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ATTACHMENT B

2005-043



ATTORNEYS

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December 6, 2004

Mike Reed
Metropolitan King County Council
King County Courthouse
516 Third Avenue, Rm. 1200
Seattle, WA 98104-3272

Re: Drainage District No. 1 of King County
Board of Commissioners Vacancy

Dear Mr. Reed:

Following your telephone message to me of the other day, I am enclosing an application from Brian Pounder for appointment to fill Position No. 3 on the board of commissioners of Drainage District No. 1 of King County, which was held by Teresa Tonelli until her passing on February 24, 2004. I will restate below certain information that you asked for earlier this year regarding the Drainage District.

The general purpose and responsibilities of the Drainage District are to engage in drainage control, storm water control, and surface water control activities, including acquisition and maintenance of drains, ditches, canals, non-sanitary sewers, pumps, and other works and appliances, machinery, and equipment. The District encompasses property in South King County, generally within the following boundaries:

South boundary: Willis Street in City of Kent
West boundary: The Green River
East boundary: 88th Avenue South
North boundary: SW 16th Street in City of Renton

Regular meetings of the District's Board of Commissioners are held at 8:00 a.m. on the last Thursday of each month at the District office, which is located at 19414 84th Avenue S., Kent, Washington.

The current Commissioners are:

Morgan Llewellyn, Chairperson
P.O. Box 902
Kent, WA 98035-0902
(253) 852-1898

Charles P. Curran, Secretary-Treasurer
P.O. Box 1273
Kent, WA 98035-1273
(253) 852-6732

Theresa M. Ahern
John M. Casey
Gregory F. Cromwell
Mark W. Davis

Christopher J. Dodd
Greg W. Haffner
David T. Hokit
Chad Horner
Brie A. McCarthy



Frederick Mendoza
Laurie K. Miller
Jane C. Rhodes
Shana E. Thompson
Diana M. Zottman

Of Counsel:
Charles P. Curran
Melvin L. Kleweno, Jr.

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With regard to the vacant Commissioner position, RCW 85.38.070 provides that:

(5) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve until a person is elected, at the next special district general election occurring sixty or more days after the vacancy has occurred, to serve the remainder of the unexpired term. The person so elected shall take office immediately when qualified as defined in RCW 29.01.135.

"Special district general elections" are held on the first Tuesday after the first Monday in February of each even numbered year. RCW 85.38.010. Therefore, the next general election for the District will be in February 2006.

A commissioner must be a qualified voter of the District. RCW 85.38.010(3). A "qualified voter of the special district" means a person who is either a natural person or is a "corporation or partnership that has owned land located in the special district for a period of not less than 60 days before the election...". RCW 85.38.010(3).

In this case, Mr. Pounder is a member of Paradise Gas & Wash, LLC, which owns property located at 23803 W. Valley Highway, Kent, Washington, within the District boundaries. By my review, Paradise Gas & Wash qualifies as a "qualified voter of the special district."

Please contact me about the process by which the council would use to review this application and appoint an interim commissioner. If you have any further questions, please feel free to contact me. If you have questions about Mr. Pounder's application, you may contact him directly at (425) 454-4000.

Very truly yours,

CURRAN MENDOZA P.S.



John M. Casey

JMC/jlm

Enclosures

c: Morgan Llewellyn  
Charles P. Curran  
Brian S. Pounder