

§2002. Formation

1. Initiation. The municipal officers of the municipality or municipalities, or portions of the municipality or municipalities, or the residents of unorganized territory who desire to form a watershed district shall file a statement of intent to organize on a form or forms to be prepared by the commissioner, setting forth the name or names of the municipality or municipalities, or portions of the municipality or municipalities or, in the case of residents of unorganized territory, the names of those residents that propose to be included in the district and they shall furnish such other data as the commissioner determines necessary and proper. The application must contain, but is not limited to, a description of the territory of the proposed district, the names of water districts that utilize water from surface or ground water supplies within the territory of the proposed district, the name proposed for the district, which must include the words "watershed district" or "management district."

[PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

2. Initiation by referendum. Residents of a municipality or municipalities, or portions thereof, that desire to form a watershed district may petition the municipal officers to file a statement of intent to form a watershed district with the commissioner. The petition must contain a description of the territory of the proposed district.

Upon receipt of a written petition signed by at least 10% of the number of voters voting for the gubernatorial candidates at the last statewide election in that proposed district, the municipal officers shall submit the question to the voters of the proposed district at the next general, primary or special election within the proposed district. The referendum question must read as follows:

"Shall the municipal officers representing the proposed watershed district, consisting of (describe the territory of the proposed district), initiate proceedings to form the proposed district?"

If the referendum question is approved by a majority of the legal voters voting at the election, provided that the total number of votes cast for and against the referendum question equals or exceeds 20% of the total number of votes cast in the proposed district in the last gubernatorial election, the municipal officers representing the residents of the proposed watershed district shall file a statement of intent to form the proposed district in accordance with subsection 1.

[PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

3. Public hearing.

[PL 1993, c. 721, Pt. E, §3 (RP); PL 1993, c. 721, Pt. H, §1 (AFF).]

4. Commissioner convenes joint meeting. Upon receiving a complete statement of intent to form a watershed district, the commissioner shall give notice to participating water districts, the municipal officers within the municipality or municipalities involved and, when unorganized territory is involved, to the persons signing the application described in subsection 1 and the commissioners of the county in which the unorganized territory is located of a date, time and place of a meeting of the municipal officers of the municipality or municipalities involved and, when unorganized territory is involved, a joint meeting of all the persons signing the application described in subsection 1 and the commissioners of the county in which the unorganized territory is located. The notice must be in writing and sent by registered or certified mail, return receipt requested, to the addresses shown on the application described in subsection 1 and, in the case of county commissioners, to the addresses of those commissioners obtained from the county clerk. A return receipt properly endorsed is evidence of the receipt of notice. The notice must be mailed at least 10 days prior to the date set for the meeting.

[PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

5. Denial of application.

[PL 1993, c. 721, Pt. E, §3 (RP); PL 1993, c. 721, Pt. H, §1 (AFF).]

6. Joint meeting. The persons to whom the notice described in subsection 4 is directed shall meet at the time and place appointed. When more than one municipality or unorganized territory is involved, the persons shall organize by electing a chair and a secretary. An action may not be taken at any such meeting unless, at the time the meeting is convened, there are present at least 1/2 of the total number of municipal officers eligible to attend and participate at the meeting and, when the proposed district includes or is composed solely of unorganized territory, at least 2/3 of the persons signing the application described in subsection 1 and at least 2 commissioners of the county in which the unorganized territory is located, other than to report to the commissioner that a quorum was not present and to request the commissioner to issue a new notice for another meeting. The purposes of the meeting are to develop a declaration of district responsibilities and to determine a fair and equitable number of trustees, subject to section 2004, to be elected by and represent each participating municipality or, in the case of unorganized territory, the residents of that territory within the bounds of the proposed district. The declaration of district responsibilities must list the powers and duties of the proposed watershed district. These powers and duties are limited to those authorized under section 2007. The declaration must also include a method of determining each municipality's proportional share, and where unorganized territory is involved, that unorganized territory's share, of the proposed district's annual budget. When a decision has been reached on a declaration of district responsibilities, the number of trustees and the number to represent each municipality or the residents of the unorganized territory within the bounds of the proposed district, subject to the limitations provided, this decision must be reduced to writing by the secretary and must be approved by a 2/3 vote of those present. When 2 or more municipalities are, or unorganized territory is, involved, the vote so reduced to writing and the record of the meeting must be signed by the chair and attested by the secretary and filed with the commissioner. When a single municipality is involved, a copy of the vote of the municipal officers duly attested by the clerk of the municipality must be filed with the commissioner.

[PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

6-A. Water district representation. The trustees of each participating water district shall annually appoint one water district official or staff person to serve as a trustee of the watershed district for a one-year term.

[PL 1989, c. 106, §3 (NEW).]

7. Submission. When the record of the municipality or the record of the joint meeting, when municipalities are, or unorganized territory is, involved, has been received by the commissioner and found by the commissioner to be in order, the commissioner shall order the question of the formation of the proposed watershed district and other related questions to be submitted to the legal voters residing within that portion of the municipality, municipalities or unorganized territory that falls within the proposed watershed district. The order must be directed to the municipal officers of the municipality or municipalities which propose to form the watershed district and, when the proposed watershed district includes or is composed solely of unorganized territory, to the commissioners of the county in which the unorganized territory is located, directing them to call town meetings, city elections or a meeting of the residents of the unorganized territory within the bounds of the proposed watershed district for the purpose of voting in favor of or in opposition to each of the following articles or questions, as they may apply, in substantially the following form:

A. To see if the town (or city) of (name of town or city) will vote to incorporate as a watershed district to be called (name) Watershed District; [PL 1987, c. 711 (NEW).]

B. To see if the residents of the following described section of the town (or city) of (name of town or city) will vote to incorporate as a watershed district to be called (name) Watershed District: (legal description of the bounds of section to be included); [PL 1987, c. 711 (NEW).]

C. To see if the residents of the (following described section of) (name of town or city) (unorganized territory) will vote to join with the residents of the (following described section of) (name of town or city) (unorganized territory) to incorporate as a watershed district to be called

(name) Watershed District: (legal description of the bounds of the proposed watershed district, except where the district is to be composed of entire municipalities); [PL 1987, c. 711 (NEW).]

D. To see if the inhabitants of the following described section of that unorganized territory known as Township (number), Range (number) will vote to incorporate as a watershed district to be called (name) Watershed District: (legal description of the bounds of the proposed watershed district); [PL 1987, c. 711 (NEW).]

E. To see if the residents of (the above described section of) (name of town or city) will vote to approve the total number of trustees and the allocation of representation among the municipalities (and included section of unorganized territory) on the board of trustees as determined by the municipal officers (and the persons representing the included area of unorganized territory) and listed as follows:

Total number of trustees is and the residents of (the above described section of) (town or city) are entitled to trustees (and the residents of the above described section of unorganized territory are entitled to trustees); [PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

F. To choose (number) trustees to represent the residents of (the above described section) of (town or city) (unorganized territory) on the board of trustees of the (name) Watershed District; and [PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

G. To see if the residents of (the above described section of) (name of town or city or included section of unorganized territory) will vote to adopt a declaration of district responsibilities that describes and restricts the powers of the (name) Watershed District. [PL 1993, c. 721, Pt. E, §3 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

[PL 1993, c. 721, Pt. E, §3 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

At any such town meeting, city election or election by the residents of the proposed watershed district, trustees must be chosen to represent the municipality or the unorganized territory within the proposed watershed district in the manner provided in section 2005. [PL 1993, c. 721, Pt. E, §3 (AMD); PL 1993, c. 721, Pt. H, §1 (AFF).]

SECTION HISTORY

PL 1987, c. 711 (NEW). PL 1989, c. 106, §§2,3 (AMD). PL 1989, c. 890, §§A40,B280- 283 (AMD). PL 1993, c. 721, §E3 (AMD). PL 1993, c. 721, §H1 (AFF).

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