

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	ERH	9/98		9/15/98	Introduction/ Finance
Division Head:				9/29/98	Hearing
Dept. Head:	JM	9/4/98			
Prosecutor	DG	9/4/98			
Purchasing/Budget:					
Executive:	P/A	9-8-98			

**SUBJECT:**  
 1999 Service Charge Acme/VanZandt Sub-Zone Flood Control District

**ATTACHMENTS:**  
 Ordinance  
 Cover Letter

Related County Contract #: \_\_\_\_\_ Should Clerk schedule a hearing: NO /  / YES /  / Requested Date: \_\_\_\_\_

**SUMMARY STATEMENT:**

At their 8/17/98 official public meeting, the Acme/VanZandt Sub-Zone met and reduced the 1999 income portion of their 1999 budget to approximately \$11,880 of additional revenue to carry out the proposed Flood Management Program. This Ordinance will raise this amount to carry out a reduced sub-district program.

**Ordinance & Resolution Distribution Request**  
 To keep down our copying costs, indicate only those who must receive a copy after Council action. List names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	
Jail	
Juvenile	
Parks	
Planning	
Prosecutor	
Public Works	Jeff Monsen
Sheriff	
Superior Court	
Treasurer	
Other	

**RECOMMENDED ACTION:**

Recommend approval

**COUNCIL ACTION TAKEN:**

1998 - 279 A 9/15/98: Amended and Introduced  
 9/29/98: Adopted 5-2, Brown, Brenner Opposed Ord. #98-063

Ordinance or Resolution Number  
 (this item): **ORD.#98-063**

1 SPONSORED BY: Public Works, Engineering  
2 PROPOSED BY: County Wide Flood Control Zone Dist.  
3 Citizen's Advisory Committee  
4 INTRODUCTION DATE: 9/15/98  
5

6 ORDINANCE NO. 98-063  
7

8 AUTHORIZING A CHARGE TO PROVIDE REVENUE FOR THE  
9 ACME/VANZANDT SUB-ZONE FLOOD CONTROL ZONE DISTRICT,  
10 SETTING A DUE DATE FOR PAYMENT OF SERVICE CHARGES AUTHORIZING  
11 COLLECTION OF INTEREST AND PENALTIES ON DELINQUENT PAYMENTS  
12 OF ASSESSMENTS AND ESTABLISHING PROCEDURES FOR RECORDATION AND  
13 FORECLOSURE OF LIENS RESULTING FROM DELINQUENCIES  
14

15 WHEREAS, RCW 86.15.160 (4) authorizes a charge under RCW 36.89.080 for the furnishing  
16 of service to those who are receiving or will receive benefits from stormwater control facilities and  
17 who are contributing to an increase in surface water runoff, and  
18

19 WHEREAS, in accordance with RCW 86.15.025, part of the Whatcom County Flood Control  
20 Zone District has been separated into the Acme/VanZandt Sub-Zone, and  
21

22 WHEREAS, the Advisory Committee for said Acme/VanZandt Sub-Zone met on August 17,  
23 1998 at an official public meeting, and  
24

25 WHEREAS, said Sub-Zone Advisory Committee concluded that an assessment of \$11,800 in  
26 additional revenue for 1999 would be necessary to carry out their proposed Flood Management  
27 Program, and  
28

29 WHEREAS, the Sub-Zone Advisory Committee, recognizing that property within the flood  
30 plain should pay more than property out of the flood plain, have accordingly recommended that the  
31 assessment be set at two times the County-Wide Flood Zone Assessment per property parcel within  
32 the flood plain and 30-percent of the County-Wide Flood Zone assessment for property outside of the  
33 flood plain, with a minimum assessment to be set at \$5.00, and  
34

35 WHEREAS, the County Wide Advisory Committee at its September 3, 1998 public meeting,  
36 concurred with the recommended budget and service charge, and  
37

38 WHEREAS, proper administration and enforcement of the payment of the service charges  
39 requires that a due date for payment be set, and that interest and penalties on delinquent payments of  
40 service charges be established by ordinance, and  
41

42 WHEREAS, statutory authority for imposition of interest on delinquent service charges is  
43 found in RCW 86.15.178 and RCW 35.67.200, and  
44

45 WHEREAS, statutory authority for imposition of penalties on delinquent service charges is  
46 found in RCW 86.15.160 (4), RCW 36.89.080, RCW 36.89.090 and RCW 36.94.150, and

1  
2 WHEREAS, statutory provisions for the filing of liens for delinquent service charges are found  
3 in RCW 86.15.160 (4), RCW 36.89.080, RCW 36.89.090, and RCW 36.89.093, and  
4

5 WHEREAS, statutory provisions for the foreclosure of liens resulting from delinquent service  
6 charges are found in RCW 86.15.160 (4), RCW 36.89.080, RCW 36.89.090, and RCW 36.94.150.  
7

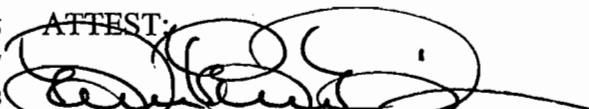
8 NOW, THEREFORE BE IT ORDAINED, by the Whatcom County Flood Control Zone  
9 District Board of Supervisors, that all parcels within the unincorporated and incorporated areas of the  
10 Acme/VanZandt Sub-Flood Control Zone District shall pay a service charge per parcel of two times  
11 the County-wide Flood Zone assessment for all parcels within the 100-year flood plain and /or within  
12 200-yards of the ordinary high water mark of the Nooksack River and 30-percent of the County-wide  
13 Flood Zone assessment for all parcels out of the 100-year flood plain and greater than 200-yards from  
14 the ordinary high water mark of the Nooksack River, with a minimum assessment of \$5.00, with the  
15 exception of the following exempt parcels:  
16

- 17 a. All parcels owned by the Federal Government.
  - 18 b. All parcels classified as Indian Lands held in trust.
  - 19 c. All parcels exclusively classified as mineral rights.
  - 20 d. All parcels owned by the State, classified as "bedlands or tidelands".
  - 21 e. All parcels with an assessed value less than or equal to \$2,500.
- 22


23 BE IT FURTHER ORDAINED THAT the first half due date for payment of the Sub-Zone  
24 service charges imposed pursuant to this Ordinance is April 30, 1999, and the second half is due  
25 October 31, 1999 unless the total amount due when combined with the real property tax is \$50.00 or  
26 less, in which case the full amount must be paid by April 30, 1999. Delinquency charges shall be  
27 imposed at the rate of twelve (12) percent per annum accrued at a monthly rate from the date of  
28 delinquency. Penalties shall be imposed at the rate of three (3) percent on June 1 and eight (8) percent  
29 charged on December 1. The penalty is to be incurred only during the first year of delinquency at a  
30 rate of eleven (11) percent as already stated. Liens shall attach and foreclosure procedures shall be  
31 followed as set forth in RCW 36.94.150.  
32

33 ADOPTED this 29 day of Sept, 1998  
34

35  
36 ATTEST:

37   
38 \_\_\_\_\_  
39 Dana Brown-Davis, Council Clerk  
40

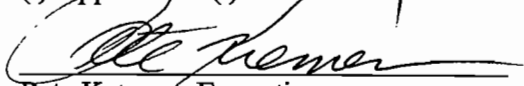
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
41 \_\_\_\_\_  
42 Robert Imhof, Council Chair

43 APPROVED AS TO FORM:

44   
45 \_\_\_\_\_  
46 Civil Deputy Prosecutor

() Approved ( ) Denied

  
47 \_\_\_\_\_  
48 Pete Kremen, Executive  
49 Date: 10-5-98