

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

ORDINANCE NO. 234

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION
DISTRICT CODE OF ORDINANCES REGARDING THE AUTHORITY OF THE
EXECUTIVE DIRECTOR AND PROVIDING FOR COST RECOVERY

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT
ORDAINS:

Article I. Power to Act. Chapter I of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding a new Section 1.10 as follows:

Section 1.10. Executive Director Power to Act; Cost Recovery.

Subd. 1. Authority. The Board recognizes the executive director is occasionally required to address situations or conditions on the Lake that require an immediate decision or action in order to protect the environment, property, or public health, safety, or welfare. These situations cannot reasonably wait to be addressed until a Board meeting and do not rise to a level authorizing an emergency Board meeting. When, in the reasonable determination of the executive director, such a situation or condition exists, the executive director is authorized to make such decisions and to take such actions as may reasonably be needed to address the situation or condition, even if such decisions are not in strict conformance with the provisions of this Code. If reasonably possible, the executive director shall consult with the LMCD attorney before taking any such action.

Subd. 2. Board Report. In every case in which the executive director exercises the authority provided under this Section, the executive director shall submit a written report to the Board at its next regular meeting explaining the situation or condition, and identifying the specific environmental, property, or public health, safety, or welfare concern addressed or mitigated. The report shall include details on each of the decisions or actions taken.

Subd. 3. Cost Recovery. If the situation or condition to which the executive director responds resulted from the actions or inactions of a person who owns or is in control of a watercraft or other personal or real property, such person is responsible for any costs and expenses the LMCD incurs to address the situation or condition. The LMCD may seek recovery of costs by providing the person an invoice that details the costs and expenses, which shall be due and payable within 30 days from the date of the invoice. If the person fails to pay the invoice within that period, the LMCD may exercise any authority available to it under law to recover its costs including, but not limited to, imposing a lien on the person's property pursuant to Minnesota Statutes, section 514.67. If the LMCD is required to take action to recover its costs, its collection costs and professional fees shall be added to the amount to be recovered.

Article II. Declaration. This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption unless a later effective date is expressly provided.

Article III. Effective Date. This ordinance shall be effective the day following its publication or a summary thereof.

Adopted this 27th day of March, 2019.

BY THE BOARD OF DIRECTORS


Gregg Thomas, Chair

ATTEST:



Ann Hoelscher, Secretary

Date of Publication: 4/25, 2019

Effective Date: 4/25, 2019

New material is double-underlined and removed material is ~~stricken~~.