

**Lessard - Sams Outdoor Heritage Council**  
**March 18, 2011**  
**Room 400 North, State Office Building, St. Paul, Minnesota**  
**Meeting Summary**

**Members Present:**

Ryan Bronson	Acting-Chair David Hartwell	Rep. Denny McNamara
Les Bensch	Sen. Bill Ingebrigtsen	Scott Rall
Jim Cox	Jane Kingston	Sen. Tom Saxhaug
Wayne Enger	Rep. Leon Lillie	Ron Schara

**Members Absent:** none

**Call to order:** Call to order at 9:07 a.m. A quorum was present.

**Review and approve agenda:** Motion by W. Enger to approve the agenda. Motion adopted.

**Review and Approve Minutes: December 15, 2010 and February 21, 2011**

Motion by W. Enger to approve the minutes. Motion adopted.

**Member Introductions** - Members introduced themselves and gave a brief background and explained their interests as it relates to the Council.

**Executive Director's Report** – (20:37) Mr. Becker gave the following updates:

- Great River Greening Advance status and update. Three advances were requested of DNR and all three of the advances have been shown to be paid within the terms of the advance.
- Nature Conservancy purchase request of two tracked utility vehicles used for prairie management and burning. They were unable to find a reasonable lease and have pledged to return fair market value if converted to non-OHF funded programs. The trucks are \$16,500 each and would be the only the capital equipment purchased. If there is an objection to this purchase, this could be put on an agenda item for the scheduled June meeting. D. Hartwell asked if there were objections to the purchase. The Council authorized Mr. Becker to approve the tracked vehicle purchases.
- In an effort to keep staffing level to a minimum, we are currently working on automating our office systems to assist with the submission of proposals, accomplishment plans, amendments to accomplishment plans and to track parcel information at an initial cost of \$50,000-\$70,000 for computer tracking system. Staff is currently working on a contract with a consultant to assist in the writing of the RFP for publication in the state register.
- HF 1073 reorganizing constitutional fund recommendation process was introduced. Staff is tracking this bill and will advise if that bill starts to move.
- Legislative Auditor Update – The Legislative Auditor has begun the financial audit of M.L. 2009 and 2010 appropriations, the Accomplishment Plans are part of the audit framework. The audit includes pass-through and direct agency appropriations.

- Status reports are completed for the period through Dec 31, 2010. The appropriations of M.L 2009, 62% expended, over 95% legally committed, 91% accomplishment have been achieved. Nearly all projects proceeding. Federal issues regarding land restrictions being resolved.
- Staff will be sending out a summer travel/issues seminar survey. Once that feedback is received, staff will work with the Executive Committee to finalize plans.
- At the June meeting, members will be reviewing the Statewide Priorities and Visions and Priorities for Ecological Sections. Contact staff if you need a copy.

Ryan Bronson asked if staff had been informed about the federal land exchange concerns. Mr. Becker stated that he was not aware of any concerns.

**Action:** Adopt 2011 Schedule (31:08)

Acting-Chair Hartwell asked about the December 2011 meetings. It was determined to remove the December 6<sup>th</sup> meeting and combine that with December 13<sup>th</sup>. Motion by R. Bronson to adopt the 2011 schedule with the removal of 12/6/2011 meeting. Motion adopted.

**Action:** Council Operating Procedures Amendment (34:35)

Mr. Becker reviewed the "Implementing Land Acquisition Restrictions Process" with members and answered question posed by members. Mr. Knopff suggested to insert "and" before (2). Members concurred with the suggestion.

**"3. Replacement Plans and Recordation.** The council must consider and approve the alteration or conveyance and any replacement as a whole. The replacement plan must include an appraisal of the land to be altered or conveyed and if appropriate, an appraisal of the land to be replaced for the altered or conveyed land. The replacement plan must meet the following criteria: (1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and (2) the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat. The applicant must complete the replacement plan and make notice of funding restriction to the appropriate local government office or repay the Outdoor Heritage Fund within one calendar year of decision."

Motion by S. Rall to approve the amendment to the Council Operating Procedures with the addition of "and". Motion adopted.

**Presentation:** Open Meeting Law (43:11)

Deb Dyson, House Research Department gave a review on the open meeting law and answered question posed by members. She covered the general principles of the law and how it applies to the Council.

The Open Meeting Law has been in Minnesota Statutes since 1957. She said that the statute is a skeleton and the opinions and court case rulings have determined how much of statute is interpreted. What you find is that the courts always rule in favor of openness. With the changes in electronic communication, there have been many attempts to clarify and amend the statute over the years, however, that gets to be controversial and is often difficult with the varying needs of the different bodies. She cautioned that members need to be careful using e-mail to communicate with other members of the body.

D. Hartwell reminded members to send e-mails to Mr. Becker who will review the content and if it is lawful forward the e-mail to all members.

She discouraged against serial communication, where a members sequentially call each other to discuss business. Courts consider that a violation of the open meeting law.

In summary, D. Hartwell suggested to members to error on the side of caution and for everyone to act carefully.

**Action:** Approve Communication Plan with Matt Kucharski (1:21:45)

Mr. Kucharski gave some background and expressed his enthusiasm for completing this work on a personal level. Many members thanked Mr. Kucharski for his interest in the Outdoor Heritage Fund and for stepping up to volunteer his time. Mr. Becker stated that the State Campaign Finance and Disclosure Board said as long as no lobbyist or principal lobbying organization is involved it is legal to accept the pro bono work. R. Schara supported the work and stated that he has been amazed at how the media has chosen to ignore the positive accomplishments of the OHF money and asked about the process. Mr. Kucharski described that the model he plans on using that has been applied to more than 200 businesses, non-profits and government initiatives. J. Cox asked the general cost of doing a plan like this. Mr. Kucharski stated that plans range from \$50,000 - \$500,000 depending on the complexity and size of the company.

Motion by S. Rall to approve working with Mr. Kucharski on a pro bono communications plan and authorize up to \$8,000 for out-of-pocket expenses related to the completion of the plan. Motion adopted.

**Presentation:** Conflict of Interest (1:35:45)

Alyssa Haugen, Director, Office of Grants Management presented the Conflict of Interest, Policy 08-01. She stated that the Office of Grants Management will be considering changing their form to include actual AND perceived conflicts. Her office does not offer formal advisory opinions on conflicts. Sen. Ingebrigtsen questioned the possibility of LSOHC using the same procedure as LCCMR whereas they mention a conflict at the beginning of each meeting. Mr. Becker stated this could be added as a standing agenda item in the future. R. Schara asked about a perceived conflict. Ms. Haugen stated perception of conflict was when a reasonable third party could perceive there to be a conflict.

**Presentation:** Long-Range Budget Analysis of Land Management Needs (2:01:57)

Bob Meier and Dave Schad, DNR, gave a presentation on the Long-Range Budget Analysis of Land Mangement Needs and reviewed highlights. Mr. Schad answered question posed by members.

J. Kingston asked whether the chart on page 7 could be applied to OHF data across the 5 year average within the plan. Mr. Schad said they could easily do that and would follow up. R. Schara asked if there was a long range easement plan. Mr. Schad stated there was it was part of the Forest for the Future plan which they would forward to members as well.

Break for Lunch

**Discussion:** Review Amendments to HF 471 (3:00:00)

Rep. McNamara explained the A8 Amendment for HF471, which would set aside 20% of the land acquisition price to pay for long-term maintenance of the property and reimburse the state for PILT payments. Mr. Becker explained the structure of the amendment and stated that this amendment was already included in HF471.

Rep. McNamara explained how the account would work, it would allow for the spending of the interest. He looks at this as a tool to help with the long-term costs of buying land.

Members discussed the pro's and con's on this account, PILT payments from the general fund, a possible moratorium on acquisition, constitutionality of an account making PILT payments, PILT payments as part of the continuation of the protection already purchased, importance of economic investment of land acquisition, general legislative attitudes on land acquisition, especially in northern Minnesota, how to protect a fund from future raiding, and the possibility of letting a court decide on the constitutionality of the account.

No decision or recommendation was brought forth by the Council

**Action:** Elections for Executive Committee membership (4:15:00)

Ms. Smith explained the election process. Nominations for chair were Jim Cox and David Hartwell. Ballots were handed out to members. Ballots were counted and a tie (6-6) was determined. Ballots were again handed out to members. Ballots were counted and a vote of 5-7 in favor of David Hartwell was determined. Nominations for Vice-Chair were Jim Cox and Les Bensch. Ballots were handed out to members. Ballots were counted and a vote of 8-4 in favor of Jim Cox was determined. Nomination for Secretary was Wayne Enger, a unanimous motion naming this position was adopted. Nomination for Treasurer was Les Bensch, a unanimous motion naming this position was adopted. It was determined via discussion that Senator Bill Ingebrigtsen would serve as the legislative member again.

The Executive Committee was adopted as follows:

David Hartwell, Chair

Jim Cox, Vice-Chair

Wayne Enger, Secretary

Les Bensch, Treasurer

Senator Ingebrigtsen, Legislative Member

**Opportunity for Public to Address the Council**

none

**Adjournment** (4:32:46)

The meeting adjourned at 2:37 p.m.

APPROVED:

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Wayne Enger, Secretary

Date