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MEMO

TO: Nine Mile Creek Watershed District Board of Managers
FROM: Randy Anhorn
DATE: August 30, 2018
RE: If or when to seek reimbursement for XP-SWMM Model Requests

Background

The District every so often receives project-specific requests from the public (e.g., our partner cities, permit applicants, or others) for use of our XP-SWMM hydrologic and hydraulic model (generally 1-4 requests a year). Because it is public information we are obligated to provide it to those that request it.

When we get these requests, it typically takes 1-2 hours to prepare and transfer the model, including communication with the consultant, clipping the model to the specific area(s) of interest, as well as preparing an authorized use license agreement. In some cases, however, it may take a little more time if the model is being clipped in a “tricky” area (i.e., an area where creek tailwater has greater impact), or if we need to clip the model to meet certain model user license limitations (e.g., some engineering firms only have smaller XP-SWMM licenses that are limited in what they can do), or if the model user needs any follow-up assistance/explanation.

In the past, the District has authorized use of its model (at no cost), for use by public entities such as the City of Minnetonka and the Metropolitan Council for use by them or their private consultant when working on public projects (e.g., SWLRT). The board, however, has not officially made a policy decision on the licensing of District data generally, or the XP-SWMM model for non-public entities or project.

While, we are obligated to provide data, including our analytical models to those that request it, we can also ask to be reimbursed for the time need to gather, transfer and provide follow-up communications (if needed). So, while the board has decided that the District should provide the model free of charge for support of public projects, we have not made a policy decision on if we should seek reimbursement for the time to fulfill such requests for non-public projects/purposes. Options range from:

- Providing the model free of charge to anyone that asks
- Provide the model free of charge for non-public projects/purposes if our time to fulfill the request is under a certain amount of time (e.g., two hours) and seek reimbursement for time spent over the set time limit
- Seek reimbursement for all time spent fulfilling model requests for non-public projects/purposes

Action

No action needed at this time. The presented is meant to promote discussion from which staff can start to develop a policy that can be memorialized at an upcoming meeting.

