

CITY OF MILLWOOD

RESOLUTION 2025-03

APRIL 8, 2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AUTHORIZING THE INCLUSION OF THE MUNICIPAL BOUNDARIES OF THE CITY OF MILLWOOD WITHIN AN AQUIFER PROTECTION AREA, AND PROVIDING FOR OTHER MATTERS RELATED THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council (the "City Council") may adopt and enforce resolutions of all kinds, relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, pursuant to chapter 36.36 RCW, the Washington State Legislature provided for the creation of Aquifer Protection Areas to finance the protection, preservation, and rehabilitation of subterranean water: and

WHEREAS, pursuant to RCW 36.36.020, an Aquifer Protection Area may include territory located within a city or town with the approval of said municipality's governing body; and

WHEREAS, the City is located above the Spokane Valley – Rathdrum Prairie (SVRP) Aquifer. The SVRP Aquifer is designated by the U.S. EPA as a "Sole-Source Aquifer" under Section 1424(e) of the Safe Drinking Water Act; and

WHEREAS, all water for the City's public water supply system is derived from the SVRP Aquifer; and

WHEREAS, in 1985, the Board of County Commissioners of Spokane County placed a ballot measure before the electors to create the Spokane Aquifer Protection Area ("APA") for a 20-year time frame and established certain APA fees for such 20-year time frame, with the City (formerly Town of Millwood) included within the boundaries of the APA; and

WHEREAS, in 1985, the voters overwhelmingly approved the ballot measure to create the APA, and corresponding APA fees, and the APA was established by Spokane County Ordinance 85-0641, with a sunset date of December 31, 2005; and

WHEREAS, in 2004, the Board of Commissioners of Spokane County, proposed a ballot measure to reauthorize the APA, and the Council passed Resolution 04-02, approving the inclusion of the municipal boundaries of the City (formerly Town of Millwood) within the boundaries of the reauthorized APA; and

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WHEREAS, on November 2, 2004, voters within the boundaries of the proposed reauthorized APA approved the ballot measure to reauthorize the APA, including the City boundaries, for a period of time from January 1, 2006, through December 31, 2025; and

WHEREAS, the Spokane region has implemented a number of programs and measures during the current APA reauthorization that have served to protect and improve the water quality of the Spokane Aquifer with Aquifer Protection fees generated through the APA; and

WHEREAS, the Board of Spokane County Commissioners desires to place a ballot measure before the electors to reauthorize the APA, and the corresponding APA fees, for an additional twenty (20) year time frame, to allow for the continued progress toward the protection of the Spokane Aquifer; and

WHEREAS, for the purposes of the ballot measure to reauthorize the APA and corresponding APA fees, the City Council believes it is in the best interest to approve the inclusion of the City municipal boundaries within the proposed reauthorized Spokane Aquifer Protection Area, subject to renewal or negotiation of any agreements between City and Spokane County in furtherance of or pursuant to chapter 36.36 RCW, if any; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Incorporation of Recitals: The recitals set forth herein are hereby incorporated as a part of this Resolution.

Section 2. Authorization for Inclusion in Municipal Boundaries: The City Council, as authorized by chapter 36.36 RCW, does hereby conditionally approve the inclusion of its municipal boundaries within the boundaries of the proposed reauthorized Spokane Aquifer Protection Area. In making the decision, the Council understands that this action will enable the Spokane County Board of Commissioners to place the reauthorization of the Spokane Aquifer Protection Area and corresponding fee before the electors. In taking this action, the City Council is not taking a position in support or opposition to any ballot measure which may be submitted to the electors by the Spokane County Board Commissioners to reauthorize the Aquifer Protection Area and collecting the corresponding fee. Such action can only be taken consistent with the provisions of RCW 42.17.130.

Section 3. Severability: If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

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Section 4. Repealer: All resolutions, laws, and regulations, or parts thereof in conflict with this resolution are, to the extent of said conflict, hereby repealed.

Section 5. Effect: This Resolution shall be in full force and effect from and after its adoption by the Council.

KEVIN FREEMAN, MAYOR

Attest:

LISA CASSELS, CITY CLERK