

AMENDED JOINT POWERS AGREEMENT

For Administration of the Wetland Conservation Act (1991)

This agreement is made between Wright Soil and Water Conservation District and the County of Wright, for administration of the Wetland Conservation Act of 1991, pursuant to authorizing resolutions of the boards of Wright Soil and Water Conservation District and the County of Wright.

This agreement is authorized by Minnesota Statutes § 103C.331, subdivision 19, (for SWCDs), and Minn. Stat. § 471.59 (for counties and municipalities) and amends and supersedes the parties original Joint Powers Agreement executed on December 28, 1993 (County of Wright) and January 24, 1994 (Wright Soil and Water Conservation District).

Wright Soil and Water Conservation District and the County of Wright agree that:

1. Wright Soil and Water Conservation District will act in place of the County of Wright as the local government unit under the Wetland Conservation Act and the rules of the Board of Water and Soil Resources adopted under the act.
2. Wright Soil and Water Conservation District will administer any ordinances the County of Wright adopts to implement the act and the rules.
3. Wright Soil and Water Conservation District will follow the County of Wright's procedures regarding notices and hearings, and will collect for its account fees as established by the Wright Soil and Water Conservation District for all Wetland Conservation Act applications and appeals.
4. The Wright Soil and Water Conservation District and the County of Wright will create a joint Wetland Appeal Board. Membership of the Wetland Appeal Board shall consist of all Supervisors of the Wright Soil and Water Conservation District and two members appointed, from time to time, by the Wright County Board of Commissioners.
5. All meetings of the Wetland Appeal Board shall be held in the Wright Soil and Water Conservation District Boardroom. All meetings, unless mutually agreed by the parties, shall be scheduled as needed on the second Monday of every month and shall convene at 5:00 p.m. The Chair of the Wright Soil and Water Conservation District shall preside over all meetings of the Wetland Appeal Board. The Wetland Appeal Board may elect from its members a Vice-Chair to act in the place of the chairperson. Special meetings may be convened at the call of the Chair.

6. Notices for all meetings of the Wetland Appeal Board shall be posted in accordance with the procedure and policies of the Wright County Board of Commissioners.
7. The Wetland Appeal Board will be the decision maker on wetland replacement plans and wetland banking plans. The Wright Soil and Water Conservation District shall delegate to staff the initial decision making authority for all other Wetland Conversation Act applications and decisions.
8. Any appeal of a staff decision shall be made to the Wetland Appeal Board except wetland type and boundary decisions shall be immediately appealable to the Minnesota Board of Water and Soil Resources.
9. The County of Wright will annually provide sufficient funding to the Wright Soil and Water Conservation District for the administration of the Wetland Conservation Act. Source of funds shall be through State grant funds and general revenue funds as agreed upon between the two governmental units.
10. The Office of the Wright County Attorney shall be legal counsel on all Wetland Conservation Act matters pursuant to Minn. Stat. § 103C.321 Subd. 4 (2016). In the event of a conflict of interest the County of Wright shall provide sufficient funds to provide legal advice and support for administration and enforcement of the Wetland Conservation Act.
11. The Policy Handbook adopted by the Wright Soil and Water Conservation District on June 8, 2015 is reaffirmed and readopted and made applicable to all wetland conservation act matters proceeding under this amended joint powers agreement.

This agreement may be amended by mutual agreement of Wright Soil and Water Conservation District and the County of Wright by resolutions of their respective boards.

This agreement shall become effective upon signature of all duly authorized signatures, and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party to the order.

Wright Soil and Water Conservation District
Board Chair

Date

County of Wright
Board Chair

Date