

G 3.5000

1 FILE NO. 37/412 PROPOSAL NO. R2001-146

2 Sponsored by: Councilmember Wendell B. Brown

3 Requested by:

4

5

6

7

8 RESOLUTION NO. R2001-146

9

10

11

12 A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION
13 ON NOVEMBER 6, 2001, FOR THE PURPOSE OF SUBMITTING
14 TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER
15 OR NOT TO DISSOLVE THE WHITEMAN'S COVE WATER
16 DISTRICT.

17

18 WHEREAS, The Whiteman's Cove Water District (the District)
19 was formed in February 1995; and

20

21 WHEREAS, The District was created in part to form a ULID to
22 assist in the financing necessary to upgrade the inadequate water
23 system; and

24

25

26

27

OCT 03 2001

1 WHEREAS, The State Department of Health had previously
2 imposed a building moratorium on the area until the water system
3 was upgraded and brought into compliance with State regulations
4 and standards; and

5
6 WHEREAS, by October 1997, a ULID had been formed for the
7 system upgrade; and

8
9 WHEREAS, The cost of the upgrade was estimated at \$125,000
10 and a state loan was obtained in the amount of \$114,000; and

11
12 WHEREAS, Of the two bids received for the project, the
13 lowest was \$148,000; and

14
15 WHEREAS, The Board of Directors of the District and
16 Peninsula Light Co. have orally agreed that Peninsula Light Co.
17 would serve as prime contractor for the upgrade project and
18 finance the construction to completion, at which time the
19 District will transfer ownership of the water system to Peninsula
20 Light Co.; and

21
22 WHEREAS, The Board of Directors of the District passed
23 Resolution No. 1-01 on May 19, 2001, declaring its intention to
24 "decertify" the Whiteman's Cove Water District and eventually
25 transfer ownership of the water district to Peninsula Light
26 Company for the amount owing by the District for the upgrade
27 project; and

1 WHEREAS, The District currently owes Peninsula Light Co.
2 approximately \$44,000 for the upgrade project; and

3
4 WHEREAS, RCW 57.04.100 provides that any district may be
5 disincorporated in the same manner as is provided for the
6 disincorporation of cities and towns, except that the petition
7 for disincorporation shall be signed by not less than 25 percent
8 of the voters in the district; and

9
10 WHEREAS, There are 15 registered voters in the Whiteman's
11 Cove Water District; and

12
13 WHEREAS, The petition for disincorporation of the District
14 was verified by the Election Division of the Auditor's office as
15 having the necessary 25 percent of valid voters' signatures; and

16
17 WHEREAS, On August 24, 2001, the Petition for
18 Disincorporation and Notice of Intention to Disincorporate was
19 filed with the Boundary Review Board (BRB) requesting
20 disincorporation by the election method under RCW 35.07.010-
21 35.07.220; and

22
23 WHEREAS, RCW 35.07.040 states that the Council shall cause
24 an election to be called upon the proposition of disincorporation
25 and if the District has indebtedness or outstanding liabilities,
26 the Council shall order the election of a receiver at the same
27 time; and

1 WHEREAS, If the jurisdiction of the BRB is invoked prior to
2 October 8, 2001, then the BRB will review the proposed
3 incorporation; and
4

5 WHEREAS, If the BRB's jurisdiction is not invoked prior to
6 October 8, then the question of disincorporation can go to the
7 affected voters on November 6, 2001; NOW, THEREFORE,
8

9 BE IT RESOLVED by the Council of Pierce County:
10

11 Section 1. The Pierce County Council hereby requests the
12 Pierce County Auditor to place a proposition on the November 6,
13 2001, ballot, and the ballot title shall read:
14

15 "Shall the Whiteman's Cove Water District be dissolved?"

16 "For dissolution" _____

17 "Against dissolution" _____
18

19 Section 2. Since the Whiteman's Cove Water District has
20 indebtedness, the Pierce County Council hereby requests the
21 Auditor to provide for the election of a receiver on the November
22 6, 2001, ballot and to include as a candidate the Peninsula Light
23 Company.
24
25
26
27

1 Section 3. If the jurisdiction of the Boundary Review Board
2 is invoked prior to October 8, 2001, this Resolution shall become
3 null and void.

4
5 ADOPTED this 18th day of September, 2001.

6
7 ATTEST:

PIERCE COUNTY COUNCIL
PIERCE COUNTY, Washington

8
9 Sandy Bassett Deputy
10 Clerk of the Council

[Signature]
Council Chair

11 Approved As To Form Only:

12
13 [Signature]
14 Deputy Prosecuting Attorney