

# Planning Committee Agenda

## Diversion Authority Planning Committee

March 12, 2026 @ 2:00 p.m. CST

This meeting will be in-person at the City of Fargo Red River Room (225 4<sup>th</sup> St N, Fargo, ND 58102).

1. Call to Order
  - a. Roll call of Members
2. Approve minutes – February 12, 2026  
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. O&M Update
5. Governance Policy Annual Review
  - a. Governance Policies 1: Commitments, 2: Board Culture and 3: Board Functions & Responsibilities [Attachment 02.00] (Pg. 4)
  - b. Executive Director/Board Relationship Policies 1: Single Point of Contact and 2: Single Unit Control [Attachment 03.00] (Pg. 10)
  - c. Operational Expectations Policies 1: Executive Director – Head of Administrative Branch of the MFDA, 2: Emergency Succession, and 3: Treatment of Community Members [Attachment 04.00] (Pg. 13)
6. Other Business
7. Next Meeting: April 9, 2026
8. Adjournment

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### **MEDIA AND PUBLIC PARTICIPATION INFORMATION**

This meeting will be in-person at the City of Fargo Red River Room (225 4<sup>th</sup> St N, Fargo, ND 58102)

# Metro Flood Diversion Authority Planning Committee Meeting Minutes

**2:00 PM – February 12, 2026**  
**Fargo City Hall, Red River Room**

A meeting of the Metro Flood Diversion Authority Planning Committee was held on February 12, 2026. The following members were present: Shelly Carlson, Mayor, City of Moorhead; Rick Steen, Cass County Joint Water Resource District; Dr. Tim Mahoney, Mayor, City of Fargo and Tony Grindberg, Cass County Commissioner.

Member(s) absent: Kevin Campbell, Clay County Commissioner and Bernie Dardis, Mayor, City of West Fargo.

**1. CALL TO ORDER**

Mayor Mahoney called the meeting to order at 2:00 PM. Roll call was taken, and a quorum was present.

**2. APPROVAL OF THE JANUARY 2026 MINUTES**

**MOTION PASSED**

**Mr. Grindberg moved to approve the minutes from the January 8, 2026, meeting and Mayor Carlson seconded the motion. On a voice vote, the motion carried.**

**3. APPROVE THE ORDER OF THE AGENDA**

**MOTION PASSED**

**Mr. Grindberg moved to approve the order of the agenda and Mayor Carlson seconded the motion. On a voice vote, the motion carried.**

**4. WASHINGTON, D.C. TRIP**

Mr. Benson provided an overview of the upcoming trip to Washington, D.C. The meeting schedule has not been finalized but tentatively, there will be discussions with officials and the USACE regarding the amendment to the PPA. The first draft of the PPA should be completed by March, with the MFDA potentially receiving the first payment in June 2026 and the second payment late Q1 or early Q2 2027.

There will also be discussions regarding the 408 permit and the need to see movement from the USACE as the project wraps up major construction.

**5. O&M UPDATE**

Mr. Benson reported that progress continues on the O&M plan. Delineation is still needed regarding hiring staff versus utilizing local government and consultants for various needs, i.e., snow, weed control, maintenance, etc. There will be a better understanding of flow, staffing and equipment needs in the next few months.

There is a pending trip to Manitoba for a floodway tour to gain insight into their O&M set-up and how it works with the different components of their diversion. More information will be provided upon finalization.

**6. COMMUNICATIONS PLAN**

Ms. Willson reported that there have been no significant changes to the plan since the diversion is still under construction. Additional updates will be made upon completion.

A recognition ceremony for those leaving the project is tentatively planned for October. An open house was discussed upon turnover in June for elected officials, community members and others that have been a part of the project. Ms. Willson is going to inquire with the FMWF Chamber to see if they would like to partner with the MFDA in planning and coordination.

**7. OTHER BUSINESS**

Mayor Mahoney suggested a meeting with Fargo City Commissioners, Mr. Benson and himself to discuss Minnesota funding.

**8. NEXT MEETING**

The next meeting will be March 12, 2026.

**9. ADJOURNMENT**

The meeting adjourned at 2:46 PM.

## **Policy Type: Governance Policies**

### **Commitments**

The Metro Flood Diversion Authority (MFDA), supporting the work of staff and the community's interest, holds itself accountable to the citizens of the Fargo-Moorhead Metropolitan Area by ensuring that all action it takes is consistent with the Authority's Board organization's policies and beliefs.

The MFDA is committed to governing efficiently and will be guided in its decisions by the following:

#### **General Purpose**

The Joint Powers Agreement ("JPA") is made pursuant to N.D.C.C. § 54-40.3-01 and Minn. Stat. § 471.59, which authorizes the joint and cooperative exercise of power common to the contracting parties. The contracting parties ("Member Entities") to the JPA are: the City of Fargo, the City of Moorhead, Cass County (ND), Clay County (MN), and the Cass County Joint Water Resource District (CCJWRD). The purpose of the JPA is to allow the Member Entities to work collaboratively to avoid the duplication of required approvals and actions with respect to the Project (as defined therein), to maximize efficiencies of the Member Entities with respect to flood control projects, and to have the Member Entities' employees, engineers, attorneys, and professional consultants cooperate in the design, financing, construction, operation, and maintenance of the Project. The Member Entities desire to establish and continue a joint powers structure to design, finance, construct, operate, and maintain the Project consistent with the provisions of the JPA, N.D.C.C. § 54-40.3-01, and Minn. Stat. § 471.59.

#### **Intent**

The Member Entities have extensive jurisdiction over water resources management within their respective geographic jurisdictions. Each Member Entity has the power to adopt rules and regulations governing water management. Nonetheless, the Member Entities recognize there is mutual benefit to the Member Entities working cooperatively concerning the Project. The JPA intends to increase efficiencies concerning designing, constructing, financing, operating, and maintaining the Project by allowing the Member Entities to cooperate in the bidding and letting of contracts, by cross-pledging sales taxes and special assessment levies, by entering into a Project Agreement with a P3 Developer ("Project Agreement"), by collaborating in the administration of the Project, and by reimbursing the Member Entities for expenses incurred in connection with the Project.

#### **Separate Political Subdivision**

The JPA expressly intended to confirm the ongoing existence and operation of a separate

political subdivision named the Metro Flood Diversion Authority. The Member Entities recognize that pursuant to and conformance with NDCC § 54-40.3-01 and Minn. Stat. §471.59, the Metro Flood Diversion Authority may not exercise power unless this Agreement expressly grants that power. As a result, the Metro Flood Diversion Authority will, from time-to-time, request that one or several of the Member Entities use their best efforts to exercise their respective furtherance of the project.

**Monitoring Method: Monitored by the Planning Committee and reviewed by the Board**

**Monitoring Frequency: Annually, per the Annual Work Plan**

Metro Flood Diversion Authority

Adopted:

## Policy Type: Governance Policies

### Board Culture

The Board will govern lawfully and make all official decisions by a formal vote of the Board, and it will govern with a long-term vision.

1. The Board will function as a single unit. Individual members' opinions and personal strengths will be used to the Board's best advantage, but the Board faithfully will make decisions as a group by a formal vote. No officer, individual, or committee of the Board will be permitted to limit the Board's performance or prevent the Board from fulfilling its commitments.
2. The Board is responsible for its performance and commits itself to continuous improvement. The Board will ensure that its members receive the training and professional support necessary to govern effectively.
3. To ensure that the Board's business meetings are conducted with maximum effectiveness and efficiency, members will:
  - a. Appoint a parliamentarian
  - b. Use Robert's Rules of Order as the basis for the format and structure of all Board meetings
  - c. Inform the Chairperson and Executive Director when a member is unable to attend a meeting
  - d. Come to meetings adequately prepared
  - e. Support the Chairperson's efforts to facilitate an orderly meeting
  - f. Communicate openly and actively in conversation and dialog
  - g. Encourage balanced participation of all members
4. The Board will use a consent agenda to expedite the disposition of routine matters. For example, matters delegated to the Executive Director required to be approved by the Board will be acted upon via the consent agenda. An item may be removed from the consent agenda. The Chairperson will place the removed item on the regular agenda.
5. The Board may revise or amend its governance policies at any time. However, as a customary practice, a proposed policy revision will be discussed at one session of the Board before being approved at a subsequent Board meeting.

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

## Policy Type: Governance Policies

### Board Functions and Responsibilities

A Board member's responsibilities include:

- Planning and policy decisions
- To perform its legal responsibility
- To establish bylaws as well as operating and financial policies
- To select, employ, and provide periodic performance appraisals and salary reviews and, if necessary, dismiss the Executive Director
- To adopt and monitor the operating budget and fiscal policies
- To protect the assets of the organization
- To ensure effective and efficient use of taxpayers' dollars
- To ensure the fulfillment of the organization's Purpose/Intent
- To ensure sound human resource policies as prescribed by law and maintain the employee handbook's integrity
- To project a positive image in the community
- To appoint, commission, supervise, and monitor committees

To fulfill these responsibilities well, a board member should attend seventy-five percent (75%) of regular meetings, be knowledgeable about the organization, participate constructively in deliberations, and vote according to one's conviction.

Individual Board members have no legal authority outside of official Board meetings, except when the Board expressly directs it. Provided, the Chairperson has the express authority to place the Executive Director on a paid administrative leave at any time for a period of up to five business days if the Chairperson determines such action is necessary. In the event the Chairperson places the Executive Director on a paid administrative leave, the Chairperson will call a special or regular Board meeting within three business days of his/her action of placing the Executive Director on a paid administrative leave. The meeting will inform the Board that the Executive Director has been placed on a paid administrative leave along with his/her recommendations regarding the Executive Director's employment with the MFDA. Such recommendations may include, but are not limited to, placing the Executive Director on a performance improvement plan and disciplinary action up to and including termination. Power is given to committees to conduct a study or negotiate on the Board's behalf. Individual Board members or committees must be mindful not to appear to commit the Board to any position in a private or public statement. Likewise, Board members should carefully avoid interfering with the efficient operation of the MFDA. Their interest, suggestions, and helpfulness should be freely given, yet neither in a manner that appears dictatorial nor encroaches upon staff lines of authority and responsibility.

It is not the function of individual Board members or Board committees to supervise the

Executive Director administratively. Provided, the Chairperson shall receive weekly updates and reports from the Executive Director and shall have the express power to ensure that the Board's direction and votes on matters are implemented by the Executive Director. Full accounting for their actions and management should be made in Board meetings.

**Monitoring Method: Monitored by the Planning Committee and reviewed by the Board**

**Monitoring Frequency: Annually, per the Annual Work Plan**

Metro Flood Diversion Authority

Adopted:

**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 whole, the Executive Director certifies that the proceeding information is accurate and complete:

- In Compliance
- In Compliance with Exception (as noted in the evidence)
- Not in Compliance

**Summary Statement by Executive Director**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning Committee Recommendation for Compliance**

With respect to (Name of Policy), the Board:

- Accepts the report as fully compliant
- Accepts the report as compliant with noted exceptions
- Finds the Executive Director to be non-compliant

Summary statement/motion of the Board

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Policy Type: Executive Director Board Relationship Policies**

**Single Point of Contact**

According to a written employment agreement, the Metro Flood Diversion Authority Board employs the Executive Director. The Board's sole direction of the operational organization is through the Executive Director functioning as the Executive Director.

The Executive Director shall:

1. Implement the MFDA Board's policies regarding the project's construction, operation, and maintenance.

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

**Policy Type: Executive Director Board Relationship Policies**

**Single Unit Control**

The Board will direct the Executive Director only through official decisions of the Board.

1. The Board will make decisions by formal, recorded vote to avoid ambiguity about whether direction has been given.
2. The Executive Director is neither obligated nor expected to follow the directions or instructions of individual Board members, officers, or committees unless the Board has specifically delegated such exercise of authority.
3. If the Executive Director determines that an information request received from an individual Board member or a committee is unreasonable or requires a material amount of staff time, the Executive Director shall ask the committee or the member to refer such requests to the full Board for authorization.

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

**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 whole, the Executive Director certifies that the proceeding information is accurate and complete:

- In Compliance
- In Compliance with Exception (as noted in the evidence)
- Not in Compliance

**Summary Statement by Executive Director**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning Committee Recommendation for Compliance**

With respect to (Name of Policy), the Board:

- Accepts the report as fully compliant
- Accepts the report as compliant with noted exceptions
- Finds the Executive Director to be non-compliant

Summary statement/motion of the Board

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **Policy Type: Operational Expectations Policies**

### **Executive Director – Head of Administrative Branch of the MFDA**

The Executive Director is the head of the administrative branch of the MFDA and is responsible to the Board for the administration of the MFDA's affairs.

The Executive Director shall:

1. Be responsible for compliance with and enforcement of the Joint Powers Agreement and subsequent resolutions approved by the Board
2. Ensure the MFDA is governed by a set of Governance Policies and a Code of Ethics
3. Implement and comply with the policies and procedures of the MFDA as approved by the Board
4. Report weekly to the Board Chairperson

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

## **Policy Type: Operational Expectations Policies**

### **Emergency Succession**

To protect the MFDA in the event of an unexpected loss of the Executive Director's services, the Executive Director shall ensure that at least one other executive staff member and the Deputy Executive Directors are familiar with Board and Executive Director issues and processes and can assume those responsibilities on an emergency basis, should the need arise.

1. The Cass County Administrator and the City of Fargo City Administrator shall serve jointly as the Deputy Executive Directors to the Metro Flood Diversion Authority. The Deputy Executive Directors shall serve as the Executive Director when the office of the Executive Director is vacant and unfilled.

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

## **Policy Type: Operational Expectations Policies**

### **Treatment of Community Members**

Concerning interactions with the community, the Executive Director shall not cause or knowingly allow conditions, procedures, and actions that are unlawful, unethical, unsafe, disrespectful, disruptive, or undignified.

The Executive Director shall:

1. Protect confidential information
2. Effectively handle concerns or complaints
3. Maintain an organizational culture that values individual differences in opinion
4. Protect against wrongful or illegal conditions
5. Establish policies and procedures to ensure compliance with all federal and state laws, provided that such policies shall be approved by the Board
6. Follow Cass County Human Resource policies and procedures to protect against discrimination, bullying, hazing, and harassment, which explicitly includes everyone but are not limited by the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information, status concerning marriage or public assistance, or standing in any group protected by federal, state, or local law.

**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board

**Monitoring Frequency:** Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

**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 whole, the Executive Director certifies that the proceeding information is accurate and complete:

- In Compliance
- In Compliance with Exception (as noted in the evidence)
- Not in Compliance

**Summary Statement by Executive Director**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning Committee Recommendation for Compliance**

With respect to (Name of Policy), the Board:

- Accepts the report as fully compliant
- Accepts the report as compliant with noted exceptions
- Finds the Executive Director to be non-compliant

Summary statement/motion of the Board

Signed: \_\_\_\_\_ Date: \_\_\_\_\_