

ST. JOSEPH RIVER BASIN COMMISSION
MINUTES
December 7, 2017

The fourth quarterly meeting of the St. Joseph River Basin Commission was held on December 7, 2017, 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
Bill Hartsuff – Elkhart County
Daragh Deegan – City of Elkhart
Robert Weaver – Kosciusko County
Jarod Nisley – LaGrange County
David Abbott – Noble County
Roger Nawrot – St. Joseph County
Paula Reinhold – St. Joseph County
Adam Bowden – City of Mishawaka
Kris Thomas – Steuben County
Craig Williams – City of Angola

OTHERS PRESENT: Joseph Zakas – Legal Representative, Thorne Grodnik LLP
Rodney Renkenberger – Maumee River Basin Commission
Bob Jones – LaGrange County SWCD
Ron Niezgodski – Friends of the St. Joe River Association
Jeffery Reece – Friends of the St. Joe River Association
Jason Kauffman – City of Goshen
Matt Meersman – MACOG
Lori Ratliff – MACOG
Shirley Czerna – MACOG

MINUTES OF SEPTEMBER 7, 2017

There were no corrections or additions to the minutes of the September 7, 2017 meetings. The following action was taken.

MOTION TO APPROVE THE MINUTES OF THE
SEPTEMBER 7, 2017 MEETING WAS MADE BY CRAIG
WILLIMAS AND SECONDED BY DARAGH DEEGAN.
THE MOTION CARRIED.

FINANCIALS

Financial Report

Matt Meersman reviewed the newly formatted SJRBC Financial Report for the period ending September 30, 2017. The updated format will provide additional information, including a “Year End Forecast” and “Notes” column. Matt asked for any questions. There being none, the Basin Commission approved the Financial Report.

MOTION TO APPROVE THE FINANCIAL REPORTS AS PRESENTED WAS MADE BY KRIS THOMAS AND SECONDED BY ROGER NAWROT. THE MOTION CARRIED.

Approval of Claims

A list of the quarterly SJRBC claims and a description of the bills paid by MACOG were distributed to the SJRBC members for their review. Matt Meersman asked for the Basin Commission’s approval of the Claims.

MOTION TO APPROVE THE SJRBC CLAIMS FOR JULY, AUGUST, AND SEPTEMBER 2017 MACOG REIMBURSEMENTS AND THE DECEMBER 2017 ATTORNEY FEE WAS MADE BY DAVID ABBOTT AND SECONDED BY DONA HUNTER. THE MOTION CARRIED.

DIRECTOR’S REPORT

Matt announced his 1-year anniversary with the SJRBC, as River Basin Director and updated the Commission on some of his efforts as a volunteer over the last year. He has been keeping track of all of his watershed related hours/mileage and would make that information available to the Commission for planning and budgeting purposes in the future. He reported on his efforts on behalf of the SJRBC over the last quarter that would not be addressed in other items on the agenda. The following item required considerable discussion.

Noble County/West Lakes Support

Throughout the summer, Matt attended several meetings in Noble County regarding flooding problems in the West Lakes area. At those meetings Matt stated the SJRBC was created to improve water quality in its basin, but he thought the Commission would support efforts to mitigate flooding as long as those measures did not harm water quality or downstream communities. Part of Noble County is serviced by the Maumee River Basin Commission (MRBC), which was created to address flood control in its basin. Rodney Renkenberger, Executive Director of the MRBC, attended the summer meetings with Matt to explain how they help communities address flooding.

On December 1st State Representative David Ober (R-Albion) called Matt to say that he is going to introduce a bill this legislative session to change the enabling statute of the SJRBC (IC 14-30-3). He wants to expand the SJRBC’s responsibilities and powers for better handling and prevention of flooding problems like those in the West Lakes area. He looked at the enabling statute of the MRBC (IC 14-30-2) as an example of what could be done. A draft of what he intends to add to the SJRBC statute was distributed to the Commission.

After Rodney Renkenberger provided an overview of how the MRBC addresses flood mitigation, Matt went over each item Rep. Ober has taken from the MRBC statute and proposed to add to the SJRBC statute. He explained his concerns with some of the added language including the narrow definition of the word “plan”, which could impact the SJRBC’s existing power to develop plans to improve water quality. Suzie Weirick expressed concerns about the addition of County Surveyors and the power to enter private property. After considerable discussion, Jon asked if the Commission should let Matt proceed with the recommended language change and keep us all informed, and if enough members think we need a special meeting, we could do that too.

Additionally, Jon said he would like to give Matt a little direction if possible. Suzie Weirick suggested a motion to have Matt focus on broadening the language in our statute to include water quantity as well as water quality specifically without being restrictive and changing our Commission’s make up and projects to be worked on. Matt asked for clarification from Suzie regarding projects and she said she did not want them to be restricted.

A MOTION WAS MADE BY DAVID ABBOTT AND
SECONDED BY ROGER NAWROT TO HAVE MATT’S
SUGGESTIONS FOR REPRESENTATIVE OBER FOCUS ON
BROADENING THE LANGUAGE IN OUR STATUTE TO
INCLUDE WATER QUANTITY AS WELL AS WATER
QUALITY WITHOUT CHANGING OUR COMMISSION’S
MAKE UP OR RESTRICTING THE PROJECTS WE WORK ON.
THE MOTION CARRIED.

OLD BUSINESS

Basin Updates – Commission Members

There were no basin updates from the Commission members.

GLPF Conservation Incentive Project

The SJRBC received a second payment from Kieser & Associates after entering into a \$30,000, 3-year subcontract to help develop and promote new drain taxing methods and to find a watershed to test it in the Indiana portion of the river basin. Matt has been working with the County Surveyor in LaGrange County for the project. To date, he has developed a GIS project, revised the apportionment methodology, created maps for the Conservation Inventory, and updated the overview document. The new apportionment will be presented at the LaGrange County Drainage Board meeting on December 18. If successful, the new assessment method could help provide a foundation that would guide future drain assessment practices, reduce long-term maintenance costs, and increase the protection of waterways throughout the St. Joseph River basin.

Directors & Officers Insurance Policy

At the September meeting, the Commission agreed to move forward with the purchase of a Director & Officers Insurance Policy for the SJRBC, to reduce the risk of a potential lawsuit in the future. After speaking with the insurance agent and other river basin commissions Matt contacted the Indiana Attorney General’s office for clarification. It was concluded that it should not be necessary to purchase a separate insurance policy, for several reasons. First, the SJRBC, its members, officers

and employees are subject to the Indiana Tort Claims Act and therefore are not liable for most losses. Second, suits relating to actions taken by the SJRBC may be brought only against the SJRBC as a body, and not against individual members. And third, total aggregate liability of the SJRBC is limited. As a result, Matt recommended the SJRBC save the \$1,500 a year and not purchase liability insurance.

MOTION TO RECIND THE PURCHASE OF DIRECTORS & OFFICERS INSURANCE POLICY, AT \$750, AND A GENERAL LIABILITY INSURANCE POLICY, AT \$400, WAS MADE BY DARAGH DEEGAN AND SECONDED BY DONA HUNTER. THE MOTION CARRIED.

Local Government Contribution Requests

Matt developed a funding request strategy based on guidance from other river basin commissions and IC 14-30-3-24. Sec. 24. (b) states: *The apportionment of the budget among member counties shall be in direct relationship to the amount of land area each county has in the river basin.* The objective of the revised procedure was to approach each jurisdiction with a specific and consistent appropriation request based on the current operating budget of the SJRBC, while still being clear that any contribution would be appreciated.

In the past, a total of approximately \$11,000 was allocated by local government members each year. The total amount requested from local government members for FY 2018 was \$60,000 based on the FY 2018 Operating Budget. Local government budgets were approved in October and the total amount budgeted by local government members for the SJRBC was approximately \$50,000. While very satisfied with the results of the first year of this new strategy, there is more work to be done to make the local cities and counties aware of the benefits the SJRBC can provide.

Indiana Watershed Leadership Academy Scholarship

The SJRBC agreed to sponsor an individual working in the St. Joseph River Watershed to enroll in the 2018 Indiana Watershed Leadership Academy, which focuses on efforts to improve water quality. The selection committee met on October 26th to discuss the applications. Jordan Beehler, Conservationist, Elkhart County SWCD, was awarded the scholarship and has been enrolled. Following completion of the program, Jordan will be invited to give the SJRBC a short presentation on her experience at the academy.

NEW BUSINESS

Meeting Schedule for 2018

Matt Meersman presented the following meeting schedule for calendar year 2018.

March 1, 2018
June 7, 2018
September 6, 2018
December 6, 2018

All meetings will begin at 10:00 a.m. at the Elkhart County Public Services Building.

Election of 2018 Officers

Jon Roberts presented the following slate of officers who have agreed to serve for calendar year 2018 and asked if there were any other nominations from the floor.

| | |
|----------------|---------------|
| Chairman: | Jon Roberts |
| Vice Chairman: | Martin Franke |
| Secretary: | David Abbot |
| Treasurer: | Daragh Deegan |

MOTION TO CLOSE THE NOMINATIONS AND ACCEPT THE SLATE OF CANDIDATES AS PRESENTED AS 2018 OFFICERS WAS MADE BY CRAIG WILLIAMS AND SECONDED BY DONA HUNTER. THE MOTION CARRIED.

ITEMS FROM THE FLOOR

Jason Kauffman explained as part of their education program, the Greater Elkhart County Stormwater Partnership distributes stormwater calendars every two years. The calendar offers water related messages that suggest ways to help individuals preserve clean water, and includes beautiful pictures taken by local photographers. Jason distributed calendars to those in attendance.

Craig Williams said he appreciates Matt's enthusiasm for donating a good deal of his personal time to the SJRBC, while waiting for consistent local funding to develop. However, there is concern that if Matt decides to leave his position as River Basin Director, it may not be possible to financially entice a capable candidate to replace him. Matt explained he is included in the 2-year contract the SJRBC signed with MACOG and feels very comfortable with the compensation included in the contract. He recommended the Commission develop a plan to address the issue, prior to the next contract renewal. Craig said the intention is to insure the River Basin Director position is set up to be perpetuated.

ADJOURNMENT

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

MOTION TO ADJOURN WAS MADE BY ROGER NAWROT AND SECONDED BY DARAGH DEEGAN. THE MEETING WAS ADJOURNED.

Jon Roberts, President