

# **Red Lake Watershed District Watershed District Handbook**

## **Prepared by**

Tammy Audette, Red Lake Watershed District Administrator  
On behalf of the Red Lake Watershed District Board of Managers  
1000 Pennington Avenue, Thief River Falls, MN 56701

# Board of Managers 2024

## President

Gene Tiedemann  
West Polk County  
Term Expires: 1/10/27

Brian Dwight  
Beltrami County  
Term Expires: 1/10/26

## Vice President

Terry Sorenson  
East Polk County  
Term Expires: 1/10/25

Allan Page  
Red Lake County  
Term Expires: 1/10/25

## Treasurer

Tom Anderson  
Clearwater County  
Term Expires: 1/10/27

Grant Nelson  
Pennington County  
Term Expires: 1/10/25

## Secretary

LeRoy Ose  
Marshall County  
Term Expires: 1/10/26

## Legal Counsel

Delray Sparby  
Ihle & Sparby PA  
P.O. Box 574  
Thief River Falls, MN 56701  
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Phone: 218-681-7373  
Fax: 218-681-7375

## 2024 Board Committees

### Red River Watershed Management Board (RRWMB)

LeRoy Ose-Delegate (2021 1<sup>st</sup> year 3-year term)  
Gene Tiedemann-Alternate  
Grant Nelson

### Minnesota Association of Watershed Districts

LeRoy Ose-Delegate  
Gene Tiedemann-Delegate  
Allan Page-Alternate

### Budget and Salary Committee

Terry Sorenson  
Al Page  
Brian Dwight

### Grand Marais Creek Joint Powers Board

Grant Nelson  
Gene Tiedemann  
Allan Page  
Terry Sorenson-Alternate

### Thief River One Watershed One Plan (1W1P)

LeRoy Ose-Policy Committee  
Grant Nelson-Alternate  
Grant Nelson-Advisory Committee  
Brian Dwight-Advisory Committee

### Blackduck Lake Structure Joint Powers Board

Brian Dwight  
Tom Anderson

### Permit Rules and Regulations (10/24/19)

Brian Dwight  
Allan Page  
Gene Tiedemann

### Clearwater River 1W1P (10/8/20)

Tom Anderson-Policy Committee Delegate  
Terry Sorenson-Policy Committee Alternate  
Allan Page-Advisory Committee

### Mud River Project Restoration

LeRoy Ose  
Brian Dwight, Alternate

### Joint Ditch 100 and 101 (formally JD 72) Joint Ditch Board

Terry Sorenson  
Tom Anderson

### 20% Flood Reduction Committee

Tom Anderson  
LeRoy Ose  
Gene Tiedemann

### Red Lake River One Watershed One Plan (1W1P)

Gene Tiedemann-Policy Committee  
Dale Nelson-Alternate  
Dale Nelson-Advisory Committee  
Allan Page-Advisory Committee

### Upper/Lower Red Lake 1W1P (3/10/22)

Brian Dwight – Policy Committee Delegate  
Tom Anderson, Policy Committee Alternate

# RLWD Advisory Committee

John A. Nelson, Walker Brook Area  
Steve Holte, Thief River Area  
John Ungerecht, Upper Red Lake Area  
Dan Schmitz, Black River Area  
John Gunvalson, Clearwater River Area  
Roger Love, Grand Marais Area  
Dave Rodahl, Thief River Area  
Shane Bowe, Red Lake Band of Chippewa Indians  
Loiell Dyrud, Thief River Area  
Curt Beyer, Black River Area  
Greg Dryrdal, Black River Area  
Wayne Larson, Moose River Area  
Elroy Aune, Moose River Area  
Kelly Dahlen, Red Lake Area  
Steve Linder, Clearwater River Area  
Gary Mathis, Lost River Area  
Trent Stanley, Thief River Area  
Jim Sparby, Thief River Area  
Dave Dalager, Pine Lake Area  
Wayne Skoe, Upper Red Lake Area  
Jake Martell, Hill River Area  
Larry Peterson, Gully Sportsman's Club  
Jim Counter, Pennington County Sportsman's Club  
Mark Larson, Upper Lost River Area  
Robyn Dwight, Upper Red Lake Area  
Mike Solsten, Pine Lake

## Red Lake SWCD

Tanya Hanson

## West Polk SWCD

Nicole Bernd

## Pennington SWCD

Peter Nelson

Greg Hilgeman

## Marshall SWCD

## Beltrami SWCD

Aly Bergstrom

## East Polk SWCD

Rachel Klein

## Clearwater SWCD

Chester Powell



# Advisory Committee Members

## Black River Area

\*Dan Schmitz, RLF  
Curt Beyer, RLF  
Greg Dyrdal, TRF

## Moose River Area

Wayne Larson, Middle River  
Elroy Aune, Gatzke

## Burnham Creek Area

## Clearwater River Area

Steve Linder, Oklee  
\*John Gunvalson, Gonvick  
Mark Larson

## Lost River Area

Gary Mathis, Gonvick

## Grand Marais/Red Area

## Poplar River Area

## Clearwater Lake Area

## Gully Sportsmen Club

Larry Peterson

## Red Lake Band of Indians

Shane Bowe

## Thief River Area

\*Dave Rodahl, TRF  
Trent Stanley  
\*Steve Holte  
Jim Sparby  
Loiell Dyrud

## Walker Brook Area

\*John A. Nelson, Clearbrook

## Pine Lake Area

Dave Dalager  
Mike Solsten

## Red Lake River Area

John Barrett  
Kelly Dahlen

## Upper Red Lake Area

\*John Ungerecht, Northome  
Wayne Skoe  
Robyn Dwight

## Hill River Area

Richard Martell, Oklee

## Thief River Area Sportsmen Club

Jim Counter

\*Overall Advisory Committee Members

## **SCHEDULE “B”**

### **REIMBURSEMENT SCHEDULE FOR BOARD OF MANAGERS**

#### **Policy for Managers Fees for attendance of Red Lake Watershed District Board Meetings:**

\$125.00 will be reimbursed, in accordance to State Statutes, for each regular scheduled board meeting; any special board meeting; and any Red Lake Watershed District committee meeting.

#### **Policy for Manager’s Fees for meetings other than Red Lake Watershed District meetings as listed above:**

\$125.00 will be reimbursed for each and any meeting called within the county from which the manager is appointed, that relates to Red Lake Watershed District business; also, any designated meeting that the manager must attend, under the direction of the Board.

#### **Policy for Manager’s Fees for meetings other than above:**

\$125.00 will be reimbursed for attendance at hearings; informational project meetings or project meetings where they are representative to that project; and meetings outside the Watershed District, such as organization meetings where the board member will not be reimbursed from any other source.

#### **Policy for Manager’s Fees for other than meetings:**

Seminars, workshops, conferences, and travel days to and from, will be reimbursed at a rate of \$125.00 per day.

#### **Policy for Manager’s Salaries:**

Managers will be reimbursed at the rate of \$41.67 per hour, for the purpose of inspecting projects; time on telephone conducting watershed district business; or any other district business that is not covered under the policy for fees.

**HOWEVER:** The hourly salary reimbursement per day will not exceed \$125.00 per in accordance with State Statutes.

Meals will be reimbursed to Managers at their discretion, based on good judgment, and will be billed to projects whenever possible.

Miles will be reimbursed, in accordance to the fiscal year update provided by the US General Services Administration (GSA) per diem rates, for all watershed district miles and billed to projects whenever possible. Rate will follow Federal guidelines set each year.

#### **OTHER RECOMMENDATIONS:**

All billings will be submitted monthly.

All billings will have signatures below the declaration.

## Acronyms

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The following is a list of common acronyms used by the Red Lake Watershed District.

<b>State, Regional, and Local Government</b>	
BWSR	Board of Water and Soil Resources
DNR	Department of Natural Resources
JPB	Joint Powers Board
LCMR	Legislative Commission on Minnesota Rivers
LGU	Local Governmental Unit
MnDOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
MSTRWD	Middle Snake Tamarac Watershed District
RLWD	Red Lake Watershed District
SWCD	Soil and Water Conservation District
TAC	Technical Advisory Committee
<b>Federal Agencies</b>	
Corps	U.S. Army Corps of Engineers
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FSA	Farm Services Administration
NRCS	Natural Resources Conservation Service
USF&WS	U.S. Fish & Wildlife Service
USGS	U.S. Geological Survey
<b>Organizations</b>	
MAWD	Minnesota Association of Watershed Districts
<b>Programs</b>	
CLWP	Comprehensive Local Water Planning
CRP	Conservation Reserve Program
EQIP	Environmental Quality Incentive Program
FDR	Flood Damage Reduction
RIM	Reinvest in Minnesota Program
WCA	Wetland Conservation Act
SWAG	Surface Water Assessment Grant
WRAP	Watershed Restoration and Protection
WRAPS	Watershed Restoration and Protection Strategy
<b>Terms</b>	
CP	Conservation Practice
BMP	Best Management Practice
GIS	Geographic Information System
GPS	Geographic Positioning System
LIDAR	Laser Imaging Detection and Ranging
NPS	Nonpoint Source Pollution
TMDL	Total Maximum Daily Load
PTMApp	Prioritize Target Measure Application



## **RELATIONSHIPS TO OTHER GROUPS AND INDIVIDUALS**

### **STATE BOARD OF WATER AND SOIL RESOURCES (BWSR)**

The BWSR seeks, through legislative initiative, policies favorable to water and soil resource management. The BWSR also serves as a forum for policy development relating to water and soil resource management and encourages public agencies and citizens to become involved through local units of government.

### **THE INTERNATIONAL COALITION (TIC)**

Supports and educates on land management in relation to the Red River Basin in all its water tributaries as it crosses three political jurisdictions. We appreciate their support of our water retention projects and the association of other watershed across state borders, plus full-time education of the general public, including the official politicians.

### **SOIL AND WATER CONSERVATION DISTRICTS (SWCD)**

Coordinates and cooperates with watershed on drainage systems, abandoned wells, underground water studies, and promotes public awareness (we depend on them to support our retention projects); assists landowners in necessary drawings, maps and survey reports needed to accompany our permit applications; assists in water and wind erosion problems, which are issues of concern to our project maintenance.

### **UNITED STATES ARMY CORPS OF ENGINEERS (USACOE)**

Disperses technical information, provides advisory services and counseling, promotes flood control, and issues permits.

### **RED RIVER WATERSHED MANAGEMENT BOARD (RRWMB)**

A Joint Powers Board that helps in legislative matters, generates levies on local property taxes, assists in funding projects, obtain funds from the Minnesota Department of Natural Resources for flood reduction and from the Legislative Commission of Minnesota Resources.

### **MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MnDNR)**

Coordinates and cooperates in joint ventures that have flood control, wildlife benefits and environmental impacts. They assist us by sending copies of their applications for permits, which is a stringent supervision of drainage. Involves watersheds in controlling water levels in joint projects and sponsors educational and awareness programs as well as annual joint meetings to share future goals.

### **UNITED STATES GEOLOGICAL SERVICE (USGS)**

Use of data collection, interpretive studies, and conducts research on water resources.

### **LEGISLATIVE - CITIZEN COMMISSION OF MINNESOTA RESOURCES (LCCMR)**

Assists financially in floodwater retention grants of state funds; assists with state funding flood damage reduction on the Red River.

### RED RIVER RETENTION RETENTION AUTHORITY

The Red River Retention Authority is comprised of members of the Red River Joint Water Resources District, a North Dakota political subdivision, and the Red River Watershed Management Board, a Minnesota political subdivision. The primary objective of the Red River Retention Authority is to ensure joint, comprehensive, and strategic coordination of retention projects in the Red River of the North watershed and facilitating implementation and construction of retention in the Red River Valley. The Authority and its members will aggressively pursue federal dollars to offset local costs for retention projects and will serve as an advocate for local partners in the federal regulatory process. Our Directors seek basin-wide solutions to realize effective flood protection and flood damage reduction, accomplished on a strategic project-by-project basis.

### NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

The NRCS is a federal agency that is available for technical services and funding of water retention, drainage, recreation and wildlife projects. Their cost-sharing is on a 95% reimbursement for projects. The District Office is located in Thief River Falls and each Soil and Water Conservation District has an NRCS technician.

### COUNTY BOARD OF COMMISSIONERS

The Red Lake Watershed District is located in ten different counties in northwest Minnesota. They are as follows: Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake, and Roseau counties.

The counties of Beltrami, Clearwater, Marshall, Pennington, and Red Lake appoint a board member for a period of three years. The county of Polk appoints two members. The Board is appointed by the county commissioners. Communication with the county boards is essential. Each Board Manager should meet with their county board once a year to communicate the activities that are happening on the Watershed level. The meeting should take place sometime between January 1 and April 30 of each year.

## **EROSION STRUCTURES**

The Red Lake Watershed District has a Memo of Understanding with the Soil and Water Conservation Districts in each of the following counties to construct erosion control structures on a cost-sharing basis: Clearwater, Marshall/Beltrami, Pennington, Red Lake, East Polk and West Polk. The District also has a dam maintenance agreement with Red Lake Soil and Water Conservation District for the SCS constructed dams. These memos are on file at the Red Lake Watershed District office.

## **COMPREHENSIVE LOCAL WATER PLANNING**

The Minnesota Board of Water and Soil Resources adopted policies that establish a boundary framework and set minimum procedural and plan content requirements for developing comprehensive watershed management plans through its One Watershed, One Plan program. These policies are consistent with Minnesota Statutes §103B.801 and based on the One Watershed, One Plan Guiding Principles adopted by BWSR on December 18, 2013. Starting in 2018 and as part of the new plan implementation, the Red Lake Watershed will be split in four planning regions and are listed as follows: Red Lake and Grand Marais Watershed, Thief River Watershed, Clearwater Watershed and Upper and Lower Red Lake Watershed. These plans will replace all other water plans that were previously required under State Statutes and will be implemented by the RLWD Board of Managers and Planning Partners as the District moves forward in the rules set forth in the plan guidelines as well as MN Statutes 103D and 103E.

2022  
MINNESOTA  
STATE  
STATUTES

103D  
and  
103E

BYLAWS

3/6/2024

# RED LAKE WATERSHED DISTRICT

## ARTICLE I

### Identity and Intent

- 1) These Bylaws establish routine administrative conduct for the Red Lake Watershed District Board of Managers, hereinafter referred to as the “District” and as the “Managers”. The District is established in accordance with the State of Minnesota Statutes, Chapter 103D, entitled “Watershed District”.
- 2) Further, these Bylaws are adopted to facilitate the transaction of business. They should not be permitted to divert or hinder the expressed intention and desire of the Managers. Informal compliance and substantial performance shall be sufficient under these Bylaws in the absence of objection timely taken. Objection is hereby declared not to have been timely taken as to procedural matters provided for herein, if a Manager present at a meeting fails to object during the meeting and request compliance with the Bylaws. Such objection shall not be deemed timely taken by an absent Manager later than the next following meeting at which the alleged irregular procedure occurred.
- 3) These Bylaws may be temporarily suspended by consent of a majority of the Managers.
- 4) Any conflict between these Bylaws and Minnesota Statutes, Chapter 103D, shall be resolved in favor of the statutory provision.

## ARTICLE II

### Managers

The appointment of, the qualifications for, the oath of office for, the bonding of, the salary for District Managers, et al, is defined in the Minnesota Statutes 103D.311 and 103D.315.

## ARTICLE III

### Officers

- 1) The Managers shall elect from their number a president, a vice president, a secretary, and a treasurer for one year at the Annual Meeting with is the first regular meeting scheduled after January 10<sup>th</sup> of each year.
- 2) Any vacancy among the officers during the calendar year must be filled by the Managers.
- 3) The president shall preside at all meetings of the Managers. In the absence of the president, the vice president shall preside. In the absence of both, the secretary shall serve as temporary president of the meeting. The president and the temporary president shall have the same privileges as other members.
- 4) The term of office of a Manager is three (3) years as established in the Minnesota Statute 103D.315, subdivision 6.

## ARTICLE IV

## Meetings

- 1) The Annual Meeting of the Board of Managers shall be the first regularly scheduled meeting after the 10<sup>th</sup> of January. The Managers shall elect officers and organize the committees for the year.
- 2) Regular meetings for business of the District are set by the Managers.
- 3) Special meetings may be called by any member. Notice of intent to call a meeting shall be given to the secretary at least ten (10) days prior to the times set for such meeting. The secretary shall mail a notice at least eight (8) days before the meeting to all Managers, stating time, place, and purpose of the meeting. A meeting may be called by any member without above notice if all Managers are notified, and the holding of such meeting is approved by all Managers, orally or otherwise.
- 4) A majority of the appointed Managers shall constitute a quorum to do business; a minority may adjourn from time to time.
- 5) **PARLIAMENTARY AUTHORITY** – The Managers shall be governed by Roberts Rules of Order, Newly Revised, as they conduct their meetings. The Bylaws and the State of Minnesota Statutes 103D will take precedence over Roberts Rules. The president may appoint a parliamentarian if deemed necessary.
  - a) The president or acting president shall call the meeting to order at the scheduled time. Business shall proceed when a quorum is present.
  - b) The president shall preserve order and decide questions of order subject to an appeal of the Managers. The president may make motions, second motions or speak on any question. However, in order to do any of these things, upon demand of any Manager, he or she shall vacate the chair and designate a temporary president. The president, vice president or acting president shall be entitled to vote like other members.
  - c) Every Manager prior to speaking shall address the president and shall not proceed until recognized by the president. No personalities shall be indulged in and remarks shall be confined to the subject under debate.
  - d) A Manager called to order shall immediately suspend remarks until the point of order is decided by the presiding officer.
  - e) Every motion, except to adjourn, postpone, reconsider, commit, lay on the table, or for a previous question, shall be reduced to writing if the president or any member requests it. When made and seconded, it shall be stated by the president or being written, shall be read by either the president or the secretary, and may be withdrawn before decision or amendment or any disposition thereof has been made or a vote taken thereon.
  - f) All resolutions shall be in writing.

- g) When a question is under debate, no motion shall be entertained unless to adjourn, to lay on the table, to act on the previous question, to postpone, to commit or to amend, which several motions shall have precedence in the order in which they are named, and the first three shall be decided without debate.
- h) Questions shall be divided at the request of any Manager when the question will admit thereof.
- i) When a question is put by the president, every Manager present shall vote unless excused for a special reason. A Manager having a personal interest in the matter shall not vote (Refer to “Conflict of Interest Policy”, Rules, Section 15). In doubtful cases, the president may direct, or any manager may call for a decision. The yeas and nays shall be called upon the request of the president or of any Manager, in which case the names of the Managers voting are required to be recorded in the minutes.

## ARTICLE V

### Amendment of Bylaws

These Bylaws shall not be repealed or amended unless such action is taken by a majority of the Managers. Notice of proposed changes shall be given at a previous meeting of the Managers unless such notice is waived by all Managers.

## ARTICLE VI

### Voting on Business by Managers

- 1) The manner of voting on any business coming before the Managers shall be by voice vote, providing however that upon request of any one member such vote shall be taken by secret written ballot. Any affirmative or negative voice vote by a member shall be entered in the minutes upon request of a Manager. Affirmative and negative votes shall be taken upon any motion at the request of one member and the result entered in the minutes. Every member shall vote in such case unless the Managers by majority vote shall excuse a Manager from voting.
- 2) When a question is put by the president, every member present shall vote unless for a special reason a Manager shall be excused; if a member has a personal interest in the matter, that Manager shall not vote (See Bylaw Article VIII, section 9). In doubtful cases, the president may direct, or any member may call for a decision. The yeas and nays shall be called upon the request of the president or of any member, in which case the names of the members voting are required to be recorded in the minutes.

## ARTICLE VII

### Duties and Powers of the Officers

- 1) President –The President shall generally have the powers and duties vested in the office of the president of a corporation. The president normally presides at all meeting, executes contracts and obligations of the Managers except as such authority may be delegated by the action of the Managers.
- 2) Vice President – In the absence of the president, the vice president presides at meetings as well as assumes all other powers and duties of the president.

3) Secretary – The secretary shall be responsible for official meeting minutes. All minutes shall be signed, one copy filed in the Red Lake Watershed District office and copies provided to each Manager.

The Secretary shall be responsible for sending notices to managers and/or others and for all records of the managers, except those of the treasurer, and is responsible for all duties incident to the office of the secretary of a corporation and as may be required and/or delegated by the Managers.

4) Treasurer – The treasurer shall be responsible for safekeeping of all intangible property including funds and securities. The treasurer is responsible for adequate internal accounting and for the annual auditing of all fiscal records by a certified public accountant. All vouchers, receipts, records and related papers shall be submitted to the Managers for approval. All funds and other valuable effects shall be deposited to the credit of the District in such depositories as designated by the Managers. Disbursements shall be completed as ordered by the Managers. The treasurer shall perform all other duties incident to the treasurer's office of a corporation. The Managers may designate some of the foregoing functions to be entrusted to staff personnel subject to bonding and to supervision by the treasurer.

5) Staff personnel – The Managers may from time to time hire personnel and designate their titles, powers, and duties as the Managers in their corporate discretion find necessary to manage the business of the District.

## ARTICLE VIII

### General Administrative Procedures

1) ADOPTION OF RULES – The Managers shall comply with the following steps in adopting Rules:

- a) A copy of the proposed Rule shall be submitted to each Manager at least thirty (30) days before its adoption by the Managers.
- b) The proposed Rule shall be adopted by a majority vote of the Managers.
- c) The original copy of the Rule shall be prepared for distribution to those persons requesting the same.
- d) Every Rule adopted by the Managers shall have the force and effect of the law.
- e) A hearing on Rules must be conducted under Chapter 14 as noted in Minnesota Statute 103D.105, subdivision 1.
- f) For additional detail, refer to section 14 of the Rules.

2) HEARINGS

- a) The hearings shall be public, shall be conducted by the president of the Managers, or in the absence of the president by an authorized Manager or authorized legal counsel. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the witnesses shall be subject to cross-examination. The Managers shall make a record of all testimony and the proceedings at all hearings shall be preserved.



- b) Detail for various public hearings is spelled out in Minnesota Statutes 103D.105, 103D.735, and 103D.741.

3) NOTICE

- a) The Managers shall give reasonable notice of all hearings. As a minimum, this notice shall include publication for two successive weeks in a newspaper of general circulation within the county or counties affected by the application of the project. The last publication shall be at least ten (10) days before the public hearing; it shall include the time and place of the hearing, the issues to be heard and the statement that all affected persons may appear and shall have an opportunity to be heard. In addition, notification by mail shall be made at least ten (10) days before the public hearing to all parties known to have an interest in the land or property affected by the project as shown by the records of the County Treasurer of the county or counties where the affected land is located.

- b) Additional details are provided by the Minnesota Statutes 103D.105, 103D.735 and 103D.741.

- 4) WAIVER OF HEARINGS – Unless required by statute, the Managers at their discretion may waive a public hearing on any application and make their order granting or refusing such application. If said application is refused or granted subject to conditions, the applicant may, within thirty (30) days, demand a hearing before the Board of Managers.

- 5) APPEARANCES AT HEARINGS – Persons other than the applicant who desire to offer testimony or evidence in support of or in opposition to the application or who desire to indicate an appearance at the hearing without offering testimony or evidence shall indicate such appearance by signing an appropriate register furnished by the Managers. The Managers shall determine the order of appearance of those persons who desire to offer testimony or evidence.

- 6) TAKING TESTIMONY AND EXAMINING WITNESSES – The order and procedure to be followed in taking testimony and examining witnesses shall be:

- a) Each witness shall be sworn by the president, or authorized Manager or legal counsel, and shall furnish full name, address, and occupation prior to offering testimony.

- b) Any person testifying may, but shall not be required to, submit briefs or make an opening statement or both. Any person desiring to make an opening statement shall do so immediately prior to presenting the evidence.

- c) Witnesses may testify in the narrative or by response to questions.

- d) Leading questions are permissible within the discretion of the president. Strict rules of evidence as to foundation and hearsay statements will not be observed. Evidence of probative value commonly accepted by reasonable persons will be admitted. Hearsay testimony shall be admissible, but in assessing the value thereof the hearsay nature of such testimony will be considered by the Managers.

- e) Charts, documents, maps and other similar forms of evidence shall be accepted in evidence by the Managers. At the time any paper, chart, document or map is submitted as evidence,

seven (7) copies thereof shall be provided for the Managers by the person submitting such evidence.

- f) The Managers shall permit evidentiary rules of privilege.
  - g) All objections not ruled on at the time the objection is stated shall be noted in the record.
  - h) Cross-examination of witnesses shall be permitted on conclusion of the direct testimony of each witness.
  - i) The Managers may examine a witness at any time.
- 7) BASIS FOR DETERMINATION – The basis for determination by the Managers shall include the application and supplemental information furnished, evidence presented at the hearing, policies and principles stated in the Minnesota Watershed Act, Rules adopted by the Managers, results of investigation conducted by the Managers, or their employees, and by recourse to pertinent technical reference works and basic data studies. Insofar as it is reasonably possible, the Managers shall seek all available pertinent technical information not presented at the hearing, applicable to the subject under consideration. These data need not be presented at the hearing in order to be considered in reaching the final determination.
- 8) FAMILIARITY WITH EVIDENCE PRESENTED – It is required that each manager who participates in a decision in regard to an application must have either heard the evidence or read the transcript.
- 9) DISQUALIFICATION OF MANAGERS – Any Manager who has financial interest in any matter pending before the Managers shall disqualify himself or herself and not participate in the hearing or hearings relating thereto or in the disposition of the permit or order. The Managers have adopted a detailed policy entitled “Conflict of Interest” dated March 11, 1992. The policy is recorded in section 15 of the official Rules.
- 10) REPORTS – On or before April 15<sup>th</sup> of each year after 1974, the Managers shall prepare a report for the annual period ending December 31<sup>st</sup> of such year reviewing the financial condition of the District, the status of all projects and work therein, the business transacted by the District, and other matters affecting the interest of the District. Copies of said report shall be filed in the office of the Managers and shall be transmitted to the Secretary of the Minnesota Board of Water and Soil Resources, to the Director of the Division of Waters, the Commissioner of the Department of Natural Resources of the State of Minnesota, and to the County Auditor of each county having lands lying within the Red Lake Watershed District.

The Bylaws adopted the 7<sup>th</sup> day of March, 1974, were reviewed and updated pursuant to Minnesota Statutes, Chapter 103D, and approved by the Red Lake Watershed District Board of Managers on this 13<sup>th</sup> day of May, 1993.

## **Conflict of Interest Policy**

The Board of Managers hereby adopts for themselves and successor Managers the following guidelines in an effort to avoid real and perceived conflicts of interest and to enhance the credibility of the District's actions:

1. All Managers shall comply with MSA Sec. 471.87. No Manager shall have a personal financial interest in any sale, lease, or contract entered into by the Board as it applies to MSA Sec. 471.87.
2. Disclosure. At the beginning of the discussion on any subject, all Managers shall disclose any potential conflict of interest and/or direct pecuniary interest they may have. Examples of matters which should be disclosed by the Managers include:
  - a. They own land which may be assessed.
  - b. They own land which may benefit or be damaged other than by a direct tax.
  - c. They have close relatives who have lands as described in (a) and (b) above, and that said relationship is such that it may affect their judgment.
  - d. They have close friends or business associates who have lands as described in (a) and (b) above, and that said relationship is such that it may affect their judgment.
  - e. They are a public officer, such as a township officer, which has potential interest or that may be affected by said project.
3. All Managers shall abstain from discussion and voting on any resolution that involves a direct pecuniary interest.
4. Each Manager shall use his own judgment in other situations and when in doubt should probably abstain from discussion and voting.
5. To avoid the appearance of wrongdoing, it is suggested that a Manager should remove himself from the Manager's chair and sit in the audience when he wishes to participate in a public discussion, particularly a public meeting on subjects where he may have a direct conflict of interest.
6. To the extent applicable, the Watershed staff is instructed to follow the above guidelines.

Adopted March 11, 1992  
Amended April 8, 2010

# **GOVERNMENT DATA PRACTICES**

## ***RIGHT TO ACCESS PUBLIC DATA***

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The Data Practices Act also provides that Red Lake Watershed District (RLWD) must keep all government data in a way that makes it easy for members of the public to access public data. The public has the right to look at (inspect), free of charge, all public data that RLWD keeps. The public also has the right to obtain paper or electronic copies of public data. The Data Practices Act allows RLWD to charge for copies.

Please be advised that members of the public can obtain certain data available at no charge by viewing or retrieving the data that the District has made available on their website: [www.redlakewatershed.org](http://www.redlakewatershed.org) This data includes, among other things, information relating to projects, water quality, permitting, board meeting minutes and mapping.

## ***HOW TO MAKE A DATA REQUEST***

To look at data or request copies of data that RLWD keeps, the public must make a written request. Written requests for data must be made to District Administrator by mail, fax or email using the data request form found at the end of this document. If the data request form is not used, the written request must include:

- A statement that the request for data is under the Data Practices Act, MN Statutes, Chapter 13;
- Whether the request is to look at the data, get copies of the data, or both; and
- A clear description of the data to be inspected and/or copied.

RLWD cannot require members of the public to identify themselves or explain the reason for the data request. However, depending on how the data request is to be processed (for example, emailed or mail), RLWD may need contact information. If no identifying information is provided, it will be the responsibility of the requesting party to contact RLWD to check on the status of the request. If RLWD does not understand the request no contact information is provided, RLWD will not be able to begin processing the request.

## ***HOW RED LAKE WATERSHED DISTRICT RESPONDS TO A DATA REQUEST***

Upon receiving a written request, RLWD will work to process it.

- If it is not enough specific information from the request, RLWD will ask for clarification.
- If RLWD does not have the data, the requestor will be notified in writing as soon as reasonably possible.
- If RLWD has the data but the data are not public, the requestor will be notified in writing as soon as reasonably possible of which Minnesota Statute requires such privacy.
- If RLWD has the data and the data are public, a response to requests will be provided appropriately and promptly, within a reasonable amount of time, by doing one of the following:
  - Arrange a date, time, and place to inspect data for free if the request is for inspection; or
  - Provide the requestor copies of the data as soon as reasonably possible. Copies may be picked up, mailed, or emailed. We will provide electronic copies (e-mail) upon request if we keep the data in electronic format. Pre-payment is required.
  - If the requestor does not understand some of the data (technical terminology, abbreviations, or acronyms), clarification will be provided upon request.

The Data Practices Act does not require RLWD to create or collect new data in response to a request if RLWD does not already have the data, or to provide data in a specific form or arrangement if RLWD does not keep the data in that form or arrangement. For example, if the data requested are on paper only, RLWD is not required to create electronic documents. If RLWD agrees to create data in response to requests, RLWD will work with the requestor on the details of the request, including cost and response time. In addition, the Data Practices Act does not require RLWD to answer questions that are not requests for data.

### ***REQUESTS FOR SUMMARY DATA***

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. RLWD will prepare summary data if requests are made in writing and pre-payment for the cost of creating the data is received. Upon receiving written requests the data request form at the end of this document may be used. RLWD will respond within ten business days with the data or details of when the data will be ready and how much will be charged.

### ***COPY FEES***

RLWD charges the requesting party for all costs associated with fulfilling the data request, including staff time, materials, and copy expenses. Charges are authorized under Minnesota Statutes, sections 13.03, subd 3c. and subd. 10. The charge for time is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data. In determining the actual cost of making copies, RLWD factors in employee time, the cost of the materials onto which the data are copied (paper, CD, DVD, etc.), and mailing costs (if any). If requests are for copies of data that RLWD cannot reproduce internally, such as photographs, the actual cost paid to an outside vendor will be charged.

### ***RESPONSIBLE AUTHORITY***

Tammy Audette  
1000 Pennington Avenue South  
Thief River Falls, MN 56701  
218.681.5800

### ***DATA PRACTICES COMPLIANCE OFFICIAL***

Melissa Bushy  
1000 Pennington Avenue South  
Thief River Falls, MN 56701  
218.681.5800  
[RLWD@redlakewatershed.org](mailto:RLWD@redlakewatershed.org)

# Data Request Form

A. TO BE COMPLETED BY REQUESTER			
Name:		Phone Number:	
Street Address:		Email Address:	
City, State, Zip:		Date of Request:	
Signature:		Date Needed By:	
<small>*According to MS§13.05, subd. 12, persons are not required to identify themselves, or state a reason for, or justify a request for public data.</small>			
Description of the information requested (be as specific as possible):			
Quantity: _____ Color Format: <input type="checkbox"/> Color <input type="checkbox"/> Black & White			
Media: <input type="checkbox"/> Paper <input type="checkbox"/> Electronic( <input type="checkbox"/> gif <input type="checkbox"/> eps <input type="checkbox"/> jpg <input type="checkbox"/> pdf) <input type="checkbox"/> Other: _____			
<small>*MS§13.05, subd. 3, authorizes the District to charge fees to recover costs to provided copies of data, including cost associated with searching, compiling, copings, or otherwise transmitting data. Payment is required prior to receiving copies of data.</small>			

B. TO BE COMPLETED BY RLWD PERSONNEL	
Handled by:	Date Received:
Information Classified As: <input type="checkbox"/> Public <input type="checkbox"/> Private	Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved in Part <small>(explanation below)</small>
Remarks or basis for denial:	
Costs to Requestor:	
___ Pages x \$0.25 per black/white pages (Subd 3c.)	= _____
___ Pages x \$1.00 per black/white page	= _____
___ Pages x \$1.25 per color page	= _____
___ Employee time charged at billable rate	= _____
Other Charges: _____	= _____
	Total Cost: \$ _____

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# *RED LAKE WATERSHED DISTRICT*

## *RULES AND GUIDANCE DOCUMENT*

### **Amended Rules**



**Adopted: August 27, 2015**

**RED LAKE WATERSHED DISTRICT**

**DISTRICT RULES  
AND GUIDANCE DOCUMENT**

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**FOR QUESTIONS, COMMENTS, OR FURTHER INFORMATION:**

**Red Lake Watershed District  
Tammy Audette or Tony Olson  
218-681-5800**

[tammy.audette@redlakewatershed.org](mailto:tammy.audette@redlakewatershed.org)  
[tony.olson@redlakewatershed.org](mailto:tony.olson@redlakewatershed.org)



**RED LAKE WATERSHED DISTRICT  
DISTRICT RULES**

**PERMITTING PROCEDURES, FEES AND  
FINANCIAL ASSURANCES RULE**

**Adopted August 27, 2015  
Effective September 30, 2015**

1. **POLICY.** The District permit requirement is not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District. All interpretations of these rules and permit decisions under these rules will incorporate and be consistent with District purposes set forth in Minnesota Statutes section 103D.201.
  
2. **PERMIT REQUIREMENT.** Any person or agency of the State of Minnesota or political subdivision undertaking an activity for which a permit is required by the District rules must first submit a permit application. The application must be submitted on the form provided by the District or the substantial equivalent, and must include all exhibits required by the applicable District rule(s). Application forms are available on the District web site at: [www.redlakewatershed.org](http://www.redlakewatershed.org).
  - A. All permit applications must bear the original signature of the landowner.
  - B. No land-disturbing activity to which a District permit requirement applies may be commenced prior to receiving authority from the District, its administrator or staff.
  - C. Permit decisions will be made by the Board of Managers, except as specified in 3. PERMIT decisions may be delegated by the Board of Managers to staff or the District administrator for decision after consultation and review by the Board member representing that particular area of the District. If a permit is approved by staff or administrator, the permit will still be approved by the Board before being issued. The Board will review a staff or administrator permit decision at the applicant's request. Permit decisions may approve or deny an application and may impose reasonable conditions on approval. Conditions may include, consistent with the rules, requirements for financial assurances and maintenance agreements or declarations, and may require that these documents be properly executed or recorded before permit issuance.
  - D. A permit is valid for one year from the date the permit is approved, with or without conditions, unless specified otherwise or the permit is suspended or revoked.
  - E. To request an extension or transfer of a permit, the permittee must notify the District in writing prior to the permit expiration date and provide an explanation for the extension or transfer request. The District may impose different or additional conditions on an extension or deny the extension in the event of a material change in circumstances, except that on the first extension, a permit will not be subject to additional or different requirements solely because of a change in District rules. New or revised rule requirements will not be imposed on an extension of a permit where the permittee has made substantial progress toward completion of the permitted work. If the activities subject to the permit have not substantially commenced, no more than one extension may be granted. An applicant wishing to continue to pursue a project for which permit approval has expired must reapply for a permit from the District and pay applicable fees.
  - F. A permittee may transfer a permit to another party only upon approval of the District, which will be granted if:
    - 1) the proposed transferee agrees in writing to assume responsibility for compliance with all terms, conditions and obligations of the permit as issued;
    - 2) there are no pending violations of the permit or conditions of approval; and

- 3) the proposed transferee has provided any required financial assurance necessary to secure performance of the permit.

The District may impose different or additional conditions on the transfer of a permit or deny the transfer if it finds that the proposed transferee has not demonstrated the ability to perform the work under the terms of the permit as issued. Permit transfer does not extend the permit term. The District may suspend or revoke a permit issued under these rules wherever the permit is issued on the basis of incorrect information supplied to the District by the applicant,

- G. A permit applicant consents to entry and inspection of the subject property by the District and its authorized agents at reasonable times as necessary to evaluate the permit application or determine compliance with the requirements of a District permit or rule(s).
  - H. A District permit is permissive. Obtaining a permit from the District does not relieve the applicant from responsibility to comply with any procedures or approvals that may be required by Minnesota Statutes chapter 103E or any other rules, regulations, requirements or standards of any applicable federal, state, county, township, local government or subdivision thereof, or local agency.
  - I. The District further requires as a condition of all permits that they be notified when said permitted work is completed.
3. DISTRICT WIDE PERMITS. The District may issue District-wide permits, approving certain routine activities or specific classes of projects where a standard design has been approved by the District, as long as the work is conducted in compliance with applicable District-wide rule requirements.
    - A. Each District-wide permit activity or project classification will be subject to such specific requirements as the Board may establish.
    - B. A hearing will be held before any District-wide permit activities or project classification are issued or established.
  4. RECONSIDERATION.
    - A. Before a permit decision is final for the purpose of appeal under Minnesota Statutes §103D.537, an applicant may request that the Board of Managers reconsider its decision. The applicant may submit a notice of reconsideration on a form provided by the District that includes concurrence in an extension of the time for District permit action under Minnesota Statutes §15.99. The notice must be submitted within 10 days of the permit decision and at least one day before the date by which a permit decision must be rendered under §15.99. Within 10 days of submitting the notice, the applicant must in writing enumerate for the District the specific findings or conditions for which reconsideration is requested, along with any additional submittals or argument supporting applicant's request.
    - B. The District will give the applicant due notice of when the Board of Managers will reconsider the permit decision. The Board of Managers will adopt findings on reconsideration. The District will not take longer than 120 days to issue a final decision including reconsideration, unless a further extension is approved by the applicant.
    - C. The permit decision is final if an applicant fails to timely file notice under paragraph 4.A, if the applicant otherwise waives the right of reconsideration, or if the Board of Managers is unable to reconsider the permit decision before the expiration of the District's time for review under §15.99. Otherwise, the Board of Managers' decision on reconsideration is the final decision.
    - D. District costs incurred for reconsideration are permit administration costs for which an applicant may be responsible under Section 5 of this rule.

5. “AFTER THE FACT” PERMIT. An “After The Fact” permit may be considered by the District and granted to an individual, if the “After The Fact” permit submission is the first submission provided to the District by said person or entity for the work that has been done. If a person or entity has had a prior written warning given to them in regard to their failure to follow the permitting rule requirements, a \$500.00 late filing fee shall be assessed against said person or entity for the “After The Fact” permit submission. Said late filing fee assessment is in addition to any other conditions or requirements that may be ordered by the District in regard to repair or restoration of non-permitted work by said persons or entity in regard to an approval or disapproval of an “After The Fact” permit application. In addition to the remedies provided in Minnesota Statute 103D.545 and other remedies provided for in these rules, in those instances where work has been performed before a permit has been approved, the District may require that the property be returned to its original condition before consideration of the “After The Fact” permit application. The District may also require the applicant to pay actual engineering and attorney’s fees, allowed by law, incurred by the District in dealing with the un-permitted work.
  
6. FINANCIAL ASSURANCE. The managers, at their discretion, may require an applicant to file a bond, letter of credit or other escrow deposit in a form approved by the District as a condition of permit issuance. The amount of the financial assurance required will be set in accordance with a schedule established and maintained by the Board of Managers by resolution. When the permitted activities are certified as having been completed in compliance with the District permit and rules, the financial assurance will be released.
  - A. If the District determines that the permitted activities have not been completed in compliance with the permit and District rules, the Board of Managers may determine that the assurance is forfeited and the District may use the funds to take such actions the District deems necessary to bring the subject property into compliance with the permit and District rules, to prevent or mitigate harm to protected resources or other property, to abate or restore damages, or otherwise to ensure conditions in compliance with an applicable District permit and/or the District rules. If financial assurance funds prove insufficient to complete necessary work, the District may complete the work and assess the permit holder and/or property owner for any excess costs.
  
  - B. No financial assurance will be required of any agency of the United States or of any governmental unit or political subdivision of the State of Minnesota. The District may require that the District be named as a beneficiary in the financial assurance of the agency’s contractor.

# PERMITTING PROCEDURES, FEES AND FINANCIAL ASSURANCES

## Guidance to District Rule

The Permitting Procedures, Fees and Financial Assurances District Rule sets forth the basic process for property owners to apply for watershed district permits and for district processing of applications. These procedures are intended to assure that the District's process is fair, thorough, and effective.

### A. Policy

The policy statement at section 1 of the rule states that the District's regulatory program is intended to balance two interests. First, the District has an interest, and indeed a statutory mandate - Minnesota Statutes §103D.341 - to reasonably regulate and monitor activities within its boundaries that may affect water resources. Second, it wishes to do so without unnecessary burdens on those who wish to make use of their property responsibly. A District and its staff will keep both of these interests in mind in carrying out its regulatory program.

### B. Application Submittal

Key elements of the rule for application submittal, at section 2, are as follows:

- The rule states explicitly that activity subject to District rules may not occur until a permit has been applied for and issued or authority given by the District to proceed.
- The landowner must sign the application form. The applicant and permittee should always be the party who is indicated in the county land records as the owner of the property on which the activity is to occur. If another party (such as a contractor or intended property buyer) is the District's contact, it should be identified as the agent for the landowner and the District should document its authority to represent the landowner. This insures: (a) that any activity pursuant to a District permit occurs with the knowledge of the landowner and (b) that if compliance action is necessary, the District or the contractor will have access to the property.
- The application must be made on a form supplied by the District. State law (Minnesota Statute §15.99) stipulates that once an application is submitted, the District must approve or deny the application within a specified time frame (60 days) or else the permit is deemed granted. Therefore it is important that an application be clearly identified as an application, and not, for example, merely a pre-application inquiry. The time limit in Minnesota Statute §15.99 begins upon the District's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the District, including the applicable application fee. If the District receives a written request that does not contain all required information, the 60-day limit starts over only if the District sends written notice within 15 business days of receipt of the request telling the requester what information is missing. Additional information associated with an incomplete application is available for review per Minn. Stat. §15.99.
- When a landowner submits an application, it operates as a grant of permission for the District to enter the property. Entry typically will be needed for the District to evaluate the permit application and, once a permit is issued, to monitor activity for permit compliance. The watershed law (Minnesota Statutes §103D.335, subdivision 14) already authorizes the District to enter lands "to make surveys and investigations to accomplish the purposes of the watershed district." This appears to give the District adequate legal authority to enter private property, outside of constitutionally protected areas such as those in or adjacent to homesteads. The rule language is consistent with this authority.

- A permit may be approved subject to certain conditions that must be fulfilled before the permit is valid. (While other conditions may apply to the manner in which the work itself is conducted after a permit is issued). The District rule states that a permit extends for one year after permit approval and/or issuance. To state it another way, all activity on the land that is subject to the permit (not including subsequent ongoing maintenance) must be completed within a year. This means that it is the permittee's burden to, as soon as possible, meet any conditions that must be fulfilled before permit issuance. This prevents the situation wherein an approved permit is indefinitely open because the permittee has never fulfilled such pre-conditions and the permit has never actually issued.

### **C. Permit Extension and Transfer**

However, because it may take time for pre-issuance conditions to be met, and because even without such conditions a project may take more than a year to complete, the District rules include a process for a permit to be extended. An applicant must request extension before the permit has expired. An extension presents a situation where there is a need for balancing of interests as described earlier. On the one hand, once a District has evaluated an application and determined that proposed work can be done in compliance with the District's rules, a landowner should be able to complete the work without unexpected new costs or barriers. On the other hand, the District does not want land in a disturbed state indefinitely and, as an administrative matter, does not want a permit open indefinitely. Further, because the District's rules may evolve over time to reflect new knowledge and policies, the District has an interest in limiting the extent to which future land disturbance is "grandfathered" under old rules and does not have to meet new standards.

The model permit extension terms balance these considerations as follows:

- A permit may be extended for an indefinite number of years, at the District's discretion, provided the work has been "substantially commenced." However, if the work has not been substantially commenced by the end of the second permit year (two years), it may not be extended and the landowner will need to make a new application.
- The District may deny or place new conditions on an extended permit for a "material change in circumstances." This allows the District to ensure that the permit continues to protect water resources if there is new knowledge or information relevant to the work since the permit was approved or last extended. The term "material" is intended to give some protection to the landowner, and means that the District will not change the "rules of the game" unless the change is both significant and relevant.
- Further, on the first extension, a change in the District's rules occurring since permit approval will not count as a "material" change. This insulates a permittee from a change in the rules for a two-year period of time after a permit is approved. If a permittee seeks a second extension and the District rules have changed in the interim, the District may apply new conditions as needed for the work to conform to the new rules.
- However, once the permittee has made "substantial progress" on the work, a request for permit extension will not be subject to a rule change occurring since permit approval or the prior extension.

Similarly, the District rule allows for a permittee to transfer the permit to a third party. It is advised that the permit always "runs with the land," so the typical reason for a permit to be transferred is because the property is being conveyed. The general principle that the rule reflects is that permit transfer should not be burdened. However, the rule conditions this principle on the following:

- The transferee, in writing, must assume all permit obligations. This avoids the situation where a permittee is excused from permit obligations and ceases to have authority over the land, but the new landowner disclaims knowledge of the permit responsibilities.

- At the time of permit transfer, the work must comply with the permit. First, it is important to document that the site was in compliance when a permit transferee assumes compliance responsibility. This precludes the transferee's later claim that the site was non-compliant on the earlier permittee's watch, and that the transferee was unaware of or should not be responsible for it. Also, practically speaking, property transfer is an effective moment to require that site condition be corrected, as it will be made a condition of sale.
- If the District holds a financial assurance, it will need a substitute assurance from the permit transferee and will return the existing one to the transferor permittee.

Finally, the District rule allows the District to deny or impose conditions on a permit transfer if it has doubts about the proposed transferee that are relevant to whether the transferee can perform the work in compliance with the permit. This clause probably won't apply very often, but gives the District the ability to exercise its judgment if certain work is sensitive or the proposed transferee has been shown to be irresponsible in the past. The District will have to decide what is sufficient evidence to support special conditions in this circumstance.

#### **D. Standards Without Need for Permit Process**

The District rule, at section 3, creates the authority for a District to issue what are termed "District-wide permits." A District-wide permit can be an efficient mechanism for a District to impose standards on a certain type of activity without requiring everyone performing that activity to navigate the ordinary permit process. Typically this would apply to a class of activity that does not create a large risk of water resource impact and that, because it is simple or straightforward, does not generally require project-specific evaluation and project-specific conditions.

A District-wide permit may allow the District to do three things: (a) apply a set of standard conditions to the defined activity sufficient to provide basic necessary water resource protection (for example, if the activity involves minor land disturbance, the general permit may require basic erosion and sediment control); (b) make a record of where in the watershed the work is occurring, allowing for the work to be monitored as necessary and also giving the District information about cumulative effects; and (c) exercise jurisdiction over the work in the event a particular case does create a risk of water resource harm.

#### **E. Reconsideration**

At section 4, the District rule includes a process for an applicant to ask the board of managers to reconsider a District permit decision. This reconsideration is intended as a requirement before the applicant may appeal the decision to a court under Minnesota Statutes §103D.537.

If an applicant challenges a permit action, the District will always be in the strongest position to defend its decision if there are detailed findings to support a permit denial, or to support conditions included in a permit approval. The United States Supreme Court underscored this point in its decision in *Koontz v St. Johns River Water Management District*, U.S. No. 11-1447; 570 U.S. (2013). The Court held that land-use agencies imposing conditions on the issuance of development permits must have a rational relationship and rough proportionality with the impacts of the proposed development.

Because most permit actions are not contested, it doesn't make sense for every such action to rest on extensive staff or consultant work and detailed findings. The reconsideration process is intended to allow for the District to devote the resources to such efforts only as to those aspects of a permit that are in fact contested. The District rule requires an applicant to give a District fair notice of its objection to the denial or conditions, and ensures that the applicant has a full opportunity to address the board of managers in that regard. The District rule also provides that a District may recover its additional permit review costs incurred in the reconsideration process.

This process must be carefully managed so that the District does not violate Minnesota Statutes §15.99, which as noted places a strict deadline on a District's final permit decision. The District rule states that if the reconsideration process cannot be completed within the section 15.99 (120 days) time frame, then the applicant is not required to complete the reconsideration step before exercising its appeal right. It is especially important for Districts to manage the permit process so that decisions are timely within these deadlines, and adequate time is anticipated for reconsideration of contentious permit conditions.

## **F. Permit Fee**

Minnesota Statutes §103D.345, subdivision 2, states that a watershed district may require a permit fee that covers the actual cost for the District to process a permit application and then to monitor compliance with the issued permit. This includes staff and consultant costs (including attorney costs, as allowed by law) and related administrative costs. At section 5, the rule basically incorporates the statutory language. However if all rules are followed by the applicant while applying for a District permit, all fees will be waived and there will be no charge for the permit.

## **G. Financial Assurance**

Section 6 of the district rule incorporates the Minnesota Statutes §103D.345, subdivision 4, authority given to watershed districts to require that a permittee give a bond to ensure its performance under the permit. The District rule uses the term "financial assurance" rather than "bond" to allow a permittee to use other means of assurance including letters of credit and cash escrows. As is recommended for the permit fee, the required amount of financial assurance for a particular type and scale of project would be set in a schedule that could be reviewed and adjusted by the board of managers as needed, without a formal rulemaking.

The rule further sets forth fairly straightforward terms for how the assurance will be used by the District, the enforcement costs that the assurance may be used to fund, and the release and return of unused funds once the work is completed in accordance with the permit terms. The rule explicitly states that if District costs exceed the amount of a financial assurance, the permittee will be responsible to reimburse for those excess costs. The District would have to pursue such a claim by an independent legal action, if necessary.

The rule provides that a financial assurance will not be required if the permittee is a federal, state or local unit of government. The watershed law does not specifically exempt governmental agencies from the District's authority to require a financial assurance. However, the practice of watershed districts generally is not to impose such a requirement. It is reasoned that public permittees, in general, are more reliable in meeting permit requirements and that where a particular permittee is not, it remains accessible and is not going to disappear or go into bankruptcy. Further, the cost of a bond or letter of credit would just be an additional taxpayer cost. Notwithstanding, the rule states that if the public permittee requires a bond of its contractor, the District is to be named a beneficiary. The reasoning here is that this gives protection to the District without measurable added cost.

## **H. Permit Approval Authority**

Finally, section 2 of the District rule states that the board of managers will decide permits, except as may be delegated to the administrator or staff. A district board of managers may be quite comfortable delegating the authority for permit decisions to its administrator or staff for simpler permits or those likely to be less controversial. Allowing the administrator or staff to approve certain permits reduces the time and cost for applicants and frees the board of managers agenda for other matters. The delegation would occur by a board resolution that defines the limits of the delegation.

With the reconsideration process at section 4, if a permittee objects to a permit decision of the administrator or staff, it will come before the board for review. A district can include other procedures in its rules, or in the delegation resolution, that would, for example, allow a board member or an interested member of the public other than the applicant to ask that the board consider an application in a given instance.

**RED LAKE WATERSHED DISTRICT  
RULES AND REGULATIONS**

**SURFACE DRAINAGE AND FLOOD MITIGATION**

**Adopted August 27, 2015  
Effective September 30, 2015**

**DEFINITIONS**

**Board of Managers** shall mean Board of Managers of the Red Lake Watershed District

**District** shall mean the Red Lake Watershed District

**Dike** shall mean a bank or mound of earth, berm or obstruction that is built or placed in a manner which will affect the flow of water and especially to protect an area from flooding.

**Drainage Way** shall mean a natural or artificial channel which provides a course for the flow of water, whether that flow be continuous or intermittent.

**Flood Mitigation** shall mean managing and control of flood water movement, such as redirecting flood run-off through the use of floodwalls and flood gates, rather than trying to prevent floods altogether.

**Improve** has the meaning set forth at Minnesota Statutes §103E.215, subdivision 2, which states that improvement means tiling, enlarging, extending, straightening, or deepening of an established and constructed drainage system.

**Managers** shall mean the Red Lake Watershed District Board of Managers

**Private Drainage Way** shall mean a drainage way other than a public drainage way, which includes but is not limited to private tile drainage and surface drainage systems constructed along roadways.

**Public or Legal Drainage Way** shall mean a drainage way under the jurisdiction of the drainage authority pursuant to Minnesota Statutes chapter 103E.

**Surface Drainage** shall mean removal of surface water by development of the slope of the land utilizing systems of drains to carry away the surplus water.

**Tile Drainage** shall mean an agriculture practice that removes excess water from soil subsurface.



1. POLICY. It is the policy of the Board of Managers to promote the use of the waters and related resources within the District in a provident and orderly manner to improve the general welfare and public health for the benefit of the District's present and future residents. Further, it is the policy of the Board of Managers to regulate new construction, improvement, repair and maintenance of public and private drainage ways for the following purposes:

- A. To preserve the capacities of drainage systems to accommodate future needs.
- B. To improve water quality and minimize localized flooding.
- C. To minimize the loss of drainage capacity.
- D. To avoid drainage conditions that cause or aggravate erosion or sedimentation of downstream drainage ways or waterbodies.
- E. To ensure that parties responsible for accumulation of debris, soil and sediment in drainage ways maintain those drainage ways.

2. REGULATION

- A. A permit must be obtained from the District before undertaking any of the following:
  - i. Excavation of a new private drainage way located within any public right of way;
  - ii. Work below the top of bank of an existing public, legal or private drainage way located within any public right of way that disturbs soil or alters the dimensions or hydraulic profile of the channel;
  - iii. Constructing, installing or altering a road or utility crossing beneath or over a public or legal drainage way; or
  - iv. Constructing, altering or removing a dike which alters the flow of water.
- B. Section A notwithstanding, no permit from the District is required:
  - i. To construct, establish or perform maintenance on an existing private drainage way, as long as the private drainage way is located outside of any public right of way.
  - ii. To repair or replace tile drainage to the same size of tile as previously existed.
  - iii. To perform emergency work on any private drainage way located within a public right of way to avoid substantial property damage due to flooding, subsidence or other cause, in which case the District must be notified of the work and the reasons for the emergency action, as soon as possible. If at all possible, efforts to notify the District should be made before performing any emergency work. Any emergency work performed without the District's and governmental roadway authority's permission is performed at the owners own risk.
  - iv. To disturb surface soils in the course of ordinary cultivation or other agricultural activity. This may include general field ditching.
- C. The requirements of this rule are in addition to other applicable laws and procedures, including those of Minnesota Statutes chapter 103E. This rule is to provide for management of waters in the public interest and does not displace in whole or part any private legal rights a property owner or other person may have with respect to the use and drainage of waters.
- D. A contractor or equipment operator is responsible to ascertain whether a permit is required by this rule and, if so, that it has been obtained.

3. SURFACE DRAINAGE. The following criteria apply to applications under this rule other than those for the construction, alteration or removal of a dike:

- A. An applicant may not dispose of or alter the flow of surface water so as to unreasonably burden

another landowner with surface flow.

- B. Surface water will not be artificially directed from upper land to and across lower land without adequate provision on the lower land for its passage.
- C. Surface water will not be artificially directed into a legal drainage system from land not assessed to that system unless express authority from the drainage authority is obtained as defined under Minnesota Statutes 103E.401.
- D. Temporary storage and retention basins on the parcel or parcels proposed to be drained will be used to the extent feasible for upstream storage and to maintain peak flows, prevent erosion and avoid increased demand on public drainage systems.
- E. An applicant shall control erosion and downstream siltation by the following means:
  - i. All work involving exposed or stockpiled soil or materials subject to erosion will conform to an erosion and sediment control plan approved by the District.
  - ii. Open drainage ways will be stabilized with vegetation above the low water mark or other best management practices to reduce channel erosion.
  - iii. To reduce sediment transport, where feasible drainage will be discharged through marsh lands, swamps, retention basins or other treatment facilities prior to release into the receiving public water. Where feasible, a retention basin will overflow to a wide, shallow grassed waterway.
  - iv. Drainage ways will be constructed with side slopes designed in accordance with proper engineering practice to minimize erosion, giving due consideration to the intended capacity of the drainage way; its depth, width and elevation; and the character of the soils to be drained.
  - v. Water inlets, culvert openings and bridge approaches must have adequate shoulder and bank protection to minimize land and soil erosion.
  - vi. Channels and outfalls must be designed to be stable.
  - vii. Consideration for establishment of a grass filter strip 16.5 feet in width where possible and maintained on each side of a new private drainage way and on each side of an existing private drainage way which is subject to work for which a permit is required by this rule.
- F. The proposed activity may not adversely affect downstream water quality or quantity.

4. **DIKES.** The following criteria apply to the construction, alteration or removal of a dike:

- A. The dike may not unreasonably restrict flow onto down gradient property.
- B. The dike may not be constructed or maintained within the 100-year floodplain unless plans and specifications, signed by a registered engineer, are submitted showing that:
  - i. The work will not impede 100-year flood flows outside of the delineated retention area, or raise the 100-year flood level or increase flood peak downstream;
  - ii. Overflow sections are designed to handle overtopping during major floods without significant erosion or risk of failure and without sandbagging or other manual measures before or during a flood; and
  - iii. The capacity of pumping facilities to remove surface water stored behind a dike is consistent with Minnesota Hydrology Guide criteria.
- C. Operational procedures must prohibit pumping when the agricultural dike is overtopped during a rain or snow-melt event until downstream flood peaks have occurred.
- D. Outlet drainage must be sized to the applicable capacity in the Minnesota Hydrology Guide (Curve 1) for agricultural drainages, or other technical specifications established by the District.

- E. A permit to construct or maintain an agricultural dike will be conditioned on the applicant's granting the District the right in perpetuity to:
  - i. Enter onto property to assure landowner has installed and is maintaining traps/gates to restrict or eliminate outflow from the diked area during and after overtopping flood events; and
  - ii. Enter on the subject property to inspect traps/gates during and after an overtopping flood event.

5. EXHIBITS. The following exhibits may be requested to accompany the permit application. Two copies, (standard paper size of 8.5 inches by 11 inches), which include:

- A. Map showing location of project and tributary area.
- B. Plans and specifications for the project.
- C. Existing and proposed cross sections and profile of affected area.
- D. Description of bridges or culverts required.
- E. List of owners of properties benefitted or affected by the proposed work.
- F. Such other submittals as the District reasonably may require to evaluate whether the proposed activity meets the standards of this rule.

## **SURFACE DRAINAGE AND FLOOD MITIGATION**

### **Guidance to District Rule**

The Surface Drainage and Flood Mitigation district rule identifies the changes to surface water flows that will require a permit from the watershed district, and sets forth the standards it will apply in order to determine whether those changes are permitted. A watershed district's consideration of this district rule in particular will benefit from the district engineer's advice to assure that critical water management concerns in the local watershed are addressed.

#### **A. Policy**

The policy statement at section 1 serves several purposes. First, it communicates to property owners why the watershed district is choosing to regulate surface drainage and assists those owners in designing their proposed surface drainage alterations in a way that will be consistent with district goals. Second, when the board of managers must exercise judgment during permitting decisions, it will refer to the policy statement in order to align its decisions with the stated policies. Third, in the event of a legal challenge to a permit decision, the underlying policies of the rule will guide the judge. If the permit decision aligns with those policies, the judge will give greater deference to the board's decision and the district's legal position will be stronger.

The proposed policies reflect the following goals for surface drainage management:

- To preserve capacity in public drainage systems into which lands assessed benefits for those systems discharge. Note that the drainage law (Minnesota Statutes chapter 103E) does not control the volume that may flow from assessed benefitted lands into the system or the rate of that flow. However, a watershed district under its regulatory authority (Minnesota Statutes chapter 103D) may regulate both volume and peak flow off of lands benefitted into a drainage system to provide drainage benefits equitably to all lands paying into the system.

- To limit the movement of soils into channels and preserve the integrity of channel banks, in order to limit maintenance costs for public ditch systems and limit the transport of sediment, nutrients and other pollutants to downstream receiving waters.
- To protect the structural integrity of public drainage systems from destabilizing hydraulic forces.
- To prevent unassessed benefited lands from draining into public or private drainageway systems, in order to preserve system capacity for those property owners bearing the cost of those systems, and in the interest of equity.

## **B. Regulation**

The regulation section identifies proposed changes to the landscape that require a permit from the watershed district. The separation between those activities that require a permit from those that don't is made with reference to the four policies identified in the preceding section. What this section does is identify those activities that, if not done properly, can cause impacts to public drainage systems and downstream waters that, as the policies spell out, the watershed district is trying to prevent. The goal is to exercise watershed district oversight of those activities while, to the extent possible, avoiding imposing permitting burdens on other activities that don't pose a substantial risk of impact.

In addition, this section strives to define activities that require permits, and those that don't, as precisely as possible. Ambiguity in knowing what does and does not require a permit is a burden on property owners and can be a source of legal conflict. This doesn't mean that all ambiguity can be eliminated, but where possible it should be minimized.

The District rule first describes the activities that require a permit, and then carves out from those descriptions certain exemptions. The District rule sets forth specific descriptions of activities that require a permit. In summary, they include:

- diking.
- Any work in or over a public surface drainage system or within any right of way of a governmental roadway.

The following activities that otherwise would meet one of these criteria are exempted from the permit requirement:

- Ordinary maintenance of a private drainage way.
- Emergency work on a non-public drainageway or channel necessary to avoid significant property damage. The District rule requires advance notice to and approval from the watershed district for work in a private drainage way located within a public right of way. Notice to and approval from the proper governmental roadway entity is also necessary. However, it is recognized that certain situations may arise which require immediate action. In these cases, any emergency work performed without proper notice and approval is done at the owner's own risk.
- Ordinary cultivation or other ordinary agricultural activity.

The District rule contains an explicit reminder that it does not eliminate any other legal requirements or constraints applicable to the proposed work. As regards the drainage code, this means, for example, that a landowner performing work in a public channel may not obstruct flows; that a new outlet into a public system or the connection of unassessed lands is prohibited without drainage authority approval; and that the drainage authority retains all authority under the drainage law to do work within public systems and assess the costs.

The rule also explicitly affirms that it does not displace any private property rights in water flow, or any rights to be protected from such flows. The rule reflects the responsibility of the watershed district to manage surface drainage for the general public benefit. But the District does not act as an arbiter, for example, as between adjacent property owners. So if a property owner excavates a channel or alters their land in a way that affects the flow of water onto

adjacent property, property owner may need a permit from the watershed district, but the property owner will be responsible to ensure that they are not infringing on the rights of the adjacent owner by increasing, relocating or diverting flows across the neighboring property.

Finally, this section of the District rule states that a contractor or equipment operator is equally responsible to ensure that there is compliance with the rule. If there is enforcement, this protects a watershed district against claims by a property owner that it wasn't aware of what a contractor was doing, or claims of a contractor that the property owner had assured it that all permits and approvals were in order. It allows a watershed district to look to the property owner, or the party actually doing the work on the land, or both, to restore and remediate the impacts of any unpermitted work. The property owner and the contractor then can sort out responsibility and cost between themselves.

### **C. Criteria for Surface Drainage Changes**

This section applies to all activities subject to permits except for diking and subsurface tile drainage, and states the criteria against which a permit application will be evaluated.

The criteria in the District rule relate back to the policies enumerated in Section 1 of the rule. They are as follows:

- Flows - volume or peak - onto adjacent property may not unreasonably increase.
- Unassessed lands may not be drained into a public system without obtaining express permission from the drainage authority in accordance with 103E.401.
- To the extent reasonable, flows resulting from proposed changes must be retained on-site before discharge, or discharged to off-site retention - natural or artificial - in order to mitigate flow changes and limit downstream sediment transport.
- Erosion and sedimentation in drainage systems will be minimized through a number of means, as feasible:
  - An erosion and sediment control plan must be submitted and approved;
  - Channels must be vegetated above low-water mark;
  - Channel banks must be designed with proper slopes;
  - Hydraulic forces must be assessed and provided for in the design;
  - Grass filter strips establishment should be considered wherever channel work is conducted.
- Finally, there is a general requirement that downstream flows or water quality may not be adversely affected.

The last criterion, in particular, is general, which leaves discretion in the hands of the District. However, risk of impact or adverse effects can be very specific to each particular situation, and this criterion rests on the need for a watershed district to be able to protect surface drainage systems as necessary in the context of each specific set of circumstances.

Note that the procedural rules include a step by which an applicant may ask the board of managers to reconsider a permit decision before it is appealed. Where the board denies a permit, or includes certain conditions in the permit, this reconsideration step is the opportunity for the District, through its engineer, to re-examine the facts of their decision and to closely review their findings about potential impacts.

### **D. Criteria for Dikes**

This section states the criteria against which a permit application for a dike will be evaluated. These criteria, as well, related back to Section 1 and are as follows:

- Flows onto adjacent property may not be diverted to an unreasonable extent.
- Retention may not contribute to an increase in down gradient flood peak, and there must be downstream capacity for any change in the hydrograph of flow.
- The dike structure must be designed so that, without additional stabilizing measures, it will withstand flood conditions without erosion or risk of failure.

- The structure outlet, and basin drawdown pumping capacity, must be sized and designed in accordance with the criteria contained in the Minnesota Hydrology Guide.
- The applicant must submit and follow operational procedures that prohibit drawdown pumping during a flood event until downstream flood peaks have receded.

The District rule also provides that as a condition of a permit, the property owner must grant the watershed district a perpetual right to install, maintain and operate traps or gates to prevent outflows from the diked area during and after flood events that cause the dike to be overtopped.

It is noted that here, too, there will be a need to assess the specific circumstances and to apply some judgment in applying these criteria in each case. Again, the reconsideration step in the procedural rule allows for the level of analysis that is necessary if the District and an applicant do not reach concurrence on a given proposal.

## **E. Exhibits**

This section lists application submittal requirements. The basic submittal requirements that may be requested are: (a) maps and information to locate the project; (b) topographic, elevation, dimensional and flow data necessary to evaluate the hydrologic, hydraulic and flood impact of a proposed change in the landscape; and (c) a listing of potentially affected owners.

A watershed district may require any other submittals that it reasonably needs to evaluate a proposed activity for compliance with the rule criteria. This allows the district to keep its mandatory submittals reasonably limited, and to tailor the submittal burden on an applicant to what is needed in order to evaluate the applicant's specific proposal. This presumes that district staff will work with an applicant to identify necessary submittals. If an applicant fails or refuses to supply what the district requests, the district may be unable to properly evaluate an application, and this may be a legal basis to deny the permit.

Minnesota Statutes §15.99 requires a permitting agency, including a watershed district, to act on a permit application within the time specified in the statute. This time starts to run when the district receives the application, unless within 15 business days of receipt, the district advises the applicant that the application is incomplete. In light of this statute, it always is important that a district promptly review an application and determine whether it is complete. This becomes even more important if the district relies on a "catch-all" provision, since an application that otherwise contains required submittals is complete unless and until the district identifies other information that is necessary.

## **F. Definitions**

This section defines certain terms used in the rule. Specifically, it defines "drainage way" as pertaining only to surface drainage systems, which may include tile portions, and establishes the terminology to distinguish between public and private systems. It also: (a) defines drainage system "improvement" as having the same meaning as under Minnesota Statutes chapter 103E.

**RED LAKE WATERSHED DISTRICT  
DISTRICT RULE**

**SUBSURFACE TILE DRAINAGE**

**Adopted August 27, 2015  
Effective September 30, 2015**

1. POLICY. It is the policy of the Board of Managers to promote the sound construction and management of subsurface tile drainage systems in order to minimize downstream flooding and maximize soil storage and agricultural productivity.
2. REGULATION
  - A. No person shall install or construct any non-incidentaI subsurface tile drainage system, **after the effective date** of adoption of these rules, without obtaining a required permit from the Watershed District.
3. CRITERIA. An application for a permit must meet the following requirements:
  - A. All subsurface tile drainage systems must protect from erosion and include RLWD approved erosion control measures.
  - B. All subsurface tile outlets including lift station pumps, must be located out of a legal drainage system and governmental roadway right of way unless approved by District and must be visibly marked.
  - C. It is recommended that after harvest, tile outlet controls, including lift station pumps, be opened or turned on to remove water from the system unless downstream culverts are freezing.
  - D. Obtaining a permit from the RLWD Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits required by law. (Ex: NRCS, SWCD, Township, County, State, etc.)
  - E. Upon completion of the project, "As Built" plans must be provided to the District.
  - F. Consideration must be made for turning off pumps for short period of times during the summer so maintenance can be performed on public, legal and private drainageways, such as road ditches or private natural field drains.
4. EXHIBITS. The following exhibits may be requested to accompany the permit application. Two copies, (standard paper size of 8.5 inches by 11 inches), which include:
  - A. Legal description and site map and/or GPS coordinates to accurate scale showing location of all tiles, surface water inlets, outlet(s), lift stations, pumps, and flow control devices;
  - B. Land area to be tiled (acres);

**RED LAKE WATERSHED DISTRICT  
DISTRICT RULE**

**Pursuant to authority granted by Minnesota Statutes section 103D.341**

**RULE XX  
ENFORCEMENT RULE**

**Adopted August 27, 2015  
Effective September 30, 2015**

1. **MANNER OF ENFORCEMENT.** In the event of a violation or threatened violation of a District rule, permit, order or stipulation, or a provision of Minnesota Statutes chapter 103D, the District may take action to prevent, correct or remedy the violation or any harm to water resources resulting from it. Enforcement action includes but is not limited to injunction; action to compel performance, abatement or restoration; and prosecution as a criminal misdemeanor in accordance with Minnesota Statutes sections 103D.545 and 103D.551.

2. **INVESTIGATION OF NONCOMPLIANCE.** The District's authorized representatives may enter and inspect a property in the watershed to determine the existence of a violation or threatened violation as described in section 1, above.

3. **ADMINISTRATIVE COMPLIANCE ORDER.** The District may issue a preliminary compliance order without notice or hearing when it finds a violation or threatened violation as described in section 1, above, and that the violation or threatened violation presents a serious threat of adverse effect on water resources. A preliminary compliance order may require that the property owner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action. A preliminary compliance order is not effective for more than ten days. The Board of Managers by resolution may delegate to District staff the authority to issue preliminary compliance orders.

A. **BOARD HEARING.** After due notice and a hearing at which evidence may be presented, the Board of Managers shall make findings. If the Board finds a violation as described in section 1, above, it may issue a compliance order of indefinite duration that may require the property owner or responsible contractor to cease land-disturbing activity; apply for an after-the-fact permit; take corrective or restorative action; reimburse the District for costs under Minnesota Statutes section 103D.345, subdivision 2; and/or be subject to any other remedy within the District's authority. A compliance order may supersede a preliminary order or may be issued without a prior preliminary order.

4. **LIABILITY FOR ENFORCEMENT COSTS.** To the extent provided for by Minnesota Statutes section 103D.345, subdivision 2, a property owner or responsible contractor is liable for investigation and response costs incurred by the District under this rule, including but not limited to the costs to inspect and monitor compliance, engineering and other technical analysis costs, legal fees and costs, and administrative expenses.

5. **CONTRACTOR LIABILITY.** Any individual, firm, corporation, partnership, association or other legal entity contracting to perform work subject to one or more District rules will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, rules and statutes and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or threatened violation under section 1, above, is a responsible contractor for purposes of this rule.



# ENFORCEMENT

## Guidance to District Rule

The Enforcement district rule advises property owners and contractors of the steps the watershed district may take to address a violation or threatened violation of a district rule, permit or other binding district requirement.

### 1. Manner of Enforcement

This paragraph states the scope of watershed district authority to take enforcement action, and the forms that action may take. Largely, it restates §§103D.545 and 103D.551 of the Minnesota Statutes, the two provisions of the watershed law that provide the foundation for district enforcement. In short, watershed districts may bring action to stop or prevent a violation, to require compliance and action to fix the consequences of a violation, to recover enforcement expenditures, and to charge a violation as a criminal misdemeanor. Notably, apart from a small fine that may be imposed for a misdemeanor, watershed districts do not have the authority to impose or recover a financial penalty.

Note that the paragraph refers not only to a violation of a district rule, permit, or other regulatory requirement, but also to a threatened violation. If a threatened violation does not lead to an actual violation, the district would not be entitled to an order requiring the responsible party to take action. However, if the facts are supportive, the District may issue an order, or obtain a court injunction, to stop the action that threatens violation. The proposed text allows for a district, in consultation with its legal counsel, to determine in any given case the available and preferred remedies.

### 2. Investigation of Noncompliance

This paragraph advises that the district's duly authorized and delegated representatives, without prior notice to or permission of the property owner, may enter land within the watershed to inspect for compliance with district rules, permits and other regulatory requirements. This re-states Minnesota Statutes §103D.335, subdivision 14, which states:

The managers may enter lands inside or outside the watershed district to make surveys and investigations to accomplish the purposes of the watershed district. The watershed district is liable for actual damages resulting from entry.

The district need not know or even suspect that a violation is occurring, nor is its authority limited to lands on which activity taking place is subject to a district permit. The statute permits entry onto any lands as the district finds appropriate in order to effectively carry out its regulatory function.

Note that the statute gives this authority to “[t]he managers.” We believe it is reasonable to read the term “managers” as meaning, more broadly, the district's representatives - managers, staff, contract personnel - both because the term “managers” is used elsewhere in the watershed law simply to refer to the district as a whole and because, as a matter of common sense and necessity, it is not only the district managers themselves who are in the field performing regulatory inspections and oversight on behalf of the district.

The statutory authority under subdivision 14 to enter private property cannot override the U.S. and Minnesota Constitutions, and therefore is limited by the constraints those documents place on entry. Specifically, except under certain limited circumstances, district representatives cannot enter enclosed structures or outside areas that directly surround a residence and its associated structures (garage, shed, etc.). Also, while the statute authorizes entry without notice to or agreement of the landowner, a district may adopt procedures under which it limits the practice

of unannounced entry for reasons such as inspector safety and landowner relations. In implementing its inspection authority, a district should coordinate closely with its legal counsel to establish its inspection procedures and practices.

### **3. Administrative Compliance Order**

Under the watershed law, a district board of managers is given the power to issue orders relating to permits and permit compliance. This authority is implemented in paragraph 4, described further below.

However, a condition that is causing or threatening harm to water resources may need attention immediately, or at least before the board of managers practically can be convened to hear a matter and issue an order. For that reason, it is desirable for district staff to be able to exercise the authority to issue an order at the time a violation is observed.

There are two concerns about staff's issuance of legally binding orders in the field. One is a "due process" concern: that the authority of a public agency to issue a legally binding order without giving the recipient notice and a chance to be heard is legally limited. The second is that the authority to issue orders lies in the board of managers and must be specifically delegated to district staff. Historically, court cases have limited the ability of a public decision-making body to delegate its authority to staff. The law is concerned when, by doing so, the body is transferring its broad judgment and discretion to staff.

The model language attempts to address both of these concerns:

- With respect to the due process concern, the district rule requires the district to find that there is a violation or imminent violation that poses a serious water resource threat. In other words, order authority is to be exercised only when it is necessary to avert an important impact that otherwise would occur if no action could be taken until the managers were able to meet.

Also, the rule states that a staff order has effect only for ten days. The intent is that a staff order allows for harm to be prevented and the status quo to be maintained, only until the board of managers has a reasonable opportunity to convene and hear the facts with notice to, and participation of, the affected property owner. The "ten days" in the district rule is not a specific legal requirement; a board of managers may choose a different duration based on the frequency of its regular meetings and its ability to convene for a special meeting. However, the longer this period is, the more legally vulnerable the delegation to staff may be. Optimal practice is for the district administrator to coordinate with the board president so that the time and place of the board hearing can be included in the staff order itself.

- Regarding the delegation concern, the rule requires that delegation be accomplished by written resolution of the board. In this resolution, the board should consider spelling out constraints on staff's authority so that the level of discretion given to staff is only so much as is absolutely necessary to achieve the purpose of the delegation, that is, to protect the resource until the board is able to give notice and hold a hearing. This may include, for example, requiring that an order contain specific findings as to what the violation is, what the actual or threatened impact is, and why that impact is serious. The resolution also may direct that permittee action demanded by the order be only what is necessary to prevent the resource impact until the board has the opportunity to hear the matter.

If a board of managers is not comfortable delegating order authority to its staff, there are options. For example, the district may simply institute a structured procedure for staff to issue a formal document in the nature of a "notice of probable violation" in place of a legally binding order. The notice would identify the apparent violation and impact, and would advise of recommended compliance actions, but would not purport to order that those actions be taken. Instead, it would advise of a compliance hearing by the board of managers and notify that the hearing will occur unless the suggested actions are timely taken. If the responsible party did not agree with staff's determination that there was a violation, it could choose not to take the recommended action, and wait to present its case to the board.

While a watershed district order is legally binding, a district can enforce that order only by going to a state district court judge. To have the strongest legal position in front of the judge, a district is always advised to have an order issued not just by its staff, but by its board of managers. This means that even if staff has issued a field order, the board will want to hold a hearing and issue a superseding order before going to court. Therefore there is not always a great difference between a staff order and a staff notice.

#### **A. Board Hearing**

This paragraph provides for a board hearing before a district compliance order (other than a preliminary order) may be issued. Because a district order may impose substantial cost on a property owner or contractor - by delaying work, requiring restoration action or imposing district costs - the law requires that the potential recipient of an order be given notice and an opportunity to appear and present evidence to the board before the board makes findings. The law does not specify how many days' notice must be given, how notice must be given, or the specific procedures that must be afforded at the hearing beyond an "opportunity to be heard." District legal counsel should be consulted on these details, and whether they should be included in the rule language or simply followed as district practice.

The paragraph also makes clear that on the basis of a finding of violation, a board of managers may order any remedy "within the District's authority." These remedies include: (a) a directive to cease and desist until an after-the-fact permit is applied for and issued; (b) a requirement that the responsible party bring the activity into compliance and/or take steps to remediate impacts from a violation; and (c) reimbursement of the district for its costs incurred in compliance monitoring and enforcement. As noted previously, a watershed district cannot impose a monetary penalty. Also, of course, the district cannot itself conduct criminal proceedings; a misdemeanor action would need to be brought in state district court by the proper law enforcement agency.

Finally, the paragraph makes clear that the board has the authority to consider and issue an order, whether or not there is a preliminary, staff-issued field order. If there is not actual or threatened harm to justify a staff order, then the district may simply notice and hold a board compliance hearing. Typically, this will follow staff efforts to work with a violator to secure compliance, but it can occur whenever the board of managers deems appropriate and need not follow informal or formal staff action.

#### **4. Liability for Enforcement Costs**

Paragraph 5 of the district rule states that a property owner or responsible contractor will be responsible for district costs to investigate and respond to a violation of a district rule, permit or other regulatory requirement to the extent that Minnesota Statutes §103D.345, subdivision 2, allows. This statute says that a watershed district may charge an "inspection fee." It then states how the fee may be calculated:

The inspection fee must be used to cover actual costs related to a field inspection. Inspection costs include investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after issuance of the permit.

Accordingly, if there has been an inspection, then the cost of the inspection, any analysis related to it, and any subsequent monitoring related to it may be recovered from the property owner or other responsible party. It further says that consultant costs related to the inspection, and to subsequent analysis and monitoring, are recoverable costs as well. This would include engineering and other technical consultants, but also may be read to include fees paid to district legal counsel for assistance in evaluating compliance and carrying out enforcement procedures. To recover these costs, it is important for a district to keep careful records of them.

Enforcement may result in a variety of costs to a district - staff hours, administrative and consultant costs, sampling and analysis costs, manager per diems for special meetings, contract costs for restoration work undertaken by the district, and potentially costs for court proceedings. The proposed rule language does not take a position on the precise extent to which each of these falls within the scope of the statute. Each district should determine its

position with the advice of district legal counsel (for example, attorney fees for court proceedings may be excluded from the scope of §103D.345, subdivision 2, by virtue of separate treatment in §103D.545, subdivision 3). Note also that in the absence of the authority to impose a fine, a watershed district's ability to require that a responsible party reimburse its costs may be a measurable financial incentive for early compliance.

## **5. Contractor Liability**

The watershed law requires that watershed districts adopt and apply rules governing activities that may injure water resources, but it does not anywhere state who is subject to enforcement in the event a rule, or a permit issued under the rules, is not followed. It is good practice to require the property owner of record to be the named permit applicant, so that the authority to perform the proposed work is established and the district always has an official location where the permittee can be located. Further, in the event of noncompliance, it will be necessary for the property owner to be accountable for the violation to ensure that there is legal access to the property for any compliance work that is needed. In this case, it is reasoned that if a contractor has actually performed the work that does not comply, the property owner has a contract relationship with the contractor that will allow the property owner to demand that the contractor address the violation and hold the property owner harmless for costs.

However, there is nothing in the watershed law that prevents a district from also holding directly accountable the contractor that, itself or through its subcontractor, is responsible for the violation. A district may decide that it will have more leverage to gain compliance if both the property owner and the contractor are directly subject to district orders and enforcement proceedings. If the district encounters a situation where the property owner appears to be innocent of the violation, holding the contractor responsible as well allows the district to take enforcement action directly against the contractor with minimum imposition on the property owner.

Paragraph 6 establishes that a contractor also is responsible for a violation if it, or its subcontractor, performed the activity constituting the violation. This section defines the term "responsible contractor" as it is used throughout the rule to denote a contractor that may be subject to enforcement.

## PROCEDURES FOR PROCESSING A PERMIT

A completed permit, signed by the landowner is received at the Red Lake Watershed District office.

Upon receipt of the permit, the permit application is date-stamped. The permit will be numbered chronologically by the first two digits being the year with the last three digits being the number received. The first permit at the beginning of the new-year shall begin with 1. (Example 16001) The permit is logged in chronological order on a worksheet and in the District's permit database.

A copy of the permit and attachments is mailed/e-mailed to the respective county highway department and township clerk. A blue copy of the permit is also given to a staff member assigned to approve permits, along with the original maps, plat sheet, drawings, etc. A copy of the permit application and attachments is also mailed/e-mailed to the Board of Manager in the permit application area.

When the staff person signs their copy of the permit, it will be presented for action at the next regularly scheduled board meeting. If requested, the permit may be put on the board agenda or if there is a need for a hearing, it will be discussed at the next regularly scheduled board meeting and a public hearing date will be established. Upon Board action, the Board Manager signs and dates the pink copy of the permit. When the Board takes action on a permit, the board meeting date is logged on the worksheet. The date received from the Manager and staff member is logged in on the worksheet. The date the Board takes action on the Permit is included in the District's permit database.

The original copy of the permit is completed with the information and any special conditions are stated on the back of the original application, and is signed by the Administrator. The original permit is copied onto yellow paper and mailed to the applicant.

The signed original and acted upon permit application and attachments are scanned into the District's M-Files filing system and stored in chronological order.

Any permits not acted upon in 30 days will be put on the next Board agenda.

Per Board meeting minutes of July 9, 1992, backup materials for permits must be kept on file for 6 years per Minnesota Statutes 138.17.

# **Red Lake Watershed District Permit Instruction Sheet**

## **A permit is required if:**

- ➔ Water is to be diverted from one watershed to another
- ➔ Water is to be drained into a legal ditch
- ➔ A ditch is to be repaired
- ➔ A marsh is to be drained
- ➔ A dike is to be constructed or altered
- ➔ A reservoir is to be drained or constructed
- ➔ A bridge, culvert, or drain is to be installed or changed
- ➔ A natural waterway, lake or marsh is to be changed
- ➔ Construction is to be done near a waterway, lake or marsh
- ➔ Subsurface drain tile installation

Upon completion of permit application return to:

Red Lake Watershed District  
1000 Pennington Avenue South  
Thief River Falls, MN 56701

If you have any questions regarding the permit application, please call the Red Lake Watershed District office at 218-681-5800. All work for which permit has been applied for must be completed within one (1) year.

**APPLICATION FOR PERMIT  
RED LAKE WATERSHED DISTRICT**

1000 Pennington Avenue South  
Thief River Falls, MN 56701  
218-681-5800

TO THE BOARD OF MANAGERS:

Applicant's Name: _____		Telephone Number: _____	
Address (Street, RFD, Box No., City, State, Zip): _____			
Project Location: Government Lot _____ Quarter Section(s) _____ Section(s) _____			
Township (Name & #) _____ Range # _____ County _____			
Type of Work Proposed:			
<input type="checkbox"/> Excavate	<input type="checkbox"/> Install	<input type="checkbox"/> Channel	<input type="checkbox"/> Dike
<input type="checkbox"/> Fill	<input type="checkbox"/> Remove	<input type="checkbox"/> Culvert (Size _____)	<input type="checkbox"/> Erosion Control
<input type="checkbox"/> Drain	<input type="checkbox"/> Other	<input type="checkbox"/> Bridge (Size _____)	<input type="checkbox"/> Other
<input type="checkbox"/> Construct	<input type="checkbox"/>	<input type="checkbox"/> Dam	<input type="checkbox"/>

Be sure to attach all necessary reports, maps, drawings, photos, other data, etc., to support permit application.

Description of work to be done:
Estimated drainage area: acres _____ or sq. mile(s)
Work is necessary because:

I hereby make application for a permit to proceed with the proposal described above and have attached all supporting maps, plans, and other information submitted with this application. The information submitted and statements made concerning this application are true and correct to the best of my knowledge. Obtaining a permit from the Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits required by law.

Signature of owner or authorized agent _____	Date _____
--	------------

For Office Use Only P.A. No. _____
---------------------------------------

# Red Lake Watershed District

## Permit Application Plat Map

**Applicant:** \_\_\_\_\_

**Permit #:** \_\_\_\_\_

For Office Use Only

**County:** \_\_\_\_\_

**Twp. (name & #):** \_\_\_\_\_

**Please identify below the general location of proposed work. Use reverse side of this map for a detailed description of work in the appropriate Section(s).**

<b>Section(s) #</b>											




PETITION FOR REPAIR/CLEANOUT

State of Minnesota

RE: Ditch # \_\_\_\_\_

County of \_\_\_\_\_

To: Red Lake Watershed District

We the undersigned petitioners are affected by the above-mentioned drainage ditch and said drainage system is out of repair as follows: (State here in general terms the condition of the ditch and what repairs are needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, your petitioners.... pray... that a competent engineer be appointed to examine the ditch and make a report of the necessary repairs, with the estimated cost thereof, and all details, plans and specifications required to supply the necessary details to let a contract therefore; and that thereafter such further proceedings be taken as shall be necessary to restore said ditch to the same condition as when originally constructed.

Dated \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

February 1990

Form 1

## CULVERT SIZING CONCEPT

Simply stated, "If everyone would hold back their fair share of the water no one would suffer excessive damages and the major problems downstream would be alleviated." This concept is still untried in the District but appears to be gaining public acceptance. In general, I support the concept although it has limitations and potential problems which need to be carefully considered.

### Positive Aspects

1. It is fair. To the extent that the rainfall distribution is uniform, the damages to all landowners should be similar.
2. It is cheap. The concept would generally use smaller culverts for road crossings so highway expenditures may actually be reduced.
3. It reduces erosion and sedimentation problems. Under heavy runoff conditions sediment-laden water would be temporarily ponded at field outlets allowing the sediment to settle out.
4. It provides incentives for farmers to reduce runoff. Since each farmer would be damaged by his own runoff, he will try to keep the amount of runoff to a minimum by using conservation practices.

### Negative Aspects

1. The amount of storage is limited by rapidly escalating damages. Only about ½ inch of runoff can be stored without significant damages. Storage of 1 inch of runoff would typically flood 10% of a field.
2. The total flood damages may be higher than with present conditions where relatively few farmers are seriously flooded.
3. Fields may be unnecessarily damaged. Runoff from isolated showers would be detained even when the ditches could have handled it.

### Design Considerations

1. Culvert sizing should be applied to small drainage areas. Where practical, the first culvert should be restrictive and the drainage area upstream should be less than 1 square mile.
2. Differences in topography, soil type, and land use must be taken into account at each location.
3. Provisions must be made to pass larger flood flows without excessive damage to roads and properties.

C.L. Anderson  
July 16, 1984

## APPRAISAL OF LANDS AND PROPERTIES INCLUDED IN WATER PROJECTS UNDER JURISDICTION OF RED LAKE WATERSHED DISTRICT

### A. GUIDELINES FOR THE SELECTION AND ORIENTATION OF APPRAISERS BY THE BOARD

In the selection of appraisers (Minnesota Statutes 103D uses the term “appraisers” so we should use it consistently and not use the term “viewers” as referred to in Chapter 103E.321), you should give careful consideration to select individuals who have the experience and the ability to make timely, fair, and equitable appraisal of the benefits and damages for a given project.

The three appraisers must be a resident freeholders of the State of Minnesota (M.S.A. 103D.715). A viewer on a drainage project must be a freeholder of the county affected (M.S.A. 103E.321). They must be able to accept guidance from the Red Lake Watershed District Administrator, Engineer, and Legal Counsel.

In selecting appraisers, you may want to give consideration to the following factors:

1. Physical and mental health to do field work.
2. Knowledge of agriculture.
3. Knowledge of topography of the area.
4. Knowledge of soils in the area.
5. Previous experience as a viewer or appraiser.
6. Good work habits.
7. Ability to read and understand engineering data and surveys.
8. Ability to read soils maps and aerial photos.
9. Ability to communicate findings in an orderly, concise manner.

### B. APPRAISERS’ ORIENTATION

After the Board of Managers have appointed the appraiser (three, plus alternate), an appraisers’ orientation meeting is set up. At this meeting they will be sworn in, using the RLWD Form 6-A, ACCEPTANCE OF APPOINTMENT OF APPRAISER. They will also receive an APPRAISER’S JOB DESCRIPTION, a 4-page guide to help them in their duties. They will be given EXPENSE VOUCHERS to keep complete and accurate accounting of time and expenses. They will receive a thorough explanation of the project, maps, drawings, and hydrological boundaries, as set by the engineer. They are notified of all meetings at which this project will be discussed and are invited to participate.

### B. YOUR JOB AS AN APPRAISER

You are charged with the responsibility of determining the benefits or damages to all lands and properties affected by the proposed drainage of watershed project. This is a very important process in the procedure for improving drainage or establishing a watershed project.

In an effort to make your job as easy and pleasant as possible, the Board is providing these instructions and information to assist you in this task.

Generally speaking, for a watershed project you are appointed as an appraiser and for a drainage project you are appointed as a viewer. Your duties and responsibilities by and large are the same. In watershed

work, we look to Minnesota Statutes 103D first. If there is no answer to the problem or question, refer to Minnesota Statutes 103E.321. The Administrator will assist with problems or questions.

Your job is important, and it can be difficult at times. Good water management projects can't be done without conscientious appraisal service.

D. WHAT HAPPENED BEFORE YOU WERE APPOINTED AS AN APPRAISER?

A project is generally commenced by a petition presented to the Watershed District. Upon filing of a proper petition, the Board of Managers appoints an engineer to make a preliminary survey of the territory likely to be affected by the proposed improvement. The engineer's job is to obtain sufficient information to determine whether the project is necessary and feasible with reference to the statutory requirement (M.S.A. 103E.321). Upon filing of the engineer's report, a hearing is held by the Board of Managers. The Board determines whether the petition satisfies the legal requirements and if the project is feasible. If they find the petition proper and feasible, the Board of Managers orders the engineer to make a detailed survey and to furnish all necessary plans and specifications for the proposed improvement and report these back to the Board of Managers. Following the order for a detailed survey, the Board of Managers shall appoint three (3) disinterested appraisers to assist with determining the costs of the project and the benefits of the project to each landholder affected thereby.

After the engineer files his final report and survey, the administrator schedules the first meeting of the appraisers and engineer, and they prepare to start on their work.

E. PROCEDURES AND GUIDELINES FOR YOUR JOB

1. The appraisers should work with the administrator and engineer to acquaint themselves fully with the project, the intended purpose, and all other important unique factors that may bear on the appraisal or benefit of the project. The appraisers should feel free to call on the administrator at any time a question relating to appraising is encountered.
2. The appraisers should understand how this system will work and what is intended to be accomplished by this project.
3. The appraisers should know all of the Watershed and county ditch projects within the proposed project or system and how they interrelate and affect this project.
4. The appraisers should walk the land personally to become well acquainted with the lay of the land.
5. Know all of the lines that are set up and established by the engineering report. Know all property lines of the landholders.
6. The appraisers should remember that in making the rounds and assessing benefits or damages; that they are acting independently. You should be cordial and listen if confronted by a landowner, but the decision should be the consensus of the appraisers. You should be careful not to let the landowner exercise any undue influence.
7. It is not your duty or obligation to talk to each landowner as you go about your viewing process. In fact, you should not attempt to engage in conversation with the landowners unless you believe that information can be obtained which genuinely will benefit your viewing process.
8. You should not talk about engineering details with the landowners, discuss size of culverts, position of spoil, or other related matters.
9. You should take sufficient time in your appraisal to assess fairly and equitably the benefits and damages. However, you should try to complete your task in a reasonable prompt manner.

10. In the event there is a disagreement among you as appraisers, each appraiser shall state separately his findings. A majority of the appraisers, or in this case two people, may make a finding in the event of some type of disagreement or in the absence of one appraiser.
11. Appraiser's work sheets should contain the names, descriptions, number of acres, benefits or damages should be roughed out, and then submitted to the Red Lake Watershed District at Thief River Falls for calculations by office staff.
12. A map of the area should be made using one color for direct benefits, another color for indirect benefits, and a system of pencil lines or cross-hatching to show different dollar values for amount of benefits on the appraisers' report. The clerical staff will return the map to the appraiser's chairman.

#### F. ORGANIZING AND REPORTING

1. Appraisers should elect a chairman and recording secretary of the three members appointed.
2. Report direct and indirect benefits
3. Report the direct and indirect damages.

#### G. COMPENSATION FOR APPRAISERS

1. \$30.00 per hour\*<sup>1</sup>
2. Mileage rates as set by Federal guidelines. (January 2010, .50/mile)
3. Meals as appropriate. Should be documented by receipt.
4. Any other expense must have prior authorization of the administrator.

#### H. PROCEDURES AND GUIDELINES FOR APPRAISERS AT HEARINGS

M.S.A. 103D and 103E.321

1. The law requires at least one appraiser to be present at the hearing considering the petition. It is customary that all appraisers be present.
2. The appraisers should have all notes, records, and drawings at the hearing. They should have gone over these documents prior to the hearing to familiarize themselves with the documents so that it will be easier to "field" the questions if necessary at the hearing.
3. The appraisers should only give testimony and set forth what they have determined and decided. They should not argue with either the landowners or the Board of Managers, but rather should simply present testimony and, if necessary, offer explanation.
4. The appraisers can give opinion testimony at the hearing on matters which they have taken into consideration in their assessment of benefits or damages.
5. **THE APPRAISERS SHOULD BE FIRM AND STAND BY THEIR CONCLUSIONS.**
6. The Board of Managers has the authority to make changes in the appraisers' report. If such an event occurs, the appraisers should not take offense or in any way consider this a personal affront.
7. You as appraisers are charged to determine conscientiously the damages and benefits to landholders for a specific project. The Board needs your findings, among other findings, for final study and recommendations on the water management project.

#### I. PROCEDURES AND GUIDELINES FOR HEARING ON FINDINGS OF APPRAISERS (M.S.A. 103D AND 103E.321)

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<sup>1</sup> Updated 2010

1. The Managers should be on a stage or set-up in such a manner that everyone can clearly see and hear them. The hearing will be conducted by the President of the Board, a duly appointed Board member, or Legal Counsel.
2. The Managers should make sure that everyone at the hearing know the duties of the Board of Managers at this hearing. The compliance for a hearing would include the petition and who signs the petition, the Engineer's preliminary report, appraiser's report, names of appraisers, the report to the Board of Water and Soil Resources, the notice of public hearing (published twice according to law), the mail notice written to each property owner, a response for the Division of Waters, and any letters of protest. Identify any decisions to be made. Persons wishing to speak should be requested to state their name and where their land is located.
3. The Managers should listen respectfully to any comments or testimony presented at the hearing.
4. The Managers should not engage in arguments with the appraisers or any parties presenting testimony or evidence.
5. The Managers should not participate in any arguments or disagreements between the appraisers and landowner(s).
6. The Managers should be very reluctant about making changes in the appraisers' and engineers' recommendations. It is their duty, however, to correct any obvious mistakes in the appraisers' or engineers' reports.
7. The Board of Managers should support the appraisers unless there is evidence to the contrary.
8. The Board of Managers should seek the advice of experts such as engineers, administrators, lawyers, or expertise outside the watershed staff.
9. The Board of Managers should be sure that their exact findings are clearly and precisely set forth.
10. The Board of Managers should accept or reject the appraisers' report when presented.
11. Public hearings provide an unusual opportunity for input by the petitioners and landholders directly affected by the proposed project. Too, public hearings are meetings when Watershed District personnel and the Board of Managers have a significant exposure to the public. The watershed cause is best promoted if we conduct ourselves in a professional, fair, and businesslike manner.

## HOW A WATER MANAGEMENT PROJECT STARTS AND MOVES ONTO COMPLETION

Any person or group within the District, after identifying a water problem, should seek a lawyer for guidance in drawing up a petition. The petition is filed with the Board of Managers. The Managers take the petition under study by having the engineer investigate the area involved and by having RLWD legal counsel verify the authenticity of the signatures and to give a legal opinion on the Petitioner's Bond, which must accompany all petitions. (Board has set a minimum of \$40,000 bond)

The Managers may dismiss the petition if it is an unacceptable project or if the Engineer's Report is unfavorable. If legal counsel verifies the petition as legal and the engineer gives a favorable report, the Managers will appoint an Engineer for the project and ask that he present an Engineer's Preliminary Report at a later meeting. If appropriate, the Managers may have the Advisory Committees and/or any other agency give their comments. A copy of the Engineer's Preliminary Report is submitted to the Minnesota Board of Water and Soil Resources and the Minnesota Department of Natural Resources-Division of Waters for their comments only.

If the petition is approved at this stage, viewers are appointed to determine the number of acres benefited or damaged in the affected area. The Viewer's Report is reviewed at a Board of Manager's meeting at a later date.

If the project now looks practical to the Managers, a Hearing date is set. The Managers must allow proper time for the District Office to get out notices in accordance with Minnesota State Statute 103D.741. At the hearing, the Engineer's Report and the Viewer's Report on benefits and damages are reviewed with the public and the comments are recorded. If either of the above-mentioned reports need re-evaluation, the Board of Mangers may recess the Hearing and reconvene at a later date.

After the Hearing, the Managers review all proceedings and will approve the project by instructing the Engineer to draw up the Final Plans and Specifications (including the advertisement), and they will also set the Bid Opening date. The advertisement is sent to the Construction Bulletin, the designated newspaper in the petitioned area, and the mailing list of contractors.

The bids are opened on the date set and then evaluated. If a bid is accepted, the Managers direct the Administrator to mail a Notice of Award to the contractor. The contractor has ten (10) days to accept the contract and obtain insurances, performance bond, payment bond, and other required documents. When a contract is received (signed and notarized), Legal Counsel will check all documents, giving his approval in writing. The contract is then signed by the President and the Secretary of the Red Lake Watershed District, and a copy is mailed to the contractor for his records.



NOTE: PLEASE RETYPE TO FIT YOUR NEEDS

BEFORE THE RED LAKE WATERSHED DISTRICT

In the Matter of Construction  
of an \_\_\_\_\_

PROJECT PETITION

In \_\_\_\_\_ Township of  
\_\_\_\_\_ County, MN

The undersigned Petitioners respectfully represent and state to the Red Lake Watershed District:

I

That they constitute at least 26 percent of the resident freeholders, or are owners of more than 25 percent of the land within the limits of the area proposed to be improved.

II

That this Petition is made pursuant to Chapter 103E, Minnesota Statutes, as amended, known as the Minnesota Watershed Act.

III

That the project proposed consists of constructing an:

(Give detailed description of proposed project and a brief explanation of the procedure to be used)

IV

That less than the entire watershed will be affected.

V

That the project is needed for the following reason:

- (1. Give reason)
- (2. Give reason)

VI

That the proposed project will be conducive to public health, convenience, and welfare by reduction of flooding conditions, etc.

VII

That the following is a general description of the land within the watershed district which would be affected by the proposed project. This list is based upon a present belief of the Petitioners and should be subject to additional findings by the project engineer and appraisers. All or part of the following is a description, by 40-acre tracts, over which the proposed project is located:

(Insert township name, number, and range #, County, Minnesota)

(List owner as example shows below)

(The Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼ ), the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼ ), the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼ ), the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼ ) in Section Thirteen (13);

(And continue listing descriptions for the proposed project)

VIII

That the undersigned Petitioners hereby agree to pay all costs and expenses which may be incurred, by the Watershed District, in case the proceedings are dismissed or for any reason no construction contract is let for the project.

WHEREFORE, your Petitioners pray that the managers:

1. Authorize the engineer employed by them to make all the necessary surveys and plans for the construction of the proposed project and report the results to the managers;
2. Order the engineer to make a detailed survey and furnish all necessary plans and specifications;
3. Appoint three disinterested resident freeholders of the state to act as appraisers;
4. Fix a time and place within the Watershed District for a hearing upon the petition and reports.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NAME

LAND DESCRIPTION

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## PROCEDURES FOR DRAINAGE IMPROVEMENT PETITION

1. Petition must be filed by landowners.
2. Administrator will start petition process.
3. Petition is reviewed by legal counsel to see if conforms to legal requirements of State Statutes 103D.
4. Engineer reviews the petition to provide the following to the Administrator:
  - a. Map with location of ditch improvement and the hydrological boundaries of the proposed improvement area.
  - b. A preliminary review to see if there is a need for the improvement.
5. Legal Counsel and Engineer recommendations will be provided to the Administrator within 10 working days of receiving the petition from the Administrator.
6. Administrator will:
  - a. Present the petition for the establishment of the project to the Board of Managers
  - b. Have Board of Managers set the bonding amount.
  - c. Upon receipt of proper bond, instruct engineer to prepare the technical and cost specifications (preliminary engineer's report)
  - d. Designate a time frame for completion of preliminary engineer's report.
7. If preliminary engineer's report recommends the improvement, viewers will be appointed.
8. Administrator will arrange a meeting with the Engineer(s) and Viewers to swear in the Viewers and the Engineer(s) will instruct the Viewers of the proposed project and hydrological boundaries.
9. Upon completion of Viewers' and Engineer's report, the reports will be presented to the Board of Managers. The Board will set a hearing date for presentation of the viewers and engineer's report to the public.

## SUPERVISION AND INSPECTION OF CONSTRUCTION PROJECTS

The Board appoints a Manager to act as the Contracting Officer for each project. He is usually the Manager who lives closest to the project but must have no personal interest in the project work. The Contracting Officer has the authority to execute all contract documents on behalf of the Board.

The Board also designates a registered professional engineer to supervise and/or inspect construction of projects. The engineer may employ assistants as necessary to oversee the project work adequately.

The responsibilities of the engineer and the contractor are defined by the contract documents. For most projects, supervision by the engineer is limited. The work required to be performed by the contractor is specified in the contract. The means and methods used to accomplish the work are the contractor's prerogative. For some projects, however, an amount of supervision by the engineer is necessary. In these cases, the contractor's responsibility for the finished product is limited to those items under his control.

The engineer inspects the work in progress to determine compliance with the plans and specifications. He will prepare a monthly summary of work which has been satisfactorily completed and materials delivered and make a recommendation to the Board for partial payment.

Upon completion of the contract work, the engineer will make a report to the Board showing the work performed, the price, the amount which has been paid, and the unpaid balance. He will advise of any unsatisfactory work and make a recommendation regarding final payment.

## MAINTENANCE, REPAIR AND OPERATION OF WATER MANAGEMENT CONTROL STRUCTURES

The Minnesota Statutes 103D.631, 103D.635, and 103D.641 provide for the general responsibilities of the Board in reference to maintenance and repair projects after completion thereof.

Understandably, the details of maintenance and operations policies will vary with relationship to local government and to others affected by a project. Are reports to the Board made periodically on project maintenance? Is the Board charged with managing the flow of water from the upper reach flood control dams during emergency conditions? Are inspection reports filed for each structure—how often and where filed, etc. ? Specific policies on this issue are not found in the present handbook. Recommend that this matter be reviewed by the Board and appropriate guidelines be developed if found needful.

## AUTHORITY TO TAX AND TO ASCERTAIN WHO PAYS FOR PROJECTS

General Fund – The General Fund consists of ad valorem tax levy not to exceed .02418 percent of taxable market value, or \$250,000, whichever is less. The funds shall be used for general administrative expenses and to construct and maintain projects of common benefit to the District. The Board may make an annual levy for this fund as provided in MSA 103D.911. In addition to the annual General Fund levy, the Board may annually levy a tax not to exceed .00798 percent of taxable market value for a period of not to exceed 15 consecutive years to pay the cost attributable to the basic water management features of projects initiated by petition of a municipality of the District.

Special Revenue – For construction and maintenance. Assessed to property holders, levied and collected by the counties, in accordance with the Viewers Tabular Statements. MN Statutes 103D.905, Subd. 5,6,7, and 8; 103D.631, Subd. 2; 103D.635, Subd. 3; and 103D.641.

Capital Projects Levy/Joint Powers Levy – The Watershed District can make a levy with a maximum of .04836 percent of the estimated market value and forward half of the levy of the proceeds to the treasurer of the Red River Watershed Management Board.

## General Fund – Tax Levy Procedures

The General Fund (can also be referred to as Administrative Budget) budget will be set annually by the Board of Managers in September, according to Minnesota State Statutes.

Each April, the counties will supply the Taxable Market Value and Tax Capacity of assessable land in the RLWD. Worksheet B is compiled with the values of each counties values and a percentage is arrived at. With those percentages, the taxable amount for the General Fund and the Construction Fund are arrived at.

Payments by the counties are made semi-annually, with one-half collected in June and the other half collected in December. Upon receipt of these payments, the amounts are recorded in the General Fund account, RLWD Project No. 001.

## Capital Projects

The Capital Projects levy will be set by the Red River Watershed Management Board by July of each year and will be accepted and levied by the Red Lake Watershed District Board of Managers in September of each year.

The tax levy will be collected from the counties and sent to the Red Lake Watershed District. One-half of the proceeds will be returned to the Red River Watershed Management Board Treasurer by July 1 and by January 1 of each year. The other half of the proceeds will be debited to the Capital Projects Fund, RLWD Proj. No.15.

Wetland credits, delinquent tax, homestead tax credits, enterprise zone credits, native prairie credits, mobile home homestead credits, wetland reimbursements, etc. will be broken down on a 50/50 basis to Capital Project, RLWD Proj. No. 015, and RRWMB, RLWD Proj. No. 009.

## BUDGET DEVELOPMENT AND CONTROL

### BUDGET DEVELOPMENT

In June, the Administrative staff would review all fund balances for all projects or programs. In the first week of July, a salary comparability study will be done with the county and related agencies. In the second or third week of July, the Salary and Budget committee would meet to develop the salaries and budgets for the next year. The first meeting in August would be the presentation of the salary/budget for adoption.

#### The Adoption

The Board would approve the budget at either the first or second meeting in August. A public hearing on the proposed budget would be the first meeting in September, prior to the State Statute's deadline of September 15 when the levy needs to be filed with each county auditor.

### CONTROL

Funding is obtained twice a year, June and December. The staff will prepare a budget and expenditure worksheet for the General Fund Budget and review with the Board in July of each year.

### ACCOUNTING PROCEDURES

All bills are authorized for payment by the Administrator. Checks are processed within the computerized accounts payable software or for immediate issue, can be hand typed. All checks are listed along with the name, description of payment, and amount is listed on the financial reports. The bi-monthly financial report is presented to the Board of Managers for review and approval. The Administrator is authorized to sign payroll and payroll tax checks, staff travel checks, per Board approval of May 20, 1984, and is authorized to sign checks under \$1,000 for monthly operating expenses. The Board Treasurer signs all checks (may be an approved signature stamp) along with a second signature by either the Board Secretary or Board President.

All revenue is first reviewed by the Administrator and deposited as soon as possible in an authorized financial institution by office personnel.

There will be a maximum petty cash fund of \$100 at the District office. When cash is almost depleted, a check is written to replenish, and accounts are charged accordingly. Receipts from each purchase will be recorded and each check issued for replenishing petty cash will be audited annually.

Payroll is handled according to policy manual procedures.



## PERSONNEL POLICY AND PROCEDURES – RED LAKE WATERSHED DISTRICT

### A. INTRODUCTION

1. APPLICATION MODIFICATION: The Red Lake Watershed District Board of Managers adopted the following policies and procedures to provide general guidance to the Board and management and staff and in order to enhance the employee/employer relationship. Red Lake Watershed District reserves the right to amend, modify or discontinue any of the information or benefits contained herein. Changes may be made with or without prior notice to employees. The policies and procedures set out in this handbook are as complete as we can reasonably make them. However, they are not necessarily all-inclusive, because circumstances that we have not anticipated may arise. If circumstances require, management reserves the right to deviate from the policies and procedures in this handbook at its discretion.
2. REVOCATION OF PREVIOUS POLICIES: By distributing these policies, Red Lake Watershed District revokes any and all previous policies and procedures which are inconsistent with those included herein. These policies and procedures supersede and consolidate any and all personnel policy manuals, past practices, oral and written statements, oral and written policies, or memoranda regarding the terms and conditions of employment for employees with Red Lake Watershed District.
3. EMPLOYMENT AT WILL: The policies and procedures outlined here do not create an employment contract between Red Lake Watershed District and its employees and should not be interpreted as creating an employment contract. **All employees of the Red Lake Watershed District are “employees at-will”. This means that the employment relationship may be terminated by either Red Lake Watershed District or any such employee at any time and for any reason, or no reason, without prior notice, and that the employment relationship is not for any fixed period of time.**

If you have any questions or need more details, see your supervisor or Administrator.

### B. EQUAL OPPORTUNITY EMPLOYMENT

No person will be denied employment or services because of disability, race, creed, religion, age, sex, sexual orientation, marital status, status with regard to public assistance or any other status protected by law.

### C. CLASSIFICATION OF POSITIONS

1. **Full-time Position:** A position which requires a full-time normal work week of forty (40) hours. The person is eligible for fringe benefits including vacation, sick leave, and holiday pay.
2. **Temporary Employee:** A temporary employee is a person hired for a brief or specified period within a calendar year or a person who does not qualify as a part-time employee as defined herein. A temporary employee is not entitled to any fringe benefits.

3. Part-time Employee: A part-time employee is a person required to work an average of 60% full-time for a period of at least nine (9) months during a one-year period. A part-time employee who has worked six (6) months shall be entitled to fringe benefits of vacation, sick leave, and holidays based on the percentage of hours worked per pay period. Sick leave, vacations, and holidays for part-time personnel will be based on the full-time schedule and become effective on January 1, 1990.

D. PAYROLL SCHEDULE

1. Time is entered by employees into Quick Books Time Management via computer. Time entry and descriptions are due each Friday by end of day. Time is approved by the Administrator. The Accounting Officer will process and pay employees via Direct Deposit on a bi-weekly basis.
2. Salary deductions will conform to federal, state and local requirements. Deductions beyond these may be made at the written direction of the employee.

E. EMPLOYEE FRINGE BENEFITS

1. Holidays:
  - a. The following holidays shall be paid holidays:

New Year's Day	January 1
Martin Luther King Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October <u>or</u> Friday after Thanksgiving
Veteran's Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25
  - b. When the legal holiday falls on Saturday or Sunday, the day preceding the Saturday holiday or the day following the Sunday holiday shall be considered the legal day off.
  - c. Part-time staff who work an average of 60% of full-time for a period of at least nine (9) months during a one-year period shall be entitled to holiday pay based on the percentage of hours worked per pay period.

2. Vacations:

- a. Full-time employees starting on date of employment shall receive an annual vacation with pay based on a monthly accumulation of vacation days figured at a rate dependent on years of service with the District using the chart below.
- b. Qualifying part-time employees shall be entitled to vacation based on the percentage of hours worked per pay period using the chart below.

<u>Completed year</u>	<u>Rates of Accumulation Hrs/Pay Period</u>	<u>Work Hours Employee Earns as Vacation Per Year</u>
0-5	3.078	80
5-10	4.616	120
10-20	6.154	160
20+	7.692	200

- c. The Board may grant a higher accumulated rate of vacation for experienced employees.
- d. The maximum accumulation of leave is 200 hours. Any unused annual leave in excess of 200 hours at the end of any pay period will be forfeited.
- e. Unused annual leave will be paid for upon termination. The District Office shall maintain leave records by posting leave earned and taken and calculating a current balance for each employee.
- f. There will be no payment in lieu of vacation, except when termination of employment occurs.
- g. Annual leave may be taken only if prior approval has been given by the employee's immediate supervisor.

3. Sick Leave:

- a. Full-time employees shall receive eight hours per month (96 per year) with an accumulation of up to 400 hours. Before sick leave is granted, one of the following criteria must be met:
  - (1) Personal injury or illness that would prevent employee from working or coming to work, or doctor and dental appointments.
  - (2) Illness or death in the immediate family that requires employee's presence elsewhere. If two or more days are required, prior approval must be obtained from the supervisor.

(a) Immediate family is defined as:

Husband	Father-in-law
Wife	Mother-in-law
Father/Step	Brother-in-law
Mother/Step	Sister-in-law
Brother/Step	Son-in-law
Sister/Step	Daughter-in-law
Son/Step	Grandparents
Daughter/Step	Grandchildren
Co-habitants (persons living together)	

(b.) In the event of death of a friend or family member not defined as “immediate family” as described above, leave will be granted at the discretion of the immediate supervisor and charged to sick leave.

- b. Part-time employees who have worked 60% of the time for a period of nine (9) months shall be entitled to sick leave based on the percentage of hours worked per pay period.
- c. Retroactive to January 1, 2014, upon the retirement of employment, ½ of the staff member’s remaining sick leave will be paid to the employee at the employee’s current hourly rate. If an employee quits or is terminated for any reason, no payment shall be made to employee. District Office shall maintain leave records by posting leave earned and taken and calculating a current balance for each employee.
- d. There will be no payment in lieu of sick leave, except when retirement of employment occurs.

#### 4. Hazardous Weather Policy

- a. In the event an employee is unable to travel due to hazardous weather conditions, subject to the approval of the Administrator, employee would be allowed to use either sick leave or vacation time for the absence.

#### 5. Jury Duty Leave:

- a. Leave with full pay, less that paid for jury service, will be granted for those days on jury duty. The employee must provide verification of jury duty and jury pay. This provision applies to permanent part-time employees effective January 1, 1991, according to the same percentage as 3.b.

#### 6. Military Leave:

- a. Any employee who presents official orders requiring his/her attendance for a period of training or other active duty as a member of the United States Armed Forces, State Reserve Corps, or State Guard will be entitled to paid military leave for a period not to exceed two (2) weeks or ten (10) working days per calendar year.

The employee shall be paid the difference between military pay and his/her regular pay. This provision does not apply to temporary or part-time employees.

7. Training and Career Development:

- a. Red Lake Watershed District encourages all employees to avail themselves of orientation training and career development opportunities when they become available. Payment of wages to employees for attending such training and orientation sessions will be determined by the Board of Managers. Decisions about payment of fees and tuition for courses and credits or decisions regarding attendance will be made by the Board of Managers.

8. Cellular Telephone Policy

- a. Cellular Telephone shall be furnished to employees whose general duties require them to work outside and daily travel throughout the Red Lake Watershed District. Personal use of an employer-provided cell phone will be considered a *de minimis* fringe benefit, also excludable in the employee's gross income. Staff are required to have cell phone in general proximity during working hours.

9. Uniform Policy

- a. When representing the Red Lake Watershed District, employees shall wear uniform provided by District. The uniform shall only be worn during normal office hours and while attending outside events in which an employee is required to be present or at the discretion of the Administrator. A uniform is not required to be worn during normal office hours in which the employee is performing day-to-day watershed district duties.

Example: Uniform shall be worn, but not limited to, giving presentations to the public, attending educational functions representing the District, and attending public meetings or seminars in which employee will be speaking or participating.

Uniform shall be provided by the District at no initial cost to the employee, considered property of the District, but shall be maintained by employee. If an employee damages uniform through no fault of employee, Uniform will be replaced by the District. If an employee damages Uniform by carelessness or any other ways deemed not normal, employee will be required to replace Uniform at a cost to the employee.

F. SAFETY EQUIPMENT

1. During normal working hours "Safety Equipment" provided by the District shall be worn by all employees performing duties in which the safety equipment is deemed necessary.

Example: Life jackets shall be worn when operating District boat or taking water samples where there is a threat of being submerged, cold weather safety equipment (snow pants and jacket) shall be worn to protect employee while performing District winter duties, yellow beacon lights shall be engaged while performing work on public roadways, safety vests and hardhats shall be worn while in a construction zone, or any other situation in which there are safety concerns.

All safety equipment shall be provided at no initial cost to the employee and shall be stored on District property while not in use. Safety equipment is the property of the District and shall be maintained by the District. If an employee damages safety equipment through no fault of employee, safety equipment shall be replaced by the District. If an employee damages safety equipment by carelessness or any other ways deemed not normal, employee will be required to replace safety equipment at a cost to the employee.

G. REIMBURSEMENT FOR TRAVEL EXPENSE

1. Interview travel expense reimbursements for the Administrator or Engineer positions will be provided.
2. Out-of-state travel must be approved by the Board of Managers. (Exception: North Dakota)
3. A trip within the Red Lake Watershed District with duration of over twenty-four (24) hours:
  - a. Reimbursement for meals shall be according to the Federal allowable per diem rates. Employee may also choose reimbursement on the actual basis but must have a receipt for each meal and approved by Administrator.
  - b. Lodging paid on actual daily cost and requires a receipt.
  - c. Meal expenses for short trips will be at cost of meal at the discretion of the Administrator.
4. Advance travel may be obtained by completing the advance travel form and signed by the Administrator.
5. Out-of-area travel will be reimbursed according to the Federal per diem and mileage rates as adjusted each year.
  - a. During Out of area travel, full reimbursement for meals is allowable using Federal allowable per diem rates. Employees may also choose reimbursement on the actual basis but must have a receipt for each meal and approved by Administrator.
  - b. Lodging paid on actual daily cost and requires a receipt.
  - c. Board members and staff who use their personal vehicles will be reimbursed for travel on business for the district. The rate will follow the Federal mileage rates established each year.

H. REVIEW OF PERSONNEL FILE

An employee may review his or her personnel file once every six months, or at other times within the discretion of the Administrator, while employed by the District. To review the file, the employee must make a written request to the Administrator. Current employees may review their file during regular business hours at the District offices (within seven (7) working days of the

written request). After reviewing his or her file, an employee may request, in writing, a copy of his or her file. The employee will be responsible for the actual cost of copying the file.

Former employees may request, in writing, a copy of their personnel file any time within one year of separation from employment with the District. A copy will be provided, at the former employee's cost, within seven (7) working days of the District's receipt of the request.

## I. DISCIPLINARY MEASURES

1. It is hoped that disciplinary measures as described below will not become necessary. Rather than emphasize discipline, the Red Lake Watershed District urges emphasis upon sound, honest, direct communication by supervisors with employees to assist them in achieving and maintaining a positive and cooperative work attitude.
2. Disciplinary measures are provided to bring about a change in behavior by changing attitudes. They are intended to let the employee know the seriousness of the situation and the possible consequences resulting from refusal to change.
3. Types of action:
  - a. THE WARNING is an oral or written statement expressing strong dissatisfaction with the employee's work performance, attitude, or conduct. It shall include the supervisor's instructions for action necessary to satisfactorily improve the situation. If the warning was oral, a record should be made by the supervisor. The record shall include the date and time of the warning as well as a summary of the discussion with the employee. Such a record is a formal part of the employee's personnel record, and the employee shall receive a copy. It is intended to let the employee know the serious consequences of failure to respond, i.e., termination from the Red Lake Watershed District.
  - b. FINAL WARNING: A letter of strong and final warning to an employee that unless there is immediate and complete compliance with expectations, the employee's service with the Red Lake Watershed District will be terminated. The letter should review and summarize the supervisor's dissatisfaction with the employee's work performance, behavior, attitude, etc.; the efforts made to bring about change; and the employee's failure to respond. A signed copy of the communication pending dismissal letter should be placed in the employee's personnel file.
  - c. TERMINATION: In situations where the above measures do not correct the situation, and result in unacceptable performance, attitude, and conduct, employees will be subject to termination at management's discretion. Further, employees may be terminated without warning or other disciplinary measures whenever, at the sole discretion of management, the situation warrants such action.

## J. SEPARATION PROCEDURES

1. The Red Lake Watershed District reserves the right to deviate from the above disciplinary procedures when in management's sole judgment an employee's action justify immediate termination. The following list is intended to be illustrative of the nature of actions that

could lead to termination without warning, but is not and does not purport to be a complete list of offenses that could result in termination without warning:

- a. Conviction of a felony or misdemeanor.
- b. Disobeying a supervisor's instructions.
- c. Drinking alcohol or using intoxicating drugs while on the job.
- d. Reporting for work under the influence of alcohol or intoxicating drugs.
- e. Using physical violence, disorderly conduct, or disruptive behavior.
- f. Theft of Red Lake Watershed District property or of personal property.
- g. Falsifying records.
- h. Negligence in complying with established policies, procedures, laws, regulations and agreements.
- i. Negligence in performance of duty which results in ineffective operation or financial loss to Red Lake Watershed District and/or which brings harm to others.
- j. Repeated tardiness and absenteeism.
- k. Use of sick leave for other than the employees' personal liability or as outlined in section E.3 (Employee Fringe Benefits, Sick Leave).
- l. False statements on the application for employment and/or resume.
- m. Repeated violations of established safety rules and practices.
- n. Misrepresenting facts, either orally or in writing.
- o. Intentional destruction, abuse and defacement of property owned by or in the care of the Red Lake Watershed District.
- p. Sleeping while on duty.
- q. Any actions to discredit including libel, slander or bribery.
- r. Absent from work with authorization.
- s. Any other anti-social, uncooperative, unprofessional behavior, conduct or display of attitudes which are considered by the immediate supervisor and the next higher authority to have a harmful effect upon the Red Lake Watershed District or its employees.



2. Rebuttals:
  - a. Communication pending dismissal letter and oral or written warning may be rebutted in writing by the employee to the person(s) who sign(s) the letters, with a copy to the employee's personnel file.
3. Time Span for Disciplinary Measures:
  - a. A specific time span between actions is purposely not defined. This matter is left to the judgment of the supervisor.

These disciplinary measures are aimed at bringing about change, and bringing it about quickly. Compliance is expected in a reasonable time, or the employee will be discharged.

#### K. TERMINATION NOTICE

An employee who has been involuntarily terminated may, within five (5) working days of his or her termination, submit a written request to the Administrator for the reason for the termination. Within five (5) days of receiving such a request, the Administrator will provide the employee with the reason for the termination, in writing.

#### L. APPEAL OF TERMINATION

Any employee who is terminated may appeal the termination by submitting a written explanation of the employee's position regarding the termination to the President of the Board of Managers within ten (10) working days of receiving notice of termination. The Board of Managers will consider the appeal at the next regular Board meeting or at a special Board meeting to be held not less than two weeks after that next regularly scheduled Board meeting. The decision of the Board will be final.

#### M. SEXUAL HARASSMENT POLICY

##### Guideline

Red Lake Watershed District fully supports legislation to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment without subjugation to sexual harassment or discrimination of any kind in the workplace. It is the intent of Red Lake Watershed District to provide an environment free of sexual harassment.

##### Definition

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and various states' Human Rights laws and it is against the guidelines of Red Lake Watershed District for any employee, male or female, to sexually harass another employee by:

- a. making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature as a condition of an employee's employment or
- b. making submission to or rejections of such conduct the basis for employment decisions affecting the employee or

- c. creating an intimidating, hostile or offensive working environment by such conduct.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with our work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment may include:

- Verbal                      Sexual innuendos, suggestive comments, jokes of a sexual nature.
- Non-verbal                Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical                    Unwanted physical contact, including touching, pinching, brushing by the body, coerced sexual intercourse, assault.

Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, non-verbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by any employee, manager, supervisor, or non-employee will not be tolerated. All employees, managers and non-supervisors alike, will be expected to comply with these guidelines and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this guideline against sexual harassment. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

### **Complaint Procedure**

1. If you believe you have been the subject of sexual harassment, you should report the alleged act immediately or as soon as practicable to your immediate supervisor or Administrator. If you are not comfortable, for any reason, reporting a concern to your supervisor, please feel very free to report it to the Administrator or the Board President.
2. Red Lake Watershed District cannot guarantee complete confidentiality, although all complaints will be handled in a timely manner and as confidentially as is practicable.
3. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, interference or discrimination for reporting a complaint or assisting in an investigation.
4. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

### **Protection Against Retaliation**

No retaliation of any kind will occur because an employee has in good faith reported an incident of suspected sexual harassment. The supervisor or Administrator, to whom the complaint was made, while attempting to mediate any sexual harassment complaint, will work to establish mutually agreed upon safeguards against retaliation.

## **Conclusion**

Red Lake Watershed District recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all facts in the matter. Given the nature of this type of discrimination, Red Lake Watershed District recognizes also that false accusations of sexual harassment can have serious effects on innocent individuals. We trust that all Red Lake Watershed District employees will continue to act responsibly to establish and maintain a pleasant working environment, free of discrimination, for all.

### **N. CONFLICT OF INTEREST**

1. Employee will annually review the Conflict-of-Interest Policy and certify by signing a compliance form which will be placed in their personnel file.

### **O. ACCIDENT REPORTS**

On-the-job accidents must be reported immediately to the supervisor. The supervisor will report to appropriate personnel in order to comply with Worker's Compensation Claim.

### **P. RESIGNATION**

When an employee voluntarily quits his position, he/she should notify the Red Lake Watershed District Board of Managers in writing two (2) weeks prior to the final day of employment.

### **Q. EMPLOYEE EVALUATIONS**

Administrator will complete a yearly evaluation of each employee with method determined by the Administrator. If the Employee wishes to have a member or members of the Personnel Committee present for the evaluation, the request must be made through the Administrator, and the Administrator set the time for the evaluation.

Once a year the Personnel Committee will evaluate the Administrator with method determined by the Personnel Committee.

## **PERSONNEL POLICY AND PROCEDURES – RED LAKE WATERSHED DISTRICT**

I fully understand my job classification is \_\_\_\_\_

I hereby certify that I have read and fully understand the personnel policies of the Red Lake Watershed District.

\_\_\_\_\_  
Employees' Signature

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Date

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Witness Date

Adopted: June 14, 1984  
Amended: January 1, 1990  
Amended: May 24, 1990  
Amended: August 9, 1990, to be effective January 1, 1991  
Amended: February 8, 1996  
Amended: March 12, 2009 (E.4)  
Amended: April 8, 2010 (E.9 and F)  
Amended: January 12, 2012 (E.8)  
Amended: January 8, 2015 (E3c.)  
Amended: July 18, 2016 (G.3, 4 & 5)  
Amended: July 27, 2017 (E.2a. & 2b, E.3a.)  
Amended: March 25, 2021 Q  
Amended: March 24, 2022

**PERSONNEL POLICY AND PROCEDURES – RED LAKE WATERSHED DISTRICT**

ADMINISTRATIVE POLICIES

1. Equal Opportunity Employment: No persons will be denied employment or services because of physical disability, race, color, creed, religion, age, or sex, regardless of the source of funds for the operation of such programs.
2. Job Position Descriptions: A job description shall be established for each position within the staffing pattern prior to employment, promotion, or demotion of an individual to the position.
3. Authority to Appoint, Promote, and Discharge Employees:
  - a. The authority to fill an approved position and to promote, discharge, or demote personnel is vested in the Administrator and the Engineer according to the job descriptions and flow chart. The Board will be informed of all actions.
  - b. In the event of employment of any new personnel, the Board of Managers will be involved for the purpose of information and ratification.
  - c. All new positions must be approved by the Board of Managers.

THE GENERAL POLICY FOR SALARY LEVELS

PAID TO EMPLOYEES OF THE RED LAKE WATERSHED DISTRICT

The salary levels paid to professional, service, and technical staff members will be comparable to similar job descriptions in Northwestern Minnesota. In 2020 the RLWD Board adopted a ten-step salary structure for each Salary Level which will adjust on a percentage basis approved yearly by the Board. The Administrator will be responsible to provide information to the Budget and Salary Committee on step approvals for staff who have not reached the maximum salary level.

RED LAKE WATERSHED DISTRICT  
POLICY AS PERTAINING  
HIRING CONSULTING SERVICES

1. All technical work will be performed by the Red Lake Watershed District staff whenever possible.
2. Consulting services will be hired when the Red Lake Watershed District staff does not have sufficient time and/or technical expertise to perform a particular task.
3. Consultants will be selected on the basis of technical competence, ability to perform the work on schedule, and total cost to the Red Lake Watershed District.
4. Consultants will be selected on a non-discriminating basis with all qualified firms given an opportunity to present proposals.
5. Engineering consultants will be hired and approved by the Board of Managers. Administrative consultants will be hired and approved by the Board of Managers.
6. Consultants will be hired on an hourly basis or on a percentage basis with a “not to exceed” amount specified.

## POSITION DESCRIPTION – LEGAL CONSULTING SERVICES

### Legal Consulting Services Description

The legal consulting services will be hired on an hourly basis and/or a retainer fee. Legal counsel will provide legal recommendations for Watershed concerns. Legal counsel will attend meetings as requested. All requests for legal counsel shall go through the Administrator so that proper follow-up and continuity is facilitated.

Legal counsel will provide for all projects:

1. Review and recommend legal proceedings to ensure proper Board direction.
2. Would complete all necessary land acquisitions.
3. Generally, to provide legal services as necessary to conform to Minnesota State Statutes.

Legal counsel will submit his billing at the end of each month and will be required to itemize his time by project. Mileage, telephone, and miscellaneous expenses must also be itemized by project.

January 15, 1988  
Revised February 11, 1993  
Updated 2020

## ENTRY SALARY LEVELS

<u>Position</u>	<u>*Salary Structure</u>
Administrator	\$59,729 - \$98,553
Accounting Officer	\$45,402 - \$66,917
Administrative Assistant/Office Manager	\$42,689 - \$61,753
Ditch Inspector/Technician II	\$40,414 - \$57,428
Engineering Specialist	\$45,272 - \$63,381
Engineering Senior/Hydro II	\$53,812 - \$79,173
Water Quality Program Coordinator	\$53,812 - \$73,753
Natural Resource Technician	\$40,414 - \$57,428
Office & Administrative Spec. Int	\$31,980 – \$42,640
Summer College Intern	\$19.00 per hour – up

Revised August 9, 2012  
Revised January 8, 2015  
Revised July 23, 2020  
Revised February 25, 2021

STAFF -- JOB DESCRIPTIONS



## JOB DESCRIPTION

- Job Title:** **Administrator**
- Location:** 1000 Pennington Avenue South, Thief River Falls
- General Function:** Administration of the day-to-day operations of the Red Lake Watershed District under the general direction of the District's Board of Managers.
- Salary:** \$59,729 - \$98,553
- Accountability:** Board of Managers
- Authorities:** Supervise employees of the District. Prepares budgets, broad authority to hire, discipline and dismiss personnel. Implements policy as directed by the Board of Managers, evaluates the performance of staff members and provides overall control and direction for the personnel function of the District, including active participation in or approval of personnel action. Sign payroll and payroll tax checks, staff travel checks, and checks under \$1,000 for monthly operating expenses unless prior approval of the Board of Managers.
- Responsibilities:**
- A. Manage, supervise, and oversee the Administration of District activities, including but not limited to:
    - 1. Provide assistance to District Office Manager and Accounting Officer including payroll, disbursements, and records.
    - 2. Provide information and assistance to residents of the District with related problems.
    - 3. Provide information, assistance, and work with, when necessary, governmental agencies.
    - 4. Assure each project/petition progresses in planned schedule.
  - B. Use technical and professional training to full capacity as Administrator of the District.
  - C. Direct representative of the Board of Managers of the District with authority to handle day-to-day administrative problems.
  - D. Share all resources available as Administrator to help the District function as a successful District.
  - E. Shall have the authority to hire and discharge staff, subject only to the provisions of paragraph I.
  - F. Shall have the authority to hire and discharge consultants for services, subject only to the provisions of paragraph I.
  - G. Shall carry out the directives and objectives of the Board of Managers of the District. This includes, but not limited to:
    - 1. Arrange for supportive information to the Board for items on the agenda.

2. Carry out Board actions, as directed by Board with assistance from the President.
  3. Provide progress reports on all Board directives and project activities as necessary to the mission of water management.
  4. Assigns the workload to the District's project and consulting engineers and coordinates the timetable for completion of work.
  5. Supervise Consulting Engineers with progress steps for active projects with persons or agencies involved.
  6. Make recommendations to the Board for orderly and efficient improvements of the administrative and operational procedures.
  7. Provide the necessary recommendations on budgets and projected fund levies.
  8. Assist and cooperate with appointed committees.
  9. Provides opportunities and recommendations for ongoing training for Board and staff.
- H. Attend meetings to keep informed on matters regarding the District
- I. The above authority and responsibilities of the Administrator shall be subject only to such policies as may be adopted and such orders as may be issued by the Board of Managers.

Essential Qualifications:

- 4-year Administrative Business Degree or considerable work-related experience and knowledge of watershed district duties
- Working knowledge of computers and software programs (such as Excel and Word)
- Knowledge or experience with Minnesota Drainage Law
- Experience in personnel management and Experience in Project Management
- Extensive experience in engineering, construction inspection and knowledge of field equipment
- Valid Minnesota Driver's License

January 23, 1997  
Revised August 9, 2012  
Revised January 1, 2019  
Revised May 12, 2022

## JOB DESCRIPTION

Job Title: **Accounting Officer**

Classification: Full time

Location: 1000 Pennington Avenue South, Thief River Falls

Work Hours: 8:00 a.m. to 4:30 p.m.

General Function: Perform variety of accounting and administrative support for the Red Lake Watershed District.

Salary: \$45,402 - \$66,917

Accountability: Reports to Administrator

### Examples of Work:

- A. Coordinates and maintains the finances of the Red Lake Watershed District which includes accounts receivable, accounts payable, making journal entries, generating and preparing financial statements, budgets, submit billings for grants, personnel files, coordinating annual audits, investment reports and general administrative services. Advises on budget issues and assists in the development of the yearly budgets.
- B. Process and generate payroll, compile all required payroll reports for State and/or Federal agencies. Maintain records for personnel leaves of absence.
- C. Receipts and reports incoming revenue and prepares bank deposits.
- D. Process checks and prepare associated financial reports for the Board.
- E. Implements all accounting policies.
- F. Provide secretarial support as directed by the Administrator.
- G. Administers benefit plans to employees, completes proper documents to enroll individuals in the plans, submits appropriate information to proper State and or Federal agencies, and maintains employee records regarding use of benefits.
- H. Maintains the Special Revenue assessments and assists in preparing annual tax levies. Prepare documents for levy requests and final levies to counties. Document and record tax levy receipts.
- I. Maintains and updates fixed asset inventories and records.

- J. Assist with Board of Manager meetings, minutes, agendas, and associated duties when requested.
- K. Assist with the transition and maintenance of Districts M-Files system.
- L. Manages and arranges for external, independent, and annual audits. Completes and issues 1099 forms, W-2 forms, and other State/Federal forms necessary for complying with State and Federal laws.
- M. Maintains all insurance files and coverage, corresponds with insurance agents and takes lead in audits of insurances.
- N. Notary for the RLWD if requested by District Administrator.
- O. Keep abreast of changing rules, statutes or state guidelines pertaining to accounting functions.

Essential Qualifications:

- 4-year degree in business, secretarial or management, accounting fields or experience of equal value with extensive experience in using a variety of software packages (Microsoft Office) to produce correspondence and documents, and maintain presentations, spreadsheets and databases.

May 9, 1991

Revised September 30, 1991

Revised August 12, 1993

Revised July 15, 1996

Revised August 9, 2012

Revised January 1, 2019

## JOB DESCRIPTION

Job Title:	<b>Administrative Assistant /Office Manager</b>
Classification:	Full Time
Accountability:	Reports to Administrator
Salary:	\$42,689 - \$61,753
Location:	1000 Pennington Avenue South, Thief River Falls
Work Hours:	8:00 a.m. to 4:30 p.m.
General Function:	Works under the direct supervision of Administrator.

This position will serve as Assistant to the Administrator of the Red Lake Watershed District as well as Office Manager to the District. Task includes assisting the Administrator with management operational, analytical, outreach policy and staffing issues. This position will also be responsible for directing the Boards operations in the absence of the Administrator.

- Leads a project or program, including development or improvement of procedures and processes.
- Assists in the organization of budgeting process, including planning the budgetary needs of the District, purchasing of supplies and equipment.
- Make decisions and solve problems in the absence of the Administrator.
- Leads in management of software systems, including word processing, M-File management, spreadsheets, and ability to utilize presentation software.
- Leads in data entry and databases sufficient to accurately enter data element into database; and database management sufficient to understand and recommend changes to a regulatory database.
- Lead staff person in customer service (phone, in person) and conveys complex information in an understandable manner, answer questions and acts as a resource to outside agencies and individuals.
- Assists Administrator in organization public hearings and compliance of drainage law associated with establishing projects, takes the lead in healthcare data privacy and data practices laws. Evaluates, develops, and implements changes in office procedures and equipment to improve productivity and workflow, simplify procedures, or reduce costs.
- Plans and conducts administrative studies and maintains administrative systems and policies such as recordkeeping, retention schedules, and departmental forms and document control.
- Assists Administrator in gathering information for public hearings and takes lead in public hearing notices.
- Assists with administration of support staff to include, assigning, and reviewing duties, scheduling, training, and managing employee performance.
- Submits and reviews staff documentation in preparing annual reports.
- Recommend and implement policies and procedures; ensuring staff are trained.
- Performs variety of administrative and assists in accounting support functions.

- Perform a variety of research related to assigned area of responsibility; compiles findings and make recommendations based on findings for management of the Wild Rice Allocation Program administrative system and policies.
- Perform a variety of administrative administrator activities, which may include monitoring project timelines and identifying and resolving issues and coordinating cross department services.
- Planning and coordinating events.
- Management of RLWD records, filing and information retrieval system, both manual and automated (computer). Document, maintain and oversee office management systems, policies, and procedures, to maintain an efficient level of operation.
- Oversee and manage RLWD phone system, e-mail, and internet system.
- Oversee or assist Administrator in utilities and building maintenance.
- Coordination and maintenance of RLWD Permit database and files.

## **TRAINING AND EXPERIENCE**

High School diploma or GED equivalent. Five (5) years of experience as secretary to department head or higher-level executive experience. Extensive knowledge in Minnesota Statutes 103D and 103E. Preferred experience with small local units of government, secondary education, and office management experience.

## **LICENSING REQUIREMENTS**

Valid Minnesota Driver's License.

July 23, 2020

## JOB DESCRIPTION

**Job Title:**                   **Engineering Senior/Hydro II**

**Location:**                   1000 Pennington Avenue South, Thief River Falls

**Classification:**           Full time

**Salary:**                     \$53,812 – \$79,173

**Work Hours:**             8:00 a.m. to 4:30 p.m.

**Accountability:**         Responsible to Administrator  
Provide direction and assist all engineering staff.

**General Function:**      Aid Consulting Engineer in all engineering activities, as assigned by Administrator

**Examples of Work:**      Coordinate all project data collection, surveys & reports  
Lead and assist in all permitting functions  
Complete payment requests and submit to Accounting Department three days prior to any scheduled Board meeting  
Highly proficient in use of ArcGIS and AutoCad with ability to complete high level plans and drawings utilizing CAD software  
Knowledge in reviewing detailed plans and specification  
Construction inspection of variety of project  
Ability to read and interpret construction plans  
Flood surveys and project surveying  
Wetland Delineation experience and ability to assist or lead in wetland delineation reporting and permitting  
Drafting data base development  
Assist in water allotments for wild rice on Clearwater River & assist Engineer in calibrating pumps.  
Stream gauging  
Operate watershed impoundment projects – coordinate with State and Federal Agencies, local cities, counties, & landowners for the timing of gate closure's and releases & schedule and prepare annual meeting.  
Assist in data gathering & preparing engineer reports.  
Coordinate all RLWD ditch inspection annually with Ditch Inspector  
Assist with water quality projects – gather data and survey information

**Permit Program:**         Review, inspect, survey (as needed) RLWD permits  
Meet with landowners, schedule and present information at Board meetings, recommend solutions for problems, and assist with on-site installations.

Essential Qualifications:

- Graduation from high school
- Supervisory experience
- Considerable related work experience
- Working knowledge of computers and programming
- Considerable experience of engineering practices & GPS surveying skills
- Knowledge of construction materials, methods, & Inspection
- High level skilled in use of field, office & computer aided drafting software
- Ability to tolerate and work safely in a construction area
- Ability to direct moderately difficult tasks in construction area
- Ability to stand and walk for long periods of time be able to lift upwards of 70 lbs.
- Valid Minnesota Driver's License

Desirable Qualifications:

Four-year degree in Engineering with two-year construction experience, or graduation from a two-year technical college with three years of GPS surveying and construction experience, or GPS surveying and construction experience of at least 10 years.

March 14, 2020  
Revised February 25, 2021



## JOB DESCRIPTION

**Job Title:**                **Engineering Specialist**

**Location:**                1000 Pennington Avenue South, Thief River Falls

**Classification:**        Full time

**Salary:**                 \$45,272 – \$63,381

**Work Hours:**         8:00 a.m. to 4:30 p.m.

**Accountability:**       Responsible to Administrator  
Provide direction and assist Ditch Inspector and other technical aides, part-time staff, and dam tenders

**General Function:**    Provides assistance to Consulting Engineer & Engineering Senior in all engineering activities, as assigned by Administrator

**Examples of Work:**    Coordinate project inspection, surveys & reports  
Lead in all permitting functions  
Complete payment requests and submit to Accounting Department three days prior to any scheduled Board meeting  
Computer aided drafting  
Construction inspection of variety of project  
Ability to read and interpret construction plans  
Flood surveys and project surveying  
Drafting data base development  
Assist in water allotments for wild rice on Clearwater River & assist Engineer in calibrating pumps.  
Stream gauging  
Operate watershed impoundment projects – coordinate with State and Federal Agencies, local cities, counties, & landowners for the timing of gate closures and releases & schedule and prepare annual meeting.  
Assist in data gathering & preparing engineer reports.  
Coordinate all RLWD ditch inspection annually with Ditch Inspector  
Assist with water quality projects – gather data and survey information

**Permit Program:**    Review, inspect, survey (as needed) RLWD permits  
Meet with landowners, schedule and present information at Board meetings, recommend solutions for problems, and assist with on-site Installations.

Essential Qualifications:

- Graduation from high school
- Supervisory experience
- Considerable related work experience
- Working knowledge of computers and programming
- Considerable experience of engineering practices & GPS surveying skills
- Knowledge of construction materials, methods, & Inspection
- Skill in use of field, office & computer aided drafting
- Ability to tolerate and work safely in a construction area
- Ability to direct moderately difficult tasks in construction area
- Ability to stand and walk for long periods of time be able to lift upwards of 70 lbs.
- Valid Minnesota Driver's License

Desirable Qualifications:

Four-year degree in Engineering with two-year construction experience, or graduation from a two-year technical college with three years of GPS surveying and construction experience, or GPS surveying and construction experience of at least 5 years.

May 9, 1991

Revised May 1993

Revised January 1, 1996

Revised March 9, 1998

Revised August 9, 2012

Revised July 23, 2020

Revised February 25, 2021

## JOB DESCRIPTION

**Job Title:** **Ditch Inspector/Engineering Technician II**

**Classification:** Full time

**Location:** 1000 Pennington Avenue South, Thief River Falls

**Work Hours:** 8:00 a.m. to 4:30 p.m.

**Salary:** \$40,414 – \$57,428

**Accountability:** Responsible to: Administrator  
Reports to: Administrator, Engineer Senior

**General Function:** Survey Crew, Yearly inspection of all legal drainage systems and coordinate maintenance as directed by Administrator.

**Examples of Work:** Construction inspection and staking  
Field surveys  
Extensive knowledge in maps and construction plans  
Stream gauging  
Operating watershed projects  
Data base management and analysis  
Assist in preparing engineer reports  
Water Quality sampling, analysis, and reporting  
Presentations of information to the public  
Assist Engineering Specialist with permit inspection

**Sentence to Serve Program:** Coordinate with STS supervisors and crew chiefs and provide drawings, maps, etc.

**Ditch Inspection:** Review yearly ditch inspection reports and inspect problem areas. Recommend corrective action to Administrator. Compile drawings, maps, quote forms for contractors. Meet with contractor to view and explain work, survey and inspection as necessary.

**Essential Qualifications:** Graduation from high school  
Considerable related work experience  
Some knowledge of construction materials and methods  
Skill in use of field, office, drafting, and laboratory equipment  
Ability to tolerate and work safely in a construction area  
Ability to direct moderately difficult construction area  
Working knowledge of computers and programming  
Working knowledge of simple engineering practices & GPS survey equipment

Ability to work well with the public  
Ability to lift upwards of 50 pounds  
Valid Minnesota Driver's License

Desirable Qualifications: Graduation from a two-year technical college or 2 years' experience GPS surveying and construction experience.

May 9, 1991  
Revised May 1993  
Revised July 1996  
Revised December 23, 1996  
Revised August 9, 2012  
Revised July 23, 2020

## JOB DESCRIPTION

Job Title: **Water Quality Program Coordinator**

Classification: Full Time

Location: 1000 Pennington Avenue South, Thief River Falls

Work Hours: 8:00 a.m. – 4:30 p.m.

Salary: \$53,812 – \$73,753

Accountability: Responsible to Administrator

General Function: Establish criteria and projects to assist the Red Lake Watershed in achieving water quality goals as outlined in the Ten-Year Overall Plan.

### Examples of Work:

- River and lake water quality sampling and field water quality measurements
- Calibration of water quality monitoring equipment
- Water quality data entry and management & submittal to EPA STORET database
- Analyze water quality/quantity data
- Operation and maintenance of continuous water quality monitoring equipment
- Stream gauging/flow measurement
  - Create flow rating curves for monitoring sites
  - Install and operate continuous stage monitoring equipment.
- Conduct field surveys
- Mathematical computer modeling of lakes and rivers
- Initiate and coordinate water quality improvement projects
- Prepare grant applications for water quality initiatives in the RLWD area
- Project management and reports
- Submit semi-annual reports to funding sources (MPCA, BWSR, NMF) for grant-funded projects
- Total Maximum Daily Load (TMDL) studies and Watershed Restoration and Protection Strategy (WRAPS) projects and reports
- ArcGIS mapping
- Writing comprehensive water quality reports
- Contributing articles to RLWD Annual Reports
- Website maintenance
- Provide technical advice to planning bodies/organizations
  - Red River Basin Water Quality Team
  - Red River Basin Monitoring Advisory Committee
  - Red Lake River Corridor Enhancement Joint Powers Group
- Presentations to the Board of Managers and other groups
- Use of Microsoft Excel, Word, Access, and Power Point software
- Public education through participation in county outdoor education days, Northwest Minnesota Water Festivals, Envirothon, civic engagement, etc.

- Coordinate all project activities and report to Administrator
- Report progress accomplishments to Administrator where funding has been obtained.
- Coordinate multi-agency monitoring efforts within the District
- Stressor Identification
- Geomorphological assessment
- Coordinate public water quality meetings

Essential Qualifications:

- Skills and knowledge of water quality sampling and analysis
- Skills and knowledge of chemistry, limnology, and aquatic biology
- Skills in grant applications
- Program coordination
- Supervisory Experience
- Oral communication skills
- Ability to lift upwards of 70 pounds

Desirable Qualifications:

Bachelor of Science Degree with emphasis in Environmental/Water Quality studies or related field or equivalent training and experience. Working knowledge of computer software and programs such as Excel, Word, working knowledge of ArcView, GIS, and GPS, knowledge of water sample collection, data analysis, ability to assist in surveying department, and Valid Minnesota Drivers License. Basic understanding and skills in GIS, ArcView and HTML as well as skills and knowledge in use of GPS equipment.

May 9, 1991

Revised December 23, 1996

Revised August 9, 2012

Revised January 1, 2019

Revised July 23, 2020

## **JOB DESCRIPTION**

**Job Title:** Natural Resource Technician

**Classification:** Full Time

**Location:** 1000 Pennington Avenue South, Thief River Falls, MN 56701

**Work Hours:** 8:00 – 4:30

**Salary:** \$40,414 - \$57,428

**Accountability:** Responsible to Administrator and/or Water Quality Program Coordinator

**Supervises:** Other District employees as may be assigned

**General Function:** Water Quality and Other Data Collection  
GIS Technician  
Data Management  
Web Site Development/Management  
Surveying  
Education Coordinator

**Examples of Work:** Water quality sampling  
Stream gauging  
Field surveys  
GIS database development and management  
Map development  
Spatial analysis  
Website maintenance as directed by Administrator or Administrative Assistant  
Coordinates entire River Watch and River of Dreams programs  
GPS data collection  
Assist in preparing engineering and scientific reports  
Aquatic Invasive Species (AIS) Taskforce  
Management of Reinvest In Minnesota (RIM) areas

**Essential Qualifications:**  
Graduation from high school  
Considerable related work experience  
Working knowledge of computers and software programs (such as Excel, ArcGIS, Spatial Analyst and Word)  
Skills and knowledge of water quality data collection  
Skills in the use of field equipment  
No physical handicaps in relation to the tasks to be performed  
Valid Minnesota Driver's License

Desirable Qualifications:

Graduation from a four-year college or two-year technical college with a degree in Natural Resources, Water Resources related field, or comparable experience.  
Working knowledge of computer software and programs such as Excel, Word, working knowledge of ArcView, GIS, GPS, AutoCad, HTML & CSS and knowledge of water sample collection, data analysis, and ability to assist in surveying department.

August 1, 2001

Revised August 9, 2012

Revised January 1, 2019

Revised July 23, 2020



## JOB DESCRIPTION

- Job Title: **Office & Admin Spec. Int.**
- Location: 1000 Pennington Avenue South, Thief River Falls
- Classification: Permanent Part time/~~Full Time~~
- Salary: \$31,980 - \$42,640
- Work Hours: 8:00 a.m. to 4:30 p.m.
- General Function: To provide clerical and secretarial services related to the Red Lake Watershed District; to do all necessary correspondence, typing, copying, and other general office duties.
- Accountability: Reports to Administrator or full-(time office staff
- Responsibilities:
- A. Provide secretarial and clerical service for the Red Lake Watershed District.
  - B. Answer incoming telephone calls and transfer to appropriate party.
  - C. Take dictation, type all correspondence, and follow through on a timely mailing.
  - D. Knowledge of computer operator functions and responsibilities.
  - E. Handle incoming and outgoing mailing and associated postage meter duties. Bids or personal mail should remain unopened. Maintain update all mailing lists, such as "Draft" agenda mailing list, etc.
  - F. Maintain bulletin board information and scrapbook.
  - G. Reception and hosting of office visitors.
  - H. Take staff meeting minutes. Upon approval of Administrator, distribute to each staff person.
  - I. Review each set of approved minutes, make a copy of minutes, and highlight where it pertains to a project so it can be filed in the project file.
  - J. File correspondence.
  - K. Register board and staff for seminars, meetings, etc.

May 9, 1991

Revised September 30, 1991

Revised July 15, 1996

Revised August 9, 2012

Revised January 1, 2019

Revised July 23, 2020

## JOB DESCRIPTION

Job Title: **Summer College Intern**

Classification: Part time

Location: Thief River Falls District office

Work Hours: 8:00 – 4:30

Salary: \$19.00 per hour – up

Accountability: Responsible to: Administrator or Full-Time staff as directed by the Administrator.

General Function: Assist full time staff with various District activities and projects.

Examples of work: (Illustrative only)  
Field surveys  
Assist in low level water quality tasks  
Drafting maps and plans  
Assist with office tasks  
Stream gauging

May 28, 1987  
Revised August 9, 2012  
Revised January 1, 2019  
Revised July 23, 2020  
May 12, 2022

## **RECRUITMENT OF EMPLOYEES**

All employment vacancies at the Red Lake Watershed District will be posted in-house and with the Jobs and Training Office. All full-time positions will be advertised in the Thief River Falls and Crookston papers. The Board may advertise in other newspapers as deemed necessary when full-time positions occur.

Advertisements will be continued for at least one printing and can run for more than one printing if deemed necessary by the Board. The Thief River Falls Jobs and Training Office will be the office notified of vacancies or openings.

Applicants will be reviewed by professional staff and selection will be made by professional staff. In the event of the employment of any new personnel, the Board of Managers will be involved for the purpose of information and ratification.

## **ANNUAL REVIEW OF PERFORMANCE**

A job performance review will be conducted three months after hiring and annually thereafter. A special review will be conducted at other times if requested by the employee or the Board.

The purpose of the performance review is to provide a scheduled opportunity for communication between the supervisor and employee or the Board of Managers and the employee.

The full Board will conduct a review of the Administrator. Supervisory personnel will review the performance of personnel under their supervision.

The process will generally be as follows:

1. Performance reviews are key personnel procedures. The supervisor or the Board must schedule the time when the review is the top priority on time and energy.
2. The job description will be reviewed annually.
3. Rating forms may be used to assist the process.
4. Appropriate input from the Board and from citizen leaders may be gathered as appropriate.
5. Communications gathered for review purposes are confidential.
6. An official report of the review is considered and adopted by the Board, read and signed by the employee, and filed in the employee's personnel folder.
7. The Board of Managers may engage a consultant to advise and/or assist with the performance review process.