

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2008 - 378

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:

Resolution establishing Flood Control Zone Dist funds & amending by-laws

ATTACHMENTS:

SEPA review required? () Yes () NO Should Clerk schedule a hearing? () Yes () NO
 SEPA review completed? () 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.)

Establishing Flood Control Zone district funds and amending the by-laws of the Flood Control District Board of Supervisors as outlined in resolution 92-014

COMMITTEE ACTION:

11/12/2008: Forwarded to Council for approval. Crawford & Nelson prefer that the resolution allow the Executive to keep his/her veto power

COUNCIL ACTION:

10/21/2008: Introduced
 11/12/2008: Council Approved 5-2, Nelson & Crawford opposed Res. 2008-080

Related County Contract #:

Related File Numbers:

AB1992-015

Ordinance or Resolution Number: Res. 2008-080

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
2 FCZD Fund Establishment and by-law changes res.
3
4

PROPOSED BY: Consent
SPONSORED BY: Consent
INTRODUCED: October 21, 2008

5
6
7
8
9 **RESOLUTION NO. 2008-080**

10
11 (A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)
12

13 **ESTABLISHING FLOOD CONTROL ZONE DISTRICT FUNDS AND**
14 **AMENDING THE BY-LAWS OF THE DISTRICT AS OUTLINED IN**
15 **RESOLUTION 92-014**
16

17
18 **WHEREAS**, on October 22, 1991 the Whatcom County Council adopted
19 Ordinance 91-076 creating a county-wide Flood Control Zone District and
20 establishing that the County Council members sit, ex officio, as the Board of
21 Supervisors for the District, and
22

23 **WHEREAS**, Resolution 92-014 of the Whatcom County Flood Control Zone
24 District Board of Supervisors was adopted to provide a set of by-laws for the Board
25 of Supervisors and provided, among other things, that pursuant to the authorizing
26 state statute, the County Council sits as the Board of Supervisors; and
27

28 **WHEREAS**, in 1998 the Whatcom County Auditor's Internal Audit Division
29 reviewed the operations and governing documents of the District and made several
30 findings where clarity and definition of the relationship between the District and the
31 County should be improved, recommending changes in the District's By-laws, a
32 formal interlocal agreement between the County and the District, and additional
33 distinction between the County's finances and the District's; and
34

35 **WHEREAS**, in response to the findings in the audit, the District agreed to
36 make amendments to the FCZD governing documents to "clearly define and separate
37 the functions of the FCZD and the County, both organizationally and financially....as
38 an integral part of the 1999 budget process"; and
39

40 **WHEREAS**, the subsequent legislation by the County Council, Ordinance 98-
41 085 called for the addition of the County Executive to the FCZD Board of
42 Supervisors, dividing legislative and administrative authorities of the FCZD in a way
43 similar to the way those duties are divided for the County in the Home Rule Charter;
44 and
45

46 **WHEREAS**, no remedial action was taken by the FCZD Board of Supervisors,
47 which has the authority to amend the District's by-laws and operations in ways
48 consistent with the statute governing flood control zone districts, RCW Chapter
49 86.15, and with the audit's recommendations; and
50

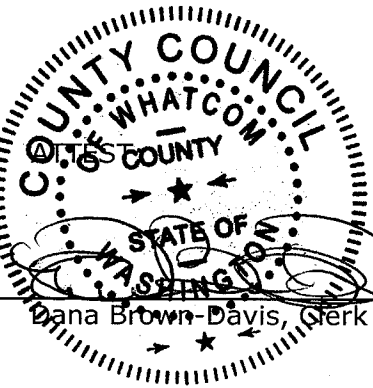
51 **WHEREAS**, in an effort to assist in clarifying and distinguishing between the
52 actions of the County Council and those of the FCZD Board of Supervisors, and to
53 directly respond to the 1998 audit findings, the respective roles of the two
54 governments will be more fully enumerated in a formal interlocal agreement as well

1 as in amendments to the FCZD governing documents adopted by the FCZD Board of
2 Supervisors, while some legislative actions by the County Council purporting to affect
3 the internal workings of the District will be repealed;

4
5 **NOW THEREFORE BE IT RESOLVED** by the Whatcom County Flood Control Zone
6 District Board of Supervisors that Flood Control Zone District Funds shall be
7 established as outlined in Exhibit A to this resolution.

8
9 **BE IT FURTHER RESOLVED** by the Whatcom County Flood Control Zone District
10 Board of Supervisors that the By-Laws of the FCZD Board of Supervisors are hereby
11 amended as outlined in Exhibit B to this resolution.
12


13
14 **APPROVED** this 12th day of November, 2008.



25 Dana Brown-Davis, Clerk of the Council

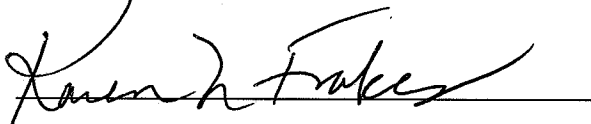
WHATCOM COUNTY
FLOOD CONTROL ZONE DISTRICT
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

26
27
28
29
30
31
32
33
34
35
36



Carl Weimer, Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

EXHIBIT A

(Resolution establishing FCZD funds and amending by-laws of the FCZD BOS)

Chapter 100.03 FLOOD CONTROL ZONE DISTRICT FUNDS

100.03.010 Statement of Purpose. Consistent with RCW 86.15.130, the County Treasurer shall establish a fund which shall receive all revenues collected on behalf of the Whatcom County Flood Control Zone District. The County Treasurer shall establish a similar fund for each Flood Control District subzone. Such funds shall be used for purposes consistent with resolutions of the Board of Supervisors and with RCW 86.15, including construction, repair, maintenance and improvement of flood and storm water control facilities, non-structural storm and flood water hazard reduction projects, and other water resource management purposes.

100.03.020 Any interest or other income earned on the investment of funds from each of the flood control zone district funds shall be deposited to and retained by each fund for future appropriation. By interlocal agreement, the District and the County will provide for payment to the County for the cost of financial management services provided to the District by the Treasurer's office.

1
2
3 **EXHIBIT B**
4

5 (Resolution establishing FCZD funds and amending by-laws of the FCZD BOS)
6
7

8 *Note: Original language from Resolution 92-014 is shown; omitted language is*
9 *shown as ~~strikeout~~ and new language is underlined. The code numbering is all new.*
10

11
12 **Chapter 100.01 By-Laws of the Whatcom County Flood Control Zone District**
13 **Board of Supervisors**
14

15 **100.01.010 Membership.** Pursuant to ~~RCW 86.15.050~~, Whatcom County Council
16 members and the County Executive shall be the Board of Supervisors of all flood
17 control zone districts created within Whatcom County, provided that the authorities
18 and duties of the legislative and executive components of the Board of Supervisors
19 be apportioned and performed in the same manner as that provided by the Whatcom
20 County Home Rule Charter, as presently constituted and as it may hereafter be
21 amended, for the governance of the affairs of the County; and further provided, that
22 the County Executive shall have no role in the legislative process of the Board of
23 Supervisors, including the approval or veto of any legislative action of the Board.
24

25 **100.01.020 Powers.** The Powers of the ~~Board District~~ are as stipulated in RCW
26 86.15.080. Administration of the ~~Board District~~ shall be carried out by the County
27 flood control engineer in accordance with RCW 86.15.060 and all resolutions of the
28 Board, subject to the administrative control and direction of the County Executive,
29 pursuant to the Home Rule Charter of Whatcom County. The County Executive and
30 his designees may sign on behalf of the District any and all contracts, and any
31 agreements with state, local, federal or other agencies, together with amendments
32 to such agreements, certifications or other documents related to such agreements,
33 that are necessary or related to carrying out any project in an annual work program
34 approved by the Board of Supervisors.
35

36 Purchasing and contracting policies of Whatcom County are adopted by reference for
37 use by the District, with the substitution of the Board of Supervisors in the role of the
38 Whatcom County Council.
39

40 **100.01.030 Meetings.** The Board will meet as often as there is business to
41 conduct, and whenever possible, the meetings will take place on the same dates
42 scheduled for County council meetings. Special meetings may be called by the
43 chairperson as required, provided proper public notice and notice to Board members
44 is given. Meetings of the Board ~~and its advisory committee~~ are subject to the state's
45 Open Public Meetings Act.
46

47 **100.01.040 Meetings - Sturgis Standard Code of Parliamentary Procedure.**
48 Board business shall be conducted pursuant to "Sturgis Standard Code of
49 Parliamentary Procedure", latest edition, except when in conflict with the standing
50 rules of the Board.
51

52 **100.01.050 Quorum, agenda and conduct of business .** Requirements for a
53 quorum, and procedures for the agenda and conduct of business of the Board shall

1 be the same as those for the County Council under Whatcom County Code Section
2 Chapter 2.02.060.
3

4 **100.01.060 Staff.** The Clerk of the Council shall provide primary staff support to
5 the Board, with other Council staff members assisting the Board as needed. The
6 Board will be advised by and may assign tasks to, a flood control advisory committee
7 in consultation with the County's flood control engineer section administrator.
8

9 ~~100.01.070 Agenda and conduct of business. The agenda and conduct of business~~
10 ~~for the Board shall comply with the procedures for the Council set forth in Whatcom~~
11 ~~County Code 2.02, Whatcom County Home Rule Charter Article 2, by Council policy~~
12 ~~resolutions and by state law.~~ **Resolutions of the Board.** The introduction,
13 publication, consideration and adoption of resolutions of the Board which carry the
14 force of law or which exercise the powers of the Board as listed in RCW 86.15.080
15 shall be accomplished following the same procedure as that used for ordinances of
16 the Whatcom County Council, except where otherwise stipulated by state law.
17

18 **100.01.080 Budget.** The budget for the Flood Control Zone District shall be
19 prepared by the County flood control engineer and reviewed by the Flood Control
20 Zone District Advisory Committee prior to submittal to the Executive and Council
21 Board of Supervisors. Consistent with RCW 86.15.140, the District's budget will be
22 adopted at the same time as the County budget. For so long as the County retains a
23 biennial budget cycle, the District's budget will be presented as two one-year
24 budgets during the period when the County Council is considering the County's
25 biennial budget. In the final quarter of the first year of the biennium, the board will
26 consider a second one-year budget for the second year of the biennium, which shall
27 be presented to the Board of Supervisors not later than October 15. The presentation
28 and review of the budget by the Executive and the Council shall conform with the
29 budget requirements in the Whatcom County Home Rule Charter and Whatcom
30 County Code.
31

32 **100.01.090 Documents - form.** Official documents issued by order of the Board
33 should be easily distinguished from documents issued by order of the County
34 Council. A format for resolutions of the Board shall be established by the Clerk of
35 the Council.
36

37 ~~100.01.100 Resolutions.~~ All resolutions issued by the Board shall be signed by
38 the Board Chairperson and attested by the Clerk of the Council.
39

40 **100.01.1100 Records.** Actions of the Board and minutes of the Board meetings
41 shall be maintained in the same manner as are Council records, and if appropriate,
42 may be filed, recorded and stored within existing systems in the Council office. The
43 Clerk will keep a separate index of actions taken by the Board.
44
45