AGENDA

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
(At the beginning of each Committee of the Whole Work Session meeting, the floor will be open to solicit public comments. Public comments will be limited to two (2) minutes for each person, subject to the discretion of the County Board Chairperson)
   A. Roll Call

8:35 am II. PROPERTY TAX & ELECTIONS: Annette Peters
   A. Discussion of the Petition for the Creation of Circle Lake Improvement District

8:55 am B. SOCIAL SERVICES: Mark Shaw
   A. Rice County Community and Justice Council

9:15 am III. FINANCE: Paula O’Connell
   1. Preliminary Levy and Budget Discussion

9:35 am IV. ENVIRONMENTAL SERVICES: Julie Runkel
   1. Comprehensive Plan Update

V. ADJOURN (The Board may meet as a group for lunch)

SPECIAL NEEDS: If you require special services to attend or participate in a public meeting, please call the County’s Administration Office at 507.332.6101 or e-mail sfolsted@co.rice.mn.us. TDD users can call 507.332.6248. Please call 24 hours before the meeting, if possible.
AGENDA DATE: September 18, 2018

REQUEST BY: Annette Peters, Auditor/Treasurer's Office

STATE ITEM OF BUSINESS:
Discussion of the Petition for the Creation of Circle Lake Improvement District

BACKGROUND:
(Background)

FISCAL IMPACT:

COUNTY BOARD ACTION REQUESTED:

Reviewed with additional material provided: ☑ Approved
County Administrator
To: Rice County Board of Commissioners
320 3rd St. NW #4
Faribault, MN 55021

The Petitioners herein respectfully represent:

WHEREAS, this Petition is filed pursuant to, and in compliance with, Minnesota Statute §103B.521 and Minnesota Rules §6115.0970, requesting consideration by the Rice County Board of Commissioners (or “Board”) for the establishment of a lake improvement district as set forth and described herein; and

WHEREAS, the name of the proposed district is: Circle Lake Improvement District (“proposed district”); and

WHEREAS, the undersigned Petitioners are specifically identified by their execution of individual signature pages which are attached hereto and incorporated herein; and

WHEREAS, the proposed district consists of property area and waterways affecting Circle Lake (“affected lake”); and

WHEREAS, attached hereto and incorporated herein as “Exhibit A” is the map which specifically identifies and follows, as consistently as possible, the appropriate natural hydrologic boundaries and tracts of real estate of the territory surrounding and abutting the affected lake proposed to be included in the proposed district, to the extent practical; and

WHEREAS, Petitioners are owners of parcels of real property within the above-referenced territory surrounding the affected lake, and the identity and ownership of the individual parcels are more specifically described on the above-referenced signature pages; and

WHEREAS, Petitioners represent the majority of property owners within the above-referenced territory surrounding the affected lake described herein; and
WHEREAS, the objectives and water and related resources management programs and services (generally, “the proposed improvements” or “the improvements”) shall include, but not be limited to, the following:

- To maintain the water quality and prevent pollution of the lakes through a water quality program; and
- To develop a comprehensive water management plan for the lakes; and
- To work with Rice County and the Minnesota Department of Natural Resources to monitor and protect the lakes from aquatic and invasive species through prevention, control, and education; and
- To enable the receipt of financial assistance and participate in projects or enter into contracts with federal and state agencies for the study of treatment of pollution problems.

WHEREAS, the proposed district purposes will result in multiple environmental benefits to property, and are necessary to promote the public health or public welfare; and

WHEREAS, it is proposed that there shall be between five (5) and nine (9) directors for the district board, as directed by the Board of Commissioners; and

NOW, THEREFORE, Petitioners request the Rice County Auditor present this petition to the County Board of Commissioners to oversee this project, and request the Board establish the Circle Lake Improvement District to develop and provide a program of water and related land resources management.

Bruce E. Sellers  
Attorney for Petitioners  
Wendland Sellers Law Office  
825 East Second St.  
P.O. Box 247  
Blue Earth, MN 56013  
507-526-2196

This petition is prepared by:  
Bruce E. Sellers  
Attorney for Petitioners  
Wendland Sellers Law Office  
825 East Second Street, P.O. Box 247  
Blue Earth, MN  56013  
507-526-2196
May 25, 2018

Rice County Board of Commissioners
c/o Ms. Annette Peters, Rice County Auditor/Treasurer
Government Services Building
320 Third Street NW
Faribault, MN 55021

RE: Petition for Establishment of Circle Lake Improvement District
Our File No.: 3302.01

Dear Ms. Peters:

Our office represents petitioners for the proposed Petition for Establishment of Circle Lake Improvement District. Enclosed please find the following:

1. Petition for Establishment of Circle Lake Improvement District ("Petition");
2. A Map referred to and incorporated as "Exhibit A" is the map which specifically identifies and follows, as consistently as possible, the appropriate natural hydrologic boundaries and tracts of real estate of the territory surrounding and abutting Circle Lake, to the extent practical;
3. Signature Pages of 86 property owners within the proposed lake improvement district described in the Petition.

The proposed Circle Lake Improvement District boundaries were selected based on the current and future lake improvement projects and those affected by these projects. This includes all parcels with direct or deeded lake access to Circle Lake. The majority of the lake improvement projects are directly within Circle Lake (carp, aquatic vegetation management, erosion, sediment phosphorus release, etc.) and will be beneficial to those property owners surrounding the lake. Other watershed projects are also included in the long term plan for improving water quality to Circle Lake, however including those parcels do not directly align with the long term goals and do not receive the benefits from lake improvement projects. There are also other mechanisms in place that address land

* Qualified Neutral under Rule 114 of Minnesota General Rules of Practice

REAL ESTATE  PROBATE  ESTATE PLANNING  CIVIL LITIGATION  DEFENSE OF PUBLIC ENTITIES  EMPLOYMENT
PRIVATE/PUBLIC DRAINAGE  PERSONAL INJURY  CORPORATE/BUSINESS  CONTRACTS  FAMILY LAW
improvement goals for the watershed and include the Rice County Soil and Water Conservation District (SWCD), Cannon River Watershed Partnership (CRWP), and other programs through the Department of Agriculture, Natural Resources Conservation Service, and other state or federal agencies. These mechanisms are opportunities for future partnerships with the Circle LID to achieve similar goals.

There are a total of 226 tracts of real estate of the territory which include a total of 165 individual property owners. I have submitted signature pages of 86 individual property owners supporting the Petition, or 52.12%. Therefore, the Petition is signed and supported by a majority of the property owners within the proposed lake improvement district described in the Petition.

On behalf of the petitioners, I submit this Petition, Exhibit A, and signature pages supporting the Petition for filing, and respectfully request the Rice County Auditor/Treasurer verify the signatures and the Petition to ensure the appropriate requirements have been met. After review and verification, I would also respectfully request this matter be scheduled before the Board of Commissioners for further consideration and action. For your convenience, I have also enclosed for your review and consideration a spreadsheet which details the property owner information of those owners within the proposed lake improvement district as well as the information provided on the signature pages.

Please contact me at your earliest convenience if you require further information or believe there are issues that need to be addressed prior to the matter being scheduled before the Board for further action. Thank you in advance for your consideration and prompt attention with this matter.

Sincerely,

WENDLAND SELLERS LAW OFFICE

Bruce E. Sellers
FOR THE FIRM

Enc.
This memorandum serves two purposes: (1) official notice to the Rice County Board of Commissioners of the filing of a petition to form a Lake Improvement District (LID); and (2) a summary of actions required of the County Board in response to the petition. This memorandum will briefly discuss the background of the proposed LID, outline the statutory process required to establish or refuse to establish the proposed LID, articulate the methods for operating and managing the district, and provide procedures for terminating the district.

Background

Circle Lake is an 838 acre lake located in Forest Township in Rice County. Due to the lake’s shallow waters, it suffers from impaired water quality. The primary water quality concerns include poor water clarity, high Total Phosphorus, and Chlorophyll-a loading within the water column. These three parameters fail to meet the Minnesota Pollution Control Agency’s (MPCA) water quality standards for lakes in the region. Other water quality concerns include invasive weeds, such as Curlyleaf Pondweed and Eurasian Watermilfoil, and invasive species, such as Common Carp and zebra mussels.

There is local interest in protecting the future of Circle Lake’s water quality. The Circle Lake Association ("Lake Association") has been in place since 1998 and has made efforts to protect water quality, prevent and control invasive aquatic species, and educate the public on the lake’s current condition. While these efforts have had positive impacts on the lake’s water quality issues, financial limitations have prevented the Lake Association from increasing current improvement efforts, obtaining grants and outside funding, expanding efforts to the watershed for improvement, and budgeting for future projects. As alleged by the petition, creation of the proposed LID will provide a mechanism to achieve a goal of ensuring Circle Lake’s long term water quality success. Currently, 86 of Circle Lake’s 165 individual property owners have signed
a petition supporting the creation of the proposed District. The signatures have been verified by the County’s Property Tax & Elections Director.

**Petition Requirements**

A LID can be initiated by petition to the County Board if it meets certain criteria, pursuant to Minnesota Statute § 103B.521 subd. 1.

First, the petition must state the following:

1) the name of the proposed lake improvement district;
2) the necessity of the proposed LID to promote public health or public welfare;
3) the benefits to property from the establishment of the proposed district;
4) the boundaries of the proposed district, which are encouraged to be consistent with natural hydrological boundaries;
5) a map of the proposed district;
6) the number of directors, between five and nine, for the proposed district; and
7) a request for establishing the district as proposed.

Second, the petition must also meet certain requirements:

1) the petition must be signed by a majority of property owners within the proposed district;
2) the petition must be filed with the county auditor and addressed to the County Board, requesting that the County Board establish the proposed LID to develop and provide a program of water and related land resources management; and
3) the County Board shall, at least 30 days before it acts on a petition, send the town board of a town wholly or partially within the boundaries of the proposed LID, a copy of the petition and encourage the town board to respond to the proposed creation of the district.

The County Board shall make the petition or document containing the required information available for review by concerned citizens at the county courthouse or other appropriate public building. Based on review by County staff and this office, we conclude that the petition is statutorily sufficient to initiate proceedings under statutes chapter 103B.

Proceedings on the petition culminate with a hearing. At the hearing, the County Board must consider all evidence related to establishing the LID, the activities to be performed by the LID and membership in the LID’s governing Board. The LID, by its Board, may only exercise the authorities granted to it by the County Board in the order establishing the LID.

**Criteria for Granting the Proposal**

In deciding whether to establish the proposed LID, the County Board should evaluate the proposal based on the extent to which the proposal demonstrates the following:

1) **Local need for district** – The proposal demonstrates why the proposed LID is needed and why another unit of government or lake association with similar powers cannot or will not accomplish the proposed District’s purpose;

2) **Appropriateness of proposed boundaries** – The proposed boundaries encompass an appropriate amount of the lake’s drainage basin and are not over or under inclusive.
The boundaries should be delineated to provide appropriate public representation and equitable distribution of benefits and levying costs;

3) **Appropriateness of proposed purpose** – The proposed purpose is consistent with existing state, federal, regional, and local laws, policies, objectives, and plans pertaining to water and land management, fish and wildlife habitat, surface and ground water quality, natural beauty and unique scientific values, and economic and recreation values. The proposed purpose should also be consistent with the public rights in the public waters of the state;

4) **Technical feasibility** – The proposal demonstrates, or provides determinations for, the technical feasibility of the proposed plans and programs;

5) **Financial adequacy** – The proposal demonstrates the capability of raising sufficient funds to meet district purposes and to ensure continuity of district operations;

6) **Adequacy of procedures** – The proposal assures consideration of the interests of concerned citizens both within and outside the boundaries of the proposed LID. The proposal identifies varying conflicts of interest regarding water and related land management in and around the proposed LID, and includes procedures to assure the consideration of diverse interests so that decisions are made in the best overall interests of fairness and public health, safety, and welfare;

7) **Public access** – The proposal provides for public access when adequate public access consistent with size of the lake, the extent of public interest in using the lake, and the combined uses of the lake is unavailable. Service charges may not be imposed on the use of a public access if other units of government cost share the acquisition, development, or maintenance of the public access;

8) **Adequacy of monitoring and environmental effects** – The proposal demonstrates an understanding of potential environmental effects of the proposed LID’s plans and programs, and provides for long-range monitoring of such effects; and

9) **Coordination with other special purpose districts** – The proposal demonstrates how the proposed LID’s programs will be coordinated with existing special purpose districts formed for water and related land management, including: watershed districts, sanitary districts, drainage and conservancy districts, lake conservation districts, and soil and water conservation districts. The proposal should explain why alternative special purpose districts are inappropriate to accomplish the purposes of the proposed LID. A LID should not be established where a special purpose unit of government for water and related land management exists which can implement the purposes of the proposed LID, unless written approval is acquired from such unit of government or from the Commissioner of Natural Resources (“Commissioner”). The proposal should demonstrate efforts in good faith to resolve, at the local level, any conflicts between an existing special purpose district and the proposed LID.
Public Hearing

Once the county auditor receives the petition, it must verify the signatures and notify the County Board. The County Board must hold a public hearing on whether the proposed LID should be established within 30 days after being notified of the petition. At least 21 days prior to the public hearing, the County Board shall give notice of the public hearing to the commissioner of natural resources ("Commissioner") and the MPCA, and make a reasonable attempt to notify every resident and every resident owner within the proposed LID of the pending resolution or petition and the public hearing.

A reasonable attempt to notify shall consist of mailing notice to the last known address of each landowner within the proposed LID, publication of notice in two successive issues of a newspaper widely circulated in the proposed LID, and posting notice in public buildings and several leading commercial establishments in or near the proposed LID, as appropriate and reasonable. All local and regional units of government, special purpose districts, and development commissions within and adjacent to the boundaries of the proposed LID shall be given notice of the public hearing. All corporations and utilities owning real estate or corporate property within the proposed LID shall be given notice of the public hearing.

As part of the notification procedure, a statement shall accompany the notice setting forth the following:

1) a description of the proposed purposes, programs, funding, and boundaries of the proposed District, and the name proposed for the district;
2) the time and place of the public hearing; and
3) include the following paragraph: "The establishment of the proposed lake improvement district requires review by the commissioner of natural resources and the approval of the (as appropriate) county board(s) (and/or city governing body). Concerned citizens may submit evidence at a public hearing to be held prior to the passage of any resolution establishing the proposed lake improvement district. Concerned citizens may also submit evidence and opinions to the commissioner of natural resources. A copy of the petition (or document, as appropriate) for the establishment of the lake improvement district is available for public review at the (as appropriate) county courthouse (or other appropriate public building; give address and telephone number where interested citizens can review the document)."

Establishment

After holding the public hearing, the County Board shall formally convene within 30 days, but no sooner than 10 days, to establish or deny the establishment of the proposed LID. At least ten working days' notice shall be given to the Commissioner of the time and place where the County Board will formally convene for this purpose. Should the County Board decide to establish the proposed District, the order establishing the proposed LID must state:

1) the name of the LID;
2) the boundaries of the district, which are encouraged to be consistent as practical with natural hydrologic boundaries;
3) the water and related land resources management programs and services to be undertaken;
4) the manner of financing programs and services; and
5) the number, qualifications, terms of office, and method of election, removal, and filling
   of vacancies of the board of directors, including a method for property owners not present
   at the annual meeting to participate in the election of the district board.

If the proposed LID is established, the County Board shall publish the order once in the
official newspapers of counties where the proposed LID is located and file the order with the
secretary of state, MPCA, and the Commissioner. Establishment of the proposed LID is effective
30 days after publication or at a later date, if specified in the establishment order.

Referendum

 Regardless of how a district has been formed, a referendum on establishing the proposed LID
can be petitioned for before the effective date of its establishment. If 26% of property owners
within the proposed LID petition for a referendum, the County Board must issue an order staying
the establishment until a referendum vote is taken of all qualified voters and property owners
within the proposed LID once the petition is received. The County Board shall conduct a special
election on either the second Tuesday in February, the second Tuesday in April, the second
Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in
November. The special election must be held within the proposed LID, administered by the
county auditor or designated election official.

The question to be submitted and voted upon must be stated as follows: "Should a lake
improvement district be established to provide (description of intended water and related land
resources improvements) and financed by (description of revenue sources)?" The vote must be
certified by the county auditor or designated election official, and if a majority of those voting on
the question favor establishing the proposed LID, the stay is lifted. If a majority of those voting
do not favor establishing the proposed LID, the establishment is denied.

Board of Directors

Membership

After a LID is established, the County Board shall appoint persons to serve as an initial board
of directors for the district. Subsequent board members must be elected by persons owning
property in the district at the annual meeting. The number, qualifications, terms of office, and
method of election, removal, and filling of vacancies of directors shall be as provided in the
order creating the board of directors. The initial and all subsequent boards of directors must be
residents of the district.

The directors shall serve with compensation as determined by the property owners at the
annual meeting and may be reimbursed for their actual expenses necessarily incurred in the
performance of their duties in the manner provided for county employees.

Powers

The County Board may delegate powers specified in statutes § 103B.551 to the board of
directors. Programs and services undertaken must be consistent with the statewide water and
related land resources plan prepared by the Commissioner and with regional water and related
land resources plans. A body of water may not be improved by using authority granted in §
103B.551 unless the public has some access to some portion of the shoreline. The County Board
may delegate its authority to a district board of directors to perform 14 different functions as specified in § 103B.551. Based on the stated purpose of the proposed LID, the following functions are likely to be the most relevant:

- develop and implement a comprehensive plan to eliminate water pollution
- undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the MPCA and other interested authorities
- conduct a program of water improvement conservation
- receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs

The above functions and programs may include efforts to address both water quality and aquatic invasive species management/control. It is important to note that the LID has no independent implementation authority. All actions of the LID must be reviewed and approved by the County Board in an annual work and budget plan. As discussed below, expenses of the LID are paid by revenues generated within the LID and projects proposed by the LID must be approved, established and implemented by the County Board.

**Financing**

The County Board is authorized to establish and undertake projects of improvement consistent with purposes of the LID. To finance projects and services of the district, the County Board may, only after seeking other sources of funding:

1) assess the costs of the projects upon benefited property within the district in the manner provided under Minnesota Statutes, chapter 429;
2) impose service charges on the users of district services within the district;
3) issue obligations as provided in Minnesota Statutes § 429.091;
4) levy an ad valorem tax solely on property within the district, to be appropriated and expanded solely on projects of special benefit to the district; and
5) impose or issue any combination of service charges, special assessments, obligations and taxes.

A tax under the above mentioned methods may be in addition to amounts levied on all taxable property in the county for the same or similar purposes. The County Board shall include appropriate provisions in its budget for the operation of a LID. The LID, with the approval of the County Board, expressed in a resolution identifying each specific improvement to which the approval applies, may exercise the powers of a city under Chapter 429 and Minnesota Statutes § 444.075, including, but not limited to, the levy of special assessments, the imposition of rates and charges, and the issuance of bonds to finance improvements that the district may undertake.

**Annual Meeting**

**Time**

A LID must have an annual meeting. The first annual meeting shall be scheduled during the month of July or August and be held annually in that period unless changed by vote of the previous meeting.
Notice

The annual meeting shall be preceded by two weeks’ published notice mailed at least 10 days in advance of the meeting to the County Board, town boards and statutory and home rule charter cities wholly or partially within the district, the MPCA, Commissioner, and if there is a proposed project by the district having a cost in excess of $5,000, all property owners within the assessment area.

Agenda

At the annual meeting, the LID property owners present shall:

1) elect one or more directors to fill any midterm vacancies in the board of directors;
2) approve a budget for the fiscal year;
3) approve or disapprove proposed projects by the district having a cost to the district in excess of $5,000; and
4) take up and consider other business that comes before them.

Additionally, at the annual meeting all district property owners, including absent members as provided in the order establishing the LID, shall elect one or more directors for board positions with expiring terms.

Annual Report

Each year the board of directors shall prepare and file a report of the financial conditions of the LID, the status of all projects in the LID, the business transacted by the LID, other matters affecting the interests of the LID, and a discussion of the directors’ intentions for the succeeding years. Copies of the report shall be transmitted to the County Board, town boards and city councils of statutory and home rule charter cities wholly or partially within the LID, the Commissioner, and the MPCA within four months after the annual meeting.

Expansion

The boundary of the LID may be enlarged by complying with the aforementioned guidelines for establishing a lake improvement district.

Termination

If the proposed LID is established, it can later be terminated by petition. The petition must be signed by a majority of property owners in the LID. Within 30 days after receiving the petition, the County Board must set a time and place for a hearing on terminating the LID. If the County Board determines that the existence of the LID is no longer in the public welfare or public interest and it is not needed to accomplish the purposes of the lake improvement district law, the County Board shall make the findings and terminate the LID by order. The LID is terminated and ceases to be a political subdivision of the state after filing a certified copy of the findings and order with the secretary of state, MPCA, and Commissioner.

Once a LID is terminated, additional water and related land resource management programs may not be undertaken with money raised by a special tax within the LID, and additional special water and related land resource management taxes may not be levied. If money raised by past special tax levies within the LID has been exhausted, further operation and maintenance of
existing programs may be financed by appropriations from the general revenue fund of an affected county.

**Conclusion**

The petition to establish the Circle Lake Improvement District is statutorily sufficient. The Board should initiate proceedings consistent with statutes chapter 103B. I am available to meet with the Board to further outline the required process, to discuss the Board’s concerns regarding establishing the proposed LID, and to answer any further questions the Board might have.
PETITION FOR CREATION OF
CIRCLE LAKE IMPROVEMENT DISTRICT

To: Rice County Board of Commissioners
320 3rd St. NW #4
Faribault, MN 55021

The Petitioners herein respectfully represent:

WHEREAS, this Petition is filed pursuant to, and in compliance with, Minnesota Statute §103B.521 and Minnesota Rules §6115.0970, requesting consideration by the Rice County Board of Commissioners (or “County Board”) for the establishment of a lake improvement district as set forth and described herein; and

WHEREAS, the name of the proposed district is: Circle Lake Improvement District (“proposed district”); and

WHEREAS, the proposed district consists of property area and waterways affecting Circle Lake (“affected lake”); and

WHEREAS, attached hereto and incorporated herein as “Exhibit A” is a map which specifically identifies and follows, as consistently as possible, the appropriate natural hydrologic boundaries and tracts of real estate of the territory surrounding and abutting the affected lake proposed to be included in the proposed district, to the extent practical, as well as maps which provide an overview of the overall watershed area and characteristics; and

WHEREAS, Petitioners are owners of parcels of real property within the above-referenced territory surrounding the affected lake, and the identity and ownership of the individual parcels are more specifically identified on the signature pages which have been executed by the individual owners, said signature pages are attached hereto and incorporated herein; and

WHEREAS, issues the affected lake currently encounter includes, but are not limited to, the hypereutrophic condition, including high nutrient loading of Chlorophyll A and phosphorous not within Minnesota Pollution Control Agency Lake Standards, an over-abundance aquatic invasive species (AIS) and other non-native species (i.e., Eurasian water milfoil, curly leaf pondweed, sparse native submergent vegetation, and scarce native emergent vegetation, zebra mussels, and other species known and unknown, whether plant or animal); and
WHEREAS, there is a need for the proposed district because the scale of the proposed district’s purposes and objectives exceed the financial and administrative capabilities of the voluntary Circle Lakes Association, and cannot satisfactorily accomplish the district’s proposed purposes; and

WHEREAS, the proposed district purposes will result in multiple environmental benefits to property, and are necessary to promote the public health or public welfare; and

WHEREAS, the primary purpose, objective, and mission of the proposed district is to serve as a steward of the lake community, to protect, preserve, promote, and improve the recreational and overall quality and integrity of Circle Lake; and

WHEREAS, the proposed types of studies, water and related land resource management programs, remedial actions, and construction projects to be undertaken by the proposed district include, but not necessarily limited to:

- Developing and implementing a comprehensive plan to improve water quality and monitor for potential long-term environmental effects;
- Applying for private and/or public grants and/or entering into contracts with federal or state agencies for the study and treatment of pollution, water quality, and/or weed problems and related demonstration programs;
- Entering into contracts with private businesses for the study and treatment of pollution, water quality, and/or weed problems and related demonstration programs;
- Undertaking research to determine the condition and development of the body of water included within the proposed district and to transmit the studies to the Department of Natural Resources, the Minnesota Pollution Control Agency, and other interested authorities;
- Making cooperative agreements with the United States, State of Minnesota, Rice County, Forest Township or other cities to effect water and related land resource programs;
- Conducting programs of water improvement, conservation, and education;
- Implementing and/or continuing water quality monitoring programs;
- Serving as the local sponsor for grants;
- Providing input to the Soil and Water Conservation District regarding water use and applications as deemed necessary and reasonable;
- Conducting plans, studies, developments and implementations as allowed or permitted by law and approved by the County Board;
- Coordinating with the proper governmental agencies for the planning and installation of cluster or community sewage and/or water supply systems; and
- Any and all other programs and services as provided by law.

WHEREAS, no waters will be adversely affected by the implementation of the proposed improvements; and

WHEREAS, multiple local units of government and organizations will have a role in the future management and protection of the affected lake, which will include, but are not limited to, Rice County, including its Soil and Water Conservation District and Environmental Resources Department, Forrest Township, Circle Lake Association, Department of Natural Resources, Cannon River Watershed Partnership, and Minnesota Pollution Control Agency; and

WHEREAS, there is one (1) public access containing a boat ramp within the proposed district which is owned by the State of Minnesota Department of Natural Resources, and said public access is adequate for public use and will be maintained where it currently exists. There is one (1) fishing dock owned by Rice County, which is adequate for public use and will be maintained where it currently exists. Additionally, there is a public hunting ground owned by the State of Minnesota Department of Natural Resources that, although not directly contiguous to the affected lake, lies within the proposed district north of Circle Lake Trail; and

WHEREAS, it is estimated that the property within the proposed district has a total equalized valuation of approximately fifty million dollars ($50,000,000); and

WHEREAS, it is anticipated that financing of the programs and projects to achieve the above-referenced objectives may be financed by assessments, service charges, ad valorem tax, issuance of general obligation bonding funds from the State of Minnesota, and outside funding including grants, and local, state, and federal matching funds, or a combination of any of the above, as directed and approved by the County Board; and

WHEREAS, through projects, programs, and services undertaken as authorized by applicable Minnesota Statutes and Rules, the property area to be included in the district will be benefited by the establishment of a lake improvement district by maintaining and improving the quality of the affected lake and surrounding environs and increased property values; and

WHEREAS, it is proposed that there shall be between five (5) and nine (9) directors for the district board, as directed by the County Board; and

WHEREAS, membership on the proposed improvement district board and board procedures will assure that diverse interests are considered in decision-making and that the best overall interests of fairness and public health, safety, and welfare will be considered; and
WHEREAS, the affected lake is considered a recreational development lake, and there are no ordinances that regulate the use of the affected lake or any public access. There is one (1) public access owned by the State of Minnesota Department of Natural Resources, and is open to the public for use. There are special local zoning requirements for residents on the affected lake that regulate land use, building, shoreland, etc., and said local ordinances are attached hereto and incorporated herein as “Exhibit B”; and

WHEREAS, there is a strong degree of local interest and commitment to future management of the water resources within the proposed district. The Circle Lake Association has been in place since approximately 1998, and the existing Association was designated a 501(c) non-profit organization in 2007. The Association has played an active role in protecting water quality, prevention and control of aquatic invasive species, and education/outreach. Additionally, the Circle Lake Association Board of Managers unanimously supported the decision to establish the proposed district, and [86] individual landowners have signified their support for the establishment of the proposed district by executing the above-referenced signature pages; and

WHEREAS, Petitioners represent the majority of property owners within the above-referenced territory surrounding the affected lake described herein.

NOW, THEREFORE, Petitioners request the Rice County Auditor present this petition to the Rice County Board of Commissioners to oversee this project, and request the County Board establish the Circle Lake Improvement District to develop and provide a program of water and related land resources management.

This petition is prepared by:
Bruce E. Sellers
Attorney for Petitioners
Wendland Sellers Law Office
825 East Second Street, P.O. Box 247
Blue Earth, MN  56013
507-526-2196
BYLAWS FOR
CIRCLE LAKE IMPROVEMENT DISTRICT

ARTICLE 1
ESTABLISHMENT, DEFINITION AND PRIORITY

Section 1. Establishment. The Circle Lake Improvement District ("CLID" or "District") is established under Minnesota Statute 103B.535 by Rice County Board of Commissioners ("County Board") via Rice County Board of Commissioners Resolution [#] Order to Establish Circle Lake Improvement District on [month] [day], 2018, and filed with the Minnesota Office of Secretary of State, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources.

Section 2. Definition of the Circle Lake Improvement District. The Circle Lake Improvement District is a non-profit organization subject to applicable county, state, and federal laws. The CLID is a political subdivision of the State of Minnesota. It is a local unit of government partially funded by a special taxation district authorized by Minnesota Statute 103B, Lake Improvement Districts, established by the Rice County Board of Commissioners Resolution [#] Order to establish Circle Lake Improvement District on [month] [day], 2018, and bound by provisions where Minnesota Statute Chapter 13, MN Open Meeting Law and Minnesota Statute 15.17, Official Records, apply.

Section 3. Priority. These Bylaws, along with the Order to Establish referenced in Section 1, shall govern the activities of the Circle Lake Improvement District. The Order to Establish is an integral part of these Bylaws and is attached hereto for reference as Exhibit A. In the event of a question of priority or interpretation, the Order to Establish shall have precedence over the Bylaws.

ARTICLE 2
NAME, LOCATION, AND AUTHORITY

Section 1. Name. The name of the organization shall be Circle Lake Improvement District. The organization may be referred to as CLID.

Section 2. Location. The principal office will be at the discretion of the Board of Directors, and shall be located in Rice County, State of Minnesota and shall be near Circle Lake. The official address of the district shall be:
Section 3. Authority. The Circle Lake Improvement District is a non-profit local unit of government and shall operate in accordance with Minnesota Statutes 103B.501 to 103B.581, Minnesota Rules 6115.0900 to 6115.0980, the Rice County Board Resolution [#] Order to Establish Circle Lake Improvement District on [month] [day], 2018, and any amendments thereto.

ARTICLE 3
PURPOSE, GOALS, AND OBJECTIVES

Section 1. Purpose. The primary purpose and mission of the Circle Lake Improvement District is to serve as a steward of our lake community, to protect, preserve, promote, and improve the recreational and overall quality and integrity of Circle Lake.

The CLID will work within the lake community and cooperatively with the Circle Lake Association and County and State Agencies to continuously refine our goals and develop annual work plans to meet these goals. We will work closely with Rice County to oversee funds collected and expenses to accomplish this mission. The following are water-related land and resource management programs, remedial actions, construction projects, and other services that may be undertaken by the CLID:

a. Develop and implement a comprehensive plan to improve water quality.
b. Apply for private and/or public grants and/or enter into contracts with federal or state agencies for the study and treatment of pollution, water quality, and/or weed problems and related demonstration programs.
c. Enter into contracts with private businesses for the study and treatment of pollution, water quality, and/or weed problems and related demonstration programs.
d. Undertake research to determine the condition and development of the body of water included within the Lake Improvement District and to transmit the studies to the Department of Natural Resources, the Minnesota Pollution Control Agency, and other interested authorities.
e. Make cooperative agreements with the United States, State of Minnesota, Rice County, Forest Township or other cities to effect water and related land resource programs.
f. Conduct programs of water improvement, conservation, and education.
g. Implement and/or continue water quality monitoring programs.
h. Serve as the local sponsor for grants.
i. Provide input to the Soil and Water Conservation District regarding water use and applications as deemed necessary and reasonable.
j. Conduct plans, studies, developments and implementations as allowed or permitted by law and approved by the County Board.

k. Coordinate with the proper governmental agencies for the planning and installation of cluster or community sewage and/or water supply systems.

l. Any and all other programs and services as provided by law.

Section 2. Goals. The primary goals include:

a. To research, control, and eliminate the infestation of nuisance aquatic vegetation and aquatic invasive species (AIS) and other non-native species (i.e., Eurasian water milfoil, purple loosestrife, curly leaf pondweed, zebra mussels, and other species known and unknown, whether plant or animal).

b. To develop and implement a comprehensive plan to improve overall water quality.

c. To improve the quality of recreation and overall lake utilization.

d. To continue carp removal project to control bottom sediment within the lake.

e. To continue invasive aquatic plant control by herbicide spraying or mechanical removal systems.

f. To promote native aquatic vegetation through targeted removal of invasive species and protection of native vegetation.

g. To plant native grasses, forbs, and other vegetation along lakeshore and direct runoff areas.

h. To address erosion control around Circle Lake and the contributing watersheds with streambank restorations, erosion control best management practices, ravine stabilization, etc.

i. To consider watershed improvement projects such as storage basins and wetland treatment areas, erosion control preventative measures, multi-purpose drainage management, and other watershed best management practices.

j. To continue the monitoring and assessment of water quality and implemented practices to identify, re-evaluate, and target key areas for water quality improvements.

k. To address other water quality issues that arise in the future to improve the overall water quality of Circle Lake which may include increase water clarity, lower total phosphorus, Chlorophyll-a, nitrate, or other pollutant concentration.

Section 3. Objectives. In light of the problems presented due to invasive aquatic vegetation in Circle Lake, the creation of a Lake Improvement District will allow for control and treatment of aquatic plants, and other in-lake studies and activities, and will promote the public welfare, will benefit property located within the District, and will not cause nor contribute to long-range environmental pollution.
ARTICLE 4
MEMBERSHIP, BOUNDARIES, VOTING AND TRANSFER

Section 1. Membership. Membership shall include all Circle Lake Improvement District riparian property owners and properties with easements, deeded access or are part of an association or group which may have access to the lake and according to the Rice County Auditor who are eligible to vote according to Section 3.

Section 2. Boundaries. The CLID boundary shall include all riparian properties which abut Circle Lake, including any properties accessing Circle Lake through easements or commercially classed riparian properties. The CLID boundary and riparian properties are more clearly depicted on Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Voting. Each unique riparian property owner (listed as taxpayers of properties located within the stated boundaries according to the Rice County Property tax records) is entitled to one vote (per assessable property (See Article 6)) at the annual District meeting or at any special District meeting on Board member elections, budgets, and proposed projects by the CLID having a cost to the CLID in excess of $5,000. No property shall have more than one vote. A riparian property is defined as a parcel or parcels held in separate and distinct ownership, regardless of the number of lots or parcels owned, the acreage, or the number of owners. When a riparian property is owned in common by members of a condominium, common interest community, planned unit development, or other common ownership arrangement, the owners of each unit having an interest in the common riparian property shall have a vote and shall have all other rights and responsibilities, including being subject to assessment as riparian owners.

Section 4. Transfer of Membership. When a parcel of land is sold, membership shall transfer from the old owners to the new owners. When a parcel is sold on contract for deed, Membership shall transfer from the contract seller to the contract purchaser. When a parcel is leased or rented, Membership shall not transfer from the landlord to the tenant.

ARTICLE 5
FUNDING

Section 1. Initial Funding. The initial funding shall be raised by the Circle Lake Association, and supplemented via any of the following:

a. County, State, and Federal grants.

b. Donations and grants from private parties, corporations, or foundations.

c. Loans from governmental entities.
Section 2. Subsequent Funding and Special Projects. Circle Lake Improvement District activities may be funded by any of the above means mentioned, and also by:

a. Imposing service charges on the users of lake improvement district services within the District under Minnesota law.
b. Levying an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended on projects of special benefit to the District.
c. Imposing any combination of service charges and taxes.

ARTICLE 6
PARCELS ELIGIBLE FOR ASSESSMENT OF FEES, SERVICE CHARGES, OR TAXES

All assessable properties within the boundaries of the District will be subject to a fee, tax, or charge as recommended and approved at the Annual Meeting. Assessable parcels are defined as all properties within the boundaries of the District as approved by the Board. All property owners will be charged an assessment fee for only one parcel (property with a Parcel Identification Number (PIN)) per owner. A parcel may be granted an exemption from the assessment of fees only by the Circle Lake Improvement District Board of Directors on a case-by-case basis. All property owners will be charged an assessment fee for at least one parcel (property with a Parcel Identification Number (PIN)). The Board will submit a list of assessable properties to the County along with the annual budget, for the assessment of fees.

ARTICLE 7
BOARD OF DIRECTORS

Section 1. Initial Board of Directors. The initial Board of Directors was appointed by the County Board at its meeting on [month] [day], 2018, and will serve until an election is held at the first Circle Lake Improvement District Annual Meeting.

Section 2. Board of Directors. At the first Annual Meeting, three (3) Directors will be elected to a three (3) year term, three (3) Directors will be elected to a two (2) year term, and one (1) Director will be elected to a one (1) year term. Thereafter, Directors will be elected to serve three (3) year terms. The terms shall be staggered and shall run from Annual Meeting to Annual Meeting.

Section 3. Size and Terms. The Circle Lake Improvement District Board of Directors (“Board of Directors” or “Board”) shall consist of seven (7) Directors with three (3) year staggered terms who must be at least eighteen (18) years of age and own real property within the District. All Directors must be a full-time (i.e., year-round) residents and property owners of the District.
Section 4. Powers. The CLID Board of Directors shall have authority for and be responsible for the supervision, control and direction of the CLID including:

a. Administrative and fiscal policies;
b. Establishing the requirements, rights, privileges, and restrictions of the membership;
c. Scheduling the Annual Meeting;
d. Managing the business of the CLID;
e. Performing such other duties as are specified in these Bylaws.

Section 5. Eligibility and Representation. Any member in good standing who is at least eighteen (18) years of age at the time of nomination shall be eligible for election as a Director. Directors shall receive no compensation unless authorized by the Board. Actual and reasonable expenses of Directors may be reimbursed, if authorized by the Board.

Section 6. Director Elections. Directors shall be elected at the Annual Meeting.

Section 7. Responsibilities.

a. The Board of Directors shall be responsible for determining the financial requirements of the CLID and for establishing the property tax assessment amount needed to meet the CLID financial requirements.
b. All decisions requiring Board approval in between official Board meetings will be submitted by the Chairman through email to all Directors with confirmed receipt. Directors will have seven (7) business days to respond via email to the decision. If no response is received, the Board member’s vote will be counted as in favor of the motion or action contemplated provided a quorum has responded.
c. Directors shall make every effort to attend all Board meetings.
d. The Board of Directors, by simple majority vote, may declare vacant the seat of any Director who has been absent from two (2) or more meetings without cause. A Director may request, and therefore receive, an excused absence by notifying any Officer prior to the meetings of the Board of Directors.
e. Directors shall, by appointment of the Chairman, serve on steering committees or other ad hoc committees, and shall function as a liaison between the Board of Directors and such committees.
f. Upon exiting the Board all documents and electronic files must be relinquished to the senior officer.

Section 8. Vacancies. The Board of Directors may, by majority vote of the remaining Directors, elect members to temporarily fill vacancies until the next Annual Meeting. If the vacated Board seat has a remaining unexpired term at the next Annual Meeting, the remaining unexpired term must be filled by election at the Annual Meeting in accordance with Article 11, Section 4.
Section 9. Removal of Directors. A Director may be removed from the Board by a two-thirds (2/3) vote of the remaining Directors or by the majority of property owners present at an Annual Meeting. Reasons include sale or transfer of all Circle Lake residential or commercial property of the Directors, death, or conduct detrimental to the good of the CLID, resignation, insufficient number of Directors elected at the Annual Meeting.

ARTICLE 8
OFFICERS

Section 1. Officers. All Officers of the Circle Lake Improvement District (Rice County) shall be Directors.

Section 2. Officer Positions. The offices of the CLID shall be Chairman, Vice Chairman, Secretary and Treasurer.

Section 3. Eligibility. Officers will be elected by the Board of Directors from among its members at the first scheduled Board meeting following any Annual Meeting at which new Directors are elected. Election will be by secret ballot if more than one person is nominated for any office.

Section 4. Duties of Officers.

Chairman: The Chairman shall preside over all CLID Board Meetings, Annual Meetings and Special Meetings. The Chairman shall ensure that these Bylaws and any rules and regulations as adopted by the CLID Board are enforced. The Chairman shall act as the spokesperson for the Board and be responsible for signing any contracts or documents on behalf of the CLID as approved by the Board of Directors. The Chairman shall, within four (4) months after the Annual Meeting, file an annual report with the Rice County Board of Commissioners, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and the Rice County Soil and Water Conservation District.

Vice Chairman: The Vice Chairman shall assist the Chairman and act as parliamentarian. The Vice Chairman shall assume the responsibility of the office of Chairman in the absence of the Chairman, and attend all meetings called by the Chairman. In the event of resignation or removal of the Chairman, the Vice Chairman shall become Chairman immediately and shall serve out the remainder of the Chairman’s term.

Secretary: The Secretary shall keep permanent accurate records of all meetings of the Board and regularly submit minutes to the Board and perform other duties normally associated with this office. Meeting minutes will be sent to all Board members via email within one (1) week after a
meeting. Concerns or requests for edits should be received within one (1) week after the minutes are sent. Minutes for each Board meeting shall be placed on the website within one (1) week after approval or as directed by the Board. Minutes from the Board meeting shall be formally approved at the beginning of the next meeting of the Board or by email vote. The Secretary shall maintain copies of all books, documents, and written communication related to the CLID and shall relinquish to the Board these materials upon expiration of term of office.

Treasurer: The Treasurer shall oversee the books of financial accounts, present a financial state of the CLID at each meeting and perform all other duties normally associated with this office, including: managing accounts, paying bills, securing insurance, providing a financial summary report at the Annual Meeting, and reporting to Rice County officials annually, or as required. The Treasurer shall provide for two authorized signatures on all checks over $10,000. The Treasurer shall maintain copies of all books, financial documents, bank documents, tax documents, and the like, and shall relinquish to the Board these materials upon expiration of term of office. If an audit is requested by the Board, the Treasurer must provide requested information within seven (7) days.

ARTICLE 9
BOARD OF DIRECTORS MEETINGS

Section 1. Meetings. Directors shall hold at least two meetings annually, in addition to the Annual Meeting of the Membership. Special meetings may be called by the Chair or Vice Chair as directed by the Chair, or upon the approval by a majority of the members of the Board of Directors, as may from time to time be required to carry out the activities of the Board. All meetings of the Board are open to any CLID member and the public to attend. Voting rights for meetings other than the Annual Meeting are limited to Board members, only. A Board meeting may be held in person or electronically.

Section 2. Open Meetings. The provisions of Minn. Stat. Chap. 13D, which requires open meetings, apply to all meetings of the Board of Directors.

Section 3. Notice of Meetings. Notice of each regular meeting shall be issued stating the purpose of the meeting along with a proposed draft agenda to each Director no less than seven (7) days prior to the meeting date. Electronic email notice shall be the official means of notification, plus any other means that may be requested by a Board member. A special meeting may occur in less than seven (7) days of notification provided notice is sent to all Board members and a quorum is present.
Section 4. Quorum. A simple majority of the current Board of Directors shall constitute a quorum at any meeting. Simple majority is defined as greater than fifty (50) percent. No action shall be deemed approved unless votes cast in favor on a motion are approved by a majority of the quorum.

ARTICLE 10
COMMITTEES

The Board of Directors may vote to create committees as needed for the purpose of completing or implementing specific tasks, projects, or events to benefit the goals of the Circle Lake Improvement District. The Committee Chairman shall be approved by a majority of the Board of Directors. The Board of Directors shall authorize and define the powers and duties of all committees and task forces subject to the provisions of these Bylaws. No committee shall commit the CLID to contractual obligation or advocacy or opposition to any position without the specific authority of the Board of Directors.

ARTICLE 11
ANNUAL MEETING

Section 1. The first Annual Meeting shall take place in July or August as determined by the Board of Directors and be held annually in that period unless changed by vote of the previous Annual Meeting.

Section 2. Notice. Notice of the Annual Meeting will be provided by the Circle Lake Improvement District Board of Directors in accordance with the requirements in Minnesota Statute 103B.571. The Annual Meeting shall be preceded by a minimum of two (2) weeks’ published notice in the newspaper chosen by the Rice County Board of Commissioners for the County’s official notices and by written notice to be mailed at least ten (10) days in advance of the meeting to the County Board and city boards wholly or partially within the District, the Minnesota Pollution Control Agency, and the Commissioner of Natural Resources (See attached Addendum). Written notice must be mailed to all property owners within the District at least ten (10) days in advance of the meeting. If there is a proposed project by the CLID having a cost in excess of $5,000, written notice must be mailed to all property owners within the assessment area at least ten (10) days in advance of the meeting.

Section 3. Election Procedures. See Exhibit C for election procedures.
Section 4. Agenda. At the Annual Meeting the Circle Lake Improvement District property owners present shall:

a. Approve a budget for the fiscal year.

b. Approve or disapprove proposed projects by the CLID having a cost to the CLID in excess of $5,000.

c. Elect one or more Directors to fill midterm vacancies in the Board of Directors.

d. Review the status of ongoing projects and discuss other District activities.

e. Take up and consider other business as comes before them.

ARTICLE 12
BUDGET

A budget must be approved by a majority of all owners voting in the Annual Meeting each year. Any projects in excess of $5,000 must be approved by a majority of the property owners at an Annual Meeting. In the annual budget for the District, which will be submitted to the County Board following the Annual Meeting and before August 30th each year, the Board of Directors will include sufficient funds to cover the costs of administering the District. The submission of the budget to the County Board will include a list of properties to be assessed, as well as the recommended method of assessing fees to the properties within the District.

ARTICLE 13
EXPENDITURE/RECEIPT OF DISTRICT FUNDS

All request for funds, whether individually or for project expenditures, must be submitted to the Circle Lake Improvement District Board of Directors. All expenditures must be pre-approved by a majority of the Directors.

Should any committee require funds for purposes of its work, the committee shall make application to the Board of Directors in writing with a full statement of the funds required and the purpose for which the funds are to be expended. Upon request of the Board of Directors, the committee shall meet with the Board at any regular or special meeting thereafter to review the request and secure approval of same. No committee shall expend any funds without the approval of the Board of Directors of the CLID.

All invoices or claims for expense reimbursement must be signed off by at least one member of the Board that is not the signatory on the claim voucher. The Treasurer, or designate from the Board, must sign off on the claim voucher to the County Board.

All funds secured by donation, fund raising, or from any committee shall be turned over to the Board of Directors.
Accounting functions will be performed by Rice County, pending approval of a contract by the Board of Directors. Any services provided will be on a flat fee basis. Any other financial arrangements must be Board approved.

**ARTICLE 14**
**FISCAL YEAR**

The District fiscal year shall be a calendar year starting January 1 and ending December 31.

**ARTICLE 15**
**PARLIAMENTARY PROCEDURE**

The procedure of the meetings of Circle Lake Improvement District shall be governed by and conducted according to the current abbreviated version of *Robert's Manual of Parliamentary Procedure* as adopted by the Board of Directors. The Vice Chairman shall be the parliamentarian.

**ARTICLE 16**
**PERSONAL LIABILITY AND INSURANCE**

**Section 1. Personal Liability.** No Director shall be personally liable for the debts or obligations of the Circle Lake Improvement District of any nature nor shall any of the property of the Directors be subject to the payment of the debts or obligations of the CLID.

**Section 2. Insurance.** In order to adequately protect the Circle Lake Improvement District, the Board of Directors will maintain adequate insurance coverage for the District, including Liability Insurance and Directors and Officers Liability Insurance.

**ARTICLE 17**
**INDEMNIFICATION**

To the full extent permitted by Minnesota law, current and former Directors who are made a party, or threatened to be made a party, to a civil, criminal, administrative, arbitration, or investigative proceeding by reason of their position and activities on behalf of the Circle Lake Improvement District shall be indemnified by the CLID against judgments, penalties, fines, settlements, costs of defense including reasonable attorney’s fees, and other losses incurred in connection with the proceeding. Acts of negligence, fraud, and/or criminal conduct shall not be indemnified. This indemnification shall inure to the benefit of the heirs, executors, and
administrators of those who are so indemnified. The CLID may obtain insurance to cover this indemnification.

**ARTICLE 18**
**AMENDMENTS**

The Board of Directors may adopt or amend these Bylaws by two-thirds (2/3) vote of the Directors present and entitled to vote at any meeting of the Board.

**ARTICLE 19**
**CERTIFICATION**

These Bylaws were adopted and approved by the Board of Directors on [month] [day], 2018.

_______________________________
CHAIRMAN

______________________________
SECRETARY
EXHIBIT C
CIRCLE LAKE IMPROVEMENT DISTRICT
ELECTION PROCEDURES

a. Nominations. Any CLID member may nominate a candidate to the slate of nominees. All nominations must be received by the Secretary no later than June 1 or eight (8) weeks prior to the Annual Meeting.

b. Filing for Office of Director.
   i. Individuals must be unique property owners with property abutting Circle Lake, Rice County.
   ii. Candidates shall be eighteen (18) years of age and submit a completed Letter of Interest (“Letter”) within the stated filing period. Each term is for three years.
   iii. The Letter shall contain the following information:
        (a) The candidate’s true name or the name by which the candidate is commonly and generally known in the community;
        (b) The address and telephone number of the individual;
        (c) The reason the candidate is running for office and
        (d) The signature of the individual.
        (e) The Letter shall be delivered to the Board or mailed to:
            Circle Lake Improvement District
            P.O. Box 147
            Northfield, MN 55057
   iv. Letters of Interest must be received by the Secretary no later than June 1 or eight (8) weeks prior to the Annual Meeting.

c. Election Procedures.
   i. Eligible voters include all the members of the Circle Lake Improvement District. Each unique riparian property owner (all names listed as taxpayers of properties located within stated boundaries according to the Rice County tax records as owners of property) is entitled to one vote.
   ii. The Board of Directors shall work with Rice County to update the list of eligible voters in a timely manner for notification of meeting notice.
   iii. Balloting.
        (a) Nominations shall not be accepted from the floor during the Annual Meeting.
        (b) Ballots shall be mailed via US Mail to each property owner within the District at least three (3) weeks prior to the Annual Meeting.
        (c) Absentee ballots shall be mailed to any eligible voter requesting one.
        (d) Completed absentee ballots shall be mailed to the Circle Lake Improvement District, P.O. Box 147 Northfield, MN 55057.
(e) Absentee ballots not received by 3:00 p.m. the day of the Annual Meeting are void and shall not be counted.

   (a) The Board of Directors of the Circle Lake Improvement District shall conduct all elections at the Annual Meeting.
   (b) Voting for Directors shall be by secret ballot.
   (c) Ballots may be delivered or sent to the Secretary of the CLID Board prior to or at the Annual Meeting.

v. The Board of Directors shall retain all election materials returned to them after any election for at least 22 months from the date of that election. All election materials involved in a contested election must be archived by the Secretary for 22 months or until the contest has been finally determined, whichever is later.

d. Tabulation of Results.
   i. Ballot counting shall occur at the Annual Meeting. The Secretary, with the assistance of the Treasurer, shall count the ballots and record the results.
   ii. The Chairman shall announce the results during the Annual Meeting.
   iii. In the event of a tie, one recount shall be conducted. If a tie persists, a coin toss shall determine the winner.
   iv. Election results will be posted on the Circle Lake Improvement District website http://circelake.org/, and will be available at the next scheduled Board meeting.
AGENDA DATE: September 18, 2018

REQUEST BY: Mark Shaw, Social Services

STATE ITEM OF BUSINESS:
Rice County Community and Justice Council

BACKGROUND:
Representatives from the county, court, cities, school districts and community service providers began work to create a Community and Justice Council in 2016. This council is a collaborative policy-level body that works to develop local capacity for systemic thinking and acting with respect to criminal justice issues. This discussion provides opportunity for the Board of Commissioners to review the proposed by-laws and mission of the council and consider a resolution establishing the council as a collaborative resource for Rice County justice programs.

FISCAL IMPACT:

COUNTY BOARD ACTION REQUESTED:

Reviewed with additional material provided: ✓ Approved
County Administrator
BYLAWS

THE RICE COUNTY COMMUNITY

AND JUSTICE COUNCIL

May 7, 2018

Article I: Name

The name of this council shall be the Rice County Community and Justice Council, hereinafter referred to as the RCCJC, which serves all of Rice County.

Article II: Authority

2.1 The Rice County Board of Commissioners established the Community and Justice Council by resolution on ____________________.

2.2 The RCCJC has no power to implement or to order changes in the criminal justice system. The RCCJC is an independent planning advisory group that makes recommendations to those elected and appointed officials who have the authority to implement such recommendations, as they deem appropriate.

Article III: Mission

The mission of the RCCJC is to provide an ongoing forum for leaders from justice agencies, and those governments, agencies, and service providers involved with the justice system in Rice County, to discuss, study, evaluate, and prioritize public safety and justice issues and coordinate resources to address them in the most evidence-based, cost-effective, and equitable way possible.

Article IV: Purpose

RCCJC members commit themselves to identifying issues and their solutions, proposing actions, and facilitating cooperation that will improve public safety, align resources, and coordinate justice services. The RCCJC is an independent planning advisory body that addresses system-wide goals. The RCCJC leverages the resources and expertise from participating agencies to address systemic issues that no one agency can do alone.

Article V: Membership

5.1 Members. The RCCJC shall be comprised of the following members or designated representatives:

Rice County

• Rice County Sheriff
• Rice County Attorney
• Rice County Administrator
• Member of Rice County Board of Commissioners
• Director, Rice County Community Corrections
• Director, Rice County Social Services

**Third Judicial District**

• District Court Judge, 3rd Judicial District, Rice County
• Court Administrator, 3rd Judicial District, Rice County
• Chief Public Defender, 3rd Judicial District, Minnesota

**City of Faribault**

• Faribault Chief of Police
• Representative from Faribault City Attorney
• Faribault Mayor or Representative

**City of Northfield**

• Northfield Chief of Police
• Representative from Northfield City Attorney
• Northfield Mayor or Representative

**Private Defense Bar/Private Bar**

• Designee, Rice County Bar Association

**Education**

• A Superintendent from the Faribault or Northfield School District
  - The Superintendents shall rotate each year, with Faribault serving as a member in even years and Northfield serving in odd years.

**Other representation**

• Warden, Faribault Prison, or representative
• Health Provider from the HCI Chemical and Mental Health Provider Team

5.2 Designee/Removal. Any Member within Section 5.1 may appoint a designee to represent that Member’s interest at RCCJC meetings. The designee shall have the same right, powers, and duties as the Member who appointed the Designee as if the designee were a Member within Section 5.1. Members cannot be removed except through amendments of these Bylaws. Upon removal, any designee appointed by the Member is also removed by virtue of the Member’s removal.
ARTICLE VI: OFFICERS

6.1 Officers. The officers of the RCCJC shall be the Chair and Vice Chair.

6.2 Election. As necessary, at the first meeting of the calendar year, the RCCJC shall elect one of its members as Chair and one of its members as Vice Chair. Notwithstanding Section 7.4, for purposes of election for under this Article, elections for officers shall occur by majority vote of the RCCJC. For this election, members must be present to vote. In the event no candidate receives a majority of the votes cast, the two candidates receiving the most votes shall participate in a run-off election. In the event of a tie vote at any point in the process, a toss of the coin shall determine the winner or candidate(s) to advance to the run-off election, as needed.

6.3 Term of Office. The officers’ term of office shall begin at the close of the meeting at which officers are elected and are two years in length; however, serving only a part of a term will not count the same as a full term.

6.4 Authority and Duties. The Chair and Vice Chair shall have full authority to carry out their duties as specified herein.

6.4.1 Chair.

- Preside at meetings of the RCCJC.
- Keep RCCJC members informed of matters pertinent to their responsibility.
- Set the agenda for all meetings of the RCCJC and ensure distribution to members.
- Establish RCCJC meeting schedules.
- Ensure the preparation of meeting minutes and distribution to members.
- Sign communications on behalf of the RCCJC.
- Represent the RCCJC at governmental, community, or other meetings.

6.4.2 Vice Chair.

- In the absence of the Chair, to fulfill any and all of the above duties.

6.4.3 Coordinator.

- Develops and coordinates the planning and implementation of the RCCJC initiatives and activities.
- Works collaboratively with the RCCJC and partners to coordinate development of a strategic work plan, policies and procedures that are updated periodically, consistent with the RCCJC mission and goals.
- Implements goals, priorities, work plans, programs, and organizational structures of the RCCJC by working collaboratively with the RCCJC and multiple County departments at varying levels of management.
Vacancies. A vacancy in any office resulting from death, resignation, removal, disqualification, or other reason shall be filled by an interim appointment by the Chair, or Vice Chair if the Chair is vacant, until the next date for election of officers as specified in these Bylaws.

**ARTICLE VII: MEETINGS**

7.1 Regular Meetings. The RCCJC meets on the second Wednesday of February, May, August and November at 4:00 p.m. The membership may, by consensus, change the meeting date for a single month or permanently. A quorum shall consist of a majority of Council members, including any designee of a council member.

7.2 Designee. Consistent with Section 5.2, an RCCJC member may designate a person from that member’s agency to represent the member at an RCCJC meeting.

7.3 Conduct of Meetings. Council meetings will be run informally by the Chair pursuant to an established agenda. A member may place an item on the agenda by notifying the Coordinator at least 10 days prior to the next scheduled meeting. Additional agenda items not submitted by the deadline may be added to the agenda at the time of the meeting subject to consensus of the full Council.

7.4 Voting. The RCCJC shall act by consensus.

7.5 Open Meeting Law. The RCCJC is subject to Minnesota Statutes Chapter 13D, Open Meeting Law. The RCCJC shall rely on state law in determining what kind of notice must be provided for the particular type of meeting being called. Meeting schedules or notices shall be published and open to the public.

**ARTICLE VIII: SUBCOMMITTEES**

8.1 Creation. To expedite and facilitate the business of the RCCJC and the orderly and efficient consideration of matter coming before it, the RCCJC may create such subcommittees as it deems necessary to review and examine specific issues or topics of concern. The Chair, or by a majority vote of the RCCJC, may appoint standing or ad hoc subcommittees to address issues or facilitate the Council’s activities.

8.2 Member Selection. Any subcommittee must include at least one RCCJC member or designee of that RCCJC member. A subcommittee should also include others from the local criminal justice system, its related service providers, and subject matter experts.

8.3 Officers. Each subcommittee shall designate a chairperson for the subcommittee. However, if no chairperson has been designated after the first meeting of the subcommittee, the RCCJC Chair shall appoint the chair person for that subcommittee.

8.4 Member Resignation. A subcommittee member may resign at any time from the subcommittee upon providing written notice.
8.5 Member Removal. Although generally the RCCJC operates by consensus, for the purpose of member removal any member of a subcommittee who is not a member of the RCCJC may be removed by a two-thirds majority vote of the members present at a scheduled RCCJC meeting. For this purpose, each member is provided only one vote.

8.6 Conflict of Interest. No person who has a private pecuniary or property interest in a subcommittee’s work topic shall be permitted to serve as a member of such subcommittee.

**ARTICLE IX: EXECUTIVE COMMITTEE**

9.1 Creation of Executive Committee. An Executive Committee consisting of the following members of the RCCJC is hereby created: RCCJC Chair, RCCJC Vice Chair, the RCCJC Coordinator and two members of the council.

9.2 Election. The election of the two members of the Executive Committee shall occur at the first meeting of the calendar year. Notwithstanding Section 7.4, for purposes of election for representation on the Executive Committee, election shall occur by majority vote of the RCCJC. For this election, members must be present to vote and each member or that member’s designee is entitled to one vote only. The two candidates receiving the most votes shall serve on the Executive Committee for a two-year term.

9.3 Authority and Duties. The RCCJC Chair or Coordinator shall schedule the Executive Committee Meetings as needed to carry out its duties. The Executive Committee shall have full authority to carry out its duties as specified below.

- Assist in the development of the RCCJC’s meeting agenda.
- Coordinate and prioritize subcommittee goals and tasks.
- Other duties as may be assigned by the RCCJC.

**ARTICLE X: AMENDMENT OF BYLAWS**

The Bylaws may be amended by a consensus of the Council at any Council meeting. Proposed amendments to the Bylaws are to be included on the agenda of a regularly scheduled meeting of the RCCJC.

Adopted:
AGENDA DATE: September 18, 2018

REQUEST BY: Paula O'Connell, Auditor/Treasurer's Office

STATE ITEM OF BUSINESS:
Preliminary Levy and Budget Discussion

BACKGROUND:
County staff has been working on the 2019 budget and will discuss the progress toward continuing services in 2019. Attached is a comparative chart of the 2018 to the 2019 levy needs of Rice County.

FISCAL IMPACT:

COUNTY BOARD ACTION REQUESTED:

Reviewed with additional material provided: ☐ Approved
                                          County Administrator
# RICE COUNTY
## 2019 LEVY BY FUND

<table>
<thead>
<tr>
<th>LEVY BY FUND</th>
<th>ADOPTED 2018 LEVY</th>
<th>ADOPTED 2019 LEVY</th>
<th>CHANGE</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$17,007,406</td>
<td>$17,649,610</td>
<td>$642,204</td>
<td>3.78%</td>
</tr>
<tr>
<td>ROAD AND BRIDGE FUND</td>
<td>$2,789,081</td>
<td>$2,753,616</td>
<td>$(35,465)</td>
<td>-1.27%</td>
</tr>
<tr>
<td>HUMAN SERVICES FUND</td>
<td>$5,981,825</td>
<td>$6,713,053</td>
<td>$731,228</td>
<td>12.22%</td>
</tr>
<tr>
<td>CAPITAL PROJECTS</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td>DEBT SERVICE FUND</td>
<td>$2,803,162</td>
<td>$2,803,162</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL LEVY GROSS LEVY</strong></td>
<td><strong>$28,681,474</strong></td>
<td><strong>$30,019,441</strong></td>
<td><strong>$1,337,967</strong></td>
<td><strong>4.66%</strong></td>
</tr>
<tr>
<td>LESS COUNTY PGM AID</td>
<td>$3,613,509</td>
<td>$3,505,468</td>
<td>$(108,041)</td>
<td>-2.99%</td>
</tr>
<tr>
<td><strong>NET LEVY</strong></td>
<td><strong>$25,067,965</strong></td>
<td><strong>$26,513,973</strong></td>
<td><strong>$1,446,008</strong></td>
<td><strong>5.77%</strong></td>
</tr>
<tr>
<td>HOUSING/REDEVELOPMENT</td>
<td>$75,590</td>
<td>$143,236</td>
<td>$67,646</td>
<td>89.49%</td>
</tr>
<tr>
<td><strong>TOTAL LEVY WITH HRA</strong></td>
<td><strong>$25,143,555</strong></td>
<td><strong>$26,657,209</strong></td>
<td><strong>$1,513,654</strong></td>
<td><strong>6.02%</strong></td>
</tr>
</tbody>
</table>
AGENDA DATE: September 18, 2018

REQUEST BY: Julie Runkel, Environmental Services

STATE ITEM OF BUSINESS: Comprehensive Plan Update

BACKGROUND:
The Comprehensive Plan Steering Committee will continue discussion on the Economic Development section of the 2040 Comprehensive Plan. Draft. A draft narrative Economic Development section will be presented based on the goals, strategies, and action items previously developed and agreed upon at previous Steering Committee meetings.

FISCAL IMPACT:

COUNTY BOARD ACTION REQUESTED:

Reviewed with additional material provided: ✓ Approved
County Administrator
HISTORY:
09/18/18 Board of Commissioners DISCUSSED