

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2007 - 322 C

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
<i>Originator:</i>		10/2/2007		10/9/2007	PW/Hearing
<i>Division Head:</i>					
<i>Dept. Head:</i>					
<i>Prosecutor:</i>					
<i>Purchasing/Budget:</i>					
<i>Executive:</i>					

TITLE OF DOCUMENT:

Resolution ordering election to form N. Lynden Watershed Improvement District

ATTACHMENTS:

<i>SEPA review required?</i>	() Yes	() NO	<i>Should Clerk schedule a hearing ?</i> () Yes () NO
<i>SEPA review completed?</i>	() Yes	() NO	

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution ordering an election to determine formation of an irrigation district to be known as the North Lynden Watershed Improvement District

COMMITTEE ACTION:

10/9/2007: Forwarded to Council for approval

COUNCIL ACTION:

10/9/2007: Council Approved 7-0
Res. 2007-054

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Res. 2007-054

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

RESOLUTION NO. 2007-054

ORDERING AN ELECTION TO DETERMINE FORMATION OF
AN IRRIGATION DISTRICT TO BE KNOWN AS
THE NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT

WHEREAS, on July 27, 2007, the Whatcom County Council received a petition to form an irrigation district in Whatcom County; and

WHEREAS, the petition met the requirements for a complete petition as outlined in Chapter 87 of the Revised Code of Washington; and

WHEREAS, on September 11, 2007, the Council discussed the petition at a public meeting; and

WHEREAS, following the public discussion on the petition, the County Council accepted the petition and petitioner's bond in the amount of \$15,000.00, a sum double the amount of the probable cost of organizing the district, as required by RCW 87; and

WHEREAS, the Council's role in the petition process is to establish the boundaries of the proposed irrigation district, establish its name, and call for an election of the property owners residing within district boundaries to determine whether the district shall be formed and who shall serve as directors of the district if it is formed; and

WHEREAS, the Council held a public hearing on October 9, 2007, as required by RCW 87.03.020; and

WHEREAS, following the public hearing the Council established the boundaries of the proposed district and approved its name.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that this irrigation district shall be known as the North Lynden Watershed Improvement District; and

BE IT FURTHER RESOLVED that the boundaries of this proposed district shall be as set forth in Exhibit A to this resolution; and

BE IT FURTHER RESOLVED that an election shall be set and carried out in the manner detailed in Exhibit B to this resolution; and

BE IT FINALLY RESOLVED that the election date shall be November 30, 2007.

APPROVED this _____th day of _____, 2007.

ATTN: _____
Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY WASHINGTON

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Karen A. Frakes
Civil Deputy Prosecutor



EXHIBIT A

(NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT)

The boundaries of the North Lynden Watershed Improvement District are as follows:

Township 41 North, Range 3 East, Willamette Meridian (WM) -

Section 31: East Half;

Section 32: All;

Section 33: All;

Section 34: All;

Section 35: Lots 1, 2, 3, 4; and the Southwest Quarter; and part of the Southeast Quarter as described per Whatcom County Superior Court Case Nos. 42018 and 42037 "Memorandum Decision" and as recorded in Survey filed under Whatcom County Auditor's file number 930308077;

Section 36: Lots 3 and 4.

Township 40 North, Range 3 East, WM -

Section 2: West Half of the Northwest Quarter;

Section 3: All Except the East Half of the South Half of the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter;

Section 4: All;

Section 5: All;

Section 6: East Half;

Section 7: East Half;

Section 8: All;

Section 9: All except the East Half of the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter;

Section 10: North Half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter;

Section 18: East Half except West View Addition lying within the Southeast Quarter;

Excepting from all of the above described land the following: All municipal land; all parcels less than three acres in size; all tax-exempt parcels.

EXHIBIT B

(NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT)

THE ELECTION PROCESS

CREATION OF THE "POLL BOOK":

The Whatcom County Assessor's Office provided Council staff with a list of all property owners within the boundaries of the proposed district. Council staff used this information to create a "poll book" as follows:

1. List received from the Assessor's Office.
2. Printed information compared with property maps to insure accuracy.
3. List sorted to remove all items that are not parcels of land (such as mineral rights).
4. List sorted to remove all parcels of land less than 3 acres (at the request of the district proponents).
5. List sorted to remove all non-taxable parcels (at the request of the district proponents).
6. The amended list became the proposed and approved poll book.

SCHEDULING THE PUBLIC HEARING:

Once the Council approved the poll book, the election process began to move forward. The next step was to schedule a public hearing on the petition. Following the hearing, the Council will establish the final boundaries of the district, give the district a name, and order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of Washington State law and for the purpose of electing directors.

THE ELECTION:

The Council is responsible for conducting the district's formation election in a manner that is similar to the way future elections for directors of the irrigation district will be conducted. Voting will take place by mail. For cost calculation purposes, first class postage will be used. Return postage will not be calculated, as election law does not require it. An election day of November 30, 2007, has been selected and ballots must be returned to the Council Office or postmarked by that date to be counted toward the election.

THE BALLOT:

A local printing company will be used to print the ballots. Ballots will contain instructions indicating how joint ownership and community property votes are cast as well as a request to forward the ballot to the property owner if different from the person who receives it. Voting rights shall be allocated as follows: Two votes for each five acres of assessable land or fraction thereof. Ballots will be coded to indicate how many votes each is worth.

The ballot shall contain the following language:

"Irrigation District - YES," and
"Irrigation District - NO," and
the names of persons to be voted for as directors of the district.

To be counted in this election, ballots must conform to these requirements:

(a) Ballots must be sealed in an unmarked envelope and delivered to the Council Office prior to 4:00 p.m. on November 30, 2007; or be sealed in an unmarked envelope and mailed to the Clerk of the Council, postmarked not later than midnight on November 30, 2007, and received by the Clerk of the Council within five days of that date.

(b) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, name, age, citizenship, residence, and that he or she holds title or evidence of title to lands within the district which, under RCW 87.03.045, entitles him to vote in the election.

(c) The statements in the certificate of qualifications shall be certified as correct by the voter by the affixing of his signature thereto in the presence of a witness who is acquainted with the voter, and the voter shall enclose and seal his ballot in an unmarked envelope in the presence of this witness but without disclosing his vote. The witness, by affixing his signature to the certificate of qualifications, shall certify that he is acquainted with the voter, that in his or her presence the voter's signature was affixed and the ballot enclosed as required in this paragraph.

The Council will appoint election officers who will be responsible for counting the ballots upon their return.

The Whatcom County Council is responsible for canvassing the vote.