

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2008 - 199 A

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	Council	6/3/2008		6/17/2008	Council Introductio
Division Head:				7/8/2008	Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Ordinance repealing Whatcom County Code Section 2.23 Water Conservancy Board

**ATTACHMENTS:**

Ordinance

SEPA review required? ( ) Yes ( ) NO      Should Clerk schedule a hearing ? ( X ) Yes ( ) NO  
 SEPA review completed? ( ) Yes ( ) NO      Requested Date: 7/8/2008

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)**

The Department of Ecology has petitioned the Whatcom County Council for Dissolution of the Whatcom County Water Conservancy Board. Dissolution is requested due to: ineligibility of the Board commissioners due to training and board member status. The Department of Ecology believes the public interest is not served when a board is inoperable and cannot perform its authorized functions to process water right change applications.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

6/17/2008: Introduced  
 7/08/2008: Council Adopted 6-0 Weimer  
 absent Ord. 2008-023

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:** Ord. 2008-023

**Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).**

**PROPOSED BY: Consent**  
**SPONSORED BY: Consent**  
**INTRODUCTION DATE: June 17, 2008**

**ORDINANCE NO. 2008-023**

**REPEALING WHATCOM COUNTY CODE SECTION 2.23,  
WATER CONSERVANCY BOARD**

**WHEREAS**, the Whatcom County Council, meeting in regular session, has before it a petition from the Department of Ecology, Water Resources, dated August 7, 2007, to dissolve the Whatcom County Water Conservancy Board in accordance with Chapter 90.80 RCW; and

**WHEREAS**, the Whatcom County Council created the Water Conservancy Board in - 1999 through Ordinance #99-060 based on the public interest and a need within the county to process water right change applications; and

**WHEREAS**, RCW 90.80.065 authorizes the Department of Ecology to petition the Whatcom County Council to dissolve a board for repeated statutory violations or demonstrated inability to perform the functions for which the board was created; and

**WHEREAS**, the commissioners serving on the Water Conservancy Board have demonstrated no interest in maintaining the continuing education needed to take action on water right change applications and perform other functions for which the board was created; and

**WHEREAS**, upon receipt of the petition from the Department of Ecology, county staff have investigated the assertions within the petition and determined that the board is no longer serving the interest of the county; and

**WHEREAS**, a copy of the petition for dissolution was transmitted by the Department of Ecology to the board at the same time it was sent to the Whatcom County Council and the Water Conservancy Board has 30 days to respond in accordance with WAC 173-153-043(2)(c).

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Section 2.23 is hereby repealed in its entirety.

ADOPTED this 8th day of July, 2008

**WHATCOM COUNTY COUNCIL**  
**WHATCOM COUNTY, WASHINGTON**  
GATTEST  
STATE OF  
Dana B. Davis, County Clerk  
**APPROVED AS TO FORM:**  
Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL**  
**WHATCOM COUNTY, WASHINGTON**

Carl Weimer, Council Chair

Approved  Denied

Pete Kremen, County Executive

Date: 7-16-08