

MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers

Date: April 21, 2016

From: Mike Kinney

Subject: District Enforcement

Background/Discussion

At the March 24th regular board meeting, the Board of Managers, at the request of the Board President, directed staff to bring to this board meeting additional information regarding enforcement within the district. With this memo is a copy of the approved resolution 15-06-01 that outlines the framework for actions that may be considered. From this, staff can provide additional steps that may be considered by the Board.

RESOLUTION NO. 15-06-01

COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT
BOARD OF MANAGERS

DELEGATING COMPLIANCE ORDER AUTHORITY
to the ADMINISTRATOR

Manager Schmaltz offered the following resolution and moved its adoption, seconded by Manager Anderson.

WHEREAS the Comfort Lake–Forest Lake Watershed District ("District"), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the waters and resources of the watershed;

WHEREAS pursuant to Minnesota Statutes §103D.341, the District has adopted and implements rules to accomplish the District's statutory purposes;

WHEREAS in accordance with Minnesota Statutes §§103D.545 and 103D.551 and District Rule 12.1, the District Board of Managers ("Board") may issue an administrative order requiring compliance with District rules and the conditions of District permits and orders;

WHEREAS in the event of ongoing or threatened harm to water resources due to land disturbance not in conformance with a District rule, permit or order, it is important for the District to be able to take steps to limit that harm immediately and in advance of a compliance hearing before the Board;

WHEREAS the Board is mindful of the importance of allowing an alleged violator to address the Board on the matter and of providing for a full record on which to determine the circumstances of a violation;

THEREFORE BE IT RESOLVED that the Board hereby delegates to the District administrator the authority to issue a compliance order under District Rule 12.1;

BE IT FURTHER RESOLVED that such an order may require actions to bring a land disturbance into compliance with District Rules or a District permit or order, and may require that work cease until compliance is achieved;

BE IT FURTHER RESOLVED that the District administrator shall exercise this delegated authority subject to the following:

1. The administrator, in his or her judgment, shall determine that:
 - a. Harm to water resources is occurring or threatened;
 - b. The harm is or will result from the violation of a District rule, permit or order; and
 - c. If the harm is threatened, it is likely to occur before the Board can meet to deliberate and issue an order.

2. An order shall state the following:

- a. The terms of the District rule, permit or order being violated;
- b. The specific steps needed to address the harm; and
- c. The date on which the order will expire and, if available, the date on which the matter will be considered by the Board.

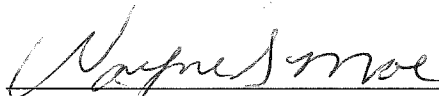
3. An order may not exceed 14 days in duration.

BE IT FINALLY RESOLVED that the District administrator's failure to conform to one or more of the preceding directives shall not, however, affect the validity or legal force of the order.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
Wayne S. Moe	X	
Stephen W. Schmaltz	X	
Jon W. Spence	X	

Upon vote, the Chair declared the Resolution adopted.




Wayne S. Moe, Secretary

Dated: June 18, 2015

* * * * *

I, Wayne S. Moe, Secretary of the Comfort Lake-Forest Lake Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears on record and on file in the District's offices and find the same to be a true and correct copy thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18th day of June, 2015.



Wayne S. Moe, Secretary