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Statement to the Board of the Hayden Lake Sewer District January 13, 2021

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Few of the rate payers or other constituents of the Hayden Lake Recreational Sewer District were aware of the name change until 2018. The Hayden Lake Sewer Districts' pledge to supply sewer service to development on the Steele property suddenly made us painfully aware, especially since half the property proposed for development was exterior to the District's boundaries. More recent initiatives to annex and service areas outside the District's boundaries north of Lancaster Road alarmed the Association's Board and others residents of the watershed.

We will not go in depth concerning Idaho statute (Title 42 Chapter 32). However a recreational sewer district is thus defined *"said district shall be predominantly recreational in character. The district or area near the district shall meet one (1) or more of the following criteria: have unique scenic value; man-made or natural recreational facilities such as waterways, marinas, ski slopes, wilderness areas; provide open space; and be removed from large, densely populated urban areas"* (42-3202A). A recreational district is further described as: *"one in which less than a majority of the landowners or state lessees or federal permittees in the district sought to be created reside within the district and at least fifty percent (50%) of the land area of said district is in a natural state, or used for agricultural purposes."* The Association reads the statute to prescribe a recreational sewer district to be protective of the natural resource around which it is constitute, otherwise why would Idaho code call out this special district. Long time participant in the business of the Hayden Lake Recreational District like Todd Walker and others always held this perspective. We also note here the District takes in all private lands in the sections that touch the lakeshore and should not be confused with the service area, which a much smaller portion, less than 50% of the entire district.

When the Association sought clarification for the name change this summer, the District was initially unresponsive in the time line provide by Idaho Code. After an additional inquiry, the "Motion to Change Name and Legal Classification of the Sewer District Case number CV-1983-34668" and the appended "Verification of Motion" were provided. The motion to change simply changes the name and classification from recreational sewer district to sewer district, however the verification of motion authored and signed by the District's legal counsel states in item 3: *"I worked with the District's engineer, Welch Comer Engineers, in order to confirm that the District no longer meets the requirements of Idaho Code § 42-3202A. Specifically, it was determined that well over 50% of the land within the **District** is no longer in a natural state or used for agricultural purposes. Additionally, it was determined that the majority of landowners (by name/title) within the District also reside within the District."*

After receiving and studying these documents the Association filed a public records request (PRR) for the documentation supporting the item 3 claim in the "Verification of Motion." At a meeting of the District's Board in August, Association members were assured the information supporting the claim existed. The Association made no less than three PRRs under Idaho Statute for this documentation, before meaningful information was supplied. One e-mail reply stated no such documentation was in the District's files. Another reply was with a document completely unrelated to the records requested. Finally, after the third request that threatened legal action an electronic document was received in late October containing 66 pages of e-mails and District Board minutes.

The Association's Board has carefully inspected this package. We invite the District's Board to do the same if they have not. Study of these documents demonstrated that the name change was based on a figure of 62.5% residency in the LID area and not in the entire district. Further the record indicates no effort to assess the land use in the District was ever implemented, because of the residency figure. Assessment of the e-mails suggest the name change was driven by legal counsel and support staff and not the District's Board. Two reasons suggested by the materials were: 1) to make the election process more convenient for support staff, and 2) to disenfranchise non-resident Idaho voters who own property in the District.

The Association finds the "Motion of Verification" upon which the name change was based to be fatally flawed (based on 62.5% residency in the LID Area, not the District). Further, the Association is certainly not interested in disenfranchising property owners who are not full time resident, when those owners pay a fee on their property tax to the District. Finally, losing a focus on protection of the central natural resource jewel at the heart of the District is hardly worth making elections held every two years more convenient for the District's support staff.

The Association asks the District's Board correct the error by re-establishing our sewer district as a Recreational Sewer District effectively reverse the name change and classification which was based on flawed information. The Association steadfastly believes that the intent of recreational sewer districts is to protect the valuable natural resource, around which they are created. Should the District's Board after inspection of the record and agreement with our assessment fail to change the name the Association and other interested parties hold open the option of pursuing other remedies.