

RPBCWD Governance Committee Special Meeting

February 11, 2022 9:30 am

Virtual meeting via Zoom

Present:

Managers: David Ziegler, President
Larry Koch, Vice President

Staff: Scott Sobiech, Temporary Interim Administrator, Barr Engineering
Louis Smith, Attorney, Smith Partners
Amy Bakkum, Office Administrator
Liz Forbes, Grant Program Coordinator

Other: Joe Mulcahy
Pat Andrican

Agenda for the Special Meeting posted as:

1. Introduce current governance manual
2. Consider framework for solicitation of feedback from managers, staff, legal

1. Introduce current governance manual

President Ziegler commented that he knows the board approved changes to the governance manual at an October 2020 meeting and that manual is now posted to the website. President Ziegler continued that he does not want to return to a prior governance manual and hopes to utilize the revisions that were put forward in 2020.

Vice President Koch expressed his belief that the board did not properly adopt the purported manual put forward in October 2020 for two reasons: First, the 30-day notice for all the changes made to the governance manual as required by district bylaws was not properly observed. Second, Vice President Koch expressed that the October 2020 meeting where changes were adopted was not properly called as statute requires 8 days written notice to be mailed to the managers for a meeting called by another manager. Vice President Koch continued that the proposed changes to the manual are good changes but feels the district should not be operating under rules that were not properly adopted.

President Ziegler commented that it is most important to agree on a starting point from which to make revisions, whether it is the October 2020 manual or not. The full board will need to vote on any new revisions regardless.

Vice President Koch agreed that it makes sense to begin making revisions from the manual presented at the October 2020 meeting and he has some suggested changes prepared. He marked one area of concern between the prior 2017 manual and the 2020 manual which was the addition of agenda setting procedures. Vice President Koch wanted to make it clear that the district needs to follow the rules.

Attorney Smith spoke to the adoption of the October 2020 manual. Regarding the 30 days' notice of changes, he commented that due to the high number of meetings held over the governance manual throughout 2020, it is likely the district provided adequate notice of substantive changes to the manual, but he can go back to review. He continued that he will need to review exactly how the October 14 meeting was called but noted that statute does not require mail via the postal service and that meeting notices can be delivered electronically. Additionally, Attorney Smith noted that the board is obligated to review the governance manual annually and thus it is a good time to contemplate whether more changes are needed. He commented that starting with the October 2020 manual is a good place to start.

2. Consider solicitation of feedback from managers, staff, legal

Vice President Koch expressed his belief that receiving feedback from a variety of places is important to create the best manual possible for the district and its constituents. He offered to draft a letter that could be used to solicit comments and bring it back to the next meeting for review and approval.

President Ziegler noted that he would like the manual to meet all the legal requirements and if possible, streamline the district's operations and save time for staff. President Ziegler mentioned examples of these possibilities such as the creation of pre-made motions in board packets or providing meeting minutes to the managers early such that any comments can be communicated to staff ahead of regular meetings. Vice President Koch expressed agreement with the idea of streamlining operations. President Ziegler commented that it might be beneficial to review another watershed district's bylaws to compare and contrast and to consult legal counsel on their opinion.

Temporary Interim Administrator Sobiech encouraged the committee to consider how comments might be solicited and named several examples of different platforms that might be considered. T.IA. Sobiech, Staff Bakkum, and Staff Forbes provided insight on how these platforms might work in this instance. Vice President Koch noted that the committee needs to be cautious in how comments are received and discussed and encouraged legal counsel be considered. Attorney Smith noted that it is not a problem for the public and managers to direct comments to a single person, such as the Administrator, but for discussion of those comments be done in the context of a meeting. President Ziegler and Vice President Koch agreed that discussion of a fitting platform through which to receive comments can continue at the next governance meeting.

President Ziegler and Vice President Koch discussed the timing of the next governance committee meeting and scheduled the next instance for March 4, 2022 at 9:00 am.

Meeting adjourned at 10:26 am.