Overview

This bill provides for the establishment of the Banning Junction Area Water and Sanitary Sewer District, which would include the town of Finlayson, Banning state park, and the city of Finlayson in Pine county.

1 Definitions. Defines the following terms: Banning Junction area water and sanitary sewer district; water and sanitary sewer board; person; local governmental unit; acquisition and betterment; agency (MPCA); sewage; pollution of water and sewer system; treatment works and disposal system; interceptor; district disposal system; municipality (town or home rule charter or statutory city); total costs of acquisition and betterment; current costs of acquisition, betterment, and debt service; and resident.

2 Water and sanitary sewer board.

Subd. 1. Establishment. Establishes the board for the Banning Junction area water and sanitary sewer district. Includes the town of Finlayson, Banning state park, and the city of Finlayson in Pine county in the district. Establishes the board for the district as a public corporation and political subdivision.

Subd. 2. Members and selection. Provides for a five-member board, including three appointed by the township, one appointed by the city, and one appointed by the department of natural resources. Provides for staggered terms of three years.

Subd. 3. Time limits for selection. Requires the initial board to be selected within 60 days. Requires successors to be selected within 60 days of a term's expiration. Requires vacancies to be filled within 60 days.

Subd. 4. Vacancies. Provides for vacancies to be filled in the same manner as the original appointment. Deems an office vacant under the conditions specified in section 351.02.

Subd. 5. Removal. Allows a board member to be removed by unanimous vote of the appointing authority, with or without cause, or for malfeasance or nonfeasance.


Subd. 6. Certificates of selection; oath of office. Provides for certificates of selection and requires members to qualify by taking the oath of office.

Subd. 7. Board members’ compensation. Provides for $35 per diem for members (but not to exceed $1,000/year) and $45 per diem for the chair (but not to exceed $1,500/year). Provides for expense reimbursement.

3 General provisions for organization and operation of board.

Subd. 1. Organization; officers; meetings; seal. Specifies how meetings may be called, what constitutes a quorum. Provides for selection of officers, regular meetings, special meetings, vote required to act. Requires meetings to be open to the public.

Subd. 2. Chair. Provides for the members to select a chair from among themselves. Specifies the term and duties of the chair.

Subd. 3. Secretary and treasurer. Provides for the secretary and treasurer of the board, specifies the duties.

Subd. 4. Executive director. Permits the board to appoint an executive director to implement the decisions of the board, hire and remove all subordinate employees of the district, prepare and present the budget, plans, studies and reports, and to recommend rules and regulations for operation of the system.

Subd. 5. Public employees. Provides that the executive director and other district employees are public employees.

Subd. 6. Procedures. Requires the board to adopt resolutions or bylaws governing board actions, personnel administration, finances, etc.

Subd. 7. Surety bonds and insurance. Permits the board to obtain surety bonds for its officers and employees, and to procure property and liability insurance.

4 General powers of the board. Provides the board with all powers necessary or convenient to discharge its duties, including but not limited to those listed in this section relating to: lawsuits; contracts; accepting gifts, grants or loans; entering into joint powers agreements; study and investigation; employees; acquiring and disposing property; use of rights of way; and agreements with other local governments, the state or federal government.

5 Comprehensive plan. Requires the board to adopt a comprehensive plan for the collection, treatment, and disposal of sewage in the district. Specifies the contents of the plan. Requires a public hearing on the proposed plan prior to adoption of the plan. Prohibits local governments from constructing new sewers or disposal facilities unless they find the projects are in accordance with the adopted district plan.

6 Powers to issue obligations and impose special assessments. Permits the board to issue obligations and impose special assessments against benefitted property in the district.

7 System expansion; application to cities. Permits the board to establish sewer and water systems in an area in the district that is organized as a city if requested by the city or ordered by the pollution control agency.

8 Sewage collection and disposal; powers. Permits the discharge of treated water into the waters of the state. Permits the board to require persons in the district to connect to and discharge into the system. Permits the board to regulate connections to and discharges into the system. Requires charges to comply with applicable state and federal law.

9 Budget. Requires the board to prepare and adopt an annual budget and specifies the contents of the budget.

10 Allocation of costs. Defines current costs to include the costs of administration, operation, maintenance, debt service, and costs of acquisition and betterment of the system to be paid
during the year. Provides for current costs to be allocated equitably and by resolution of the board.

11 **Tax levies.** To accomplish duties imposed on it, gives the board the powers of a municipality with regard to eminent domain, the powers of a statutory city, special assessments for local improvements, public indebtedness, taxation for a disposal system, municipal waterworks, sewers, drains, and stormsewers, and joint powers. Permits the board to levy taxes in the district for payment of current costs under section 10, free from any limit.

12 **Public hearing and special assessments.** Requires a public hearing on proposed projects that may incur costs that will be allocated. Requires notice to benefitted properties of assessments proposed. Requires a report on the feasibility of the proposed project before calling for a hearing on it. Permits the board to take action in an emergency. Permits the board to specially assess part or all of a proposed project.

13 **Bonds, certificates, and other obligations.** Permits the board to issue short-term debt, not to exceed 50 percent of the total amount of tax collections and other revenues expected for the year. Permits the board to issue debt to meet an emergency. Permits the board to issue general obligation debt and exempts it from election.

14 **Depositories.** Requires the board to designate one or more banks or trusts as the official depository of money for the board.

15 **Money, accounts, and investments.** Directs how money must be handled and accounted for. Requires an independent audit of the district's books and records.

16 **Service contracts with governmental entities outside the jurisdiction of the board.** Permits the board to furnish services to other governmental entities under contract.

17 **Contracts for construction, materials, supplies, and equipment.** Requires acquisition and betterment projects to be approved by the MPCA if required. Provides for contracts to be awarded as provided in the Uniform Municipal Contracting law.

18 **Property exempt from taxation.** Exempts the district's property from state or local taxes, but requires the district to pay special assessments.

19 **Relation to existing laws.** Provides for the act to be given full effect notwithstanding any other law, but preserves the powers of the pollution control agency.

20 **Effective date.** Effective upon local approval by the town and city of Finlayson.