

**RESOLUTION NO. 3508**

**A RESOLUTION** of the City of Pasco, Washington, amending Resolution No. 3492 requesting the Franklin County Auditor to place the question for “Reduction of City Limits” on the November 5, 2013, ballot.

**WHEREAS**, the City Council, by Resolution No. 3492, requested the Franklin County Auditor to conduct an examination of the description and maps attached to the petition filed on June 21, 2013, to determine the sufficiency of the petition and submit to the voters of the City of Pasco; and

**WHEREAS**, the Franklin County Auditor has, by letter of August 23, 2013, responded that it has neither the legal authority nor the resources to determine whether the elements of sufficiency as required by RCW 35A.04.010 have been met, and the petition will not be placed on the ballot until the City has made a determination of sufficiency; and

**WHEREAS**, the means of determination of the sufficiency would be litigation before the Franklin County Superior Court, however, such litigation could not be conducted within the timeframe required by the Auditor for inclusion on the November election ballot, and may be rendered moot by the outcome of the election; and

**WHEREAS**, the City of Pasco, while unable to certify the sufficiency of the petition, can pursuant to RCW 35A.16.010 direct the Franklin County Auditor to place this matter on the November 5, 2013, ballot reserving its right to challenge the sufficiency. NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON, DO RESOLVE AS FOLLOWS:**

**Section 1.** The Franklin County Auditor is hereby requested to provide for an election within the City of Pasco, Washington, on Tuesday, November 5, 2013, for the purpose of submitting to the qualified voters of the City of Pasco, Washington, for their approval or rejection, a proposition for the removal of certain territory from the City limits of the City of Pasco, as described in the petition.

**Section 2.** The ballot caption of the proposition to be submitted to the voters of the City of Pasco, Washington, shall read substantially as follows:

PROPOSITION NO. 1 CITY OF PASCO REDUCTION OF CITY LIMITS

A CITIZENS’ PETITION WAS FILED WITH THE FRANKLIN COUNTY AUDITOR FOR PLACEMENT ON THE BALLOT, CONCERNING THE REDUCTION OF THE SIZE OF THE CITY OF PASCO.

THE PETITION DESCRIBES TWO AREAS WHICH ARE SOUGHT FOR REMOVAL FROM THE CITY LIMITS. FIRST IS AN AREA OF ABOUT 41 ACRES AND 41 IN POPULATION, IN THE VICINITY OF ROAD 76 AND COURT STREET, ANNEXED

TO PASCO IN 2009. SECOND IS AN AREA OF ABOUT 608 ACRES AND 1,450 POPULATION, GENERALLY LYING BETWEEN ROAD 52 AND ROAD 68, SOUTH OF THE FCID CANAL AND NORTH OF SYLVESTER STREET, ANNEXED TO PASCO IN 2012.

SHALL THIS PROPOSTION BE:

APPROVED \_\_\_\_\_

REJECTED \_\_\_\_\_

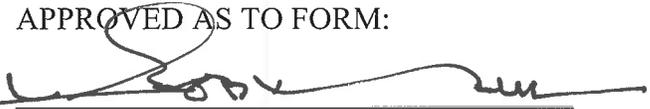
**Section 3.** The City Council of the City of Pasco hereby directs the City Clerk to provide a certified copy of this Resolution to the Franklin County Auditor to provide for the calling of a special local election pursuant to RCW 29A.04.321 to be held on November 5, 2013; conduct the election, canvas the votes, and certify the results.

**Section 4.** The City of Pasco reserves it rights to challenge the legal sufficiency of the June 21, 2013, petition to request the removal of certain territories from the City of Pasco, more particularly described in Exhibit No. 1 to Resolution No. 3492.

**PASSED** by the City Council of the City of Pasco, Washington, as its regular meeting on the 3rd day of September, 2013.

  
\_\_\_\_\_  
Matt Watkins, Mayor

ATTEST:  
  
\_\_\_\_\_  
Debra L. Clark, City Clerk

APPROVED AS TO FORM:  
  
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Leland B. Kerr, City Attorney