

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:
Don Anderson

Department: Corporate Counsel

Requested Agenda Date: 06/06/2023

Presenting: Stefanie Weigand

Document Title:

Board of County Commissioners Record Assigned

146-2023

APPROVED FOR AGENDA:

 Consent Regular
Board of County Commissioners Determined

**IN THE MATTER OF SETTING A PUBLIC HEARING DATE TO CONSIDER
ORDINANCE NO. XX-XXXX DISSOLVING THE COWICHE SEWER DISTRICT**

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:
\$0

Background Information:
Per RCW 36.96.030, on March 21, 2023 a public hearing was held to consider the dissolution of the Cowiche Sewer District and to allow for public comment. Another public hearing now must be held to adopt the ordinance that actually dissolves the District.

Summary & Recommendation:
Pass the resolution. Pursuant to state law, public hearing must be held to adopt any ordinance.

Motion:
Move to pass the resolution

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial

Signature

Late Agenda Requests Require BOCC Chairman Signature:

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

**IN THE MATTER OF SETTING A
PUBLIC HEARING DATE TO CONSIDER
ORDINANCE NO. 2-2023 DISSOLVING
THE COWICHE SEWER DISTRICT**

146-2023

WHEREAS, the Board of County Commissioners finds it is in the best interest of the citizens of Yakima County to hold a public hearing to consider adopting Ordinance 2-2023 dissolving the Cowiche Sewer District,

BE IT RESOLVED, by the Board of Yakima County Commissioners that a public hearing be held on **June 27, 2023 at 10:00 a.m.**, or as soon thereafter as possible thereafter, for the purpose of considering proposed Ordinance 2-2023.

BE IT FURTHER RESOLVED that this hearing will be conducted in person at the Yakima County Board of Commissioners hearing room in the basement at 128 North Second Street, Yakima, WA 98901; and

BE IT FURTHER RESOLVED that this hearing will simultaneously be conducted virtually via the ZOOM platform to give the public the simplest and most efficient way of attending and providing public comment; and

BE IT FURTHER RESOLVED that notice of such hearing will be given by publication at least three (3) times in the *Yakima Herald Republic* prior to the hearing date; and

BE IT FURTHER RESOLVED that the Clerk of the Board shall post and publish notice of said hearing as prescribed by law.

DONE JUN 06 2023

Attest:

Julie Lawrence, Clerk of the Board or
Erin Franklin, Deputy Clerk of the Board

LaDon Linde, Chair

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

YAKIMA COUNTY NOTICE OF HEARING

IN THE MATTER OF CONSIDERING AN ORDINANCE DISSOLVING THE COWICHE SEWER DISTRICT

NOTICE IS HEREBY GIVEN that pursuant to Resolution 146-2023, the Board of Yakima County Commissioners has called a public hearing for the purpose of considering an ordinance dissolving the Cowiche Sewer District. The public hearing will be held on Tuesday, June 27, 2023 at 10:00 AM, or as soon thereafter as possible, in the Yakima County Courthouse, BOCC Basement Conference Room, Room 33B, 128 North 2nd Street, Yakima, Washington, 98901, to give an opportunity for interested persons to appear and express their views concerning the proposed ordinance dissolving the Cowiche Sewer District.

The public hearing will be conducted in-person and virtually using the Zoom conferencing platform. The location of the in-person public hearing is the Yakima County Courthouse, BOCC Basement Conference Room, Room 33B, 128 N. 2nd Street, Yakima, WA. Persons interested in attending the hearing virtually can join the meeting via the Zoom link and/or telephone number below:

Meeting Link:

<https://zoom.us/j/9408450?pwd=OJVNdGVFcmlaTW9ORzREUUt1WWt2Zz09>

Meeting ID: 940 8450 1212

Passcode: 874864

Or dial by phone

Meeting Phone number: 1-206-337-9723

(ID & Passcode Above)

The Yakima County Courthouse Basement, Room 33B, Conference Room 2 is handicap accessible. Arrangements to reasonably accommodate the needs of special classes of citizens, including handicap accessibility or interpreter, will be made upon receiving advance notice. *This public hearing is accessible to persons with disabilities. To submit comments, request the documents in an alternate format, or arrange accommodations with at least one-week notice, please contact Julie Lawrence, Clerk of the Board, at (509) 574-1500 or the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.*

Yakima County ADA Coordinator

128 N 2nd Street, Room B27

Yakima, WA 98901

(509) 574-2210

7-1-1 or 1-800-833-6384 (Washington Relay Services, for deaf and hard of hearing)

Done this 6th day of June 2023.

ATTEST: Julie Lawrence, Clerk of the Board

PUBLISH: Yakima Herald Republic: June 9, 2023 & June 16, 2023

Bill to: **Yakima County Commissioners**
 128 North 2nd Street
 Yakima, WA 98901

BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF DISSOLVING
THE COWICHE SEWER DISTRICT

ORDINANCE NO. 2-2023

WHEREAS, the Cowiche Sewer District is a self-governing special purpose district that was formed by County legislative action in the late 1950s to provide a sewer system to customers in the Cowiche area in Yakima County; and

WHEREAS, the Cowiche Sewer District operated without an active Board and District Administrator from May and June 2022, respectively; and

WHEREAS, on or about December 29, 2022, the Washington State Auditor reported that the Cowiche Sewer District's financial records were not available to complete an audit as required by law, and therefore declared the District "unauditable;" and

WHEREAS, by being declared unauditale, the Cowiche Sewer District meets the definition of "inactive" as defined in RCW 36.96.010(3)(c); and,

WHEREAS, RCW 36.96.040 requires 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, based on the Washington State Auditor's report, the Yakima County Auditor notified the Board of Yakima County Commissioners that the Cowiche Sewer District appeared to be inactive; and

WHEREAS, having been so notified by the County Auditor, RCW 36.96.030 provides that "at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in RCW 36.96.030 through RCW 36.96.080; and

WHEREAS, pursuant to RCW 36.96.030, on March 21, 2023 a public hearing was held to consider the dissolution of the Cowiche Sewer District and to allow for public comment;

NOW THEREFORE the Board of County Commissioners of Yakima County, Washington, finds that:

- 1) The Cowiche Sewer District is inactive and may be dissolved by ordinance in conformity with RCW 36.96.040;

- 2) The operation of the Cowiche Sewer District provides a vital service to the people of the City of Tieton and surrounding areas, and the City has publicly expressed its desire perform the functions of the district. Accordingly, it is in the public interest that the Cowiche Sewer District be dissolved, in order that the Yakima County Board of Commissioners, pursuant to RCW 36.96.060, may facilitate the transfer of the district's assets and liabilities to the City of Tieton.

WHEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS AS FOLLOWS:

The Cowiche Sewer District is hereby dissolved and shall cease to exist, and the authority and obligation to carry out the purposes for which it was created shall cease thirty-one days after the adoption of this ordinance.

DONE

Attest:

LaDon Linde, Chair

Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*