HENNEPIN COUNTY
MINNESOTA

Memo

To: Hennepin County Board of Commissioners

From: Rosemary Lavin, Director

Date: February 5, 2025

Re: Minnehaha Creek Watershed District Board appointments

To aid in your preparation for the board action on watershed appointments on Tuesday, February 11, Environment and Energy staff recommend the county board consider which applicants[1] will "fairly represent" the hydrologic areas in the district, if appointed.

Since there is no statutory definition of "hydrologic area," staff recommend you rely on the Minnehaha Creek Watershed District's own watershed management plan for guidance. That District's Watershed Management Plan identifies two distinct hydrologic basins, the Upper Watershed and the Lower Watershed:

> The "Upper Watershed" drains through 104 square miles of rural and suburban land to Lake Minnetonka . . . . Lake Minnetonka outlets through a dam controlled by the MCWD into Minnehaha Creek, which flows for roughly 23 miles and discharges into the Mississippi River in Minneapolis. About 52 square miles, constituting the "Lower Watershed," drain into Minnehaha Creek through the Minneapolis Chain of Lakes or directly by means of stormwater conveyances or overland flow.

Minnehaha Creek Watershed District, Watershed Management Plan, 18 (Jan. 18, 2018). Based on this description, the District's hydrologic division seems appropriate in determining appointments that "fairly represent the various hydrologic areas within" the Minnehaha Creek Watershed District.

[1] The board must appoint city-nominated applicants only if there are at least three such nominations, *and* if appointments made from those applicants would fairly represent the hydrologic areas of the watershed district. Minn. Stat. § 103D.311. In this case, only two applicants received city-nominations. Because there are not three city-nominated applicants, the board may appoint any applicants that fairly represent the hydrologic areas.

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This District has a total of seven managers; six are appointed by Hennepin County, and one is appointed by Carver County (Carver County's manager resides in the Upper Watershed). There are currently two Hennepin County vacancies. Of the other five seats held by continuing managers, 3 managers reside in the Upper Watershed, and 2 managers reside in the Lower Watershed.

To assist the county board in determining which of the applicants will fairly represent the hydrologic areas, a table is provided below which identifies both continuing managers and the applicants as residents of either the Upper or Lower Watersheds.

	Continuing Managers	**Cousins**	**Eckstrom**	**Hejmadi***	**Lee**	**Maxwell***	**Sanschagrin**	**Scoville**
Upper Watershed	3						X	
Lower Watershed	2	X	X	X	X	X		X

* Designates incumbent, which would require a supermajority

It is possible to maintain approximate numeric parity, based on hydrologic area representation, from the applicant pool. To accomplish this, the board could appoint one candidate from the Upper Watershed and one candidate from the Lower Watershed, or two candidates from the Lower Watershed. In complying with Minnesota Chapter 103D, the board could also consider additional factors like the hydrologic area's relative populations, tax bases, acreages, and the nature and location of the different bodies of water, in appointing managers who "fairly represent" those areas.

If you have questions on this recommendation, please contact Karen Galles, Natural Resources Manager in the Land and Water Unit at 612-235-0712 or Karen.Galles@hennepin.us.

CC: David Hough
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County Clerk's Office