

1505.4030 PROCEDURE.

Subpart 1. **Applicability.** A local unit of government that decides to develop a delegation agreement for the implementation of the state pesticide control law must use the procedure provided in this part to facilitate the development of the local implementation proposal, provide for public participation, and promote intergovernmental coordination.

Subp. 2. **Resolution to develop a local implementation proposal.** The governing body, council, or board of a local unit of government that decides to develop a delegation agreement for the purpose of local implementation of the state pesticide control law must adopt a resolution to develop a local implementation proposal.

Subp. 3. **Notice of decision to develop proposal.** Within 30 days after adoption of a resolution to develop a local implementation proposal, the governing body or its agent must:

A. send a copy of the resolution, as adopted, along with any description or supporting documents to the commissioner; and

B. publish the resolution, as adopted, along with any description or supporting documents in a minimum of one newspaper of general circulation that serve the geographic area affected. The resolution, description, or supporting documents must include a name, address, and telephone number of a contact person.

The commissioner shall, within 30 days of receipt of a copy of the resolution, provide notification of the local unit of government's resolution to the general public through publication of a notice in the State Register.

Subp. 4. **Public informational meetings.** Within 90 days of adoption of the resolution to develop a local implementation proposal, and before the local unit of government submits its proposal to the department for review, the local unit of government must hold at least one public informational meeting for the purpose of public education and receipt of public input. Notice of the public meeting must be published in at least one newspaper of general circulation in the affected geographic area. Public informational meetings must provide:

A. a description of the proposed local implementation program;

B. the current status of the development of the proposal; and

C. an opportunity for public input or discussion.

Subp. 5. **Meetings with other local units of government.** A local unit of government developing a proposal under this part must conduct a meeting or meetings with all other local units of government who exercise authorities in the geographic area affected. This must be accomplished before submittal of the proposal to the department. The purpose of this meeting or meetings will be to inform and seek input from other local units of

government in an effort to gain consensus with those potentially affected by the planned local implementation program.

Subp. 6. **Record of meetings.** A local unit of government shall maintain a record of each meeting held for the purpose of proposal development. The record must include minutes or a transcription and a list of persons in attendance and who they represented. Records of meetings must be supplied to the department with the submittal of the local implementation proposal.

Subp. 7. **Public participation.** Meetings held for the purpose of public participation must be conducted as required by Minnesota Statutes, section 471.705.

Subp. 8. **Initial review.** Within 120 days of adoption of a resolution to develop a local implementation proposal, the governing body of the local unit of government must submit for the department's review its proposal, records of meetings held, and supporting documents. The department must complete its review within 90 days of receipt of the proposal. The primary contact person or other officials of the local unit of government bringing the proposal may be asked to meet with the department during the 90-day review period for the purposes of presentation or clarification of points of the local implementation proposal.

The department must inform the governing body of the local unit of government of its findings in writing.

Subp. 9. **Review criteria.** The department shall review the local implementation proposal based on the criteria in items A to D.

A. Is the proposed local implementation program consistent with the mandates of Minnesota Statutes, chapters 18B and 18D, and rules and orders of the department?

B. Do staff identified to carry out the proposed local implementation program have the education, training, and experience required as identified in part 1505.4070?

C. Has the local unit of government identified a funding source or sources for the proposed local implementation program and is funding adequate to carry out the program as proposed on an ongoing basis?

D. Does the proposed local implementation program demonstrate consistency with department procedures and policies?

Subp. 10. **Notice of review.** The department shall, within 30 days of receipt of a local implementation proposal, publish the local implementation proposal in the State Register for the purpose of the solicitation of outside opinion. The department may apply information received through this process in the review of the local implementation proposal. Consideration of outside opinion must be based on the same review criteria as the local implementation proposal.

Subp. 11. **Negotiation.** Upon receipt of a positive finding on the part of the department regarding the local implementation proposal, the local unit of government may enter into negotiations toward the development of the final delegation agreement. A final version of the delegation agreement must be completed within 90 days of notification of the department's positive findings. If the delegation agreement is not completed within the specified time period the proposal is nullified and cannot be resubmitted for consideration for one year from the end of the 90-day negotiation period.

Subp. 12. **Completion.** The commissioner's signature of a delegation agreement constitutes final department approval. Upon signing of the delegation agreement by the commissioner, the local unit of government has 60 days to adopt the delegation agreement by resolution of its governing body. If the governing body has not adopted the delegation agreement within the 60-day period, the agreement is nullified. Upon adoption, the delegation agreement must be implemented according to the conditions and schedule stipulated in the delegation agreement.

Subp. 13. **Notice of adoption.** Within 15 days of adoption of the delegation agreement, the local unit of government must notify the commissioner by sending a notarized copy of the adopting resolution. The department shall, within 30 days of receipt of the copy of the adopting resolution, publish the delegation agreement in the State Register as a means of informing the general public. The local unit of government must publish a copy of the adopting resolution and provide notice of locations where the delegation agreement is available for public review.

Statutory Authority: *MS s 18B.06*

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