

**Gardiner Water District Charter Governance Review Committee  
Notes from March 21, 2005 meeting with Jim Cohen, attorney for the  
Gardiner Water District**

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Members in Attendance: Carla Noyes, Gloria and Daryl Fitzhebert, Eugene Proulx,  
David Vachon

Guests: Paul Gray and Jim Cohen

Next meeting: April 11<sup>th</sup>, 2005 Randolph Town Hall

The attorney for the Water District, Jim Cohen of Verrill and Dana joined the meeting to answer questions on the process for changing the charter and other related topics.

Questions asked and answers provided by Jim Cohen—

- What is the process to adopt, authorize and implement the changes to the Charter?  
**Our committee (or any one) can find a legislator to sponsor proposed legislation and have them submit the proposed legislation for consideration to the Legislature's Utilities and Energy Committee. The Utilities and Energy Committee can then decide to consider the legislation or not.**

**The committee typically looks for agreement among the effected towns before they will discuss or move the legislation forward. Jim also wanted us to know that the committee can make any modifications that it wants during the process.**

- What is the timing of that process?  
**Proposed legislation can be submitted at any time, although the formal "cloture" deadline passed.**

**Once the Utilities and Energy Committee approves the legislation, the proposal goes back to voters for approval. Each town/municipality included in the proposed legislation will need to approve the legislation before it is enacted. The timing on town/approval is dependent upon schedules for local elections (Special elections could be held, but are not required.)**

- What is required from this committee to start that process?

**Legislation would have to be drafted, Jim Cohen, the attorney for the Water District said that he could help with drafting. It was suggested that the previously submitted proposed legislation might be a good starting point to use to draft new legislation.**

- How is the debt of the Water District shared if the representation is shared? By representation? by customer count? By usage?

**Jim did not have a definitive answer on this. Follow-up with the Public Utilities Commission confirmed that any debt or obligations would be apportioned according to the Water District customer base.**

- Does Pittston have to have a representative if the other towns have representatives?

**No, there is no obligation for any town to have a representative (other than the present obligation by the City of Gardiner)**

- Does the current statute imply that representatives would be elected at-large rather than from each town served?

**There is no guidance on this issue. There are no statutes that govern the Gardiner Water District Charter governance structure, the Water District is governed by its charter. So, we are able to make whatever changes are agreeable.**

- Do we have to become a Standard District, if we add representation from other user towns? Does it matter?

**The Gardiner Water District is considered a “water district” in the statutes that govern water districts and standard districts. We do not have to follow the guidelines or requirements for “standard districts”; those requirements were established for new water districts. Therefore, the Gardiner Water District only needs to follow what is in its charter.**

- Other questions?

**Jim explained that we could propose what we thought would make sense for the communities involved. He explained that there were no specific requirements, but encouraged us to make the proposal appealing to the communities and the legislature. He also described several different models of governance for water districts serving more than one municipality.**

I researched some Maine Water District websites to learn what other districts have done.

## Examples of allocation of representatives in multi-municipal Water Districts

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1. **Portland**—allocates trustees proportional to customer base. The trustees are elected. Some of the towns share trustees to maintain an even allocation of water customer representation across towns with a very small share of customers. For example- 4 towns elect 2 people to represent them collectively.
2. **Bangor**--A seven-member Board of Trustees sets policy and approves operations for the utility. Board members are appointed by the Bangor City Council, and serve three-year terms; they serve without compensation.
3. **Hallowell**—serves Hallowell and Chelsea (others?) the Mayor of Hallowell appoints a 5 member board of trustees
4. **Augusta**—appoints a 3 member board of trustees. District includes Chelsea, Manchester, Winthrop, Hallowell, Vassalboro
5. **Orono-Veazie Water District**—has 3 trustees
6. **Kennebec Water District**—Waterville has 4 trustees, Benton has 1, (can't tell if Winslow or Fairfield have any trustees)

Many other towns have water departments, water companies, and some are standard districts.