

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeffrey M. Monsen	Jm	10/10/97	RECEIVED OCT 15 1997 WHATCOM COUNTY COUNCIL	10/21/97	Finance Committee Council-WCFCZD Board of Supervisors
Division Head:					
Dept. Head:	Jm	10/10/97			
Prosecutor:	KAE	10/10/97			
Purchasing/Budget:					
Executive: Pete Kremen	PK	10-14-97			

SUBJECT:

A resolution extending the current Whatcom County Flood Control Zone District funding mechanism through December 31, 1999.

ATTACHMENTS:

Cover memorandum
Resolution

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Whatcom County contract #: N/A	Should Clerk schedule a hearing? NO / <u>X</u> / YES / / Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

The purpose of this amendment is to extend the effective time period for the current Whatcom County Flood Control Zone District funding mechanism through December 31, 1999. All other provisions relative to the funding mechanism and administrative protocol for the FCZD remain the same.

ORIGINATOR'S RECOMMENDED ACTION:

Recommend Council approval
Citizen's Flood Advisory Committee also recommends Council approval

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

97-350 10/21/97: Held in Finance Committee
11/25/97: Approved 7 - 0. Res. #97-076

Finance or Resolution Number (this item only):

SPONSORED BY: CONSENT

2 PROPOSED BY: STAFF

3 INTRODUCTION DATE: 10/21/97

4 *A Resolution by the Governing Body*
5 *of the County-wide Flood Control Zone District*
6 *hereinafter referred to as the*
7 *Whatcom County Flood Control Zone District (WCFCZD)*

8 RESOLUTION NO. 97-076

9 A RESOLUTION EXTENDING TIME PERIOD FOR THE
10 WHATCOM COUNTY FLOOD CONTROL ZONE
11 DISTRICT FUNDING MECHANISM

12 WHEREAS, Whatcom County Resolutions 92-027 and 94-02, and 95-061 were enacted
13 to provide funding and administrative guidance for the activities of the WCFCZD; and,


14 WHEREAS, the Whatcom County Council adopted Resolution 97-051 to modify certain
15 administrative guidance as well as to consolidate language and to supersede Whatcom County
16 Resolutions No. 92-027, 94-02, 95-061; and,

17 WHEREAS, Resolution 97-051 continued the effective time period for collection of
18 service charges only to December 31, 1997.


19 NOW, THEREFORE, BE IT RESOLVED by the WCFCZD Board of Supervisors that
20 the established funding mechanism as set forth in Exhibit "A" attached hereto is hereby
21 continued through December 31, 1999.

1 APPROVED this 25 day of November, 1997.

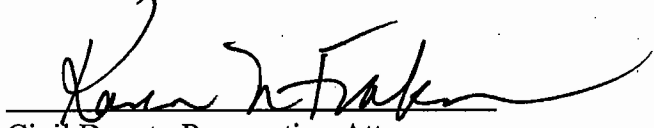
3 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT
4 BOARD OF SUPERVISORS
5 WHATCOM COUNTY, WASHINGTON

6 
L. Ward Nelson, Chairman

7 ATTEST:

8 
9 Dana Brown-Davis, Council Clerk

10 APPROVED AS TO FORM:

11 
12 Civil Deputy Prosecuting Attorney

1 EXHIBIT "A"

2 FUNDING MECHANISM FOR THE
3 COUNTY-WIDE FLOOD CONTROL ZONE DISTRICT

4 SECTION 1. Purpose.

5 This mechanism creates a funding methodology which provides resources to plan, manage,
6 design, construct, maintain, revise, and upgrade the storm drainage and surface water runoff
7 system within Whatcom County's drainage basins as specified in and pursuant to Chapters 36.89,
8 36.94, 86.12 and 86.15 Revised Code of Washington, Article 11, Section 11 of the Washington
9 State Constitution. This authority is invoked to minimize property damage, promote and protect
10 the public health, safety and welfare, minimize water quality degradation by preventing siltation,
11 contamination and erosion of the County's waterways, protect aquifers, insure the safety of
12 County roads and rights-of-way, assure compliance with federal and state storm drainage, surface
13 water management, and water quality regulations and legislation, increase educational and
14 recreational opportunities, encourage the preservation of natural drainage systems, and foster
15 other beneficial public uses.

16 SECTION 2. Flood Control Zone District Creation and Authority.

17 A County-wide Flood Control Zone District, hereinafter referred to as District, was
18 created pursuant to Whatcom County Ordinance No. 91-076. Said District shall be administered
19 within the Whatcom County Public Works Department under the Engineering Division. A new
20 distinct section in that Division will be created for the management of flood control.

21 The District elects to exercise all lawful powers necessary and appropriate for the
22 construction, acquisition, and condemnation of property rights, maintenance, management,
23 operations and regulation of storm drainage and surface water runoff systems including, without
24 limitation, all lawful powers to fix, alter, regulate, and control the charges and conditions for the
25 use thereof.

26 SECTION 3. Definitions.

27 For the purposes of this resolution the words or phrases below shall have the following
28 meanings:

29 "Assessed Value" shall be held and construed to mean the aggregate valuation of the parcel
30 subject to a service charge as placed on the last completed and balanced tax rolls of the
31 county: *Provided*, That parcels involved in the property tax exemption programs under
32 RCW 84.33, RCW 84.34, and RCW 84.36.381 through 84.36.389 will be subject to a
33 service charge based on their taxable assessed value.

34 "Board" means the county legislative authority.
35

1 "County" shall mean Whatcom County, Washington, or as indicated by the context, may
2 mean the Department of Public Works, Public Works Director, County Engineer, or other
3 official, officer, employee or agent representing the County in the discharge of his or her
4 duties. For purposes of this resolution, County shall be construed to also include those
5 incorporated areas located in the county-wide District.

6 "Department of Natural Resources Designated Forestlands (DNRDF)" shall mean lands
7 under the trusteeship or ownership of the Washington State Department of Natural
8 Resources. The use of these properties shall be consistent with the Washington State
9 Legislature's statutorily defined intentions to preserve lands for the protection of natural
10 habitat or to preserve lands for the growth and harvest of commercial timber as defined
11 in RCW Chapters 84.33 and 84.34.

12 "Parcel" shall mean the smallest plot of land or any real property ownership interest
13 separately segregated for tax purposes.

14 "Real Property Ownership Interests" shall include but not be limited to condominiums,
15 marina slips, hangers, development rights, improvements on lands the fee of which is still
16 vested in the United States or the State of Washington or other such interests in real
17 property as is defined for property tax purposes.

18 "Service Charge" means the charge levied on parcels in unincorporated and incorporated
19 areas of the District.

20 "Supervisors" means the board of supervisors, or governing body, of a zone.

21 "Taxable Assessed Value" is the aggregate value used for calculating real property taxes.

22 SECTION 4. Policy for Service Charges.

23 The District shall apply a rate structure as a service charge to all parcels within the
24 unincorporated and incorporated areas within Whatcom County.

25 All parcels are subject to a service charge except the following exempt parcels:

- 26 (a) All parcels owned by the federal government
- 27 (b) All parcels classified as Indian lands held in trust
- 28 (c) All parcels exclusively classified as mineral rights
- 29 (d) All parcels with an assessed value less than or equal to \$2500.00

30 The District will allow any contiguous quantity of land in the possession of, owned by, or
31 recorded as the property of the same claimant, person, or company to be consolidated into one
32 parcel to keep charges lower: *Provided*, That the parcels are in compatible tax code districts:
33 *Provided further*, That a one to one relationship is maintained between each parcel in the Flood
34 Control Zone District roll and each parcel in the real property tax roll: *Provided further*: That

1 taxes, assessments and charges on the parcels to be consolidated are not delinquent: *Provided*
2 *further*, That all established parcels consolidation policies and procedures are followed. This
3 process must be initiated in the County Assessor's office by November 10 of any one year for
4 consideration in the following year's roll.

5 SECTION 5. Method of Calculating Service Charges.

6 A temporary service charge schedule is hereby established for Whatcom County to be
7 assessed annually during the term of this mechanism.

8 Group 1: A parcels with an assessed value less than or equal to \$10,000.00 but
9 greater than \$2,500.00
10 Charge Per Parcel: \$2.50

11 Group 2: All parcels with an assessed value less than or equal to \$30,000.00 but
12 greater than \$10,000.00
13 Charge Per Parcel: \$3.50

14 Group 3: All parcels with an assessed value less than or equal to \$50,000.00 but
15 greater than \$30,000.00
16 Charge Per Parcel: \$10.00

17 Group 4: All parcels with an assessed value less than or equal to \$75,000.00 but
18 greater than \$50,000.00
Charge Per Parcel: \$15.00

20 Group 5: All parcels with an assessed value less than or equal to \$100,000.00 but
21 greater than \$75,000.00
22 Charge Per Parcel: \$20.00

23 Group 6: All parcels with an assessed value less than or equal to \$125,000.00 but
24 greater than \$100,000.00
25 Charge Per Parcel: \$25.00

26 Group 7: All parcels with an assessed value less than or equal to \$150,000.00 but
27 greater than \$125,000.00
28 Charge Per Parcel: \$32.50

29 Group 8: All parcels with an assessed value less than or equal to \$200,000.00 but
30 greater than \$150,000.00
31 Charge Per Parcel: \$40.00

32 Group 9: All parcels with an assessed value less than or equal to \$400,000.00 but
33 greater than \$200,000.00
34 Charge Per Parcel: \$45.00

Group 10: All parcels with an assessed value greater than \$400,000.00
Charge Per Parcel: \$50.00

The District's service charge shall be calculated based on the parcel's assessed value on the last completed and balanced tax roll of the County except in the case of Department of Natural Resources Designated Forestlands. The District's service charge for Department of Natural Resource Designated Forestlands shall be calculated on a parcel's assessed valuation substituting the designated parcel's timberland acreage assessed value with a calculation of the designated parcel's timberland acreage multiplied by 95% of the assessment year ending average per acre assessed value of all acreage in Whatcom County participating in the Washington State Forestland Property Tax Exemption Program (RCW 84.33).

Service charges shall be due and payable to the Flood Control Zone District on or before April 30 of the respective year and shall be billed and collected together with real property taxes, if any, and shall be delinquent thereafter: *Provided,*

That if real property tax upon the parcel payable in that year exceeds fifty dollars, and one-half of the tax, together with one-half of the annual service charge provided by this section are paid on or before April 30 of such year, the remaining one-half of the annual service charge shall be due and payable on October 31, next following or at the time of payment of the remaining tax on the parcel, whichever is earlier, and shall be delinquent after that date.

SECTION 6. County Administrative Support.

A. The County Assessor shall provide administrative support services to the District. The County Assessor shall be responsible for: 1) Accumulation, coordination and maintenance of data for use in the Flood Control Zone District roll; 2. Auditing and verifying data base information and rates and charges; 3. Response to public inquiry and education on Flood Control Zone District funding mechanism policies and procedures.

B. All District funds from service charges, grant funds, or any other revenue received shall be deposited in the District Fund which will be established by the Whatcom County Council.

SECTION 7. Administrators of the Roll.

The Supervisors are hereby declared the Administrators of the Roll for the District. The Administrators of the Roll shall be responsible for fixing rates and charges.

SECTION 8. Treasurer.

The County Treasurer is hereby declared the Treasurer of the district. The Treasurer shall be responsible for collecting rates and charges as established by the Administrator of the Roll.

1 SECTION 9. Implementation.

2 The Whatcom County Executive, Treasurer and Assessor are hereby authorized and
3 directed to establish all administrative procedures necessary to implement the provisions of this
4 resolution.

5 SECTION 10. Lien for Delinquent Charges and Foreclosures.

6 A. Pursuant to RCW 36.89.090, Whatcom County shall place a lien, which attaches
7 to the land, on any parcel with a delinquent service charge, including interest thereon.
8 Such liens shall be effective and shall be enforced and foreclosed in the same manner as
9 provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290,
10 except that the service charge lien shall be effective for a total not to exceed one year's
11 delinquent service charges without the necessity of any writing or recording of the lien
12 with the county auditor, as provided for in RCW 36.89.093, in lieu of the provisions
13 provided for in RCW 35.67.210. In accordance with RCW 36.89.094, the County may
14 commence to foreclose a service charge lien after three (3) years from the date flood
15 control zone district charges become delinquent, in lieu of the provisions provided for in
16 RCW 35.67.230.

17 B. Delinquent service charges shall bear interest provided in RCW 36.89.090, RCW
18 36.89.092, and RCW 35.67.200 at the rate of twelve percent (12%) per annum, or such
19 rate as may hereinafter be authorized by law, computed on a monthly basis from the date
20 of delinquency until paid.

21 SECTION 11. Overpayment Refund Requests.

22 Any persons may request the refund of service charge overpayment(s) by doing so in
23 writing to the County Treasurer. The basis of the request explaining the nature of the
24 overpayment should be clearly stated. The Treasurer shall investigate the request and authorize
25 a refund or credit if an overpayment is determined to have occurred. The Treasurer will use best
26 efforts to notify the requesting party of his/her decision in writing within sixty (60) days of receipt
27 of the request. The Treasurer will specify in the written decision the basis for authorizing or
28 denying the refund request. No refund may be authorized for overpayment paid or levied more
29 than three (3) years prior to the date the written request is received.

30 SECTION 12. Administrative Refunds or Adjustments.

31 The County Treasurer may authorize in writing, a refund, credit, or adjustment of any
32 amounts when it is determined that an error, miscalculation, or mistake has occurred which affects
33 any ratepayer(s). The nature of the error, miscalculation, or mistake should be documented
34 together with the steps taken to prevent future occurrences. No refunds, credits, or service charge
35 adjustments may be authorized pursuant to this section unless brought to the attention of the
36 Treasurer within three (3) years of the occurrence of the error, miscalculation or mistake. An
37 annual report of all refunds authorized by the County Treasurer shall be presented to the Board
38 of the District in January of each year.

1 SECTION 13. Amount of Refund Limited.

2 In any instance where a refund or credit is authorized by the Treasurer, the amount shall
3 include interest at the same rate as authorized in Section 10.

4 SECTION 14. Adjustments to the Roll

5 Any person may request an adjustment in the Roll by doing so in writing to the
6 Administrators of the Roll. The request shall clearly describe the property or properties proposed
7 for review including the current ownership and service charges associated with each parcel. The
8 request shall also state the desired adjustment in the Roll and justification for such action.

9 The Administrators of the Roll may consider any information available to them in reaching
10 their decision on any request before them. All final decisions shall be forwarded to the Assessor
11 and the Treasurer. Should the decision be to approve an amendment to the Roll, an effective date
12 for the adjustment shall be included.

13 From time to time, the Treasurer may submit requests to the Administrators of the Roll
14 to declare certain service charges as being uncollectible and to have the associated parcels
15 removed from the Roll and any unpaid service charges forgiven.

16 Properties requested by Washington State Department of Natural Resources to be
17 designated or removed as DNRDF shall be submitted to the Whatcom County Department of
18 Public Works by September 1 of each year. The Department of Public Works, together with the
19 Assessor, shall review the request to determine ownership and land use qualification. DNRDF
20 property designation or removal shall be made by the Whatcom County Flood Control Zone
21 District Board of Supervisors. Transfer of ownership or trusteeship of property from the
22 Department of Natural Resources shall remove said property from DNRDF.

23 SECTION 15. Severability.

24 If any section, clause or provision of this Resolution be declared invalid by the courts, the
25 same shall not affect the validity of the Resolution as a whole or any part thereof, other than the
26 part declared invalid.