



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, June 16, 2021

Agenda Item

Item 5. B – Return to in-person meetings

Prepared By

Linda Loomis, Administrator

Summary

Carver County has approved the LMRWD use of the County's Board Room for in-person meetings. I had planned for the June meeting to be conducted in person; however, after consulting legal counsel, in person meetings will be postponed until after Board action at the June 16, 2021 meeting.

Recommendations from legal counsel are detailed in the attached email. The ability to meet in person is related to the emergency declaration and the resolution adopted by the Board in March 2020, not to the availability of meeting space. As such the Board should adopt Resolution 21-07 Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format.

I am still looking for a location to hold the meeting on the first Wednesday of the month.

Attachments

Gmail communication from John Kolb, legal counsel - dated Resolution 21-07 - Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format

Recommended Action

Motion to adopt Resolution 21-07



RE: 25226-0001: Question about meetings

1 message

John Kolb <JKolb@rinkenoonan.com>
To: Linda Loomis <naiadconsulting@gmail.com>

Wed, Jun 2, 2021 at 9:16 AM

Good morning, Linda,

The issue of meeting location and format (i.e., in-person or remote), is related to the emergency declaration and not to the availability of facilities. We have been meeting remotely based on the Board's (or chief administrator, board president or chief legal officer) determination that because of the emergency and pandemic, it is not prudent, safe or feasible to meet in person (statutes section 13D.021). If that determination is no longer valid, then the authorization to meet remotely is gone. To date, the emergency declaration is still in place AND regardless of the emergency declaration, there may still be local conditions related to the pandemic that warrant continued remote meetings (either for the safety of the board, staff or the participating public). That the ordinary facilities have also not been available may have influenced our timing of getting back to in-person meetings, but that was more coincidence based on the County's determinations under 13D.021 than it was based on the LMRWD's determinations under 13D.021.

Section 13D.04 specifies the adoption and filing of a regular meeting schedule. The adoption and filing of a regular meeting schedule stating dates, time(s), location(s) and purpose(s) (i.e., to conduct the regular business of the organization as outlined in an agenda approved/adopted for each meeting) allows the organization to hold the meetings without further, special notice and without limitation on the business conducted or topics addressed. Compare this to a special meeting, which is any meeting of the organization on a date, at a time, in a location other than those specified in the adopted and filed regular meeting schedule. In the case of a special meeting, the organization must post notice at the meeting location for three days prior to the meeting. The notice must state date, time, location and purpose of the special meeting and the meeting is limited to the items specified in the purpose statement in the notice.

LMRWD has adopted a regular meeting schedule and has specified the location to be the commissioners' room at the Carver County Government Facility. That remains unchanged. During the emergency and pandemic, however, the Board, based on the determinations made under 13D.021, has held the regular meetings by remote means. To date, the Board (or chief administrator, board president or chief legal officer) has not made a formal determination that the conditions have changed and rescinded its determination. Until that happens, I believe we are still obliged to either meet remotely or offer the remote option. For the June meeting, and for simplicity's sake, I recommend holding the June regular meeting remotely with an agenda item to rescind the 13D.021 determination and return to in-person meetings (i.e., let's make a clean break, at a meeting and on the record).

The revised finding could be:

At its regular meeting on June 16, 2021, upon the advice of its chief administrator, board president and chief legal officer, the Board of Managers determined, based on current state guidance, immunization rates and local conditions related to the COVID-19 pandemic, that in-person meetings of the Board of Managers may resume with full attendance of the Board and public. The Board will continue to implement prudent safety and health precautions for in-person meetings at its regular meeting location according to the previously adopted and filed regular meeting schedule.

This brings us to the issue of the second, monthly meeting. Basically, the WD will have a regular, business meeting on the third Wednesday of each month as usual. But the Board has adopted/scheduled a second meeting on the first Wednesday of each month for the limited purpose of considering permits (this is my understanding). Because permitting

RESOLUTION # 21-07

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

Rescinding Resolution 20-03 Adopting Interim Meeting Schedule and Format

Manager _____ offered the following Resolution and moved its adoption, seconded by Manager _____:

WHEREAS, in March 2020, the Board of Managers determined that it was neither feasible nor prudent to hold in-person meetings during the State of Emergency related to the COVID-19 pandemic; and

WHEREAS, the Board adopted resolution 20-03 on March 18, 2020 in accordance with statutes section 13D.021, which allows the Board to hold its meetings by alternative means during the emergency and now desires to rescind that resolution; and

WHEREAS, pursuant to statutes section 13D.04 the Board had adopted a regular meeting schedule which is on file with the District; and

WHEREAS, the Board desires to keeping the same schedule of meetings but resume meeting in-person.

THEREFORE, BE IT RESOLVED, that, the Board of Managers has determined, based on current state guidance, immunization rates and local conditions related to the COVID-19 pandemic, that in-person meetings of the Board of Managers may resume with full attendance of the Board and public; and

FURTHER, the Board will continue to implement prudent safety and health precautions for in-person meetings at its regular meeting location according to the previously adopted and filed regular meeting schedule.

The question was on the adoption of the Resolution and there were __ yeas and __ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
HARTMANN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MRAZ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RABY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution adopted this 16th day of June, 2021.

Jesse Hartmann, President

ATTEST:

Lauren Salvato, Secretary

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2021.

Lauren Salvato, Secretary

is new territory for us, we are still not sure how often this second meeting will be necessary or whether it will evolve to include more than just permits. Like our regular meeting, for now the permit meeting should be held remotely. As for a meeting location, remote or in-person is an all or none proposition. Once the determinations change, all of our meetings will have to be in-person.

Meetings of the Board, according to the open meeting law, are supposed to occur within the Boundary of the District and the meeting place must be open and accessible to the public. The district is supposed to have principal place of business within the District (this can be different from the meeting location). The statutory preference is that we use public facilities (both under open meeting law and under the watershed law). Let's check to see what the capacity limitations are in the alternative meeting rooms. I think for the permitting meeting we can get the job done in any room with a limit of at least 10. The most important thing is that we find a consistent location.

JCK

John C. Kolb

Attorney

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For prompt assistance, please contact my paralegal,

Julie Fincher at (320) 656-3527 or jfincher@rinkenoonan.com

From: Linda Loomis <naiadconsulting@gmail.com>

Sent: Tuesday, June 1, 2021 4:27 PM

To: John Kolb <JKolb@rinkenoonan.com>

Subject: 25226-0001: Question about meetings