

SPONSORED BY: CONSENT
PROPOSED BY: CITIZEN
INTRODUCED: October 9, 2007

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

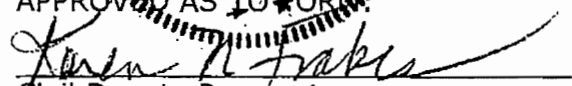
BE IT FINALLY RESOLVED that the election date shall be November 30, 2007.

APPROVED this _____ day of October, 2007.

ATTN:


Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM


Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY WASHINGTON

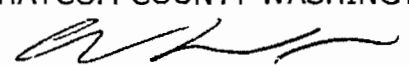

Carl Weimer, Council Chair

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.

**WHATCOM COUNTY
BOUNDARY REVIEW BOARD**

600 Lakeway Drive
Bellingham, WA 98225-5236



October 30, 2007

John Gillies, Project Coordinator
Whatcom County Agriculture Preservation Committee
P. O. Box 735
Lynden, WA 98264

Subject: BRB #2007-06, North Lynden Watershed Improvement District,
approximately 5,970 Acres

Dear Mr. Gillies;

The 45-day time period for taking jurisdiction of BRB #2007-06 expired October 28, 2007. Therefore, the Notice of Intention, as described in file BRB #2007-06 is deemed approved pursuant to RCW 36.93.100.

Please contact me at atkinpi@dshs.wa.gov or 676-6749 if you have questions.

Sincerely,

Pat Atkinson, Chief Clerk
Boundary Review Board for Whatcom County

Copy: County Executive
County Council
Public Works, Engineering
County Planning
County Assessor
County Auditor
Amy Harksell, City of Lynden
Henry Bierlink
WA Dept. of Fish & Wildlife
Whatcom Conservation District
Sheriff's Department
Whatcom County Flood Control Zone District
Whatcom County Fire District #21

Delta Water Association
Pangborn Water Association
Lynden School District
Department of Ecology
Board Members

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**WHATCOM COUNTY
BOUNDARY REVIEW BOARD**

600 Lakeway Drive
Bellingham, WA 98225-5236



November 7, 2007

City of Bellingham
Attn: Tim Stewart, Planning Director
210 Lottie Street
Bellingham, Wa 98225

Subject: BRB #2007-05, East Bakerview/James Street Annexation

Dear Mr. Stewart:

This letter is to notify you that the Boundary Review Board for Whatcom County has received a Request for Review within the 45-day period period required under RCW 36.93.100, invoking the Board's jurisdiction in this matter.

As soon as practical, the Board shall set a date, time and location for a public hearing in this matter, providing 30 days written notice to affected governmental units and municipalities as required under RCW 36.93.160.

Please contact me at atkinpj@dshs.wa.gov or 676-6749 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Atkinson".

Pat Atkinson, Chief Clerk
Boundary Review Board for Whatcom County

Copy: County Executive
County Council
Public Works, Engineering
Planning
Assessor
Whatcom County Fire District #4
Sheriff
Auditor
Whatcom County Library system
Bellingham School District #501
Board Members

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE

311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038



COUNCILMEMBERS


Barbara E. Brenner
Laurie Caskey-Schreiber
Sam Crawford
Seth M. Fleetwood
Dan McShane
L. Ward Nelson
Carl Weimer

WHATCOM COUNTY COUNCIL

December 11, 2007

MEMORANDUM

TO: Keith Willnauer, County Assessor
Shirley Forslof, County Auditor

FROM: Dana Brown-Davis, Clerk of the Council 

SUBJ: North Lynden Watershed Improvement District Election
Certification

The Whatcom County Council met yesterday to canvass the returns of the North Lynden Watershed Improvement District election. Per RCW 87.03.040, I am filing the enclosed certified copy of the order declaring the formation of the district, as well as a copy of the official certificate of the canvassing board for your records.

If you have any questions or need additional information, please contact me at extension 50739.

Thank you.

WHATCOM COUNTY COUNCIL OFFICE

OFFICIAL CANVASS OF THE SPECIAL ELECTION HELD FRIDAY, NOVEMBER 30, 2007, IN WHATCOM COUNTY, WASHINGTON, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE PROPOSITION FOR CREATION OF AN IRRIGATION DISTRICT TO BE KNOWN AS THE NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT.

CERTIFICATION OF CANVASSING BOARD

This is to certify that the Whatcom County Council has completed the canvass of votes pertaining to the Special Election held on November 30, 2007, within the district boundaries of the proposed North Lynden Watershed Improvement District and the results are as follows:

The ballot contained the following:

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

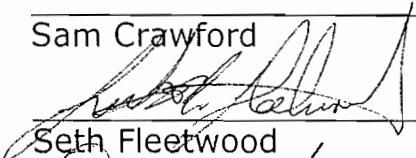
The votes: Please see attached Exhibit A.

WHATCOM COUNTY COUNCIL, AS
CANVASSING BOARD:



Carl Weimer

Sam Crawford




Seth Fleetwood



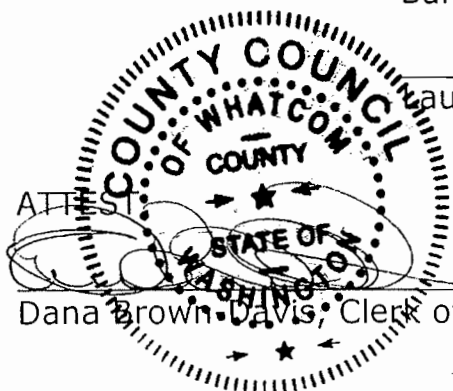
Dan McShane

Ward Nelson




Barbara Brenner

Maurie Caskey-Schrieber



ATTEST

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Official Certified Copy


Dana Brown-Davis, Clerk of the Council

EXHIBIT A

NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT
VOTE TALLY SHEET

TOTAL BALLOTS ISSUED: 223

TOTAL ENVELOPES RECEIVED: 125

Envelopes not signed: _____

Envelopes not witnessed: 1

Envelopes received late: _____

Envelopes & contents completed incorrectly: 1

TOTAL BALLOTS TO BE COUNTED: 123

Ballot Title: "Shall the North Lynden Watershed Improvement District
(an Irrigation District) be formed?"

"YES" Votes 1,220

"NO" Votes 138

TOTAL VOTES COUNTED: 1,358

DISTRICT COMMISSIONERS VOTE TALLY:


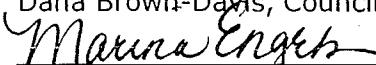
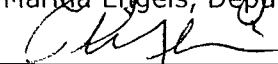
Rob Heerspink 1,084
Sheila Fay Helgath, PhD 156
Larry Stap 458
Lyle J. Rader 1,058

Lewis Van Mersbergen 1,302
Roger Bajema 890
Cornelius (Casey) Lankhaar 1,052

WRITE IN VOTES TALLIED:


Name: Van Dalen Count: 96
Name: Spaelstra Count: 2
Name: Nydam Count: 2
Name: Stuit Count: 4

BALLOT COUNTERS:


Dana Brown-Davis, Council Clerk

Marina Engels, Deputy Clerk

Pete Griffin, Elections Supervisor

WITNESSES:

Nathan Hanson _____
Meredith L. Blakely _____

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Official Certified Copy

Dana Brown-Davis, Clerk of the Council



**ORDER DECLARING THE FORMATION OF THE NORTH LYNDEN
WATERSHED IMPROVEMENT**

Pursuant to Title 87 RCW, the Whatcom County Council Office conducted an election to form the North Lynden Watershed Improvement District on November 30, 2007. The Whatcom County Council canvassed the election returns on December 10, 2007, and concluded that at least two-thirds of all votes cast were cast in favor of forming the district.

It is now, therefore, ordered that the North Lynden Watershed Improvement is hereby organized and the elected directors of the district shall be Lewis Van Mersbergen, Rob Heerspink, Lyle Rader, Cornelius Lankaar, and Roger Bajema.

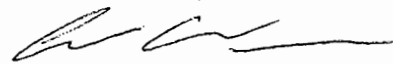
DECLARED THIS 10TH DAY OF DECEMBER, 2007.

ATTEST

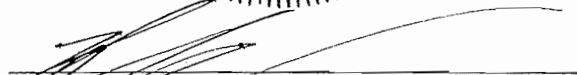


Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair

APPROVED as to form


Civil Deputy Pros. Atty.

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Official Certified Copy


Dana Brown-Davis, Clerk of the Council