

ST. JOSEPH RIVER BASIN COMMISSION
SPECIAL MEETING MINUTES
June 7, 2018

A special meeting of the St. Joseph River Basin Commission (SJRBC) was held on June 7, 2018, in the Elkhart County Public Services Building, in Goshen, Indiana. Jon Roberts, President, called the meeting to order at 9:00 a.m. Roll call was taken and it was noted a quorum was present with the following members in attendance:

MEMBERS PRESENT: Jon Roberts – Kosciusko County
Dona Hunter – Governor’s Appointee
Suzie Weirick – Elkhart County
Lydia Mertz, M.D. – Elkhart County
Daragh Deegan – City of Elkhart
Martin Franke – LaGrange County
Jarod Nisley – LaGrange County
Jeff Moore – Town of LaGrange
Anita Hess – Noble County
Jason Pippenger – Noble County
Sue McGee – City of Kendallville
Mark Espich – St. Joseph County
Adam Bowden – City of Mishawaka
Kieran Fahey – City of South Bend
Kris Thomas – Steuben County
Craig Williams – City of Angola
Jeremy Price – Department of Natural Resources

OTHERS PRESENT: Brandie Ecker – Legal Representative, Thorne Grodnik LLP
Bridget Liddell – Thorne Grodnik LLP
Jamie Miller – Department of Natural Resources
Jewel Wise – Kosciusko County, SWCD
Zachary Holsinger – LaGrange County Surveyor
Matt Meersman – MACOG
Shirley Czerna – MACOG

STATUTE CHANGE & BYLAWS REVIEW

Matt Meersman indicated the change in State Statute (House Bill 1089) had been discussed at length during previous St. Joseph River Basin Commission meetings. Matt then read aloud a synopsis of Enrolled House Bill 1089, which was signed into law by Governor Holcomb on March 19, 2018.

The legislation amends the law concerning the SJRBC and;

“Amends the law concerning the St. Joseph River basin commission (commission). Provides that the commission includes the county surveyor of each participating county and a representative of each soil and water conservation district that includes territory in a county participating in the commission and territory in the river basin. Eliminates from the commission the member of a soil and water conservation district appointed by the governor. Repeals the commission's statutory quorum requirement. Authorizes a political subdivision in a participating county to enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to develop a plan to improve water quality or mitigate flooding. Requires the commission to schedule a public meeting concerning such a plan in each participating county containing a political subdivision that entered into the cooperative agreement with the commission for the development of the plan. Requires the commission, at least 10 days before a meeting concerning a proposed plan, to post a copy of the plan on the Internet and publish a meeting notice containing certain information. Requires the commission, in developing a plan, to determine the best method and manner of improving water quality or mitigating flooding, in view of certain considerations. Requires that a plan be approved by the state before it is implemented. Authorizes the commission to: (1) develop plans and tools to mitigate flooding; (2) employ staff; (3) enter into contracts; (4) exercise the powers of a political subdivision specified in a cooperative agreement; (5) require that increased water runoff resulting from new construction be impounded on the construction site, but waive the impoundment requirement upon payment of a reasonable fee; (6) acquire conservation easements and acquire and remove improvements within the 100 year flood plains of the river basin; and (7) adopt rules restricting construction within the 100 year flood plains of the river basin. Provides that the commission, the commission's executive board, or employees or authorized representatives of the commission may enter land within the 100 year flood plain of any watercourse in the river basin to investigate suspected violations of the flood control laws. Requires written notice to an owner of the affected land 21 days before an entry on the land, and requires the commission to hold a hearing on the necessity of the entry if an owner of the affected land appeals to the commission.”

Members of the SJRBC were provided with copies of the current bylaws that also indicated the necessary changes and revisions to bring them into compliance with the new legislation by July 1, 2018.

Matt noted the main reason for holding a Special Meeting was to establish, in the bylaws, what constitutes a quorum of SJRBC members.

BYLAWS AMENDMENT

Draft Amendments

In cooperation with Brandie Ecker, Matt drafted proposed changes to the bylaws, changes include revising the language regarding quorum and voting, as well as ensuring the bylaws maintain consistency with the statute by updating the changes to the membership, the authority of the Commission, and the ability of members to electronically participate in meetings.

Additional updates are proposed to the terminology used to identify the director of the SJRBC. The language used in the bylaws that reads “executive director” would be changed to “director”.

Discussion

It was asked if “Article VI: Voting” should reiterate what the requirements are according to the state law. Matt responded the state law was repealed; there is no state law directing the makeup of a quorum.

Under the current bylaws, the quorum needed to conduct business is 11 members. Matt elected to keep it the same going forward, as to not make conducting business of the SJRBC more difficult. A question was raised about including text that would require a minimum of three of the six counties to be represented in a quorum as well as the 11 members.

The Commission agreed to revise the proposed language to read;

ARTICLE VI: VOTING

- A. A quorum shall consist of 11 members with at least half of the participating counties represented.

Martin Franke asked Matt to comment on the proposed changes in Article VII: Officers, Elections and Vacancies. Matt indicated the change is to clarify that a majority vote of a quorum is required for election of officers.

Martin also ask for comment on Article VIII: Ratification and Amendments. Matt noted there were no non-voting members so the text “all voting” could be removed. Also, the proposed language reiterates that amendments must be passed by a majority of a quorum.

Mark Espich requested correction of a typographical error in paragraph G of Article IV: Membership, adding a ‘t’ to the word: Budget.

There being no additional discussion, corrections, or additions to the proposed bylaws, Jon Roberts called for a motion to accept the proposed amendments to the SJRBC bylaws and present them at the next regular session for formal approval.

A MOTION WAS MADE BY SUZIE WEIRICK AND SECONDED
BY MARTIN FRANKE TO ACCEPT THE PROPOSED BYLAWS,
AS AMENDED, AND PRESENT THEM FOR FORMAL APPROVAL.
THE MOTION CARRIED.

ITEMS FROM THE FLOOR

Jon Roberts recognized and thanked Shirley Czerna for her years of service to the St. Joseph River Basin Commission. The Commission members wished her well in her retirement. Matt added that Shirley has been an incredible resource and a pleasure to work with.

ADJOURNMENT

There being no further business to come before the Basin Commission during the Special Session, the following action was taken.

**A MOTION TO ADJOURN THE MEETING WAS MADE BY
DONA HUNTER AND SECONDED BY SUZIE WEIRICK.
THE MEETING WAS ADJOURNED.**

Jon Roberts, President

ST. JOSEPH RIVER BASIN COMMISSION
MINUTES
June 7, 2018

The second quarterly meeting of the St. Joseph River Basin Commission was held on June 7, 2018, in the Elkhart County Public Services Building, in Goshen, Indiana. Jon Roberts, President, called the meeting to order at 10:00 a.m. Roll call was taken and it was noted a quorum was present with the following members in attendance:

MEMBERS PRESENT: Jon Roberts – Kosciusko County
Dona Hunter – Governor’s Appointee
Suzie Weirick – Elkhart County
Lydia Mertz, M.D. – Elkhart County
Daragh Deegan – City of Elkhart
Martin Franke – LaGrange County
Jarod Nisley – LaGrange County
Jeff Moore – Town of LaGrange
Anita Hess – Noble County
Jason Pippenger – Noble County
Sue McGee – City of Kendallville
Mark Espich – St. Joseph County
Adam Bowden – City of Mishawaka
Kieran Fahey – City of South Bend
Kris Thomas – Steuben County
Craig Williams – City of Angola
Jeremy Price – Department of Natural Resources

OTHERS PRESENT: Brandie Ecker – Legal Representative, Thorne Grodnik LLP
Bridget Liddell – Thorne Grodnik LLP
Jeffery Reece – Friends of the St. Joe River Association
Randy Sexton – Noble County Surveyor
Jamie Miller – Department of Natural Resources
Jewel Wise – Kosciusko County, SWCD
Sarah Longenecker – St. Joseph County, SWCD
Dan Lash – Rome City
Zachary Holsinger – LaGrange County Surveyor
Jason Kauffman – City of Goshen
Stacey McGinnis – Noble County, SWCD
Matt Meersman – MACOG
Shirley Czerna – MACOG

MINUTES OF MARCH 1, 2018

There was one correction to the minutes of the March 1, 2018 meeting. On page five, paragraph five, line three, the minutes should read “Adam Bowden”, rather than “Martin”. The following action was taken.

DONA HUNTER MOVED TO APPROVE THE MINUTES OF THE MARCH 1, 2018 MEETING, AS CORRECTED. DARAGH DEEGAN SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

FINANCIALS

Financial Report

Matt Meersman presented the Financial Report for period ending March 31, 2018. He noted there were some items that he wanted to review. Matt indicated it was the last financial report before the new budget is offered for approval.

On the Statement of Financial Activities, in the Revenue section, Local Government reflects a negative variance of \$11,554. Matt shared that some of the smaller communities did not receive appropriation requests as he did not have the necessary contact information prior to budgets being set for the year. Additionally, a couple of the member counties are still trying to increase their level of contribution to be in line with the rest of the participating counties.

Also in Revenue, Special Projects is over the projected budget amount by \$4,511. Matt explained this was due to the sponsorship received from the Friends of the St. Joe River Association for the 2017 SJRBC Symposium and bringing in more funds than originally projected from the Great Lakes Protection Fund project.

On the Expenses side, Matt indicated the budget amount is projected to come in under for the staffing items because of the way the Michiana Area Council of Governments (MACOG) and SJRBC contract allows for billings. The contract set the maximum amount that MACOG can bill SJRBC to a quarterly basis rather than annually. There was one quarter the maximum amount was not reached and other periods the maximum was exceeded so some expenses were left unbilled. This is an item that needs to be discussed prior to the next contract.

Matt is projecting the expense line items for legal and travel/mileage will both be over budget. Legal will be over due to the legal assistance needed to update the bylaws and travel/mileage will exceed the budgeted amount due to the travel required to educate member counties about the changes to the state statute as well as the SJRBC increasing its presence. Printing costs will also be over budget.

Many of the expense line items under Special Projects will be less than anticipated as the SJRBC has not been presented with project proposals.

Matt reviewed the Statement of Net Assets and the Statement of Cash Flows completing the Financial Report. There being no questions or comments from the Commission, Jon Roberts called for a motion to approve the SJRBC Financial Report.

SUZIE WEIRICK MOVED TO APPROVE THE FINANCIAL REPORT FOR PERIOD ENDING MARCH 31, 2018. DONA HUNTER SECONDED ALL IN FAVOR. THE MOTION CARRIED.

Approval of Claims

A list of the quarterly claims and a description of expenses was distributed to the SJRBC members for review. Two recently received invoices were added to the claim form; one from USGS for the approved stream-gage on Waldron Lake, and one from Fernwood for catering services provided at the SJRBC Symposium.

Matt asked if there were any questions or comments. Hearing none, Jon Roberts called for a motion to approve the claims.

DONA HUNTER MOVED TO APPROVE THE CLAIMS FOR MACOG EXPENSES DURING THE FIRST QUARTER OF CALENDAR YEAR 2018, JUNE 2018 LEGAL FEES, AND INVOICES FROM FERNWOOD AND USGS. DARAGH DEEGAN SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

DIRECTOR'S REPORT

Matt Meersman briefly reported on his efforts on behalf of the SJRBC over the last quarter that are not addressed in other items on the agenda. He responded to various inquirers regarding the flooding that took place in February. Additionally, he was able to participate in 17 meetings including county commissioners, drainage boards, soil and water districts, and storm water boards.

Suzie Weirick expressed appreciation for Matt's attendance at meetings as various watershed issues need to be addressed. She also encouraged the Commission to allow Matt to travel as much as he is able. It is important for the SJRCB to be aware of the problems and concerns of communities and to exist as a valuable resource.

OLD BUSINESS

Basin Updates – Commission Members

There were no basin updates.

GLPF Conservation Incentive Project

One of the consultants working on the Great Lakes Protection Fund (GLPF) project has put together an on-line mapping tool that can be used to quantify changes in land cover and management.

LaGrange County has a new watershed they need to assess. The ditch is established but a fee structure needs to be developed. Matt will work on an analysis of the Blackman Lake watershed.

Great Lakes Day – Washington, DC

In March of 2018, the SJRBC was able to meet with Senator Donnelly and Representative Walorski, as well as staff members from the offices of Senator Young and Representative Banks. The primary issues discussed were the Great Lakes Restoration Initiative, state revolving funds for drinking and waste water infrastructure, and conservation programs in the USDA farm bill.

18th Annual Symposium

Matt reported there was a great turn-out for the 18th Annual Symposium that was held on May 11, 2018, at Fernwood Botanical Gardens. For 2019, the Commission may select a different location that is more centrally located in the Basin.

NEW BUSINESS

Proposed Bylaws Amendment

A Special Meeting was held prior to the regular meeting of the SJRBC to draft proposed amendments to the bylaws, in order to address changes in the state statute that will take effect of July 1, 2018. Matt concisely reviewed the revisions and explained the Commission needed to take action on the proposed bylaws.

Jon Roberts asked if there were any comments or questions about the proposed bylaws. Hearing none, Jon called for a motion to accept the bylaws as amended.

SUZIE WEIRICK MOVED TO ACCEPT THE SJRBC BYLAWS
AS AMENDED. CRAIG WILLIAMS SECONDED. ALL IN FAVOR.
THE MOTION CARRIED.

FY2018 Budget Amendment

Matt indicated the upcoming quarter is the final quarter of this fiscal year. The SJRBC proposed the following FY2018 Budget Amendments to the Expenses:

Increase Legal \$500 - from \$1,600 to \$2,100
Increase Travel/Mileage \$400 - from \$1,200 to \$1,600
Increase Printing \$100 - from \$250 to \$350
Decrease Insurance \$900 - from \$1,500 to \$600
Decrease Postage \$100 - from \$250 to \$150

The original budget for Insurance included coverage for Directors and Officers Insurance. The decrease is due to the determination that Directors and Officers coverage is not necessary.

There being no additional comments or questions, the Commission President, Jon Roberts, called for a motion to approve the FY2018 Budget Amendments.

CRAIG WILLIAMS MOVED TO APPROVE THE FY2018 BUDGET
AMENDMENTS AS PROPOSED. DARAGH DEEGAN SECONDED.
ALL IN FAVOR. THE MOTION CARRIED.

Contract for Services – Michiana Area Council of Governments (MACOG)

The Contract for Services between the SJRBC and MACOG that was signed in 2017, was a one-year contract and will expire on June 30, 2018. Therefore, a new contract must be executed. In prior years the agreement between entities was provided in a two-year contract. In order to return to a two-year contract cycle, Matt requested a one-year contract be endorsed by the SJRBC for

Fiscal Year (FY) 2019 with adjustments to items A, C, and D on page 1, that will allow for “not to exceed” billing amounts to be set on an annual basis rather than quarterly. This will assist in addressing the budget issues previously discussed during the Financial Report (noted in paragraph 4).

Hearing no concerns or questions, Jon Roberts called for a motion to endorse the FY2019 Contract for Services between SJRCB and MACOG.

MARTIN FRANKE MOVED TO APPROVE THE FY2019 CONTRACT FOR SERVICES WITH THE ADJUSTMENTS AS PROPOSED. ANITA HESS SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

FY2019 Work Plan

The proposed FY2019 Work Plan was provided to the members of the Commission prior to the meeting for their review. Matt stated it was an update of the FY2018 Work Plan that included language to speak to the change in state statute. The Work Plan ensures additional focus on flood plain management, water quantity (in addition to water quality) and flood mitigation.

The question was raised about additional SJRBC staff, Director’s work time and subsequent compensation, resources, etc. to maintain compliance with the new statute. Matt indicated he has not yet been able to quantify these items. The high priority items need to be identified by the Commission and the communities served.

The Commission discussed the various types of potential projects, staff, and contract work that would fit within their mission, including the potential availability of MACOG staff to assist as needed. Over the course of the next year the Commission can evaluate the expectations of the state legislature, how to accomplish any identified tasks, and in what way(s) additional funding can be acquired.

Jon Roberts asked if there was any further discussion regarding the Fiscal Year 2019 Work Plan. Hearing none, Jon called for a motion of approval.

DONA HUNTER MOVED TO APPROVE THE FY2019 WORK PLAN. ADAM BOWDEN SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

FY2019 Budget Adoption

The proposed FY2019 Budget reflects items previously discussed in the Financial Report, Director’s Report, FY2018 Budget Amendment, and the FY2019 Work Plan. SJRBC members were provided with documentation showing the proposed budget, the FY2018 budget, and the forecasted FY2018 ending amounts prior to the meeting for their review and consideration. Matt briefly reviewed the changes to the various line items.

The SJRBC expressed the necessity to include annual increases in salary for the Director position. They determined the item will be addressed in the Fiscal Year 2020 Contract for

Services. Susie Weirick committed to following up on the matter with the MACOG Executive Director.

There being no additional concerns or questions regarding the FY2019 Budget the following action was taken;

SUZIE WEIRICK MOVED TO APPROVE THE FY2019 BUDGET AS PROPOSED. ANITA HESS SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

FY2019 Local Government Appropriation Requests

Matt presented the SJRCB proposed 2019 appropriation requests from local government. The requests will be the same as they were in 2018 and are based on the FY2019 operations budget amount. Matt requested the Commissions support.

No questions or concerns were indicated by the Commission and the following action was taken;

CRAIG WILLIAMS MOVED TO APPROVE THE FY2019 LOCAL GOVERNMENT APPROPRIATION REQUESTS. SUZIE WEIRICK SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

Secretary Appointment

Jon Roberts indicated the Secretary, David Abbot, is no longer serving on the Commission. Subsequently, a new Secretary needs to be elected to fulfill the remainder of the term. Jon called for nominations from the floor.

Kieran Fahey was nominated by Dona Hunter to serve as Secretary

Jon Roberts called for any additional nominations. Hearing none, he called for a motion to elect Kiernan Fahey to serve as Secretary of the SJRBC.

DONA HUNTER MOVED TO APPROVE THE ELECTION OF KIERAN FAHEY AS SECRETARY. DARAGH DEEGAN SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

ITEMS FROM THE FLOOR

Daragh inquired about the timeline for making requests for funding from the state legislature and identifying for what use the funds are being requested. Matt apologized for not being fully aware of the timeline but committed to engaging when the next legislative session begins. Commission members did discuss additional funding needs with legislators during the previous session and Representative David Abbot has indicated he will work to help SJRBC acquire funds. The Commission needs to hear from members and communities in the basin, in order to identify and prioritize the needs so specific requests can be made.

ADJOURNMENT

There being no further business to come before the St. Joseph River Basin Commission, Jon Roberts called for a motion to adjourn the meeting.

CRAIG WILLIAMS MOVED TO ADJOURN THE SJRBC MEETING. DONA HUNTER SECONDED. ALL IN FAVOR. THE MOTION CARRIED.

Jon Roberts, President