

Guidelines for implementation of M. L. 2008 appropriation language

“provide documentation to the Legislative-Citizen Commission on Minnesota Resources in order to ensure public accountability for the use of public funds of the selection process used to identify parcels acquired”

To fulfill this requirement for acquiring land in fee or conservation easement in whole or in part with ENTF funds provide the following in the work program updates and final report:

1. A document that shows the organizations selection process for prioritizing parcels for acquisition (for state agencies – provide a biennial acquisition plan if available)
2. The criteria used to prioritize parcels to acquire.
3. The current prioritized list of potential acquisitions. (The list may be updated during the life of the work program if and when circumstance merits a change.)
4. In work program update(s), and the final report provide details on why the specific parcel(s) were chosen to be acquired (or partially acquired) with ENTF funding.

“provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations.”

To fulfill this requirement to acquire land in fee or conservation easement either by purchase, gift or bargain sale, provide the information in the following manner:

1. Most of the transaction costs for acquiring land are “eligible costs” that can be reimbursed with ENTF funds. The normal back up documentation provided for reimbursed items is adequate and duplicate reporting is not needed. The costs are also reported in the work program updates and final report. See the eligible cost/ ineligible cost list on the LCCMR web site under “Project Manger Info”
<http://www.lccmr.leg.mn/manager/2008/2008EligibleandNoneligibleCosts.pdf>
“Transactions costs” that are not being directly reimbursed by the ENTF should be documented in a work program update including the sources of funding (these are reported in the work program section “Other Funds”). If the transaction costs are incurred by the landowner they should also be recorded as other funds.
2. In regard to “donations;”
 - Report in work program update(s) any donations that are directly related to an ENTF funded land acquisition and received by the ENTF recipient at the same time or near the same time as the transaction. This includes any donations that are a result of an ENTF recipient suggesting or requesting a donation to the ENTF recipient from the landowner/sellers related to facilitating the land acquisition.
 - Donations not related to a land acquisition transaction do not need to be reported; donations from the landowner/sellers that are likely in response to a solicitation that was also made to a wide group of potential donors do not need to be reported; donations that are unsolicited and not related to land transactions do not need to be reported.

“The recipient shall also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state certified or state reviewed appraisal.”

To fulfill this requirement provide:

1. A signed copy of the land owner bill of rights
2. A signed copy of the landowner’s acknowledgement of being made aware of the state certified appraised value of their property, when a non-state entity is acquiring the land where a state certified appraisal is not required, the land owner shall be made aware of and acknowledge the appraisal amount that is the basis for reimbursement from the state with ENTF funds.

3. The amount of the bargain sale should be reported in the work program as leveraging of other (non-state) funds. A bargain sale is defined as the difference between the appraised amount and the amount the seller agrees to accept for the sale of the property. Transaction costs are accounted for separately.

“The commission may waive the application of the requirement in paragraph (a), clause (6), for specific projects.”

A recipient that requests that the commission “waive the application of the requirement in paragraph (a), clause (6), for specific projects” is required to make the request in writing. The request must include an explanation for the reason for the request. Waiving this requirement may only be done through Commission action at a scheduled LCCMR meeting where the request is included as an agenda item in advance of the meeting, usually at least one week in advance of the meeting)