

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. **2008 - 377**

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		10/21/2008		10/21/2008	Introduction
Division Head:				11/12/2008	NR/Council
Dept. Head:	<i>[Signature]</i>	10-21-08			
Prosecutor:	<i>[Signature]</i>	10/29/08			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ordinance repealing 98-085 & amending WCC Chapt 2.02.050

ATTACHMENTS:

SEPA review required? () Yes () NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? () Yes () NO
 Requested Date:

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.)

Repealing Ordinance 98-085, and amending Whatcom County Code Chapter 2.02.050, County Council meetings - council acting in other capacities

COMMITTEE ACTION:

11/12/2008: Forwarded to Council for approval

COUNCIL ACTION:

10/21/2008: Introduced
 11/12/2008: Council Adopted 6-1, Crawford opposed Ord. 2008-046

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2008-046

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.

1 FCZD – Repeal Ord. 98-085 and amending WCC 2.02.050.
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4 **PROPOSED BY:** Consent
5 **SPONSORED BY:** Consent
6 **INTRODUCED:** October 21, 2008

7 **ORDINANCE NO.** 2008-046
8

9 **REPEALING ORDINANCE 98-085, AND AMENDING WHATCOM**
10 **COUNTY CODE CHAPTER 2.02.050, COUNTY COUNCIL**
11 **MEETINGS – COUNCIL ACTING IN OTHER CAPACITIES**
12

13 **WHEREAS**, on October 22, 1991 the Whatcom County Council adopted Ordinance
14 91-076 creating a county-wide Flood Control Zone District and establishing that the County
15 Council members sit, ex officio, as the Board of Supervisors for the District, and
16

17 **WHEREAS**, Resolution 92-014 of the Whatcom County Flood Control Zone District
18 Board of Supervisors was adopted to provide a set of by-laws for the Board of Supervisors
19 and provided, among other things, that pursuant to the authorizing state statute, the
20 County Council sits as the Board of Supervisors; and
21

22 **WHEREAS**, in 1998 the Whatcom County Auditor’s Internal Audit Division reviewed
23 the operations and governing documents of the District and made several findings where
24 clarity and definition of the relationship between the District and the County should be
25 improved, recommending changes in the District’s By-laws, a formal interlocal agreement
26 between the County and the District, and additional distinction between the County’s
27 finances and the District’s; and
28

29 **WHEREAS**, in response to the findings in the audit, the District agreed to make
30 amendments to the FCZD governing documents to “clearly define and separate the
31 functions of the FCZD and the County, both organizationally and financially...as an integral
32 part of the 1999 budget process”; and
33

34 **WHEREAS**, the subsequent legislation by the County Council, Ordinance 98-085
35 called for the addition of the County Executive to the FCZD Board of Supervisors, dividing
36 legislative and administrative authorities of the FCZD in a way similar to the way those
37 duties are divided for the County in the Home Rule Charter; and
38

39 **WHEREAS**, no remedial action was taken by the FCZD Board of Supervisors, which
40 has the authority to amend the District’s by-laws and operations in ways consistent with
41 the statute governing flood control zone districts, RCW Chapter 86.15, and with the audit’s
42 recommendations; and
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44 **WHEREAS**, in an effort to assist in clarifying and distinguishing between the actions
45 of the County Council and those of the FCZD Board of Supervisors, and to directly respond
46 to the 1998 audit findings, the respective roles of the two governments will be more fully
47 enumerated in a formal interlocal agreement as well as in amendments to the FCZD
48 governing documents adopted by the FCZD Board of Supervisors, while some legislative
49 actions by the County Council purporting to affect the internal workings of the District will
50 be repealed; and

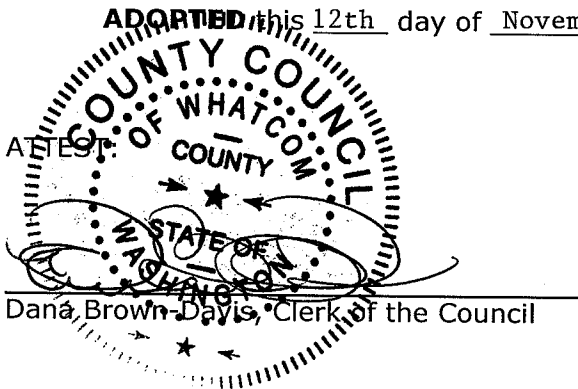
1 **WHEREAS**, a provision of the Whatcom County Code Chapter 2.02 suggests an
2 intent to supersede governing provisions of the Revised Code of Washington with respect to
3 actions taken by the County Council when sitting in other capacities; and
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5 **WHEREAS**, the County code can not supersede governing provisions of state
6 statutes;
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8 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council as follows:
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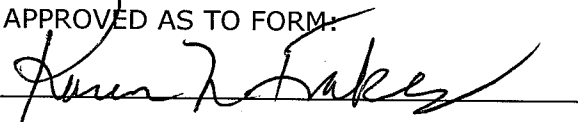
- 10 1. Whatcom County Code Chapter 2.02.050 is amended as outlined in
11 Exhibit A to this ordinance.
12 2. Ordinance 98-085 is hereby repealed.
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14 **ADOPTED** this 12th day of November, 2008.

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17 The seal of the Whatcom County Council, State of Washington, is circular with a dotted border. The text "WHATCOM COUNTY COUNCIL" is arched across the top, "STATE OF WASHINGTON" is arched across the bottom, and "COUNTY OF WHATCOM" is in the center. There are three stars and arrows pointing outwards from the center.
18 ATTEST:
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23 Dana Brown-Davis, Clerk of the Council
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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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33 _____
34 Carl Weimer, Council Chair

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37 APPROVED AS TO FORM:
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39 _____
40 Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Pete Kremen, County Executive

() Approved () Denied

Date Signed: _____

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EXHIBIT A

(Ordinance repealing Ordinance 98-085 and amending WCC 2.02.050)

2.02.050 Meetings– Council acting in other capacities.

Where the members of the county council sits in an administrative or legislative capacity in situations such as, but not limited to, supervisors of a special district or members of the county health board, all business in these other capacities shall be treated as regular items of ~~county council~~ business during council meetings. The agenda for the meeting shall note any items being considered in one or more of these other capacities. It shall not be necessary for the council to adjourn itself in order to consider items in these other capacities. All actions taken by the council regarding issues in these other capacities shall be deemed to have been enacted or approved by those entities under the authority as may be provided for in law, or the authority of the county if appropriate. ~~Notwithstanding language as may occur in general law, legislative actions in these other capacities shall be adopted by ordinance, and policy issues adopted by resolution.~~ (Ord. 2008-004 Exh. A).