Board Agenda



Diversion Board of Authority

January 8, 2026 @ 3:30 p.m. CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4th St N, Fargo, ND 58102) and online.

- 1. Call to Order
 - a. Roll Call of Members
- 2. Approve Order of Agenda

REGULAR AGENDA:

- 3. General Counsel Update
 - a. Resolution Appointment of the 2026 Members to the Diversion Authority Board, the Land Management Committee, the Finance Committee & the Planning Committee of the MFDA [Attachment 01.00] (Pg. 2)
 - b. Election of Vice Chair for the Diversion Authority Board
 - c. Election of Secretary for the Diversion Authority Board
 - d. Resolution Confirming the Dates of Meetings Scheduled for the Diversion Authority Board and the Planning and Finance Committees of the Metro Flood Diversion Authority for 2026 [Attachment 02.00] (Pg. 6)
- 4. Other Business
 - a. 2026 MFDA Governance Annual Work Plan [Attachment 03.00] (Pg. 9)
 - b. O&M Transition Framework [Attachment 04.00] (Pg. 13)
- 5. Public Comment 15 minutes maximum. Each speaker is limited to three minutes.
- 6. Next Meeting: January 22, 2026
- 7. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook or YouTube

Member	introduced the following resolution and moved its	adoption:

RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE DIVERSION AUTHORITY BOARD, AND LAND MANAGEMENT, FINANCE, AND PLANNING COMMITTEES OF THE METRO FLOOD DIVERSION AUTHORITY FOR 2026

WHEREAS, Section 5.01 of the Joint Powers Agreement dated June 1, 2016, ("JPA"), establishes the governing body of the Diversion Authority, the Diversion Authority Board, and sets forth its member composition; and

WHEREAS, such member composition consists of individuals appointed by the member entities, as well as two (2) other entities, to the Diversion Authority Board; and

WHEREAS, Article VI of the JPA contains the powers, duties, and membership requirements of committees established by the Diversion Authority Board; and

WHEREAS, the Diversion Authority Board must appoint the members of the Land Management Committee in accordance with Section 6.04 of the JPA; and

WHEREAS, the Diversion Authority Board must appoint the members of the Finance Committee in accordance with Section 6.11 of the JPA; and

WHEREAS, the Diversion Authority Board has established the Planning Committee to advise the Diversion Authority Board pursuant to Section 6.01 of the JPA and pursuant to a resolution adopted September 22, 2022, which provides the membership requirements of the Planning Committee; and

WHEREAS, pursuant to Sections 5.01, 6.01, 6.04, and 6.11 of the JPA, the Diversion Authority Board desires to appoint and confirm members of the Diversion Authority Board, Finance Committee, Land Management Committee, and the Planning Committee.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Metro Flood Diversion Authority:

- 1. <u>Diversion Authority Board</u>. The Diversion Authority hereby confirms the appointment of the members to the Diversion Authority Board of the Metro Flood Diversion Authority as reflected on the attached Exhibit A, and further, states that the membership of the Diversion Authority Board meets the requirements of Section 5.01 of the JPA.
- 2. <u>Land Management Committee.</u> The Diversion Authority hereby confirms the appointment of the members to the Land Management Committee of the Metro Flood Diversion Authority as reflected on the attached Exhibit A, and further, states that the membership of the Land Management Committee meets the requirements of Section 6.04 of the JPA.

- 3. <u>Finance Committee.</u> The Diversion Authority hereby confirms the appointment of the members to the Finance Committee of the Metro Flood Diversion Authority as reflected on the attached Exhibit A, and further, states that the membership of the Finance Committee meets the requirements of Section 6.11 of the JPA.
- 4. <u>Planning Committee.</u> The Diversion Authority hereby confirms the appointment of the members to the Planning Committee of the Metro Flood Diversion Authority as reflected on the attached Exhibit A and further, states that the membership of the Planning Committee meets the membership requirements stated in the resolution adopted September 22, 2022.
- 5. This Resolution shall take effect immediately upon adoption.

Dated:	January	8.	2026
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	METRO FLOOD DIVERSION AUTHORITY APPROVED:
	Dr. Timothy Mahoney, Chair
ATTEST:	
Dawn Lindblom, Secretary	
-	foregoing resolution was duly seconded by Member following voted in favor thereof: .

The following were absent and not voting: none. The following voted against the same: none. A majority of the Members having voted aye, the resolution was declared duly passed and adopted.

EXHIBIT A

Diversion Authority Board

Lisa Borgen Moorhead City Council Member **Duane Breitling Cass County Commissioner** Kevin Campbell **Clay County Commissioner** Shelly Carlson Mayor, City of Moorhead Bernie Dardis Mayor, City of West Fargo David Ebinger **Clay County Commissioner** Tony Grindberg **Cass County Commissioner** Chuck Hendrickson Moorhead City Council Member James Kapitan **Cass County Commissioner** Denise Kolpack Fargo City Commissioner Tim Mahoney Mayor, City of Fargo Dave Piepkorn Fargo City Commissioner

Rick Steen Cass County Joint Water Resource District

Land Management Committee

Nathan Boerboom Engineer, City of Fargo
Duane Breitling Cass County Commissioner
Kevin Campbell Clay County Commissioner

Brenda Derrig Assistant City Administrator, City of Fargo

Tim Flakoll Cass County Commissioner

Jake Gust Cass County Joint Water Resource District

Jenny Mongeau Clay County Commissioner
Matt Stamness Assistant Engineer, Cass County

Michelle Turnberg Fargo City Commissioner

Deb White Moorhead City Council Member Bob Zimmerman Engineer, City of Moorhead

Finance Committee

Shelly Carlson Mayor, City of Moorhead
Bernie Dardis Mayor, City of West Fargo
Tony Grindberg Cass County Commissioner
Sarah Heinle Finance Director, Cass County

Lori J. Johnson Clay County Auditor

James Kapitan Cass County Commissioner

Tim Mahoney Mayor, City of Fargo
Dave Piepkorn Fargo City Commissioner

Mike Redlinger City Administrator, City of Fargo

Mike Rietz Assistant City Manager, City of Moorhead Rick Steen Cass County Joint Water Resource District

Susan Thompson Finance Director, City of Fargo

Planning Committee

Kevin CampbellClay County CommissionerShelly CarlsonMayor, City of MoorheadBernie DardisMayor, City of West FargoTony GrindbergCass County Commissioner

Tim Mahoney Mayor, City of Fargo

Rick Steen Cass County Joint Water Resource District

Member	introduced the	following reso	lution and	moved its	s ador	tion:

RESOLUTION CONFIRMING THE DATES OF MEETINGS SCHEDULED FOR THE DIVERSION AUTHORITY BOARD AND THE PLANNING AND FINANCE COMMITTEES OF THE METRO FLOOD DIVERSION AUTHORITY FOR 2026

WHEREAS, Section 5.01 of the Joint Powers Agreement dated June 1, 2016, ("JPA"), establishes the governing body of the Metro Flood Diversion Authority, the Diversion Authority Board, and sets forth how it shall hold meetings; and

WHEREAS, Section 5.11(b) of the JPA states that a schedule of regular meetings of the Diversion Authority Board shall be adopted every year at the Annual Meeting; and

WHEREAS, Section 6.09 of the JPA established the Finance Committee of the Metro Flood Diversion Authority; and

WHEREAS, the Diversion Authority Board established the Planning Committee to advise the Diversion Authority Board pursuant to Section 6.01 of the JPA and pursuant to a resolution adopted September 22, 2022; and

WHEREAS, pursuant to Sections 5.01, 5.11(b), 6.01, and 6.09 of the JPA, the Diversion Authority Board desires to confirm the schedule of regular meetings of the Diversion Authority Board, the Finance Committee, and the Planning Committee for 2026.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Metro Flood Diversion Authority:

- 1. The 2026 Meeting Calendar, showing meeting dates and times of the Diversion Authority Board, the Finance Committee, and the Planning Committee scheduled for 2026, attached as **Exhibit A**, is hereby confirmed.
- 2. Except in the event of federal holidays, the Diversion Authority Board generally meets on the fourth Thursday of each month, the Finance Committee meets the day before each Diversion Authority Board meeting, and the Planning Committee meets on the Tuesday, two weeks prior to each Diversion Authority Board meeting.
- 3. This Resolution shall take effect immediately upon adoption.

Dated: January 8, 2026

	METRO FLOOD DIVERSION AUTHORITY
	APPROVED:
	Tim Mahoney, Chair
ATTEST:	
Dawn Lindblom, Secretary	
•	the foregoing resolution was duly seconded by Member the following voted in favor thereof:
_	ng: none. The following voted against the same: none. A saye, the resolution was declared duly passed and adopted.

January 2026								
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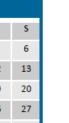
METRO
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202	26 Meeting Calendar
С	CCJWRD Board Meeting: 8:30 a.m.



M	MCCJPA Board Meeting: 1 p.m.

MFDA Planning Committee: 1 p.m.



	F	MFDA	Finance	Committee:	4	p.m.
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MFDA Annual Coordination Meetin

July 2026						
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October 2026

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		November 2026						
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December 2026						
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2026 MFDA Governance Annual Work Plan

Every January the Executive Director will draft a proposed Governance Policy Annual Work Plan and make a recommendation to the MFDA Board at the Annual Meeting. The MFDA Board will then approve the Governance Policy Annual Work Plan at the MFDA Annual Meeting. Following approval of the Annual Work Plan, the Planning Committee will conduct quarterly reviews of the Governance Plan.

The recommendation for 2026 is that these reviews be completed by the Planning Committee in February, May, August, and November, with the Executive Director's annual review taking place in December.

Month	Governance Policies	ED/ Board Relationships	Operational Expectations	Board/Planning Committee Meetings	Other Meetings
January	Plan and make a	or will draft a propo recommendation to ual Meeting to app	Annual Meeting Board Meeting Planning CMTE Lands CMTE Finance CMTE	New Board Member Orientation	
February				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
March	GP 1-2-3	ED/BRP 1-2	OE 1-2-3	Board Meeting Planning CMTE Lands CMTE Finance CMTE	
April				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
May				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
June	GP 4-5	ED/BRP 3	OE 4 - 5	Board Meeting Planning CMTE Lands CMTE Finance CMTE	
July				Board Meeting Planning CMTE Lands CMTE Finance CMTE	New Board Member Orientation
August				Board Meeting Planning CMTE Lands CMTE	

				Finance CMTE	
	GP 6	ED/BRP 4	OE 6 - 7	Board Meeting	Fall Retreat
September				Planning CMTE	
September				Lands CMTE	
				Finance CMTE	
				Board Meeting	
October				Planning CMTE	
Octobel				Lands CMTE	
				Finance CMTE	
				Board Meeting	
November				Planning CMTE	
November				Lands CMTE	
				Finance CMTE	
	GP 7-8	ED/BRP 5-6	OE 8	Board Meeting	Executive
December				Planning CMTE	Director Annual
December				Lands CMTE	Review
				Finance CMTE	

MONITORING OF GOVERNANCE POLICIES

Monitoring of Governance policies occurs through a detailed annual work plan.

Purpose of Work Plan

A built-in feature of the governance policies that logically outlines and guides the work of the MFDA Board and Executive Director is an annual work plan. By developing an annual work plan, the Board:

- Empowers the Board to exercise leadership
- Prioritizes the work of the Board
- Regulates workflow
- Establishes a monitoring schedule of policies
- Demonstrates accountability

Work is scheduled in these areas:

- GP monitoring
- ED/BRP monitoring
- Operational Expectations monitoring
- Board and Committee meetings
- Any other work the Board should plan its workaround.

Questions to consider:

- When should the board self-assess? Should GP and ED/BRP policies be monitored all at once in a retreat or scheduled in quarterly meetings?
- When should Operational Expectations policies be monitored (i.e., in line during the year with budget adoption or financial audit)?
- When should committee meetings be scheduled (i.e., in alignment with Board meeting times and dates)?
- What other commitments will the Board have (i.e., training, public engagement, etc.)?

Policy Monitoring Form (Template) (Name of Policy being Monitored)

Summary of Compliance Status (Date)

Executive Director Certification

With respect to (Name of Policy) taken as a proceeding information is accurate and cor	whole, the Executive Director certifies that the mplete:
In Compliance	
In Compliance with Exc	eption (as noted in the evidence)
Not in Compliance	
Summary Statement by Executive Director	or
Signed:	Date:
Planning Committee Recommendation fo	or Compliance
With respect to (Name of Policy), the Boa	rd:
Accepts the report as fu	ully compliant
Accepts the report as co	ompliant with noted exceptions
Finds the Executive Dire	ector to be non-compliant
Summary statement/motion of the Board	
Signed:	Date:

Mission of the MFDA during O&M:

The MFDA will conduct budgeting, inspections, maintenance, contracting, land/permit/environmental compliance, planning, and public outreach to ensure the FM Area Diversion Project (Project) is funded and maintained at a level that meets all MFDA, local, state, and federal requirements and is ready to provide flood protection to the benefited area in accordance with the water control manual.

Executive Director Planning Guidance for transition to O&M:

It's my intent to lead the MFDA through the transition from Project construction to O&M. This transition is ongoing and be complete by December 2027. The transition will be an asynchronous operation as we work every day to ensure Project construction is complete by the end of September 2026 and at the same time plan for and transition to O&M. We will also work in parallel to complete the Sheyenne River Mitigation Project (SRMP), other mitigation projects, and FEMA Physical Map Revision (PMR) complete by 2030.

Key Tasks:

- Ensure that the project is operationally ready so that we are prepared to operate for a flood in the spring of 2027.
- Move all MFDA Staff operations from the current administrative building to the new Authority Administrative Building (AAB) by the end of Fall 2026.
- Prepare 2027 cash budgets that serve as the transition budgets with both construction and O&M components.
- Execute necessary activities to have a maintenance levy in place to fund the O&M budget in 2028.
- Develop O&M plans for all components of the project to include the Local Flood Protection and Associated Infrastructure (LFPAI), the Southern Embankment and Associated Infrastructure (SEAI), the Diversion Channel and Associated Infrastructure (DCAI), and the Mitigation Features and Associated Infrastructure (MFAI).
- Develop and approve MFDA and local entity resolutions that outline the O&M assets, staffing/labor responsibilities, and fiscal responsibility.
- Complete the SRMP, other mitigation projects, and FEMA floodplain certification by 2030.

End State: By the spring of 2027 we will be prepared to operate the project to protect the area from a potential flood event. By the end of 2027 we will be 90% staffed for O&M, have 90% of our required equipment on hand, have necessary agreements with partners regarding routine maintenance, mutual aid, or assistance, and have a 2028 budget prepared and fully funded through a maintenance levee. By 2030 the SRMP, other mitigation projects and FEMA floodplain certification will be complete.

References for O&M Requirements, to include MFDA Powers, Board/Committee
Requirements, Organizational Makeup, Finance/Budgeting, Executive Director Duties, P3
O&M, Adaptive Management, USACE, and other requirements are outlined in the following documents:

- Joint Powers Agreement (page 55-57 cover specific O&M related requirements)
- Governance Policy
- Cass County Human Resources Policy
- Project Partnership Agreement with USACE and Amendment 1
- Project Agreement and Amendment
- Design & Construction (D&C) Contract and Amendment
- Adaptive Management and Mitigation Plan (AMMP)
- Strategic Asset Management Plan (SAMP)

Lines of Operation (Operational focused activity that must be completed to support the Mission or End State):

LOO 1: Project Operations during a Flood Event.

LOO 1a: Develop an Execution matrix

LOO1b: Plan for, build standard operating procedures, train, and rehearse required actions to operate the project.

LOO 1c: Develop contracts for necessary work, standby work, or clean up if flooding causes the project to operate.

LOO 1d: Staffing requirements for fulltime, parttime, and contract/consultant personnel required for operating the project during a flood event.

LOO 2: Routine Daily, Weekly, Monthly, and Annual Maintenance of project components and lands during the O&M phase.

LOO 2a: Maintenance of the LFPAI

LOO 2b: Maintenance of the SEAI

LOO 2c: Maintenance of the DCAI

LOO 2d: Maintenance of the MFAI

LOO2e: Annual operational readiness assessment of all project components

LOO 3: Sheyenne River Mitigation Project Construction and completion of any other Mitigation Projects.

LOO 3a: Design of SRMP

LOO 3b: Bid and Contracting of SRMP

LOO 3c: Construction of SRMP

LOO 3d: Complete property acquisition for any other Mitigation Projects

LOO 4: FEMA Certification

LOO 4a: PMR process and documentation

LOO 4b: Levee accreditation

LOO 4c: H&H Modelling

LOO 5: Administration

LOO 5a: Board and Committee Meetings

LOO 5b: Financial Model

LOO 5c: Legal

LOO5d: Contract Management

LOO5e: Document Control

Lines of Effort (Administrative or technical focused activity that links multiple tasks must be completed to support the Mission, End State, or a Line of Operation):

For each LOE there are corresponding LOE subordinate efforts and tasks. Each LOE will have an identified LOE Champion from the MFDA Staff or Consultant who will further develop the LOE and subordinate efforts and tasks. These efforts and tasks will ultimately be tied to a full-time employee or consultant to provide requirements for MFDA and consulting staffing. This can then be the basis for an employee job description or consultant task order. This will allow us to put together a comprehensive list of critical tasks with a direct linkage to time requirements for the LOE or task and who should be tasked with completing the LOE. For each LOE and subtask we will list what the task is, why this task is required, how the task will be completed, and a recommendation of who should complete this task. If necessary, further develop this task into additional subordinate subtasks, contracts, equipment, or other requirements. We need to develop a cost estimate for the task for the LOE based on fulltime staff or consultant hours, contractor time, equipment, service agreements, etc.

For example, with LOE 8: Public Outreach:

Public Outreach is an ongoing effort required to ensure elected leaders, citizens, and the regional community have the necessary information to understand the project, flood protection, and flood operations. Outreach also ensures the MFDA stays in compliance with open meeting requirements. Outreach includes a wide range of activities to include the items listed below in the sub-LOEs. Due to the variable nature of outreach activities, a MFDA fulltime staff person is most likely not required solely for this LOE. This could be a position completed as an additional duty for a fulltime staff, completed by a member entity public outreach staff, or a consultant. For example, the monthly outreach requirements could be managed by a fulltime staff and then additional consultant support would be contracted during a flood operation event and for website support.

LOE 8b: Website:

The MFDA website must be updated monthly to ensure compliance with open meeting records requirements and to keep the public informed of project related activities and flood operations. This task is best completed either in collaboration with a member entity employee who manages a City/County website or an MFDA employee who has the skills to maintain the site. *Add any additional information based on our current website, for example: We currently use Acme Website services at a

cost of \$500/month to host our website. It is anticipated that an employee or consultant would work 25 hours per month on this task, 5 hours per week for three weeks a month and 10 hours on MFDA Board Meeting weeks. An employee who earns \$70k per year with fulltime benefits costs the MFDA approximately \$110k at a cost of \$52/hour. Therefore, 25 hours of work on the website would be \$1300 per month. Total annual cost of website and personnel is \$21,600.

LOE 1: Manage Administrative Agreements with Member Entities and other organizations for the maintenance of all components of the project.	
LOE 1a:	
LOE 1b:	
LOE 1c:	
LOE 2: Move into the AAB	
LOE 2a:	
LOE 2b:	
LOE 2c:	
LOE 3: Personnel – determine levels of staffing, required competencies, duties, and responsibilities full-time staff, part-time staff, and project operations staff. Hiring and onboarding of new personne LOE 3a:	
LOE 3b:	
LOE 3c:	
LOE 4: Consultant Contracts and Activities – What tasks or activities are so technical or not frequent enough to hire a full time MFDA staff member.	t
LOE 4a: H&H	
LOE 4b: FEMA PMR support	
LOE 4c: Geotech	
LOE 4d: Surveying	
LOE 4e:	
LOE 5: Financial Management	
LOE 5a: Financial controls	
LOE 5b: Reporting	
LOE 5c: Borrowing and repayment	
LOE 5d: Maintenance Levy and District	
LOE 6: Contracts and Bidding	
LOE 6a:	
LOE 6b:	
LOE 6c:	

LOE 7: Administration and Board/Committee Meetings
LOE 7a:
LOE 7b:
LOE 7c:
LOE 8: Public Outreach
LOE 8a: Newsletters
LOE 8b: Website
LOE 8c: Flood operations support
LOE 9: GIS
LOE 9a:
LOE 9b:
LOE 9c:
LOE 10: Legal
LOE 10a: Board and Committee meetings
LOE 10b: Contracting and Bid Openings
LOE 10c: Litigation
LOE 11: Crop Insurance Plan
LOE 11a: Prevent-Plant Crop Insurance Program
LOE 11b: Growing Season Supplemental Crop Loss
LOE 11c: Administrative requirements for processing claims
LOE 12: Environmental Compliance, Permitting, and AMMP
LOE 12a: Environmental monitoring – geomorphology, biotic connectivity, water quality
LOE 12b: Wetlands – vegetation management and hydrology monitoring efforts
LOE 12c: Forests – ongoing maintenance/management to ensure trees are complimentary native vegetation established
LOE 12d: Native grasses – ongoing maintenance to ensure grass establishes (OHB, levees), includes mowing, pest and weed control $\frac{1}{2}$
LOE 13: Compliance with MOUs and third-party agreements
LOE 13a:
LOE 13b:
LOE 13c:
LOE 14: Turnover of USACE constructed features
LOE 14a:
LOE 14b:

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LOE 14c:
LOE 15: Asset Management System (CitiWorks software)
       LOE 15a:
       LOE 15b:
       LOE 15c:
LOE 16: Document Control
       LOE 16a:
       LOE 16b:
       LOE 16c:
LOE 17: P3 Project Component Inspection and Oversight
       LOE 17a:
       LOE 17b:
       LOE 17c:
LOE 18: Land Management
       LOE 18a: Dispose of excess lands
       LOE 18b:
       LOE 18c:
LOE 19: Dispute Resolution
       LOE 19a: P3 Dispute Resolution
       LOE 19b: Post Flood Operations Lands Dispute Resolution
       LOE 19c: Other
LOE 20: Control Structures (RRS, WRRS, and DIS)
       LOE 20a: Periodic testing
       LOE 20b: Property maintenance
       LOE 20c: Equipment testing
       LOE 20d: Asset replacement
       LOE 20e: Security
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^{*}This Line of Effort list will continue to be built out with additional LOEs and sub-tasks