

Minutes of Meeting
Hayden Lake Watershed Improvement District
May 10, 2013
1:00 p.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Hayden Lake Watershed Improvement District (HLWID) Chairman Steve Meyer, HLWID Board Members Mel Schmidt and Cecil Hathaway, and Deputy Clerk Nancy Jones.

A. Call to Order: Chairman Tondee called the meeting to order at 1:04 p.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: There were no changes made to the agenda.

D. New Business:

Steve Meyer and Cecil Hathaway came before the Board to explain the history, purpose, and goals of the newly formed Hayden Lake Watershed Improvement District (HLWID).

Mr. Hathaway explained that every body of water within Kootenai County is associated with a Property or Homeowner's Association, allowing concerned property owners to play a role with regard to the protection and preservation of our water resources. However, organized efforts by these organizations are limited, due to their reliance on the time and financial contributions from a small base of volunteers. Mr. Meyer informed the Board that *Idaho Code* §42-3700 allows for the formation of Watershed Improvement Districts, and that the HLWID was initially approved by voters in 1962, although it has been inactive since 1977. Under the jurisdiction of the Idaho State Soil and Water Conservation Commission, recognized Improvement Districts have access to the credit market for bond issuance, as well as authorization to levy taxes on lands within their boundaries. These mechanisms provide a financial base for erosion control and water quality improvement projects. Consisting of approximately 60,000 acres, divided into 4,000 land parcels, HLWID is the only active Watershed Improvement District in the State of Idaho at this time. Approximately 12,000 acres (3,840 parcels) of this land are held through private ownership, with the remaining acreage held by the Forest Service.

Board member Mel Schmidt joined the meeting at 1:08 p.m.

Mr. Meyer detailed the items that the Improvement District has already addressed, as well as issues they hope to undertake, including clean-up projects, erosion control ordinance compliance, derelict dock removal, and water quality improvement projects for Hayden Lake.

Currently, the HLWID Board is working to establish a budget, including researching potential grants that might be used as funding sources for their projects. Their next budget meeting will be held on June 12, 2013. In the near future, their Board will be consulting with legal counsel, to obtain an opinion on the Improvement District's ability to levy taxes in support of their stated goals. Chairman Tondee noted that, because no taxes have previously been assessed for this purpose, a public vote will likely be required to pursue that option. The Board of Commissioners discussed funding options that might be available to the Improvement District, and encouraged them to work closely with legal counsel to establish their rights, responsibilities, and limitations as they move forward in the growth and development of their organization.

Commissioner Green brought forward a question from County Assessor Mike McDowell as to the legality of the appointment of the HLWID Board. Mr. McDowell noted that *Idaho Code* §42-3708 appears to indicate that appointments and authorizations for this type of Improvement District must come from the Soil Conservation Service, not from the Governor. Mr. Meyer explained that the group had originally sought their appointments through the Soil Conservation Service, but were told that such appointments were beyond their purview, and that they should contact the Governor. Governor Otter's Office consulted with the Attorney General's Office, which ultimately resulted in Mr. Meyer and Mr. Schmidt receiving their appointment letters from the Governor.

The group discussed the unique characteristics that would be associated with an election if, in the future, the HLWID does pursue approval of a tax levy. Mr. Meyer acknowledged that Chief Deputy Clerk Pat Raffee and the staff of the Elections Office have already been supportive and responsive to the Improvement District's questions. The group agreed that many questions would need to be answered by legal counsel to clearly establish the voter qualifications prior to any election.

Mr. Meyer informed the Board that any financial assistance from the County would be appreciated. The Board acknowledged the importance of the projects that are being considered, but explained that County funds are generally restricted to mandated uses.

- E. **Staff Reports:** There were no staff reports.
- F. **Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 1:55 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Nancy A. Jones, Deputy Clerk