



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 16, 2000**

**Ordinance 13856**

**Proposed No.** 1999-0187.3

**Sponsors** Phillips

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

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8           **STATEMENT OF FACTS:**

- 9           1. The United States Department of Health and Human Services on  
10          behalf of the Muckleshoot Indian Tribe, Muckleshoot Utility  
11          District has filed an application for a utility franchise in Council  
12          District 9 to construct, operate and maintain a water and sewer  
13          system in county road rights-of-way to serve residential, multifamily  
14          and commercial areas in accordance with RCW 36.55.010 and  
15          K.C.C. chapter 6.27.
- 16          2. Several maintained county road rights-of-way border the  
17          Muckleshoot Indian Reservation tribal lands. Under R.C.W.  
18          36.55.010 and K.C.C. chapter 6.27, the county may require a utility

19 franchise for the use of county road rights-of-way.

20 3. The Muckleshoot utility franchise will cover the southern portion  
21 of the reservation outside of the city of Auburn limits; the northern  
22 portions are being served directly by the City of Auburn. All  
23 sewage disposal in the franchise area that is directed to the Auburn  
24 sewer system transmission mainline will be in accordance with the  
25 agreement now in effect or as it may be amended between the  
26 Indian Health Services, the Environmental Protection Agency, the  
27 City of Auburn, and the Muckleshoot Tribe, then pumped to Metro  
28 sewer interceptor for final treatment and disposal.

29 4. On January 14, 1999, the utilities technical review committee  
30 recommended approval of the utility franchise on the documentation  
31 submitted by the United States Department of Health and Human  
32 Services for water and sewer service to the Muckleshoot Indian  
33 Tribe's tribal lands. K.C.C. chapter 13.24 that requires the approval  
34 of water and sewer comprehensive plans before the issuance of a  
35 sewer and water franchise was not applicable to the Muckleshoot  
36 lands, as the lands are not subject to county land use regulations  
37 under federal and state law.

38 5. The King County executive has recommended approval of the  
39 franchise.

40 6. The application has been submitted to the relevant county  
41 departments for review. No objections have been raised to the

42 issuance of the franchise.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

52 SECTION 2. If within thirty days after the granting of this franchise, the  
53 applicant failed to sign the written acceptance incorporated in this ordinance, then the

54 rights and privileges granted in this ordinance are forfeited and the franchise is null and  
55 void.  
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Ordinance 13856 was introduced on 4/12/99 and passed as amended by the Metropolitan King County Council on 5/15/00, by the following vote:

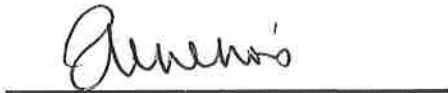
Yes: 9 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Ms. Sullivan, Mr. Nickels, Mr. Gossett, Ms. Hague and Mr. Irons  
No: 3 - Mr. McKenna, Mr. Pullen and Mr. Vance  
Excused: 1 - Ms. Fimia

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 24 day of May, 2000



Ron Sims, County Executive

**Attachments** A. Muckleshoot Indian Tribe's Utility Department's Franchise File dated 5-15-2000