

WATERSHED INVESTMENT DISTRICT DRAFT LEGISLATION
SECTION-BY-SECTION SUMMARY
July 20, 2011

Sec. 101 Intent

States the legislature's rationale for allowing creation of watershed investment districts and allows creation of districts. Provides that investments in watershed health can be made most efficiently and effectively by having the governing body of the new special purpose district consists of elected officials from local governments within the boundaries of the district.

Sec. 201 Definitions

Provides that a watershed investment district may include all or a portion of a single WRIA, and all or portions of contiguous WRIsAs.

Sec. 301 Creation of a District

Describes the process for a county or counties to create a district. A district's boundaries must be generally contiguous with the boundaries of participating water resource inventory areas. Gives districts taxing authority. Cities containing a majority of the population within a WRIA may petition a county legislative authority requesting a hearing on the formation of a district and requires that county to consider the petition within the form of a proposed ordinance establishing a district within three months of receiving such a petition.

Sec. 302 Governance

Provides that a district will be governed by a board made up of elected officials of counties and cities that are wholly or partly within the district. Board members will include the elected county executive or, if the executive declines, one elected county legislative member appointed by the legislative body from each participating county and the mayor or, if the mayor declines, one elected legislative member appointed by the legislative body from each participating city. Districts with more than 15 participating local governments may choose through execution of an interlocal agreement to create a representational board equal to or less than 15 members. Specifies membership in such a case. Provides for rotating seats for non-permanent members of the board. Provides that each board may appoint an advisory committee of stakeholders or include stakeholders as non-voting members on the board itself.

Sec. 303 Watershed Activities, Programs and Projects

Authorizes a district to use funds for activities and programs to restore and conserve lands and waters and to reduce water pollution within its boundaries. Also allows a district to use funds for its operations and to enter into contracts with public and private entities to carry out activities and programs.

Sec. 304 Watershed Funding Plan

Requires a district to prepare a watershed funding plan within three years of the district's creation. Requires a district board to consider allocating up to 10 percent of the funding to activities and programs identified by individual participating cities and counties. Provides that this allocation be divided among participating cities and counties in proportion to revenues generated within their boundaries. Provides that a funding plan address how it will contribute to the objectives of related efforts aimed at watershed health in the WRIA or WRIs.

Sec. 305 Watershed Funding Proposition

Within seven years of a district's creation, requires the district to present a watershed funding proposition to voters within the district for approval. Requires each county participating in the district to submit a proposition to voters that describes proposed watershed activities, programs and projects and a description of the specific nature and amounts to be charged under a proposed funding mechanism.

Sec. 306 Revenue Sources

Authorizes a district board to fix or impose a fee, tax, surcharge or assessment as approved by a majority of voters within the district and lists a menu of options, including general property tax; utility fee; sales and use tax; real estate excise tax; per parcel assessment; and pollution discharge tax.

Sec. 307 Voter Approval of Watershed Funding Plan

Describes the process for proposing a watershed funding proposition to voters within a district. If voters fail to approve its first funding proposition, allows a district to submit another funding propositions to voters. If voters reject two consecutive funding propositions, the district will be dissolved by ordinance of the participating county or counties that formed it. Provides that the dissolution of a district will not preclude re-establishment of a district with the same boundaries in the future.

Sec. 308 Continued Funding

Describes the process for a district to seek continued funding for activities, programs and projects. A district may present a new funding proposition to voters. It must be based on an updated funding plan. If approved by voters, the funding proposition would be effective for seven to 10 years.

Sec 309 Start-Up Funding for a District

Authorizes the district and participating counties and cities to enter into interlocal agreements under which the counties and cities can provide start-up funding to the district for its administrative costs. Provides that the district must repay these funds. Authorizes districts to receive grants for start-up purposes from federal, state, tribal and private sources.

Sec. 310 Purposes and Powers of a District

Describes the purposes and powers of a district. Among these, a district may maintain an office; receive funds and in-kind services from federal, state, tribal and private sources; sue and be sued; engage consultants and advisers; contract for services with other governmental entities; hire employees; acquire and hold real or personal property; make grants; and enter into interlocal agreements.

Sec. 311 Defense and Indemnity

Provides for defense and indemnification of directors, employees and agents of a district.

Sec. 312 Treasurer

Allows the treasurer or comparable officer of a participating county or city to serve as the ex officio treasurer of a district.

Sec. 401-407 Authorization to Utilize Specific Types of Taxes, Fees or Assessments

These sections amend current state statutes or add language to authorize districts to propose specific assessments, taxes or fees to support implementation of the district's programs and activities as proposed to voters in a watershed funding plan.

Sec. 501 Application of Funding

Provides that—to the maximum extent possible—watershed activities, programs and projects that are funded in whole or in part by a district, must be carried out by an activity, program or project sponsor. Allows a district itself to carry out programs and activities if it finds that the district is specially qualified to do so. Otherwise, a district may designate a public or private entity to function as a activity, program or project sponsor, based on criteria developed by the district.

Sec. 502 Oversight and Evaluation

Provides that districts monitor and evaluate performance of project sponsors, and for allowing audits of contract requirements.

Sec. 503 Dissolution of a District

Describes the process for dissolving a district and distributing assets.

Sec. 601-607 Miscellaneous

Adds watershed investment districts to statutes on special purpose districts. Addresses: applicability of public laws to districts; legal challenges to the formation of a district; and severability.