

Study Report and Background Information for the League of Women Voters of the White Bear Lake Area on the White Bear Lake Conservation District

The League of Women Voters of the White Bear Lake Area has undertaken a study of the White Bear Lake Conservation District and its management practices through a concern for protection and preservation of the water quality of this important resource to the east metro region.

“The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing, and coordination among the different agencies and levels of government.”

Additionally, the “League of Women Voters believes that responsible government should be responsible to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest.....”

The League of Women Voters of the White Bear Lake Area acknowledges and commends the many members of the community who have given countless hours of volunteer time, as well as knowledge and expertise, to the benefit of White Bear Lake and the Conservation District. The successes and achievements of the WBLCD are result of the dedication and concern of the members of the board, its staff, and its committees.

In the process of the LWV study of the WBLCD, members of the study committee have observed 22 regular monthly meetings of the Conservation District along with the corresponding Lake Use Committee meetings beginning with the regular June 22, 2010 meetings. These observations continue today. Members of the study committee, including one LWV member who sits on the Lake Quality Committee, have attended numerous other committee meetings.

Other sources of information used for the report, were the WBLCD website, the minutes of WBLCD, the WBLCD budget, the State of Minnesota Statutes governing the formation of the Conservation District, the website of the Lake Minnetonka Conservation District, reports given to the Conservation District by its contractors, the LWV of the United States,

The LWV of the White Bear Lake Area has also conducted interviews of past and present WBLCD board and committee members, as well as others connected to the Conservation District. The following members of the community were part of the interview process:

Birchwood: Doug Danks, Don Hankins, former representatives

Dellwood Representative: George St. Germain, director

Mahtomedi Representatives: Luke Michaud, Yale Norwich, Steve Rasske, former representative; Scott Neilson, Mahtomedi City Administrator

White Bear Township Representatives: Kevin Powers, Diane Longville;

Bill Short, White Bear Township Clerk
City of White Bear Lake: Representatives: Mike Parenteau; Jo Emerson, Mayor

Recommendations and observations (Narrative)

After study, observations, interviews and discussion, the White Bear Lake Conservation District LWVWBLA study committee makes the following observations and recommendations: (observations are noted in italics)

Operations and Structure

The Board members of the WBLCD are "elected" for 3- year terms. In researching the actual practice, most of the municipalities represented on the board do not elect their representatives and are, in fact, appointed by the city councils or town board. Some board members have served for over 20 years.

Committee members do not appear to have limits, although, according to the by-laws, Committee members shall be appointed annually by the chairperson and be approved by the Board." Committees may be formed by resolution of the Board and their chairs serve at the pleasure of the Board. Clearly established terms and limits on length of committee assignments could broaden citizen participation and enhance knowledge of the various board committees and their responsibilities.

From interviews of past and present board members, *there appears to be a lack of consistency in training procedures for new board and committee members. Some new members were given a notebook with bylaws and past minutes, others felt there was a lack of training opportunities and resorted to a great deal of "on the job training". Other new members felt intimidated by the process and expressed reluctance on the part of the "old" board members to help the new member understand his/her duties.* Board members and committee members need a clear description of their expected responsibilities and a clearly outlined process for their training.

Presently, staff time is devoted to preparing agendas, keeping and printing minutes, providing necessary copies and information for board members for their regular meetings, and placing information on the website. Adding staff time/administrative staff was suggested by some interviewees and could provide board support in training new members and equalizing the skills and knowledge of volunteers. Additional staff time could also help in improving transparency, i.e. publishing draft of minutes, keeping the website up-to-date with more timely distribution of information.

A Strategic Plan has been in place since 1999, but appears to not have been updated since that time. At this time, the Board works from the activities of the previous year and a yearly plan is very informal. Keeping the plan up-to-date and timely could

enhance planning on a yearly work plan. A yearly work plan could aid in focusing work on a short-term basis.

In most cases, those business and individuals who did work for the Conservation District are the same ones who have done work for the District in previous years. RFP's and the bidding process should be open and consistent so both the public and all potential bidders have access to any proposal information.

Transparency and Communications

The WBLCD website provides useful information to its members and the public. At present, information on the website contains dates of the upcoming Board and committee meetings, the agenda for the upcoming Board meeting, minutes from the previous Board meeting (2 months prior), links to various reports presented to the Board, press releases, links to various forms and permits. There are also links to the organization of the Board (members' names/offices, cities represented). It is important to keep the website up-to-date with draft minutes being available the following month. Committee minutes and agendas could also be posted on this website.

Other additions to the website could be supporting material available to Board members for each meeting, the posting of the annual report, the budget and budget proposals, and job descriptions for vacant positions.

Finance

The WBLCD has shown fiscal restraint with the public funds it manages. The budget is driven by previous budgets and then each contributing community is told what portion of the budget will be assessed to them. The treasurer appears to make the draft budget without a committee. There is no provision for regular auditing at this time.

The budget process should be transparent to the public and allow for public input during that process. The Strategic plan and Annual Work Plan should drive the budget for program and projects. A budget/finance committee could be formed from additional Board members with input from committee chairs. Provisions should be made for regular audits.

Funds and expenditures from additional contributions and grants should be included in the monthly treasurer's report and should be clearly shown in the annual financial statement. Reserve funds should be clearly identified.

The following are members of the LWVWBLA, White Bear Lake Conservation District study committee:

Judith Anderson
Janet Callahan
Gretchen Davidson*
Bev Driscoll
Judy Duffy
Karen Gochberg
Mary Hauser
Anne Johnson
Mary Johnston
Stephanie McNamara*
Ashok Sabherwal
Jean Tews
 *co-chairs

APPENDIX

ENABLING LEGISLATION, BYLAWS, AND GOVERNING INFORMATION

A. HISTORY

- Enabling Legislation
As is outlined below, the White Bear Lake Conservation District was formed by legislative action in May of 1971. The White Bear Lake Conservation District and the Minnetonka Conservation District are the only such districts in the State of Minnesota. The purposes of both districts are- described below.
- Representation
The communities which are represented on White Bear Lake Conservation District Board are: the City of White Bear Lake, The Town of White Bear Lake, the City of Dellwood, the City of Mahtomedi, the City of Birchwood Village.
- Funding
The governing body or board of supervisors of each municipality provides the necessary funding for the district. The municipalities' funds may be raised by any means with the authority of the municipality. The municipalities may each levy a tax not to exceed .02418 percent of taxable market value on the taxable property located in the municipality providing the funds.
- The Board MN. Statute 103B.661
The district shall be governed by the board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall have two members.
- The term of office for each member shall be three years.
- The board members receive no compensation

The White Bear Lake Conservation District was formed by the State of Minnesota in May of 1971. Subject to provisions of Minnesota Statutes, Chapters 98, 103, 105, 106, 110, 112, 115 and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority hereunder. (Information from the WBLCD website.)

B. PURPOSE OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

(The following are outlined as "Powers" in MN Statute 103B.661)

- To regulate the types of boats permitted to use the lake.
- To limit the use of motors, including their types and horsepower, on the lake.
- To regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities.
- To limit by rules the use of the lake.
- To regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety and welfare of the public.

- To contract with other law enforcement agencies to police the lake and its shores.
- To regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law.
- To regulate the construction and use of mechanical and chemical means of de-icing the lake and to regulate the mechanical and chemical means of removal of weeds and algae from the lake.
- To regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where said marinas are situated.
- To contract with other governmental bodies as needed.
- To undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the pollution control agency and other interested authorities; and to develop a comprehensive program to eliminate pollution.
- To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them.
- To petition a board of managers of any watershed district in which the lake conservation district may be situated for improvements under Minnesota Statutes, Section 112.48.
- To require the submission of all plans pertaining to or affecting construction or other lakeshore use on any lot or parcel of land abutting the shoreline including: length of setback from the shoreline, adjoining property, or any street or highway, problems of population density, possible water, air or visual pollution, or height of construction.

C. BYLAWS OF WHITE BEAR LAKE CONSERVATION DISTRICT

I. PURPOSE

The purpose of the Bylaws is to establish rules governing the conduct and procedure of the governing board of the District.

II. OFFICE

The principal office of the district must be located in one of the municipalities served. Any permanent change of location must be approved by a majority vote of all of the members of the board of directors and published in the official newspapers of Ramsey and Washington Counties at least 30 days prior to the effective date of the change in location.

III. MEETINGS

[Also governed by Minnesota State Statute 471.705 regarding open meeting laws.]

1. Meetings: Regular meetings of the board shall be held on the third Tuesday of each month at 7:30 p.m. Meetings shall be held in such place as may be specified in the notice of meeting. Additional meetings may be called by the chairperson or any three directors.
2. Notice: Posted notice three days in advance of regular or special meetings shall be required. A written notice of special meeting shall be mailed to each director five days before the scheduled meeting date stating the time, date, and place of meeting and the purpose thereof. Failure to give mailed notice shall not invalidate any proceeding, if all directors are personally informed by telephone of the meeting.
3. Voting: Each director shall have one vote. A majority of the directors appointed shall be a quorum and required to do business.
4. Order of Business: The order of business shall be as follows -- with arrangement of elements adjusted when agenda is approved, if necessary -- to better serve the needs of the meeting:
 - a. Roll call
 - b. Call to order
 - c. Approval of agenda
 - d. Approval of minutes of last meeting
 - e. Public comment time
 - f. Communications
 - g. Unfinished business
 - h. Reports
 1. Chairperson or other members assigned duties
 2. Treasurer
 3. Standing committees
 4. Special committee or task group
 5. Administration
 - I. New business
 - j. Approval of payables
 - k. Adjournment
5. Conduct of Meetings: The chairperson shall call the meeting to order, and preserve order. All sessions shall be open to the public; no person other than a director shall address the board except with the consent of the chairperson or by a vote of a majority of the members present. All remarks shall be addressed to the chairperson after being first recognized by the chairperson. All regulations and resolutions shall be in writing and upon the request of any director; a roll call vote shall be taken and recorded in the minutes. **Roberts' Rules of Order** shall govern conduct of meetings insofar as no rule adopted by the board applies.

IV. THE BOARD MN. Statute 103B.661

The district shall be governed by the board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall have two members. The term of office for each member shall be three years. The board members receive no compensation.

1. Directors: It shall be the duty of the board members to attend, insofar as possible, all board meetings. Directors are given excused absences when they call the secretary prior to the board meeting to say they will not be in attendance. Directors who do not notify the secretary are given unexcused absences. Three unexcused or four excused absences within one year would result in notification to the member's city.
2. Officers: the board shall elect from its membership the following officers to serve for a period of one year: chairperson, vice-chairperson, secretary, and treasurer. The offices of secretary and treasurer shall be combined unless a resolution is adopted to the contrary by the board prior to the election. The officers shall hold office at the pleasure of the board. The board shall set the compensation of the officers. The board may appoint other officers, agents, and employees who shall perform duties and receive compensation as the board determines and are removable at the pleasure of the board.
3. Chairperson: The chairperson shall preside at meetings of the board. In the absence of the chairperson, the vice-chairperson shall preside. In the absence of both the chairperson and vice-chairperson, the treasurer shall preside. If the chairperson, vice-chairperson, and treasurer are all absent, a temporary chairperson shall be elected by those present. The chairperson shall retain all rights of a director to speak, make motions and vote.
4. Secretary: The secretary shall maintain a record of the proceedings of the board, be responsible for the custody of the records of the board, see that notices are duly given and such other duties as the board may assign. If the duties of the secretary are delegated to an employee, the secretary shall supervise the performance of those duties.
5. Treasurer: The treasurer shall be responsible for all monies of the district. The treasurer shall perform the duties of the office of treasurer in accordance with Minnesota Statutes, Section 103B.671 and, before taking office, shall give a bond to the district as required by that statute.
6. Staff: The board may appoint an executive director or other officers, agents, and employees as the board deems to be necessary.
 - a. The executive director, when appointed, shall:
 1. be the executive and operating officer of the district
 2. serve at the pleasure of the board at a compensation fixed by it
 3. be responsible for the operation, management and promotion of all district activities
 4. have no authority to incur liability or make expenditures without general

or specific directions by the board as shown in minutes of the board's Meetings or these By-Laws.

b. Employees when appointed shall

1. be appointed based on job descriptions approved by the board;
2. report to and be supervised by a director designated by the board;
3. serve at the pleasure of the board at compensation fixed by it;
4. have no authority to incur liability or make expenditures on behalf of the district without general or specific directions by the board as show by these bylaws in minutes of the Board's meetings

V. COMMITTEES

Committees: Committees may be formed from time to time by resolution of the board. Members of committees shall be appointed annually by the chairperson—subject to the approval of the board and shall serve at the pleasure of the board. Members of committees need not be members of the board, but all committees shall have at least one member of the board

VI. CONTROL OF FUNDS

1. Budget: On or before July 1 each year the board shall prepare and submit a detailed budget of the district's needs for the next calendar year to the governing body of each municipality within the district with a statement of the proportion of the budget to be provided by each municipality. Upon notice from any such municipality, the board shall hear objections to the budget. After the hearing, the board may modify or amend the budget. Notice must be given to the municipalities of modifications or amendments.
2. Receipts: The treasurer shall issue a serial numbered receipt in duplicate for all money received. The duplicate shall be retained for the district records. An erroneous receipt shall be marked "void" and retained.
3. Disbursements: All claims for expenses or disbursements of district funds shall be submitted in writing. No claim shall be paid until approved by the board except:
 - a. Salaries fixed by the board
 - b. Judgments against the board
 - c. Rent or other fixed charges, the exact amount of which is fixed by contract approved by the board
 - d. Utilities
 - e. Petty cash
 - f. Payments which cannot be deferred without loss of discount privileges or other additional expense may be paid immediately if the itemized bill is approved for payment by at least a majority of the board. The Board may establish a petty cash fund, which shall not be used for salary or personal expense reimbursement.

Payment shall be made by issuance of a check signed by two authorized directors or one authorized director and one authorized staff member.

4. Audit: The directors shall be an audit committee and shall submit an annual audited financial statement to the municipalities included in the district and to such other agencies or authorities as may be required by law.VII.

AMENDMENTS: These Bylaws may be amended by a majority of all of the members of the board. Notice of the substance of the proposed amendment, and the date upon which a vote will be taken, must be given at a regular meeting held prior to the meeting at which a vote on any amendment is taken.

Adopted this 28th day of February 1972.

As amended this 28th day of March 1995

As amended this 27th day of February, 1996.

As amended this 28th day of September 1999

As amended this 25th day of January 2000

D. Ordinances

Ordinance #1 - replaced by Ordinance # 18.

Ordinance #2 - an ordinance prohibiting pollution of White Bear Lake as a part of comprehensive program to eliminate pollution. REPLACED BY ORDINANCE #14

Ordinance #5 - relating to the construction, installation, maintenance and licensing of docks, boat mooring areas and other fixed or floating structures on White Bear Lake.

Ordinance #6 - an ordinance regulating the appropriation and use of water from White Bear Lake.

Ordinance #7 - regulating commercial sales from watercraft on White Bear Lake; requiring a license; establishing licensing procedure and requirements.

Ordinance #9 - regulating operation and rental of personal watercraft on White Bear Lake.

Ordinance #12 - relating to buoys and access to navigable waters, docks and structures (amends #5).

Ordinance #13 - **clarifying the meaning of the definitions of "watercraft" and "commercial sales activity".**

Ordinance #14 - **an ordinance prohibiting pollution of White Bear Lake as a part of comprehensive program to eliminate pollution.**

Ordinance #15 - **An ordinance providing a choice between civil hearings or criminal hearings of citations for violations of Ordinances of the White Bear Lake Conservation District.**

Ordinance #16 - Amends and replaces Ordinance #4 as of May 18, 2004; types of watercraft permitted on the lake, their equipment, the manner of their operation, their rental, scuba diving, and other matters.

Ordinance #17 - An ordinance relating to the placement and enforcement of navigational markings on White Bear Lake.

Ordinance # 18 - an ordinance to regulate the conduct of vehicular activity on the ice of White Bear Lake.