

# Metro Flood Diversion Authority/Red River Valley Alliance Technical Dispute Review Board Meeting Minutes

2:00 PM – July 15, 2025

**Virtually via Teams**

An organizational meeting of the Metro Flood Diversion Authority/Red River Valley Alliance Technical Dispute Review Board (TDRB) was held virtually on July 15, 2025. The following members were present: Joseph Allegro, Randy Hafer and Chris Kane.

Member(s) absent: no members were absent.

## **1. CALL TO ORDER/INTRODUCTION OF MEMBERS**

Mr. Allegro called the meeting to order at 2:02 PM and shared the administrative items that were relevant to the meeting. Mr. Joseph Allegro, Mr. Randy Hafer and Mr. Chris Kane introduced themselves. Roll call was taken and a quorum was present.

Mr. Allegro expressed his appreciation for the diligence in bringing the TDRB members on board with the intent of helping both parties. Mr. Allegro also acknowledged the efforts of MFDA and RRVA in reaching resolution on the pending disputes.

## **2. INTRODUCTION OF NORTH DAKOTA OPEN MEETINGS/OPEN RECORDS LAW ADVISOR**

Mr. Howard D. Swanson introduced himself and noted that he will serve as the legal advisor for the TDRB as it relates to the North Dakota Open Meetings and Open Records Law.

## **3. DISCUSSION OF NORTH DAKOTA OPEN MEETINGS AND RECORDS LAWS**

Mr. Swanson led the discussion regarding the North Dakota Open Meetings and Open Records Laws. The TDRB has been deemed a public entity by the ND Attorney General and therefore is subject to North Dakota Open Meetings and Open Records laws.

Any public entity meeting is subject to public notice and must be noticed in advance. The two types of meetings are *regularly scheduled* and *special meetings*. For a regularly scheduled meeting, an agenda will need to be published, and the agenda can be modified if needed. In the event of a special meeting, the agenda cannot be revised after it has been published. The public has the right to listen to or observe public meetings but do not have the right to speak unless called upon or scheduled to speak nor can they listen to or observe a closed executive session. Specific steps and motions need to be followed, and minutes must be maintained and have specific requirements.

One of the most important things to note is that there can be no communication amongst members to include emails, text messages and phone calls without noticing it as a public meeting and following the state open meetings and open records laws. Discussion between the members took place regarding this matter. Mr. Swanson will provide a handout from the ND Attorney General regarding open meetings and open records laws; any questions can be directed to him.

**4. DISCUSSION OF TDRB OPERATING PROCEDURES**

Mr. Allegro noted that members received the packet regarding the operating procedures prior to the meeting and has no comments after his review. Mr. Hafer and Mr. Kane also had no comments. Mr. Allegro asked how they should approve the procedures as received and Mr. Shockley suggested that a motion be made to adopt or approve the procedures. Mr. Caparelli noted that the Authority and Developer jointly submitted the procedures, and he has no objection to the Board moving forward.

**MOTION PASSED**

Mr. Allegro moved to adopt the TDRB operating procedures as presented, and Mr. Hafer seconded the motion. On a roll call vote, the motion carried.

**5. DISCUSSION OF PENDING MATTERS FOR REVIEW**

Due to the recent settlement agreement, there were no pending matters for review.

**6. DISCUSSION/SETTING OF FUTURE MEETINGS**

**a. REGULAR MEETINGS**

Mr. Allegro suggested that the Board does not need to conduct business until a dispute is submitted. If a dispute is submitted, it could be held as a special meeting. Mr. Hafer noted that the TDRB is required to hold quarterly meetings under the operating procedures and Mr. Swanson concurred that if the requirement is in the operating procedures, then the quarterly meetings should be scheduled. If there is no business to discuss at the scheduled time, the meeting can be cancelled.

**b. SPECIAL MEETINGS**

This topic was included in the regular meetings discussion.

**7. DISCUSSION OF REMOTE/ELECTRONIC INTRODUCTORY COMMUNICATION WITH PARTIES**

Mr. Allegro determined that a follow-up meeting with the parties is not required since both parties joined the meeting, and all the items were addressed.

**8. DISCUSSION OF ON-SITE KICK-OFF MEETING**

It was determined that the on-site meeting will be on Monday, September 22 and Tuesday, September 23, 2025. It was suggested that the site visit last a minimum of five hours due to the size of the project. Mr. Allegro noted that he will develop a draft agenda and route to the others for review and input.

It was noted that a site visit will need to follow open meeting requirements. Mr. Swanson will notice both the site visit and meeting per the open meetings laws.

**9. DISCUSSION REGARDING ACCESS TO PROJECT DOCUMENTS**

Each member confirmed that they were able to access all documents via a link provided to them.

**10. MEMBER'S COMMENTS**

Mr. Kane asked that the project status updates and documents be provided prior to the kick-off meeting and suggested that we schedule the next virtual quarterly meeting in December; it is scheduled for Wednesday, December 3, 2025, 10:00 AM to 11:30 AM CST.

**11. ADJOURNMENT**

Mr. Allegro moved to adjourn. The meeting adjourned at 3:17 PM.