

RESOLUTION NO. #2015-18

RESOLUTION PLEDGING FINANCIAL SUPPORT TO HELP FUND THE LEGAL DEFENSE OF THE DRAINAGE DISTRICTS IN BUENA VISTA, CALHOUN AND SAC COUNTIES

WHEREAS, the Des Moines Waterworks has filed suit under the Clean Water Act against drainage districts in Buena Vista, Calhoun and Sac Counties, and;

WHEREAS, the suit would seek to regulate agricultural practices which are currently exempt from regulation under the Clean Water Act, and;

WHEREAS, the suit, if successful would impose regulatory burdens upon drainage districts and the landowners in those district, and;

WHEREAS, the suit, if successful, would require drainage district trustees to exercise powers that are not legally available to them under existing state law, and;

WHEREAS, the suit would irreparably harm drainage rights, operations and row crop production in this county, and;

WHEREAS, it is recognized that the suit, while filed against a small number of districts would, if successful, be applicable to all districts in Iowa and in other states, and;

WHEREAS, it is recognized that a strong legal defense must be made against the lawsuit, and;

WHEREAS, it would be in the best interests of Iowa counties to directly support the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties and to have the Iowa Drainage District Association participate in the case if requested by Belin McCormick law Firm, the attorneys retained by Buena Vista, Calhoun and Sac Counties, in order to represent the interests of all drainage districts in Iowa.

NOW, THEREFORE BE IT RESOLVED that the Clay County Board of Trustees representing the Clay County Drainage Districts pledges financial support to help fund the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties; and it is understood that IDDA will disperse said monies as approved by the Defense Fund Committee as agreed to by the counties and IDDA.

NOW, THEREFORE BE IT FURTHER RESOLVED that the financial support will be in the amount of \$5,000 / year for three years payable to the IDDA litigation fund for the legal defense of the drainage districts in Buena Vista, Calhoun and Sac Counties. If the lawsuit is resolved in a prompt fashion and the second or third years of the financial support is not necessary, the IDDA Board will notify the county that the additional financial support is not necessary.

The above and foregoing resolution was adopted by the Clay County Board of Drainage District Trustees of Clay County, Iowa, this 26th day of May, 2015 and the vote thereon being as follows:

Ayes: Anderson, Brockshus, Skow, Swanson.

Nays: None.

Abstentions: None.

Absent: Matthews.

Resolution adopted.

/s/Linda K. Swanson, Chairperson, Clay County Board of Drainage District Trustees

ATTEST: /s/ Marjorie A. Pitts, County Auditor