

Planning Committee Agenda

Diversion Authority Planning Committee

June 11, 2026 @ 2:00 p.m. CST

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

1. Call to Order
 - a. Roll call of Members
2. Approve minutes – May 14, 2026
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. City of Fargo Sales Tax & Election Results
5. MN Funding Update & Next Steps
6. Governance Policy Second Quarter Review
 - a. Governance Policies 4: Officers Roles and 5: Committee Structure [Attachment 02.00] (Pg. 4)
 - b. Executive Director/Board Relationship Policy 3: Authority of the Executive Director [Attachment 03.00] (Pg. 11)
 - c. Operational Expectations Policies 4: Personnel Administration and 5: Personnel Administration – Program Management Consultant [Attachment 04.00] (Pg. 13)
7. Other Business
8. Next Meeting: July 9, 2026
9. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

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



Metro Flood Diversion Authority Planning Committee Meeting Minutes

2:00 PM – May 14, 2026
 Fargo City Hall, Red River Room

A meeting of the Metro Flood Diversion Authority Planning Committee was held on May 14, 2026. The following members were present: Dr. Tim Mahoney, Mayor, City of Fargo; Kevin Campbell, Clay County Commissioner; Tony Grindberg, Cass County Commissioner; Shelly Carlson, Mayor, City of Moorhead and Rick Steen, Cass County Joint Water Resource District.

Member(s) absent: 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. **APPROVE THE APRIL 2026 MINUTES**
MOTION PASSED
Mr. Grindberg moved to approve the April 2026 minutes, and Mr. Campbell seconded the motion. On a voice vote, the motion carried.

3. **APPROVE THE ORDER OF THE AGENDA**
MOTION PASSED
Mr. Steen moved to approve the order of the agenda and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

4. **CROP LOSS PROGRAM**
 Mr. Benson introduced the crop loss program, and Mr. Fisher provided a thorough and detailed overview of the program.
Background
 Farmland in the Upstream Mitigation Area (UMA) will be available for crop production after completion of the FM Area Diversion Project (the “Project”). The Metro Flood Diversion Authority (MFDA) recognizes that the potential impact of additional flooding caused by operation of the Project could present added risk to agricultural producers who operate in the UMA. While much of the UMA is subject to flooding today (the UMA is approximately 29,000 acres, of which approximately 18,000 acres would flood in a 100-Year Flood Event without the Project), there is risk that the Project induced flooding may limit the coverage of federal crop insurance. Per the Settlement Agreement with the Richland-Wilkin JPA, Buffalo Red River Watershed District, the City of Comstock, the MFDA will provide a crop loss program for preventive planting and for growing season crop loss across the UMA. This is in accordance with the Minnesota Department of Natural Resources Dam and Safety Permit and noted in the Property Rights Acquisition and Mitigation Plan. The MFDA is required to have the crop loss program in place prior to substantial completion of the last segment of the southern embankment.

Preventative Planting Crop Program

- The MFDA will implement and fund, at no cost to agricultural producers, a Prevent Plant Crop Program that will provide prevent plant crop funds for producers in the UMA in the event of Project operation and federal Prevent Plant Crop Insurance does not cover the prevent plant claim.
- The Prevent Plant Crop Program will provide the same level of coverage that producers purchase themselves through the federal crop insurance.

Growing Season Supplemental Crop Loss Program

- The MFDA will implement and fund, at no cost to agricultural producers, a Growing Season supplemental Crop Loss Program that will provide producers in the UMA coverage for loss from induced flooding on growing crops during the unlikely event of summer operation of the Project, and the producer's Multi-Peril Crop Insurance does not cover the crop insurance claim.
- If a producer covers their crops in the UMA with Multi-Peril Crop Insurance, and the Project is operated after crops are planted, the Growing Season Supplemental Crop Loss Program will provide 100% coverage for insured crops damaged by operation of the Project during the growing season.

Financial Ask

The estimated total maximum probable loss for the 29,000-acre UMA is approximately \$25 million. This total maximum probable loss was estimated through contracted expert consultation, based on modeled impacts, past cropping histories of the UMA, and projected commodity pricing. The MN DNR D&SP requires the MFDA to fund the crop loss programs. The MFDA staff requests that \$25 million from the recent \$100 million from the U.S. Army Corps of Engineers' underspend to be set aside as initial seed funds for this program. It is estimated that the fund will be self-sustaining after 20 years, including any post-operations payments.

After lengthy dialogue, it was determined that the program requires additional research and justification regarding the cost and budget impact prior to moving forward. A request was made by Mr. Grindberg for additional financial information to be provided to the committee at a future meeting.

5. MN LEGISLATIVE UPDATE

Mr. Benson reported that there is potential to receive \$10 million from the State of Minnesota to aid in funding the projects on the Minnesota side. A \$1.2 billion bonding bill is pending approval, and if approved, we are hopeful that the MCCJPA will receive \$10 million in financial assistance.

6. BOARD AND FINANCE CHAIR TRANSITION

The newly elected Mayor of Fargo will become the Board of Authority chair at the July meeting. With Mayor Dardis' term ending in June, Mr. Steen, vice chair, will serve as the interim Finance Committee chair until a permanent chair is elected by the committee.

7. O&M COSTS AND REVENUE STREAMS

The O&M committee continues to refine and build the components of the transition. There are still many things to be determined in relation to costs, staffing needs, in-town assistance, etc.

8. OTHER BUSINESS

There has been no resolution regarding the Askegaard and Ness claims. An executive session of the board will be held in May to discuss possible next steps.

9. NEXT MEETING

The next meeting will be June 11, 2026.

10. ADJOURNMENT

The meeting adjourned at 2:59 PM.

Policy Type: Governance Policies

Officers Roles

The City of Fargo Members, the City of Moorhead Members, the Cass County Members, the Clay County Members, the CCJWRD Members, and West Fargo Member shall serve at the discretion of the Governing Body of their respective organization from which they were appointed. The MFDA Board will be structured using the following officers and roles.

Board Chairperson

The Chairperson is the head of the MFDA for ceremonial purposes and the purpose of service of civil process. The Chairperson is a member of the MFDA Board for purposes of presiding at its meetings. The Chairperson may vote on all matters before the Board but may not cast an additional vote in the event of a tie vote of the Board. The Chairperson does not have the authority to veto decisions of the Board.

The Chairperson may execute all contracts, Project Agreements, notes, indentures, warrants, and other instruments on behalf of the MFDA and perform any other duties assigned by the MFDA. No Project Agreement, note, indenture, warrant, or other instrument executed by the Chairperson, or Vice-Chairperson acting as Chairperson pursuant to Section 5.07 of the JPA, shall become valid and binding upon the MFDA until countersigned by the Executive Director or the Deputy Executive Director acting as Executive Director pursuant to Section 14.03 of the JPA.

The Executive Director shall provide the Chairperson with regular weekly updates. The Chairperson has the authority to both direct and monitor the Executive Director to ensure that the Executive Director is implementing Board direction and policy. 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 placing the Executive Director on a paid administrative leave to inform the Board that the Executive Director has been placed on a paid administrative leave. The meeting also will include 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.

The Chairperson position shall rotate between the Mayor of the City of Fargo, the Mayor of the City of Moorhead, and a Cass County Commissioner, respectively. Each Chairperson shall serve a one-year term, beginning January 1 and ending December 31. This rotational schedule shall

continue for the remainder of the term of the JPA. Individuals may serve as Chairperson multiple times if they remain in their respective elected or appointed positions. Provided, the Chairperson must not be from a Member Entity from the same state as the Vice Chairperson's Member Entity (i.e., if the Chairperson is from a Minnesota Member Entity, the Vice-Chairperson shall be from a North Dakota Member Entity). The term of the Chairperson shall cease if their position as Mayor or as a Cass County Commissioner has ceased for any reason provided; however, that Member Entity is permitted to replace the Chairperson with the individual filling the vacancy of the outgoing Chairperson position within the Governing Body of the Member Entity (i.e., if a new mayor is elected in the City of Fargo while the City of Fargo's Mayor is serving as Chairperson, then the newly elected Mayor of the City of Fargo will serve the remainder of the Chairperson's term).

The Board is authorized to elect an acting Chairperson under such circumstances when a vacancy occurs in a manner not contemplated by this section.

Vice-Chairperson

A Vice-Chairperson must be elected at the Annual Meeting of the MFDA by a majority vote of all members of the Board. The Vice-Chairperson must be a Metro Flood Diversion Authority Board Member and must not be a member from the same state as the Chairperson. The Vice-Chairperson serves as the Chairperson in the Chairperson's disability or absence from the Board or when a vacancy in the office of Chairperson exists. When presiding over a meeting in the absence of the Chairperson, the Vice-Chairperson may vote on all matters before the Board but may not cast an additional vote in the event of a tie vote of the Board. The Board must elect a Vice-Chairperson at the organizational meeting. Each Vice-Chairperson shall serve a one-year term beginning the second Thursday in January and ending the day before the second Thursday in January of the following year, or until a successor Vice-Chairperson is appointed.

Secretary

At the Annual Meeting of the MFDA, the Board will appoint a Secretary. An employee of one of the Member Entities, an employee of the MFDA, an individual, or a contractor may be appointed as the Board Secretary. The Secretary shall be responsible for ensuring that minutes are prepared for all Board meetings. The Secretary shall also keep all books and records of the MFDA, give all notices required by law, and may have other duties assigned from time to time by the MFDA. The Secretary shall also be responsible for compliance with North Dakota Open Records Law requirements.

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:

GP-5

Policy Type: Governance Policies

Committee Structure

Except as otherwise provided by law or Sections 6.02, 6.09, or 6.16 of the JPA, there are no separate administrative boards or commissions. The Board performs the duties and exercises the powers of administrative boards or commissions. The MFDA may establish boards or committees to advise the Board with respect to a Project function or activity, investigate a subject of interest to the MFDA, perform quasi-judicial functions, or perform any other task.

A committee is a Board committee only if its existence and charge come from the Board, and its work is intended to support the Board's work. The only Board committees are those listed in this policy. All Board members are welcome to attend committee meetings as audience members. Board members may add an item to a committee agenda by contacting the committee Chairperson. The Executive Director and staff members serve as resources for the committees. The following is a list of current committees:

- **Planning Committee**
- **Land Management Committee**
- **Finance Committee**

Planning Committee

The Planning Committee is responsible and shall have the power, when the MFDA is not in session, to address all the affairs of the MFDA in such a manner as deemed to be in the MFDA's interest. Planning Committee authority does not supersede the full Board's final decisions.

Duties of the Committee include:

- The Board Chairperson shall compile and finalize the yearly Executive Director evaluation
- The Planning Committee shall work with the Executive Director on board development, orientation, and project planning efforts
- Legislative planning
- Agenda and planning for Board Meetings
- Serve as a mechanism for the Board and management of emerging issues, problems, and initiatives
- Governance Policy monitoring as set per the Annual Work Plan and in collaboration with full Board of Directors input
- Have such other authority and perform such other duties as may be delegated to it by the Metro Flood Diversion Authority

Minutes of the Planning Committee's meeting shall be recorded by the MFDA Board

Secretary and provided at the next meeting of the Board.

Membership

The Planning Committee shall consist of one member from each member entity and West Fargo. Additional Ad Hoc Members may include chairpersons of other committees.

Committee Chairperson

The Planning Committee Chairperson shall be the MFDA Board Chairperson.

MFDA Staff Support

Provided by Executive Director and appropriate staff members.

Sunset

If the Board determines by an affirmative vote of a majority of all Board Members that the Planning Committee is no longer needed, the MFDA may vote to suspend regular meetings of the Planning Committee and allow the Planning Committee to meet only on an as-needed basis.

Dissolution

If the Board determines by an affirmative vote of a majority of all Board Members that the Planning Committee is no longer needed, the MFDA may dissolve the Planning Committee.

Land Management Committee

The Land Management Committee is responsible for making recommendations to the Board regarding the acquisition and management of Project property.

Membership

The Land Management Committee shall consist of:

- a) Two (2) members of the MFDA Board appointed by the Board
- b) Three (3) members recommended by the Fargo City Commission and appointed by the Board
- c) Two (2) members recommended by the Moorhead City Council and appointed by the Board
- d) Three (3) members recommended by the Cass County Commission and appointed by the Board
- e) One (1) member recommended by the Clay County Commission and appointed by the Board; and
- f) One (1) member recommended by the CCJWRD Board and appointed by the Board

Committee Chairperson

The Land Management Committee shall select a chairperson by a majority vote of its

members. The Chairperson must also be a member of the Board.

MFDA Staff Support

Provided by Executive Director and appropriate staff members.

Member Entity Staff

Member Entities may provide support staff and services for the Land Management Committee, but Member Entity staff may not serve as the Land Management Committee members. However, the City of Fargo City Administrator, the City of Fargo City Engineer, the City of Moorhead City Manager, the City of Moorhead Director of Engineering, the Cass County Administrator, and the Cass County Engineer may serve as members of the Land Management Committee upon appointment, pursuant to Section 6.04 of the JPA and upon approval by the Board.

Sunset

If the Board determines by an affirmative vote of a majority of all Board Members that all land, easements, and rights-of-way have been acquired for the project, the MFDA may vote to suspend regular meetings of the Land Management Committee and allow the Land Management Committee to meet only on an as-needed basis.

Dissolution

If the Board determines by an affirmative vote of a majority of all Board Members that the Land Management Committee is no longer needed, the Metro Flood Diversion Authority may dissolve the Land Management Committee.

Finance Committee

The Finance Committee is responsible for making recommendations to the Metro Flood Diversion Authority regarding the budgets, expenses, funds, and all other financial matters related to the project.

Membership

The Finance Committee shall consist of:

- a) Two (2) members of the Metro Flood Diversion Authority appointed by the Board
- b) Three (3) members recommended by the Fargo City Commission and appointed by the Board
- c) Two (2) members recommended by the Moorhead City Council and appointed by the Board
- d) Three (3) members recommended by the Cass County Commission and appointed by the Board
- e) One (1) member recommended by the Clay County Commission and appointed by the Board; and
- f) One (1) member recommended by the CCJWRD Board and appointed by the Board.

Committee Chairperson

The Finance Committee shall select a Chairperson by a majority vote of its members. The Chairperson must also be a member of the Board.

Diversion Authority Staff Support

Provided by Executive Director and appropriate staff members.

Member Entity Staff

Member Entities may provide support staff and services for the Finance Committee, but Member Entity staff may not serve as members of the Finance Committee. However, the Cass County Finance Director, the Cass County Administrator, the City of Fargo City Administrator, the City of Moorhead City Manager, the City of Fargo Finance Director, the Clay County Auditor, and the City of Moorhead Finance Director may serve as members of the Finance Committee upon appointment, pursuant to Section 6.04 of the JPA upon approval by the Board.

Sunset

If the Board determines by an affirmative vote of a majority of all Board Members that the Finance Committee is no longer needed, the MFDA may vote to suspend regular meetings of the Finance Committee and allow the Finance Committee to meet only on an as-needed basis.

Dissolution

If the Board determines by an affirmative vote of a majority of all Board Members that the Finance Committee is no longer needed, the MFDA may dissolve the Finance Committee.

**** Each committee will determine the frequency of regular meetings based upon tasks and their annual work plan and forward Board meeting agenda items to the Board Chairperson and Executive Director.**

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
GP 4: Officers Roles & GP 5:
Committee Structure**

**Summary of Compliance Status
June 2026**

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

Authority of the Executive Director

The Board will provide direction to the Executive Director through written policies (Operational Expectations and Monitoring Policies) that define the organizational results to be accomplished through the MFDA's objectives. The Chairperson may also provide the Executive Director verbal direction to implement a Board decision or policy.

1. Through a reasonable interpretation of the Operational Expectations policies, the Executive Director is authorized to make decisions and establish practices deemed appropriate to achieve the MFDA's objectives.
2. The Executive Director is not expected to seek Board approval for any decisions falling within the Executive Director area of delegated authority.
3. The Board may change its Operational Expectations and Monitoring Policies, and in so doing, shift the boundary between the Board's and Executive Director's areas of responsibility. The Board will respect and support any reasonable interpretation of its policies by the Executive Director.

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
ED/BRP 3: Authority of the
Executive Director
Summary of Compliance Status
June 2026

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

Personnel Administration

The Executive Director shall recruit, employ, and evaluate MFDA employees.

1. The Executive Director appoints employees based on merit and fitness and is subject to the applicable personnel policies or rules of the Metro Flood Diversion Authority and the budgetary constraints.
2. The Executive Director may remove or suspend appointed employees subject to Cass County and other applicable personnel policies or rules.
3. The Executive Director may delegate tasks and projects to Metro Flood Diversion Authority employees or Member Entity staff.

The Executive Director shall:

1. Administer clear personnel rules and procedures for employees
2. Effectively handle complaints and concerns
3. Maintain adequate job descriptions for all staff positions
4. Protect confidential information
5. Ensure that compensation and benefit plans, as per Cass County Human Resources, are in place to attract and retain the highest quality employees by compensating employees, within available resources, in a manner consistent with the applicable marketplace, including but not limited to organizations of comparable size and type, provided that the Executive Director shall inform the Board of any wage scales and metrics for Board review and approval; cost of living adjustments will follow the approved Cass County cost of living adjustment
6. Ensure that all staff members are qualified and trained to perform their responsibilities
7. Maintain an organizational culture that positively impacts the ability of staff to responsibly perform their jobs and allows them to work in an environment of professional support and courtesy
8. Evaluate all employee performance according to their contribution toward achieving the organization's goals and policies and their compliance with the Metro Flood Diversion Authority Operational Expectations policies.

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

Personnel Administration - Program Management Consultant

The MFDA Board shall hire and direct the Executive Director regarding oversight of a program management consultant, which will lead the design and construction of the Project.

1. The Executive Director shall consult with the Chairperson, Vice Chairperson, Deputy Executive Director(s), and the Member Entities' staff, as needed, and administer/enforce the Metro Flood Diversion Authority's supervision, removal, and termination of the services of the Program Management Consultant.

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

OE 4: Personnel Administration & OE 5: Personnel Administration - PMC

Summary of Compliance Status June 2026

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: _____