East Dakota Water Development District
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DRAFT **MINUTES**
February 5, 2026

The Board of Directors of the East Dakota Water Development District (EDWDD) held a special meeting on Thursday, February 5th, 2026, at the District Office in Brookings, and via video-conference. Chairman Anderson called the meeting to order at 1:03 p.m. The following persons attended:

Directors Present
Mark Anderson*
Jeff Barth
Rick Bonander*
Debra Elofson*
Spencer Hawley*
Bob Kappel
Troy Larson*
Julie Loveland-Swanstrom*
John Moes

Others Present
Ted Lewis, City of Sioux Falls*

Staff Present
Jay Gilbertson
Deb Springman

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Directors Absent
- none -

***** - participated via video-conference.

Administrative Items

Approval of Agenda -

Motion by Kappel, seconded by Moes to approve the agenda as presented. Motion carried unanimously.

District Policy on Addressing Issues before the South Dakota Legislature

The Manager had previously distributed a DRAFT policy on how positions expressed by the District lobbyist(s) would be established, which read as follows:

Lobbying Activities:

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It is the policy of East Dakota Water Development District (District) that any lobbying activities undertaken by any employee, Board member, or other agent of the District, on behalf of the District, shall comply with the applicable federal and/or state requirements. No employee, Board member, or other agent of the District shall engage in any lobbying activity on behalf of the District without the express prior approval of the Board Chair.

Legislative Advocacy:

Advocacy in support of, or opposition to, or the taking of a neutral position, on any particular proposed or pending legislation under consideration by the South Dakota Legislature by the District lobbyist(s) shall be left to the discretion of the District Manager, in consultation and concurrence with the Board Chair. Once established, said positions on individual legislative actions, along with an explanatory statement, shall be forwarded electronically to each director in a timely manner. Notice of change in an advocacy position will be provided in a similar manner.

To the extent practical, any positions taken should be consistent with current Board positions, policies and actions, and in support of the promotion of sound water resource management, policy and protection.

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Reporting:

The District shall ensure that all disclosures of lobbying which are required by law are submitted in a timely manner.

Individual Activity:

Nothing in this policy shall preclude an employee, Board member or other agent of the District from engaging in lobbying activities on his or her own time provided that the District is not identified in connection with such activities and provided that the District’s funds and other resources are not used in connection with such activities.

Other:

The term "lobbying" does not include the following activities:

- Providing technical assistance or advice to a legislative body, committee or individual member in response to a formal request;
- Making available nonpartisan analysis, study or research;
- Providing examinations and discussions of water resource issues and problems;
- Communicating with a legislative body regarding matters which might affect the existence of the organization, its powers and duties; and,

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- Providing updates on the status of legislation to the District directors, staff and general public, without a call to action.

Motion by Moes, seconded by Barth, to approve the policy as presented. The Board discussed the content and merits of the proposed policy.

Motion by Kappel to table the motion pending an opinion from District counsel on the policy. The Chair did not call the question on the motion.

Substitute Motion by Kappel, seconded by Larson, to adopt the following policy:

The East Dakota Water Development District Board of Directors hereby authorizes the District Manager, Jay Gilbertson, to attend, participate and lobby for the District at the 2026 Session of the South Dakota Legislature. For any bill that the Manager feels may have an impact on the District's purpose to promote the management of of the District's water resources, the Manager may informally and/or formally lobby on the District's behalf. If no formal motion or resolution has been approved by the District Board of Directors, the Manager shall abide by the following guidance:

1. The primary purpose of any action taken is to educate legislators and to express the pro's and con's of the bill to the District;
2. Clearly state to the legislators that the District Board of Directors has not taken any formal action on the bill;
3. If necessary, due to the significance of the bill on the District, the Manager may express their personal opinion, and share that this opinion has been, or will be, shared with the District Board of Directors; and
4. Report back to the District Board of Directors on lobbying efforts in a timely manner.

The Board discussed the content and merits of the proposed policy in the Kappel substitute motion.

Motion to Amend the Substitute Motion by Loveland-Swanstrom, seconded by Bonander, as follows:

The East Dakota Water Development District Board of Directors hereby authorizes the District Manager, Jay Gilbertson, to attend, participate and lobby for the District at the 2026 Session of the South Dakota Legislature. For any bill that the Manager feels may have an impact on the District's purpose to promote the management of of the District's water resources, the Manager may informally and/or formally lobby on the District's behalf. If no formal motion or resolution has been approved by the District Board of Directors, the Manager shall abide by the following guidance:

1. The primary purpose of any action taken is to educate legislators and to express the pro's and con's of the bill to the District;

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2. Clearly state to the legislators that the District Board of Directors has not taken any formal action on the bill;
3. If necessary, due to the significance of the bill on the District, the Manager may express their personal opinion, ~~**and share that this opinion has been, or will be, shared with the District Board of Directors**~~; and
4. Report back to the District Board of Directors on lobbying efforts in a timely manner.

The term "lobbying" does not include the following activities:

- **Providing technical assistance or advice to a legislative body, committee or individual member in response to a formal request;**
- **Making available nonpartisan analysis, study or research;**
- **Providing examinations and discussions of water resource issues and problems;**
- **Communicating with a legislative body regarding matters which might affect the existence of the organization, its powers and duties; and,**
- **Providing updates on the status of legislation to the District directors, staff and general public, without a call to action.**

The Board discussed the content and merits of the proposed amendments to the substitute motion.

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Motion by Elofson, seconded by Barth, to table the matter to a later date. Motion to table failed on 4-5 vote, with Directors Barth, Bonander, Elofson and Chairman Anderson in favor, and Directors Hawley, Kappel, Larson, Loveland-Swanstrom and Moes opposed.

The question was called on the Loveland-Swanstrom motion to amend the Kappel substitute motion. The **Motion to Amend** prevailed 6-3, with Directors Bonander, Hawley, Kappel, Larson, Loveland-Swanstrom and Moes in favor, and Directors Barth, Elofson and Chairman Anderson opposed.

The question was called on the Kappel substitute motion, as amended. The **Substitute Motion as Amended** prevailed 6-3, with Directors Bonander, Hawley, Kappel, Larson, Loveland-Swanstrom and Moes in favor, and Directors Barth, Elofson and Chairman Anderson opposed.

The Manager noted that he would adjust his practices and behavior as the District lobbyist for the 2026 legislative session accordingly.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 2:22 p.m.

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Spencer Hawley, Secretary