

**SILVER LAKE WATER & SEWER DISTRICT  
SNOHOMISH COUNTY, WASHINGTON**

**RESOLUTION NO. 643**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SILVER LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, APPROVING AN INTERLOCAL AGREEMENT WITH CROSS VALLEY WATER DISTRICT AMENDING AN INTERLOCAL AGREEMENT PROVIDING FOR THE PROVISION OF WATER AND SEWER SERVICE BY THE DISTRICTS.

WHEREAS, Silver Lake Water & Sewer District, a Title 57 special purpose water-sewer district ("Silver Lake") is authorized to provide water and sewer service within its designated water and sewer services areas; and

WHEREAS, Cross Valley Water District, a Title 57 special purpose water-sewer district ("Cross Valley") is authorized to provide water and sewer service within its designated water and sewer services areas (Cross Valley and Silver Lake are herein referred to singularly as "District" and collectively as "Districts"); and

WHEREAS, the Districts entered into an Interlocal Agreement dated October 16, 2001 regarding the provision of water and sewer service in each other's District (herein referred to as "Interlocal Agreement"); and

WHEREAS, the Districts amended the Interlocal Agreement to redefine and replace Exhibit C of the Interlocal by the 2007 Amendment (the "2007 Amendment"); and

WHEREAS, the Districts wish to amend the Interlocal Agreement to expand the sewer service area for Silver Lake within Cross Valley's boundaries in the area designated as Area B ("Area B"); and

WHEREAS, certain property within this expanded service area in Cross Valley designated as Valley Investments-Farm Worker Housing site depicted and described on Exhibit B-1 ("Valley Investments") is outside the Urban Growth Area as defined by Snohomish County and has a Zoning Designation of Riverway Commercial Farmland; and

WHEREAS, Valley Investments has requested sewer service from Cross Valley and Silver Lake; and

WHEREAS, Snohomish County Planning and Development Services have determined that the Valley Investment property is allowed sewer service because the property meets SCC 30.29.110 (1) an exception to SCC prohibition of sewer service outside of a UGA; and

WHEREAS, Valley Investments has received approval of the Washington State Department of Health ("DOH") for construction of Farm Worker Housing on its site provided such housing is connected to public sewer; and

WHEREAS, DOH has issued to Valley Investments a Construction Permit for Migrant Farm Worker Housing for its site in Cross Valley; and

WHEREAS, Silver Lake is the only viable sewer provider for the Valley Investments Migrant Farm Worker Housing; and

WHEREAS, the Districts desire to enter into this Amendment pursuant to the authority granted in Chapter 39.34 of the Revised Code of Washington and RCW 57.08.007; and

WHEREAS, each District has the authority to construct, condemn and purchase, acquire, add to, alter, maintain and operate waterworks, and sewer systems, within or without their corporate limits, for the purpose of furnishing its inhabitants or any other persons with an ample supply of water and for the purpose of disposing of wastewater; and

WHEREAS, the Districts wish to protect and promote their interests and the interests of their rate payers and to provide water service and sewer service to certain customers located within their respective Districts by both using water lines and sewer lines owned and operated by the other District and by providing for the wholesale of water between the Districts; and

WHEREAS, state law does not allow a special purpose water-sewer district to extend service to customers located within the boundaries of a different water-sewer district without such district's consent and approval; and

WHEREAS, both Districts desire to cooperate in providing water and sewer service to certain properties near or adjacent to the Districts' common boundary lines; and

WHEREAS, both Districts recognize that the other District has the sole lawful authority to provide water and sewer service to properties within its jurisdiction, provided, in accordance with RCW 57.08.007, and by interlocal agreement, the Districts may provide for water and sewer service by one District in the other District's area; and

WHEREAS, the Districts now desire to amend the Interlocal Agreement to (1) expand Area B to add the lands as described and depicted on Exhibit B-1, (2) to provide for the sewer rate applied by Silver Lake to sewer customers within Area B, and (3) provide for the indemnity of Silver Lake against certain claims by Cross Valley if Silver Lake agrees to provide sewer service to the Valley Investments property, all as described and included in the 2009 Amendment to the Interlocal Agreement in the form attached hereto as **Exhibit A** and incorporated herein by this reference ("2009 Amendment"); now, therefore,

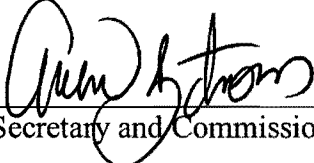
BE IT RESOLVED, by the Board of Commissioners of Silver Lake Water & Sewer District, Snohomish County, Washington, as follows:

1. The 2009 Amendment to the Interlocal Agreement in the form attached hereto as **Exhibit A** is hereby approved.

2. The Silver Lake Commissioners shall execute the Interlocal Agreement on behalf of Silver Lake as appropriate and the General Manager is authorized and directed to submit the Interlocal Agreement to Cross Valley for approval and execution.

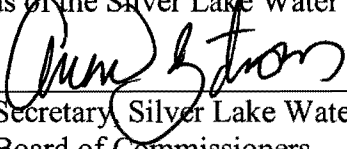
ADOPTED by the Board of Commissioners of Silver Lake Water & Sewer District, Snohomish County, Washington, at a regular open public meeting thereof held on the 24th day of September, 2009.

  
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President and Commissioner

  
\_\_\_\_\_  
Secretary and Commissioner

  
\_\_\_\_\_  
Commissioner

I CERTIFY the above to be a true and correct copy of Resolution No. 643 adopted by the Board of Commissioners of the Silver Lake Water & Sewer District this 24th day of September, 2009, as said Resolution appears in the records of the Silver Lake Water & Sewer District.

  
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Secretary Silver Lake Water & Sewer District  
Board of Commissioners