**SPECIAL MEETING OF THE VANDERBURGH COUNTY**

**BOARD OF COMMISSIONERS**

 **PIGEON CREEK WATERSHED DEVELOPMENT COMMISSION**

**AUGUST 9, 2023**

The Vanderburgh County Board of Commissioners met in special session on August 9, 2023 at 10:00 a.m. in Browning Event Room A of the Evansville-Vanderburgh County Public Library, Central Branch for the purpose of discussing the possibility of creating a Pigeon Creek Watershed Development Commission.

**Those in Attendance:**

Cheryl Musgrave, Vanderburgh County Commissioner

Ben Shoulders, Vanderburgh County Commissioner

David Jones, Vanderburgh County Attorney

Craig Emig, Assistant Vanderburgh County Attorney

Alyssa Nilssen, Vanderburgh County Commissioner-Chief Deputy

Madelyn Grayson, Vanderburgh County Commissioner Recording Secretary

Linda Freeman, Vanderburgh County Surveyor

Mike Ward, Vanderburgh County Chief Deputy Surveyor

Megan Klenck, Vanderburgh County SWCD

Colin Ward, City of Evansville-Vanderburgh County Flood Plain Administrator

Dan Saylor, Warrick County Commissioner

Terry Phillippe, Warrick County Commissioner

Jason Baxter, Warrick County Deputy Surveyor

Morrie Doll, Warrick County Legal

Steve Sherwood, Warrick County Stormwater Director

Holly McCutchan, Warrick County SWCD

Warren Fleetwood, Gibson County Commissioner

Scott Martin, Gibson County Surveyor

Kenneth Page, Gibson County SWCD Chairman

David Eichelberger, Christopher B. Burke Engineering

Ian Hahus, Christopher B. Burke Engineering-Water Resources Engineer

David Brenner, Vanderburgh County Farm Bureau President

Kenneth Smith, Indiana Dept. of Natural Resources-Division of Water Asst. Director

Gary Seibert, Gibson County Farmer & Retired Dept. of Agriculture

Eldon Maasberg, Vanderburgh County Farmer

Jeff Mueller, Former Vanderburgh County Surveyor

Nick Atherton, Energy Systems Group

Jim Morley, Jr, Morley Corp.

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| **Summary Minutes of Meeting Discussion** |

Vanderburgh County Board of Commissioner President, Cheryl Musgrave, called the meeting to order. It was noted that Vanderburgh County sent out the required media notice of this special meeting of the Vanderburgh County Commissioners/Drainage Board. Commissioner Musgrave acknowledged that there was also a quorum of Warrick County Commissioners in attendance as well.

**Discussion of Possible Board Members for a Pigeon Creek Watershed Development Commission:**

Cheryl Musgrave explained that the state statute calls out members of a Watershed Development Commission to be made up of every County’s Surveyor, by virtue of their office; Department of Natural Resources, a designee by statute; the largest municipality in each county would have an appointee as well. The statute also calls for each county’s Board of Commissioners to make an appointment to the WDC. Dan Saylor of Warrick County pointed out that Chandler, IN would be the largest town in the watershed and not Boonville.

**Presentation of Vendor Proposal for Watershed Application from Christopher B. Burke Engineering:**

Items (a) through (f) below is a summary of the proposal submitted by Christopher B. Burke Engineering. Anything in italics was added by Cheryl Musgrave as possible discussion points.

* 1. Data Gathering and Review – Reviewing studies done by others, our previous work, and information made available to us by the participating counties regarding Pigeon Creek and its watershed
	2. Needs Assessment – Defining the purpose(s) motivating the formation of the WDC, the water management needs that are identified, and, conceptually, the actions that the WDC could take to address those needs; this includes one day of meetings and/or field visits with each County
		1. *Formulation of each county’s goals would occur in this phase*
	3. Work Plan Development – Drafting the work plan document, including narrative and necessary exhibits and appendices, incorporating feedback from the Counties
	4. NRC Application Development & Submittal – Drafting and submitting the “written request” to the natural resources commission proposing the formation of the WDC; this includes coordination with the counties that may be needed in the drafting of their ordinances
		1. *Issue: clarification of whether Pigeon Creek Watershed is a HUC 8 by Ken Smith. Will this issue prevent a successful application?*
		2. *Add: calculate future funding as required by statute*
	5. Meetings and Coordination – Meeting once with the WDC in person to discuss the management plan and the application; this also includes a potential presentation to the NRC, if needed, and coordination or corrections that may be needed during the NRC review process
	6. The total estimated cost for these tasks is **$62,500**.
		1. *Funded jointly and possibly reimbursed by the future watershed when it receives its first revenues*
			1. *Each county would pay 1/3, or $20,833.33*

Dan Saylor asked if what each county has in place currently, as far as generating revenue, would be affected if a WDC were to be formed. Cheryl Musgrave explained that once the WDC is created, it is its own entity. It is similar to an Authority. It has its own revenue source, which is outlined by the state statute, per parcel within the watershed. The WDC itself would make all of the decisions concerning actions taken. The WDC will be made up of each county’s Surveyors and a Commissioner or Commissioner representative, so each county will have input into those decisions. Each county will decide what part of their county’s revenue streams and/or management responsibilities they would like to keep versus what each county would want the WDC to have responsibility for, and this can vary from county to county. Craig Emig stated that each county’s Drainage Board would negotiate an interlocal agreement between their county and the WDC which would delineate the responsibilities and the assessments for each county before the creation of the WDC.

**Christopher B. Burke Proposal Breakdown: Ian Hahus:**

Five different tasks or phases were outlined within the work that may be done. This proposal is just approximate numbers, they could change depending on what is said at this meeting today. The $62,500 is just a benchmark and is not written in stone. (a) **Data Gathering and Review**: synthesizing all of the data from previous studies and getting the broad outline of what has been done, what needs have already been identified and then building off of that to form the work that they would continue to do. (b) **Needs Assessment**: the statute talks about stating the WDC’s motivating purpose or needs within the watershed that is believed would be met by the creation of the WDC. Christopher B. Burke Engineering (CBBE) would come back to Southern Indiana, meet with the County Surveyors and/or SWCD’s, go out to the stream or in the watershed and observe things that are known issues. These things would lead to a development of the overall watershed needs, and the needs of each individual county, that would be served by them joining the WDC. (c) **Work Plan Development**: CBBE would take everything that they have learned in (a) and (b) and write them down. (d) **NRC Application Development & Submittal**: CBBE would condense their report down into an application that can be reviewed that would satisfy the different check marks that are in the statue. As far as anyone present is aware of, the Pigeon Creek Watershed Development Commission would be the first in the State of Indiana, so there are currently no templates or forms to be filled out. (e) **Meetings and Coordination**: As CBBE is coming up with the Work Plan Development, some of these meetings would be to make sure that each county agrees with what the plan is, and any coordination with DNR concerning the submittal of the application.

**Questions Concerning the CBBE Proposal & WDC Creation Process:**

Cheryl Musgrave stated that she was not certain that we have an answer concerning whether or not the Pigeon Creek Watershed is as large as the HUC 8 basin. Cheryl Musgrave suggested that the revenues generated by the WDC could be used initially to pay back each county’s contribution for any cost incurred to create the WDC, including but not limited to, the CBBE work in coming up with the Work Plan and submitting the Application.

Dan Saylor stated that the assessment rates are set by statute. He raised the question concerning the revenue that might be generated from the creation of a Pigeon Creek WDC. Cheryl Musgrave stated that Linda Freeman and Mike Ward have begun creating a spreadsheet of all parcels in Vanderburgh County, but they would still need Warrick and Gibson’s data. Ian Hahus stated that CBBE had done some rough estimates when the report was done for Vanderburgh County. The CBBE ballpark for revenue generation would be approximately a million dollars a year for the total watershed. The breakdown for that million dollars would potentially be: Vanderburgh County= $730,000, Warrick County= $180,000 & Gibson County= $160,000. Ian Hahus stated that it would be the responsibility of each county to obtain the data for their county. Cheryl Musgrave stated that this data is available through the DLGF.

Cheryl Musgrave, speaking to Warrick and Gibson Counties, stated that technically speaking they could outvote Vanderburgh County. She wanted to know where each county currently stands concerning the WDC creation. Dan Saylor stated that Warrick County considers themselves “regional players”. Pigeon Creek does affect Warrick County and they want to work together to try to be a solution that would have a positive impact on Pigeon Creek. Terry Phillippe said that the Warrick County Commissioners are still working on a vote to authorize their participation. This is the first meeting that Commissioner Phillippe has been able to attend, and they still need to speak further with their County Attorney. Terry Phillippe still has questions concerning their current Cumulative Drain Formula and what the WDC fee structure would look like. Warren Fleetwood of Gibson County stated that some of his constituents are concerned about the fees and the disparity there, and Gibson County will probably have more questions, but they want to be open minded about this process. They do want an opportunity to have their legal team look at this. Commissioner Fleetwood feels that Gibson County’s next step is to glean as much as they can from these meetings, meet with their legal team and Drainage Board and work through the findings. Cheryl Musgrave asked if they could put a clock on a decision, so that it is not open ended, and an agreement was reached for September 13, 2023.

Warren Fleetwood asked how many regulated drains do the other two counties have (Warrick and Vanderburgh) and how they are collecting assessments. Linda Freeman stated that Vanderburgh County has approximately 80 miles of regulated drains, which are mainly in Armstrong & Union Townships, the east side and Vanderburgh County goes by watershed basis. So, whatever the watershed is for each particular drain, the assessments collected for that drain are used specifically for the maintenance of that drain exclusively. This method keeps the money where the money is needed versus a Cum Fund which can be spent on other drainage issues. Gibson County has separate funds for each drain and those funds are not allowed to be intermingled. Warrick County has one big pot of assessment revenue to fund maintenance for a little over 400 miles of ditches. Scott Martin stated that Gibson County has approximately 340 miles of regulated drains, and what is regulated for Pigeon Creek in Gibson County is around 100 miles.

David Jones asked CBBE if they included the portions of the City of Evansville (the Greenway, Levee Authority) in their generated revenue estimates. Ian Hahus did not know specifically, but he did remember that a number of parcels were exempt or non-taxable or ownership was undetermined, based on the data that they had. Cheryl Musgrave stated that she learned that exemptions do not apply for these assessments. David Jones stated that this statute does not address exemptions on the assessments. It says for industrial public utility parcels or properties, and he feels that is still an open question. Cheryl Musgrave asked Ken Smith to take this issue back and to get clarification on this point. Ian Hahus stated that the definition of a “taxable parcel” in this statute has the meaning set forth in a different statute. Cheryl Musgrave still questioned that if the definition is the same and they failed to assign an assessment value, then that question would still need to be answered.

Ian Hahus stated that each county would have the ability to change its assessments based on classifications (Ag, Industrial, etc.). The WDC would set the basin wide standard, but the counties can deviate from that. Craig Emig stated that the assessment fees mentioned in the statute are maximum fees that may be set. If the WDC’s interlocal agreement delineates that a certain county wants to retain some control over their assessments and their services, then they can set a lower assessment fee up to a certain maximum extent. Craig Emig stated that he thought the WDC would have to have something that is comparable or up to 90% of what is defined by the two entities, both the WDC and the local county level, they can either fund it through assessment or through an appropriation from the Fiscal Body, so there are alternative funding methods.

Warren Fleetwood stated that his constituents were more concerned about the disparity between the classifications, and that industrial being capped at $360 per parcel, and the industry may be a big contributing factor to some of the county’s stormwater issues, especially in regards to the Pigeon Creek Watershed, that maybe there were some areas that should possibly be increased, more so than decreased. Ian Hahus stated that the statue states that “a county may impose special assessments under which a special assessment for one or more classes of property is greater than the special assessment that would otherwise apply.”

Warren Fleetwood asked if all the counties joined in in the creation of the WDC would the individual counties still be able to maintain control over whether their drains were a regulated drain or not. Would the drains that are currently unregulated drains in the Pigeon Creek Watershed become regulated drains during the course of this process? Ian Hahus said that it would be up to the board of the new WDC as to what it wants to spend the money on. The counties operating by themselves would be more apt to focus on their individual county, but the Development Commission, operating as three counties, would more likely be focused on the entire watershed. Warren Fleetwood asked if the provision of creating this WDC would envelope the non-regulated drains in the Pigeon Creek Watershed. Ian Hahus said that a normal creek, like in someone’s backyard, would be within the Development Commission. Warren Fleetwood asked for clarification of his understanding that this process would allow this WDC to have some control of areas that in years past were unable to be cleaned up, logjams unable to be removed, and allow the WDC to make improvements in troublesome areas. Ken Smith stated that he thought it would give the WDC the authority, within the boundaries of the watershed, to identify something that would be beneficial and to address those issues whether it is a regulated drain or not. Craig Emig stated that creating the WDC would allow the WDC a level of control over projects within the watershed comparable to a legal drain. They would still have the 75’ right-of-entry to address drainage, bank stabilization, and all of the other issues that are outlined in the statute. David Jones said it is not an automatic that the WDC “grabs” everything, but the WDC would have the authority and the ability to reach out and get the areas that need attention. Morrie Doll said that would also mean increased responsibility for the WDC. Warren Fleetwood stated that has ultimately been the main issue, that counties have not been able to take care of issues like cleaning out logjams, or to remove beaver dams, for example, which cause water to back up, whether it be commercial, residential or industrial properties. Ian Hahus said that those statements are generally true, but there has to be some plausible connection to Pigeon Creek, improving the drainage or flooding along Pigeon Creek, which is usually a pretty easy case to make, even if the issue is happening in an unregulated arm/drain that is ultimately affecting Pigeon Creek.

**Discussion of HUC 8 Issue & Legislative Involvement:**

Ken Smith of IDNR stated that he does not believe that the HUC 8 issue would be a deal killer, because the Legislators who put this law through want this to succeed. He believes that it is logical to look at this HUC 8 issue and say as the State of Indiana we are mandating something in HUC 8, and we have no authority outside of the state. An interpretation of that logically would be that the boundaries of the HUC 8 would fall within the boundaries of the state. Legislators would need to change the wording. DNR shared this concern with Representative Aylesworth just last week, and are not certain whether he has had time to come to a solution. Representative Aylesworth will be speaking at the 2023 Water Summit in Indianapolis on Thursday, August 10, 2023, to talk about watershed planning and this statute. The wording of the statute is what guides all matters. Opinions aren’t binding, not even the Attorney General’s, even though it carries a certain weight, the decision still winds up in the hands of judges. The wording issue needs to be dealt with. Ken Smith said that everything in the HUC 8, which is three counties, does need to be part of this to move forward. The real issue is the official HUC 8 has a whole chunk of land in Kentucky, but he doesn’t believe that the intent with the Watershed Development Commission creation statue was ever to cross state lines. Ken Smith also stated that each county in the HUC 8 would need to be a part of this in some respect. Cheryl Musgrave stated that the Legislators need to know what happens at the ground level, and the application could state that the counties met, they tried to decide, here is the barrier, and the Legislature would need to decide if the HUC 8 issue is more important than forming the WDC without all of the counties. David Jones stated that the statute says that non-members of the WDC can join later. Ian Hahus speculated that the Legislature picked the HUC 8 because they don’t want to have a hundred of these commissions, and HUC 8 is a good way to limit it to larger river systems. Even though our HUC 8 goes into another state, it all drains to the same river, but the HUC 8 even in the Indiana part of it drains to Bayou Creek, just west of Evansville, which is a whole separate main stem, which doesn’t contribute to Pigeon Creek. So, the issue is not only that the HUC 8 crosses state lines, but that there are also multiple main stems in the HUC 8. Linda Freeman stated that the HUC 8 is the Highland-Pigeon Watershed.

**Discussion of Timeline for Submitting the Application & Funding of the Proposal:**

Cheryl Musgrave suggested giving CBBE two months to gather their information and to potentially apply at the beginning of December, and that timeline would give the Legislators time to refine the wording of the statute prior to the application being considered for approval. Ken Smith questioned whether Vanderburgh County was anticipating the other two counties (Warrick & Gibson) to be prepared to make a commitment to join the WDC at the next meeting. Cheryl Musgrave stated that Vanderburgh County is going to move forward regardless of what the other two counties decide, because the WDC is Vanderburgh County’s only path forward. Ken Smith stated that he believes the first step should be are the counties willing to financially participate in funding the cost of the proposal. Warren Fleetwood stated that he appreciates Vanderburgh County’s position and urgency due to the fact that there are a number of unregulated drains there, but Gibson needs more time to meet with their legal team to fully digest the statute. He also stated that Gibson County has a pretty good foundation due to the fact that they have spent hundreds of thousands of dollars on studies that they have a lot of data from those studies to back up the status of their drains, as well as a stormwater ordinance. Scott Martin questioned whether all three counties would need to be ready to commit to the funding in order to move forward. Cheryl Musgrave stated that Vanderburgh County is going to file an appropriation asking the Vanderburgh County Council to approve funding the entire proposal ($62,500), and then have the other two counties to contribute, possibly proportionate to the estimated revenues per county, upon their agreement to join. Cheryl Musgrave asked the other two counties if the financial commitment was the main barrier to them joining the commission. Warren Fleetwood said no, but they want more time to have the legal team look over everything.

**Work Plan Discussion & Timeline:**

Ian Hahus stated that as they are fleshing out the Needs Assessment in their field visits, things like addressing issues in unregulated drains that ultimately affect Pigeon Creek would be included or mentioned in that Work Plan. Cheryl Musgrave stated that the application would not have to include every detail, because that plan is able to be amended along the way, even adding additional causes of issues. Cheryl Musgrave stated that Vanderburgh County will probably start with one main need, and that is flooding, but that does not mean that in the future Vanderburgh County may not add something else to the Work Plan. Ian Hahus said that they would need a certain amount of detail in the Needs Assessment to start, and then once the WDC Board exists then changes can be made as they would see fit, if new things come up or if something is a bigger issue than was originally thought. David Eichelberger stated that the Needs Assessment is really the main thing that CBBE needs to identify the things that would help the overall watershed and get that into the Work Plan, but if there is a known issue that exists on a branch of a branch of a branch of Pigeon Creek and work on that issue would be a benefit to all three counties, they would want to make sure that is included in the Work Plan. Ian Hahus stated that he did not envision the Work Plan having the level of detail of naming the third order ditch tributaries, but just general comments of lateral contributions to the channel. Ian Hahus also stated that once the WDC is created and starts to look at actual projects, such as we want to two-stage this part of the ditch for example, that would be a separate more specific effort.

**Additional Discussion Actions Taken by Each County Since the Last Meeting:**

Cheryl Musgrave asked if anyone had any additional comments concerning any actions taken by any county since the last meeting, and acknowledged that some of that discussion had already been included in previous comments. Dan Saylor asked if Pike County would be able or allowed to be in the WDC. Ian Hahus stated that any county in the watershed could join the WDC, but Pike County is less than 10% of the watershed. Craig Emig stated Pike County could be on the WDC, but they would be a non-voting member since they are less than 10% of the watershed. Dan Saylor said that Warrick County may need to review their process from the top down and possibly realign the way their funding is done. But, if they don’t realign the process, he wanted clarification that Warrick County could still charge a lesser rate, or clarification that the rate charged in Warrick County does not have to be the same rate that Vanderburgh County charges. Ian Hahus stated that was his understanding as well.

**Additional Discussion Concerning the WDC Statute:**

David Jones asked who Gibson County’s Attorney is. Warren Fleetwood stated that they utilize the services of Jason Spindler, along with some other associates. Cheryl Musgrave asked if they would bring their legal team with them to the next meeting. David Jones said they would make sure that Jason Spindler is included on any future communication.

Cheryl Musgrave mentioned that there had been a question as to why the City of Evansville was not directing this. The answer is that the statute says that County Government shall do this. The City of Evansville would get to appoint someone to the WDC, but even though Pigeon Creek is almost entirely with the City of Evansville boundaries in Vanderburgh County, the statute said that counties would be responsible for applying to create a WDC.

Scott Martin asked whether there would be any issues working on unregulated drains that have clearly defined legal descriptions, or would the WDC statute take care of that, if they were to clear a logjam for example on a portion of a ditch that is unregulated. Does the statute cover allow the ability to go onto someone’s property? Ian Hahus stated that he did not see right-of-entry type stuff in the statute. Ken Smith stated that could also become something that certain practices that are adopted by the WDC over time of how to deal with those things. Ken Smith also stated that right now this group is trying to form something that if approved is going to exist for many years into the future, and identifying everything that the WDC would be doing down the road is not able to be identified right now, but we should be focusing on the low hanging fruit that needs to be dealt with now and how this group intends to deal with those issues. Craig Emig stated that as far as the purposes and activities that the WDC could do, the statute says that it has exclusive jurisdiction to do flood control within the Commission’s designated watershed. That is subject to the interlocal agreement that will be entered into. The statute also provides that the WDC has exclusive authority to perform drainage and flood damage reduction activities within the channel of the river that is a surface water of the designated watershed or each river that flows directly, or an area within 75’ from the top of the bank. The interlocal agreement would define what area each county would keep, what drains they would keep, what drainage facilities and/or equipment they would keep and who would take care of what. Craig Emig stated that there is also an exception for emergency work within the watershed. Ian Hahus stated that the exclusive authority and the 75’ right-of-entry applies on the named water surface outlet, Pigeon Creek. The WDC would not have exclusive authority on a tributary to Pigeon Creek necessarily.

**Additional Public Comment:**

Jeff Mueller- former Vanderburgh County Surveyor and a licensed Professional Engineer who worked in Warrick County for the mining industry. Jeff Mueller stated that what everyone needs to keep in mind is that we are talking about an improvement to a creek, and that he hopes that it is not only water quantity but water quality as well. This group has an opportunity to create a Commission that will handle quantity and quality. We have a chance to take a proactive approach and to develop Pigeon Creek the way it should be developed. Jeff Mueller mentioned the 2023 Drainage School will be held August 30, 2023 and they will be talking about this House Bill and State Representative, Mike Aylesworth, will be speaking on this subject. This is an excellent opportunity to hear about this further. We may want to invite State Representative, Tim O’Brien to the next meeting, as he has been heavily interested in this subject. Jeff Mueller stated that he would be happy to work with this group.

David Brenner-Vanderburgh County Farm Bureau President: Indiana Farm Bureau had a key part in writing the Bill for the Kankakee Yellow River Commission. Indiana Farm Bureau is a big supporter of this. The 2023 Drainage School’s partners are; Indiana Association of Commissioners, County Surveyors Association of Indiana, Indiana Association of Soil and Water Conservation Districts, Indiana Local Technical Assistance Program, Indiana Agriculture Nutrient Alliance. It is really a combined effort that Indiana Farm Bureau has put together. Mutual drain removal obstruction hearing is going to be a topic of discussion. One of the key factors is going to be on the Watershed Commission, on HB 1639. They will answer any questions that you have.

Gary Seibert-Gibson County Farmer & Retired Department of Agriculture. Gary Seibert stated that last week Gibson County had a 2.7” rainfall and State Highway 168 was under water for a period of time. This happened about 2:30 in the morning, and about 7:00 in the morning at the county line, Pigeon Creek was bank full, in the flood stage and starting to creep out in the fields a little bit. It stayed that way all day long. At 4:00 that day, Gary went to Evansville and crossed Stringtown Road, and observed that none of the water from Gibson County had reached Pigeon Creek in Vanderburgh County at Stringtown Road. In a 14-hour timeframe the water still had not gotten down from Gibson County to Vanderburgh County. That tells him that something is wrong somewhere. He feels that doing nothing is not an option.

**Discussion of Next Steps:**

1. Cheryl Musgrave asked both Warrick and Gibson County to target when their Board of Commissioners/Drainage Board would vote on whether they intend to vote being included in the WDC creation process. Morrie Doll asked what it is exactly they would be voting on. The vote would be a yes or no on paying for a study to be done. Cheryl Musgrave stated that would be a non-binding, no money on the table vote. Gibson County committed to September.
2. Cheryl Musgrave asked the CBBE to send a proposed contract to either herself or the Vanderburgh County Legal Team, and also to fill out a timeline of when things would be done and submitted to bring back to the next meeting. That information would then be distributed to all of the attorneys.
3. Discussion of the formalization of the WDC. Cheryl Musgrave asked if we should engage the city people or just move forward. Gibson & Warrick Counties said yes, they would reach out to them. Linda Freeman of Vanderburgh County would reach out to the City of Evansville. If anyone from any of the municipalities in any of the counties wants to be included in the next meeting, their contact information would need to be sent to Alyssa Nilssen.
4. Ken Smith stated that when making a submittal to the National Resources Commission (NRC) to form the WDC, he did not believe that every single interlocal agreement would have to be in place at that time, but there would need to be something that would at least show a vote or commitment by the Board of Commissioners of each county that were going to be a part of the WDC, pending the finalization of details of the interlocal agreements. David Eichelberger concurred that with commitments that their will be interlocal agreements, then the NRC would consider this. David Jones stated that there could be a three-county interlocal agreement entered into agreeing to create a WDC. Cheryl Musgrave asked is the WDC created at the moment the NRC approves the application, and Ken Smith stated that he believed that was what happens. Cheryl Musgrave asked the Vanderburgh County Legal Team to bring a sample/draft interlocal agreement to the September 13th meeting.
5. Cheryl Musgrave said that they should name names and write down who they would expect to be on the WDC. Ken Smith suggested that there may need to be a Vision Statement in the submittal of how the WDC is going to be run as a business on a day to day basis. Cheryl Musgrave asked Ken Smith to work on this concept. Ken Smith stated that their possibly could be an Executive Leadership Group for the WDC, where the WDC would elect a Chairman, Vice-Chairman, Treasurer, or possibly even an Executive Director. That Executive Leadership Group would run the day to day operations. Ken Smith stated that some structure needs to be behind the WDC. Adding that structure to the application adds some teeth to it and adds to the chances of its success. An example could be hiring possibly an Executive Director & an Attorney on staff as paid positions, maybe in conjunction with a University or Regional Planning Commission, kind of like an incubator for a place for this thing to get started. Craig Emig stated that there is a provision in the statute that entails a rough outline of the WDC structure. Ken Smith stated that the Little Cal created a Northern Indiana Regional Planning Commission (NIRPC) that was able to provide the services for that group. David Jones stated at the beginning he would advise getting volunteers through like the universities, internships, etc.
6. David Jones asked CBBE & DNR to put together the proposed technical corrections to the statute, particularly the HUC 8 issue, so they can shoot it to the Legislative Services Agency. Morrie Doll asked if the Division of Water was going to make some legislative changes to the Legislators. Ken Smith stated that he did not see that right now. Morrie Doll said that we need to decide if we are going to make suggested changes to the legislation or not, and who is going to propose those and how are we going to propose them. David Jones said that is more technical than legal. Dave Brenner stated that Indiana Farm Bureau has been very proactive on these watershed programs, and he has talked to a legal team in Indianapolis and they don’t think the HUC 8 is going to involve the Kentucky part. So, but they are working on it, they are getting verification. Cheryl Musgrave asked David Brenner to get contact information for Jeff Cummins, the legal representative from Indianapolis, to the attorneys for these three counties.

**Setting of Next Pigeon Creek Watershed Development Commission Meeting:**

A decision was made to hold the next meeting at the Friedman Park Events Center in Warrick County, 2700 Park Boulevard, Newburgh, Indiana 47630 on Wednesday, September 13, 2023 at 10:00 a.m.

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| **Adjournment** |

The meeting was adjourned at 11:33 a.m.

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS

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Cheryl A.W. Musgrave, President

\_\_ (Not present at meeting.)\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Justin Elpers, Vice President

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Ben Shoulders, Member

(Recorded and transcribed by Madelyn Grayson)