

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Petition for)
Formation of the McNulty Water)
People's Utility District)

ORDER NO. 58-02

WHEREAS, on July 11, 2002, an electors' petition was filed with the Columbia County Clerk for the formation of the McNulty Water People's Utility District and a special levy of \$0.00; and

WHEREAS, the proposal is to create a new utility district for the purpose of assuming the water facilities of the McNulty Water Association; and

WHEREAS, on July 15, 2002, the County Clerk certified to the Board of County Commissioners a total of at least 105 valid signatures on the petition and concluded it exceeded the number of signatures required for an electors' petition under ORS 261.010(10); and

WHEREAS, on July 24, 2002, the Board of County Commissioners fixed September 18, 2002, at or after 6:00 p.m., as the date for a hearing on the boundaries described in the petition; and

WHEREAS, ORS 261.171 provides that, upon receipt of an electors' petition, the county governing body shall, at the earliest practical date, submit the question of district formation and question of a special levy at a special election; the special election may be held on the same date as a biennial primary election or general election; and

WHEREAS, the purpose of the election is to give the electors living within the territory determined by the Board after the September 18, 2002, boundary hearing the opportunity to vote on whether to approve the formation of the McNulty Water People's Utility District and the special levy of \$0.00; and

WHEREAS, November 5, 2002, is the earliest practical date to hold an election on the question of district formation and special levy because (1) it is the earliest election date after the September 18, 2002, boundary hearing; and (2) there is sufficient time after the boundaries are determined to decide which electors are within the territory of the proposed district; and

WHEREAS, the Board of County Commissioners has prepared a Notice of District Measure Election, including caption, question and summary, a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners finds the elector's petition for the formation of the McNulty Water People's Utility District is in compliance with ORS Chapter 261.

2. The Board finds that November 5, 2002, is the earliest practical date in which to hold an election on the question of district formation and special levy.

3. The Board of County Commissioners submits the question of the proposed formation of the McNulty Water People's Utility District and special levy to the electors within the territory determined by the Board after the September 18, 2002, boundary hearing.

4. The Columbia County Clerk is hereby directed to place the question of the proposed formation of the McNulty Water People's Utility District and special levy before the electors within such territory on the November 5, 2002, election ballot.

5. The Board of County Commissioners adopts and approves the Notice of District Measure Election and ballot title which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference.

DATED this 4th day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

Approved as to form

By: _____
Office of County Counsel

EXHIBIT "A"
NOTICE OF DISTRICT MEASURE ELECTION

McNulty Water People's Utility District
(Name of District)

Notice is hereby given that on Tuesday, November 5, 2002
(Date of Election)

A measure election will be held in Columbia County, Oregon.
(Name of County)

The following shall be the ballot title of the measure to be submitted to the district's voters on this date:

CAPTION (10 Words)

Formation of McNulty Water People's Utility District

QUESTION (20 Words)

Shall the Formation of the McNulty Water People's Utility District and special levy of \$0.00 be approved?

SUMMARY (175 Words)

The McNulty Water Association is a non-profit water association with a service territory which extends generally west of U.S. Highway 30, west and south of the city limits of the City of St. Helens, and north of the service territory of the Warren Water Association. The McNulty Water Association currently provides water service to approximately 866 households.

As required by the Statewide Land Use Planning Goals, Columbia County and the City of St. Helens have discussed whether St. Helens will in the future become the water provider instead of McNulty Water Association within St. Helens Urban Growth Boundary, which includes much of the McNulty Water service territory. Petitioners have proposed formation of a new people's utility district to assume the water facilities of the McNulty Water Association. They believe that this would preserve current water service in a more permanent, public entity, and give McNulty area electors a stronger voice in planning.

By law, a special levy must be included in PUD formation. A special levy of \$0.00 is proposed.

The following authorized county official hereby certifies the above ballot title is true and complete.

Signature of authorized county official (not required to be notarized)

Date signed

Anthony Hyde
Printed name of authorized county official

Chair, Board of Commissioners
Title