

MEMORANDUM

TO: L. Glen Saxton, Norman C. Young

FROM: Phillip J. Rassier, Deputy Attorney General *PJR*

RE: Water District Meeting - Bancroft-Lund Area

DATE: July 21, 1995

You have requested my review of the provisions of I.C. § 42-605 (Supp. 1995) relating to the authority of the Director to call a special meeting of the newly-created Water District No. 13R for the Bancroft-Lund Area.

As your memorandum correctly points out, the regular dates provided in the statute for conducting an annual water district meeting are from the second Monday in January to the third Monday in March. I.C. § 42-605(11) does, however, authorize the Director to call a special meeting of the water users upon his own motion if the director determines a meeting is necessary to address matters that cannot be delayed until the next regular annual meeting. An initial meeting to provide for the organization and operation of a newly-formed district certainly would appear to satisfy the statutory standard for calling a special meeting.

I.C. § 42-605(11) further provides that the required notice of the time, place and purpose of the special meeting shall be given by the Director in the manner provided in subsection (2) of the statute. The applicable manner of notice for a special meeting under I.C. § 42-605(2) is by regular mail to the affected water users. Because the notice is for a special meeting the provision in subsection (2) requiring that notice of the district's annual meeting be given between January first and February first of each year is not applicable. Nor is it necessary or appropriate to first have a resolution of the water users changing the date of the annual meeting before the Director is authorized to call a special meeting to provide for the organization and operation of the district.

The notice should identify those matters deemed necessary to be addressed at the special meeting. The matters addressed may include matters identified in the statutes as being addressed at the annual meeting of the district. If feasible, notice should be sent at least thirty (30) days prior to the meeting because that is the time provided for notice of the annual meeting under I.C. § 42-605(2). However, if a delay of thirty days in organizing the district is considered unreasonable, a shorter notice for a special meeting is not precluded by the statute.

Please let me know if further assistance is required.