

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE DISSOLVING DRAINAGE)
IMPROVEMENT DISTRICTS Nos. 4, 13, 24,) ORDINANCE 4-2015
29, 38, 39, 40, 41 and 48)

TITLE

An ordinance dissolving Drainage Improvement Districts (DIDs) Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48.

PREAMBLE

WHEREAS, Drainage Improvement Districts (DIDs) Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48 are designated Special Purpose Districts under RCW 36.96 and were created in the early 20th Century pursuant to the provisions of RCW 85.08 and RCW 85.38 for the specific purpose of addressing excess irrigation surface runoff and the lowering of the water table; and,

WHEREAS, the conversion of the irrigation systems throughout Yakima County from open ditch to pressurized pipe system in the 1980's and 1990's, and the urbanization and city annexation of former agricultural lands into areas served by city managed stormwater utilities and programs eliminated the purpose of the districts; and,

WHEREAS, the service area of each of the nine DIDs that are the subject of this Findings and Ordinance have been annexed into the city limits of either the City of Yakima or the City of Union Gap, or both; and in the case of DID No. 41 a portion has been annexed by the City of Yakima while a portion remains in the county's jurisdiction; and,

WHEREAS, the City of Yakima has established a stormwater utility that assess fees for drainage services and does not contribute to the maintenance or operations of any of these nine DIDs; and,

WHEREAS, the Washington State Legislature requires at RCW 36.96.040 that on or before June 1st of every year, each county auditor shall search available records and notify the county legislative authority if any special purpose districts located wholly or partially within the county appear to be inactive; and

WHEREAS, on May 22, 2015 the Yakima County Auditor, following review of county records for each of the nine Drainage Improvement Districts (DIDs Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48) declared that a careful review of the county records indicated that none of these nine DIDs had held independent elections in the past 7 years; and,

WHEREAS, the Yakima County Engineer has managed the infrastructure and administration of the nine DID's facilities in a caretaker function for more than the statutory 5 year period of inactivity because none of the nine DIDs has carried out any of the special purposes or functions for which each DID was formed to carry out within the preceding consecutive five-year period; and,

WHEREAS, following receipt of the Auditor's Declaration that Board of County Commissioners for Yakima County directed, as required by RCW 36.96.030, that notice of a public hearing to consider finding the nine DIDs to be inactive and subject to dissolution be published in the county's newspaper at least each week for three consecutive weeks on July 2, 9 and July 16, 2015; and was posted prominently in three locations in each of the nine DIDs; and,

WHEREAS, the SEPA Responsible Official has reviewed the proposed action and determined that this legislative action dissolving the nine inactive Drainage Improvement Districts subject of this ordinance to be Categorically Exempt as a procedural activity under WAC 197-11-800(19) (a) through WAC 197-11-800(19) (c); and said Responsible Official issued a written Finding of Categorical Exemption (SEPA) on July 9, 2015; and,

WHEREAS, a public hearing was held on July 21, 2015 to receive public testimony for or against a finding that the nine DIDs are Inactive Special Purpose Districts subject to dissolution, and any and all comments have been reviewed and considered; now, therefore,

In compliance with RCW 36.96.040, the Board of Yakima County Commissioners hereby makes the following;

FINDINGS

The Board of Yakima County Commissioners finds:

1. That the dissolution of Drainage Improvement Districts Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48 is in the public interest and necessary to prevent disparate impacts between county taxpayers and the citizens living in the cities of Yakima and Union Gap who may be subject to double assessments as both DID users as well as residents within the jurisdiction of the city's stormwater utilities and programs.
2. That continuing county management of DID operations for districts that are no longer in the county is contrary to the express intent of the legislature and neither serves the interest of the county's taxpayers nor is it a responsible use of the county's resources.

Wherefore, having made the foregoing Findings, it is hereby ordained by the Board of Yakima County Commissioners, State of Washington, as follows:

ORDINANCE

1. Drainage Improvement Districts Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48 are hereby dissolved and shall cease to exist; and the authority and obligation to carry out the purposes for which each DID was created shall cease thirty-one days after adoption of this dissolution ordinance.
2. For the sole and exclusive purpose of winding up the affairs of Drainage Improvement Districts Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48, the Board of Commissioners, acting as a

board of trustees, shall have the same powers and duties that the governing authority of these nine dissolved special purpose district had prior to becoming inactive, which includes the following:

- a. The authority to exchange, sell, or otherwise dispose of all the property, real and personal, of Drainage Improvement Districts Nos. 4, 13, 24, 29, 38, 39, 40, 41 and 48;
- b. The power to settle all obligations of each of these special purpose in a manner that the Board of Yakima County Commissioners deems best serves the interests of Yakima County citizens.
- c. Such powers and duties shall commence upon the effective date of dissolution and shall continue thereafter until such time as the affairs of the dissolved special purpose district have been completely wound up.

The Clerk of the Board is directed to transmit a copy of this Ordinance to the county Auditor and Treasurer.

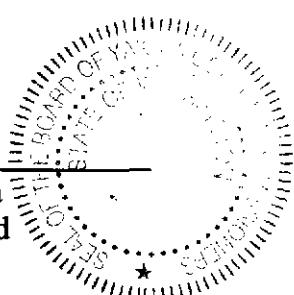
DONE this 18th day of August, 2015



J. Rand Elliott, Chairman



Michael D. Leita, Commissioner


Attest: Linda Kay O'Hara
Deputy Clerk of the Board

EXCUSED

Kevin J. Bouchey, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*