

THE WID LAW ON TWO PAGES IN ENGLISH:

AN ANNOTATED DESCRIPTION OF ITS CONTENTS

During the last five years, the residents of Timberlake have heard a lot about Article 3, Chapter 6 of Title 10.1 of the Soil Conservation Law, better known as the WID LAW. To say the least, people have had a hard time understanding this law or why so many of their neighbors have spent so much of their time, energy and money trying to create a WID around Timberlake.

What we are trying to achieve, and what we believe the WID law intends, is the creation of a small, localized system of self government and self-financing directed toward very narrow goals that can be applied in those instances where the necessary operational and fund raising mechanisms are not present. The WID law, written many years ago, was designed to allow maximum flexibility in both size and operational structure so as to be practical in and applicable to many different situations concerning the size of the lakes and watersheds involved and the people living around them. For that reason, it is not very long and does not specify numerous details of how each WID should be structured and run. For example, the law provides for three trustees to oversee the operation of the WID who are appointed by the directors of the local Soil and Water Conservation District, in our case, the Robert E. Lee Soil and Water Conservation District. This has caused concern that those living in the WID will have no direct control over the affairs of the WID since the law makes no provision for voting for these Trustees or on taxes on the residents to fund the WID's operation.

Nothing could be farther from the truth. In that belief, the Timberlake WID Committee has enclosed a complete copy of the WID Law accompanied by this introduction. Please read both carefully.

Section:	Contents:
614	Enabling Section - States that a WID may be created to do only four things: Check erosion, provide drainage, collect sediment, stabilize the runoff of surface water.
615	Describes how to file a petition.
616	Initial process: practicability & feasibility hearing, determination of need, definition of boundaries.
617	Referendum to determine feasibility. Specifies 3 votes: landowners, acreage (and registered voters).
618	Describes the ballot to be used in the referendum.
619	Specifies required results of referendum: $\frac{2}{3}$ of votes cast by eligible landowners and $\frac{2}{3}$ of the acreage in the proposed WID. Section 634 added a majority vote of qualified registered voters to the mix.
620	If all three requirements of the referendum are met, and the Robert E. Lee Directors determine that a WID is practicable and feasible, they declare the WID to be created and notify the Campbell County Circuit Court of this fact, which submits the whole process to judicial review.
621	If the proposed WID exists in more than one soil & water conservation district (ours does not), all of the above actions must be enacted in all of the soil & water conservation districts at the same time with the directors of all the districts acting as one board of directors.
622	Additional territory may be added to a WID after it is formed by a process similar to that listed above.
623	Specifies that the Robert E. Lee Directors are the governors of the WID and that they may, if they choose, appoint three trustees to run the WID under their supervision.

- 624 With the approval of the Robert E. Lee Directors, and after the landowners in the WID have voted to tax themselves to provide the money, the Trustees may hire employees or agents to perform the work necessary to operate the WID.
- 625 Describes the power to tax: No tax can be levied or imposed unless $\frac{2}{3}$ of all landowners and $\frac{2}{3}$ of the acreage in the WID votes in favor of the tax. This is different and more stringent than the “votes cast” requirement to create a WID (section 619). Section 634 will add the requirement that a vote on taxes must also include a majority vote of all registered voters in favor of the tax, which makes it much harder to tax a WID than it is to create one.
- 626 Describes the process of determining a budget, if any, and establishing a tax rate, if any. This section also provides a procedure whereby any landowner may appeal any tax rate to the trustees and then to the Campbell County Circuit Court if the landowner is still unsatisfied. This adds the first provision for judicial review.
- 627 Provides that if any taxes are ever collected, they will be collected by Campbell County along with other county taxes and kept in a separate account by the Campbell County Treasurer. The money can only be spent after the Trustees have received permission from the Robert E. Lee Directors.
- 628 Before a WID can legally incur debt, borrow money or issue bonds, the Robert E. Lee Directors must vote by a majority to request the Campbell County Circuit Court to order a referendum in which $\frac{2}{3}$ of the residents (landowners *and* registered voters) of the WID have to vote to allow the Robert E. Lee Directors to incur a debt that can only be used for one of the four activities a WID may legally engage in: check erosion, provide drainage, collect sediment (dredge) and stabilize the runoff of surface water.
- This section subjects the entire process to a second judicial review, which guarantees due process, representation and self determination. No judge is going to order a referendum unless there is a very good reason and no judge can make us vote for it if we don't want to.
- 629 If $\frac{2}{3}$ of the landowners and $\frac{2}{3}$ of the acreage and a majority of the registered voters vote in favor of incurring the debt, the Campbell County Circuit Court must then issue another court order authorizing the Robert E. Lee Directors -- not the WID trustees -- to incur debt, borrow money or issue bonds. The Trustees propose, but the Directors, the Court and the People dispose. This adds a third provision for judicial review.
- 630 Specifies that the type of debt to be incurred will be decided by the Robert E. Lee Directors -- not the WID Trustees.
- 631 States that the Robert E. Lee Directors must impose a tax if it is necessary to pay either principal and/or interest on the debts when these are due.
- 632 Repeats the statement from section 625 that powers granted to a WID are additional to those of the Robert E. Lee District, but adds the specific directive that the Robert E. Lee District may continue to exercise its powers in the WID. In other words, a WID does not diminish their powers, it just gives us a few of our own, the most important of which is the right to vote on whether or not we get taxed.
- 633 Repeats the statement from section 625 that a WID has the power to incur debts and repay them, but adds a requirement that a WID may never pay more than eight percent (8%) interest on any debt. This section also permits a WID to accept gifts and grants.
- 634 Added in 1973, this section adds an additional requirement that all referendums mentioned in the WID law must include a vote by all qualified registered voters and that these votes must pass by a majority.
- 635 This section grants a WID the power of eminent domain and states that it may only be used in accordance with and subject to the laws of Virginia concerning the use of eminent domain, which requires extreme circumstances, makes it really hard to do and requires judicial review of the process.