

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Generator:	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:	JN	9-8-98			

SUBJECT:
 1999 Service Charge Sumas/Nooksack/Everson 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 8/20/98 official public meeting, the Sumas/ Nooksack/ Everson Sub-Zone met and reduced the 1999 income portion of their 1999 budget to approximately \$67,300 of additional revenue to carry out the proposed Flood Management Program. This Ordinance will raise this amount to carry out a reduced Sub-Zone 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 - 281 A 9/15/98: Amended and Introduced
 9/29/98: Adopted 5-2, Brown, Brenner Opposed Ord. #98-065

Ordinance or Resolution Number
 (this item): **ORD.#98-065**

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. 98-065
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8 AUTHORIZING A CHARGE TO PROVIDE REVENUE FOR THE
9 SUMAS/NOOKSACK/EVERSON 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
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16 WHEREAS, RCW 86.15.160 (4) authorizes a charge under RCW 36.89.080 for the
17 furnishing of service to those who are receiving or will receive benefits from stormwater
18 control facilities and who are contributing to an increase in surface water runoff, and
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20 WHEREAS, in accordance with RCW 86.15.025, part of the Whatcom County Flood
21 Control Zone District has been separated into the Sumas/Nooksack/Everson Sub-Zone, and
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23 WHEREAS, the Advisory Committee for said Sumas/Nooksack Sub-Zone met on
24 August 20, 1998 at an official public meeting, and
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26 WHEREAS, said Sub-Zone Advisory Committee concluded that an assessment of
27 \$67,300 in additional revenue for 1999 would be necessary to carry out their proposed Flood
28 Management Program, and
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30 WHEREAS, the Sub-Zone Advisory Committee, recognizing that property within the
31 flood plain should pay more than property out of the flood plain, have accordingly
32 recommended that the assessment be set at two times the County-Wide Flood Zone
33 Assessment per property parcel within the flood plain and 30-percent of the County-Wide
34 Flood Zone assessment for property outside of the flood plain, with a minimum assessment to
35 be set at \$5.00, and
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37 WHEREAS, the County Wide Advisory Committee at its September 3, 1998 public
38 meeting, concurred with the recommended budget and service charge, and
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42 WHEREAS, proper administration and enforcement of the payment of the service

1 charges requires that a due date for payment be set, and that interest and penalties on
2 delinquent payments of service charges be established by ordinance, and

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5 WHEREAS, statutory authority for imposition of interest on delinquent service
6 charges is found in RCW 86.15.178 and RCW 35.67.200, and

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8 WHEREAS, statutory authority for imposition of penalties on delinquent service
9 charges is found in RCW 86.15.160 (4), RCW 36.89.080, RCW 36.89.090 and RCW
10 36.94.150, and

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

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

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20 NOW, THEREFORE BE IT ORDAINED, by the Whatcom County Flood Control
21 Zone District Board of Supervisors, that all parcels within the unincorporated and
22 incorporated areas of the Sumas/Nooksack/Everson Sub-Flood Control Zone District shall pay
23 a service charge per parcel of two times the County-wide Flood Zone assessment for all
24 parcels within the 100-year flood plain and / or within 200-yards of the ordinary high water
25 mark of the Nooksack River and 30-percent of the County-wide Flood Zone assessment for all
26 parcels out of the 100-year flood plain and greater than 200-yards from the ordinary high
27 water mark of the Nooksack River, with a minimum assessment of \$5.00, with the exception
28 of the following exempt parcels:

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

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BE IT FURTHER ORDAINED THAT the first half due date for payment of the Sub-
Zone service charges imposed pursuant to this Ordinance is April 30, 1999, and the second
half is due October 31, 1999 unless the total amount due when combined with the real
property tax is \$50.00 or less, in which case the full amount must be paid by April 30, 1999.
Delinquency charges shall be imposed at the rate of twelve (12) percent per annum accrued at
a monthly rate from the date of delinquency. Penalties shall be imposed at the rate of three
(3) percent on June 1 and eight (8) percent charged on December 1. The penalty is to be


1 incurred only during the first year of delinquency at a rate of eleven (11) percent as already
2 stated. Liens shall attach and foreclosure procedures shall be followed as set forth in RCW
3 36.94.150.

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5 ADOPTED this 29 day of Sept., 1998

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8 ATTEST:

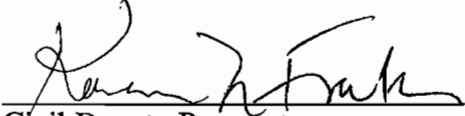
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

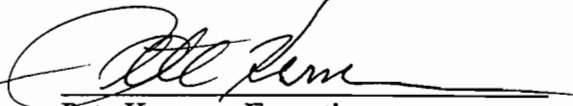
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12 Dana Brown-Davis, Council Clerk

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15 Robert Imhof, Council Chair

16 APPROVED AS TO FORM:

Approved Denied

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19 Civil Deputy Prosecutor

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22 Pete Kremen, Executive

23 Date: 10/5/98

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