

WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION
STATE OF MINNESOTA

RESOLUTION NO. 2007-01

ADOPTING A MAJOR PLAN AMENDMENT TO THE SECOND GENERATION PLAN
REVISING THE CAPITAL IMPROVEMENTS PROGRAM
AND ADOPTING THE WATER QUALITY PLAN

WHEREAS, on May 13, 2004, the Commission and the Shingle Creek Watershed Management Commission jointly adopted the Shingle Creek and West Mississippi Second Generation Watershed Management Plan (the "Plan"); and

WHEREAS, the Plan includes a Capital Improvement Program ("CIP"); and

WHEREAS, the Commission has proposed a Major Plan Amendment that would:

- Adopt a revised Cost Share Policy for capital improvements;
- Adopt a revised CIP;
- Clarify the conditions under which revisions to said CIP would require a minor, major, or no plan amendment; and
- Add the 2007 Water Quality Plan to the Plan as Appendix I.

WHEREAS, the proposed Major Plan Amendment has been reviewed in accordance with the requirements of Minnesota Statutes, Section 103B.231; and

WHEREAS, the Hennepin County Board on March 20, 2007 did approve said proposed revised CIP; and

WHEREAS, the Minnesota Board of Water and Soil Resources on April 25, 2007 did approve said proposed Major Plan Amendment; and

WHEREAS, the Commission has determined that it would be reasonable and appropriate and in the public interest to adopt the Major Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the West Mississippi Watershed Management Commission that:

1. The Major Plan Amendment is approved and adopted.
2. Commission staff is directed to notify appropriate parties of the Amendment to the Plan.

Adopted by the Board of Commissioners of the West Mississippi Watershed Management Commission this tenth day of May, 2007.

Tina Carstens
Tina Carstens, Chair

ATTEST:

Judie Anderson
Judie Anderson, Recording Secretary

WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 2007-02

NONWAIVER OF MONETARY LIMITS ON TORT LIABILITY

WHEREAS, Watershed Management Organizations (WMOs) obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased; and

WHEREAS, the decision to waive or not to waive the statutory limit has the following effects:

If the WMO does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$300,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,000,000. These statutory tort limits would apply regardless of whether or not the WMO purchases the optional excess liability coverage.

If the WMO waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,000,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,000,000, regardless of the number of claimants.

If the WMO waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants. And,

WHEREAS, claims to which the statutory municipal tort limits do not apply are not affected by this decision.

NOW, THEREFORE, BE IT RESOLVED that the West Mississippi Watershed Management Commission does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04; and

FURTHER, BE IT RESOLVED that the West Mississippi Watershed Management Commission accepts liability coverage limits of \$300,000/\$1,000,000 from the League of Minnesota Cities Insurance Trust (LMCIT).

This resolution was declared duly passed and adopted by the Board of Commissioners of the West Mississippi Watershed Management Commission this 12th day of July, 2007.

Vice Chair Kathleen Caumody

ATTEST:

Judith A. Anderson
Recording Secretary

WEST MISSISSIPPI WATERSHED MANAGEMENT COMMISSION

Resolution. 2007-03
ADOPTING A CAPITAL IMPROVEMENT PROGRAM
CLOSED PROJECT ACCOUNT POLICY

WHEREAS, the West Mississippi Watershed Management Commission's (Commission) Capital Improvement Program (CIP) includes projects that are proposed to be funded by a County ad valorem tax levy on property in the watershed pursuant to Minn. Stat. §103B.251; and

WHEREAS, tax settlements from Hennepin County to the Commission for these projects are deposited in a construction account established for each such project; and

WHEREAS, there will be times when tax settlements to the Commission will exceed the costs incurred for these projects;

NOW THEREFORE BE IT RESOLVED that the West Mississippi Watershed Management Commission adopts the following policy to establish procedures and guidelines for collection, accounting and use of such accounts.

1. The Commission hereby establishes the CIP Closed Project Account (the "Account"). Upon completion of CIP projects funded in whole or in part by a County tax levy, reimbursement of Commission expenses and administrative charges, and final payment to the City with responsibility for construction of the project, the construction account for that project will be closed and remaining funds will be transferred to the Account. Interest earned on money in the Account will be credited to the Account.

2. As a general guiding principle, the Account will be used for expenses incurred for other projects in the Commission's CIP that are proposed to be funded with a County tax levy. Such expenses include:

a. The administrative and construction costs of CIP projects. Monies from the Account may be used to reduce or eliminate a tax levy for capital projects in the CIP by transferring monies to the construction accounts for those projects.

b. Reimbursement to the Commission's General Fund of expenses or administrative fees incurred in connection with a project if the tax settlement for that project is not sufficient to cover such expenses.

c. Reimbursement to cities that construct projects for administrative or construction costs if tax settlements received from the County are not sufficient to cover such costs. These costs might include cost overruns on projects, change orders, corrective follow-up work or repairs, or other unforeseen project costs.

d. Prepayment of project costs to the Commission or to cities for project costs that are incurred before receipt of tax settlement from the County for that project.

e. Partial funding of TMDL study costs if the Commission has sufficient information to determine with reasonable assurance that the TMDL study will identify, plan, design, or redesign capital projects to be funded with a County tax levy.

3. The Account may be used for any lawful purpose upon a majority vote of the Commissioners present at any meeting at which a quorum of the Commission is present.

4. The Commission does not intend to accumulate unreasonable balances in the Account. Because the Account could be used to fund projects in advance of receipt of tax settlement from the County, and because a number of larger projects in the CIP have total costs, or annual project costs, of approximately \$250,000, the Commission finds that an accumulation of up to \$250,000 is reasonable. Money will not be accumulated to an amount in excess of \$250,000 unless a specific use for such funds has been identified. The Account balances may be kept within this amount by expending funds for any of the purposes identified in this policy.

5. Each year the Commission will consider the status of the Account prior to certification to Hennepin County of requests for tax levies for capital projects.

This resolution was declared duly passed and adopted by the Board of Commissioners of the West Mississippi Watershed Management Commission this 12th day of July, 2007.

Kathleen Carmody
Vice Chair

ATTEST:

Judie A. Anderson
Recording Secretary