



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

**MEETING NOTICE  
RAMSEY/WASHINGTON RECYCLING & ENERGY BOARD**

**Date:** Thursday, January 29, 2026  
**Time:** 10 a.m. to noon  
**Location:** Ramsey/Washington Recycling & Energy Center | 100 Red Rock Road | Newport, MN | 55055 |  
 Tours Building, Mississippi Conference Room | [Map](#)  
**Public:** Members of the public are encouraged to participate remotely or may attend at the Newport address.  
[Microsoft Teams](#) | Phone Conference ID: 508 418 191# | Call in (audio only) 1-323-792-6297

**AGENDA:**

- I. Call to Order, Introductions**
- II. Approval of Agenda** Action Page 1
- III. Approval of Minutes – November 20, 2025** Action Page 2
- IV. Consent Agenda** Action Page 8
  - a. Loader Tire Purchase Contract
  - b. Walter’s Contract Amendment
- V. Governance**
  - a. Election of Officers Action Page 21
  - b. Appointments to Facility & Finance Committee Action Page 23
  - c. Partnership on Waste and Energy Board Alternates Information Page 25
  - d. Board Workshop: Alternative Governance Policy Discussion Page 27
- VI. Management and Administration – no items.**
- VII. Policy**
  - a. 2026 Legislative Platform Action Page 102
- VIII. Updates and Reports** Information Page 105
  - a. Commissioner Updates
    - i. Partnership on Waste and Energy
    - ii. Sustainable Materials and Solid Waste Immersive Learning Trip
  - b. Executive Director Update
  - c. Strategic Partnerships Update
  - d. Programs Update
  - e. Facility Update
  - f. Procurement Report Page 108
- IX. Other**
  - a. Invitation for Comments from Ex Officio R&E Board Members: Information  
 MPCA and City of Newport
- X. Adjourn**

**NEXT MEETING:**

R&E Board | Thursday, February 26, 2026 | 10 a.m. – noon | Ramsey/Washington Recycling & Energy Center, Newport



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
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**THURSDAY, NOVEMBER 20, 2025  
RAMSEY/WASHINGTON RECYCLING & ENERGY BOARD MEETING MINUTES**

A meeting of the Ramsey/Washington Recycling & Energy Board (R&E Board) was held at 10 a.m. at the Ramsey/Washington Recycling & Energy Center (R&E Center), 100 Red Rock Road, Newport, Minnesota. Members of the public attended remotely or in person at the Newport address.

**MEMBERS PRESENT**

Commissioners Karla Bigham and Fran Miron – Washington County  
Commissioners Mary Jo McGuire, Rafael Ortega and Mai Chong Xiong (alternate) – Ramsey County

**MEMBERS NOT PRESENT**

Commissioner Kelly Miller – Ramsey County

**EX-OFFICIO MEMBERS PRESENT**

Tom Ingemann – City of Newport

**EX-OFFICIO MEMBERS NOT PRESENT**

Dave Benke – Minnesota Pollution Control Agency (MPCA)

**ATTENDING AT THE R&E CENTER, NEWPORT**

Dave Brummel, Amy Caron, Melissa Finnegan, Annalee Garletz, Rae Eden Frank, Kelli Hall, Sam Hanson, Caroline Hoffmeister, Noah Johnson, Kathryn Jordan, John Klapperich, Trista Martinson, Andrea McKennan, Deb Orth, Michelle Palm, Matt Phillips, Jim Redmond, John Ristad, Daniel Schmidt, Alaina Steinmetz, Renee Vought

**ATTENDING REMOTELY**

Wes Baish, Leigh Behrens, Alisha Black, Caleb Bruns, Alison Cameron, Mikaela Campbell, Reyna Chavez, Tammy Christopherson, Shannon Conk, Max Dalton, Amanda Erickson, Shannon Eisentrager, Tutu Fatukasi, Sam Ferguson, Rob Friend, Jamie Giesen, Abigail Hindson, Sam Holl, Filsan Ibrahim, Fatima Janati, Caleb Johnson, Ian Johnson, Kevin Johnson, Hannah Keller, Nathan Klett, Cassie Lefeber, Nicollette Linscott, Rob Murray, Juna Neisinger, Jen Palmquist, Gabi Rosenthal, Alissa Schmidt, Ryan Tritz, Margaret Vesel, Enrique Vinas, Sherilyn Young

**CALL TO ORDER**

Chair McGuire called the meeting to order at 10:07 a.m. Introductions were made.

**AGENDA OF JANUARY 29, 2026 PRESENTED FOR APPROVAL**

Item VI.b Leave Benefits Insurance Coverage was added to the agenda.

Motion by Miron, seconded by Miller, to approve the agenda, as amended. Motion passed.

Ayes: Bigham, McGuire, Miller, Miron and Ortega.  
Nays: None.

**MINUTES FROM OCTOBER 23, 2025 PRESENTED FOR APPROVAL**

Alternate board members should not be listed in minutes as not attending. The October 23, 2025 minutes will be amended to remove the names of alternates not attending. Alternates not attending will not be listed in future minutes.

Motion by Bigham, seconded by Xiong, to approve the amendment to the October 23, 2025 R&E Board minutes. Motion passed.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.  
Nays: None.

Under Recognition of Renee Vought, the aye votes should be amended to correctly state “Ayes: Bigham, McGuire, Miller, Miron and Ortega.”

Motion by Miron, seconded by Ortega, to approve the additional amendment to the October 23, 2025 R&E Board minutes, correcting the aye votes under the Recognition of Renee Vought. Motion passed.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.  
Nays: None.

Motion made by Bigham, seconded by Xiong, to approve the minutes of October 23, 2025, as amended.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.  
Nays: None.

**CONSENT AGENDA**

Presented by: Jim Redmond, Contract Manager

The nature of the contracts on the consent agenda was stated.

Motion by Bigham, seconded by Ortega, to approve Resolution R&EB 2025-17 Consent Agenda. Motion passed.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.  
Nays: None.

**GOVERNANCE**

**Alternative Governance Exploration**

Presented by: Trista Martinson, Executive Director

Five decades of solid waste collaboration between Ramsey and Washington Counties were reviewed. Two completed decision points were presented regarding governance structure and alternative governance. Additional decision points for items including legislation, a solid waste district and an

enhanced joint powers agreement were also presented. An exploration of all options was recommended. Language used in the legislation is critical. The protection of Ramsey County and Washington County investments into R&E is also a crucial item. The language in proposed legislation should be brought to both Ramsey and Washington Counties for review.

A workshop will be held at the January 29, 2026 R&E Board meeting to provide a preliminary analysis of governance alternatives. It is important to have all available tools to make decisions on this subject. Workshops for county boards were requested.

### **2026 Board and Committee Schedule**

Presented by: Trista Martinson, Executive Director

Proposed dates for R&E Board meetings and Facility & Finance Committee schedules were reviewed. Dates were checked against major conferences and commissioner calendars.

Motion by Miron, seconded by Ortega, to approve Resolution RE&B 2025-19 R&E Board and Committee Schedule. Motion passed.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.

Nays: None.

## **MANAGEMENT AND ADMINISTRATION**

### **2025 Budget Status**

Presented by: Matt Phillips, Accounting Manager

The budget was last presented to the board at the July 24, 2025 R&E Board meeting. Minimal change has occurred. A \$245,000 surplus is expected for R&E programs; \$126,000 of this will go into the 2026 operating budget. The Programs Budget is a moving target, particularly relative to grant demand. Changes to SNAP benefits have required increased support for food recovery. Any surplus above 35% will go back to the counties.

The Facility Budget has a forecasted surplus of \$3 million, which is 5% of the total Facility Budget. Budget drivers are in line with the budget. Variance in staffing is due to less than budgeted total full-time equivalents. The Equipment Maintenance and Replacement (EM&R) Budget is on schedule for 2025. The enterprise reserve fund was highlighted.

### **Executive Director Compensation**

Presented by: Mary Jo McGuire, Board Chair

A closed session was held on October 23, 2025 to review the executive director's compensation. Board members are pleased with the work being done by the executive director and staff. It was recommended to move to the next step in the compensation plan and the 4% cost of living increase in 2026. The completion of a 360-evaluation process is appreciated. Communication with the board continues to be a priority.

Motion by Bigham, seconded by Ortega, to approve Resolution R&EB 2025-18 Executive Director Compensation. Motion passed.

Ayes: Bigham, McGuire, Miron, Ortega and Xiong.

Nays: None.

## **UPDATES AND REPORTS**

### **Commissioner Update**

Presented by: Mary Jo McGuire, R&E Board Chair

The Association of Minnesota Counties solid waste working group met and focused on additional county support on the permitting report process. Next meeting is anticipated for mid-December.

There was a tour of Dem-Con on November 13, 2025. Construction is currently underway to add sortation capacity for food scrap bags at their site, and a groundbreaking event is being planned to mark this milestone.

### **Executive Director Update**

The R&E Center has been receiving a large amount of medical waste loads. All usual protocols are being followed. Assistance is needed to escalate this issue. Medical loads require special handling and should not be sent to the R&E Center. It is a hazard to employees. Requests are being made to the Minneapolis Pollution Control Agency (MPCA) for funds to cover expenses related to the shutdowns necessitated by these medical loads. A legislative proposal is warranted. This issue should also be reported to the Partnership on Waste and Energy.

R&E has been matched with two interns through a program with the University of Minnesota and the University of Muenster. The interns will start in March 2026. There will be six interns in the metropolitan area. Suggestions for housing locations are welcome.

Sam Ferguson will be sending programming information to commissioners for their individual newsletters on a monthly basis going forward.

Administration Director Kelli Hall stated that short-term disability coverage is available, but since there are not enough employees for employee-paid coverage, R&E funding will be necessary. The cost will be approximately \$11,000.

### **Strategic Partnership Update**

Presented by: Melissa Finnegan, Strategic Partnerships Manager

A presentation was given on the status of several R&E grant applications. Once the current diesel tractor has been properly disposed of, the grant funds for the new electric tractor will become available. The earmarked request remains viable and will continue to be monitored.

Finnegan will be presenting at the Association of Minnesota Counties (AMC) Annual Conference on R&E's approach to managing solid waste. The presentation will be at 1:45 p.m. on Tuesday, December 9, 2025.

**Programs Update**

Presented by: Sam Hanson, Programs Director

Program Coordinator Michelle Palm presented on bulky waste programming. Efforts to divert mattresses from the R&E Center began in 2021, with a partnership with Second Chance Recycling starting in 2023. . Participation and feedback from residents are being tracked. Year-to-date,16,516 mattresses and box springs were collected in 2025. This number is up from 12,727 in 2024. Mattresses being brought to the R&E Center are now being diverted through collection containers being placed directly at the facility. A pilot program with junk haulers is also underway. Additional programs are slated to begin in 2026, including building material reuse grants. Additional programs are available to address bulky waste, including building material reuse grants, which encourages deconstruction and reuse over demolition and landfilling of useable materials.

Food Scrap Recycling Program Supervisor Annalee Garletz presented an update on the Food Scraps Pickup Program. Total participation is currently at 11%, with individual community participation ranging from 7% to 21%. Postcards were sent to 60,000 non-participating households in eligible areas to increase market saturation. Active program participants have indicated that top motivators are keeping food scraps out of landfills and incinerators, reducing waste and improving the environment. Marketing materials were presented, including postcards, tabling materials and an online partner resource hub, as well as a video depicting the journey of a food scrap bag.

**Facility Update**

Presented by Sam Holl, Facility Director

Inbound material is anticipated at 430,000 tons by the end of 2025. Refuse-derived fuel (RDF) production is anticipated at 305,000 tons. This is a 5% decrease from 2024. The process residue, bulky waste and bypass is waste going directly from transfer station to landfill, due to low processing capacity or operational interruptions.

**Procurement Report**

No presentation was given on the procurement report. Contract totals for the period of October 1-31, 2025 are included in the November 20, 2025 meeting materials.

**OTHER BUSINESS**

**Invitation for Comments from Ex Officio Members**

Tom Ingemann (City of Newport) provided brief comments.

**Next Meeting:**

The next meeting of the R&E Board will be held on Thursday, January 29, 2026, at 10 a.m. at the R&E Center in Newport.

**ADJOURNMENT**

Chair McGuire adjourned the business meeting at 12:09 p.m.

ATTEST:

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Commissioner Fran Miron, Vice Chair  
January 29, 2026

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January 29, 2026



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<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026	<b>AGENDA ITEM:</b>	IV.
<b>SUBJECT:</b>	Consent Agenda		
<b>TYPE OF ITEM:</b>	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> POLICY DISCUSSION	<input type="checkbox"/> ACTION <input checked="" type="checkbox"/> CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director		

**R&E BOARD ACTION REQUESTED:**

Approval of the Consent Agenda.

**EXECUTIVE SUMMARY:**

Consent agenda items:

- Pomp’s Tire Service, Inc. Contract for Loader Tires
- Walter’s Recycling and Refuse, Inc. Transload and Sortation Contract Amendment

**ALIGNMENT WITH STRATEGIC PLAN:**

- Strategic Goal 3a: Prioritized waste reduction and diversion

**ATTACHMENTS:**

1. Draft Resolution (RE&B 2026-01)
2. Draft Tire Loader Contract
3. Draft Walter’s Contract Amendment

**FINANCIAL IMPLICATIONS:**

Funding for the attached agreements is available in the approved R&E budgets.

Pomp’s Tire Service, Inc. Contract for Loader Tires spend for 2026 is \$194,480.

Walter’s Recycling and Refuse, Inc. Transload and Sortation Contract Amendment estimated spend increase is \$115,000 annually.

<b>AUTHORIZED SIGNATURES</b>	<b>DATE</b>
<b>R&amp;E EXECUTIVE DIRECTOR</b> 	1/21/26
<b>WASHINGTON COUNTY ATTORNEY</b> 	1/21/26



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**RESOLUTION R&EB-2026-01  
Consent Agenda**

WHEREAS, The Ramsey/Washington Recycling & Energy Board (R&E Board) is governed by the Amended and Restated Joint Powers Agreement by and between Ramsey County and Washington County dated November 12, 2024 (Joint Powers Agreement); and

WHEREAS, The R&E Board adopted Procurement Guidelines on January 23, 2025 (Resolution R&EB-2025-01), which specify the procurement methods for contracts and purchases; and

WHEREAS, The R&E Board approved the 2024-2025 Joint Activities, Facility and Equipment Maintenance & Replacement (EM&R) budgets on July 27, 2023, in accordance with Section V.B.8 of the Joint Powers Agreement; and

WHEREAS, R&E has a need to replace loader tires on heavy equipment at the R&E Center on an annual basis, and the current vendor has been providing loader tires since 2019, and is uniquely qualified to provide these services based on their access to specialty tires, extensive knowledge of R&E's tire needs, willingness to provide tire storage and ability to provide retreading services and other service needs on an on-call basis; and

WHEREAS, R&E staff reviewed the proposed costs for loader tires and determined them to be in line with costs expected for loader tires and recommend entering into an agreement to purchase the loader tires; and

WHEREAS, R&E has contracted with Walter's Recycling and Refuse, Inc. to provide sortation and transload services that will serve the northern sector of our service area, and that contract requires a rate adjustment, and staff recommends approval of that rate adjustment. NOW, THEREFORE, BE IT

RESOLVED, The R&E Board hereby approves the following, and delegates authority to the executive director to execute the agreements and potential amendments thereto, upon approval as to form by R&E's attorney and provided funding is available in the approved budgets:

1. An agreement between the R&E Board and Pomp's Tire Service, Inc., for an initial term of January 24, 2026, through December 31, 2026, in the amount not to exceed of \$194,480, for the purchase of up to 16 loader tires.
2. An amendment to the agreement between the R&E Board and Walter's Recycling and Refuse, Inc. to adjust contract pricing.

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Fran Miron, Board Vice Chair  
January 29, 2026

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Attest  
January 29, 2026



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## Contract Overview

**Vendor Name:** Pomp's Tire Service, Inc.

**Aspen ID:** 10904

**Goods or Services Being Provided:** Front loader tires

**Goods or Services Type:** SEML

**Contracting Department:** Facility **Teams:**

## Financial Information

**Contract Type:** Max Not to Exceed

**Original Contract Amount:** \$194,480

**Current Contract Amount Including Renewals:** \$194,480

**Annual Budget for These Goods or Services:** varies

**Maximum Potential Contract Spend Allowed Based on Signing Authority:** NA - Within Approved Budget

**Funding String:** 431508-35106-140103-00000

## Contract Overview

**Contract Begin Date:** January 1, 2026

**Original Term End Date:** December 31, 2026

**Current End Date:** December 31, 2026

**Contract Authority:** Board Resolution

**If Board Resolution, Resolution Number:**

**Solicitation Method:** Single Source Under MS 473.811

**Solicitation Description:** Contract is to purchase 16 specialized loader tires to be used on equipment at the Recycling & Energy Center. Tires cost \$12,155 each. Pricing includes dismounting and mounting. Other contracts available to R&E do not include purchasing options for these tires. Single source authority is justified because the vendor provides unique services as part of the purchase other vendors don't provide, as well as providing all of R&E's other tires services, such as retreading, and the tire comes as a preassembled set offering higher quality product.



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## **Agreement Between Ramsey/Washington Recycling & Energy and Pomp's Tire Service, Inc.**

THIS AGREEMENT made and entered into by and between the Ramsey/Washington Recycling & Energy, hereinafter referred to as the "R&E", and Pomp's Tire Service, Inc. with its principal place of business at 1123 Cedar Street, Green Bay, WI 54301 hereinafter referred to as the "Contractor" or "Vendor".

### **1. Term**

The term of the Agreement shall be from January 1, 2026 through December 31, 2026.

### **2. Cost/Payment**

- a) The R&E shall pay the Contractor up to \$12,155 per tire for up to 16 loader tire as described in Exhibit A, attached hereto and incorporated herein. This cost includes all federal and state taxes, transit fees/taxes, and the design, supplies, equipment, material, labor, warranty and training necessary to furnish and deliver each tire.
- b) Contract renewals and changes to pricing shall be made by written agreement.
- c) Invoices shall show applicable sales tax separately.
- d) No payment will be made until the invoice has been approved by the R&E.
- e) The R&E shall make payment to the Contractor within thirty (30) days of the date on which the invoice is received. If the invoice is incorrect, defective or otherwise improper, the R&E will notify the Contractor within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice, the R&E will make payment within thirty (30) days of the corrected invoice.
- f) Payment of interest and disputes regarding payment shall be governed by the provisions of Minnesota Statutes §471.425.
- g) The Contractor shall email invoices to R&E Center – Supply Chain Coordinator.

### **3. Scope of Services**

Contractor shall:

- a) Furnish supplies and services for the R&E per the specifications in Exhibit A attached hereto and incorporated herein.
- b) Delivery to the Recycling & Energy Center at the following address: 100 Red Rock Road, Newport, MN 55055.
- c) The supplies and services furnished under this Agreement is guaranteed against any defect due to faulty material or workmanship. Such defects will be replaced by the Contractor with no additional cost to the R&E.

**4. Audits, Reports, Records and Monitoring Procedures**

The Contractor will:

- a) Maintain records which reflect all revenues, costs incurred and services provided in the performance of the Agreement.
- b) Agree that the R&E, the State Auditor or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonable and necessary for a minimum of six years from the end of this contract pursuant to Minn. Stat. § 16C.05, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, and accounting procedures and practices of the Vendor which are relevant to the Vendor's performance and determination of the agreed upon discounted payment rate under this Agreement.

**5. Standards**

- a) The Contactor shall comply with all applicable Federal and State Statutes and regulations as well as local ordinances now in effect or hereafter adopted.
- b) Failure to meet the requirements of Section a. above may be cause for cancellation of the Agreement effective the date of receipt of the Notice of Cancellation.

**6. Data Privacy**

All data collected, created, received, maintained or disseminated for any purpose by the activities of the contractor because of this agreement shall be governed by the Minnesota Government Data Practices Act (Act), Minn. Stat. Ch. 13, as amended and Rules implementing the Act. The contractor is subject to the requirements of the Act and Rules and must comply as if it is a governmental entity subject to the Act and Rules. The remedies contained in section 13.08 of the Act shall apply to the contractor.

**7. Nondiscrimination**

Pursuant to Minn. Stat. Ch. 364 and Minn. Stat. § 181.59 and General R&E policy, every contract shall contain provisions by which the contractor agrees to freedom from discrimination in employment.

**8. Indemnity and Insurance**

a) Indemnity - The Vendor does hereby agree that it will defend, indemnify, and hold harmless the R&E, its agents, officers and employees against any and all liability, loss, damages, costs and expenses which the R&E may hereafter sustain, incur or be required to pay by reason of any negligent act or omission or intentional act of the Vendor, its agents, officers or employees during the performance of this Agreement. R&E does hereby agree that it will defend, indemnify, and hold harmless Vendor, its agents, officers and employees against any and all liability, loss, damages, costs and expenses which Vendor may hereafter sustain, incur or be required to pay by reason of any negligent act or omission or intentional act of R&E, its agents, officers, or employees during the performance of this Agreement. This clause will not be construed to bar any legal remedies either party may have for a party's failure to fulfill its obligation under this contract.

b) Insurance - The Vendor does further agree that in order to protect itself, as well as the R&E, it will at all times during the term of the Agreement have and keep in force:

- i. Commercial general liability of no less than \$1M per occurrence, \$2,000,000 general aggregate, \$2,000,000 products/completed operations total limit, \$1M personal injury and advertising liability.
- ii. Minimum of \$1,000,000 combined single limit auto liability, including hired, owned, and non-owned.
- iii. Workers' Compensation as required by Minnesota Law. Employer's liability with limits of \$500,000/\$500,000/\$500,000. Waiver of subrogation is required.

Evidence of Insurance shall be provided before this Agreement is effective. In the event that claims or lawsuits shall arise jointly against the Vendor and the R&E, and the R&E elects to present its own defense, using its own counsel, in addition to or as opposed to legal representation available by the insurance carriers providing the coverage as stated above, then such legal expense shall be borne by the R&E.

**9. Independent Contractor**

It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the Vendor as the agent, representative, or employee of the R&E for any purpose or in any manner whatsoever. The Vendor is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

The Vendor represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the Contractor or other persons, while engaged in the performance of any work or services required by the Contractor under this Agreement, shall have no contractual relationship with the R&E and shall not be considered employees of the R&E.

Neither the Vendor nor its employees will at any time be construed to be employees of the R&E. The Vendor is responsible for its employees' compensation, fringe benefits and all insurance coverage.

**10. Subcontracting and Assignment**

The Vendor shall not enter into any subcontract for performance of any services contemplated under this agreement; and neither party may novate or assign any interest in the agreement without the prior written approval of the R&E or Vendor's authorized agent. Any assignment or novation may be made subject to such conditions and provisions as the R&E may impose. If the contractor subcontracts the obligations under this agreement, the contractor shall be responsible for the performance of all obligations by the subcontractors.

**11. Modifications**

Any material alteration, modification or variation shall be reduced to writing as an amendment and signed by the parties. Any alteration, modification, or variation deemed not to be material by agreement of the R&E and the Contractor shall not require written approval.

**12. Merger**

It is understood and agreed that the entire agreement of the parties is contained herein and this Agreement supersedes all oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this Agreement are incorporated or attached and deemed to be a part of the Agreement.

**13. Performance**

All services performed by the Vendor pursuant to this Agreement shall be performed to the satisfaction of the R&E, as determined at the sole discretion of its authorized representative, and in accord with all applicable federal, state, and local laws, ordinances, rules and regulations. Services not performed in accordance with the terms and conditions of RFQ and contract shall be considered a material breach and shall be cause for be immediate termination by R&E. The Vendor shall not receive payment for work reasonably found by the R&E to be unsatisfactory, or performed in violation of federal, state, or local law, ordinance, rule or regulation. In the event of work reasonably found by the R&E to be unsatisfactory, the R&E shall provide Vendor with written notice describing the work found to be unsatisfactory in any reasonable respect and thirty (30) days to correct the unsatisfactory service performed. Vendor shall work with the R&E to correct the unsatisfactory service to R&E's mutual satisfaction within thirty (30) days of said notice. If service is not corrected to the satisfaction of the R&E, it shall be considered a material breach and shall be cause for be immediate termination by R&E.

**14. Contractor Debarment, Suspension, and Responsibility**

Federal Regulation 45 CFR 92.35 prohibits the R&E from purchasing goods or services with federal money from vendors who have been suspended or debarred by the federal government. Similarly, Minn. Stat. § 16C.03, subd. 2, provides the Commissioner of Administration with the authority to debar and suspend vendors who seek to contract with the R&E. Vendors may be suspended or debarred when it is determined through a duly authorized hearing process, that they have abused the public trust in a serious manner.

**13. Termination**

Either party may immediately terminate this Agreement if any proceeding or other action is filed by or against the other party seeking reorganization, liquidation, dissolution, or insolvency of the other party under any law relating to bankruptcy, insolvency or relief of debtors. Each party shall notify the other party upon the commencement of such proceedings or other action.

If either party violates any material terms or conditions of this Agreement the other party may, without prejudice to any right or remedy, give such party, and its surety, if any, seven (7) calendar days written notice of its intent to terminate this Agreement, specifying the asserted breach. If the violating party fails to cure the deficiency within the seven (7) day cure period, this Agreement shall terminate upon expiration of the cure period.

Either party may terminate this Agreement without cause upon giving at least thirty (30) calendar day's written notice thereof to the other party. In such event, the Contractor shall be entitled to receive compensation for services provided in compliance with the provisions of this Agreement, up to and including the effective date of termination.

**14. Interpretation of Agreement; Venue**

The Agreement shall be interpreted and construed according to the laws of the State of Minnesota. All litigation regarding this Agreement shall be venued in the appropriate State or Federal District Court in Ramsey County, Minnesota.

The provisions of this Agreement are severable. If any part of this Agreement is rendered void, invalid or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement.

**15. Warranty**

The Contractor warrants that it has the legal right to provide the goods and services identified in this Agreement and further warrants that the goods and services provided shall be in compliance with the provisions of this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement as of the dates below.

**POMP'S TIRE SERVICE, INC.**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**RAMSEY/WASHINGTON RECYCLING & ENERGY:**

**By:** \_\_\_\_\_  
Trista L. Martinson, Executive Director

**Date:** \_\_\_\_\_

**Approved As To Form**

**By:** \_\_\_\_\_  
Assistant County Attorney

**Date:** \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



Kenneth Miller, CSR  
612-271-8525

TO: Joe Heinz, R&E Board

RE: 2026 Loader Tire Pricing

Date: 12/10/25

Tire size/Part Number	Manufacturer	Model	Price	Quantity
26.5-25/22 #20007091	Trelleborg	Brawler HPS Soft Ride	\$12155.00	16

DELIVERY DESCRIPTION: R&E spare set of 4 wheels with scrap tires to be sent to Pomp's Tire Service in St Cloud, MN for pressing tires on/off wheels. Pomp's St Cloud will return new tires on wheels to Pomp's Tire Service, Inc. 5440 West 125<sup>th</sup> St. Savage, MN 55378 (Dealer). Tires will be billed in full upon receipt from manufacturer and stocked at Pomp's Savage. Tires will be delivered and installed upon request from R&E. Each set removed from loader will follow this delivery schedule until all sets have been delivered. This pricing includes all labor and transport costs between Pomp's facilities, additional labor for install and delivery to R&E to be billed at a rate of \$235/hour at time of service.



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## Contract Overview

**Vendor Name:** Walter's Recycling and Refuse, Inc.

**Aspen ID:** 0000079600

**Goods or Services Being Provided:** Transload Services

**Goods or Services Type:** SEML

**Contracting Department:** Facility **Teams:**

## Financial Information

**Contract Type:** Rate Setting Within Budget

**Original Contract Amount:** \$10.78 per ton for transload services

**Current Contract Amount Including Renewals:** \$12.23 per ton for transload; \$37.85 for sortation

**Annual Budget for These Goods or Services:**

**Maximum Potential Contract Spend Allowed Based on Signing Authority:** NA - Within Approved Budget

**Funding String:**

## Contract Overview

**Contract Begin Date:** Upon Execution

**Original Term End Date:** At the end of the ten-year operational period, which will commence as mutually agreed upon after the start-up construction/permitting period.

**Current End Date:** At the end of the ten-year operational period, which will commence as mutually agreed upon after the start-up construction/permitting period.

**Contract Authority:** Board Resolution

**If Board Resolution, Resolution Number:** 2022-21

**Solicitation Method:** Single Source Under MS 473.811

**Solicitation Description:** Anticipating FSB sortation coming online within the next few years, R&E continued working with its existing transload partners as a bridge. Single Source authority is justified based on the following:

- Continuation of previous or additional work that cannot be acquired easily or effectively from another contractor or individual due to patent or institutional knowledge gained performing the previous work.
- The service offered by the contractor is necessary for timely completion of a program or project and for which competition would have a significant adverse impact on the program or project, including, but not limited to, project delays.
- Contractor is uniquely qualified to perform the service based upon a variety of factors such as location, property ownership, voluntary support capacity, cost-sharing ability, technical expertise, new or innovative idea, method or approach or other similar unique qualifications.

Amendment 1 incorporates a CPI adjustment as allowed under the contract. Amendment 2 incorporates the CPI adjustment and a related rate adjustment.



**Contract Amendment to the  
Agreement Between Ramsey/Washington Recycling & Energy  
and Walter’s Recycling and Refuse, Inc.**

This second amendment modifies the rates of the agreement (RESFA-001720) for transload and sortation services, made and entered into between Ramsey/Washington Recycling & Energy, hereinafter referred to as “R&E,” and Walter’s Recycling and Refuse, Inc., with its principal place of business at 2830 101st Ave NE, Blaine, MN 55449, hereinafter referred to as the “Contractor” or “Vendor.”

The parties agree to amend the Agreement as follows:

**1. Term**

As described in the original Agreement, the term shall continue until the expiration of the Operational Period. Upon the mutual agreement of the Parties, this Agreement can be renewed for up to five additional years or as otherwise agreed in writing between the Parties.

**2. Modifications to Scope of Services**

The following bolded language will be added to 4.3.1. of the agreement:

4.3.1 Operator shall, at its sole cost and expense, undertake commercially reasonable efforts, including training its staff and maintaining the Separation Equipment, to ensure that the efficiency of FSB removal and purity specifications as detailed in Exhibit A are satisfied. Upon R&E’s written request but no more frequently than semiannually, Operator shall conduct testing to demonstrate such compliance with the Operational Standards. Results of such testing shall be provided to R&E.

**Factors to consider whether the efforts are commercially reasonable include, but are not limited to, the following:**

**a. The documented progress by Operator to increase its efficiency rates (both by weight and purity); and**

**b. Other good-faith efforts by Operator to achieve an efficiency of FSB removal of Ninety-Four Percent (94%) by weight, with a minimum Ninety-Two Percent (92%) purity.**

**3. Pricing Adjustments**

The Transload Fee for 2023 was calculated as follows: Total number of tons of Acceptable Waste generated in the Counties and Incidental waste received from Contract Haulers that are transloaded by Operator pursuant to this Agreement for such month multiplied by Ten Dollars and Seventy-Eight Cents (\$10.78).

**SUBJECT:** *Consent Agenda*

In January of each year, R&E shall adjust the Transload Fee by the percentage change in the Consumer Price Index, All Urban Consumers (CPI-U), Midwest Region, for the immediately preceding October through October period.

In 2024, the rate was increased to \$11.09. On January 1, 2025, the rate increased to \$11.38. **Effective January 1, 2026, the rate will increase to \$11.73 based on a 3.05% adjustment.**

In addition, effective February 1, 2026, the rate for transload services will be subject to a one-time increase to \$12.23 and thereafter continue to be subject to annual CPI-U adjustments as noted above on January 1 of each ensuing year of this agreement.

The FSB Processing Rate, also subject to annual CPI-U increases, began as \$34.38 in 2024, increased to \$35.27 in 2025, and will be adjusted to \$36.35 effective January 1, 2026. On February 1, 2026, the rate will be subject to a one-time increase to \$37.85 and thereafter continue to be subject to annual CPI-U adjustments as noted above on January 1 of each ensuing year of this agreement.

Except as addressed herein, the terms of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties have executed this Agreement as of the dates below.

**Walter's Recycling and Refuse, Inc.**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**RAMSEY/WASHINGTON RECYCLING & ENERGY:**

**By:** \_\_\_\_\_  
Trista L. Martinson, Executive Director

**Date:** \_\_\_\_\_

**Approved As To Form:**

**By:** \_\_\_\_\_  
County Attorney

**Date:** \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	V.a			
<b>SUBJECT:</b>	Election of Officers							
<b>TYPE OF ITEM:</b>	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input checked="" type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

Nominate and elect the Ramsey/Washington Recycling & Energy (R&E) Board Secretary/Treasurer for 2026-2027.

**EXECUTIVE SUMMARY:**

The R&E Board Bylaws state that there are three officers for the R&E Board: chair, vice chair and secretary/treasurer.

The bylaws state that the chair and vice chair serve two-year terms. Currently, Ramsey County Commissioner Mary Jo McGuire is chair, and Washington County Commissioner Fran Miron is vice chair. They will serve through 2026.

The secretary/treasurer serves on a staggered two-year term. For the 2024-2025 term, the office was held by Washington County Commissioner Karla Bigham. The secretary/treasurer also serves as the chair of the R&E Facility & Finance Committee. A new term for secretary/treasurer begins in 2026 and runs through 2027.

**ALIGNMENT WITH STRATEGIC PLAN:**

Strategic Goal 4A: Strengthened governance that maximizes nimbleness.

**ATTACHMENTS:**

None.

**FINANCIAL IMPLICATIONS:**

None.

**SUBJECT:** *Election of Officers*

AUTHORIZED SIGNATURES	DATE
R&E EXECUTIVE DIRECTOR 	1/20/26
WASHINGTON COUNTY ATTORNEY 	1/20/26



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	V.b			
<b>SUBJECT:</b>	Appointments to Facility & Finance Committee							
<b>TYPE OF ITEM:</b>	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input checked="" type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

Ratify appointments by the Ramsey/Washington Recycling & Energy (R&E) Board Chair to the Facility & Finance Committee.

**EXECUTIVE SUMMARY:**

The R&E Board Bylaws provide for two standing committees, one of which has annual appointments: the Facility & Finance Committee.

The Facility & Finance Committee consists of the elected secretary/treasurer and two additional board members. The total makeup of the committee includes one commissioner from Washington County and two commissioners from Ramsey County. Members of the Facility & Finance Committee are appointed by the R&E Board Chair each year and are ratified by majority vote of the R&E Board.

Article II, Section 3(a)(2) of the bylaws states the chair appoints members to the Facility & Finance Committee, and the board ratifies these appointments at its January meeting. Following the appointments, the R&E Board will be asked to ratify the appointments by majority vote.

**ALIGNMENT WITH STRATEGIC PLAN:**

Strategic Goal 4A: Strengthened governance that maximizes nimbleness.

**ATTACHMENTS:**

None.

**FINANCIAL IMPLICATIONS:**

None.

**SUBJECT:** *Appointments to Facility & Finance Committee*

AUTHORIZED SIGNATURES	DATE
R&E EXECUTIVE DIRECTOR 	1/20/26
WASHINGTON COUNTY ATTORNEY 	1/20/26



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	V.c			
<b>SUBJECT:</b>	Partnership on Waste and Energy Board Alternates							
<b>TYPE OF ITEM:</b>	<input checked="" type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

For information only.

**EXECUTIVE SUMMARY:**

The Amended and Restated Joint Powers Agreement of the Partnership on Waste and Energy (Partnership) between the Ramsey/Washington Recycling & Energy (R&E) Board and Hennepin County, dated March 27, 2018, states the Governing Board shall include the chair and vice chair of the R&E Board and a commissioner appointed by Hennepin County, resulting in a representative commissioner from each of Ramsey, Washington and Hennepin Counties. Partnership Board members serve two-year terms.

The R&E Board chair and vice chair will continue to serve on the Partnership Board for the second year of the 2025-2026 term.

Since the Partnership chair and vice chair positions rotate annually by county name in alphabetical order, the 2026 Partnership chair will be the Hennepin County Board member. The Partnership vice chair will be the Washington County Board member.

Ramsey County Commissioner Kelly Miller and Washington County Commissioner Karla Bigham will continue to serve as alternate representatives for R&E for the second year of the 2025-2026 term.

**ALIGNMENT WITH STRATEGIC PLAN:**

Strategic Goal 4A: Strengthened governance that maximizes nimbleness.

**ATTACHMENTS:**

None.

**FINANCIAL IMPLICATIONS:**

None.

**SUBJECT:** *Partnership on Waste and Energy Board Alternates*

AUTHORIZED SIGNATURES	DATE
R&E EXECUTIVE DIRECTOR 	1/20/26
WASHINGTON COUNTY ATTORNEY 	1/20/26



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	V.d			
<b>SUBJECT:</b>	Board Workshop: Alternative Governance							
<b>TYPE OF ITEM:</b>	<input type="checkbox"/>	INFORMATION	<input checked="" type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

For discussion.

**EXECUTIVE SUMMARY:**

This workshop’s purpose is to inform board members of the preliminary analysis of waste governance options for efficient and effective waste prevention, diversion and management programs, operations and systems in Ramsey and Washington Counties. The policy basis for this work originated from chapter three, policy six in the Counties’ Solid Waste Management Plan (approved by each county in fall 2024) and strategic initiative 4A.i in the R&E Strategic Plan (approved in fall 2025).

Staff will use the board member discussion and feedback from this workshop to proceed with next steps, as directed, in the governance evaluation. The policy question for discussion is:

*Should the R&E Board recommend that R&E and county staff work together to evaluate governance structures for joint solid waste management, including the status quo, an enhanced joint powers agreement and a solid waste management district?*

The attachments provided with this item present the findings from staff’s initial analysis of this topic, intended to equip board members with key insights to guide informed discussions and strategic next steps.

Workshop Outline

1. Introduction
  - a. Background and history
  - b. Previous governance analyses
2. 2025 preliminary governance analysis findings
  - a. Regional entity case studies
  - b. Governance alternatives comparison
    - i. Status quo (current JPA)
    - ii. Enhanced JPA
    - iii. Solid waste management district
3. Discussion on potential joint evaluation of governance
  - a. Governance dimensions of evaluation
  - b. Governance evaluation process and timeline
  - c. Board member discussion of policy question

**SUBJECT:** Board Workshop: Alternative Governance

**ALIGNMENT WITH STRATEGIC PLAN:**

Strategic Initiative 4A.i: Identify and implement a sustainable governance structure (e.g., waste management district or enhanced JPA) that increases nimbleness and impact.

**ATTACHMENTS:**

1. Staff memorandum: Preliminary Analysis of Solid Waste Management Governance
2. HDR report: Alternative Governance Case Studies
3. Examples of Regional Governance Systems in Minnesota
4. Husch-Blackwell memorandum: Potential Future Governance Options Analysis
5. Governance Comparison Table
6. History of Ramsey and Washington Counties' Joint Work on Solid Waste Management
7. R&E Governance Decision Tree (from November 20, 2025 meeting)

**FINANCIAL IMPLICATIONS:**

None.

AUTHORIZED SIGNATURES	DATE
R&E EXECUTIVE DIRECTOR 	1/20/26
WASHINGTON COUNTY ATTORNEY 	1/20/26



January 22, 2026

**To:** Ramsey/Washington Recycling & Energy Board  
**From:** Trista Martinson, Executive Director; Zack Hansen, limited duration staff; Leigh Behrens, Planning Manager; Melissa Finnegan, Strategic Partnerships Manager  
**Re:** **Preliminary Analysis of Solid Waste Management Governance**

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This report and its attachments present a preliminary analysis of solid waste management governance options available to Ramsey and Washington Counties and the Ramsey/Washington Recycling & Energy (R&E) Board. Both 2024-2042 Ramsey County and Washington County Solid Waste Management Plans (SWMPs) provide this policy direction on waste governance: *“The R&E Board will continue to evaluate and implement appropriate changes to its governance structure and size to ensure effectiveness.”*

In response to those policies, the 2025-2030 R&E Strategic Plan includes this strategic initiative: *“The R&E Board will continue to evaluate and implement appropriate changes to its governance structure and size to ensure effectiveness.”* In addition to work specific to Ramsey and Washington Counties, the Association of Minnesota Counties (AMC) has created a solid waste working group. Commissioners on that working group have expressed significant interest in waste governance. R&E Board member Commissioner Bigham co-chairs this committee.

### **Background & History**

There is a history of successful partnerships between Ramsey and Washington Counties for solid waste issues. A summary of that history is found in **Attachment 6**. Joint solid waste governance by the two Counties dates to the 1970s, when the Counties jointly owned and operated the first MPCA-permitted landfill in Minnesota, called the Lake Jane landfill (SW-1). Following the discovery of groundwater contamination at SW-1 and prompted by state legislation, the Counties engaged in joint work to examine landfill alternatives. Since the early 1980s, there has been a series of joint powers agreements (JPAs) and amendments related to solid waste management. These JPAs were structured to:

- Explore waste-to-energy (early 1980s)
- Manage long-term resource recovery facility contracts with Northern States Power Company (NSP) and several subsequent owners (1980s to 2015)
- Include joint efforts other than waste processing, such as outreach and education, food waste management and business recycling (beginning 1990s)
- Own and operate the Ramsey/Washington Recycling & Energy Center (R&E Center) with expanded joint program efforts (since 2015)

Since the purchase of the R&E Center in 2015, the current JPA has worked well to complete its *original* purpose, which was the start-up of R&E. That governance structure, a joint powers entity of Ramsey County and Washington County, was established to facilitate the purchase of the R&E Center, convert the facility from private to public operation, modernize old technology and coordinate existing programs

that had been jointly operated. It was not designed to foster a scaling-up of R&E to meet the challenges presented in the current SWMPs.

There are several reasons to consider a change in the current governance structure:

- **Structural limitations:** R&E's responsibilities have expanded as new opportunities for efficiency through collaboration have emerged. This is evident in the substantial increase in SWMP alignment of policies and strategies. In the past several years, R&E has been assigned increased responsibility for managing the Counties' solid waste; taken on new initiatives at the local, state and federal level; and realized that progress toward the Counties' goals and the R&E vision requires major system changes in the east metro's management of solid waste.
- **Efficiency challenges:** The current joint powers governance structure is designed for the two Counties and R&E to coordinate similar work. While each county may administer projects and programs that address unique needs, R&E is responsible for programs (joint activities) that address shared priorities for both Counties. Over time, these R&E programs have been implemented collaboratively by R&E staff along with as many as 30 staff from each county. As programs have grown, and county staff are redirected to other initiatives, this collaborative approach has created challenges in managing competing priorities and expectations. To improve efficiency, R&E has added staff in recent years to make these programs less reliant on a larger number of county staff. While this has improved aspects of R&E program implementation, it has also created new challenges to the collaboration between the counties and R&E.
- **Nimbleness:** R&E's agility and flexibility are not fully realized under the current structure. Since its inception in 2015, R&E has operated "light on its feet," anticipating system needs and pivoting to meet them, with well-informed decisions made in a very timely fashion. This attribute is critical to continue to engage with partners and seize new opportunities.
- **Changes in governance are not new:** Examining solid waste governance has occurred in the past, when changes in solid waste management have called for it. Over time, a series of JPAs and amendments have changed the form of governance to adapt to evolving legislation, state policy expectations, public input and court decisions. For example, research into alternate governance structures occurred when purchase of the facility was considered. At that time, there was strong interest in solid waste management district formation and altering the Joint Powers Agreement. Because the current statutes related to district formation were unworkable and time-consuming, the JPA option was selected.

This preliminary analysis is the first step in evaluating governance options. It outlines the dimensions of joint governance, proposes desired elements of a governance structure, outlines available alternative governance structures and suggests next steps for board consideration.

### **Previous Governance Analyses**

From 2013 to 2015, the two Counties, through the Ramsey/Washington Resource Recovery Project (RRP) Board (predecessor to R&E), spent considerable time evaluating whether to purchase the current R&E Center from its private owner. Governance was among several dimensions of that analysis.

As part of the policy evaluation related to purchase of the R&E Center, the Counties opted to pursue a JPA. Leading up to this decision were several presentations and documents, as well as considerable

board discussion. All the reports are available on the R&E website. These historical documents related to governance were reviewed for this analysis. Three key elements were:

- February 2014:** Background information on governance was provided in “[Waste Processing Governance Policy Study](#)” (pages 45-57). That document cited information from a previous Solid Waste Management Coordinating Board study on regional governance, as well as work by Resource Recovery Project consultants and county staff. Four types of governance systems were cited: joint exercise of powers, intergovernmental service agreements, legislatively created entities and waste management districts.
- April 2014:** A memorandum titled “[Policy Evaluation – Direction on Technology and Policy Evaluation](#)” (pages 116-129) was transmitted to the board. Of note on pages 124-125, the evaluation focused on two governance options: joint exercise of powers and waste management districts, ruling out intergovernmental service agreements and a legislatively created entity.
- September 2014:** Legal counsel presented “[Future Governance Approaches](#)” (page 150-162) which, on page 150, provides a comparison of joint exercise of powers and waste management districts. The result of the discussion that followed and future action was the selection of governance using a joint powers agreement. While there was appeal to a waste management district, the existing state legislation related to creating a district was (and remains) unworkable. A JPA was the only viable option for proceeding with the purchase within the available time.

**Governance Dimensions**

Evaluating a change in governance is a multi-faceted, multi-level process. Issues range from broad, high-level matters to more nuanced details. Prior to purchasing the R&E Center, the governance discussion focused on identifying the structure and function of an organization that would assume public ownership of an existing private facility. The pending governance discussion will have a different focus. As with the previous analysis, classifying issues into dimensions clarifies a complex process.

**Dimensions** are the high-level topics requiring attention when evaluating governance changes. Dimensions frame the research and policy analysis and assure all bases are covered. Seven dimensions have been identified in the graphic below for the potential upcoming analysis of governance.

<b>Governance Dimensions</b>			
<b>Governance Structure</b>	<b>Legal</b>	<b>Finance</b>	<b>Risk Management</b>
Evaluate optimal structures for east metro waste management, considering policies and strategies in county plans	Review legal issues associated with a governance change, including a legal risk analysis	Identify and evaluate financial issues associated with a change in governance	Identify and evaluate risks associated with a new governance structure and consider risk mitigation alternatives
<b>Administration</b>	<b>Community Engagement</b>	<b>Strategic Partnerships</b>	
Identify administrative elements and a scope of change for each (e.g. IT, human resources, finance, procurement, etc.)	Identify interested parties and communities, plan for engagement, seek dialogue and input	Advocate for governance legislation as needed; engage cities, townships and other partners during governance evaluation	

### **Alternative Governance Examples**

The current analysis examined various governance models in Minnesota and the United States. R&E's consultant HDR evaluated 12 regional solid waste entities across the country and interviewed five of them (**Attachment 2**). R&E staff also reviewed several types of regional governing structures in Minnesota, including waste-related joint powers boards (**Attachment 3**).

**Key Takeaway:** There is great variation in waste governance, but there are some common threads. The most effective waste management systems are governed locally in a structure that best fits local needs. To ensure accountability, a governing board with elected officials is important to direct the work. An organization needs to have the tools available to meet its mandates, including personnel, regulatory, financial, operational and so on. There also needs to be a way for a governing entity to expand or contract by onboarding or offboarding nearby communities.

Additional key findings related to waste governance:

- **Variability:** There is wide variation in organizations governing waste. The scope of authority, governing oversight, range of duties, regulatory authority, financing and accountability is very different. This is understandable given the wide variety of approaches to solid waste management across the U.S. (and even within Minnesota). The form of regional government follows the assigned or assumed function of that entity.
- **Structure:** Form follows function in waste governance structures. Formal partnerships (such as joint powers agreements) are common in Minnesota, but with a wide range of duties delegated to joint boards. Elsewhere in the U.S., intergovernmental partnerships (joint powers, intergovernmental agreements and special districts) exist to serve local needs. In some areas, state laws require or frame local government waste structures, with less flexibility at the local level.
- **Boards:** Oversight of the reviewed regional governing structures is provided by boards of directors of some type. Board composition, authority, involvement and operations vary. In most cases, boards reviewed in this analysis were comprised of elected officials – appointed by another entity (county, city). Technical or policy advisory committees are also common.
- **Staffing:** The level and type of staffing varied with the responsibility of the governing entity. In some cases, there were large staff complements when the duties were wide-ranging and involved operating facilities. In other cases, where regional coordination, planning and/or reporting were the major duties, there were few staff. Most entities contracted with private sector service providers for some work.
- **Onboarding and offboarding communities:** Multiple entities provided information on member communities (cities or counties) choosing to leave or requesting to join the entity. Several entities recommended clear pathways for such transitions and changes.
- **Precedent for Minnesota regional governance:** There are examples of effective regional governance options beyond JPAs that can provide guidance in designing a regional model for waste governance. In several cases, a state government has created regional entities, and in others, authority is provided to local governments to do so.

### **Governance Alternatives**

This discussion of governance alternatives draws heavily from Attachment C, a legal analysis from R&E's legal consultant, Husch Blackwell. This memo builds on governance previous analyses and examines in detail the enhanced joint powers option and the waste district option. The latter is discussed in two scenarios: existing law and the proposed legislation for waste management districts.

Four governance alternatives were evaluated during purchase of the R&E Center. At that time two options were ruled out: Intergovernmental Service Agreement and Legislative Established Entity. That narrowing continued in this analysis, with those two alternatives ruled out.

*Alternatives ruled out:*

- **Intergovernmental Service Agreement:** This form of cooperative agreement is generally used for the use of equipment or services between local units of government and is flexible. There is an absence of a formal organizational structure, which would make it difficult to deal with policy, planning and financing of projects.
- **Legislative Established Entity:** An authority or district created by the legislature can be designed to meet a variety of purposes. This approach can be used to define a consistent level of solid waste management. However, because the power to create the entity rests solely with the legislature, counties could have very little control in the outcome of the legislative process and the time it would take to create one.

### **Governance Alternatives to Explore**

This analysis examined these alternatives:

- **Status quo:** The current JPA remains unchanged.
- **Enhanced joint powers agreement:** The Counties agree to expand the authority of the R&E Board to include additional solid waste responsibilities that are not held by the current Joint Powers Board.
- **Solid waste management district:** Obtain authorization from the state to allow counties to form a new unit of government that assumes certain solid waste responsibilities. Within this alternative, there are two scenarios considered:
  - Waste management district formed under **existing** law
  - Waste management district formed under **proposed** law

The alternatives of the status quo, an enhanced joint powers agreement and waste management districts (existing law and the proposed legislation) are outlined in **Attachment 5**. That table, based on the legal memo from Husch Blackwell, summarizes the differences between these three alternatives.

### **Governance Decision Process and Timeline**

If the R&E Board and county boards decide to proceed with the governance analysis, the recommended decision-making process is found in **Attachment 7**, a flow-chart depicting the process.

**Board Policy Question for Discussion**

*Should the R&E Board recommend that R&E and county staff work together to evaluate governance structures for joint solid waste management, including the status quo, an enhanced joint powers agreement and a solid waste management district?*

If the Board says “yes” to this question, then the county boards will be requested to consider the same question. If both Counties agree to the evaluation, then R&E would lead the work to evaluate alternative governance options. If one or both Counties say “no” to the question, then the status quo will continue.

**Next Steps: Scope of Further Evaluation**

If the R&E Board and county boards agree to evaluate alternative governance structures, the next step would be for a workgroup of R&E and county staff to evaluate the selected alternate governance structures using dimensions of governance change, outline a transition plan and deliver reports to R&E Board. This work would inform decision number six on the flow chart in ***Attachment 7***.

That work would begin at a scoping level, identifying the specific topics requiring attention and action in each of the governance dimensions. It would frame the issues that need to be addressed, how to approach them, the level of effort needed and a timeline.

The evaluation would be structured around dimensions already identified. These are the high-level topics requiring attention when evaluating governance changes. Dimensions frame the research and policy analysis and ensure all bases are covered. For the upcoming analysis of governance, seven dimensions have been identified, shown in the **Governance Dimensions** section of this document.

# Alternative Governance Case Studies

*Prepared for Ramsey/Washington Recycling & Energy  
June 11, 2025; Revised January 9, 2026*

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## Executive Summary and Key Findings

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Ramsey/Washington Recycling & Energy (R&E) tasked HDR with identifying examples of alternative governance structures, such as Solid Waste Management Districts (SWMD) or similar entities to understand how they function in managing solid waste. R&E selected 12 of the identified entities for a detailed evaluation and then conducted detailed interviews with five selected entities.

### Key Findings:

**Oversight:** The level of oversight and regulatory authority varies widely by type of entity, with some entities owning and operating facilities, and others only providing administrative coordination between member communities (such as annual reporting).

**Structure:** Examples of both intergovernmental partnerships (including joint powers, cooperative agreements, and special districts) and state regulations/processes to develop entities were identified. Of the 12 entities, six are partnerships and six are formed via state regulations. Local government collaboration from member communities is key for all entities.

**Boards:** Oversight is provided by Boards, which have varying levels of involvement and authority over the identified entities. Some Boards are highly involved with decision making, while others have limited involvement. All identified entities have Boards comprised of elected officials from local jurisdictions or local government staff. There were no new board elections specific to the entities, as is the case for many Watershed Districts and Conservation Districts in MN.

**Staffing:** Interviewed entities typically had a small number of direct staff members and often contracted for additional services, including facility operations.

**Onboarding and offboarding communities:** Multiple entities discussed member communities (cities or counties) choosing to leave or requesting to join the entity. Several entities identified the need for clear pathways for such transitions and changes.

**Additional follow-up:** Two of the entities interviewed have many similarities to R&E and may provide additional benefit through future connections.

- Rethink Waste in California is a large organization, with oversight of a franchise agreement for waste hauling for their member communities and oversight of the operations for various waste facilities. Rethink's Board of Directors was previously city staff but transitioned to elected officials due to the desire by elected officials to be more involved.
- Montgomery County Solid Waste District in Ohio owns and operates facilities and provides significant education and outreach to the community. Montgomery County SWD is funded through tip fees and property charges, and they have had experience with member communities wanting to leave and join their SWD. Montgomery County's size is comparable to R&E.

## Introduction and Background

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Ramsey/Washington Recycling & Energy (R&E) identified a need to better understand alternative governance structures, such as Solid Waste Management Districts (SWMD), and how they function in managing solid waste within a community. HDR conducted a national search and utilized industry knowledge and connections to identify existing structures that may be useful case studies for R&E. After compiling a list, R&E selected 12 entities for a detailed evaluation and then further focused on five entities for interviews.

The following document includes summaries of the selected entities. This document is meant as reference material for R&E to summarize the identified alternative governance structures.

Feedback from the research identified the following key findings:

- The level of oversight and regulatory authority varies widely by type of entity, with some entities owning and operating facilities, and others only providing administrative coordination between member communities (such as annual reporting).
- Oversight is provided by Boards, which have varying levels of involvement and authority over the identified entities. Some Boards are highly involved with decision making, while others have limited involvement.
- Interviewed entities typically had a small number of direct staff members and often contracted for services including facility operations.
- Multiple entities discussed member communities (cities or counties) choosing to leave or join their organizations, and the need for clear pathways for such transitions and changes.

## Delaware Solid Waste Authority

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**Area represented:** The State of Delaware

**Purpose:** Providing dependable, accessible, and sustainable solid waste management systems to the State of Delaware

**Founding legislation:** The enactment in 1975 of Title 7, chapter 64 of the Delaware Code made the Delaware Solid Waste Authority responsible for developing, adopting and implementing the Statewide waste management plan for Delaware.

[Delaware Code Online](#): Title 7, chapter 64, powers of authority—6406

Though created by the General Assembly in 1975, DSWA is **not** a state agency. DSWA receives no state or federal tax dollars. Additional information on founding and history: [History - DSWA](#)

**Board:** DSWA has a Board of Directors and a Citizens' Advisory Board. The members of the Board, except for the Board Chairperson, are confirmed by the state senate, and the Governor appoints Board members for three-year terms. The Board of Directors sets policies and has decision-making authority about current operations, programs, and planning, and they hire employees.

**Staff:** DSWA has a Chief Executive Officer and a Chief Operating Officer.

**Facilities and services:** They have recycling centers, collection stations, transfer stations and landfills.

**Website:** [Home - Delaware Solid Waste Authority](#)

**Other highlights:** They offer two student scholarships to Delaware students studying engineering or environmental studies programs.

## Eastern Idaho Waste District

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**Area represented:** Madison, Fremont, Clark and Teton Counties, Idaho

**Purpose:** The District’s mission is to provide solid waste disposal services, facilities, and equipment to reduce, transfer, and recycle solid waste within the Eastern Idaho region.

**Founding legislation:** [ABOUT – Eastern Idaho Waste District](#)

[Section 31-4902 – Idaho State Legislature](#)

Powers of board: [Section East31-4906 – Idaho State Legislature](#)

“The District does not have taxing authority. **Ultimately, future costs will be reduced for taxpayers** through regional consolidation of services and reduced landfill tipping fee costs. This regional collaboration provides a responsible solution to deliver essential services while conserving public resources.”

**Board:** The district is governed by a Board of Directors, with one board member representing each member county, selected by its county.

**Staff:** They have an Executive Director and a municipal advisor.

**Website:** [Eastern Idaho Waste District – Environmentally Conscious Waste Management](#)

**News:** [Local landfill 14 years in the making will serve 80,000 people in four counties - East Idaho News](#)

## Johnson County Solid Waste District

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**Area represented:** Johnson County, Wyoming

The Johnson County Solid Waste District was formed in 2002. It is a Special District of Johnson County, Wyoming.

**Legislation:** [Wyoming Statutes CHAPTER 11 - Solid Waste Disposal Districts](#)

**Board:** The Solid Waste Board is comprised of six members.

**Staff:** The Solid Waste District has a manager.

**Facilities and Services:** A landfill and recycling center. They accept solid waste, construction waste, & green waste. They also accept tires, freon units, & metal.

**Website:** [Johnson County Solid Waste District](#)

**News:** [Johnson County Commission Updated on Landfill Expansion – Sheridan Media](#)

[Talking trash | News | buffalobulletin.com](#)

## Mid-America Regional Council Solid Waste Management District

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**Area represented:** Kansas City, MO-District E: Cass, Clay, Jackson, Platte, and Ray counties, Missouri

**Purpose:** The districts were created to foster regional cooperation between cities and counties in managing solid waste. The districts help plan and implement recycling services and other alternatives to waste disposal at the local level. They also administer waste reduction, reuse, recycling and composting grants to support these efforts.

**Founding legislation:** Missouri Statutes: [Missouri Revisor of Statutes - Revised Statutes of Missouri, RSMo Section 260.300-310](#) lists the contractual authority and powers of the SWMD.

**Board:** The District represents the interests of members through a 15-member Executive Board and a management council.

**Staff:** Staff from the Mid-American Regional Council support the Solid Waste Management District with administrative tasks and staffing through an annual memorandum of understanding.

**Website:** [Solid Waste Management District | MARC](#)

## Lake Region Solid Waste Authority

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**Area represented:** Anderson, Coffee, Franklin, Linn, Miami, Osage, and Shawnee Counties, Kansas

**Purpose:** Facilitate proper solid waste management, advocate for waste reduction and landfill diversion, and encourage the public to recycle.

**Founding legislation:** [About Us – Lake Region Solid Waste Authority](#)

In 1995, six counties agreed to form a Solid Waste Authority for joint planning and in 2024 a seventh county joined. The government document for this authority is an interlocal agreement, which is signed by each county commissioner and then sent to the Kansas Attorney General for final approval.

Each county in the solid waste authority receives funds from tipping fees or tax revenue or something similar to finance the county's solid waste operations. The operating budget for the solid waste authority comes from dues paid by each county.

**Board:** LRSWA is governed by a Board of Directors made up of two voting members from each of the seven counties.

**Staff:** They have a regional director who oversees day-to-day operations.

**Website:** [Lake Region Solid Waste Authority – Serving Anderson, Coffey, Franklin, Linn, Miami, Osage, and Shawnee Counties](#)

Solid Waste Management Plan: [LAKE REGION](#)

**Interview highlights:**

- The LRSWA provides reporting oversight to the state and coordinates education and outreach on a limited basis. They have one staff person who works part-time to compile annual reporting requirements from the member counties and works with a Board comprised of County Commissioners for high-level collaboration.
- Each county manages its own waste and contracts, and the LRSWA has no facilities, contracts, or other infrastructure.
- The LRSWA has a very limited budget, no specific authority, and serves more as an administrative and educational resource to the counties.

## Lincoln County Solid Waste District

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**Area represented:** Cooperative program between the cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats; Dahl Disposal Service; North Lincoln Sanitary Service, Thompson's Sanitary Service; and Lincoln County, Oregon

**Purpose:** To provide sustainability program coordination, litter and illegal dumping program administration, coordination HHW collection and reduction, strategic planning, management, and reporting for the Lincoln County Waste Shed, and reduce, reuse, recycling and compost promotion and education.

**Founding legislation:** [Lincoln County Code \(LCC\) Chapter 2](#) Purpose, Policy and Scope

**Staff:** They have one district manager.

**Facilities and services:** They have four transfer stations.

**Website:** [Solid Waste District | Lincoln County, OR](#)

**Interview highlights:**

- Lincoln County Solid Waste District (LCSWD) is a cooperative agreement between cities and functions as a government organization.
- The existing franchise agreement between the waste haulers and the County provides all services and is outside the oversight of the LCSWD. The LCSWD facilitates the franchise entities and ensures cooperation.
- Family-owned businesses that collaborate well are the key to the current success, for hauling and facility management within the District.
- The LCSWD serves as a resource, provides coordination, oversees quality service by franchise haulers, and provides education.

## Lucas County Solid Waste Management District

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**Area represented:** Lucas County, Ohio

**Purpose:** “To develop and enhance programs which enable residents to easily recycle common household wastes as well as to assist business and industry with the implementation of waste reduction and recycling programs, with programs/services to reduce, reuse and recycle.”

**Founding legislation:** [hb592.pdf](#) [Approved-Plan-Update-102324](#)

In 1988, Ohio faced a combination of solid waste management problems, including rapidly declining disposal capacity at existing landfills, increasing quantities of waste being generated and disposed, environmental problems at many existing solid waste disposal facilities, and increasing quantities of waste being imported into Ohio from other states. These issues combined with Ohio's outdated and incomplete solid waste regulations caused Ohio's General Assembly to pass House Bill (H.B.) 592. H.B. 592 dramatically revised Ohio's outdated solid waste regulatory program and established a comprehensive solid waste planning process.

**Board:** The SWMD has a Board of Trustees/Policy Committee with seven members.

**Staff:** The SWMD has one staff member, the Solid Waste District Manager.

**Website:** [Solid Waste Management District | Lucas County, OH - Official Website](#)

**News:** [Lucas County materials recovery facility \(MRF\) work continues in 2025 | Lucas County, OH](#)

## Montgomery County Solid Waste District

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**Area represented:** Montgomery County, Ohio

**Purpose:** They provide waste disposal and recycling services to Montgomery County municipalities, businesses, and residents.

**Founding Legislation:** The Montgomery County SWMD formed as a single county district on October 4, 1988.

[Section 3734.52 - Ohio Revised Code | Ohio Laws](#)

Definition of SWMD: One of two structures a county/group of counties can form for purposes of complying with Ohio Revised Code Section 3734.52. The other structure is a regional solid waste management authority. A solid waste management district can consist of one or more counties. The SWMD's main purpose is to prepare, adopt, submit, and implement a solid waste management plan. In addition, a SWMD is responsible for providing safe and sanitary management of solid waste generated within the SWMD in compliance with Chapters 343 and 3734 of the Ohio Revised Code. A SWMD is governed by two groups – a policy committee and a board of county commissioners/board of directors.

**Board:** The Montgomery County SWD is governed by two bodies: 1) the Board of Directors, which consists of the county commissioners from all counties in the SWMD, and 2) a Policy Committee, which is responsible for developing a solid waste management plan for the SWMD. BOD is responsible for implementing the policy committee's SWMP.

**Staff:** The Montgomery County SWD has a director, assistant director, public information officer, and three program specialists on staff.

**Facilities and Services:** A transfer station, a MRF and an ash monofil. The SWD houses the Environmental Learning Center and the Keep Montgomery County Beautiful program, which offer educational programs to schools, communities and businesses as well as litter resources.

**Website:** [Solid Waste | Montgomery County, OH - Official Website](#)

**SWMP:** [Montgomery-County-SWMP---Feb-5-2025](#)

**Interview highlights:**

- MCSWD owns and operates the transfer station, provides education and outreach, and contracts for some hauling and disposal with a private hauler. They also own and operate a MRF, an Environmental Learning Center, and an ash monofil.
- MCSWD has flow control for the County and also accepts out of county waste at their TS, at a higher fee. The transfer station is currently at capacity.
- MCSWD provides extensive education at the facility, including tours.
- MCSWD is funded through tip fees and annual property charges to all residential (flat fee) and commercial (volume-based) entities in the county.
- MCSWMD utilizes services and pays fees to the County for services such as IT, HR, legal, fleet services, etc., as they are not a county entity.
- MCSWMD has had experience with entities wanting to leave or join the District and has encountered issues when member entities control different assets within the agreements. A clear legal process for joining or leaving a District is critical to success. MCSWMD's existing language is available online for reference.

## Regional Recycling & Waste Reduction District

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**Area represented:** Pulaski County, AR

**Purpose:** Promoting recycling and waste reduction in partnership with Pulaski County residents

**Founding legislation:** 1991 Arkansas legislation to establish the solid waste districts: [A Bill ACT 752 OF 1991](#)

- [Rules & Regulations of the Pulaski County Regional SWMD](#) Section 5: Powers and Duties

**Board:** Their Board of Directors is comprised of seven members, including six mayors of communities in the county as well as Pulaski County Judge.

**Staff:** The District includes four staff, including the Executive Director, contract services, recycling officer and environmental officer.

**Facilities and services:** residential curbside, recycling and garbage service, special recyclables like electronics, glass, plastic bags, HHW and household batteries, C&D recycling facility, tire recycling in District 2 of Arkansas.

**Website:** [Regional Recycling & Waste Reduction District – Promoting recycling and waste reduction in partnership with Pulaski County residents and businesses](#)

**Other highlights:** The board has the power to petition the Arkansas Pollution Control and Ecology Commission or Director of the Arkansas Dept of Env. Quality to issue, continue, revoke, modify or deny any permit for solid waste management. The Regional Recycling & Waste Reduction District originally was called the Pulaski County Regional Solid Waste Management District. The name was changed in 2008.

## Rethink Waste South Bayside Waste Management Authority

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**Area represented:** City of Belmont, City of Burlingame, City of East Palo Alto, City of Foster City, Town of Hillsborough, City of Menlo Park, City of Redwood City, City of San Carlos, City of San Mateo, the County of San Mateo and the West Bay Sanitary District, California

**Purpose:** Provide innovative waste reduction and diversion management through responsible and cost-effective programs that promote environmental sustainability in our communities

**Founding legislation:** Legal document: [Third Amended and Restated JPA Agreement - clean \(00198459-1\).DOCX](#) with powers of agency (article 7: Powers). Formed in 1982

**Board:** They have a Board of Directors with eleven members representing the service areas.

**Staff:** They have ten staff members, including an Executive Director, finance manager, recycling and compliance manager, principal engineer and operations manager and other roles, plus multiple public outreach and environmental education fellows.

**Facilities and services:** a “joint powers authority where all recyclables, compost materials, and solid waste that are generated within 100+ square mile service area are collected, handled, processed and then transported to their final location. “

They have a franchised waste hauler (Recology San Mateo County) for the Rethink Waste service area and a contractor (South Bayside Industries) to operate the MRF, transfer station and public recycling center.

**Website:** [RethinkWaste – A Public Agency](#)

### Interview highlights:

- Rethink owns a large transfer station and MRF. They have two significant contracts:
  - A master trash and recycling hauling contract for all residential and commercial entities in the District. Individual cities use the master agreement for collections. Individual cities can choose various add-on services (ex. yard waste, bulky items, etc.) and set their own individual billing rates to their customers.
  - A contract for the operations of the Rethink-owned transfer station and MRF.
- Rethink provides oversight and coordination of those two contracts, works with member communities, provides education and outreach, and coordination between member entities.
- Rethink has an ongoing fellowship program for Rethink employees that’s been very successful.
- Rethink has a process for entities to exit the agreement. One member community chose this option, and the process worked.
- Their Executive Director is active in the state legislature, particularly regarding lithium-ion batteries, as their MRF had a significant fire due to a battery.

## Solid Waste Agency of Northwest Nebraska

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**Area represented:** Dawes, Sheridan, Sioux Counties and the Hemingford area residents in Box Butte County, Nebraska

**Purpose:** This agency will handle solid waste from households to final disposal in the communities and provide a disposal site for all rural residents.

**Founding legislation:** Early in 1992, SWANN was formed by communities and counties. All counties and communities signed an interlocal agreement.

October 9, 1992-new federal regulations went into effect, Subtitle D, related to a law passed called Resource Conservation and Recovery Act, which was followed by passage of [LB1257](#) by NE legislature.

[Mission & History: Solid Waste Agency of Northwest Nebraska \(SWANN\)](#)

[Nebraska Legislature:](#) “County, municipality, or agency; provide or contract for disposal of solid waste; joint ownership of facility; governing body; powers and duties; rates and charges.

(1) Effective October 1, 1993, each county and municipality shall provide or contract for facilities and systems as necessary for the safe and sanitary disposal of solid waste generated within its solid waste jurisdiction area. Such disposal shall comply with rules and regulations adopted and promulgated by the council for integrated solid waste management programs.”

**Board:** They have a Board of Directors, who represent the participating communities and counties.

**Staff:** They have two executive staff members, an Executive Director and an Operations Director. They also have administrative office staff, collection, disposal and transfer station staff, and community site operators.

**Facilities:** SWANN has a transfer station in Chadron and a landfill, as well as community sites in seven towns.

**Services:** They provide commercial and construction disposal service, residential waste removal service and roll-off dumpster service. Customers pay the SWANN directly for their services.

**Website:** [Solid Waste Agency of Northwest Nebraska \(SWANN\)](#)

**News:** [Newsroom: News & Events: Solid Waste Agency of Northwest Nebraska \(SWANN\)](#)

### Interview highlights:

- SWANN provides residential collection and has a policy for waste designation for residential and commercial waste. All residents pay a set fee for disposal, and commercial fees are volume-based. Residents can bring other materials like C&D directly to the transfer station.
- Keep Chadron Beautiful (part of Keep America Beautiful) provides most residential recycling collection and hauling services.
- Two communities lost their local waste haulers (rural areas) and asked to join SWANN as a result, since there were no other feasible options for disposal. SWANN added them through formal approval process.
- Most cities oversee their own billing to customers and send fees to SWANN.
- SWANN has bonding authority for items that are not covered through hauling and operations fees.
- SWANN owns and operates the transfer station and landfill. All waste is baled before it goes to their landfill, which reduces litter and increases efficiencies.

## St Joseph County Solid Waste Management District

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**Area represented:** St. Joseph County, Indiana

**Purpose:** The Solid Waste Management District serves all residents throughout St. Joseph County. The District offers comprehensive recycling, household hazardous waste (HHW), educational services to the citizens of St. Joseph County.

**Founding legislation:** The District was formed in 1991 by St. Joseph County Ordinance No. 76-90. This resolution established a District in accordance with IC 13-21-2-14.5.

Legislation details for the SWMD: [§ 50.01. - Designation. | Code of Ordinances | St. Joseph County, IN | Municode Library](#), 50.09 powers of SWMD board—use for spreadsheet

**Board:** St Joseph SWMD Board members include county commissioners, mayors, city council members, county council members, an attorney and the county auditor. [Solid Waste Management District Board | St. Joseph County, IN](#),

**Staff:** St Joseph SWMD has six staff members, including a director, an educator, a program assistant, and three staff for the Household Hazardous Waste Program.

**Facilities and Services:** These services include Countywide Curbside Recycling Program, Permanent Household Hazardous Waste Facility, and School Education Efforts

**Website:** [Solid Waste Management District \(SWMD\) | St. Joseph County, IN](#)

# Examples of Regional Governance Systems in Minnesota

*Prepared by Zack Hansen and Leigh Behrens*

*October 1, 2025*

As part of the preliminary analysis on governance alternatives, Ramsey/Washington Recycling & Energy (R&E) staff examined various joint governance models in Minnesota. Staff reviewed regional governing structures in Minnesota, including (but not limited to) solid waste-related entities. This document is a complement to the case studies from R&E's strategic engineering consultant, HDR, on regional solid waste entities across the United States outside of Minnesota.

The examples of Minnesota-specific regional governance systems are organized in four categories:

- Joint powers agreements (JPAs) between local governments
- Regional governance entities created by the Minnesota state government
- Waste management districts
- Regional government entities created locally

## JPAs Between Local Governments

- **Tri-County Solid Waste Commission (Tri-County):** Benton, Sherburne and Stearns Counties, Minnesota ([website](#))

Tri-County was established in 1983. Representation and leadership are provided by the Tri-County Solid Waste Commission Board, which consists of local county commissioner representation based on population. The mission statement of Tri-County is to “provide an efficient waste collection system that includes energy generation, recycling, hazardous waste management and disposal in a cost-effective an environmentally acceptable manner.”

Tri-County has a 20-year contract (through 2031) to deliver about 45% of the solid waste generated in the Tri-County area to the waste-to-energy facility owned by Pope and Douglas Counties. Solid waste haulers are required to deliver waste based on a monthly quota. The remaining 55% of waste is landfilled.

- **Pope-Douglas Solid Waste Management (PDSWM):** Douglas and Pope Counties, Minnesota ([website](#))

PDSWM was formed in 1983 to foster regional cooperation on solid waste management between Douglas and Pope Counties and to provide waste processing services to other counties. PDSWM operates a wide variety of programs and facilities, including a waste-to-energy facility in Alexandria, permitted to manage up to 80,000 tons per year of solid waste, various collection and transfer sites and recycling and organic waste management facilities.

- **East Central Solid Waste Commission:** Chisago, Isanti, Kanabec Mille Lacs and Pine Counties, Minnesota ([website](#))

### *Attachment 3: Examples of Regional Governance Systems in Minnesota*

The East Central Solid Waste Commission is a joint powers board dating back to 1988. The commission owns and operates a solid waste management disposal system consisting of a municipal solid waste landfill (located in Kanabec County), two transfer stations (one located near Cambridge in Isanti County, and the other located near Hinckley in Pine County) and an inactive compost facility (located adjacent to the municipal solid waste landfill).

- **Prairieland Solid Waste Board:** Faribault and Martin Counties, Minnesota

Established in 1989, the JPA authorizes the Prairieland Solid Waste Board to oversee a facility that processes waste into refuse-derived fuel, or RDF (used at Xcel's Wilmarth Facility), and to support other solid waste activities of the two counties.

- **Prairie Lakes Municipal Solid Waste Authority (PLMSWA):** Becker, Clay, Otter Tail, Todd and Wadena Counties, Minnesota ([website](#))

In 2010, Otter Tail, Becker, Todd and Wadena Counties entered into a JPA to form the PLMSWA, which served to facilitate regional cooperation on solid waste management among the member counties. Clay County joined the PLMSWA in 2014.

In 2011, the PLMSWA became owner and operator of the [Perham Resource Recovery Facility](#), a waste-to-energy facility in Perham, Minnesota. The five member counties deliver over 60,000 tons per year of municipal solid waste to the facility. The facility recycles 1,200 tons of material per year and sells one million pounds of steam per day to local businesses (such as Tuffy's Pet Foods and Bongards Creameries), while also employing 33 full-time staff members.

- **Tri-County Solid Waste Joint-Powers Board:** Le Sueur, Nicollet and Sibley Counties, Minnesota ([website](#))

LeSueur, Nicollet and Sibley Counties collaborate to implement an integrated solid waste management system to offer services to residents and businesses. Two commissioners from each county comprise the board. Counties are responsible for ordinance enforcement, while Tri-County staff administer and direct county solid waste and recycling programs, household hazardous waste (HHW) collection, resource recovery, problem materials and educational programs.

### **Regional Governance Entities Created by Minnesota State Government**

- **Metropolitan Mosquito Control District:** Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, Minnesota ([website](#))

The Metropolitan Mosquito Control District promotes health by protecting the public from disease caused by mosquitoes, black flies and ticks, in an environmentally safe manner. The district covers the seven county Twin Cities metro area. County boards appoint commissioners to the district board annually. Anoka, Dakota, Hennepin and Ramsey Counties have three commissioners each, and Carver, Scott and Washington have two commissioners each. The district is funded with a tax levy administered by each member county, limited to annual increases according to an index established in state law.

### *Attachment 3: Examples of Regional Governance Systems in Minnesota*

- **Mississippi Headwaters Board (MHB):** Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca and Morrison Counties, Minnesota ([website](#))

The MHB works to protect and preserve the Mississippi River in Minnesota. It was formed in 1980 as an alternative to the designation of the first 400 miles of the Mississippi River into the National Wild and Scenic River System. Minnesota Statutes §§ 103F.361-377 established a permanent joint powers board. The state mandates the MHB to enhance and protect the natural, cultural, historic, scientific and recreational values of the headwaters region. It has an eight-member board, with each county appointing one county commissioner. Terms are two years, with vacancies filled by the original appointing county.

- **White Bear Lake Conservation District (WBLCD):** White Bear Lake, White Bear Township, Dellwood, Mahtomedi and Birchwood, Minnesota ([website](#))

This district was formed by the State of Minnesota in 1971 for the purpose of taking care of White Bear Lake for all to enjoy. The WBLCD is governed by a 10-member volunteer board of directors made up of two representatives appointed by the city councils of the five municipalities that border White Bear Lake. Each city determines their appointment process. Board members are appointed for three-year terms and there are no term limits for board members.

- **Watershed Districts:** multiple, Minnesota ([website](#))

In 1955, the Minnesota Legislature authorized the creation of watersheds through the Watershed Act. The intent of the Act was to develop water management policies and plans on a watershed basis, because water does not follow political boundaries. Watershed districts are approved by the state's Board of Water and Soil Resources. Each watershed district is governed by a three- to nine-member board of managers appointed by the county boards of commissioners with land in the watershed district and each manager serves a three-year term.

### **Waste Management Districts**

- **Western Lake Superior Sanitary District (WLSSD):** Duluth, Carlton, Cloquet, Hermantown, Proctor, Rice Lake, Scanlon, Thomson, Wrenshall and surrounding townships, Minnesota ([website](#))

This is the only waste district in Minnesota and was created prior to the current law to form districts. WLSSD was established by the legislature in 1971 as a public corporation and political subdivision of the state. The board of directors is a mix of elected and appointed officials serving three-year terms, with nine members from the City of Duluth (four members), the City of Cloquet (three members), municipalities in Carlton County (one member) and municipalities in St. Louis County (one member). The makeup of the board is directed by law.

The district provides solid waste and wastewater services in an area of 530 square miles around Duluth. It regulates all solid waste activities in the area, and owns and operates facilities, providing a full array of solid waste and recycling services.

## **Regional Government Entities Created Locally**

- **Regional Rail Authorities (RRAs):** multiple, Minnesota ([Ramsey County RRA website](#); [Washington County RRA website](#); [Minnesota Valley RRA website](#))

RRAs are created by local governments. Per state law, these entities provide a means whereby one or more municipalities, with state and federal aids as may be available, may provide for the preservation and improvement of local rail service for agriculture, industry or passenger traffic and provide for the preservation of abandoned rail right-of-way for future transportation uses, when determined to be practicable and necessary for the public welfare, particularly in the case of abandonment of local rail lines.

In most cases, individual counties have created distinct regional rail authorities, such as the Ramsey County RRA, Washington County RRA and Dakota County RRA. These RRAs consist of the county board of commissioners, appointed to the regional rail authority board annually. An example of an exception to this structure is the Minnesota Valley RRA, which consists of Carver, Renville, Redwood, Sibley and Yellow Medicine Counties and whose board includes one commissioner from each county board.

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## MEMORANDUM

**Date:** October 16, 2025

**To:** Ramsey/Washington Recycling & Energy

**From:** Kevin D. Johnson, Partner  
Ian Johnson, Associate

**Re:** Potential Future Governance Options Analysis

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### I. Introduction

This memorandum provides an overview of two potential governance approaches for the continued oversight and management of the joint solid waste management system between Ramsey and Washington Counties. The two governance approaches are:

- A. An enhanced joint powers board, which is the basic governance form currently being used by the two Counties, and is authorized by *Minn. Stat. §471.59*; and
- B. Establishment of a solid waste management district, which is an alternate governance option:
  1. As provided by *current Minn. Stat. §§115A.62 to .72*.
  2. As provided by *proposed waste management district legislation*. The proposed legislation is attached as Exhibit A.

### II. Enhanced Joint Powers Board

The Joint Exercise of Powers Act (Act), *Minn. Stat. §471.59*, provides a flexible tool that government units can use to work cooperatively to provide services to their communities.

Although the Act has undergone numerous changes since it was adopted in 1943, the primary purpose remains the same -- to allow governmental units to jointly or cooperatively undertake the exercise of governmental powers.

The Act provides that two or more “governmental units” may enter into a joint powers agreement (JPA). The Act defines a “governmental unit” as all local units of government in Minnesota or any other state, state agencies, and federal agencies, including all instrumentalities of government.

The decision to enter into a JPA must be made through formal action by the governing bodies of the participating governmental units. Under *Minn. Stat. §471.59, subds. 1–2*, the agreement must clearly state its purpose, the powers to be exercised, and the method by which those powers will be carried out. Governmental units may jointly exercise any power common to the parties. This statutory framework allows counties to delegate nearly all powers common to them, including all solid waste management responsibility and authority, to a JPB, provided such delegation is explicitly stated in the agreement.

Ramsey and Washington Counties could, therefore, expand the authority of the existing R&E Board to include additional solid waste responsibilities that are not held by the current JPB. This would be the enhanced JPB option.

*Minn. Stat. § 473.811, subd. 7* authorizes governmental units to collaborate under the Joint Powers Act, or any other applicable law providing for joint or cooperative action, to carry out various solid waste management activities, including solid waste planning. A joint powers board can be delegated any power that is common to the counties, with the exception of taxation. Accordingly, participating counties may delegate the authority to approve a joint solid waste management plan (SWMP) to a JPB. If such delegation is clearly stated in the agreement, final approval by individual county boards of the SWMP would not be required.

However, counties may not delegate the authority to pledge their full faith and credit or taxing power to a JPB. Additionally, under *Minn. Stat. §115A.46, subd. 4*, a county may not delegate any portion of its solid waste management responsibilities unless it establishes a funding mechanism to ensure the delegated entity can adequately fulfill those responsibilities. Therefore, if a county chooses to delegate all its solid waste authority to a JPB, the JPA must include one or more funding mechanisms that ensure the board has sufficient resources to carry out its duties.

Through the adoption of a JPA, two or more governmental units may establish a joint powers entity, along with a governing board. Except for limited circumstances not present in the instant case, the governing board must be composed solely of members of the governing bodies of the governmental units that established the joint powers entity, and the members of the governing board must be representative of the parties to the JPA. A JPA may be continued for a definite term or until rescinded or terminated in accordance with its terms.

#### A. **Authority of Joint Powers Entity**

1. **Property Acquisition.** A joint powers entity may acquire property,

provided that the JPA includes a provision that sets forth the process for the disposition of any property acquired through the joint exercise of powers. The JPA must also provide for the return of any surplus funds upon the completion of the purpose of the JPA in proportion to contributions of the contracting parties.

2. **Issuance of Bonds.** A joint powers entity may issue bonds or obligations pursuant to any law allowing the governmental units to issue bonds or obligations independently. The bonds or obligations must be issued in the same manner, and are subject to the same conditions and limitations, that would apply if the individual governmental unit were to issue the bonds or obligations. Obligations or other forms of debt incurred are the obligations of the joint powers entity on behalf of the governmental units party to the JPA. The joint powers entity may use the proceeds to carry out the purpose of the law authorizing the issuance of the bonds or obligations. The governing bodies of the governmental units party to the JPA must expressly grant the authority to the joint powers entity to issue obligations or other forms of indebtedness. If a joint powers entity is given the authority to issue bonds or other obligations it must be composed solely of members of the governing bodies that established the joint powers entity. Given that the JPB cannot be delegated the ability to pledge the full faith and credit nor taxing authority, the types of bonds issued by JPBs are likely limited to revenue bonds secured by revenues generated by the financed project. More likely is the approach in which one or more of the member entities use their full faith and credit and taxing authority to issue general obligation bonds with the proceeds utilized by the JPB under a financing agreement. For example, this was the approach utilized when the R&E Board acquired the R&E Center in Newport on December 31, 2015.
3. **Collection and Disbursement of Funds.** The JPA may provide for the payment into and disbursement of public funds to carry out the purposes of the agreement. The method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by the parties to the agreement. Contracts and purchases made shall conform to the requirements applicable to contracts and purchases of any one of the parties, as specified in the agreement. Also, the JPA must provide for strict accountability and reporting of all funds and receipts must be provided for.
4. **Employees.** The JPA may provide for the joint powers entity to hire and manage its own employees.
5. **Public/Private Partnerships.** The JPA may provide for the joint powers board to enter into public/private partnerships. Joint powers boards may exercise any power common to the contracting parties or any similar powers, which includes entering into contracts for services and facilities.

6. **Alteration of a Joint Powers Entity.** An additional county can be added to a joint powers board by creating a new joint powers agreement with the additional county. Under *Minn. Stat. §471.59, subd. 1*, two or more governmental units may jointly exercise any power common the contracting parties. Therefore, any power common to all of the counties that are a part of the joint powers agreement can be exercised by the joint powers board.

To have a new county join a joint powers board, the current JPA must be formally amended to include the new county as a participating member. The powers exercised in the JPA, or delegated to it, must be common to all participating counties. The county board of the prospective member county must formally approve the amended JPA and consent to join the JPB. The existing member counties of the JPB must also approve the amended JPA to allow entrance of the new member county.

In order for a county to leave a joint powers board, it must follow the process for withdrawal that is set out in the JPA. A withdrawal provision will generally include some sort of notice period and settlement of financial and other obligations that must be fulfilled as a part of the withdrawal.

7. **Dissolution of a Joint Powers Board.**

A joint powers board may be dissolved according to the terms outlined in the JPA. For example, the current R&E JPA states that the JPA can be terminated by mutual agreement of both Counties. Dissolution or termination provisions also generally provide procedures for the distribution of assets, settlement of liabilities, and termination of responsibilities.

## B. **Limits on Joint Powers**

1. **Commonality of Powers.** The Act prohibits a joint powers entity from exercising any powers not held in common among the governmental units. Under the Act, governmental units may only jointly exercise powers that are common to all parties. In other words, each governmental unit that is a party to the JPA must have independent authority to exercise the power that is delegated to the JPA.

This means that, in terms of solid waste management powers, creating a JPB can be problematic when involving one or more Twin Cities metropolitan area (Metro) counties, which are primarily governed by the solid waste powers in *Minn. Stat. Chap. 473*, and one or more counties located outside the metropolitan area (Non-Metro), which are primarily governed by *Minn. Stat. Chap. 400*. In this case, the JPA would need to be

very carefully drafted to ensure commonality of the powers being delegated to the JPB, which could mean limiting the overall scope of powers delegated.

2. **Liability for Obligations.** A joint powers entity may not pledge the full faith and credit or taxing power of any of the governmental units that established the joint powers entity.

As noted earlier, under *Minn. Stat. §471.59* a JPB cannot pledge the full faith and credit or taxing authority of any participating governmental unit. However, a JPB could issue revenue bonds.

3. **Taxation/Service Charges.** Although joint powers entities cannot be delegated general property tax authority, participating counties could delegate their solid waste service charge authority to a JPB. *Minn. Stat. §400.08* provides solid waste service charge authority to Non-Metro counties, and *Minn. Stat. §473.81, subd. 3a* provides that Metro counties have the authority provided in *§400.08*. The basic authority provided is to: “establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county.” Because of this commonality of power among Metro and Non-Metro counties, this is an example of a power that could be delegated to a Metro/Non-Metro JPB. Both Ramsey and Washington counties have used this authority to establish their County Environmental Charges (CEC). It would be possible for member counties to delegate their entire solid waste service charge authority to a JPB, or to delegate the authority for only the subset of solid waste management services delegated to the JPB, while retaining such service charge authority for the solid waste management services retained by the member counties. However, this split of service charge authority would need to be carefully executed to avoid potential confusion or overlapping charges. The JPA would thus need to clearly define delegated and retained services, billing responsibilities, and coordination mechanisms.

## C. **Potential Joint Powers Authority Liabilities**

1. **General Liability.**

Caselaw applicable in Minnesota has long maintained that injured parties can make claims against each of the individual governmental units for damages caused by the activities of a joint venture of the governmental units. *Reimer v. City of Crookston*, 421 F.3d 673 (8th Cir. 2005). The *Reimer* court also declined to apply the statutory limitations on government liability (municipal tort liability limits) for damages to the joint venture and

instead allowed the plaintiffs to recover the maximum award allowable from each governmental unit participating in the joint venture.

In 2006, just following the disposition of the *Reimer* case, the Minnesota Legislature amended the joint powers statute to be explicit that one unit of government participating in a joint powers arrangement is not responsible for the acts or omissions of another governmental unit participating in the joint venture or joint enterprise, unless agreed to in writing. *Minn. Stat. §471.59, subd. 1a*. The statute further provides that a joint powers entity formed under *Minn. Stat. §471.59* and the participating units of government are considered a single unit of government for the purposes of municipal tort liability limits.

Further, governmental units party to the JPA cannot be held liable for the actions of the members of the governing board if the JPA did not expressly grant the members of the governing board the power to conduct such actions. *City of Geneseo v. Utilities Plus*, 533 F.3d 608 (8th Cir. 2008).

However, it may still be possible for members of a JPB to be held liable for the actions of the JPB. In order to mitigate this risk, the Minnesota Counties Intergovernmental Trust (MCIT) recommends that individual members of a joint powers entity receive a written hold harmless and indemnification provision from the joint entity. The Recycling & Energy Board's JPA does provide such a hold harmless and indemnification provision to the two member counties.

2. **Environmental Liability.** The primary source of potential environmental liability for a JPB arises under Minnesota environmental laws, including the State's mini-Superfund liability law, the Minnesota Environmental and Liability Act (MERLA). *Minn. Stat. Chap. 115B*. Under MERLA, any person responsible for the release or threatened release of hazardous substances is strictly liable, jointly and severally, for response costs and damages resulting from the release. Political subdivisions, including those participating in joint powers agreements, are subject to liability under MERLA, but their liability is limited to the statutory caps specified in *Minn. Stat. § 466.04*.

For the purpose of determining whether environmental liability may attach to the parties of a joint powers entity, the Minnesota Appeals Court has stated: "it is not clear whether a separate legal entity is created when governmental units act pursuant to the Joint Exercise of Powers Act, *Minn. Stat. § 471.59*. Neither is it clear, if an entity indeed is created, whether that entity has the attributes of a corporation or partnership, or is simply an agent acting on behalf of the principal member government units." *In re Matter of Greater Morrison Sanitary Landfill, SW-15*, 435 N.W.2d 92, 96 (Minn.

St. App. 1989), review denied (Minn. Mar. 29, 1989).

The *Morrison* court went on to determine that, unlike bonds where the full faith and credit of the counties may not attach to the debt issuance of a joint powers entity, the “public cannot risk its natural resources” and must be guaranteed funds necessary to safely and properly close the landfill in question. A guarantee from a joint powers board, that may or may not be adequately funded, is insufficient. As a result, joint powers boards cannot be treated like a corporation in such a situation and the guaranty must come from the full faith and credit of the member governmental units. *Id.*

As mentioned above, the Legislature amended the joint powers statute to provide greater certainty than what was present when the *Morrison* court was reviewing the statute - at least with respect to how to look at a joint venture entity for the purposes of damage calculations. The courts do not appear to have taken up this issue directly since the 2006 amendments.

Presumably, the *Morrison* proposition that the parties to a JPA essentially guarantee the environmental liabilities of the joint powers entity is still good law - only now potentially subject to a single, non-stackable tort liability limit. However, the environmental liability of members can potentially be mitigated through the use of the hold harmless and indemnification provision recommended by the MCIT.

#### D. **Employment Issues**

1. **Collective Bargaining.** In addition to having the authority to hire and fire employees, joint powers entities are able to enter into union contracts with employees. An amendment to the Minnesota Public Employee Labor Relations Act sets forth rules for joint powers entities that are formed after January 15, 2015. The new law establishes a specific process relating to employee unions for governmental units to follow when they form a joint powers entity. First, the continuing contract portion of the law guarantees that the employees that are assigned to a new joint powers entity would continue to be covered by the terms of collective bargaining agreement with their former employer until a new collective bargaining agreement can be reached. Second, the employees of the new joint powers entity will select an employee representative to negotiate a new collective bargaining agreement. Alternatively, if both sides agree, employees could be covered by the collective bargaining agreement that applies to the largest portion of the new employees who are assigned to the new entity.

Employees of the new joint powers entity could choose not to be unionized if the majority of employees transferred to the entity are not currently unionized. If the employees of the new joint powers entity are not

unionized, the employer has no obligation to continue the terms of a previous collective bargaining agreement.

2. **Employment Liability.** When a governmental unit coordinates the human resource responsibilities for a joint powers entity, it may be liable for employment claims based on those actions. Further an individual unit of government may be sued by an by an employee of the joint powers entity if that unit of government plays some role in the employment decisions. Plaintiffs have an interest in naming as many defendants as possible and the courts may engage in an intensive analysis of the facts to determine the employee-employer relationships. For example, in *Bushard v. Independent School District #833*, 2001 WL 32805 (Minn. Ct. App. 2001), the school district, a party to an interagency collaborative agreement, also served as the fiscal agent for the collaborative. When the collaborative was sued by an employee for breach of employment contract and retaliatory discharge, the trial court and appellate court examined the roles and responsibilities of the school district and the collaborative to assess whether the primary employment relationship was with the district or the collaborative.

### **III. Waste Management District – Current Law**

In the early 1980s, the Minnesota Legislature established procedures for the creation of solid waste management districts in Minnesota pursuant to *Minn. Stat. §§ 115A.62 to 115A.72*. More than four decades later, no waste management districts have been formed in Minnesota pursuant to the waste district statute. Thus, the path forward to creation of a waste management district is uncharted and laden with associated risks. The statute, however, is detailed and identifies the powers and authority of an established district. The statute also sets forth a relatively specific process. Because the statute is nearly the exclusive guidance on waste management districts in Minnesota, we articulate below the major elements of the statute and key issues related to each element.

The summary below highlights the significant procedural and practical shortcomings of the current statute. Proposed legislation has been drafted to address these issues and modernize the framework for establishing solid waste management districts in Minnesota. Section V, will explain the proposed changes.

#### **A. MPCA Rules**

The Minnesota Pollution Control Agency (MPCA) has the authority to approve establishment of waste management districts. *Minn. Stat. §115A.63, subd. 2* directs the MPCA to promulgate rules governing the establishment, alteration, and termination of solid waste management districts. The MPCA has not promulgated such rules and has no current plans to do so. The absence of MPCA rules presents a potential legal issue in that MPCA could chose to reject a petition for establishment of a waste management district due to the lack of required rules, or a party seeking to challenge the creation of a district could potentially bring a claim

against the formation process due to the lack of rules. If the MPCA would need to first establish rules before entertaining a petition for a district, there could be significant time delays in moving forward this form of governance, depending upon the timeframe envisioned by Ramsey and Washington Counties. At a minimum, MPCA promulgation of rules governing districts pursuant to the statute would take at least one year, and likely much longer. It should be noted that MPCA staff have stated to R&E that the agency has no intention of promulgating waste management district rules and supports changing the district law. Therefore, the best alternative would be to seek legislation eliminating the requirement for such rules, especially given that the statute is very detailed and likely could be implemented without rulemaking.

## **B. District Petition Process**

Pursuant to the statute, waste management districts must be established and their powers and boundaries defined by the MPCA only after a petition requesting the action is jointly submitted by the governing bodies comprising at least one-half of the counties partly or wholly within the proposed district. *Minn. Stat. §115A.64*. Note, then, that it would be possible for only one of two counties to submit a petition requesting the establishment of a district, or that two counties could submit a petition including a third that is not participating in the petition development process.

Key elements of a petition include:

- the name of the proposed district;
- a description and map of the boundaries of the proposed district or alteration thereto;
- resolutions of support for the district from petitioning governing bodies;
- a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district; and
- articles of incorporation stating the powers of the district and provisions for representation and election of the board of directors of the district.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners for the district. At this point the process and timeline is within the grasp of the MPCA, and without rules the steps and timing are not at all clear.

At least 60 days before submitting the petition to the MPCA, the petitioners shall publish notice of the petition in the proposed district and serve copies of the petition to agency, the governing body of each political subdivision which is wholly or

partly within the proposed district, or is affected by the proposed alteration, and each regional development commission affected by the proposed district or alteration. Parties served have 60 days within which to comment on the proposed district.

Upon receipt of the petition, the MPCA determines whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the MPCA shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the MPCA shall request the Office of Administrative Hearings to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided for contested cases. If no comments have been received objecting to the establishment of the district as proposed, the MPCA may proceed to grant or deny the petition without the necessity of conducting a contested case hearing.

In the case of a conforming petition, MPCA must also prepare a report containing recommendations on the petition. This report must contain findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district serve the purposes of the proposed district, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the MPCA's regulatory program.

It should be noted that at this point it is very difficult to determine the level of detail required, the timeline, and the level of influence and authority the MPCA has over the petition and formation process of a waste district. This is largely because no rules or regulations on district formation have been established by the MPCA. Also, to date, zero waste districts have been formed in Minnesota under Section 115A, meaning there is no reference point or precedent for the formation process. It should be noted that the statute appears to grant the MPCA significant authority and influence over the contents of a district petition. The MPCA can refuse to approve a petition until the counties or governmental units drafting the petition implement the changes that the MPCA requires.

### **C. MPCA Order**

After considering the report of the administrative law judge, if a contested case hearing has been held, the MPCA will make a final decision on the petition. If the commissioner finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest, the MPCA shall give notice to the petitioners of intent to deny the petition. If a contested case hearing has not already been held, the petitioners may then request a hearing within 30 days

of the notice of intent to deny the petition.

Following the hearing and the report of the administrative law judge, the MPCA must make a final decision on the petition. If the MPCA finds and determines that the establishment or alteration of a district as proposed in the petition is in the public interest, the MPCA shall, by order, establish the district, define its boundaries, and give it a corporate name. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the commissioner with the secretary of state, the district will become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in state statutes and the MPCA order.

#### **D. Termination**

Once formed, a waste district has no set expiration, but rather a perpetual existence to the extent necessary to carry out its purpose. The procedure for termination of a district includes another petition process similar to the petition for creation and is subject to MPCA determination that its termination is in the public interest. Further, there are significant time and frequency restrictions on how often the MPCA can even entertain the prospect of termination of a district. The agency cannot entertain a petition within the first five years of the district's formation, nor can it entertain such a petition for the same district more often than once in five years.

In order to start a termination procedure, no less than one-half of the counties that are wholly or partly in the district must submit a petition to the MPCA stating the existence of the district is no longer in the public interest. If the petition is dismissed or denied, the petitioners must pay all costs and expenses of the proceeding. At the time of filing the petition, a bond shall be filed by the petitioners with the MPCA in such sum as the MPCA determines to be necessary to ensure payment of costs.

If objection is made against the petition for termination, a contested case hearing on the petition will be held in the waste district. If the MPCA determines that the termination of the district as proposed in the petition would not be in the public interest, the MPCA will give notice to the petitioner of intent to deny the petition. Much like the petition to create a district, and if a contested case hearing has not already been held, the petitioner may request a hearing within 30 days of the notice of intent to deny the petition.

Following the hearing and the report of the administrative law judge, the MPCA will make a final decision. If the petition is dismissed, all costs of the proceeding shall be assessed against the petitioner(s). If the MPCA determines that the existence of the district is no longer in the public interest, the MPCA shall by findings and order terminate the district.

E. **District Organization**

1. **Board.** The chair shall be elected from outside the board of directors by majority vote of the board of directors. The first chair shall serve for a term of two years. Members of the board of directors shall be residents of the district.
  - a. There is no explicit restriction on county commissioners from the originating counties being on a waste district board, provided that the waste district's articles of incorporation provide for this.
  - b. While there is a statutory restriction on public officers being on a *watershed district board*, there is no similar restriction for a waste district in the law. However, waste district formation and the board of directors are subject to the approval of the MPCA.
  
2. **Bylaws.** The bylaws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The bylaws shall state:
  - a. the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;
  - b. the title, manner of selection, and term of office of officers of the district;
  - c. the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;
  - d. the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;
  - e. the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;
  - f. the compensation and reimbursement for expenses for members of the board of directors; and
  - g. such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.
  
3. **Boundaries.** *Minn. Stat. §115A.63, subd. 3* holds that no waste district shall be established wholly within one county. *Minn. Stat. §115A.64, subd. 2(2)* holds that the waste district petition must include a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration. None of the relevant statutes contain any provisions that seem to prevent creating a waste district with boundaries that exclude portions of counties. This likely means that some areas of a county can be excluded when a waste management district is formed.

E. **District Alteration**

1. **Minn. Stat. 115A.64 Procedure for Establishing and Altering.** The procedure for altering an existing waste district is very similar to the procedure required for forming a waste district. A petition must be jointly submitted by the governing bodies of at least half of the counties within the district, including a resolution from the district's board of directors approving the alteration. The petition must include the district's name, a description and map of the territory, resolutions of support from petitioning counties, a statement of purpose, and articles of incorporation. Notice of the petition must be published in local newspapers, and copies served to relevant entities, which have 60 days to comment. The commissioner reviews the petition for conformity to legal requirements. If objections are received, a hearing is conducted. The commissioner then submits the petition to advisory councils for review and prepares a report. The commissioner makes a final decision, establishing or altering the district if it serves public interest and legal purposes, and files the order with the secretary of state.
  
2. **Duties of an Added-on County.** The responsibilities of district members are defined in the district's Articles of Incorporation and Bylaws. Any new member joining an existing district must adhere to these obligations. If the district requires waste designation for its members, the new member must delegate that authority to the district. Additionally, if the district has already enacted waste designation, the new member becomes subject to that designation upon joining.

F. **District Powers**

1. **Acquisition of property.** The district may acquire real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes. The district may hold the property for its purposes and may lease or rent the property. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.
  
2. **Property exempt from taxation.** Any real or personal property owned, used, or occupied by the district for any authorized purpose is declared to be owned and occupied for public purposes, and shall be exempted from taxation by the state, except to the extent that the property is subject to the

sales and use tax, provided that those properties shall be subject to special assessments.

3. **Facilities and Services.** The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. The district shall contract with private persons for the construction, maintenance, and operation of facilities and services where the facilities and services are adequate and available for use and competitive with other means of providing the same service.

Under *Minn Stat. §115A.69, subs. 3 and 11*, a waste district may acquire property by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers of the accomplishment of its purposes. A waste district may also enter into any contract necessary for the exercise of its power. Under these clauses, it is likely that counties can transfer waste assets and waste-related county contracts (e.g. waste delivery agreements) to a waste district without cost (assuming that the original contracts are assignable/transferable).

4. **Rates and Charges.** The district may establish and collect rates and charges for the facilities and services provided by the district and may negotiate and collect rates and charges for facilities and services contracted for by the district. Before establishing or raising any rates and charges, the board of directors shall hold a public hearing regarding the proposed rates and charges.
5. **Employees.** The district may employ persons or firms and contract for services to perform engineering, legal, or other services necessary to carry out its functions.
6. **Waste Designation Authority.** A waste management district possessing designation authority in its articles of incorporation may be authorized to designate a resource recovery facility under the waste designation statutes.
7. **Waste Project Review.** The district may require that persons shall not acquire, construct, alter, reconstruct, or operate a solid waste facility within the district without prior consultation with and approval of the district.
8. **Solid Waste Authority and Bonding Powers.** A district has all the authority of a county for solid waste management purposes given to counties under *Minn. Stat. Chaps. 115A, 400, and 473*, except the authority to issue general obligation bonds or to levy property taxes. The authority to issue general obligation bonds and to levy property taxes must be

specifically delegated to the district by the governing body of each county that is a member of the district. This delegation of authority is irrevocable unless each member county agrees to the revocation.

A district may exercise the bonding powers provided to the extent the powers are authorized by the order of the MPCA in establishing the district and by its articles of incorporation. The district's bonds shall be sold, issued, and secured in the manner provided for revenue bonds and the district shall have the same powers and duties as a municipality and its governing body in issuing revenue bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.

A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:

- from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;
- from the proceeds of warrants, notes, revenue bonds, debentures, or other evidences of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;
- from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district is payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota waste management bonds issued under *Minn. Stat. §§115A.58 and 59*, the state bonds take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

9. **Hazardous Waste Regulation.** While statutes do not explicitly state that a waste management district has authority to regulate hazardous waste, it could be reasonably inferred that such authority is intended. Under *Minn. Stat. §115A.63, subd. 3*, a district formed in the metropolitan area must assume the same procedural and substantive responsibilities as a metropolitan county. Metropolitan counties clearly have authority to

manage household hazardous waste and are required under *Minn. Stat. § 473.811, subd. 5b* to regulate commercial and industrial hazardous waste through ordinance. Although this authority is distinct from solid waste regulation under *Minn. Stat. § 473.811, subd. 5a*, *Minn. Stat. § 473.811, subd. 5c* provides for county enforcement of both solid and hazardous waste regulations. Therefore, by extension, a district formed under *Minn. Stat. § 115A.63* may also possess hazardous waste regulatory authority, provided such powers are included in its articles of incorporation and bylaws.

10. **Other Powers.** The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. It can enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes. The district may act under the provisions of the Joint Powers Act or any other law providing for joint or cooperative action between government units. The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Importantly, given its status as a public corporation and a political subdivision of the state, it is likely that a waste district can enter public/private partnerships with other entities in the same manner that a county can. For example, a waste district can work with a non-member county via a contractual arrangement, instead of having the county become a member of the waste district.

#### G. **Liability and Remaining County Responsibility**

1. When a waste district is formed the counties included in the district delegate their authority for solid waste management to the district. Under *Minn. Stat. §115A.715*, a district has all the authority of a county for solid waste management purposes as provided under *Chapters 115A, 400, and 473*, except for the authority to issue general obligation bonds or levy property taxes unless specifically delegated by the counties. *Minn. Stat. § 115A.715*. This delegation of authority is irrevocable unless all member counties agree to revoke it.
2. Under *Minn. Stat. §115A.63, subd. 3*, the MPCA shall require the petitioners

for a waste management district to prepare a comprehensive solid waste management plan, as outlined in *Minn. Stat. §115A.46*, or in the case of Metro counties *Minn. Stat. §473.803*, and the Metropolitan Solid Waste Policy Plan. This implies that the plan must be included with the petition to form the district. While existing county plans may serve as a foundation, a new, district-specific plan will likely be required. Once a district is formed and counties have delegated planning authority to it, those counties are not expected to separately approve the district's solid waste management plan. The district likely assumes full responsibility for planning under the delegated authority.

However, a county or a solid waste management district established under §§ 115A.62 to 115A.72 may not delegate any portion of its responsibility for solid waste management to another governmental unit or person unless it establishes a funding mechanism to ensure the entity can adequately carry out the delegated responsibilities (*Minn. Stat. § 115A.46*). This ensures that the delegated entity has the financial capability to manage the responsibilities effectively.

Although the legal implications have not been tested in court, the statutory framework under *Minn. Stat. Chap. 115A* suggests that a waste management district, being a public corporation and separate political subdivision, would assume responsibility and liability for waste management functions, rather than the individual counties. While not legally binding, the separation of solid waste authorities between the Western Lake Superior Sanitary District (WLSSD) and St. Louis County supports this interpretation.

#### **IV. Issues with the Current Waste Management District Statutory Framework**

##### **A. Uncertain Process and Lack of MPCA Rules**

One of the primary issues with the current waste management district statutory framework is the absence of rules from the MPCA. The statute directs the MPCA to promulgate rules governing the establishment, alteration, and termination of solid waste management districts. However, the MPCA has not yet established these rules and has no current plan to do so. This absence presents a potential legal issue, as a petition for the establishment of a waste management district could be denied or challenged due to the lack of required rules. If the MPCA needs to establish rules before entertaining a petition for a district, there could be significant delays in moving forward with this form of governance.

**B. Uncertain Outcome**

The current process in statute places the authority to decide on the form and function of a district with the MPCA. As noted, the statute grants the MPCA significant authority and influence over the contents of a district petition. The MPCA can refuse to approve a petition until the counties or governmental units drafting the petition implement the changes that the MPCA requires. In this way the agency could create a district with does not conform to the original interest of the counties.

**C. Complex and Time-Consuming Process**

Establishing a waste management district under the current statute is complex and time-consuming, involving extensive involvement with the MPCA.

**D. Uncharted Territory**

No waste management districts have been formed in Minnesota under the current statute. This lack of precedent adds another layer of uncertainty and risk to the process.

**E. Extreme Difficulty in Modifying or Terminating a District**

Once a district is formed, modifying or terminating it is complex and ultimately dependent on a determination by the MPCA that such a change is in the public interest. Any alteration to a district's boundaries or powers must begin with another formal petition jointly submitted by the governing bodies of at least half of the counties within the district. Once submitted, the petition undergoes a rigorous review process involving public notice and comment periods. This extensive procedural framework could create significant administrative and legal hurdles for any proposed modification.

**V. Waste Management District – Proposed Legislation**

**A. District Formation and Transition Plan**

The proposed legislation allows a waste management district to begin the process with a joint resolution of intent adopted by the governing body of each proposed member county. The resolution must name the proposed district, list the member counties, describe the anticipated benefits, and direct the counties to prepare a transition plan.

The proposed member counties must jointly prepare a draft transition plan that must include the following:

1. District name and registered office location;
2. Description and map of district boundaries;
3. Resolutions of intent from each county;
4. Evidence of approved county solid waste management plans;
5. Statement of how the district will further state solid waste policies;
6. Role of county employees in district staffing;
7. Inventory of facilities and services (public, private, county-owned);
8. List and schedule for transfer of plans, ordinances, permits, and contracts;
9. Description of how county-owned facilities will be transferred to the district and operated;
10. Financial details (funding sources, outstanding bonds, obligations)
11. Schedule for unified districtwide ordinances; and
12. Draft articles of incorporation

Then, each proposed member county must hold a public hearing in its jurisdiction to receive comments on the draft transition plan. Notice must be published between 15 and 45 days before the hearing and sent to all cities and towns in the county. The member counties must then prepare a final transition plan, revised as needed pursuant to comments, and a list of responses to comments received.

Each proposed member county will then adopt a joint resolution establishing the district, approving the final transition plan and articles of incorporation and authorizing filing with the Secretary of State. The Secretary of State will issue a certificate of incorporation which serves as conclusive evidence of the district's legal organization and establishment.

The district must prepare and submit a new solid waste management plan to the MPCA by a date specified in the district's bylaws. Until the district board approves a district-wide solid waste management plan, the district must enforce existing county plans and ordinances. The district is responsible for administering the transfer of county solid waste plans, ordinances, facilities, debt, contracts, and other functions and authorities necessary for the operation of the district.

This formation and transition process outlined in the proposed legislation is significantly more workable than the current statutory framework. The proposed legislation places the counties themselves at the center of decision-making, streamlines procedural requirements, and provides explicit guidance for transitioning existing county solid waste systems into a unified district. This is in contrast to the current law, which requires complex petitions, lengthy public notice periods, and substantial MPCA involvement without clear rules. The proposed legislation eliminates uncertainty, reduces administrative delays, and ensures that the transfer of assets, contracts, ordinances, and financial obligations is clearly

defined and managed locally.

**B. Board Composition**

Under the proposed legislation, the board of directors must be composed of at least five members, with each member county appointing one or more county commissioners as directors. Additional directors are appointed based on county population, ensuring proportional representation. This structure is an improvement over the current law, which only requires board members to be residents of the district and does not mandate county commissioner involvement. By specifying commissioner appointments, the proposed legislation strengthens transparency, accountability, and alignment with local priorities, while reducing the risk of governance by individuals who may not have direct ties to county leadership or constituents.

**C. Authority, Powers, and Increased Taxing and Bonding Authority**

The proposed legislation grants waste management districts broad solid waste management powers and clear financial authority, making them functionally equivalent to counties for solid waste management purposes. Waste districts have all the authority and responsibilities for solid waste management that are given to counties under *Minn. Stat. Chaps. 115A, 400, and 473* (as applicable). Districts are public corporations and political subdivisions of the state. Districts can acquire, hold, lease, condemn, and dispose of property; construct and operate facilities; enter into contracts with both public and private entities; set and collect rates and charges for services; and adopt unified ordinances across their jurisdiction. They may also designate resource recovery facilities and establish technical advisory committees to support their work. Districts are also granted robust financial tools under the proposed legislation. They can issue revenue bonds backed by district revenues and general obligation bonds supported by the district's full faith and credit and taxing power, and taxing authority is available if included in the articles of incorporation by member counties.

These expanded powers are a major improvement over current law because they provide waste management districts with clear, direct authority to manage all aspects of solid waste systems, including the ability to issue general obligation (GO) bonds. GO bonds can be backed by the district's full faith and credit and taxing power, providing access to lower-cost financing for capital projects. By clarifying and expanding the district's powers, the proposed statute ensures districts have the financial flexibility and autonomy needed to effectively manage and invest in regional solid waste systems, while maintaining local control and accountability.

**D. Alteration/Termination of District**

There is a clear process for district modification under the proposed legislation. Modification begins with a resolution from the board of commissioners of the county or counties seeking the change, which must outline the nature and expected benefits of the proposed alteration. The proposal is then submitted to the district's board of directors, accompanied by supporting documentation similar to that required for initial district formation. If the district board approves, both the district and the affected counties must hold public hearings to gather input from residents and stakeholders, with notice requirements ensuring broad awareness. After considering public comments, the district may amend or withdraw its approval. If the modification is confirmed, the district updates its articles of incorporation and files the changes with the Secretary of State, making the alteration official. This process ensures that modifications are locally controlled, transparent, and responsive to community needs, while eliminating unnecessary state agency involvement and lengthy proceedings.

Termination of a district can also be initiated by the district's board. The board may propose a resolution stating the reasons why the district's continued existence is no longer in the public interest. Before adopting this resolution, the board must hold a public hearing. After the hearing, the board prepares a summary of all comments received and files the adopted resolution with each member county. Each member county must then adopt a joint resolution confirming the district's termination and publish notice locally. Importantly, if any member county objects to the termination, the process cannot proceed. This approach ensures that termination is transparent, participatory, and requires consensus among all member counties.

This new process is a substantial improvement over the complex and lengthy procedures required under current law, which involve multiple layers of state MPCA review, contested case hearings, ambiguous timelines, and ultimately, a determination by the MPCA that any alteration or termination is in the public interest.

**E. Eligibility for Grants and Funding**

Under the proposed legislation districts are explicitly eligible to receive state grants and funding streams that would otherwise be distributed to individual counties. The legislation specifies that the state funds must be distributed to a district in an amount equal to the total sum that would have been allocated to the member counties. The legislation also provides that a district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, and may enter into any necessary related agreement, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan, or agreement. This ensures that districts have direct access to essential financial resources for solid waste management, recycling, and facility

development. Additionally, districts are eligible for grants with the same requirements and oversight as counties. By clarifying eligibility and streamlining the distribution of funds, the proposed statute removes ambiguity and ensures districts have the financial support needed to effectively manage regional solid waste systems.

## **VI. Comparison of Enhanced Joint Powers Board and Waste Management District Under Proposed Legislation**

### **A. Formation Process and Timeframe**

A joint powers board can be established relatively quickly and easily. Participating counties are able to negotiate and approve a JPA through formal action by their governing bodies. The JPA outlines the powers, responsibilities, and governance structure, and can be amended or dissolved by the parties. There are no statutory requirements for public hearings, transition plans, or state agency involvement, so the process can be completed relatively quickly.

The formation of a waste management district under the proposed legislation is more structured and transparent, but much more streamlined than under the current waste management district law. It requires adoption of a joint resolution of intent by all proposed member counties, collaborative development of a detailed transition plan, and public hearings in each county to gather input. After finalizing the transition plan and responding to public comments, counties adopt a joint resolution to establish the district and file articles of incorporation with the Secretary of State. While this process involves more steps and public engagement than a joint powers board, it is designed to be clear, locally controlled, and free from state agency delays, making it practical to complete within a defined timeframe.

Overall, an enhanced joint powers board may offer maximum speed and flexibility, while the proposed district process balances transparency, accountability, and efficiency, representing a major improvement over the cumbersome procedures required by current law.

### **B. Organizational Structure**

The joint powers model requires that the governing board be comprised of all or a subset of members of each county board. In contrast, a waste management district established under the proposed legislation is a separate public corporation and political subdivision of the state, with its board of directors explicitly composed of county commissioners appointed by each member county, and additional directors

allocated based on population. This statutory structure ensures direct accountability to county residents and elected officials, while also providing stability and proportional representation. Unlike previous law, which allowed for minimal county involvement and did not require commissioner representation on a district board, the proposed district model strengthens governance by tying decision-making to individuals with a direct mandate from the counties, resulting in greater transparency, continuity, and alignment with local priorities.

**C. General Powers and Solid Waste Authority**

Both a joint powers board and a waste management district under the proposed legislation can exercise broad powers delegated by the member counties, including planning, facility operation, and contracting. However, the process for changing these authorities differs. A joint powers board may offer greater flexibility, as the powers and responsibilities can be amended or retracted simply by updating the joint powers agreement according to its terms and the mutual consent of the parties.

In contrast, a waste management district's powers are established by statute and the district's articles of incorporation, and any modification requires a formal process involving resolutions, public hearings, and filings with the Secretary of State. While a joint powers board is limited to exercising only those powers held in common by all participating counties, the proposed district legislation grants districts the full range of county solid waste authorities, along with enhanced stability and accountability. This statutory clarity and permanence make districts well-suited for long-term regional management, while joint powers boards remain more adaptable for incremental or short-term changes.

**D. Revenue Authority and Debt Authority**

Both a joint powers board and a waste management district under the proposed legislation can generate revenue through service charges for solid waste management services. In a joint powers board, counties may delegate their service charge authority through the JPA, but typically, once delegated, the county cannot continue to exercise that authority unless the JPA specifically provides for a division of responsibilities. The joint powers board may also issue revenue bonds if authorized by the counties, and the board cannot levy taxes directly.

A waste management district under the proposed legislation is granted clear statutory authority to establish and collect rates and charges, as well as to issue both revenue and GO bonds backed by its own taxing power if authorized by member counties. The district's authority for service charges and bonding is set out in statute, providing greater clarity and financial flexibility. Overall, the proposed district model offers more robust and autonomous financial tools than a joint powers board, supporting long-term investment and regional system stability.

**E. Employment**

With regard to employment issues, joint powers employees tend to be employed by the joint powers board but actually work through the employment system of one of the member counties. This could raise liability issues for member counties that would not be presented by a district, where employees would be directly employed by the district. However, such liability issues have not proven insurmountable with existing Minnesota joint powers arrangements.

**F. Loan and Grant Funding**

Both joint powers boards and waste management districts under the proposed legislation are eligible for key state loan and grant programs, such as the Solid Waste Processing Facilities Capital Assistance Program and the Local Recycling Development Grants (LRDG). In a joint powers arrangement, eligibility for these funds depends on the member counties delegating authority to the board through the joint powers agreement, allowing the board to apply for and receive funding on behalf of the counties. Under the proposed legislation, waste management districts are explicitly recognized as eligible recipients, with the commissioner required to distribute funds directly to the district in an amount equal to what the member counties would have received individually. This statutory clarity ensures that metropolitan-area districts and multicounty districts have direct access to all relevant funding streams, removing ambiguity and administrative barriers present in current law.

**G. Liability**

In a joint powers arrangement, as noted above, it is possible for liabilities of the joint powers board, in some instances, to reach back and become liabilities of the member counties. For purposes of removing counties from liability relating to solid waste system management matters, a waste management district would be preferable in that all liability would reside with the district.

**H. Waste Designation**

Under both an enhanced JPB and a waste management district formed under the proposed legislation; the new entity must independently enact waste designation if that authority is delegated to the JPB or included in the district's articles of incorporation. Existing county designation ordinances cannot simply be transferred; they must be revised to fit the regulatory framework of the new entity, and amendments require MPCA approval, often necessitating a new or revised Waste Designation Plan. However, the proposed legislation streamlines this process for districts by requiring that designation plans be included as part of the transition plan during district formation. This ensures that the transition from county to district governance is comprehensive and coordinated. Additionally, the

statute explicitly authorizes a waste management district to designate a resource recovery facility, providing clear legal authority for regional waste designation and facility planning. This approach not only unifies regulatory authority but also simplifies the transition and empowers districts to pursue regional waste management goals more effectively than is possible under a joint powers arrangement.

**I. Summary**

If the Counties choose to continue with the joint powers governance method but find the current arrangement somewhat lacking in light of the scope of the future system and role of the Counties, the parties could reconsider the breadth of the powers and authorities granted to the joint powers board. Such powers and authorities could be strengthened and enhanced or, alternatively, more narrowly tailored depending on the desires of the two Counties. Alternatively, the Counties could consider forming a waste management district if the new proposed legislation is enacted as proposed. A waste management district under the proposed legislation provides clear statutory authority to the district, including the ability to issue general obligation bonds and levy taxes if authorized.

**VII. Reasons Why a Waste Management District (Under the Proposed Legislation) May be Preferable to an Enhanced Joint Powers Agreement**

**A. Increased Autonomy and Independence**

1. A waste district is a completely distinct governmental entity, separate from the counties that comprise it. This allows for greater autonomy in decision-making and operations, potentially reducing outside influence and day-to-day oversight from county boards.
2. The governing board of a waste district is comprised solely of county commissioners. This structure ensures accountability of district directors to residents and elected officials.
3. During the petition process forming the waste district, counties can choose to minimize their involvement in solid waste management by delegating substantial amounts of authority to the waste district. This can allow the counties to focus on other priorities while ensuring professional management of waste services by the district.

**B. Comprehensive Authority**

1. Once formed, a waste district can be delegated all solid waste management authority from member counties, including planning, facility operation, and regulatory powers. This delegation is irrevocable unless all member

counties agree to revoke it. This ensures an increased level of stability and continuity in governance and reduces the need to renegotiate a joint powers agreement every few years.

2. A waste district, under the proposed legislation, can exercise all powers granted to the counties under statute, including issuing general obligation bonds.

### **C. Clearer Separation of Liability**

1. In a joint powers agreement, as discussed above, liabilities incurred by the joint powers board can sometimes reach back to the member counties. This means that in some circumstances the counties remain exposed to risks associated with solid waste management activities.
2. A waste district, as a separate public corporation and political subdivision, assumes responsibility for all liabilities related to waste management. This structure provides greater protection for member counties, insulating them from some direct liability.

### **D. Increased Potential for Enhanced Regional Coordination**

As a separate governmental entity, a waste district could be better positioned to coordinate waste management activities across multiple counties, streamline operations, and pursue greater regional waste management goals without the constraints of individual county priorities.

### **E. Eligibility for Funding and Grants**

As discussed above, a waste district is likely eligible for the same loan and grant programs as counties and joint powers boards, including capital assistance and recycling development grants. Its status as a public corporation may also facilitate access to certain additional potential funding streams.

**Exhibit A – Proposed Waste Management District Amendments Legislation**  
Attached.

1.1 A bill for an act  
1.2 relating to solid waste; clarifying recycling goals and the distribution of state  
1.3 funding for solid waste purposes with respect to solid waste management districts;  
1.4 modifying provisions governing the establishment and operation of solid waste  
1.5 management districts; amending Minnesota Statutes 2024, sections 115A.03,  
1.6 subdivision 32; 115A.551, by adding a subdivision; 115A.557, by adding a  
1.7 subdivision; 115A.62; 115A.63; 115A.65; 115A.68; 115A.69; 115A.70, subdivision  
1.8 8; 115A.71; 115A.72; 115A.82; 473.8441, by adding a subdivision; proposing  
1.9 coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota  
1.10 Statutes 2024, sections 115A.64; 115A.66; 115A.67; 115A.715.

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. Minnesota Statutes 2024, section 115A.03, subdivision 32, is amended to read:

1.13 Subd. 32. **Solid waste management district or waste district.** "Solid waste management  
1.14 district" or "waste district" means a geographic area extending into two or more counties  
1.15 in which the management of solid waste is vested in a special district established pursuant  
1.16 to sections 115A.62 to 115A.72 under section 115A.641.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2024, section 115A.551, is amended by adding a subdivision  
1.19 to read:

1.20 Subd. 2b. **Solid waste management district; recycling goal.** The recycling goal of a  
1.21 solid waste management district established under section 115A.641 is the same percentage  
1.22 as the goals of the counties that comprise the district, as established in subdivision 2a. If  
1.23 the district is composed of both metropolitan and nonmetropolitan counties, the districtwide  
1.24 goal is the goal assigned to metropolitan counties in subdivision 2a.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 3. Minnesota Statutes 2024, section 115A.557, is amended by adding a subdivision  
2.3 to read:

2.4 Subd. 1a. **Solid waste management district.** The commissioner shall distribute funds  
2.5 under this section to a solid waste management district established under section 115A.641  
2.6 in an amount equal to the total sum that would otherwise have been distributed to the  
2.7 individual counties, or portions thereof, that compose the district.

2.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.9 Sec. 4. **[115A.61] DEFINITIONS.**

2.10 Subdivision 1. **Scope.** For the purposes of sections 115A.61 to 115A.73, the following  
2.11 terms have the meanings given them.

2.12 Subd. 2. **Board.** "Board" means the board of directors governing a district.

2.13 Subd. 3. **District.** "District" means a solid waste management district established under  
2.14 section 115A.64.

2.15 Subd. 4. **Member county.** "Member county" means a county that is wholly or partly  
2.16 located within the jurisdiction of a district.

2.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.18 Sec. 5. Minnesota Statutes 2024, section 115A.62, is amended to read:

2.19 **115A.62 PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.**

2.20 The legislature finds that the development of integrated and coordinated solid waste  
2.21 management systems is needed to properly manage ~~properly~~ the solid waste generated in  
2.22 the state, to conserve and protect the state's natural resources ~~in the state~~ and the health,  
2.23 safety, and welfare of its citizens, and to further the state policies and purposes expressed  
2.24 in section 115A.02; that this need cannot always be met solely by the activities of individual  
2.25 ~~political subdivisions~~ counties or by agreements among ~~subdivisions~~ counties; and that  
2.26 therefore it is necessary to establish a procedure for the creation of solid waste management  
2.27 districts having the powers and performing the functions prescribed in sections 115A.62 to  
2.28 ~~115A.72~~ 115A.73.

2.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.1 Sec. 6. Minnesota Statutes 2024, section 115A.63, is amended to read:

3.2 **115A.63 SOLID WASTE MANAGEMENT DISTRICTS.**

3.3 Subdivision 1. **Legal status.** Solid waste management districts established pursuant to  
3.4 sections ~~115A.62 to 115A.72~~ shall be under section 115A.641 are public corporations and  
3.5 political subdivisions of the state.

3.6 Subd. 2. **Establishment.** ~~The commissioner~~ Counties may establish waste districts as  
3.7 public corporations and political subdivisions of the state, ~~define the powers of such districts~~  
3.8 ~~in accordance with sections 115A.62 to 115A.72~~, define and alter the boundaries of the  
3.9 districts as provided in ~~section 115A.64~~ sections 115A.641 and 115A.643, and terminate  
3.10 districts as provided in ~~section 115A.66~~ 115A.73. ~~The commissioner shall promulgate rules~~  
3.11 ~~pursuant to chapter 14 governing the establishment, alteration, and termination of districts.~~  
3.12 The commissioner shall assist counties in establishing districts.

3.13 Subd. 3. **Restrictions.** No waste district shall may be established within the boundaries  
3.14 of the Western Lake Superior Sanitary District established under chapter 458D. ~~No waste~~  
3.15 ~~district shall be established~~ or wholly within one county. ~~The commissioner shall not establish~~  
3.16 ~~a waste district within or extending into the metropolitan area, nor define or alter the powers~~  
3.17 ~~or boundaries of a district, unless the articles of incorporation of the district require that the~~  
3.18 ~~district will have the same procedural and substantive responsibilities, duties, and relationship~~  
3.19 ~~to the metropolitan agencies as a metropolitan county. The commissioner shall require the~~  
3.20 ~~completion of a comprehensive solid waste management plan conforming to the requirements~~  
3.21 ~~of section 115A.46, by petitioners seeking to establish a district.~~

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.23 Sec. 7. **[115A.641] ESTABLISHING A DISTRICT; PROCEDURE.**

3.24 Subdivision 1. **Joint resolution of intent.** A district may be proposed by a joint resolution  
3.25 of intent adopted by the governing body of each proposed member county. The joint  
3.26 resolution must, at a minimum:

3.27 (1) name the proposed district;

3.28 (2) name the proposed member counties to be included in the district;

3.29 (3) describe the benefits the proposed member counties hope to gain by establishing a  
3.30 district; and

3.31 (4) direct the proposed member counties to jointly prepare a transition plan for the district  
3.32 that satisfies the requirements of subdivision 2.

- 4.1 Subd. 2. Transition plan contents. (a) Counties proposing to establish a district must  
4.2 jointly prepare a draft transition plan that contains, at a minimum, the following information:
- 4.3 (1) the name of the proposed district and the location of its registered office;
- 4.4 (2) a description of the territory and counties wholly or partly within the boundaries of  
4.5 the proposed district, and a map showing the district boundaries;
- 4.6 (3) resolutions of intent to establish the proposed district adopted by the governing body  
4.7 of each proposed member county under subdivision 1;
- 4.8 (4) evidence that each proposed member county is operating under a solid waste  
4.9 management plan approved by the commissioner;
- 4.10 (5) a statement describing how the proposed district will further the state's solid waste  
4.11 management policies and purposes expressed in section 115A.02;
- 4.12 (6) a discussion of the role county solid waste employees may play in staffing the  
4.13 proposed district;
- 4.14 (7) a list and description of solid waste management facilities and services operating in  
4.15 the proposed district, identified as public, private, and county-owned;
- 4.16 (8) for each proposed member county, a list of the following documents and a schedule  
4.17 for their transfer to the district for implementation:
- 4.18 (i) solid waste management plans;
- 4.19 (ii) designation plans;
- 4.20 (iii) solid waste management ordinances;
- 4.21 (iv) state and local permits held by county-owned facilities; and
- 4.22 (v) existing contracts with private parties for waste management services;
- 4.23 (9) a description of how the district will ensure the continued operation of county-owned  
4.24 solid waste facilities located in the proposed district, and a schedule for transferring their  
4.25 ownership to the district;
- 4.26 (10) a list of proposed member county solid waste funding sources and finances,  
4.27 remaining principal and debt service on outstanding county solid waste management bonds,  
4.28 and other county financial obligations related to solid waste proposed for transfer to the  
4.29 district;
- 4.30 (11) a list and schedule of unified districtwide ordinances the district proposes to adopt;  
4.31 and

5.1 (12) draft articles of incorporation.

5.2 (b) The commissioner shall assist counties in preparing a transition plan.

5.3 Subd. 3. **Public hearing.** Each proposed member county must hold a public hearing in  
5.4 its jurisdiction for the purpose of receiving public comments on the draft transition plan.

5.5 Notice of the hearing must be published in a newspaper of general circulation in the county  
5.6 no more than 45 days and no less than 15 days before the date of the public hearing, and at  
5.7 the same time must be mailed to the governing body of each city and town within the county.

5.8 In addition to comments it receives at the public hearing, each proposed member county  
5.9 must also accept comments in written or electronic form that are received up to ten days  
5.10 following the date of the public hearing. No later than 30 days after the public hearing, the  
5.11 member counties must prepare a final transition plan, revised as needed, and a list of  
5.12 responses to comments received.

5.13 Subd. 4. **District establishment.** (a) Each proposed member county must adopt a joint  
5.14 resolution establishing the district, which must include:

5.15 (1) approval of the proposed district's final transition plan;

5.16 (2) approval of the proposed district's articles of incorporation; and

5.17 (3) authorization to file the articles of incorporation with the secretary of state.

5.18 (b) Each proposed member county must file a copy of the joint resolution of intent and  
5.19 the articles of incorporation, certified by the county's recording officer, with the secretary  
5.20 of state.

5.21 (c) The secretary of state's issuance of a certificate of incorporation serves as conclusive  
5.22 evidence of the legal organization and establishment of a district.

5.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.24 Sec. 8. **[115A.642] TRANSITION.**

5.25 (a) Until the board has approved a solid waste management plan for a district, the district  
5.26 must adopt and enforce the solid waste management plans and ordinances, including waste  
5.27 designation plans and ordinances, operating in each member county at the time of the  
5.28 district's establishment.

5.29 (b) By a date specified in its bylaws, a district is required to submit a solid waste  
5.30 management plan that meets the requirements of section 115A.46 to the commissioner for  
5.31 approval. A district is subject to the same provisions of sections 115A.42 to 115A.46 as are  
5.32 counties, unless the district's boundaries are wholly contained within the metropolitan area,

6.1 in which case the district's solid waste management plan and its administration by the  
6.2 commissioner are subject to the provisions of section 473.149.

6.3 (c) A district is responsible for administering the transfer of county solid waste plans,  
6.4 ordinances, facilities, debt, and other county solid waste functions and authorities necessary  
6.5 to the efficient operation of the district, including existing contracts with private vendors  
6.6 that may need to be newly executed.

6.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.8 **Sec. 9. [115A.643] ALTERING DISTRICT BOUNDARIES; PROCEDURE.**

6.9 (a) The board of commissioners of a county or counties proposing to alter a district's  
6.10 boundaries must:

6.11 (1) adopt a resolution stating the nature of the alteration and the expected benefits to be  
6.12 realized by both the county or counties proposing the alteration and the district; and

6.13 (2) submit to the district's board of directors a document containing all the elements  
6.14 required under section 115A.641, subdivision 2, with respect to the county or counties  
6.15 proposing the alteration.

6.16 (b) After reviewing the documents submitted under paragraph (a), if the district approves  
6.17 of the alteration, it must adopt a resolution to that effect.

6.18 (c) The district and each county proposing an alteration must hold a public hearing in  
6.19 their respective jurisdictions for the purpose of receiving public comments on the resolution  
6.20 adopted under paragraph (a). Notice of the hearing must be published in a newspaper of  
6.21 general circulation in the district and in each county proposing an alteration no more than  
6.22 45 days and no less than 15 days before the date of its public hearing, and at the same time  
6.23 must be mailed to the governing body of each city and town within the district and county.  
6.24 In addition to comments received at the public hearing, the district and each county must  
6.25 also accept comments in written or electronic form that are received up to ten days following  
6.26 the public hearing. No later than 30 days after the public hearing, each county must submit  
6.27 to the district a list of responses to comments received.

6.28 (d) The district may amend or withdraw its resolution approving the alteration based on  
6.29 the public comments received by the district and from the counties.

6.30 (e) If the district confirms its approval of the alteration, it must amend the district's  
6.31 articles of incorporation accordingly, and must submit both the resolution approving the  
6.32 alteration and the revised articles of incorporation to the secretary of state.

7.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.2 Sec. 10. Minnesota Statutes 2024, section 115A.65, is amended to read:

7.3 **115A.65 PERPETUAL EXISTENCE.**

7.4 A waste district ~~created~~ established under the provisions of ~~sections 115A.62 to 115A.72~~  
7.5 section 115A.641 shall have perpetual existence to the extent necessary to perform all acts  
7.6 necessary and proper for carrying out and exercising the powers and duties expressly given  
7.7 ~~in~~ it. A district ~~shall not~~ may be terminated ~~except pursuant to~~ only by following the  
7.8 procedures of section ~~115A.66~~ 115A.73.

7.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.10 Sec. 11. **[115A.661] ORGANIZATION OF DISTRICT.**

7.11 Subdivision 1. **Board of directors.** A district's board of directors must be composed of  
7.12 at least five members. The board of county commissioners of each member county shall  
7.13 appoint one or more of their members as a board director. After each member county appoints  
7.14 one director, the appointment of additional directors necessary to achieve the desired total  
7.15 number of directors shall be made by member counties based on their population.

7.16 Subd. 2. **Terms.** The board shall stagger the terms of the directors appointed initially  
7.17 under subdivision 1 so that, so far as is practicable, one-third of the directors have a term  
7.18 of one year, one-third have a term of two years, and one-third have a term of three years.  
7.19 All directors subsequently appointed have a term of three years.

7.20 Subd. 3. **Vacancy.** A board vacancy shall be filled by appointment of a director by the  
7.21 appropriate board of county commissioners to complete the remaining term of the director  
7.22 creating the vacancy.

7.23 Subd. 4. **Bylaws.** The board shall approve bylaws by majority vote. The bylaws must  
7.24 address, at a minimum:

7.25 (1) the manner and time of calling regular board meetings;

7.26 (2) the manner of removing a director;

7.27 (3) the powers and duties of the board consistent with sections 115A.61 to 115A.73;

7.28 (4) the definition of a quorum for board meetings of the board of directors, which shall  
7.29 not be less than a majority of directors;

8.1 (5) compensation and reimbursement for expenses for directors, which may not exceed  
8.2 that provided for in section 15.0575, subdivision 3; and

8.3 (6) other provisions regulating the affairs of the district that the board determines are  
8.4 necessary.

8.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.6 Sec. 12. Minnesota Statutes 2024, section 115A.68, is amended to read:

8.7 **115A.68 REGISTERED OFFICE.**

8.8 Every district shall maintain an office ~~in this state~~ located within the district to be known  
8.9 as its registered office. ~~When A district desires to~~ may change the location of its registered  
8.10 office, ~~it shall file with the secretary of state and the commissioner of the agency, by filing~~  
8.11 a certificate with the secretary of state and the commissioner stating the new location ~~by~~  
8.12 ~~city, town, or other community~~ and the effective date of change. ~~When the certificate has~~  
8.13 ~~been duly filed, the board of directors may make the change without any further action.~~

8.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.15 Sec. 13. Minnesota Statutes 2024, section 115A.69, is amended to read:

8.16 **115A.69 POWERS.**

8.17 Subdivision 1. **General.** ~~A district shall have all powers necessary or convenient to~~  
8.18 ~~perform its duties, including the powers provided in this section.~~ A district has all the  
8.19 authority and responsibilities for solid waste management purposes that is given to counties  
8.20 under this chapter, and chapters 400 and 473, as applicable.

8.21 Subd. 2. **Actions.** ~~The~~ A district may sue and be sued, and ~~shall be~~ may exercise the  
8.22 rights and authorities of a public body within the meaning of chapter 562.

8.23 Subd. 3. **Acquiring property.** ~~The~~ (a) A district may acquire by purchase, lease,  
8.24 condemnation, gift, or grant, any right, title, and interest in and to real or personal property  
8.25 deemed necessary ~~for the~~ in order to exercise of its powers or ~~the accomplishment of to~~  
8.26 accomplish its purposes, including positive and negative easements and water and air rights.

8.27 (b) Any local government unit and the commissioners of transportation, natural resources,  
8.28 and administration may convey to or permit the use of any property or facilities by the  
8.29 district, subject to the rights of the holders of any bonds issued ~~with respect thereto~~ for the  
8.30 property or facilities, with or without compensation and without an election or approval by  
8.31 any other government agency. ~~The~~ A district may hold the property ~~for its purposes, and~~

9.1 ~~or may lease or rent the property so far as not needed for its purposes,~~ upon the terms and  
9.2 in the manner as it deems advisable.

9.3 (c) ~~The A district's right to acquire lands and property rights by condemnation shall be~~  
9.4 ~~exercised in accordance with~~ is governed by chapter 117. The district may take possession  
9.5 of any property for which condemnation proceedings have been commenced at any time  
9.6 after the issuance of a court order appointing commissioners for its condemnation.

9.7 Subd. 4. **Right of entry.** Whenever ~~the~~ a district deems it necessary to ~~the~~  
9.8 ~~accomplishment of~~ accomplish its purposes, the district or any member, employee, or agent  
9.9 ~~thereof, when~~ authorized by it, may, after reasonable notice has been given to the property  
9.10 owner and occupant, enter upon any property, public or private, during normal business  
9.11 hours for the purpose of obtaining information or conducting surveys or investigations,  
9.12 ~~provided that the entrance and activity is undertaken after reasonable notice and during~~  
9.13 ~~normal business hours and~~ provided that compensation is made for any damage to the  
9.14 property caused by the entrance and activity.

9.15 Subd. 5. **Gifts and grants.** ~~The~~ A district may apply for and accept gifts, loans, or other  
9.16 property from the United States, the state, or any person for any of its purposes, may enter  
9.17 into any necessary related agreement ~~required in connection therewith,~~ and may hold, use,  
9.18 and dispose of the money or property in accordance with the terms of the gift, grant, loan,  
9.19 or agreement.

9.20 Subd. 6. **Property exempt from taxation.** Any real or personal property owned, used,  
9.21 or occupied by ~~the~~ a district for any authorized purpose is declared to be acquired, owned,  
9.22 used, and occupied for public and governmental purposes, and ~~shall be exempted~~ is exempt  
9.23 from taxation by the state or any political subdivision of the state, except to the extent that  
9.24 the property is subject to the sales and use tax under chapter 297A, provided that those  
9.25 properties ~~shall be~~ are subject to special assessments levied by a political subdivision for a  
9.26 local improvement in amounts proportionate to and not exceeding the special benefit received  
9.27 by the properties from the improvement. ~~No possible~~ Only use of the properties ~~in any~~  
9.28 ~~manner different from their use~~ for solid waste management purposes at the time shall be  
9.29 considered in determining the special benefit received by the properties.

9.30 Subd. 7. **Facilities and services.** ~~The~~ A district may construct, equip, develop, enlarge,  
9.31 improve, and operate solid waste facilities and services as it deems necessary and may  
9.32 negotiate contracts for the use of public or private facilities and services. ~~The~~ A district  
9.33 shall contract with private persons ~~for the construction, maintenance, and operation of~~ to  
9.34 construct, maintain, and operate facilities and services ~~where the facilities and services that~~

10.1 are adequate and, available for use, and competitive with other means of providing the same  
10.2 service.

10.3 Subd. 8. **Rates; charges.** ~~The A district may establish and collect rates and charges for~~  
10.4 ~~the facilities and services provided by the district it provides and may negotiate and collect~~  
10.5 ~~rates and charges for facilities and services contracted for by the district provided under~~  
10.6 ~~contract. The board of directors of the district may agree with the holders of district~~  
10.7 ~~obligations which are secured by revenues of the district as to the maximum or minimum~~  
10.8 ~~amounts which the district shall charge and collect for services provided by the district.~~  
10.9 ~~Before establishing or raising any rates and charges, the board of directors shall hold a~~  
10.10 ~~public hearing regarding the proposed rates and charges. Notice of the hearing shall be~~  
10.11 ~~published at least once in a legal newspaper of general circulation throughout the area~~  
10.12 ~~affected by the rates and charges. Publication shall be no more than 45 days and no less~~  
10.13 ~~than 15 days prior to the date of the hearing.~~

10.14 Subd. 9. **Disposition of property.** ~~The A district may sell or otherwise dispose of any~~  
10.15 ~~real or personal property acquired by it which is no longer required for accomplishment of~~  
10.16 ~~to accomplish its purposes. The property shall must be sold in the manner provided by~~  
10.17 ~~section 469.065, insofar as practical. The district shall must give appropriate notice of sale~~  
10.18 ~~which it deems appropriate. When the a district determines that any property which has~~  
10.19 ~~been acquired from a government unit without compensation is no longer required, the~~  
10.20 ~~district shall must transfer it to the government unit.~~

10.21 Subd. 10. **Disposition of products and energy.** ~~The A district may use, sell, or otherwise~~  
10.22 ~~dispose of all of the products and energy produced by its facilities. Section 471.345 shall~~  
10.23 ~~does not apply to the sale of products and energy. The district shall must give particular~~  
10.24 ~~consideration preference to the needs of purchasers in this state and shall actively promote~~  
10.25 ~~sales to such purchasers so long as this can be done at, provided that such preference~~  
10.26 ~~conforms with prices and under conditions that meet constitutional requirements and that~~  
10.27 ~~are is consistent with the district's object of being financially self supporting to the greatest~~  
10.28 ~~extent possible.~~

10.29 Subd. 11. **Contracts.** ~~The A district may enter into any contract necessary or proper for~~  
10.30 ~~the to exercise of its powers or the accomplishment of accomplish its purposes, including~~  
10.31 ~~contracting with a county or counties for enforcement activities, and contracting with private~~  
10.32 ~~entities to purchase goods or services.~~

10.33 Subd. 12. **Joint powers.** ~~The A district may act under the provisions of section 471.59,~~  
10.34 ~~or any other law providing for joint or cooperative action between government units.~~

11.1 Subd. 13. **Research.** ~~The~~ A district may conduct research studies and programs, collect  
11.2 and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings  
11.3 and investigations in connection with its work and may advise and assist other government  
11.4 units on planning matters within the scope of its powers, duties, and objectives.

11.5 Subd. 14. **Employees; contracts for services.** ~~The~~ A district may employ persons or  
11.6 firms and contract for services to perform engineering, legal, or other services necessary to  
11.7 carry out its functions. A district may give preference to hiring employees employed by  
11.8 member counties.

11.9 Subd. 15. **Insurance.** ~~The~~ A district may require any employee to obtain and file with  
11.10 it an individual bond or fidelity insurance policy. It may procure insurance in amounts it  
11.11 deems necessary to insure against liability of the board of directors and employees or both,  
11.12 for personal injury or death and property damage or destruction, with the force and effect  
11.13 stated in chapter 466, and against risks of damage to or destruction of any of its facilities,  
11.14 equipment, or other property ~~as it deems necessary.~~

11.15 Subd. 16. **Reviewing projects.** ~~The~~ A district may require that persons shall not acquire,  
11.16 construct, alter, reconstruct, or operate a solid waste facility within the district without ~~prior~~  
11.17 ~~consultation with and~~ the district's approval of the district.

11.18 Subd. 17. **Technical advisory committee.** A district may establish and appoint a solid  
11.19 waste management technical advisory committee composed of public and private sector  
11.20 individuals with technical expertise in waste management to advise the district on matters  
11.21 the district deems appropriate.

11.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.23 Sec. 14. Minnesota Statutes 2024, section 115A.70, subdivision 8, is amended to read:

11.24 Subd. 8. **Authority Designation.** ~~A waste management district possessing designation~~  
11.25 ~~authority in its articles of incorporation may be~~ is authorized to designate a resource recovery  
11.26 facility under sections 115A.80 to 115A.89.

11.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.1 Sec. 15. Minnesota Statutes 2024, section 115A.71, is amended to read:

12.2 **115A.71 BONDING POWERS.**

12.3 ~~Subdivision 1. **General.** A district may exercise the bonding powers provided in this~~  
12.4 ~~section to the extent the powers are authorized by the order of the commissioner establishing~~  
12.5 ~~the district and by its articles of incorporation.~~

12.6 Subd. 2. **Debt.** ~~The~~ A district's bonds ~~shall~~ must be sold, issued, and secured in the  
12.7 manner provided in chapter 475 for revenue bonds and the district ~~shall have~~ has the same  
12.8 powers and duties as a municipality and its governing body in issuing revenue bonds under  
12.9 that chapter. No election shall be required. The bonds may be sold at any price and at public  
12.10 or private sale as determined by the district and ~~shall~~ are not be subject to any limitation as  
12.11 to rate.

12.12 Subd. 3. **Revenue bonds.** (a) A district may borrow money and incur indebtedness by  
12.13 issuing bonds and obligations which are payable solely from:

12.14 (1) ~~from~~ revenues, income, receipts, and profits derived by the district from its operation  
12.15 and management of solid waste facilities;

12.16 (2) ~~from~~ the proceeds of warrants, notes, revenue bonds, debentures, or other evidences  
12.17 of indebtedness issued and sold by the district which are payable solely from such revenues,  
12.18 income, receipts, and profits; and

12.19 (3) ~~from~~ federal or state grants, gifts, or other ~~moneys~~ revenue received by the district  
12.20 ~~which are available therefor.~~

12.21 (b) Every issue of revenue bonds by ~~the~~ a district ~~shall~~ must be payable out of any funds  
12.22 or revenues from ~~any~~ a facility of the district, subject only to agreements with the holders  
12.23 of particular bonds or notes pledging particular revenues or funds. If ~~any~~ a facility ~~of the~~  
12.24 ~~district~~ is funded in whole or in part by Minnesota waste management bonds issued under  
12.25 sections 115A.58 and 115A.59, the state bonds shall take priority. ~~The~~ A district may provide  
12.26 for priorities of liens in the revenues between the holders of district obligations issued at  
12.27 different times or under different resolutions. ~~The~~ A district may provide for the refunding  
12.28 of any district obligation through the issuance of other district obligations entitled to rights  
12.29 and priorities similar in all respects to those held by the obligations that are refunded.

12.30 Subd. 4. **General obligation bonds; tax levies.** (a) The board may, by resolution,  
12.31 authorize the issuance of general obligation bonds to:

12.32 (1) acquire, construct, or improve solid waste disposal sites and facilities, and to pay  
12.33 interest during their construction and for a reasonable period thereafter; and

13.1 (2) pay up to 50 percent of first-year operating costs for a newly constructed solid waste  
13.2 disposal site or facility.

13.3 (b) The board may establish a reserve for bond payments, working capital, refunding of  
13.4 outstanding bonds, certificates of indebtedness, or judgments.

13.5 (c) With respect to bonds issued under this section, the board:

13.6 (1) must pledge its full faith and credit and taxing power for the payment of the bonds,  
13.7 including the use of any revenues received from user charges;

13.8 (2) must sell and provide security for the bonds in the manner provided in chapter 475;  
13.9 and

13.10 (3) has the same powers and duties as a municipality issuing bonds under chapter 475,  
13.11 except that no election is required and the debt limitations of that chapter do not apply.

13.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.13 Sec. 16. Minnesota Statutes 2024, section 115A.72, is amended to read:

13.14 **115A.72 AUDIT.**

13.15 The board of directors, at the close of each year's business, ~~shall cause~~ must have an  
13.16 audit of the books, records, and financial affairs of the district to be made conducted by a  
13.17 an independent, certified public accountant or the state auditor. Copies of a written report  
13.18 of the audit, certified to by the auditors, shall must be placed and kept on file maintained  
13.19 at the principal place of business of the district district's registered office and shall be filed  
13.20 with the secretary of state and the commissioner.

13.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.22 Sec. 17. **[115A.73] TERMINATION.**

13.23 Subdivision 1. **Resolution.** A district's board of directors may initiate proceedings to  
13.24 terminate the district by proposing a resolution for termination stating the reasons why the  
13.25 existence of the district is no longer in the public interest.

13.26 Subd. 2. **Public hearing.** Prior to adopting a resolution for termination, the board must  
13.27 hold a public hearing for the purpose of receiving comments on the proposed termination.  
13.28 No more than 45 days and no less than 15 days before the hearing, the board must publish  
13.29 notice of the hearing in a newspaper of general circulation in each member county and mail  
13.30 the notice to the governing body of each city and town served by the district. In addition to  
13.31 comments it receives at the public hearing, the district must accept comments submitted to

14.1 it in written or electronic form until ten days following the hearing, and must prepare a  
14.2 written summary of all comments received and the district's responses to the comments.  
14.3 The district must file the adopted resolution for termination and its responses to public  
14.4 comments with the recording officer of each member county.

14.5 Subd. 3. **Joint resolution of termination.** Following receipt of the approved district  
14.6 resolution for termination and preparation of the summary of comments received, each  
14.7 member county must adopt a joint resolution that confirms the district resolution for  
14.8 termination and states that the existence of the district is no longer in the public interest.  
14.9 Each member county must publish notice of the joint resolution in a newspaper of general  
14.10 circulation in the county and mail the notice to the governing body of each city or town in  
14.11 the county that is served by the district. If any member county adopts a resolution objecting  
14.12 to the termination, the termination may not proceed.

14.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.14 Sec. 18. Minnesota Statutes 2024, section 115A.82, is amended to read:

14.15 **115A.82 ELIGIBILITY.**

14.16 Facilities may be designated under sections 115A.80 to 115A.89 by:

14.17 (1) a solid waste management district established pursuant to sections 115A.62 to 115A.72  
14.18 ~~and possessing designation authority in its articles of incorporation~~ under section 115A.641;  
14.19 or

14.20 (2) a county, but only for waste generated outside of the boundaries of a district qualifying  
14.21 under clause (1) or the Western Lake Superior Sanitary District established under chapter  
14.22 458D.

14.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.24 Sec. 19. Minnesota Statutes 2024, section 473.8441, is amended by adding a subdivision  
14.25 to read:

14.26 Subd. 6. **Solid waste management district.** The commissioner shall distribute grants  
14.27 under this section to a solid waste management district established under section 115A.641  
14.28 in an amount equal to the total sum that would otherwise have been distributed to the  
14.29 individual metropolitan counties, or portions thereof, that compose the district. A solid  
14.30 waste management district awarded grant funds under this section is subject to the provisions  
14.31 of this section that apply to counties.

15.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.2 Sec. 20. **REVISOR INSTRUCTION.**

15.3 The revisor shall renumber Minnesota Statutes, section 115A.70, subdivision 8, as

15.4 Minnesota Statutes, section 115A.69, subdivision 18.

15.5 Sec. 21. **REPEALER.**

15.6 Minnesota Statutes 2024, sections 115A.64; 115A.66; 115A.67; and 115A.715, are

15.7 repealed.

15.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

# Governance Comparison Table

*Prepared by Zack Hansen and Leigh Behrens on December 19, 2025*

The following table compares the current Joint Powers Board (JPB) to three alternatives: an enhanced Joint Powers Agreement (JPA)/JPB, a solid waste management district (SWMD) under current Minnesota state statute and an SWMD under proposed legislation. Content herein is based on **Attachment 4**, the Husch Blackwell memorandum titled Potential Future Governance Options Analysis.

The table summarizes the following elements in the four scenarios:

- Creation
- Term
- Alteration
- Termination of the organization
- Potential for regional coordination
- Ability for metro and non-metro counties to form entity
- Autonomy
- Powers
- Delegation of powers
- Board of directors
- Employment
- Liabilities
- Solid waste service charge
- Debt issuance
- Loan and grant funding
- Waste designation

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<b>Creation</b>	Already exists. Can be amended by counties as it has been historically. No requirement for hearings or state agency involvement.	Straightforward: decided by the counties following negotiation of an agreement. Can be established relatively quickly. No requirement for hearings or state agency involvement.	Complex and with uncertain timing; Minnesota Pollution Control Agency (MPCA) makes decisions. Lack of MPCA rules creates uncertainty for legality, process and outcome.  No districts have ever been formed under this law.	Decided by member counties following a process prescribed in law. Processes are more structured and transparent. It takes more time than an enhanced JPB. Process balances transparency, accountability and efficiency.
<b>Term</b>	Determined by the counties.	Flexible, determined by the counties.	Exists in perpetuity.	
<b>Alteration</b>	An additional county can be added to a JPB by creating a new JPA with the additional county.  There was previously one formal attempt to add Dakota County in the late 1980s. At the time of the final decision, Dakota County decided not to join.	An additional county can be added to a JPB by creating a new JPA with the additional county.  For a county to leave a JPB, it must follow the process for withdrawal that is set out in the JPA. A withdrawal provision will generally include a notice period and settlement of financial and other obligations that must be fulfilled as a part of the withdrawal.	The procedure for altering an existing waste district is like the procedure for forming a waste district. A petition is jointly submitted by the governing bodies of at least half of the counties within the district.  The MPCA reviews the petition for legal requirements. If objections are received, a hearing is conducted. The MPCA then submits the petition to advisory councils for review and prepares a report. The MPCA makes a final decision.	Clear process for district modification under the proposed legislation. Modification begins with a resolution from the board of commissioners of the county/ counties seeking the change. The proposal is then submitted to the district's board of directors, accompanied by supporting documentation similar to that required for initial district formation.  The district and affected counties hold public hearings to gather input from residents and stakeholders, with notice requirements ensuring broad awareness. If the modification is confirmed, the district updates its articles of incorporation and files the changes with the Secretary of State, making the alteration official.

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<b>Termination of the organization</b>	<p>The current JPA provides for conditions of termination or dissolution of the JPB.</p> <p>In no event shall the Agreement be terminated prior to the payment in full of all bonds and other indebtedness of the R&amp;E Board incurred to acquire or improve the facility.</p>	<p>Decision made by counties following the process set out in the enhanced JPA.</p>	<p>Decision made by MPCA with uncertain effect or timing.</p>	<p>Decision made by unanimous decision of member counties with public input.</p>
<b>Potential for regional coordination</b>	<p>A new JPA would be required to add additional counties.</p>	<p>A JPB can collaborate with other counties. To expand, a new joint powers agreement among all parties would need to be negotiated and approved.</p>	<p>A district is positioned to coordinate waste management activities across multiple counties, streamline operations and pursue greater regional waste management goals without the constraints of individual county priorities.</p>	
<b>Ability for metro and non-metro counties to form entity</b>	<p>Each governmental unit party to the JPA must have independent authority to exercise the power delegated.</p> <p>The JPA needs to be carefully drafted to ensure commonality of powers being delegated to the JPB, which could mean limiting the overall scope of powers.</p>	<p>Metro and non-metro counties can be in a district, but the entire district must follow law and policy required of metro counties.</p>		
<b>Autonomy</b>	<p>Delegates specific powers to the JPA. Was designed for purchase of the R&amp;E Center and converting it from being privately owned to publicly owned. Includes joint activities for certain non-facility work.</p>	<p>A JPA is an agreement among counties, and as such, is accountable to counties, and has the level of autonomy it is allowed to have.</p>	<p>A waste district is a completely distinct governmental entity, separate from the counties that comprise it. This allows for greater autonomy in decision-making and operations, potentially reducing outside influence and day-to-day oversight from county boards.</p>	

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<b>Board of directors</b>	Two commissioners from Washington County and three commissioners from Ramsey County. The commissioners are appointed by the respective county boards. Each county may appoint an alternate commissioner.	Structure determined by members but can only include all or a subset of county commissioners of member counties.	Must be made up of residents of the district. Elected representation is not required.	At least five members, only county commissioners appointed by member counties.
<b>Employment</b>	Has the authority to hire R&E employees. Has its own human resources services, but contracts with Ramsey County for certain employee benefits.	Joint powers employees tend to be employed by the JPB but may actually work through the employment system of one of the member counties. For R&E, this is partially true, with employee benefits associated with Ramsey County.	May employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.	May employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.  A district may give preference to hiring employees employed by member counties.
<b>Liabilities</b>	Is considered a separate and distinct public entity to which the Counties have transferred all responsibility and control for actions taken pursuant to this Agreement.  R&E is required to comply with all laws and rules that govern a public entity, and the protections of Minnesota Statutes Chapter 466.	It is possible for liabilities of the JPB, in some instances, to reach back and become liabilities of the member counties. The JPA needs careful drafting to maximize protection for the member counties.	All liability would reside with the district.	

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<b>Powers</b>	<p>Per the JPA: In addition to the responsibilities associated with ownership and operation of the facility, R&amp;E administers joint activities, which include but are not limited to:</p> <ul style="list-style-type: none"> <li>• a Hauler Rebate program, as determined necessary</li> <li>• waste education and outreach related to reduction, recycling, waste processing and other waste management</li> <li>• engaging with schools, including facility tours and other efforts</li> <li>• administering BizRecycling and related programs</li> <li>• making plans and conducting research</li> <li>• initiating or administering other joint solid waste management projects on behalf of the Counties, as determined by the board</li> </ul>	<p>Can be delegated any powers held in common by counties, except taxing authority; change in powers possible by amending the JPA.</p>	<p>Counties forming the district decide in a petition to the MPCA what powers are assigned to the district. Change in powers is subject to a petition process with the MPCA deciding.</p>	<p>Counties forming a district prepare a transition plan that details the powers, as well as articles of incorporation.</p>
<b>Delegation of powers</b>	Revocable		Irrevocable	

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<b>Solid waste service charge</b>	Has not been delegated to the R&E Board. Each county retains that authority and implements a service charge, called a County Environmental Charge.	<p>Could be delegated to a JPB under an enhanced JPA. Once delegated, it is unlikely that the county could continue to retain and use this authority unless the JPA provides for a division of responsibility between the member counties and the JPB.</p> <p>The JPB could, through its governing documents, contractually return proceeds from the service charge to member counties.</p>	<p>Can utilize service charges as a primary mechanism.</p> <p>There is legal uncertainty whether counties could continue to use service charges once a district exercises its authority to issue rates and charges.</p>	<p>Can use existing fee and service charge authority under state law.</p> <p>There is legal uncertainty whether counties could continue to use service charges once a district exercises its authority to issue rates and charges.</p>
<b>Debt issuance</b>	<p>Is authorized “to incur and discharge debts, liabilities and obligations, including the authority to issue [revenue] bonds pursuant to Minnesota and federal law. Any issuance of debt must be approved by a two-thirds (2/3) majority of the [R&amp;E] Board.” Additionally, each County Board must agree that R&amp;E may issue bonds (also consistent with Minn. Stat. 471.59, subd. 11(a)).</p> <p>Counties may not delegate the authority to pledge their full faith and credit or taxing power to a JPB.</p>	<p>Could receive a delegation of county revenue bond authority.</p> <p>Counties may not delegate the authority to pledge their full faith and credit or taxing power to a JPB, thus limiting the JPB to revenue bonds, subject to the requirements of the JPA and state law.</p>	<p>May possess separate statutory revenue bond authority if granted by the petitioning counties.</p> <p>Would require counties to assign general obligation bonding authority.</p>	<p>Can issue revenue <u>and</u> general obligation bonds and levy property taxes.</p>

Attachment 5: Governance Comparison Table

Element	Current JPB	Enhanced JPB	SWMD under current statute	SWMD under proposed legislation
<p><b>Loan and grant funding</b></p>	<p>Authority to apply for, accept, receive and disburse grants, loans, donations and other assistance from the federal government, state of Minnesota or any other agency or organization.</p>	<p>Appears to be eligible for the same loan and grant programs, including the Solid Waste Processing Facilities Capital Assistance Program (CAP) and, likely, Local Recycling Development Grant (LRDG) funds.</p> <p>Because counties are eligible recipients of LRDG funds, an enhanced JPB may receive such funds if the member counties delegate that authority and, likely, LRDG funds.</p>	<p>Appears to be eligible for the same loan and grant programs, including CAP.</p> <p>For LRDG funds, a metropolitan-area district, which assumes county authorities under Chapter 473, would also be eligible.</p> <p>The statutes are less clear regarding SCORE funding.</p>	<p>Appears to be eligible for the same loan and grant programs, including CAP.</p> <p>For LRDG funds, a metropolitan-area district, which assumes county authorities under Chapter 473, would also be eligible.</p> <p>The proposed legislation specifies that a district can receive SCORE funds that would otherwise have been distributed to individual counties.</p>
<p><b>Waste designation</b></p>	<p>Waste designation ordinances were adopted by and are implemented by each of the Counties. The Counties agree to coordinate with each other and maintain and enforce these ordinances.</p> <p>At the same time, R&amp;E holds Waste Delivery Agreements with haulers as a voluntary business relationship, with contracted haulers receiving benefits such as ability to deliver to R&amp;E-contracted transfer stations.</p>	<p>Under an enhanced JPB, the new entity would likely need to independently enact waste designation if that authority is delegated to the JPB, unless the JPB makes a contractual arrangement with one or more counties to continue implementing waste designation on its behalf.</p>	<p>A district possessing designation authority in its articles of incorporation may be authorized to designate a resource recovery facility under the waste designation statutes.</p> <p>It is unclear in the law how the transfer of authority from counties to a district is handled.</p>	<p>For a district formed under the proposed legislation, the new entity must independently enact waste designation if that authority is included in the district's articles of incorporation.</p> <p>The proposed legislation streamlines this process for districts by requiring that designation plans be included as part of the transition plan during district formation. This ensures that the transition from county to district governance is comprehensive and coordinated.</p>

# History of Ramsey and Washington Counties' Joint Work on Solid Waste Management

*Prepared by Zack Hansen and Leigh Behrens | November 17, 2025*

Ramsey and Washington Counties have a 50-year history of successful partnerships on solid waste management. Joint solid waste governance by the two Counties dates to the 1970s, when the Counties jointly owned and operated the first Minnesota Pollution Control Agency (MPCA) permitted sanitary landfill in Minnesota, called the Lake Jane landfill. Following the discovery of groundwater contamination at SW-1 and prompted by state legislation, the Counties engaged in joint work to examine and implement landfill alternatives.

Since the early 1980s, there have been a series of joint powers agreements (JPAs) and amendments related to solid waste management. There has been increasing responsibility delegated by the Counties to the joint powers board (JPB) and, more recently, increased independence. Note that, over the years, form has followed function, and JPAs have been modified to reflect the changes to and increases in collaborative work.

In summary, over the past 50 years, the two Counties have continually worked together on solid waste management issues. Through the JPAs and amendments, the Counties have implemented joint governance structures to adapt to evolving legislation, state policy expectations, public input and court decisions. The JPB has increasingly been delegated responsibilities and granted increased independence to carry out this critical joint work to benefit east metro communities, economy and the environment.

## **Brief History of East Metro Solid Waste Collaboration**

**1980s** – The Ramsey/Washington Waste-to-Energy Project, a JPB, was created to explore waste-to-energy technology. After examining and deciding against the use of mass-burn technology, the Counties jointly entered into agreements with Northern States Power Company (NSP, now Xcel Energy) for a privately owned and operated refuse-derived fuel (RDF) facility. NSP built and operated the facility located in Newport. The JPB focused on oversight of the agreements with NSP, and in the late 1980s, the board hired a project manager to administer the JPB.

**1990s** – The JPB continued oversight of the NSP agreements. A leadership change resulted in a joint staff committee comprised of staff from each county.

Early in this decade, a United States Supreme Court decision resulted in the loss of flow control of waste to privately-owned facilities (waste designation authority). Considerable public policy work was led by the JPB to assure a flow of waste to the RDF facility, resulting in contracts with and financial incentives to waste haulers for delivery of waste.

In 1999, the JPB began work on ways to implement the following expanded policy directive from the two Counties: “Ramsey and Washington Counties will work through the Ramsey/Washington County Resource Recovery Project to [...] devote additional resources to identify and divert non-processible and other waste streams from processing that can be more appropriately reduced, recycled or composted.”

**2000s** – The JPB, renamed to the Ramsey/Washington Resource Recovery Project (RRP) Board, continued to address methods to assure a supply of waste to the RDF facility, using hauler contracts to

## *Attachment 6: History of Ramsey and Washington Counties' Joint Work on Solid Waste Management*

deliver waste to the RDF facility, funded by the County Environmental Charge administered by each county.

In addition, there was increased focus on waste management higher on the state's waste hierarchy. Beginning with policy work to explore alternatives, a series of JPAs expanded joint work into non-resource recovery fields including food waste/organics recovery and recycling, grants to businesses, and work with schools.

Later in the decade, the RDF facility was sold to a private equity firm's subsidiary, RRT, with the JPB leading the Counties' work on the ownership change.

**2010s** – The waste processing agreement with RRT provided an option for the Counties to purchase the facility. The private equity firm owning the facility decided to sell or close the facility, prompting considerable policy discussion by the two Counties and RRP Board. Ultimately, the decision was made to purchase the facility in 2015. That resulted in a new JPA, which created the currently-named Ramsey/Washington Recycling & Energy (R&E) Board.

In purchasing the RDF facility in Newport, renamed the Recycling & Energy Center (R&E Center), the Counties could implement waste designation to assure the flow of waste to a public facility. The [Ramsey and Washington Counties Joint Designation Plan](#) was approved by both county boards in August 2016, defining the system and its benefits including material recovery (e.g., metals), energy recovery, landfill abatement and other environmental benefits. Waste designation ordinances were adopted by and are implemented by each of the Counties, which were complemented by R&E's waste delivery agreements with haulers. The agreements grant haulers benefits such as waste delivery at transfer stations. From this arrangement, R&E and haulers hold voluntary business relationships, and county ordinances provide a regulatory "backstop" that incentivizes contracting and contract compliance with R&E.

The JPA creating R&E also included expanded joint activities. In 2018, county solid waste management plans were revised. County boards directed revisions to closely align the Counties' approaches to solid waste management. The resulting plans, containing 25 aligned strategies, increased the expectations for R&E to coordinate joint waste prevention and diversion work.

**2020s** – In 2020, the R&E Board approved a plan to increase material recovery of organics and recyclables through a series of facility enhancements. Through several funding mechanisms, including \$7 million in Minnesota state bonding funds awarded through the MPCA Capital Assistance Program, the R&E Center installed major improvements to increase the Counties' recycling rates. The recyclables recovery system (C-line) and food scraps bag recovery building were completed in 2023.

The two Counties' 2024 solid waste management plan revisions increased the alignment of strategies and sub-strategies by 10 times over the previous plans. This change, as well as a desire by the Counties to be less involved in R&E finances, resulted in a series of amendments to the JPA that created more financial independence and responsibility for R&E. Also included was a change in the governance structure of the JPA, and the establishment of an executive director position in lieu of a joint staff team.

The 2024 solid waste management plans also include an aligned policy stating, "The R&E Board will continue to evaluate and implement appropriate changes to its governance structure and size to ensure effectiveness." In September 2025, the R&E Board adopted a strategic plan with Strategic Goal 4a to explore and pursue "strengthened governance that maximizes nimbleness."

# R&E Governance Decision Tree - for Board Discussion

Revised January 16, 2026

## Timeline

(Subject to change)

Oct. 8, 2024

Sep. 25, 2025

Jan. 29, 2026

Est. Q1 2026

Est. Q4 2026

Est. Q1 2027

Q1 2027+ [timeline depends on leg. session outcome]

**Decision Point #1:**  
Should **R&E and the counties** evaluate alternative governance structures?

**Decision: Yes.**  
Ramsey and Washington County Boards both approved Solid Waste Management Plans in 2024 that include a policy to evaluate governance, stated in Ramsey and Washington Counties Partnerships Priority #6: "The R&E Board will continue to evaluate and implement appropriate changes to its governance structure and size to ensure effectiveness."

**Decision Point #2:**  
Should the **R&E Board** adopt the R&E Strategic Plan, which includes an element on exploring alternative governance?

**Decision: Yes.**  
R&E Strategic Plan adopted with **4A. Strengthened governance that maximizes nimbleness:** "i. Identify and implement a sustainable governance structure (e.g., waste management district or enhanced JPA) that increases nimbleness and impact."

**Decision Point #3:**  
Should **the R&E Board** approve a platform that includes working with other entities on legislation that modifies the language for solid waste management districts in Minnesota?

**Decision: Yes**

**TASK:** Work with AMC and other interested parties to pass proposed legislation

**Decision: No**

**TASK:** Monitor legislation supported by other entities

**Decision Point #4:**  
Should **the R&E Board** recommend that R&E and county staff work together to evaluate alternate governance structures including an enhanced joint powers agreement and a solid waste district?

**Decision: Yes**

**TASK:** R&E staff & board members bring recommendation to County Boards

**Decision: No**

Process ends with no governance evaluation

Minnesota 2026 Legislative Session: Feb. to May 2026

**Decision Point #5:**  
Should **both County Boards** direct county staff to work with R&E to evaluate governance structures 1) enhanced JPA and/or 2) a waste district compared to the current R&E JPA?

**Decision: Both counties say yes to evaluation of both alternatives**

**TASK:** Evaluate both alternate governance structures using dimensions of governance change, outline each transition plan, and deliver reports to R&E Board.

**Decision: Both counties say yes to evaluation of one alternative**

**TASK:** Evaluate selected alternate governance structure using dimensions of governance change, outline a transition plan, and deliver report to R&E Board.

**Decision: One or both counties say no to all evaluation**

Process ends with no governance evaluation

**Decision Point #6:**  
Should **the R&E Board** select an alternative waste management governance structure to recommend to the Ramsey and Washington County Boards for implementation?

**Decision: Yes to recommending solid waste management district**

**TASK:** R&E staff/board members bring recommendation of solid waste district to County Boards

**Decision: Yes to recommending enhanced JPA**

**TASK:** R&E staff/board members bring recommendation of enhanced JPA to County Boards

**Decision: No**

Process ends with no governance change

**Decision Point #7A:**  
Should **the Ramsey and Washington County Boards** direct staff to work with R&E to begin to implement a solid waste management district?

**Decision: Both counties say yes to solid waste district**

**TASK:** Begin implementation process to transition to solid waste management district

**Decision: One or both counties say no**

Process ends with no governance change

**Decision Point #7B:**  
Should **the Ramsey and Washington County Boards** direct staff to work with R&E to begin to implement an enhanced JPA structure?

**Decision: Both counties say yes to enhanced JPA**

**TASK:** Begin implementation process to transition to an enhanced JPA

**Decision: One or both counties say no**

Process ends with no governance change

Did proposed legislation pass in the 2026 session?

**No**

**TASK:** Counties/ R&E work with interested parties pass proposed legislation next year

Next Minnesota Legislative session: Jan./Feb. to May

Did solid waste district legislation pass?



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	VII.a			
<b>SUBJECT:</b>	2026 Legislative Platform							
<b>TYPE OF ITEM:</b>	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input checked="" type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

Adoption and approval of the 2026 Ramsey/Washington Recycling & Energy Legislative Platform.

**EXECUTIVE SUMMARY:**

The 2026 Minnesota Legislative Session will convene on February 17, 2026. In previous years, R&E has not had a formal legislative platform. With a registered lobbyist now on staff, the development of a legislative platform is requested to provide direction and guidance on R&E legislative priorities.

Staff provided an overview of the draft 2026 platform and priority items during the October 23, 2025, meeting.

**ALIGNMENT WITH STRATEGIC PLAN:**

Strategic Goal 1B: R&E-led regional coordination on policy and plans for greater regional impact.

**ATTACHMENTS:**

1. Draft Resolution (R&EB 2026-02)
2. Draft 2026 R&E Legislative Platform

**FINANCIAL IMPLICATIONS:**

None.

<b>AUTHORIZED SIGNATURES</b>	<b>DATE</b>
<b>R&amp;E EXECUTIVE DIRECTOR</b> 	1/20/26
<b>WASHINGTON COUNTY ATTORNEY</b> 	1/20/26



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

**RESOLUTION R&EB-2026-02  
2026 Legislative Platform**

WHEREAS, the Ramsey/Washington Recycling & Energy Board (R&E Board) is governed by the Amended and Restated Joint Powers Agreement by and between Ramsey County and Washington County dated November 12, 2024 (Joint Powers Agreement); and

WHEREAS, the 2026 Legislative Session begins on February 17, 2026; and

WHEREAS, the R&E Board has a registered lobbyist on staff to advocate for R&E's priorities and policy goals at the Capitol. NOW, THEREFORE, BE IT

RESOLVED, The R&E Board approves and adopts the proposed 2026 Ramsey/Washington Recycling & Energy legislative platform.

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Board Vice Chair  
January 29, 2026

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Attest  
January 29, 2026



# 2026 Legislative Platform

VISION: VIBRANT, HEALTHY COMMUNITIES WITHOUT WASTE

## Priority Items



**Infrastructure investment:** Secure additional funding for the development of an anaerobic digester to transform food scraps and other organic waste into renewable natural gas and biochar.



**Regional governance:** Pursue legislation to provide counties with the opportunity to create effective regional integration of challenges.



**Public health & safety:** Ensure appropriate management of infectious waste through penalties, training, enhanced protocols and enforcement.

## Policy Goals

Support increased funding for counties to meet statutory requirements for solid waste management

Support product stewardship and extended producer responsibility approaches to reduce the impact of products on the environment

Support funding for research and development of emerging technologies to process, handle and reuse solid waste

Support funding and policy to promote new markets for waste and recyclable materials

Support policies and funding to support organics collection programs, business recycling endeavors, and other efforts aimed at reducing the amount of waste generated in Minnesota

Support funding for programs and policies keep products and resources in use for a more equitable circular economy

Maintain Minnesota's waste management hierarchy

**Ramsey/Washington Recycling & Energy (R&E)** is a joint effort of Ramsey and Washington counties to responsibly manage waste, recover value from discarded materials and support programs that help residents and businesses reduce waste and recycle better.

### NEED MORE INFORMATION?

**Melissa Finnegan** | *Strategic Partnerships Manager*  
651-515-0817 | [mfinnegan@recyclingandenergy.org](mailto:mfinnegan@recyclingandenergy.org)



**RAMSEY/WASHINGTON  
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<b>R&amp;E BOARD MEETING DATE:</b>	January 29, 2026			<b>AGENDA ITEM:</b>	VIII.			
<b>SUBJECT:</b>	Updates and Reports							
<b>TYPE OF ITEM:</b>	<input checked="" type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION	<input type="checkbox"/>	CONSENT
<b>SUBMITTED BY:</b>	Trista Martinson, R&E Executive Director							

**R&E BOARD ACTION REQUESTED:**

For information only.

**EXECUTIVE SUMMARY:**

- a. Commissioner Updates**  
R&E Board members will provide updates on waste-related ad hoc committees.
- b. Executive Director Update**  
The R&E Executive Director will provide a report to the board.
- c. Strategic Partnerships Update**  
Staff will provide a report to the board.
- d. Programs Update**  
Staff will provide updates on programmatic efforts.
- e. Facility Update**  
Staff will provide updates on R&E Center projects and operations.
- f. Procurement Report**  
Staff will provide a written report of new contracts and amendments executed under the authority of R&E’s procurement guidelines during the period of November 1 – December 31, 2025. Funding for the contracts is available in the approved Joint Activities, Facility and Equipment Maintenance & Replacement (EM&R) budgets, following approval as to form by the Ramsey County or Washington County attorney’s office.

**ALIGNMENT WITH STRATEGIC PLAN:**

- a. Strategic Goal 1A:** Public awareness & trust through brand management, transparency and engagement.
- b. Strategic Goal 1B:** R&E led regional coordination on policy and plans for greater regional impact.
- c. Strategic Initiative 4Ai:** Implement and sustain a streamlined and consistent portfolio of upstream programs (waste reduction, reuse, recycling), informed by data and community engagement.
- d. Strategic Initiative 3Aii:** Continue to operate an industry-leading waste processing facility and innovate for increased landfill diversion.

**SUBJECT:** *Updates and Reports*

e. **Strategic Goal 4C:** Robust obligation tracking and reporting.

**ATTACHMENTS:**

1. R&E Center Tours Report
2. Procurement Report

**FINANCIAL IMPLICATIONS:**

None.

AUTHORIZED SIGNATURES	DATE
R&E EXECUTIVE DIRECTOR 	1/20/26
WASHINGTON COUNTY ATTORNEY 	1/20/26



**RAMSEY/WASHINGTON  
RECYCLING & ENERGY**  
CONNECTING VALUE TO WASTE

## R&E Center Tours

Completed between Nov 15, 2025 – Jan 22, 2026

Group	Group Type	Date	# of visitors
Cottage Grove Chamber of Commerce	Governmental	11/20/2025	20
MRRA - Post Meeting Tour	Governmental	11/21/2025	29
New R&E/County Staff tour	Internal	12/4/2025	10
MORE Adult ELL - Karen	Community	12/11/2025	25
Community Group - Bruno Guiduli	Community	12/11/2025	3
Middleton Elementary 5th grade (Woodbury)	Educational	12/16/2025	31
Resident/Community Tour	Community	12/30/2025	8
FSPP Participants	FSPP	1/8/2026	10
Washington County Public Works	Governmental	1/15/2026	12
Biz Technical Assistance Providers	Governmental	1/15/2026	7
FSPP Participants	FSPP	1/21/2026	9

Total Number of Tours Completed: 11

Total Number of Tour Attendees: 164



Report of all professional service and supplies, equipment, material and labor (SEML) contracts, amendments and solicitations issued and executed under authority of Ramsey/Washington Recycling & Energy’s procurement guidelines (Resolution R&EB 2025-01) between November 1 – December 31, 2025.

Vendor	Effective Date	Description	NTE/Budgeted Amount	Procurement Type
GHD Services, Inc.	12/29/25	Programs – Site study reuse evaluation services	\$139,500	Professional Services
Ideal Energies, LLC	12/1/25	Facility – Solar array	\$160,000	Professional Services
Allied Waste of North America, LLC	1/1/26	Facility – Transload services	\$11.73 per ton	Transload Services
Dem-Con Companies, LLC	1/1/26	Facility – Transload services	\$11.73 per ton	Transload Services
Premier Waste Services, LLC	1/1/26	Facility – Inbound waste transportation services	Rate Setting	Transportation Services
Nitti Trucking, Inc.	1/1/26	Facility – Inbound waste transportation services	Rate Setting	Transportation Services
Metropolitan Gravel Co	1/1/26	Facility – Inbound waste transportation services	Rate Setting	Transportation Services
Aero Transport, Inc.	1/1/26	Facility – Outbound Waste transportation services	Rate Setting	Transportation Services
Aero Transport, Inc.	1/1/26	Facility – Inbound waste transportation services	Rate Setting	Transportation Services
Midwest Training Associates	1/1/26	Facility – Heavy equipment training services.	Rate Setting	Professional Services
Cottage Grove Area Chamber of Commerce	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services
Midway Chamber of Commerce	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services
Emerge Enterprises, Inc. dba Second Chance Recycling	1/1/26	Programs – Mattress collection and recycling	\$434,000	SEML
Latino Chamber of Commerce	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services
The Forest Lake Area Chamber of Commerce	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services

**SUBJECT: Procurement Report**

Vadnais Heights Economic Development Corporation	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services
East Side Neighborhood Business Association	1/1/26	Programs – BizRecycling outreach and promotions	\$25,000	Professional Services
Food Recovery Network, Inc.	1/1/26	Programs – Food recovery services	\$15,000	Professional Services
Magotteaux, Inc.	1/1/26	Facility – Flail mill parts	Rate Setting	SEML
Atlas Technical	1/1/26	Facility – Industrial hygiene monitoring services	\$22,000 per year	Professional Services
Blaine Brothers, Inc.	1/1/26	Facility – Trailer parts and repairs	Rate Setting	SEML
Vomela Specialty Company	1/1/26	Facility – Trailer decals	Rate Setting	SEML
MN Glove, Inc.	1/1/26	Facility – Safety gloves and vests	Rate Setting	SEML
Crowd Strike	1/1/26	Facility – IT network protection services through MnIT	Rate Setting	Professional Services
Oxygen Service Company	1/1/26	Facility – Welding supplies & equipment	Rate Setting	SEML
Linders Specialty Company	1/1/26	Facility – Metal fabrication and processing	Rate Setting	SEML
M&M Hydraulic Company	1/1/26	Facility – Processing related parts & supplies	Rate Setting	SEML
Loaves and Fishes	1/1/26	Programs – Emergency food recovery and assistance.	\$30,000	Professional Services
Basic Needs Inc. of South Washington County	1/1/26	Programs – Emergency food recovery and assistance.	\$30,000	Professional Services
The Sanneh Foundation	1/1/26	Programs – Emergency food recovery and assistance.	\$30,000	Professional Services
JES Sales Co.	1/1/26	Facility – Parts for trailer walking floors	About \$15,000 per year	SEML
Sustainable Synergy Solutions, LLC	12/1/26	Programs – BizRecycling program services	\$350,000	Professional Services
Saints Baseball, LLC	1/1/26	Programs – BizRecycling promotions and outreach	\$52,500 per year	Professional Services

**SUBJECT: Procurement Report**

MN Chamber Environmental Sustainability Foundation	1/1/26	Programs – BizRecycling grant program management	\$212,500	Professional Services
City of Red Wing	12/30/25	Facility – Cancellation of waste delivery agreement	N/A	Reciprocal use agreement
Macalester College	1/1/26	Programs – Food recovery services	\$11,381.24	Professional Services
Emerge Enterprises, Inc. dba Second Chance Recycling	1/1/26	Programs – Mattress recovery and recycling services	\$434,000	Professional Services
St. Lawrence Holdings, LLC	12/1/25	Facility – Flail mill grate parts	Rate Setting	SEML
North Country Food Alliance	2/1/25	Programs – Food waste prevention	\$9,309	Professional Services

The procurement team also processed thirty-eight grants or amendments for deconstruction, food recovery, BizRecycling and multi-unit recycling programs in the amount of \$455,551.64. These grants were distributed throughout Ramsey and Washington Counties to assist in waste reduction and recycling efforts. Grant funds helped each recipient by providing materials and infrastructure needed to better support waste reduction and recycling efforts, as well as expand waste reduction and recycling education for their residents, employees and visitors.