

**Minnesota Board of Water and Soil Resources  
Performance Review and Assistance Program**

**Level II (Pilot) Performance Review Report  
for  
Coon Creek Watershed District**

**December 23, 2008**

**Lead Staff**

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Performance Review and Assistance Program  
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**Report Purpose and Contents**

This is an information document prepared by the staff of the Board of Water and Soil Resources (BWSR) for the Coon Creek Watershed District (CCWD) managers and staff, and the general public. The information in this document reports the results of a routine performance review of the watershed district's management plan implementation and is intended to give the managers and staff constructive feedback they can use to capitalize on strengths and address areas needing improvement. While the performance review reported herein has been conducted under the authority granted to BWSR by Minnesota Statutes Chapter 103B.102, this is a staff report and it has not been reviewed or approved by the BWSR board members.

This report contains the following sections:

- Background
- Purpose
- Scope
- Findings and Discussion
- Conclusions
- Recommendations
- LGU Response
- Appendices

**Background**

In January 2008 the Minnesota Board of Water and Soil Resources (BWSR) adopted a strategic plan with a mission statement to *improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners*. The strategic plan recognizes the importance to BWSR of the local organizations, such as watershed based planning programs. BWSR can best accomplish its mission if its local governmental unit delivery system is operating effectively.

One approach to making that local delivery system the best it can be is BWSR's implementation of a program authorized by the 2007 Minnesota legislature. Called the Performance Review and Assistance Program (PRAP), its purpose is to periodically review and assess the performance of local units of government that have land conservation and water management responsibilities. Using the PRAP process, BWSR interacts with local governments at four levels depending on whether the review and subsequent assistance is routine or specialized.<sup>1</sup>

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<sup>1</sup> For more information about BWSR's Performance Review and Assistance Program see the 2008 Report to the Legislature at <http://www.bwsr.state.mn.us/PRAP/index.html>

A Level I review annually tabulates the local government unit's compliance with basic organizational requirements. In Level II, conducted by BWSR once every five years for each local government unit, the focus is on the degree to which the organization is accomplishing its management plan. A Level II review includes determination of compliance with BWSR's Level I and II statewide performance standards, a tabulation of progress on planned goals and objectives, a discussion among board members and staff of the factors affecting plan implementation, and a BWSR staff report to the organization with findings, conclusions and recommendations.

In 2008 BWSR is conducting a limited number of Level II performance reviews statewide on a pilot basis only. BWSR selected the **Coon Creek Watershed District** as one of seven local governmental units in Minnesota to test the procedures and review standards of this new program. This document reports the results of that review.

### **Purpose**

*The purpose of this Level II performance review is to determine the progress of the Coon Creek Watershed District in accomplishing the goals and objectives of their comprehensive plan and to assess their overall performance with respect to general performance standards.*

In addition, our review provides suggestions for additional actions or assistance that the district managers and staff can consider.

Because this is a pilot application of PRAP, BWSR will use the results of this review to adjust the performance standards and review criteria for subsequent reviews of other local governmental units.

### **Scope**

This PRAP review included information gathering, analysis and reporting. Specific actions taken by BWSR in this process have included: review of the district's compliance with the PRAP Level I and II performance standards as reported by the district, BWSR staff attendance at board of managers meeting to explain the PRAP process and monitor the board's discussion of plan implementation issues (PRAP Level II Part 3), and review of various district reports, such as the annual report.

The PRAP process is administered by BWSR for the purposes of performance improvement and assistance. It is neither a financial audit nor investigation and it does not replace or supersede other types of governmental review of local government unit operations.

### **Findings and Discussion**

#### **1. Part 1: Progress Toward Comprehensive Plan Goals and Objectives**

*Findings:* The CCWD comprehensive plan covers the years 2000 to 2010, but did not receive final approval until October 2004. The watershed district has

been implementing the plan since then. The primary responsibility for plan implementation lies with the CCWD managers and staff. They are assisted by the watershed district citizen advisory committee and various other governmental and non-governmental partners.

Part 1 of the Level II performance review is an evaluation, based on information provided by the LGU, of the progress made in accomplishing each of the goals, objectives, and action items listed in the district's comprehensive plan. The CCWD comprehensive plan contains 42 specific objectives organized under eleven goals. For this review the CCWD has chosen to report its progress on plan implementation using information in their annual reports in place of the PRAP form designed for this purpose. From 2004 through 2006 the annual reports describe progress on plan implementation in terms of specific, and in many cases quantitative, actions taken by the district under each plan objective and include an overview of activities by program. These reports show accomplishments for 40 of the 42 plan objectives. For the 2007 annual report the district changed the format to report accomplishments by program area in more detail (e.g., operations and maintenance, development regulation) and dropped the section of accomplishments by plan goals and objectives.<sup>2</sup>

The two objectives from the plan that are not addressed directly in the annual reports are: "4.5- To encourage compatibility between land use activities upstream and downstream and natural resource capacity," and "11.3- Hold at least one public meeting per year addressing the Storm Water Pollution Prevention Program annual report." Neither the annual reports nor the district staff provided information as to why plan objectives 4.5 and 11.3 are not referred to in the reporting of accomplishments.

*Discussion:* For this pilot application of PRAP, BWSR selected LGUs that are at various points in their plan implementation cycle. The CCWD has had four years of plan implementation at the time of this performance review. In addition, the timeframes for implementing the plan objectives are listed in the plan as either on-going (the majority) or specific years, all of which have passed by the time of this review. Therefore, BWSR expects that the district would have progress to report on most, if not all, of the objectives.

Based on the self-report of the CCWD and BWSR's review, the district has significant accomplishments for 40 of the plan's 42 objectives. These accomplishments are easy to track by plan objective in the district's 2004 through 2006 annual reports. The program format of the 2007 annual report also reports accomplishments, but these are not tied to specific comprehensive plan objectives. Many of the accomplishments are reported in quantitative terms of the specific actions relative to each objective.

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<sup>2</sup> The CCWD administrator has indicated that the accomplishments by plan objective section will be continued in the 2008 Annual Report.

For the purposes of BWSR's PRAP review, the district's annual report format from 2004-2006 provides an excellent tracking of progress on plan objectives by reporting district activities by objective. The 2007 report gets away from this completely. While it is understandable that the managers prefer seeing the district's activities reported in reference to programs rather than plan objectives, some ability to track progress on plan objectives should be retained to keep the district's stakeholders informed. A compromise would be to retain the reporting-by-program format and provide cross-references to the plan objectives that are related to the reported activities. (See Recommendation 1.)

2. Part 2: Metro Area Watershed District Performance Standards

*Findings:* The CCWD watershed management activities were evaluated based on the organization's responses to a set of performance standards developed by the Board of Water and Soil Resources. BWSR reviewed the district's responses to the indicators for operational effectiveness in four categories—*administration, planning, execution, and communication and coordination*—for the period 2003-2007. (See Appendix A).

The CCWD met 12 of 15 basic practice standards and all 13 target (high performance) standards that apply. Noteworthy among the target (high performance) standards that the CCWD meets are 1) they have complete board and staff training programs (Administration), 2) they use water quality and watershed yield trends (Execution), and 3) they coordinate and partner with other local governments in the district (Communication & Coordination).

The CCWD provided explanations for the three basic standards they did not meet and a fourth standard that was addressed in consultation with BWSR.

1) Their annual activity report is not submitted by the "late February" deadline because the annual report preparation is part of their annual review of district performance and budget development in late March. Also, their financial report and audit are not completed until late March or early April and they wait to include those in the report.

2) The district's rules have undergone continued staff review and revision and a formal update is on hold pending input from the Minnesota Pollution Control Agency regarding discharge permit requirements, non-degradation requirements and potential total maximum daily load (TMDL) provisions.

3) Regarding the overdue reissuance of consultant contract requests for proposals, the CCWD has cited cost for both the district and consultants as reason for the delay.

4) In the initial response to the "stakeholder survey within last 5 years" standard, the CCWD checked "no." Subsequent discussion with the staff and managers have clarified the district's stakeholder feedback efforts.

*Discussion:* In general, a metro area watershed district would be expected to meet all of the basic performance standards and a few of the target high performance standards. However, BWSR has been using these standards only since February 2008, and the local government units evaluated in this first PRAP review have not had the opportunity to adjust their operations to meet the standards. Consequently, BWSR expects that many local units of government would be deficient in some of basic standards. The fact that the CCWD met most of the basic performance standards and all of the target performance standards demonstrates greater than expected operational effectiveness.

For those basic standards that the district does not currently meet, they have provided reasons as noted above. In response to the reasons given, BWSR makes the following responses:

- 1) The deadline for annual reports, according to Minn. Rules 8410-0150, is within 120 days of the end of the district's fiscal year. If the district operates on a calendar fiscal year, the reports would be due at the end of April.
- 2) The delay in updating the district's rules is reasonable given the need to incorporate additional water quality provisions. BWSR may be able to assist in expediting the involvement of MPCA in the rule revision process.
- 3) The district needs to meet the standard for updating its consultant contract requests for proposals. BWSR staff may be able to assist the district in this regard using examples from other metro area watershed districts that do comply in a cost-effective manner.
- 4) In the initial response to the standard for stakeholder survey the district initially understood this standard to refer to a general population survey of watershed district residents and therefore checked the "no" box. Subsequent discussions with the district have revealed that they use regular and targeted citizen feedback methods that are targeted to those people affected by a particular water management problem or potential project. The district maintains that these are useful surveys of citizen opinion and concern that are used by the district to inform their decisions. (See Recommendation 2 and the LGU Response section for more information on this issue.)

3. Part 3: Coon Creek Watershed District Board of Managers Discussion of Plan Implementation Progress

*Findings:* At a meeting of the CCWD board of managers on July 14, 2008, the managers discussed and passed a staff prepared response to questions in part 3 of the PRAP materials. (See Appendix B.) The managers briefly discussed the administrator's proposed responses and then approved them unanimously.

In their response, the managers report good progress in implementation of the comprehensive plan objectives. They noted that the ability to integrate water quality management into their other water management activities has been

particularly beneficial. The factors that are affecting, positively or negatively, their plan implementation are the five items identified in their plan and annual reports. They have not identified any objectives for which they would like BWSR assistance.

*Discussion:* The CCWD board and staff did not spend much time discussing the issues raised in the part 3 discussion questions at the meeting attended by BWSR program staff. The most likely reason for this, as indicated in the question responses and confirmed by informal conversations with the administrator, is that the managers and staff routinely conduct a thorough discussion of plan implementation progress and factors in conjunction with annual budgeting each spring. Review of progress on plan implementation is a routine item of business for this district.

Likewise, the CCWD routinely monitors the trends and factors affecting plan implementation and district management. The managers' attention to these issues is reported in the district annual activity reports. In particular, the 2007 Annual Plan contains a well documented analysis of district strengths and weaknesses in response to management trends and the issues, opportunities and needs related to external trends. In reviewing the district needs identified in section 6 of the 2007 Annual Plan, it may useful to track in subsequent annual reports how these needs were addressed. (See Recommendation 3.)

### **Conclusions**

The CCWD is making good progress in the implementation of their comprehensive watershed management plan. The organization is efficient in its administrative, planning, execution and communication-coordination functions. The district's annual reports and work plans provide good documentation of progress and the trends, issues and needs facing the district.

In the 2004-2006 Annual Reports, the district provided excellent reporting of progress on plan implementation by listing program activities by plan objective. As noted in Finding 1 above, that practice changed with the 2007 Annual Report. It is understandable that the district managers want to see progress reported in terms of programs, because that is how staff and funds are allocated and tracked. Furthermore, reporting activities by plan objective results in much duplication because one activity usually serves multiple objectives. The district should be able to continue reporting accomplishments by program while cross-referencing the program activities to the applicable comprehensive plan objectives.

The CCWD meets all of BWSR's high performance and most of the basic performance standards for metro area watershed districts. In addition, the managers and staff regularly assess their performance against a series of organizational function standards they have developed for themselves.

## Recommendations

The following recommendations are based on BWSR's evaluation of the performance of Coon Creek Watershed District comprehensive plan implementation activities as described above. These recommendations are not mandated by BWSR, but are offered to the managers and staff to enhance the organization's pursuit of effective water and related land resource management and its service to the stakeholders of the district.

1. **Tie Annual Report Accomplishments to Comprehensive Plan Objectives**  
The CCWD should consider referencing the comprehensive plan objectives that are addressed by the program activities listed in the annual reports. Also, there should be some discussion of the progress, or lack thereof, on plan objectives 4.5 and 11.3.
2. **Consult BWSR Staff to Address Performance Indicators**  
BWSR staff may be able to assist the CCWD with low cost methods for issuing biennial consultant RFPs and for conducting a periodic stakeholder survey. BWSR recommends the use of stakeholder input beyond that of the advisory committee to inform identification of planning and operational priorities. Because the district is already monitoring trends that affect district management and operations, stakeholder input would also serve that function well.
3. **Report on Actions Taken in Response to Trend and Need Analysis**  
The CCWD does an excellent job of reporting on the analysis of trend data as exemplified by the 2006 Annual Report Sections 5 and 6. The 2007 Report returned to an earlier reporting format on trends and factors. It may be helpful to continue to track response to the identified trends in whatever actions are taken, such as adjustments in district staff time and fund allocation. If the format of the 2006 report is continued, a new column could be added to indicate what adjustments or activities were implemented to address the identified needs.

## LGU Response

*[The CCWD reviewed the draft of this report and submitted manager approved responses to the recommendations. Complete text of the CCWD response is in Appendix C.]*

*Recommendation 1 Response:* As noted earlier in the BWSR report, the District has formatted its annual progress by Comprehensive Plan goal and objective for all years except 2007. In 2007 the report was reformatted to emphasize program delivery. The CCWD will return to, and ensure that its annual reports contain a clear presentation of annual accomplishments in implementing its Comprehensive Plan including more clearly reporting progress on objectives 4.5 and 11.3. The District wishes to note that the performance measures for these two objectives have been reported annually and are reviewed by the Board of Managers on a monthly basis.

*Recommendation 2 Response:* The CCWD will

1. Submit its annual report by 120 days of the end of the year as required by MR 8410.0150



2. Request proposals for professional consulting services in 2009. The District believes that the biannual search for professional services is expensive and not constructive for District operations and suggests that a five year interval may be more appropriate. *[BWSR staff will provide additional guidance and assistance regarding this requirement.]*
3. Upon discussion with BWSR staff and the broader guidance of what constitutes a “stakeholder survey” provided, the District believes that we have, in fact, met this requirement with more frequency than the 5 year requirement cited in the performance standards. *[BWSR concurs. The Appendix A checklist and Findings and Discussion Part 2 text has been corrected to reflect this.]*

The District also believes that the manner in which this standard is worded/formatted is misleading, and connotes implementation or reliance of a questionnaire type survey mailed district wide to a significant sample of the watershed’s populace, and that this mail survey would have the goal of fishing or trolling for issues. As discussed at the November 24 Board meeting, all of the examples provided by BWSR staff used such surveys to flesh out, or help refine existing problems or concerns. *[BWSR staff will provide additional guidance regarding use of general stakeholder surveys.]*

*Recommendation 3 Response:* None

*Additional Comments from the CCWD:* At the November 24 meeting, BWSR staff noted that the intent of the Metro Area Watershed Performance Standards were to assess “critical inputs” for effective water management. There are several “critical inputs” that the Coon Creek Watershed District assesses annually that we feel are essential and may assist BWSR in this important work:

- a. Administration/Personnel
  - i. Ability to respond to changing conditions
  - ii. Adaptive organizational structure
  - iii. Level of staff
  - iv. Knowledge/Training in job assignments
  - v. Do Board members deal with issues openly?
  - vi. Does the Board function as a team?
  - vii. Do Board attitudes and actions reflect a sense of public service vs personal interest
  - viii. Does the Board give adequate consideration to staff recommendations
- b. Finances
  - i. Does the District adopt a budget by 9/15?
  - ii. Does the Board of Managers understand the District’s Resources?
  - iii. Does the budget fund programs and activities that pursue District goals and objectives?

- iv. Is there encouragement of broad participation in the budget process?
- v. Does the Board consider the budget “their budget” versus “staffs” or the “consultants budget”?
- c. Procedures, Equipment and Technology
  - i. Does the District have a Policy & Procedure Manual?
- d. Public and Governmental Relations
  - i. Is the relationship between the District and the public and other units of government honest and open?
  - ii. Is there mutual respect between the District and other units of government

*[BWSR appreciates the information about the district’s self-evaluation standards. This type of regular introspection promotes good organizational health. These standards are appropriate for the Level III (i.e., more in-depth) performance review.]*

## **APPENDICES**

- A. PRAP Metro Watershed District Performance Standards form-Part 2; Coon Creek Watershed District.
- B. PRAP Level II Review: Assessing Progress Toward Plan Objectives-Part 3: Discussion Questions-Coon Creek Watershed District.
- C. Coon Creek Watershed District Response: Board of Managers approved comments, December 8, 2008.

**APPENDIX A**

**METRO WATERSHED DISTRICT PERFORMANCE STANDARDS**

**LGU Name:** Coon Creek

Performance Area	Performance Standard	Level of Review	Rating	
			Yes, No, or Value	
			YES	NO
	<ul style="list-style-type: none"> <li>★ Target (high performance) standard</li> <li>■ Basic practice or Statutory requirement</li> <li>◇ Quantitative standard</li> </ul>	<ul style="list-style-type: none"> <li>I Annual Compliance</li> <li>II BWSR Staff Review &amp; Assessment (1/5 yrs)</li> </ul>		
Administration	■ Activity report: annual, on-time	I		X
	■ Activity report: content MR 8410 compliant (include self-assessment of progress)	I	X	
	■ Financial report & audit: completed within last 12 months	I	X	
	■ Rules: current and reviewed by BWSR	II		X
	■ Personnel policies: written and reviewed/updated within last 5 yrs	II	X	
	■ Data practices policy: exists and reviewed/updated within last 5 yrs	II	X	
	■ Manager appointments: current and reported	II	X	
	■ Consultant RFP: ≤2 yrs for legal, engineering, accounting	II		X
	■ Water appropriation permit program exists (Hennepin and Ramsey only)	I	NA	
	★ Have in-house staff	II	X	
	★ Board training: ed and certifications, orientation plan and record for each board member	II	X	
	★ Staff training: ed and orientation plan and record for each staff member	II	X	
	★ By-laws, operational guidelines exist and current	II	X	
	★ Public ditch records: modernized, usable, indexed (where applicable)	II	X	
Planning	■ Watershed management plan: up-to-date	I	X	
	★ Capital Improvement Plan: reviewed every 2-3 yrs	II	X	
	◇ Number of local water plans reviewed and/or approved	II		5
Execution	■ Engineers Reports: submitted for DNR & BWSR review	I	X	
	★ Cooperative projects/tasks done with partners	II	X	
	◇ Expenditure trend: net change past 5 yrs	II		5%
	◇ Project-program expense \$/total budget \$ (past 5 yrs)	II		90%
	★ Water quality trend completed for key water bodies	II	X	
	★ Watershed yield trends monitored / reported	II	X	
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, attendance at Board mtgs	II	X	
	■ Stakeholder survey: within last 5 yrs	II	X	
	■ Coordination of Watershed Plan with local water plans	II	X	
	■ Communication piece: sent within last 12 months	I	X	
	■ Website: annual report, annual budget, minutes	I	X	
	★ Website: contains staff and mgrs contact info, mtg agendas, minutes; updated after each board meeting	I	X	
	★ Public education program: seminars, tours	II	X	
	★ Coordination with County Bd and City/Twp officials by Managers or staff	II	X	
	★ Partnerships: cooperative projects/tasks done with municipalities, counties	II	X	
	◇ Advisory committee: # mtgs within last 12 months	II		4

## APPENDIX B

### Level II Review: Assessing Progress Toward Plan Objectives

#### Part 3: Discussion Questions: Coon Creek Watershed District

1. **How often does your board review your plan or assess progress on planned objectives?**

Annually- The goals, objectives and strategies of the comprehensive plan are reviewed annually as one of the first steps in the District budgeting process.

Monthly- Progress on planned objectives are reviewed monthly as part of the monthly staff report

2. **Where has your organization made the most progress in implementing your plan objectives in the past few years?**

Integrating water quality management into the management framework for the District

**To what do you attribute that progress?**

Increase in staff and the requirements of the NPDES permit

3. **For which objective(s) has your organization had the most difficulty making progress?**

We are making progress on all of them

**What are the most likely reasons for this lack of progress?**

Not applicable

4. **Since the plan was completed, have there been any unforeseen opportunities or problems that have influenced your board's decisions about which objectives to pursue? Explain those influences.**

(None)

5. **What are the five most significant factors that are affecting (positively or negatively) your organization's ability to implement your planned objectives?**

- I. Economic forces Affecting Land Use and Water Management
- II. Increasing Complexity of the Water Management Agenda
- III. Demographic Pressure Driving Use of Water Resources
- IV. Dependence on External Sources of Water Management Technology
- V. Unusual or Prolonged Adverse Environment Conditions

6. **For which of the factors listed in #4 would your organization like some assistance for either taking better advantage of positive factors or overcoming negative factors? Identify the type of assistance that would be most helpful.**

(None)

## APPENDIX B

- 7. How will your organization use any of the information you gained from this review in communicating or working with your partners and customers?**

Unknown/Depends

## APPENDIX C

**From:** Tim Kelly [tkelly@cooncreekwd.org]

**Sent:** Tuesday, December 09, 2008 8:58 AM

**To:** Donald Buckhout (BWSR); Melissa Lewis (BWSR)

**Subject:** CCWD Comments

At their meeting last night, the Board of Managers unanimously approved the following responses to the District performance review conducted by the BWSR as part of the PRAP. The review made three recommendations which are discussed below

### **1. Tie the Annual Report Accomplishments to Comprehensive Plan Objectives:**

**Response:** As noted earlier in the BWSR report, the District has formatted its annual progress by Comprehensive Plan goal and objective for all years except 2007. In 2007 the report was reformatted to emphasize program delivery. The CCWD will return to, and ensure that its annual reports contain a clear presentation of annual accomplishments in implementing its Comprehensive Plan including more clearly reporting progress on objectives 4.5 and 11.3. The District wishes to note that the performance measures for these two are objectives have been reported annually and are reviewed by the Board of Managers on a monthly basis.

### **2. Consult BWSR Staff to Address Performance Indicators:**

**Response:** The CCWD will

4. Submit its annual report by 120 days of the end of the year as required by MR 8410.0150
5. Request proposals for professional consulting services in 2009. The District believes that the biannual search for professional services is expensive and not constructive for District operations and suggests that a five year interval may be more appropriate
6. **Upon discussion with BWSR staff and the broader guidance of what constitutes a “stakeholder survey” provided, the District believes that we have, in fact, met this requirement with more frequency than the 5 year requirement cited in the performance standards.**

**The District also believes that the manner in which this standard is worded/formatted is misleading, and conotates implementation or reliance of a questionnaire type survey mailed District wide to a significant sample of the watersheds populace. And that this mail survey would have the goal of fishing or trolling for issues. As discussed at the November 24 Board meeting, all of the examples provided by BWSR staff used such surveys to flesh out, or help refine existing problems or concerns.**

### **3. Report on Actions Taken in Response to Trend and Need Analysis:**

**Response:** None

## APPENDIX C

**NOTE:** At the November 24 meeting, BWSR staff noted that the intent of the Metro Area Watershed Performance Standards were to assess “critical inputs” for effective water management. There are several “critical inputs” that the Coon Creek Watershed District assesses annually that we feel are essential and may assist BWSR in this important work:

- e. Administration/Personnel
  - i. Ability to respond to changing conditions
  - ii. Adaptive organizational structure
  - iii. Level of staff
  - iv. Knowledge/Training in job assignments
  - v. Do Board members deal with issues openly?
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- g. Procedures, Equipment and Technology
  - i. Does the District have a Policy & Procedure Manual?
- h. Public and Governmental Relations
  - i. Is the relationship between the District and the public and other units of government honest and open?
  - ii. Is there mutual respect between the District and other units of government

If you have any questions please call me.

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