

Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

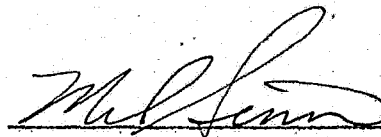
AFFIDAVIT

Mel Sinn .. being first duly sworn on
oath, deposes and says:

THAT HE IS the Executive Director for the Minnesota
Water Resources Board; that he has compared the attached
copy of an Order relating to the Minnehaha Creek
Watershed District

dated at Saint Paul, Minnesota, on the 12th day of January
1984 , with the original thereof on file in his
official custody; and

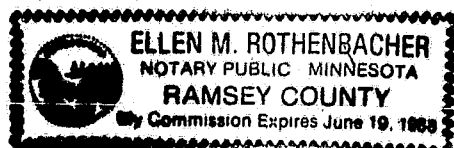
THAT SAID COPY is a true and correct copy of said
original and the whole thereof.



Mel Sinn
Executive Director

Subscribed and sworn to before me
this 12th day of January 1984

Ellen M. Rothenbacher



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 13 1984

Jean Anderson
Secretary of State
#34963



STATE OF MINNESOTA
WATER RESOURCES BOARD

555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

(612) 296-2840

January 12, 1984

TO: Officials of Local Governmental Units Having Territory in the Minnehaha
Creek Watershed District and other Interested Persons

On January 6, 1984 the Minnesota Water Resources Board (Board) increased the size of the Minnehaha Creek Watershed District Board of Managers to seven members. A copy of the Board's decision is enclosed.

The Board would like to point out again the changes Chapter 509, Laws of 1982, made to procedures for appointing managers to metropolitan watershed districts. If cities and towns having territory within the Minnehaha Creek Watershed District submit the names of at least three qualified nominees to the county board at least sixty days in advance of the expiration date of the term of office of a district manager, the county must appoint one of those nominees. The cities and towns may submit nominees individually or jointly. If nominees are not submitted sixty days in advance of the expiration of the term, the county commissioners may appoint any eligible individual residing in the District.


The statutory qualifications for a watershed district manager are defined at Minnesota Statutes 1982, Section 112.42, Subd. 3. A manager must be a voting resident of the District. A manager cannot be a public officer of the county, state, or federal government. However, a soil and water conservation district supervisor may be appointed as a manager.

The following table shows the current makeup of the Minnehaha Creek Watershed District board of managers:

<u>Name</u>	<u>Expiration Date of Term</u>	<u>Residence</u>	<u>Appointing County</u>
David H. Cochran	03-08-84	Greenwood	Hennepin
Albert L. Lehman	03-08-85	Minnetonka	Hennepin
Michael Carroll	03-08-85	Minneapolis	Hennepin
Camille D. Andre	03-08-86	Minnetonka	Hennepin
John E. Thomas	03-08-86	Victoria	Carver
New Manager Position (term beginning 03-09-84)	03-08-86		Hennepin
New Manager Position (term beginning 03-09-84)	03-08-87		Hennepin

The Board encourages the Hennepin County Board of Commissioners to carefully consider the issue of geographic distribution of managers when making appointments to the Minnehaha Creek Watershed District.

MINNESOTA WATER RESOURCES BOARD



Mel Sinn
Executive Director

Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

In the Matter of Restructuring the Board of
Managers of the Minnehaha Creek Watershed
District (M.S. Section 112.42, Subd. 3a)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

Section 16 of Chapter 509, Laws of 1982, directed the Minnesota Water Resources Board (Board) to restructure the boards of managers of the ten metropolitan watershed districts. When Chapter 509 was enacted, each metropolitan watershed district had a five-member board of managers. Restructuring would allow the Board to designate up to four new manager positions on each metropolitan watershed district board. Section 16 further directed the Board to request recommendations from the districts and all the affected local governmental units, and stated that "Additional managers, if any, shall be appointed by the county designated by the Board, to terms designated by the Board, at the time of and in the manner provided for the next regular appointment of successors to managers of the district."

Having requested recommendations from the Minnehaha Creek Watershed District (District) and all of the affected local governmental units; and having fully considered all of the recommendations received; the Board makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

FINDINGS OF FACT

1. The District was established by Board Order dated March 9, 1967. The establishment Order directed that the District would be governed by a five-member board of managers. The District includes portions of Carver and Hennepin Counties. The area of the District is approximately 184 square miles distributed among the counties as follows: Carver - 29 square miles; and Hennepin - 155 square miles. The establishment Order distributed the power to appoint District managers as follows: Carver - one manager; and Hennepin - four managers.

2. The District includes territory in two counties, 27 cities, and three townships.
3. On April 12, 1983 the Board mailed letters to the chief official of the District and each affected county, city, and township requesting their recommendations on whether the size of the board of managers should be increased, and if so, the number of managers preferred.
4. On August 12, 1983 the Board reviewed all the recommendations received. The District; the Cities of Greenwood, Minnetrista, Tonka Bay, and Wayzata; and the Mayor of Minnetonka recommended the size of the board should remain at five managers. State Representative Sally Olsen and Elaine McGaughey, both residents of St. Louis Park, recommended the size of the board should be increased to nine managers. The Board decided to conduct a public meeting to give interested parties an opportunity to provide input on the issue directly to the Board.
5. On October 7, 1983 the Board mailed Notice to the chief administrator of the District and all affected local governmental units of a public meeting on November 3, 1983 for the purpose of receiving direct input. The Notice encouraged written input from those unable to attend the meeting. The Notice was published in the State Register and in local newspapers.
6. The Board conducted a public meeting on the issue on November 3, 1983 beginning at 1:30 p.m. in Conference Room A of the Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota. Board members present were Duane Ekman, Ronald Stevens, Georgia Holmes, and Glenn Kinneberg. Also present were Catharine Haukedahl, Special Assistant Attorney General; and Mel Sinn, the Board's Executive Director. Board staff summarized the written recommendations received in response to the April 12, 1983 request for input. Four additional recommendations to maintain a five-member board were received in response to the October 7, 1983 Notice from the Cities of Deephaven, Excelsior, Minnetonka Beach, and Orono. Three additional recommendations to increase the size of the board were received from the Cities of Edina and St. Louis Park, and the Creekside Chapter, Izaak Walton League.
7. The following people were present on November 3, 1983 to provide input on the issue: David Cochran, District President; Chet Harrison, St. Louis Park City Engineer; Barbara Gudmundson, Minneapolis resident and former District manager; Shirley Taylor, Edina resident and member of the District's advisory committee; and Jo Ellen Hurr, Orono resident and Medina Zoning and Planning Administrator. David Cochran summarized the contents of a written statement he submitted to the Board on behalf of the District. He believed the five-member board had an excellent record of responsiveness and

cooperation with local units and citizens. He emphasized that a fundamental principle of the Watershed Act was to manage water on a total watershed basis, not on the basis of political boundaries or parochial interests. Chet Harrison believed nine managers would be preferable, given the size and responsibilities of the District, and would provide broader-based input into District decisions. He requested the Board to allow an additional 30 days for submission of further written input on the issue. Barbara Gudmundson believed four additional managers would lend diversity to the board and provide for broader representation of various District interests. She believed the communities downstream of Gray's Bay Dam were under-represented, based on population and tax base. Shirley Taylor believed a larger board would better meet the needs of District residents. Jo Ellen Hurr recommended the number of managers should not be increased.

The Board agreed to accept further written input on the issue through December 2, 1983.

8. After the public meeting, additional written recommendations to leave the number of managers at five were received from E.F. Robb, Jr., Hennepin County Commissioner; Lawrence Kelley, St. Louis Park resident and former District manager; Donald Ringham, Minneapolis resident and former District manager; James Russell, Minneapolis resident and former District manager; and State Representative Gerald Knickerbocker. Additional recommendations to increase the size of the board to nine managers were received from State Representative Phyllis McQuaid, Al Isenberg, George MacDonald, and Thomas Murphy, all St. Louis Park residents. A letter also was received from Donald Fraser, Mayor of Minneapolis, supporting an increase in the number of managers.

9. The main arguments made in favor of maintaining a five-member board were that:

The District has a good record of responsiveness and cooperation with cities and citizens;

Current managers are well-distributed geographically;

A larger board would result in more parochialism, make decision-making more difficult, create higher administrative costs, and would not provide each affected community with direct representation; and

A majority of the local governmental units do not support an increase.

10. The main arguments made in favor of expanding the board of managers were that:

The current five-member board favors the interests of the communities bordering Lake Minnetonka;

Communities bordering Minnehaha Creek are under-represented and the concerns of citizens interested in creek values have not been adequately addressed by the District;

The District contains the largest population of any watershed district in the state; and

The intent of the legislation requiring restructuring was to address the issues of responsiveness and geographical representation that are of serious concern to many residents of the District.

11. There is strong concern in the District that the current five-member board does not provide adequate representation for the broad range of interests in the District. There is a perception among a number of residents that an expanded board would be more responsive and better able to equitably balance the various interests in the District when making decisions on water management issues.
12. An increase in the number of managers would provide for broader representation on the board; would provide an opportunity to address the issue of geographical distribution of managers; and would help resolve certain local concerns, that if left unresolved, could hinder effective water management in the District.
13. The addition of two managers would be adequate to provide for broader representation and improved geographical distribution of managers.
14. The power to appoint both new managers should be given to Hennepin County because 1) it contains approximately 84% of the area of the District and about 99% of the population and tax base; and 2) the concern expressed over the issues of representation and geographical distribution of managers came solely from Hennepin County communities and residents.

CONCLUSIONS OF LAW

15. The Board has the authority to increase the number of managers of the District from five up to a maximum of nine under Minnesota Statutes 1982, Section 112.42, Subd. 3a.
16. An increase in the number of managers of the District to seven would be in the public welfare and public interest, and would allow the District to better serve the purposes for which it was established.

IT IS THEREFORE ORDERED THAT

17. The number of managers of the Minnehaha Creek Watershed District shall be increased to seven.
18. The two additional managers shall be appointed by the Hennepin County Board of Commissioners.


19. The terms of the two additional managers shall begin effective March 9, 1984. One of the additional managers shall be appointed for a two-year term expiring on March 8, 1986; and one shall be appointed for a three-year term expiring on March 8, 1987. After the expiration of the initial terms of the two additional managers, succeeding managers shall be appointed for three-year terms.

20. Paragraph XIII of the Board's March 9, 1967 Order, which designated a five-member board of managers and gave Carver County the power to appoint one manager and Hennepin County the power to appoint four managers, is superceded by this Order. The distribution of the power to appoint managers to the Minnehaha Creek Watershed District shall be as follows:

1. Carver County - One Manager
2. Hennepin County - Six Managers.

Dated at Saint Paul, Minnesota 55102, this 12th day of January 1984.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

*34963

O.D.