

Appendix A

Appendix A MWMO Joint and Cooperative Agreement, Legal Description and Bylaws

Joint and Cooperative Agreement for the Mississippi Watershed Management Organization

City of Columbia Heights
City of Fridley
City of Hilltop
City of Lauderdale
City of Minneapolis
City of St. Anthony Village
City of Saint Paul
Minneapolis Park and Recreation Board

_____ 2012

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Membership

This Agreement entered into as of the date of execution by and among the following:

Cities of

Columbia Heights

Fridley

Hilltop

Lauderdale

Minneapolis

Saint Anthony Village

Saint Paul, and

the Minneapolis Park and Recreation Board

for the establishment of a Watershed Management Organization. The aforementioned cities and the Minneapolis Park and Recreation Board shall hereinafter be referred to as Members.

WHEREAS, the Members have authority pursuant to Minnesota Statutes, Section 471.59 to jointly and cooperatively by agreement exercise powers common to the contracting bodies pursuant to Minnesota Statutes, Section 103B.201 to 103B.253 and

WHEREAS, the Members desire to plan a comprehensive water management program in accordance with Minnesota Statutes, Sections 103B.201 to 103B.253;

NOW THEREFORE, the parties to this Agreement do mutually agree as follows:

Article I

Legal Purpose

The purpose of this Joint and Cooperative Agreement for the Mississippi Watershed Management Organization is to replace the Joint Powers Agreement for the Middle Mississippi River Watershed Management Organization executed in 1985, the Joint and Cooperative Agreement for the Middle Mississippi River Watershed Management Organization of January 1997, the Joint and Cooperative Agreement for the Mississippi Watershed Management Organization of January 2002, and the Joint and Cooperative Agreement for the Mississippi Watershed Management Organization of May 2011.

The purpose of the Mississippi Watershed Management Organization, as provided for in this Agreement, is to provide for the wise, long-term management of water and associated land resources within the watershed through implementation measures that realize multiple objectives, respect ecosystem principles, and cultural and historical community values. The Mississippi Watershed Management Organization seeks to: (a) protect, enhance, and restore the quality and quantity of surface and ground water resources within the Mississippi Watershed Management Organization jurisdiction; (b) protect, preserve, and use natural surface and ground water storage and retention systems; (c) efficiently utilize public capital expenditures needed to correct and control flooding and water quality problems; (d) identify and plan for means to use protect and improve surface and ground water quality; (e) establish more uniform local policies and official controls for surface and ground water management; (f) promote ground water recharge; (g) protect and enhance fish and wildlife habitat and water recreation opportunities; (h) secure the other benefits associated with the proper management of surface and ground water; and (i) promote and encourage cooperation among Members and among other organizations in coordinating local comprehensive water management programs.

A legal description and map, Appendix A and Appendix B of this Agreement, respectively, of the boundaries of the Mississippi Watershed Management Organization are included pursuant to Minnesota Rules 8410.0030, Subpart 1.B.

Article II

Definitions

For the purpose of this Agreement, the terms used herein shall have the meanings defined in this article.

Subdivision 1: "Organization" means the Mississippi Watershed Management Organization.

Subdivision 2: "Commission" means the governing body of the Organization and shall consist of a Commissioner or Alternate from each of its Members.

Subdivision 3: "Commissioner" means any person appointed to the Commission by each Member's governing body, or in the Commissioner's absence, the Alternate.

Subdivision 4: "Alternate" means any person appointed to the Commission by each Member's governing body to represent the Member in the absence of the Commissioner.

Subdivision 5: "Council" means the governing body of a Member. In the case of municipalities, this shall be the elected officials responsible for governing the city and for Minneapolis Park & Recreation Board, its Board of Commissioners.

Subdivision 6: "Member" or "Member Community" means any city, county, or special purpose government entity within the watershed that enters into this Agreement.

Subdivision 7: "Agreement" means this Agreement.

Subdivision 8: "Plan" means the Watershed Management Plan adopted by the Mississippi Watershed Management Organization.

Subdivision 9: "Watershed" means the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to the Mississippi River and within the mapped

areas reasonably demonstrated on the map identified as Appendix B, as defined within the legal description identified in Appendix A.

Subdivision 10: “Act” means the Metropolitan Surface Water Management Act as found in Minnesota Statutes, Sections 103B.201 to 103B.253.

Subdivision 11: “Budget” means a statement of the expected income and expenses of the Organization for each Year. The Commission may divide the Budget into an Administrative Budget, covering staff salary and benefits, Commission expenses, rent, office expenses and other administrative expenses, and a Programs and Projects Budget, covering the programs and projects of the Organization, including capital projects.

Subdivision 12: “Capital Improvement Project” means a physical improvement project required by the Act to be included in the capital improvements program of the Plan.

Subdivision 13: “Majority” means greater than half of the quorum.

Subdivision 14: “Subwatershed” means a smaller geographic section of a larger watershed unit with a drainage area the boundaries of which include all the land area draining to a point.

Subdivision 15: “Year” means from January 1 to December 31.

Subdivision 16: “Quorum” means the number of Commissioners or Alternates required to be present for business to be legally transacted. This number shall be any number that is greater than half of the Members. Any number less than a quorum may adjourn a scheduled meeting.

Subdivision 17: “Executive Director” means the Organization’s administrator appointed by the Commission.

Article III

Board of Commissioners

Subdivision 1: The governing body of the Organization shall be its Commission, which shall consist of seven (7) voting Commissioners. Each Commissioner shall have one vote. All appointments to the Commission shall be in accordance with Minnesota Statutes, Section 103B.227. The Board of Water and Soil Resources shall be notified of all appointments and vacancies of the Commission within 30 days. All vacancies shall be filled within ninety (90) days after they occur. Notices of all vacancies and appointments shall be published in a legal publication of the Members community appointing the Commissioner at least fifteen (15) days prior to the appointment. Vacancies shall be filled for the remainder of the term by the Council that appointed or had the right to appoint the Commissioner. With the exception of the City of Hilltop, the Council of each Member shall appoint one (1) Commissioner to represent the Member to the Commission. The Council of the City of Columbia Heights, after consultation with the Council of the City of Hilltop, will appoint one (1) Commissioner to represent the Cities of Columbia Heights and Hilltop. Each Commissioner shall serve until his or her successor is appointed.

Subdivision 2: A Commissioner may not be removed from the Commission except for just cause by the Council that made the appointment.

Subdivision 3: Member Councils may select and appoint alternates to the Commission in the same manner as Commissioners. In the absence of a Member's Commissioner, the designated Alternate may vote and act in the Commissioner's place. The Alternate shall serve a term concurrent with the Member's Commissioner.

Subdivision 4: Each Member's Council shall, within thirty (30) days of appointment, file with the Executive Director of the Commission a record of the appointment of its Commissioner and Alternate. The Organization shall notify the Board of Water and Soil Resources of Member appointments and vacancies within thirty (30) days after receiving notice from the Member.

Subdivision 5: In accordance with Minnesota Statutes, Section 103B.227, the Council of each Member shall determine the eligibility and qualifications of its Commissioner and Alternate. However, the term of each Commissioner shall be the calendar year.

Subdivision 6: Regular meetings shall be held by the Commission periodically at the time and place determined by the Commission pursuant to open meeting law, Minnesota Statutes, Chapter 13D.

Subdivision 7: At the first meeting of the Commission and each calendar year thereafter, the Commission shall elect from its Members a chairperson, a vice chairperson, a treasurer, a secretary, and such other officers as it deems necessary to conduct its meetings and affairs.

Subdivision 8: The Commission shall adopt those bylaws and procedures necessary for the conduct of its meetings. Such rules may be amended at either a regular or special meeting of the Commission provided that a ten (10) day prior notice of the proposed amendment has been furnished to each Commissioner and Alternate to whom notice of meetings is required to be sent.

Subdivision 9: The Commission may create such committees, task forces or working groups as needed to accomplish its mission.

Subdivision 10: The commission may set such compensation for its Commissioners as it deems appropriate, provided such compensation does not exceed the compensation allowed for managers of watershed districts under Minnesota Statutes, Section 103D.315, subd. 8. However, no member's Council is prevented from providing compensation for its Commissioner for serving on the Commission, if such compensation is authorized by such governmental unit and by law.

Article IV

Powers and Duties of the Board of Commissioners

Subdivision 1: The Commission shall employ an Executive Director and may delegate to the Executive Director any power or authority that may be delegated to a city manager in a Minnesota Plan B statutory city. The Commission shall employ such other persons as it deems necessary to accomplish its duties and powers. The Commission may hire staff on a full time, part time or consulting basis. The Commission may also incur expenses and expenditures necessary and incidental to the effectuation and/or implementation of its purposes and powers.

Subdivision 2: In order for the Commission to conduct business, a quorum must be present. Decisions by the Commission require a majority vote of the quorum present.

Subdivision 3: The Commission shall have an established Citizen Advisory Committee and Technical Advisory Committee to provide input and to serve in an advisory role.

Subdivision 4: The Commission shall review and approve a Local Water Management Plan for each of its Member Communities as established under Minnesota Statutes, Chapter 103B.

Subdivision 5: The Commission may acquire, operate, construct, and maintain capital improvement projects delineated in the Watershed Management Organization Watershed Management Plan for the protection, enhancement, and improvement of the watershed.

Subdivision 6: The Commission shall make a reasonable attempt to assess the compatibility of proposed capital improvement projects with other existing policies, programs, and projects within the MWMO and across its boundaries. In particular, compatibility with neighborhood association and community council plans in the project area should be considered. An informal review should occur at least two months before the capital improvement project proposal is approved in the MWMO budget.

Subdivision 7: The Commission shall develop a comprehensive Watershed Management Plan to meet the requirements of Minnesota Statutes, Chapter 103B. The plan shall establish comprehensive goals and policies for the protection, enhancement, and improvement of the watershed, and shall establish specific implementation strategies to realize these goals and policies.

Subdivision 8: The Commission shall have the power to contract with any governmental unit, private or nonprofit association to accomplish the purposes for which it is organized.

Subdivision 9: The Commission has the authority to apply for, accept, and use grants, loans, money or other property from the United States, the State of Minnesota, a unit of government or any person or entity for the Organization. The Organization may use and dispose of such money or property for any expenses/fees, policies, goals, capital improvement projects, or any use the Organization deems necessary to pursue its goals and policies.

Subdivision 10: The Commission may establish and maintain devices for acquiring and recording hydrologic and water quality data within the watershed.

Subdivision 11: The Commission may contract for, or purchase such insurance, as they deem necessary for the protection of the Organization.

Subdivision 12: The Commission shall have the authority to invite governmental entities within the area of the watershed to join the Organization. Furthermore, any governmental entities within the area of the watershed may petition for membership in the Organization. The addition of new Members shall require a majority vote of the Commission and appropriate resolution by current Member Councils. The effective date shall be the date of filing by the last Council resolution approving the addition. As Members are added to the Organization, there shall be created one voting Commissioner.

Subdivision 13: The Commission has the authority to contract for the space, equipment, and supplies to carry on its activities either with an individual Member or elsewhere.

Subdivision 14: The Commission may investigate on its own initiative or upon petition of any Member, complaints relating to the pollution of surface or ground water in the watershed. Upon a finding that the watershed is being polluted, the Commission may take appropriate action to alleviate the pollution including recommending enforcement and other regulatory actions to the appropriate jurisdiction.

Subdivision 15: Commissioners and staff may enter upon lands within or without the watershed to make surveys and investigations to accomplish the purposes, goals and policies of the Organization. Such entrance shall occur after obtaining a duly executed search warrant, with permission of the property owner, or when a search warrant for access to the property is not required. The Commission shall be liable for actual damages resulting therefrom, subject to the limitations of Minnesota Statutes, Chapter 466. Every person who claims damages shall serve the Chair or Secretary of the Commission with a notice of claim as required by Minnesota Statutes, Section 466.05. In accordance with Minnesota Statutes, Section 471.59, Subd. 1a(b) the Organization is considered a single governmental unit and the total liability for the Members and the Organization shall not exceed the limits on governmental liability for a single governmental unit as specified in Minnesota Statutes, Section 466.04, Subd. 1.

Subdivision 16: The Commission may vote to provide legal and technical assistance in connection with litigation or other proceedings between one or more of its Members and any other political subdivision, commission, board or agency relating to the planning or construction of capital improvement projects approved by the Organization.

Subdivision 17: The Commission shall at least every 2 years solicit interest proposals for professional or technical consultant services before retaining the services of a consultant or extending annual service agreements.

Subdivision 18: The Commission may designate one or more national or state bank or trust companies authorized by Chapters 118A or 427 of Minnesota Statutes to receive deposits of public monies to act as depositories for the Organization's funds. No funds may be disbursed without the signature of two officers. The Treasurer shall be required to file with the Secretary of the

Commission a bond in the sum of at least \$10,000 or such higher amount as shall be determined by the Commission. The Commission shall pay the premium on said bond.

Subdivision 19: The Commission may acquire real or personal property, conduct programs and projects, and exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein and to carry out the obligation of a watershed management organization under the Act.

Subdivision 20: The Commission shall have the authority to adopt a budget, to decide on the total amount necessary to be raised from ad valorem taxes to meet the budget and to certify its budget to the county auditor of each county having territory within the watershed. Taxes may be levied for any purpose authorized by the Act in accordance with procedures specified in the Act, and subject only to the limitations set forth in the Act and this Agreement. The Commission shall also have the authority to certify for payment by the counties all or any part of the cost of a capital improvement contained in the capital improvement program of the Plan, in accordance with Minnesota Statutes, Section 103B.251.

Article V

Budget and Financial Matters

Subdivision 1: A proposed preliminary budget will be presented to the Commission at its July meeting. The Commission shall hold at least one public hearing on the proposed preliminary budget prior to adoption of the preliminary budget. At least 30 days' notice to Members and such other public notice as is directed by the Commission shall be given prior to the hearing. The Commission will hear all comments and objections to the proposed preliminary budget from any Member as well as comments from the public. The Commission may adopt the preliminary budget as proposed or modify or amend the preliminary budget. The Commission shall adopt a preliminary budget and a proposed tax levy for the ensuing year on or before September 15 of each year. The preliminary budget shall then be certified by the Executive Director of the Organization on or before September 15 to the clerk of each Member's Council and each of the County Auditors. The Commission shall adopt a final budget and certify a tax levy to the Counties by December 31 of each year.

Subdivision 2: The Commission has the duty to make a full and complete financial accounting report to each Member at least once annually. A certified public accountant shall perform the audit of the Organization. The report shall include the approved budget; a reporting of revenues; a reporting of expenditures; a financial audit report or section that includes a balance sheet; a classification of revenues and expenditures; an analysis of changes in final balances; and any additional statements considered necessary for full financial disclosure; and the status of all Organization's projects and work within the watershed; copies of said report shall be transmitted to the clerk, or appropriate staff member of each Member's Council.

Subdivision 3: Projects or other necessary expenditures that cannot be accomplished through the ad valorem tax levy shall be addressed by mutual agreement of the affected Members outside of this Agreement.

The Commission will endeavor to equitably apportion the expenditure of Commission funds for projects and programs among the Members' jurisdictions, giving due regard to the financial

contributions from tax levies within each Member's jurisdiction as well as the merit of each project and program according to criteria established in the Plan or approved by the Commission.

Article VI

Capital Projects

Subdivision 1: The Members recognize that on-going capital expenditures will be required to solve some of the water resource problems within the watershed. For the purposes of this Agreement, capital improvement projects are those determined necessary to implement the Organization's Capital Improvement Program.

Subdivision 2: Capital Projects will be financed over the entire watershed.

Subdivision 3: In order to finance an approved capital improvement project, the Commission may levy an ad valorem tax against the entire watershed.

Subdivision 4: Approval of capital improvement projects shall require a majority vote of the quorum present and other such bodies as required by law. Capital improvement projects shall be financed in accordance with Minnesota Statutes, Chapters 103B and 103D.

Subdivision 5: The Commission shall have the authority to prepare and adopt a Capital Improvement Program as defined in Minnesota Statutes, Section 103B.205 Subd. 3 as part of the Watershed Management Plan. The Capital Improvement Program shall set forth the schedule of capital projects identified in the Watershed Management Plan as well as designating Members for participation in each project and estimating the total costs for such projects. Projects not identified in the Watershed Management Plan shall not be included in the Capital Improvement Program until and unless the Watershed Management Plan is amended to include such projects. Implementation of the Capital Improvement Program will begin upon adoption of the Watershed Management Plan subject to the availability of funding.

Subdivision 6: All capital improvement projects need to be listed in the Watershed Management Plan.

Subdivision 7: Funding for any and all capital improvement projects may only occur if the project(s) is in the approved capital budget.

Subdivision 8: If a Member is responsible for the completion of a capital project, the Organization's approved share of the project cost coming from its tax levy will be reimbursed to the Member from actual tax revenues received in a manner agreed to. The Member being reimbursed for project costs by the Organization shall agree to be responsible for providing any requested documentation of costs requested by the Organization or its auditors.

Article VII

Duration

Each Member agrees to be bound by the terms of this Agreement until January 1, 2031, and it may be continued thereafter upon the agreement of all Members.

Article VIII

Dissolution

Any Member may petition the Commission to dissolve the Organization. Upon thirty days advance written notice to each Member, the Commission shall hold a hearing to consider dissolution of the Organization. If a majority of the Commission votes in favor of dissolution, the Commission shall submit a resolution for dissolution of the Organization for consideration by each Member's Council, the board of each affected County and the Minnesota Board of Water and Soil Resources. Each governmental unit shall have 90 days in which to consider dissolution of the Organization. If, within 90 days of the date the notice was given, a majority of Members' Councils has ratified said resolution; then the Organization shall be dissolved and this Agreement shall be terminated.

Upon dissolution, the Organization shall complete all work in progress and dispose of all property. All property of the Organization shall be sold and the proceeds thereof, together with monies on hand, shall be distributed to the eligible Members of the Commission as follows: assets shall be apportioned and distributed in the percentage of the tax levy within the jurisdiction of each Member received by the Organization in the preceding full calendar year.

Article IX

Amendments

Any Member may recommend to the Commission amendments to this Agreement. Upon a majority vote, amendments to this Agreement shall be forwarded by the Commission to its Members' Councils. No amendment shall be effective until the amendment has been ratified by the Council of each Member. The effective date of any amendment shall be the date on which the last Member's Council ratifies the amendment and is filed with the Executive Director of the Organization.

Article X

Effective Date

This Agreement shall be adopted upon ratification by the Council of each Member and the execution of the Agreement by each Member. Upon voting to ratify the Agreement, the clerk of the Council of the ratifying Member shall file a certified copy of the resolution of the ratification with the Executive Director of the Commission. The effective date of the Agreement shall be the date on which the last Member to ratify files its resolution of ratification. Upon adoption of this Agreement, the Executive Director shall supply to each Member and the Board of Water and Soil Resources a copy of the Members' ratification resolutions and a copy of the signed Agreement.

IN WITNESS WHEREOF, the undersigned Members, by action of their Councils, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes Sections 103B.211 and 471.59.

Appendix A: Legal Description

Appendix A

Revised 1/25/12

All the land lying within the following described boundaries:

Commencing at the intersection of E Hennepin Av (a/k/a Larpenteur Av) and the E City Limits of the City of Minneapolis; th N on said E City limits and its Nly extension to 33rd Ave NE and Old Hwy 8; th SWly along Old Hwy 8 to 31st Av NE; th Wly along 31st Av NE to Rankin Dr; th N along Rankin Dr to 33rd Av NE; th W along 33rd Av NE to Silver Lake Rd; th N along Silver Lake Rd to 36th Av NE; th W along 36th Av NE to Roosevelt St NE; th N along Roosevelt St NE to 37th Av NE; thence on the boundary between Hennepin and Ramsey Counties westerly on the centerline of 37th Avenue NE; continuing on the line between Hennepin and Anoka Counties and between the City of Minneapolis and the City of Columbia Heights westerly on the centerline of 37th Avenue NE to the intersection with the centerline of Hayes Street NE; thence in the City of Columbia Heights, Anoka County, northerly on the centerline of Hayes Street NE to the intersection of the centerline of 39th Avenue; thence westerly on the centerline of 39th Avenue to the intersection with the centerline of Johnson Street; thence northerly and northeasterly on the centerline of Johnson Street to the intersection with the centerline of 40th Avenue; thence westerly on the centerline of 40th Avenue to the intersection of the centerline of 40th Avenue to the intersection of the centerline of Polk Street; thence northeasterly on the centerline of Polk Street to the intersection of the centerline of Arthur Street NE; thence northerly and northeasterly on the centerline of Arthur Street NE to the intersection with the centerline of 45th Avenue; thence easterly on the centerline of 45th Avenue to the northeast corner of Section 36, Township 30 North, Range 24 West; thence on the boundary between Anoka and Ramsey Counties and the City of Columbia Heights and the Village of New Brighton northerly on the west line of Section 30, Township 30 North, Range 23 West to the southeast corner of the corporate area of the City of Fridley; thence on the boundary between the City of Columbia Heights and the City of Fridley westerly in the north half of Section 25, Township 30 North, Range 24 West to the intersection with the centerline of Matterhorn Drive; thence in the City of Fridley northerly on the centerline of Matterhorn Drive to the centerline of Interstate Highway 694; thence westerly on the centerline of Interstate Highway 694 to the intersection with the centerline of State Highway No. 65; thence northerly on the centerline of State Highway No. 65 to the southerly intersection of the centerline of West Moore Lake Drive; thence westerly and northerly on the centerline of West Moore Lake Drive to the intersection with the centerline of 61st Avenue NE; thence westerly on the centerline of 61 st Avenue NE to the intersection of the centerline of 7th Street; thence northerly on the centerline of 7 th Street to the intersection with the centerline of Mississippi Street; thence westerly on the

centerline of Mississippi Street, continuing westerly on the centerline of Mississippi Way to the intersection with the centerline of East River Road; thence northerly on the centerline of East River Road to the intersection with the extension of the northerly line of R.L.S. (Registered Land Survey) No. 19; thence westerly on the extension of the northerly line of R.L.S. No. 19 to the centerline of the Mississippi River,ⁱⁱ thence southerly along the centerline of the Mississippi River to the Ely extension of 53rd Av N; th Wly along Ely extension of 53rd Av N to James Av N; th S along James Av N to 52 Av N; th E along 52 Av N to the alley between Humboldt Av N and Irving Av N;ⁱⁱⁱ th S along said alley to 51st Av N; th E along 51st Av N to Humboldt Av N; th S on Humboldt Av N to 50th Av N; th E along 50th Av N to Fremont Av N; th S along Fremont Av N to 49th Av N; th E along 49th Av N to Emerson Av N; th S along Emerson Av N to 47th Av N; th E along 47th Av N to alley between Colfax and Bryant Avs N; th S along said alley to 46th Av N; th E along 46th Av N to Camden Av N; th S along Camden Av N to 45th Av N; th E along 45th Av N to the center line of the Mississippi River; th Sly along the center line of the Mississippi River to the Ely extension of 41st Av N; th W along 41st Av N and its Ely extension to Bryant Av N; th N along Bryant Av N to 42nd Av N; th W along 42 Av N to Emerson Av N; th S along Emerson Av N to 41st Av N; th E along 41st Av N to Dupont Av N; th S along Dupont Av N to 39th Av N; th W along 39th Av N to Emerson Av N; th S along Emerson Av N to Dowling Av N; th W along Dowling Av N to Knox Av N; th S along Knox Av N to the center line between 36th and 37th Avs N; th E along said center line to Humboldt Av N; th S along Humboldt Av N to 35th Av N; th W along 35th Av N to James Av N; th N along James Av N to 36th Av N; th W along 36th Av N to Logan Av N; th S along Logan Av N to 35th Av N; th W along 35th Av N to Morgan Av N; th S along Morgan Av N to 33rd Av N;^{iv} th E along 33rd Av N to the alley between James and Knox Avs N; th S along said alley to Lowry Av N; th E along Lowry Av N to James Av N; th S along James Av N to 30th Av N; th E along 30th Av N to Fremont Av N; th S along Fremont Av N to 29th Av N; th W along 29th Av N to the alley between Fremont and Girard Avs N; th S along said alley to 27th Av N; th W along 27th Av N to the alley between Humboldt and Irving Avs N; th S along said alley to 26th Av N; th W along 26th Av N to Irving Av N; th S along Irving Av N to 25th Av N; th E along 25th Av N to Humbolt Av N; th S along extension of Humbolt Av N to 23rd Av N; th W along 23rd Av N to Irving Av N; th NWly along Irving Av N to Ilion Av N; th SWly along Ilion Av to Hillside Av; th NWly along Hillside Av to the alley between James and Logan Avs N; th SWly along said alley to the EW alley lying between Lots 72 and 73, Blk 19, Forest Heights Addn to Minneapolis; th W along last described alley to W Broadway and Oliver Av N; th Sly along Oliver Av N to 21st Av N; th W along 21 Av N to Penn Av N; th S along Penn Av N to center line between 16th and 17th Avs N th are lying W of Penn Av N; th W along said center line to Queen Av N; th S along Queen Av N Plymouth Av N; th W along Plymouth Av N to Russell Av N; th S along Russell

Av N to 12th Av N; th E on 12th Av N to Queen Av N; th S on Queen Av N to 8th Av N; th W on 8th Av N to Russell Av N; th S on Russell Av N to 4th Av N; th E on 4th Av N to Logan Av N; th S on Logan Av N to 3rd Av N; th W on 3rd Av N to Gramercy Av; th SWly on Gramercy Av to 2nd Av N; th SEly on 2nd Av N to Cedar Lake Road N; th NEly on Cedar Lake Road N to 2nd Av N; th E on 2nd Av N to Market St N; th extending S from Market St N to the intersection with the SEly property line of the Hennepin County Regional Rail Authority r/w (f/k/a the Chicago, Milwaukee, St Paul and Pacific Railroad); (th SWly along the the SEly property line of the Hennepin County Regional Rail Authority r/w to Linden Av; th SWly along Linden Av to Dunwoody Blvd; th S and SEly along Dunwoody Blvd; to vacated Emerson Av S th SWly along vacated Emerson Av S to Kenwood Pkwy; th SWly along Kenwood Pkwy to Summit Pl; th Swly along Summit Pl to Mount Curve; th Ely along Mt Curve Av to the centerline of Colfax Av S; th S along Colfax Av S to W Franklin Av; th W on W Franklin Av to Dupont Av S; th S on Dupont Av S to 22nd St W; th W on 22nd St W to Emerson Ave S; th S on Emerson Av S to 24th St W; th W on 24th St W to Irving Av S; th N on Irving Av S to Lake Pl; th SWly on Lake Pl to 26th St W; th Ely on 26th St W to Hennepin Av; th NEly on Hennepin Av to 22nd St W; th E on 22nd St W to Bryant Av S; th S on Bryant Av S to 27th St W; th E on 27th St W to Lyndale Av S; th N on Lyndale Av S to 26th St W; th E on 26th St W to Garfield Av S; th N on Garfield Av S to 25th St W; th E on 25th St W to Pillsbury Av S; th S on Pillsbury Av S to 29th St W; th W on 29th St W to Pleasant Av S; th S on Pleasant Av S to the north r/w of the Hennepin County Regional Rail Authority; th W on the north r/w of the Hennepin County Regional Rail Authority to Dupont Av S; th N on Dupont Av S to 28th St W; th W on 28th St W to Fremont Av S; th S on Fremont Av S to the north r/w of the Hennepin County Regional Rail Authority; th W on the north r/w of the Hennepin County Regional Rail Authority to Hennepin Av; th S on Hennepin Av to †The Mall; th W on †The Mall to Humboldt Av S; th S on Humboldt Av S to Lake St W; th E on Lake St W to Lyndale Av S; th N on Lyndale Av S to the south r/w of the Hennepin County Regional Rail Authority; th E on the south r/w of the Hennepin County Regional Rail Authority to Harriet Av S; th S on Harriet Av S to 31st St W; th E on 31st St W to Grand Av S; th N on Grand Av S to the south r/w of the Hennepin County Regional Rail Authority; th E on the south r/w of the Hennepin County Regional Rail Authority to Pleasant Av S; th S on Pleasant Av S to 32nd St W; th E on 32nd St W to Pillsbury Av S; th S on Pillsbury Av S to 34th St W; th W on 34th St W to Grand Av S; th S on Grand Av S to 35th St W; th W on 35th St W to Colfax Av S; th N on Colfax Av S to 33rd St W; th W on 33rd St W to Fremont Av S; th S on Fremont Av S to 34th St W; th W on 34th St W to Hennepin Av; th S on Hennepin Av to 35th St W; th W on 35th St W to Irving Av S; th S on Irving Av S to 36th St W; th E on 36th St W to King's Highway; th S on King's Highway to 42nd St W; th E on 42nd St W to Bryant Av S; th N on Bryant Av S to 41st St W; th E on 41st St W to Garfield Av S; th S on Garfield Av S to 43rd St W; th E on 43rd St W to Harriet

Av S; th S on Harriet Av S to 44th St W; th W on 44th St W to Lyndale Av S; the S on Lyndale Av S to 45th St W; th W on 45th St W to Aldrich Av S; th S on Aldrich Av S to 47th St W; th W on 47th St W to Bryant Av S; th S on Bryant Av S to 49th St W; th E on 49th St W to Pleasant Av S; N on Pleasant Av S to 48th St W; th E on 48th St W to Stevens Av S; th S on Stevens Av S to 50th St E; th E on 50th St E to 2nd Av S; th N on 2nd Av S to 42nd St E; th E on 42nd St E to Chicago Av S; th N on Chicago Av S to 41st St E; th W on 41st St E to Oakland Av S; th N on Oakland Av S to 40th St E; th E on 40th St E to Chicago Av S; th N on Chicago Av S to 38th St E; th W on 38th St E to Portland Av S; th N on Portland Av S to 37th St E; th E on 37th St E to Oakland Av S; th N on Oakland Av S to 36th St E; th E on 36th St E to Columbus Av S; th N on Columbus Av S to 35th St E; th W on 35th St E to Oakland Av S; th N on Oakland Av S to 34th St E; th W on 34th St E to 4th Av S; th N on 4th Av S to 33rd St E; th E on 33rd St E to 5th Av S; th N on 5th Av S to 32nd St E; th E on 32nd St E to Portland Av S; th N on Portland Av S to 31st St E; th E on 31st St E to 10th Av S; th S on 10th Av S to the N line of Powderhorn Park; th E along the N line of Powderhorn Park to 11th Av S; th N on 11th Av S to 29th St E; th E on 29th St E to 13th Av S; th S on 13th Av S to Lake St E; th E on Lake St E to 14th Av S; th s on 14th Av S to 32nd St E; th E on 32nd St E to 16th Av S; th N on 16th Av S to Lake St E; th E on Lake St E to 19th Av S; th S on 19th Av S to 31st St E; th E on 31st St E to 21st Av S; th S on 21st Av S to 32nd St E; th W on 32nd St E to 20th Av S; th S on 20th Av S to 35th St E; th E on 35th St E to 22nd Av S; th S on 22nd Av S to 37th St E; th E on 37th St E to 24th Av S; th S on 24th Av S to 38th St E; th E on 38th St E to Hiawatha Av; th SEly on Hiawatha Av to Nawadaha Blvd; th NEly on Nawadaha Blvd to the east r/w of the Soo Line RR (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad); th NWly the east r/w of the Soo Line RR (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad) to 46th St E; th E on 46th St E to Snelling Av S; th NWly on Snelling Av S to 44th St E; th E on 44th St E to 40th Av S, th S on 40th Av S to 45th St E; th E on 45th St E to 42nd Av S; th N on 42nd Av S to 44th St E; th E on 44th St E to 46th Av S; th S on 46th Av S to 46th St E, th E on Ford Pkwy to the east boundary of the City of Minneapolis^{vi}; th Nly along the centerline of the Mississippi River to the Sly extension of Emerald St; th N along the Sly extension of Emerald St and Emerald St , being the easterly boundary line of the City of Minneapolis and the County of Hennepin, to the center line of Territorial Rd; th Ely to the southerly extension of the most westerly lines of Lots 2 and 3, Block 3 of West Gate Addition projected to the center line of Territorial Rd; th Nly along the southerly extension of the most westerly lines and the most westerly lines of Lots 2 and 3, Block 3 of West Gate Addition to the north line of the northwest quarter of the southwest quarter of Section 29, Township 29, Range 23; th Ely 19.43 feet along the extention of and the north line of the northwest quarter of the southwest quarter of said Section 29 to the most easterly of the west lines of Lots 1 and 2, Block 3 of the West Gate Addition; th Nly along the west line of Lots 1 and 2, Block 3 of the West Gate Addition and the center line of

vacated Berry St to the southeast corner of Outlot D of the West Gate Addition, said corner being on the center line of vacated Berry St; th Nly along the east line of said Outlot D 104.36 feet to the northeast corner of said Outlot D and the south line of Outlot C of the West Gate Addition; th NEly along the south line of said Outlot C and the southwesterly extension of the south line of Outlot A of the West Gate Addition and the south line of said Outlot A to the southeast corner of said Outlot A; th Sly from the southeast corner of said Outlot A along the east line of the southwest quarter of the northwest quarter of Section 29, Township 29, Range 23 to southerly right-of-way line of the U of M Transit Way; th NEly along the southerly right-of-way line of the U of M Transit Way to the intersection of the northerly line of Robbins St and the westerly line of Marvel St; th NEly in a straight line across the U of M transit Way to the intersection of the center line of Kasota Ave and the east line of the northwest quarter of Section 29, Township 29, Range 23; th Nly along the east line of said northwest quarter of Section 29 to northerly right-of-way line of the Burlington Northern Railroad, formerly the Northern Pacific Railroad, th NWly along the northerly right-of-way line of the Burlington Northern Railroad to the southerly extension of the center line of Eustis St; th Nly along the southerly extension of the center line and the center line of Eustis St to E Hennepin Ave; ^{vii}th Wly along E Hennepin Ave to the intersection of E Hennepin Av (a/k/a Larpenteur Av) and the E City Limits of the City of Minneapolis.

ⁱ Continue of boundary with Rice Creek WD

ⁱⁱ End of boundary with Rice Creek WD, start boundary with West Mississippi WMO

ⁱⁱⁱ End boundary with West Mississippi WMO, start boundary with Shingle Creek WMO

^{iv} End boundary with Shingle Creek WMO, start boundary with Bassett Creek WMO

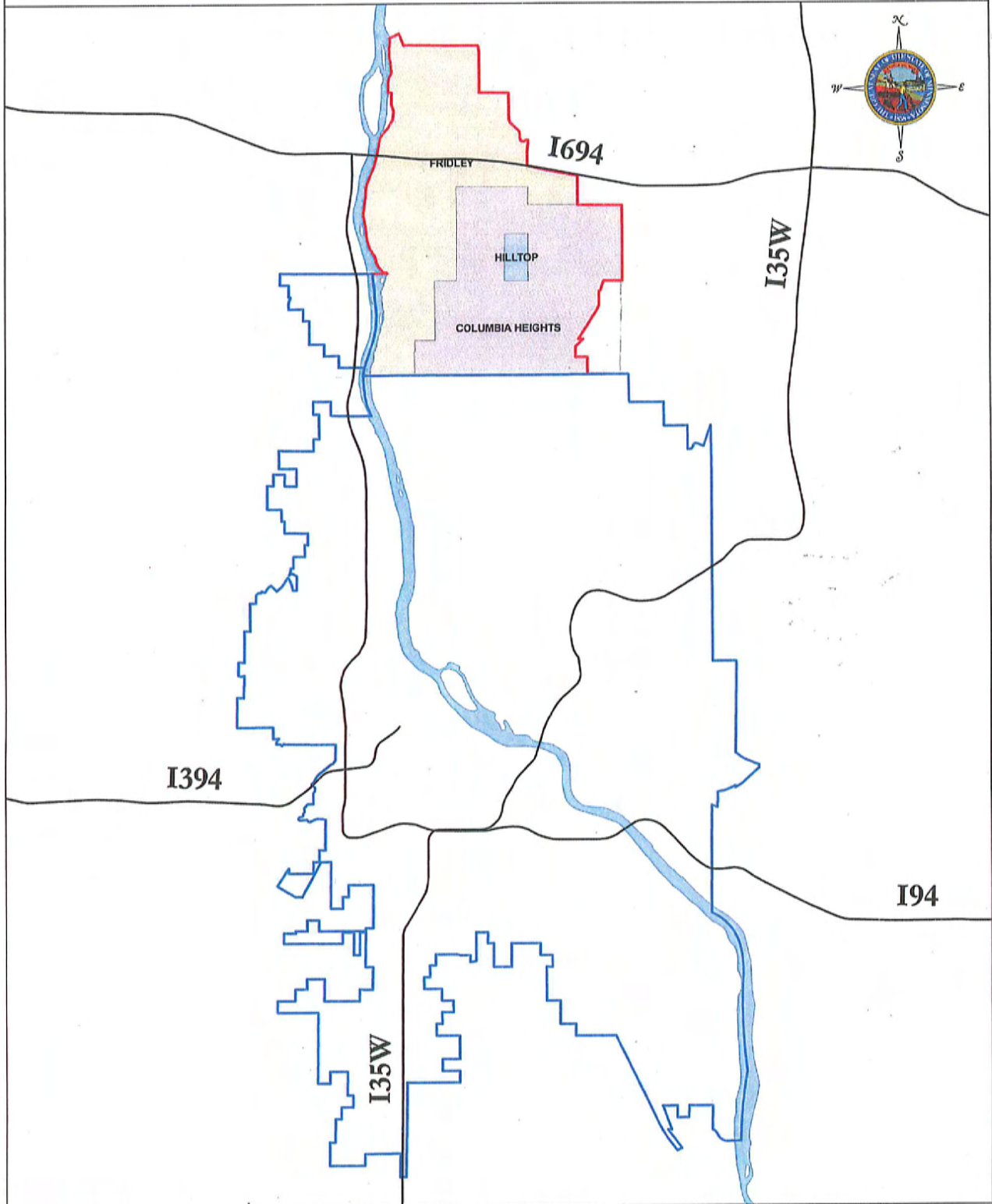
^v End boundary with Bassett Creek WMO, start boundary with Minnehaha Creek WD







^{vi} End boundary with Minnehaha Creek WD, start boundary with Capitol Region WD

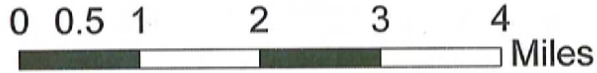
^{vii} End boundary with Capitol Region WD, start boundary with Rice Creek WD

Appendix B: Mississippi Watershed Management Organization Map

MWMO and Six Cities MWO Boundary



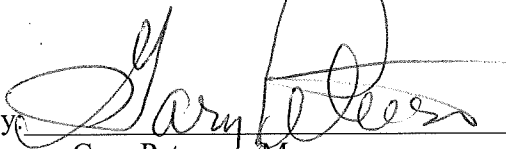
-  MWMO
-  Six Cities WMO
-  Hilltop
-  Columbia Heights
-  Fridley
-  Interstates



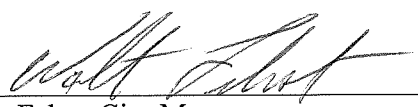
Data Sources: MNDOT, MWMO, Fridley
Created by: Brian Jastram MWMO 2012



City of Columbia Heights

By: 
Gary Peterson, Mayor

Dated: 3/28, 20 12

Attest: 
Walt Fehst, City Manager

Dated: 4/2, 20 12

City of Fridley

By: Scott J. Lund Dated: August 21, 20 12
Scott Lund, Mayor

Attest: Debra Skogen Dated: August 21, 20 12
Debra Skogen, City Clerk

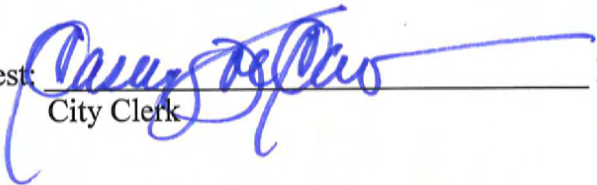
City of Hilltop

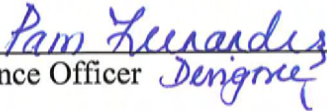
By: *Jerry Murphy* Dated: April 2, 2012
Jerry Murphy, Mayor

Attest: *Ruth Nelsen* Dated: April 2, 2012
Ruth Nelsen, City Clerk

City of Minneapolis

By:  Dated: August 07, 20 12
R.T. Rybak, Mayor

Attest:  Dated: August 8, 20 12
City Clerk

Countersigned:  Dated: 8-13, 20 12
Finance Officer *Dengrove*

Approved as to Form

By:  Dated: June 26, 20 12
Assistant City Attorney

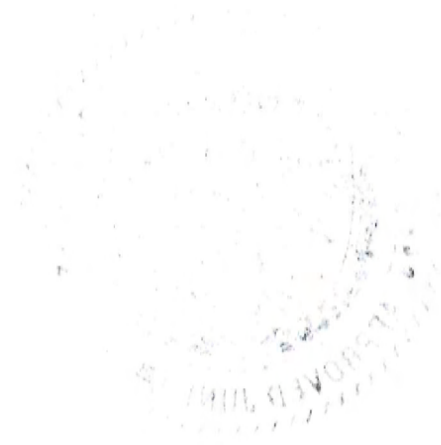


City of St. Anthony Village

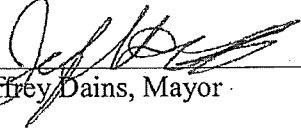
By: _____ Dated: _____, 20 _____
Jerry Faust, Mayor

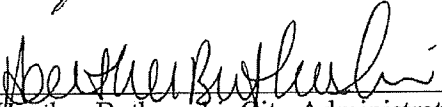
Attest: _____ Dated: _____, 20 _____
Michael Mornson, City Manager

[Faint, illegible text]

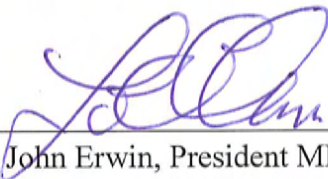


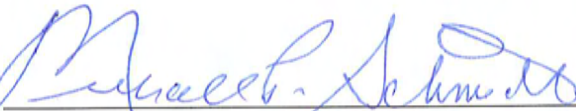
City of Lauderdale

By:  Dated: May 8, 2012
Jeffrey Dains, Mayor

Attest:  Dated: May 8, 2012
Heather Butkowsky, City Administrator

Minneapolis Park and Recreation Board

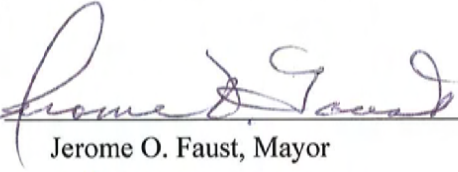
By:  Dated: June 6, 20 12
John Erwin, President MPRB

Attest:  Dated: 06 June, 20 12
Michael P. Schmidt, Board Secretary

Approved as to Form, Legality, and Execution


By:  Dated: June 6, 20 12
MPRB Attorney

City of St. Anthony Village

By:  Dated: 2/28, 20 12
Jerome O. Faust, Mayor

Attest:  Dated: 2/28, 20 12
Mark Casey, City Manager

City of Saint Paul

By:  Dated: 5/29, 20 12
Chris Coleman, Mayor

Attest:  Dated: 5/25, 20 12 
Director of Finance and Management Service

Approved as to Form

By:  Dated: 5/18/12, 20 12
Assistant City Attorney





**MISSISSIPPI
WATERSHED**
MANAGEMENT
ORGANIZATION

MWMO Bylaws

City of Columbia Heights

City of Fridley

City of Hilltop

City of Lauderdale

City of Minneapolis

City of Saint Anthony Village

City of Saint Paul

Minneapolis Park and Recreation Board

MWMO Bylaws

Prepared for the MWMO by

Douglas Snyder, Executive Director

Zhenya Stone, Office Administrator

Suggested citation:

Mississippi Watershed Management Organization. 2014. MWMO Bylaws.

Front Cover:

Upper Photo: The rare and elusive blue-winged teal resting during migration in the Mississippi River Critical Area near downtown Minneapolis. Photograph by B. Jastram, Mississippi Watershed Management Organization.

Lower Photo: Courtesy of the MWMO Museum of Natural History.



**MISSISSIPPI
WATERSHED
MANAGEMENT
ORGANIZATION**

2522 Marshall Street NE
Minneapolis, Minnesota 55413-0136

(612) 465-8780
(612) 465 8785 fax

www.mwmo.org

MWMO Bylaws

The MWMO is a joint powers watershed management organization created under the requirements of the Metropolitan Water Management Act (MS 103B.211) and Minnesota Rules 8410. The MWMO activity is guided by 3 primary documents: 1) the Joint and Cooperative Agreement (JCA), 2) the Bylaws and 3) the Comprehensive Watershed Management Plan (Plan).

The JCA defines the MWMO:

- Membership and makeup of Board of Commissioners;
- Legal Purpose of the Organization;
- Powers and Duties of the Board of Commissioners;
- Financial Obligations of Members;
- Duration, Dissolution, Amendments and Effective Date of the agreement; and
- Legal Description of the Watershed Boundaries.

The intent of the Bylaws is to supplement the JCA by describing the administrative processes of the MWMO. The Bylaws establish rules governing conduct and procedure of the Board of Commissioners of the Mississippi Watershed Management Organization in Hennepin and Ramsey Counties, Minnesota pursuant to Minnesota Statutes, Chapter 103B.

Key components of the Bylaws are:

- Regular and Special Meeting order of business, location and notification;
- Board Committees and responsibilities; and
- Board Officers.

The Bylaws may be updated periodically throughout the year. The most recent version will be available on the MWMO's website at www.mwmo.org.



**MISSISSIPPI
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www.mwmo.org

Bylaws Approved by MWMO Board 20140102

Mississippi Watershed Management Organization Bylaws

These Bylaws establish rules governing conduct and procedure of the Board of Commissioners of the Mississippi Watershed Management Organization in Anoka, Hennepin and Ramsey Counties, Minnesota pursuant to Minnesota Statutes, Chapter 103B as amended and in conformity therewith.

For the purpose of these Bylaws, the terms used herein shall have the meanings defined in the Joint and Cooperative Agreement for the Mississippi Watershed Management Organization (the “Agreement”).

Commission Meetings

Section 1: The legal name of the watershed management organization shall be Middle Mississippi River Watershed Management Organization d/b/a Mississippi Watershed Management Organization.

Section 2: Regular meetings of the Commission shall be held at such locations and at such times as are specified from time to time by resolution of the Commission. The Executive Director shall cause copies of all such resolutions to be provided promptly to each of the Members and filed in the primary offices of the Commission. In the event the Commission determines to hold a regular meeting at a location or time other than as specified in such resolution, such meeting shall be deemed a special meeting for purpose of giving notice. Notice of all such meetings shall be given in accordance with these bylaws to commissioners, alternates, and members and in accordance with Minn. Stat., Chapter 13D to the public.

For purposes of posting notices in accordance with Minn. Stat. §13D.04, the principal bulletin board of the Commission shall be the bulletin board at the Commission administrative offices. Notices will be mailed to all Members for purposes of posting such notices on the principal bulletin board of the Members. However, bulletin boards other than the principal bulletin board of the Commission will not be deemed to be principal bulletin boards of the Commission for purposes of Minn. Stat. §13D.04.

Section 3: Written notice of regular meetings of the Commission shall be mailed to the Commissioners, Alternates, and their member council's staff (Columbia Heights –City Clerk, Hilltop – Administrator, Fridley – City Manager, Minneapolis - City Clerk; St. Anthony - City Manager; Lauderdale - City Administrator; St. Paul - City Clerk; Minneapolis Park Board - Assistant Superintendent for Administration) at least two weeks prior to each meeting. All other correspondence from the Watershed Management Organization Staff shall be sent to the same parties. Other arrangements for sending Watershed Management Organization Staff correspondence will be arranged with the individual Commissioners.

Section 4: Special meetings of the Commission may be called by the Chair or any two Commissioners. At least three days' notice of the meeting must be provided in accordance with the Agreement. Notification will be mailed to the same parties as listed in Section 3.

Section 5: Locations, dates and times of rescheduled regular meetings and special meetings will be mailed to the same parties as listed in Section 3. Each Commissioner is responsible for the posting of such notices for his or her community.

Section 6: All meetings shall be conducted in accordance with Robert's Rules of Order Revised, except as otherwise provided in the Agreement or these bylaws.

Section 7: The usual order of business at all meetings, unless changed by the Commissioners, shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda
- D. Consent Agenda
- E. Approval of Minutes of Previous Meeting
- F. Business
- G. Announcements
- H. Scheduling of Next Meeting
- I. Adjournment

Section 8: The MWMO Executive Committee, made up of the Chair, Vice-Chair, and Treasurer, will meet as necessary to perform the following duties:

- A. Authorize and sign checks for MWMO expenditures
 - B. Review prepared agenda items for MWMO Board meetings
 - C. Advise the executive director of MWMO policies and procedures
 - D. Act on any MWMO personnel issues as defined by the Employee Handbook
- Section 9:** These bylaws may be amended at any regular or special meeting of the Commission, provided that ten days' prior notice of the proposed amendment has been furnished to each Commissioner and each member.

Section 10: A majority vote of Commissioners present shall be necessary to adopt any amendment to these bylaws.

Section 11: In any instance where these bylaws are in conflict with the Joint and Cooperative Agreement, the Agreement shall control.

Section 12: The Board of Commissioners, administrator and staff shall function in the manner of a Plan B city; where, the board exercises legislative and policy authority and appoints an executive director to exercise administrative authority. The executive director, appointed by and responsible to the board of commissioners, has the powers and duties as defined in Minn. Stat. §412.651, and its revisions, related to the appointment and removal of all other employees.

Adopted this ____ day of _____, 2014.

_____, Chair

Attest

_____, Vice-Chair