

Legislation Text

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AN ORDINANCE approving a franchise for the Muckleshoot Indian Tribe, Muckleshoot Utility District to construct, operate and maintain a water and sewer system in Council District 9, and authorizing the executive to execute the franchise agreement.

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STATEMENT OF FACTS:

1. The United States Department of Health and Human Services on behalf of the Muckleshoot Indian Tribe, Muckleshoot Utility District has filed an application for a utility franchise in Council District 9 to construct, operate and maintain a water and sewer system in county road rights-of-way to serve residential, multifamily and commercial areas in accordance with RCW 36.55.010 and K.C.C. chapter 6.27.
2. Several maintained county road rights-of-way border the Muckleshoot Indian Reservation tribal lands. Under R.C.W. 36.55.010 and K.C.C. chapter 6.27, the county may require a utility franchise for the use of county road rights-of-way.
3. The Muckleshoot utility franchise will cover the southern portion of the reservation outside of the city of Auburn limits; the northern portions are being served directly by the City of Auburn. All sewage disposal in the franchise area that is directed to the Auburn sewer system transmission mainline will be in accordance with the agreement now in effect or as it may be amended between the Indian Health Services, the Environmental Protection Agency, the City of Auburn, and the Muckleshoot Tribe, then pumped to Metro sewer interceptor for final treatment and disposal.
4. On January 14, 1999, the utilities technical review committee recommended approval of the utility franchise on the documentation submitted by the United States Department of Health and Human Services for water and sewer service to the Muckleshoot Indian Tribe's tribal lands. K.C.C. chapter 13.24 that requires the approval of water and sewer comprehensive plans before the issuance of a sewer and water franchise was not applicable to the Muckleshoot lands, as the lands are not subject to county land use regulations under federal and state law.
5. The King County executive has recommended approval of the franchise.
6. The application has been submitted to the relevant county departments for review. No objections have been raised to the issuance of the franchise.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The granting of a franchise to the Muckleshoot Indian Tribe, Muckleshoot Utility District to construct, operate and maintain a water and sewer system within King County is hereby approved. The King County executive is authorized to enter into and execute the water and sewer system franchise, which by this reference is fully incorporated herein. The franchise shall include all of the applicable general and special conditions required by the county. Nothing in this ordinance or franchise authorizes transmission to the Auburn sewage system except in accord with the agreement between the City of Auburn and the Muckleshoot Tribe.

SECTION 2. If within thirty days after the granting of this franchise, the applicant failed to sign the written acceptance incorporated in this ordinance, then the rights and privileges granted in this ordinance are forfeited and the franchise is null and void.

