

Watershed-based Organization

Sub-Committee



Meeting Notes

Meeting Date: May 3, 2017

Time: 9:00 am -12:00 pm

Meeting Location:

Johnson County Transit Facility, 1701 W Old Hwy 56, Olathe, KS 66061

Attendees:

Watershed-Based Organization Sub-Committee

Rob Beilfuss – City of Olathe
Courtney Christensen – City of Mission Hills
Mike Brungardt – City of De Soto
Lorraine Basalo – City of Overland Park
Randy Gorton – BHC Rhodes
Tom Jacobs – Mid-America Regional Council
Andy Sauer – Burns and McDonnell
Brenda Macke – CDM Smith
Chad Johnson – Olsson Associates
Les Barnt – GBA

JC SMP

Lee Kellenberger
Heather Schmidt

Consultant Team

Patti Banks – Vireo
Triveece Penelton – Vireo
Andrew Smith – B&V
Justina Gonzalez – B&V

Agenda Objectives

Confirm entities with voting authority in the watershed-based organizations
Discuss structural concept for the watershed-based organizations
Discuss challenges and opportunities in implementing sample organizational concept

Handouts: Agenda

Notes

Introduction / Update of Implementation Status / 4th Meeting Goals

- Lee of JC SMP welcomed attendees to the fourth meeting of the watershed-based organization sub-committee. Lee showed a video highlighting the JC SMP Program that he played during a presentation at the Association of State Floodplain Managers 2017 Conference. His presentation about the changing direction of the SMP strategic plan was well received at the national conference.
 - **Presentation to City Councils:** Lee noted that JC SMP would also like to do a brief presentation of the JC SMP strategic plan implementation to city councils. JC SMP will work to coordinate when to meet with the councils.
- Andrew of B&V provided a quick update of SMP strategic plan implementation to date.
 - **Watershed-Based Organization Sub-Committee Implementation Status:** The sub-committee has been able to discuss the “where” (watershed delineations), “what” (goals and plans), and “who” (stakeholders/potential partners) of the watershed-based organizations. Now the group will be

further discussing an organizational concept. Depending upon what is accomplished during the fourth meeting, the group is close to taking a break while the other sub-committees work with the initial framework drafted by the watershed-based sub-committee.

- Andrew outlined the agenda and goals of the fourth watershed-based organization meeting.
 - **Watershed-Based Organization Sub-Committee 4th Meeting Goals:** The consultants would like to review the feedback provided during the 3rd meeting, particularly in regards to the initial voting membership of the organizations. The sub-committee will then discuss the organizational structure for the organizations. Consultants sent a reference paper to the sub-committee prior to the meeting that outlined a sample structure along with key components to note in future Bylaws. The sample structure is based on responses received from the sub-committee. The fourth meeting will close with a discussion on the potential challenges and opportunities in implementing the sample organizational concept.

Confirmation of Entities with Voting Authority in the Watershed-Based Organizations

- Consultants noted that during the fourth meeting sub-committee participants strongly emphasized the need for uniformity across the watershed organizations in terms of structure, authority, equity, and project prioritization. A key part of past discussions was the consideration of who should have voting authority in the organizations. The majority of the sub-committee emphasized that voting membership should be provided to all municipalities that have jurisdictional authority in the watershed. The County should also have voting membership if representing unincorporated areas. The board of voting members could then establish ex-officio status for other entities as decided. Consultants asked if the sub-committee had any further comments or clarification in regards to voting members. Individual participant comments are summarized as such:
 - The watersheds will have differing needs so the type of entities that have ex-officio status should not be uniform and standardized across the organizations. The boards of the watershed organizations can later determine what specific entities to include with ex-officio status.
 - JC SMP could be automatic ex-officio members for all of the watershed organizations. SMP may not be able to attend every meeting but it may be logical to have it automatically included so that the County would receive meeting materials and be informed of the status of the organizations.
 - Sub-committee participants have spoken with their cities about the status of meetings so far. The feedback from the cities is that it makes sense to keep voting authority amongst the cities since they have immediate accountability to tax payers.
 - The sub-committee should not miss out on the opportunity to formalize participation from other entities beyond the cities. The overall goal of the strategic plan update is to better meet stakeholder needs. If entities have no formal representation then their involvement may wane which would be an unwanted loss.
 - In some watershed groupings with few municipalities, outside entities could have greater representation than the cities. That could be perceived as an issue, particularly if the entities have voting authority.
 - The cities and the County have to balance resources and initiatives across the broad basis of services they provide. In comparison, other entities would have more narrow objectives.
 - Voting members should be those that have authority to implement projects. For instance, it is a city that has the authority to enact easements.
 - Other entities, like real estate developers and land owners, should be able to bring information to the organization and get feedback. But when it comes to voting there should be a clear restriction of their influence.
 - There could be a significant benefit of having private property representatives formally involved in the organizations. If a conflict of interest would come up then the representatives would have to recuse themselves from that issue.

- The organizations should look at what their biggest roles will be. Those roles are likely to be developing a plan and developing a project list, which are activities that should be as inclusive as possible to achieve more far reaching effects. It will benefit the organizations to include as many entities as possible.
 - Organizations may want to consider including school districts because of taxing jurisdiction.
 - Other entities could come forward to the watershed organizations and propose projects to the County provided that they would do the match.
 - Having JC Wastewater as a voting member should be considered. Their involvement would be vital for integrated projects and collaborative permitting. The organizations need to consider the major players that have public authority.
 - If including too many entities there could be problems if declining participation. If members are unable to attend meetings then there may be an issue with having a quorum to proceed.
 - Entities will be more likely to attend meetings when the watershed organization has a specific task or request of them. This reiterates the need for a technical advisory committee for the organizations.
- Consultants then confirmed from the sub-committee that the voting members of the watershed organizations shall be municipalities that have jurisdictional authority within the watershed. For watersheds with unincorporated area, the County shall have voting authority. Board members of each organization will establish ex-officio members, with the number of ex-officio members and represented entities potentially varying across the watershed. The Board should consider which entities to include as ex-officio members a minimum of every four years.

Structural Concept for the Watershed-Based Organizations

- Consultants facilitated a discussion on the key issues outlined in the reference paper for a sample organizational concept. Major comments are summarized below:
 - **Membership:** *See notes above pertaining to entities with voting authority.*
 - **Voting Rights/Procedures:** Sub-committee participants confirmed that every municipality will be granted a single vote on the watershed organization board regardless of population, land area, or tax base. Participants also confirmed that a City must comprise at least 2% of the watershed on a land area basis to have voting rights.
 - On the issue of tie votes, a representative from the County may break the tie.
 - **Officers:** Sub-committee participants confirmed that at a minimum, the watershed boards should elect a Chair, Vice-Chair, and Secretary.
 - It was suggested that the Secretary be chosen by the board, but not be an acting member so that way the cities could utilize administrative staff.
 - Participants questioned if the SMP would be willing to fund an administrative FTE position that would attend all meetings, acting as Secretary for the watershed organizations. The position would provide significant support to the cities as well as provide consistency across the organizations.
 - **Representation to the SMP:** Sub-committee participants confirmed that the Chair of each watershed organization could act as a representative to communicate issues and preferences to the SMP. This group of watershed representatives will function as a replacement to the existing SMAC.
 - **Watershed Planning:** SMP confirmed that the intent is to have the County fund the watershed plans for each organization. The plans will develop a list of known probable flooding, water quality, and system management impairments, as well as a prioritized list of capital improvement projects. Cities will be expected to contribute existing information and system knowledge to facilitate completion of the plans.
 - **Metrics and Measurement:** The boards of the watershed organizations will collaborate with the SMP to develop and maintain a list of stormwater metrics that will be reviewed on an annual basis.

- The additional sub-committees will be defining what success means pertaining to water quality, flooding, etc. But the SMP does not want to over-burden the watershed boards with measuring success, so the County may take on additional roles in evaluating metrics. For the watershed organizations, fundamental success will be the implementation of projects.

Challenges and Opportunities in Implementing Sample Organizational Concept

- Consultants asked for feedback from the sub-committee as to what challenges and opportunities they may foresee in implementing the sample organizational concept. Individual participant comments are summarized as such:
 - For the cities, the two biggest issues will be representation and funding equity across the organizations and within.
 - City councils will have to approve membership on the watershed organizations and inter-local agreements will have to be established which will require significant coordination.
 - Before agreements can be pursued, the County needs to undertake a significant educational role in speaking with city council members. Councils need to be able to understand the value in shifting to watershed organizations in that the goal is to expand capacity and better meet needs.
 - On the issue of equity, a challenge will be how a watershed organization considers issues equally across municipalities. Also, minimum standards of stormwater management should be set for the cities participating in the program. Otherwise a majority of funds could go to cities that haven't maintained their system.
 - Funding for system maintenance should be handled separately than funding set for water quality and flooding. For system maintenance perhaps a set amount should be set aside for each organization that can be leveraged within the watershed, particularly for emergencies.
 - In order for the organizations to keep momentum, it should be established that each watershed gets funding every year.
 - Funding matching should incentivize the organizations to pursue alternative funding.

Closing / Next Steps:

- The meeting convened with JC SMP and participants confirming that the sub-committee had sufficient agreement on an organizational concept. The sub-committee will recess for a few months while the other sub-committees work through further details pertaining to prioritization and metrics.
 - **Time Frame for Reconvening:** The watershed-based organization sub-committee will likely reconvene in October at which time the sub-committee will finalize paths forward.
- JC SMP and consultants will begin speaking with city councils during the summer about the progress of the strategic plan implementation.
- Consultants called for final questions or comments. The following comments were noted:
 - When speaking with city councils, the SMP will have a chance to highlight the changing directions in not only the program but in stormwater management as a whole. Presentations to city councils would also be a chance to encourage the greater role of green infrastructure in the County.
 - City representatives would like to see the presentation, possibly at the next SMAC meeting, before JC SMP speaks with the councils. It would also be helpful for the presentation to have further information from the other sub-committees, particularly in regards to funding.
- JC SMP and the consultants closed by thanking participants for their valuable role in the strategic plan implementation and for the significant amount of progress they have achieved thus far.