

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1637**

Circle Pines,
Appellant,

vs.

County of Anoka,
Respondent.

**Filed June 21, 2021
Affirmed
Worke, Judge**

Anoka County District Court
File No. 02-CV-20-2502

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Considered and decided by Cochran, Presiding Judge; Worke, Judge; and Frisch,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant-city challenges the grant of summary judgment in favor of respondent-county on appellant's claim that sought a declaration that the county unlawfully reappointed an individual to the Rice Creek Watershed District's Board of Managers. Appellant argues that the district court erroneously interpreted Minn. Stat. § 103D.311 (2020) to allow for the reappointment. We affirm.

FACTS

The Rice Creek Watershed District (watershed district) is a local unit of government comprising Anoka, Hennepin, Ramsey, and Washington Counties. The watershed district has five hydrological areas. It is governed by a board of five managers. Ramsey County and respondent County of Anoka (the county) each appoint two managers. Washington County appoints one manager. Hennepin County does not appoint any managers. The managers serve a three-year term. The appointment of managers is prescribed by Minn. Stat. § 103D.311.

In 2016, the county appointed Patricia Preiner to the board. Preiner resides in the city of Columbus in hydrological area three of the watershed district. In September 2019, the county published notice of a vacancy on the board as a result of Preiner's term expiring in January 2020. The county also notified appellant City of Circle Pines (the city) of the vacancy. The city is located within hydrological areas four and five. In October 2019, the city submitted a list of three nominees to the county for consideration to fill the vacancy.

The City of Columbus notified the county that it supported Preiner for reappointment. In June 2020, the county reappointed Preiner.

The city filed a complaint against the county seeking a declaratory judgment that the county's reappointment of Preiner was unlawful under Minn. Stat. § 103D.311. The parties filed cross-motions for summary judgment. Following a hearing, the district court denied the city's motion for summary judgment and granted the county's motion for summary judgment. The district court determined that the plain language of the statute granted the county discretion to reappoint a manager when the manager's city of residence fails to submit a list of candidates, notwithstanding a list of candidates submitted by another city. The district court concluded that the county did not violate Minn. Stat. § 103D.311 by reappointing Preiner. This appeal followed.

DECISION

The city argues that the district court erred by granting summary judgment in favor of the county. A district court must grant summary judgment if there exists no genuine issue of material fact and a party is entitled to judgment as a matter of law. Minn. R. Civ. P. 56.01. When summary judgment is granted based on application of the law to undisputed facts, as is the case here, the result is a legal conclusion reviewed de novo. *Lefto v. Hoggsbreath Enters., Inc.*, 581 N.W.2d 855, 856 (Minn. 1998). The district court granted summary judgment in favor of the county based on its interpretation of Minn. Stat. § 103D.311. A district court's interpretation of a statute is also reviewed de novo. *Christianson v. Henke*, 831 N.W.2d 532, 535 (Minn. 2013).

The first step in statutory interpretation is to determine whether the language of the statute is unambiguous. *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). If this court determines that the statute is unambiguous, the language of the statute must be enforced. *Christianson*, 831 N.W.2d at 537. In interpreting the statute, “words and phrases are construed according to rules of grammar and according to their common and approved usage.” Minn. Stat. § 645.08(1) (2020). Statutory language must be read to “ascertain and effectuate” the intent of the legislature. Minn. Stat. § 645.16 (2020). In enforcing the statutory language, this court construes the statute to “give effect to all its provisions.” *Id.*; see Minn. Stat. § 645.17(2) (2020) (stating that this court presumes that “the legislature intends the entire statute to be effective and certain”).

We must interpret section 103D.311, subdivision 3, which provides,

Nominees for city-initiated and metropolitan watershed districts. (a) If the establishment petition that initiated the watershed district originated from a majority of the cities within the watershed district, the county commissioners must appoint the managers from a list of persons nominated by one or more of the townships and municipalities located within the watershed district. If the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. The list must contain at least three nominees for each manager’s position to be filled. The list must be submitted to the county boards affected by the watershed district at least 60 days before the manager’s term of office expires. The county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees.

(b) If the list is not submitted 60 days before the managers’ terms of office expire, the county commissioners must appoint the managers from eligible persons residing in the watershed district.

(c) Managers of a watershed district entirely within the metropolitan area must be appointed to fairly represent the various hydrologic areas within the watershed district by residence of the manager appointed.

The parties each assert that the statute in question is unambiguous. The city argues that the only reasonable interpretation of section 103D.311, subdivision 3, is that when a city submits a complying list, the county must appoint a manager from that list. The county argues that the only reasonable interpretation grants cities nominating authority and the county discretion over the final appointment of managers.

The parties agree that the watershed district is wholly within the metropolitan area; thus, the first sentence of section 103D.311, subdivision 3(a), is not applicable. Of the remaining sentences, two are at issue: “[T]he county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district,” and “[t]he county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees.” Minn. Stat. § 103D.311, subd. 3(a).

The city claims that the county must appoint the manager from its list because it submitted the only conforming list. *See id.* (“[T]he county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district.”). The city asserts that the statute uses the word “shall,” therefore, the county does not have discretion to appoint anyone other than a nominee on the city’s list. *See* Minn. Stat. § 645.44, subd. 16 (2020) (“‘Shall’ is mandatory.”). The city claims that the last sentence only provides a mechanism for appointment when *no* city

provides a list. *See* Minn. Stat. § 103D.311, subd. 3(a) (“The county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees.”).

The county claims that the statute describes a process. First, cities may nominate a list of resident nominees. If a city does not nominate a resident, the county has discretion to nominate residents from the non-nominating city. Then the county compiles a list of all nominees, votes, and appoints one of the nominees from the compiled list. The county claims that the statute uses the phrase “a list,” which must be defined broadly to include all nominees submitted jointly or severally by various cities. *See id.* (“[T]he county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district.”).

We agree with the county’s interpretation of the statute and conclude that the district court did not err by granting summary judgment in favor of the county. The plain meaning of the statute extends discretion to the county in the appointment of a manager. The city has expressed concerns about this holding, claiming that it renders cities powerless in the process if the county has discretion to ignore the city’s list of nominees. But the county’s discretion is not limitless. If the City of Columbus had submitted a list of nominees that did not include Preiner, the county would not have had authority to reappoint Preiner.

Further, as noted by the district court, it would be unreasonable to require cities that wish to nominate a manager to be forced to compile a list of three nominees, especially if the city desires to nominate a particular individual. It appears that the City of Columbus was in that position when it simply expressed its support for Preiner’s reappointment. This

also shows that the city’s reading of the statute is unreasonable given its entire context. *See* Minn. Stat. § 645.16 (stating that we construe a statute to “give effect to all its provisions”). If the appointment may only come from a list submitted by a city, the provision of the statute that allows for a person to nominate themselves, for example, would be rendered meaningless. *See* Minn. Stat. § 103D.311, subd. 2(d) (stating that county must provide public notice before appointment notifying persons interested in serving as manager to submit their names to the county board for consideration).

Additionally, section 103D.311, subdivision 3(c), requires managers to be “appointed to fairly represent the various hydrologic areas within the watershed district by residence of the manager appointed.” If a county is confined to appoint a nominee from a list provided by a single city, without exercising discretion to nominate an individual from a non-nominating city, the county may not fulfill this fair-representation requirement. The record shows that one manager resides in each of the five hydrological areas. Preiner is the only manager residing in hydrological area three. The city is located within hydrological areas four and five, which both have representation on the board.

The statute requires the county to either appoint a manager from a list of nominees submitted by a city, or appoint a manager who is not on a list, but who resides in a city that failed to submit a list of nominees. This interpretation is consistent with the plain language of the statute, including the provision requiring geographically distributed representation on watershed district boards of managers.

Affirmed.