

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 97599-0

SUPREME COURT OF THE STATE OF WASHINGTON

RONALD WASTEWATER DISTRICT, et al.,
Petitioners,

v.

OLYMPIC VIEW WATER AND SEWER DISTRICT, et al.,
Respondents.

**RESPONDENT SNOHOMISH COUNTY'S JOINDER TO
OLYMPIC VIEW WATER AND SEWER DISTRICT'S ANSWER
TO PETITIONS FOR REVIEW**

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I. STATEMENT OF THE CASE

Respondent Snohomish County adopts and incorporates by reference the Statement of the Case set forth in Respondent Olympic View Water and Sewer District's Answer to the Petitions for Review filed by Ronald Wastewater District and King County in this matter.

II. SUMMARY OF ARGUMENT

The Court of Appeal's correctly determined that the King County Superior Court lacked subject matter jurisdiction under RCW 36.94.410 to authorize or otherwise direct annexation of territory situated within Snohomish County to the Ronald Wastewater District (Ronald) as part of a 1985 Transfer Order transferring ownership and operation of a sewerage system operated by King County to Ronald, where such territory situated within Snohomish County was within the municipal boundaries of another sewer district, Olympic View Water and Sewer District, and not within the municipal boundaries of the entity being transferred.

III. ARGUMENT WHY REVIEW SHOULD BE DENIED

For the reasons set forth in the Answer filed by Olympic View in this matter, the Court of Appeals decision was based on the established law of this court regarding the general jurisdiction of superior courts under Washington Constitution Art. IV, Section 6, and statutory interpretation of Title 56 RCW which makes clear that the legislature has vested jurisdiction

over proceedings involving annexation of territory by sewer districts in the applicable county legislative authority and/or Boundary Review Board. This decision is neither novel nor does it conflict with any decision of this court or other division of the court of appeals. Rather, it is based on a plain reading of the statutes governing proceedings for annexation of territory by sewer districts.

Similarly, the decision does not implicate an issue of substantial public interest but instead merely recognizes the legislative intent evidenced by Title 56 RCW as articulated by the Court of Appeals as follows:

When the Transfer Order took effect in 1986, the legislative scheme for sewer district formation was governed by former chapter 56.24 RCW. Annexation of territory by a sewer district was to be accomplished through a hearing and election process. Former RCW 56.24.080. It required county legislative authority and voter approval of the annexation. *See* former RCW 56.24.080 (requiring county legislative authority to approve petition); former RCW 56.24.090 (requiring special election). Superior courts had no role in these proceedings.

. . .
A county could not transfer what it did not have. King County did not have a statutory right to provide service in Snohomish County. Thus, pursuant to the transfer agreement, Ronald could annex only King County territory from King County, not Snohomish County territory from Olympic. . . . Any potential annexation and boundary adjustment between Ronald and Olympic was controlled by former Title 56 RCW, not by Title 36 RCW, and superior courts lacked jurisdiction over annexation under former Title 56 RCW.

See Court of Appeals decision, pg.s 29-30. In furtherance thereof, Respondent Snohomish County adopts and incorporates by reference the Arguments set forth in Respondent Olympic View Water and Sewer District's Answer to Petitions for Review in this matter.

IV. CONCLUSION

The decision of the Court of Appeals reflects a full and thorough adjudication of the issues in this matter and is consistent with the established law of this court addressing the subject matter jurisdiction of superior courts in light of the clear legislative intent reflected in Title 56 RCW vesting jurisdiction over annexation of territory by sewer districts in the county legislative authority and Boundary Review Boards. It is the integrity of that process, in turn, which Snohomish County seeks to defend in this matter and which the Court of Appeals decision upholds.

Wherefore, we ask the Supreme Court to deny review.

Respectfully submitted on October 8, 2019.

ADAM CORNELL
Snohomish County Prosecuting Attorney

By:


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Deputy Prosecuting Attorney
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DECLARATION OF SERVICE

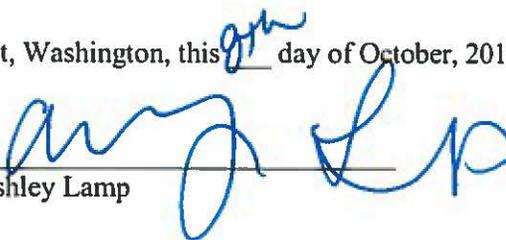
I, Ashley Lamp, hereby certify that on the 8th day of October, 2019, I caused to be delivered and served a true and correct copy of the Snohomish County’s Joinder to Olympic View and Sewer District’s Answer to Petition for Review upon the entity and persons listed herein by the following means:

<p>Washington State Supreme Court 415 12th Avenue SW Olympia, WA 98501-2314 <i>(per to Supreme Ct. Order dated 9/4/97)</i></p>	<p>[X] E-Filing: <u>Supreme@courts.wa.gov</u></p>
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I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED at Everett, Washington, this 20th day of October, 2019.



Ashley Lamp

SNOHOMISH COUNTY PROSECUTORS-LAND USE DIVISION

October 08, 2019 - 4:27 PM

Transmittal Information

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Appellate Court Case Title: Ronald Wastewater District, et al. v. Olympic View Water and Sewer District, et al.

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Snohomish County's Joinder to Olympic View Water and Sewer District's Answer to Petitions for Review

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