

1 Sponsored by: Councilmember Terry Lee
2 Requested by: Pierce County Executive/Public Works and
3 Utilities

File No. 42

4
5
6 **ORDINANCE NO. 2006-113**
7

8
9 **An Ordinance of the Pierce County Council Dissolving the Inactive Hylebos**
10 **Flood Control Zone District.**
11

12 **Whereas**, on April 15, 1974, the Board of Pierce County Commissioners passed
13 and approved Resolution No. 17086 that established a joint flood control zone district to
14 be known as the Hylebos Flood Control Zone District, encompassing land in Pierce
15 County and land in King County, generally following the boundaries of the Hylebos
16 watershed which spans both counties, pursuant to Chapter 86.15 Revised Code of
17 Washington (RCW), in order to provide for coordinated management of flood waters in
18 the watershed; and
19

20 **Whereas**, on May 20, 1974, in accordance with the terms of Chapter 86.15
21 RCW, the King County Council adopted Ordinance 2005, providing for the creation of
22 the Hylebos Flood Control Zone District in King County and Pierce County; and
23

24 **Whereas**, on September 16, 1974, the Board of Pierce County Commissioners
25 passed and approved Resolution No. 17471, amending Resolution No. 17086 to reflect
26 the terms of King County Ordinance 2005; and
27

28 **Whereas**, on July 31, 2006, in accordance with the terms of Chapter 86.15 RCW
29 the King County Council introduced Ordinance 2006-0334, declaring King County's
30 intent to form a single, King County-wide flood control zone district in order to efficiently
31 address regional flood hazards in the County, and, as a prerequisite to such formation
32 and as required by RCW 86.15.023, its intent to dissolve all existing flood control zone
33 districts, including the Hylebos Flood Control Zone District, within King County; and
34

35 **Whereas**, Chapter 36.96 RCW provides that if a county proceeds under the
36 authority of Chapter 36.96 RCW to dissolve an inactive special purpose district and
37 such district is located in more than one county, then authority to dissolve the district
38 lies with the legislative authority of the county which contains the greatest geographic
39 portion of such special purpose district; and
40

41 **Whereas**, the greatest geographic portion of the Hylebos Flood Control Zone
42 District is contained in Pierce County, and thus under Chapter 36.96 RCW the Pierce
43 County Council is thereby designated as the legislative authority to dissolve the District;
44 and
45



1 **Whereas**, Chapter 36.96 RCW requires the county legislative authority make
2 written findings regarding the criteria below and adopt an ordinance dissolving such a
3 district:

4
5 a. Upon notice from the auditor regarding inactivity of a district, public hearings
6 shall be held to determine whether the district meets the criteria of being inactive.
7

8 b. "Inactive" means the district has not carried out its purposes or functions for
9 the preceding consecutive five-year period; or no election for the membership
10 of the governing body was held within the preceding consecutive seven-year
11 period.
12

13 c. The county legislative authority shall also make findings why it is in the public
14 interest for the district to be dissolved; **Now Therefore**,

15
16 **BE IT ORDAINED by the Council of Pierce County:**
17

18 Section 1. The Council conducted two public hearings on the dissolution of this
19 district in the Rules and Operations Committee and full Council meetings pursuant to
20 RCW 36.96.030.
21

22 Section 2. The Pierce County Auditor provided written notice to the Council that
23 the District has not filed any annual reports regarding its purposes or functions for over
24 five preceding years, and the District has not held any elections for governing board
25 members in over seven preceding years. The Council finds these facts indicate the
26 Hylebos Flood Control Zone District is "inactive" pursuant to RCW 36.96.010 (3).
27

28 Section 3. The Council finds that the dissolution of the District is in the public
29 interest since it no longer serves the public purpose for which it was formed, and since
30 its continued existence would impair the King County Council's declared intent to form a
31 single, King County-wide flood control zone district in order to efficiently address
32 regional flood hazards in that County, See RCW 36.96.040.
33

34 Section 4. The Hylebos Flood Control Zone District is hereby dissolved.
35



1 Section 5. The Clerk of the Council is directed to provide a copy of this
2 Ordinance to the County Treasurer as required by RCW 36.96.040.

3
4 **PASSED this _____ day of _____, 2006.**

5
6 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

7
8
9
10 _____
11 **Denise D. Johnson**
12 Clerk of the Council

Shawn Bunney
Council Chair

13
14
15
16 _____
17 **John W. Ladenburg**
18 Pierce County Executive
19 Approved _____ Vetoed _____, this
20 _____ day of _____,
21 2006.

22 Date of Publication of
23 Notice of Public Hearing: _____

24
25 Effective Date of Ordinance: _____

