

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 7-2019

IN THE MATTER OF DISSOLUTION OF YAKIMA COUNTY DIKING IMPROVEMENT DISTRICTS NO. 4 AND NO. 5

WHEREAS, Both Yakima County Diking Improvement Districts Number 4 and Number 5 (DID No. 4 and DID No. 5) were established as self-governing special purpose districts by Yakima County legislative action on July 1, 1918 and June 20, 1920 in accordance with Title 85, Chapter 08 of the Revised Code of Washington; and,

WHEREAS, DID No. 5 has been certified as inactive by the Yakima County Auditor; and DID No. 4 has been administered by Yakima County through its Public Services Department since 1994; and,

WHEREAS, the flood control facilities constructed by the District for flood control purposes have been supplanted and rendered inconsequential by Interstate 82, which was constructed and is maintained by the Washington State Department of Transportation; and

WHEREAS, both District's flood control facilities have also been rendered ineffective because of natural river movement or action to remove or breach the District's dikes and levees by the Yakima County Flood Control Zone District; action taken by the FCZD to improve the floodplain function and reduce the risk of damage to Interstate 82 resulting from breaches to the DID's unmaintained and unmanaged flood control facilities; and

WHEREAS, 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 36.96.080"; and,

WHEREAS, RCW 85.08.895 also authorizes Diking Improvement Districts to be dissolved under the alternative dissolution process found at RCW 85.38.225 (3), which provides that "a drainage district or drainage improvement district located within the boundaries of a county storm drainage and surface water management utility, and which is not currently imposing assessments, may be dissolved by ordinance of the county legislative authority.>"; and,

WHEREAS, the Yakima County Stormwater Utility has determined that DID No. 4 no longer operates any facilities or has any functional purpose, and therefore recommends dissolution of said district; and,

WHEREAS, on July 16, 2019 a public hearing was held to consider the dissolution of both Districts and to allow for public comment, and no comments were received;

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

- 1) Diking Improvement District Number 5 is inactive and may be dissolved by ordinance in conformance with RCW 36.96.040;
- 2) Diking Improvement District Number 4 is inactive as a district and it has been under the operation of Yakima County Public Services and has no functional purpose or facilities for flood control prevention, thus, it may be dissolved under RCW 85.38.
- 3) It is in the public interest to dissolve both Districts since neither are serving their original flood control/levee construction and maintenance function

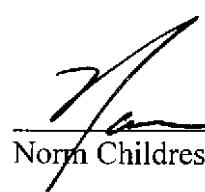
BE IT ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS AS FOLLOWS:

Diking Improvement Districts Number 4 and 5 are hereby dissolved.

DONE this 17th day of September 2019



Michael D. Leita, Chairman



Norm Childress, Commissioner



Ron Anderson, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*



Attest: Melissa Paul, Clerk of the Board





Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

LISA H. FREUND – Director

September 3, 2019

Board of Yakima County Commissioners
128 N. 2nd Street
Yakima, WA 98942

Dear Commissioners,

I am the administrative official responsible for both the Yakima County Stormwater Utility and the Yakima County Flood Control Zone District. I have reviewed the boundaries of Diking Improvement District Number 4 and have concluded that there are currently no District facilities that serve a flood control purpose. I recommend to the Board that Diking Improvement District Number 4 be dissolved.

Sincerely

David Haws, P.E., CFM
Environmental Services Director
Yakima County Public Services

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.



Charles R. Ross
Yakima County Auditor

Charles R. Ross

128 N 2nd St Rm 117; Yakima WA 98901
PO Box 12570; Yakima WA 98909
509.574.1400
www.yakimacounty.us/auditor

The undersigned, Charles Ross, Yakima County Auditor, pursuant to the provisions contained in Title 36, Ch. 96, Sec. 020 of the Revised Code of Washington (RCW 36.96.020); and, based upon a careful review of the county records available to me and my staff, declares and states:

1. I am the elected Auditor for Yakima County. As Ex-Officio Supervisor of Elections, my responsibilities include the oversight and management of elections for county special purpose districts, defined at RCW 36.96.010(1) to include Diking Districts established under the provisions of RCW 85.08 et seq.
2. I and my staff have reviewed the election records for Diking District No. 5
3. My review of the records does not disclose an appointment or election for Commissioners within the past 7 years for the above referenced Diking District, and therefore, this District appears to meet the requirements to qualify as an 'inactive special purpose district' under the statutory provisions contained at RCW 36.96.010(2).

Date this 2nd day of August 2019 at Yakima, Washington.

YAKIMA COUNTY AUDITOR

Charles R. Ross