

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2009-186

<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:				3/31/2009	Intro
Division Head:				4/14/09	Nat Res/Council
Dept. Head:					
Prosecutor:	<i>DL</i>	03/30/09			
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Resolution amending rules governing membership, vacancies and meetings of the Flood Control Zone District Advisory Committee established in resolutions 92-015, 92-029, 94-001, 98-032 and 2001-046 and recodifying them from Chapter 2.92 of the Whatcom County Code To Title 100.02 Of The Flood Control Zone District

**ATTACHMENTS:**

*Proposed Resolution and Exhibit A*

SEPA review required?    ( ) Yes    ( <input checked="" type="checkbox"/> ) NO	Should Clerk schedule a hearing?    ( ) Yes    ( <input checked="" type="checkbox"/> ) 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.)

The proposed resolution of the Whatcom County Flood Control Zone District Board of Supervisors amends and recodifies the rules relating to the District Advisory Committee, including membership, vacancies and meetings.

**COMMITTEE ACTION:**

4/14/2009: Amended and forwarded to Council for approval

**COUNCIL ACTION:**

3/31/2009: Introduced substitute version  
 4/14/2009: Council acting as the Whatcom County Flood Control Zone District Board of Supervisors Amended and Approved 7-0  
 Res. 2009-027

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Res. 2009-027

**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).

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SPONSORED BY: Council

PROPOSED BY: Council

INTRODUCTION DATE: 3/31/2009

**RESOLUTION NO. 2009-027**

**AMENDING RULES GOVERNING MEMBERSHIP, VACANCIES AND MEETINGS OF THE FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE ESTABLISHED IN RESOLUTIONS 92-015, 92-029, 94-001, 98-032 AND 2001-046 AND RECODIFYING THEM FROM CHAPTER 2.92 OF THE WHATCOM COUNTY CODE TO TITLE 100.02 OF THE FLOOD CONTROL ZONE DISTRICT**

**(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)**

**WHEREAS**, Whatcom County Code Chapter 2.92 relates to the flood control zone district advisory committee, and those provisions are more properly located in Title 100 of the Flood Control Zone District code with all of the FCZD enactments; and

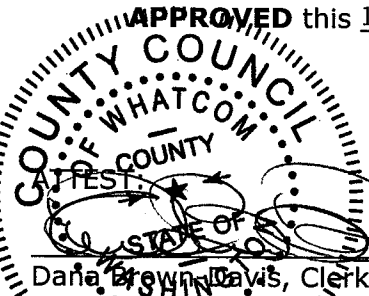
**WHEREAS**, the existing code provisions need to be amended to provide representation on the committee for the wide variety of stakeholders with concerns about programs and projects funded with FCZD funding; and

**WHEREAS**, the procedures governing filling of vacancies currently call for certain vacancies to be filled by the Public Works staff rather than the FCZD Board of Supervisors, and

**WHEREAS**, other rules relating to the advisory committee need to be updated to reflect the current practices of the committee or to reflect changes in Board policies;


**NOW THEREFORE BE IT RESOLVED** that the rules governing membership, appointments and meetings of the Flood Control Zone District Advisory Committee as established and amended by five previous resolutions of the Board of Supervisors of the Flood Control Zone District are hereby amended as shown in Exhibit A and shall be recodified to FCZD Title 100.02.

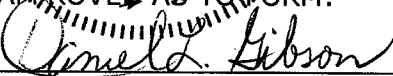
**APPROVED** this 14th day of April, 2009.

The seal of the Whatcom County Council is circular with the words "COUNTY COUNCIL" at the top and "WHATCOM COUNTY" at the bottom. In the center, it says "OFFICE OF THE CLERK". There is a signature over the seal and the text "Dana Brown Davis, Clerk of the Council" below it.

Dana Brown Davis, Clerk of the Council

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

  
Carl Weimer, Board of Supervisors Chair

APPROVED AS TO FORM:  
  
Pamela L. Gibson  
Civil Deputy Prosecutor

**EXHIBIT A**

**Chapter 100.02**

**100.02.010 Flood Control Zone District Advisory Committee.**

The Whatcom County Flood Control Zone District Board of Supervisors hereby creates a Flood Control Zone District Advisory Committee.

**100.02.020 Duties of the flood control zone district advisory committee.**

The Advisory Committee is an integral part of the operations and management of the flood control zone district and is charged with the following duties and responsibilities:

- A. Provide advice on flood hazard management and other water resources plan development and implementation;
- B. Discuss and recommend budget appropriations and supplemental budget appropriations from the funds of the district;
- C. Advise the Board of Supervisors on issues the Board may refer to it from time to time
- D. Act as a liaison between the Board of Supervisors and the public, and as requested, have hearings or public meetings on behalf of the Board of Supervisors.

**100.02.030 Membership.**

The advisory committee will consist of fifteen voting members and one ex officio non-voting member, each of whom resides in Whatcom County, to be appointed by the Board of Supervisors, as follows:

- A. Two members representing special districts, such as drainage and diking districts or flood control district subzones;
- B. Two members representing cities impacted by flooding;
- C. Two members, one member representing each of the two federally-recognized Indian Tribes, after consideration of the recommendation of the Nooksack Tribe and Lummi Nation governing bodies;
- D. Nine members who collectively represent a diversity of flood control zone district stakeholder interests and geographic areas throughout the county, whenever possible;
- E. One non-voting ex officio member to be selected by the Board of Supervisors from its own members.

**100.02.040 Term of Office.**

- A. The term of office for the nine members representing stakeholder interests and geographic areas within Whatcom County shall be four years. A member may be appointed to serve up to two consecutive four year terms, regardless of whether that member has served a first term of less than four years.
- B. The members appointed to represent special districts, the cities, the ex officio member and the Indian Tribes shall each serve for a one year term. These representatives may serve consecutive terms.

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C. No member representing stakeholder interests or a geographic area shall serve more than two consecutive full terms.

**100.02.050 Meetings - Quorum.**

The advisory committee shall meet once monthly or as its members shall determine, but not less frequently than once every three months. A majority of the appointed voting members of the advisory committee shall constitute a quorum for the transaction of business. Any actions taken by the advisory committee must be passed by a majority of the appointed voting members.

**100.02.060 Committee Staffing.**

Pursuant to the terms of an interlocal agreement, Whatcom County will provide limited staffing for the advisory committee, recording and producing minutes and providing agendas and other technical support as requested and available.

**100.02.070 By-Laws and Election of Officers.**

At its initial meeting each year, the advisory committee will elect a chairperson and vice-chairperson. The chairman shall preside over each meeting of the advisory committee. The vice chairperson shall have the power to perform all duties of the chairperson in his or her absence. The advisory committee may adopt bylaws to govern the conduct of their meetings, but any such by-laws shall be consistent with this chapter.

**100.02.080 Vacancies.**

When a vacancy occurs as the result of a completed term, or due to the death, resignation, or unexcused absence from two consecutive regular meetings of the advisory committee, or if for any other reason a member is unable to fulfill the duties of membership, the vacancy will be filled by appointment of the Whatcom County Flood Control Zone District Board of Supervisors.

Any person interested in serving on the advisory committee may be appointed by the board of supervisors to a list of alternate members for a period of six years. Alternate members shall be notified of each meeting of the advisory committee and encouraged to attend when possible.

When a mid-term vacancy occurs, the board may choose to solicit additional applications, or it may decide to fill the vacancy from the alternate list without soliciting additional applications if it determines that an alternate can fill the vacancy while maintaining the desired geographic and stakeholder diversity or the appropriate governmental representation on the committee.

When a vacancy occurs following a completed term, the board will solicit applications for the vacancy from the community as well as considering appointment from the alternate list.

**100.020.090 Public Meetings and Records.**

Written notice of the time and place of any meeting shall be sent to each member of the committee and each appointee to the alternate list at least five (5) days prior to each meeting.

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The Board of Supervisors intends that the Advisory Committee shall give public notice of its meetings consistent with the Washington Open Public Meetings Act, hold meetings open to the public, and record the proceedings of any meeting, including those instances in which the Open Public Meetings Act itself may not apply. The Advisory Committee shall not take any action or make any recommendation to the Flood Control Zone District the Board of Supervisors except through recorded decisions made at properly noticed public meetings.

Records of the Advisory Committee shall be retained by the River and Flood Division of Whatcom County Public Works Department, unless otherwise provided for by agreement between Whatcom County and the Whatcom County Flood Control Zone District.

**100.020.110 Effective date.**

The rules relating to membership and vacancies shall apply to vacancies and appointments that occur on or after April 14, 2009, allowing members seated at that time to complete their terms. All other provisions shall become effective upon signature of the Chair of the Board of Supervisors following adoption by the Board of Supervisors or 10 days after adoption by the Board of Supervisors, whichever occurs first.