



CO00046788

APPROVED: May 2, 2012
EFFECTIVE: *May 13, 2012*

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 12-019

RELATING TO WATER QUALITY RESTORATION AND WATER QUANTITY
MANAGEMENT PROGRAM, AMENDING PROVISION FOR CLEAN WATER
DISTRICT ADVISORY BOARD MEMBERSHIP IN SECTION 25A.30.040 SCC

WHEREAS, as authorized by chapter 90.72 RCW, Title 25A SCC authorizes water quality restoration service charges on real property located within the Stillaguamish River clean water district ("Clean Water District"); and,

WHEREAS, pursuant to Ch. 25A.30 SCC, the county has appointed a local Advisory Board to make recommendations to the county each year on the annual work plans of the surface water division of the Snohomish county public works department (SWM); and,

WHEREAS, pursuant to SCC 25A.30.040(1)(h) the Snohomish Health District ("Health District") is a member of the Advisory Board subject to a caveat that requires the Health District to cease its status as a member of the Advisory Board and serve only as staff to the Advisory Board at such time as the Health District receives funds from the Clean Water District; and,

WHEREAS, pursuant to an Intergovernmental Services Agreement dated February 16, 2011, the County has contracted with the Health District to provide certain services in and for the Clean Water District; and,

WHEREAS, the Health District, together with other municipal and governmental entities which are members of the Advisory Board, regularly seek funding from the Clean Water District for related projects; and,

WHEREAS, the Health District is the only member of the Advisory Board whose membership is subject to termination at such time as it receives funds from the Clean Water District and the Advisory Board in its letter to the county council dated October 14, 2011 recommends deleting the restriction on the right of the Health District to serve as a member of the Advisory Board by amending section 25A.30.040(1)(h); and,

WHEREAS, the Advisory Board merely makes recommendations to the County for action upon funding requests and does not have the authority to issue any contracts or otherwise allocate funds that might give rise to any impermissible conflict of interest

by virtue of having a member agency also be an applicant or recipient of funds from the Clean Water District; and,

WHEREAS, the county council held a public hearing on May 2, 2012, to solicit comments from the public and to consider whether to adopt the amendment to Title 25A SCC contained herein; and

WHEREAS, the county council concludes that Title 25A SCC should be amended as set forth herein;

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The county council hereby adopts the foregoing recitals as findings of fact and conclusions as if set forth in full herein.

Section 2. Snohomish County Code Section 25A.30.040, last amended by Amended Ordinance No. 09-120 on December 16, 2009, effective December 28, 2009, is amended to read:

25A.30.040 Advisory board composition.

- (1) The Stillaguamish River clean water district advisory board shall include:
 - (a) Five positions which shall be for rate payers from the single family rate category. Each of the following subwatersheds or geographic areas shall be represented: Lakes, North Fork Stillaguamish and tributaries, South Fork Stillaguamish and tributaries, Mainstem Stillaguamish and tributaries, and unincorporated UGA.
 - (b) One position which shall be for a rate payer from the farm rate category.
 - (c) One position which shall be for a rate payer from any one of the retail, industrial, or other land use rate categories.
 - (d) The Stillaguamish flood control district and drainage district seven shall be entitled to one position.
 - (e) Three positions for residential rate payers at large.
 - (f) Each city adjoining the Stillaguamish River clean water district that has an interlocal agreement with the county for cooperation on water resource issues shall be entitled to one position.
 - (g) One position each for the following: the Stillaguamish Tribe, the Tulalip Tribes, the state department of fisheries and the Snohomish conservation district.
 - (h) The Snohomish health district (~~((until such time as the health district receives funds from the district at which time they will serve as staff to the board)))~~).
 - (i) Washington state department of ecology.
- (2) Staff members representing agencies receiving district funds as specified in SCC 25A.20.030(3) shall be present at all board meetings.

[The remainder of this page is intentionally left blank.]

Passed this 2nd day of May, 2012.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

J. Wright
Council Vice Chair

ATTEST:

K. Braden
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 5/31/12

[Signature]
County Executive

ATTEST:

[Signature]
Approved as to form only:

Deputy Prosecuting Attorney

COUNCIL USE ONLY	
Approved:	<u>5-2-12</u>
Docfile:	<u>D-8</u>