESOLUTION

RESOLUTION NUMBER: 15-023

TITLE: **Authorization to Enter into Delegation Agreement for Aquatic Invasive Species (AIS) Prevention Inspection of Water-related Equipment with the Minnesota Department of Natural Resources in 2015 and 2016**

WHEREAS, the District and the Minnesota Department of Natural Resources (DNR) entered into a joint powers agreement that gave the District authority to conduct watercraft inspections and control access to public waters; and

WHEREAS, in 2013 the DNR began to use a standard “delegation agreement” to provide units of local government such as the MCWD to perform these activities; and

WHEREAS, the District entered into a delegation agreement with the DNR in 2013 that expired on December 31, 2014; and

WHEREAS, the District wishes to have the ability to perform these activities, and can do so only by entering into a new delegation agreement; and

WHEREAS, entering a delegation agreement does not obligate the District to perform these services until it submits a plan to the DNR that is subsequently approved by that agency; and

WHEREAS, for administrative efficiency, the District prefers the option of the agreement lasting through 2016, rather than being in effect only for 2015 and requiring subsequent action to continue this authority,

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves entering into the Minnesota DNR’s Delegation Agreement for Aquatic Invasive Species (AIS) Prevention Inspection of Water-related Equipment, and authorizes the District Administrator to execute the Agreement.

Resolution Number 15-023 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: _____.

Secretary

Date: _____

**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.
Resolutions are not final until approved by the Board and signed by the Board Secretary.**