

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Jeffrey M. Monsen	Jm	11/18/98	RECEIVED NOV 18 1998 WHATCOM COUNTY COUNCIL	11/24/98	Introduction
Division Head:				12/08/98	Hearing
Dept. Head: Jeffrey M. Monsen	Jm	11/18/98			
Prosecutor Daniel L. Gibson	DG	11/17/98			
Purchasing/Budget:					
Executive: PK	PK	11-18			

SUBJECT:

Ordinance amending Ordinance 91-076 to Clarify Governing and Administrative Structure for County-wide Flood Control Zone District.

ATTACHMENTS:

Ordinance
Cover memorandum

Related County Contract #:

Should Clerk schedule a hearing: NO / / YES / / Requested Date:

SUMMARY STATEMENT:

This proposed ordinance clarifies the governing and administrative structure and designation of responsibilities for the County-wide Flood Control Zone District.

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:

Adoption by Council

COUNCIL ACTION TAKEN:

1998 - 408 11/24/98: Introduced
12/8/98: Adopted 4-3, Brown, Brenner, Hoag Opposed - Ord.
#98-085

R

Ordinance or Resolution Number
(this item): **ORD. #98-085**

1 SPONSORED BY: Consent

2 PROPOSED BY: Public Works

3 INTRODUCTION DATE: 11/24/98

4
5 ORDINANCE NO. 98- 085

6 AMENDING ORDINANCE NO. 91-076
7 TO CLARIFY GOVERNING AND ADMINISTRATIVE STRUCTURE FOR
8 COUNTY-WIDE FLOOD CONTROL ZONE DISTRICT
9

10 WHEREAS, RCW 86.15 provides a statutory basis for the formation of flood control
11 zone districts by action of a county's legislative authority; and
12

13 WHEREAS, the Whatcom County Council did establish a county-wide Flood Control
14 Zone District by legislative action on October 22, 1991 through the adoption of Ordinance No.
15 91-076; and
16

17 WHEREAS, RCW 86.15.050 provides that the board of county commissioners of each
18 county shall constitute the supervisors of the Flood Control Zone District within each county;
19 and
20

21 WHEREAS, Whatcom County is a county which has adopted a home-rule charter that
22 establishes the apportionment of power within county government; and
23

24 WHEREAS, under Whatcom County's home-rule charter, the powers and duties of the
25 former board of county commissioners have been divided and reassigned to an elected County
26 Executive and to a seven-member County Council, each of whose members is elected; and
27

28 WHEREAS, under the County's home-rule charter, the legislative authority and
29 responsibility formerly vested in the board of county commissioners is now vested in the County
30 Council, and the executive authority and responsibility formerly vested in the board of county
31 commissioners is now vested in the County Executive; and
32

33 WHEREAS, the administrative officer who is identified by RCW 86.15.060 as the person
34 responsible for the affairs of the Flood Control Zone District is the County Engineer; and
35

36 WHEREAS, in Whatcom County, that position is filled by the Director of the Public
37 Works Department, who operates under the administrative oversight and direction of the County
38 Executive rather than that of the County Council; and
39

40 WHEREAS, for the purposes of consistency and sound public policy, it makes the most
41 sense for the affairs of the Flood Control Zone District to be administered under the same
42 division of authority and responsibility as the County; and

1 WHEREAS, the legal enactments of the Whatcom County Council or the Flood Control
2 Zone District Board of Supervisors pertaining to flood control should be codified in a place
3 convenient to find, such as in the Whatcom County Code, and at the same time in a way which
4 helps to make clear that flood control activities are, strictly speaking, the function of the district
5 rather than of the County;

6
7 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Ordinance
8 No. 91-076 be amended as set forth hereinafter:

9
10 BE IT FURTHER ORDAINED that in accordance with RCW 86.15.050, ~~the Whatcom~~
11 ~~County Council be, and are hereby declared to be the Supervisors of the District and the~~
12 ~~Whatcom Engineer be declared the Engineer for the District.~~ the Board of Supervisors for the
13 Flood Control Zone District be composed of the members of the Whatcom County Council and
14 the County Executive, and that the authority and duties of the legislative and executive
15 components of the Board of Supervisors be apportioned and performed in the same manner as
16 that provided by the Whatcom County Home Rule Charter, as presently constituted and as it may
17 hereafter be amended, for the governance of the affairs of the County; and

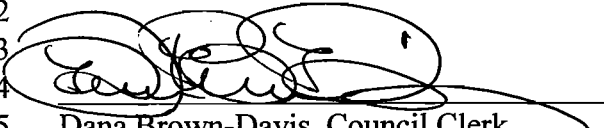
18
19 BE IT FURTHER ORDAINED that the position and duties of the Engineer of the District
20 be filled and discharged by the Director of the Public Works Department, who is the County
21 Engineer, for purposes of RCW 86.15.060;

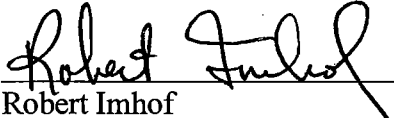
22
23 BE IT FURTHER ORDAINED that the enactments of law by the County Council or by the
24 Flood Control Zone District Board of Supervisors pertaining to the creation, funding, governance,
25 and fulfillment of the purposes of the district be codified and where necessary, recodified, as Title
26 17A of the Whatcom County Code

27
28 ADOPTED this 8 day of December, 1998.

29
30
31 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

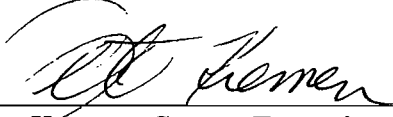
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33 
34
35 Dana Brown-Davis, Council Clerk


Robert Imhof

36
37
38 APPROVED AS TO FORM:

() Approved () Denied

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40 
41
42 Daniel Gibson, Civil Deputy Prosecutor


Rete Kremen, County Executive