

SNOHOMISH HEALTH DISTRICT  
RESOLUTION OF THE BOARD OF HEALTH

15 - 73

RESOLUTION NUMBER: 15 - 73

RESOLUTION SUBJECT: DENIAL OF CLAIM


ON MOTION, the CLAIM FOR DAMAGES in the amount of \$300.00 served upon the Health Officer of Snohomish Health District September 20, 1973 by Harold Lilley of 2914 South Lake Stevens Road, Lake Stevens, Washington alleging that Snohomish Health District negligently designed a sewage disposal system for Michael Smith causing Michael Smith to seek damages from Harold Lilley and claiming that Snohomish Health District should pay such damages is hereby REJECTED.

Passed this 18th day of September 1973.



Moe Michelson, Chairman

ATTEST:



Claris Hyatt, M.D.  
Health Officer

October 18, 1973

CLAIM AGAINST SNOHOMISH HEALTH DISTRICT

TO: Board of Health  
Snohomish Health District  
Snohomish County Courthouse  
Everett, Washington 98201

PLEASE TAKE NOTICE THAT HAROLD LILLEY d/b/a LILLEY'S BACKHOE & DOZER SERVICE does hereby make claim and demand against the Snohomish Health District for damages hereinafter specified, and in support of said claim, HAROLD LILLEY does hereby allege as follows:

I

That HAROLD LILLEY resides at 2914 South Lake Stevens Road, Lake Stevens, Washington, and has resided at said address for more than six months prior to the time this claim arose.

II

That on or about July 23, 1971 Jay A. Thomas, an employee of the Snohomish Health District designed a sewage disposal system to be installed on the premises of Michael Allen Smith at Lot 6, Everett View Acreage Tracts, Division B, Snohomish County, Washington. At the time of said design, Jay A. Thomas was not a Sewage Disposal System Designer and was acting contrary to the provisions of Sections 4(a) and 10 of the Sewage Waste Disposal Resolution of the Snohomish Health District,

III

That the Snohomish Health District issued Sewage Disposal System permit No. 1015-71 to Michael Smith for the above-described premises. The application for said permit was not supported by the following documents, contrary to Section 7(c) of the Sewage Waste Disposal Resolution of the Snohomish Health District:

1. A completely dimensioned plot plan, drawn to scale, showing direction of surface drainage, approximate slope, and other topographical features relevant to the design and installation of an adequate and efficient sewage disposal system.

2. Construction plans and specifications.

IV

That in October, 1972 HAROLD LILLEY, the claimant herein, installed a sewage disposal system on the above-described premises of Michael Smith, and followed the design of Jay A. Thomas up to the point that the soil conditions on the property led HAROLD LILLEY, in his professional judgment, to conclude that said design was faulty and that further installation should be terminated. At the point of termination HAROLD LILLEY had installed 684 feet of drain line instead of the 750 feet proposed by the design of Jay A. Thomas.

V

That on November 15, 1972 and continuously thereafter, the Snohomish Health District, by and through its employee, Dale Esnough refused and continues to refuse to approve the sewage disposal system installed on the above-described premises of Michael Smith. Said refusal is based on the allegations of the Snohomish Health District that the drain line is too short, is installed in unacceptably wet soil, and has improper stepdowns, all of which defects are directly related to the faulty design of the sewage disposal system which was illegally prepared by Jay A. Thomas.

VI

That the Snohomish Health District, by placing itself in the position of a designer for the sewage disposal system of Michael Smith, must assume the responsibilities of such a designer as imposed by Section 12(b)(c)(d) of the Sewage Waste Disposal Resolution of the Snohomish Health District. Moreover, the Snohomish Health District, when acting in the capacity of a designer for a private party, must assume the responsibilities and liabilities as such to said private party.

VII

Michael Smith, owner of the above-described premises, has filed a claim against HAROLD LILLEY d/b/a LILLEY'S BACKHOE & DOZER SERVICE for damages suffered by reason of the failure of the sewage disposal system installed on his property to obtain approval from the Snohomish Health District. Said damages are alleged to be in the amount

