

1 APPROVED: 9/07/2022
2 EFFECTIVE: 9/22/2022

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 22-032

8
9 RELATING TO THE SNOHOMISH COUNTY PUBLIC WORKS ASSISTANCE FUND;
10 PROVIDING FOR LOANS TO LOCAL GOVERNMENTS AND ADDING A NEW
11 CHAPTER TO TITLE 4 SCC
12

13 WHEREAS, chapter 36.135 RCW authorizes county legislative authorities to
14 establish local public works assistance funds for the purpose of funding public works
15 projects located wholly or partially within the county; and

16
17 WHEREAS, RCW 36.135.020 authorizes counties to deposit moneys from
18 existing county revenue sources into local public works assistance funds, which
19 deposits and any interest earned thereon can only be used to make loans to the county
20 and to other local governments for public works projects, and for administration of the
21 fund; and

22
23 WHEREAS, pursuant to RCW 36.135.020 and 36.135.030, such loans must be
24 made in consultation with cities and towns and are subject to certain minimum amounts
25 that must be made available for projects in cities or towns and to certain maximum
26 amounts that can be used for loans to the County or for administration of the fund; and

27
28 WHEREAS, chapter 4.05 SCC provides for the creation of county funds by
29 ordinance; and

30
31 WHEREAS, the Snohomish County Public Works Assistance Fund created by
32 this ordinance will provide a structure for conducting and accounting for future county
33 funding and loan activities as contemplated by chapter 36.135 RCW, if any;

34
35 NOW, THEREFORE, BE IT ORDAINED:

36
37 Section 1. A new chapter is added to Title 4 of the Snohomish County Code to
38 read:

39
40 **Chapter 4.117**

41
42 **SNOHOMISH COUNTY PUBLIC WORKS ASSISTANCE FUND**
43

- 1 Sections:
- 2 4.117.010 Creation and purpose.
- 3 4.117.020 Definitions.
- 4 4.117.030 Source of resources.
- 5 4.117.040 Use of resources.
- 6 4.117.050 Loan eligibility and terms.
- 7 4.117.060 Loan applications and prioritization.
- 8 4.117.070 Administration of fund.
- 9 4.117.080 Sunset, staff report

10

11 **4.117.010 Creation and purpose.**

12 There is hereby created the Snohomish county public works assistance
13 fund. The purpose of the fund is to provide for loans to the county and other
14 local governments to assist in funding public works projects located wholly or
15 partially within the county as authorized by chapter 36.135 RCW and this
16 chapter.

17

18 **4.117.020 Definitions.**

19 In this chapter, unless the context clearly requires otherwise,

20 (1) "Local government" means a city, town, county, special purpose
21 district, and any other municipal corporation or quasi-municipal corporation in the
22 state, excluding school districts and port districts;

23 (2) "Public works project" means a project of a local government for the
24 planning, acquisition, construction, repair, reconstruction, replacement,
25 rehabilitation, or improvement of streets and roads, bridges, water systems, or
26 storm and sanitary sewage systems and solid waste facilities, including recycling
27 facilities.

28

29 **4.117.030 Source of resources.**

30 (1) The resources of the Snohomish county public works assistance fund
31 shall consist of:

32 (a) Such revenue from existing revenue sources of the county within the
33 meaning of RCW 36.135.020 as may be approved by the county council in its
34 sole discretion; and

35 (b) Money received from the county and other local governments in
36 repayment of loans from the fund.

37 (2) All deposits to the fund, except repayments of loans from the fund,
38 must be approved by the county council.

39

40 **4.117.040 Use of resources.**

41 (1) Moneys in the Snohomish county public works assistance fund, and
42 interest earned on balances from the fund, may only be used:

1 (a) To make loans to the county and to other local governments to fund
2 public works projects located wholly or partially within the county as provided in
3 chapter 36.135 and this chapter; and

4 (b) For costs incurred in the administration of the fund.

5 (2) No more than fifty percent of the moneys loaned from the fund in a
6 calendar year may be loaned to the county. At least twenty-five percent of the
7 moneys anticipated to be loaned from the fund in a calendar year must be made
8 available for funding public works projects in cities or towns.

9 (3) No more than one percent of the average annual balance of the fund,
10 including interest earned on balances from the fund, may be used annually for
11 administrative costs.

12 (4) All loans of fund resources must be approved by the county council.
13 Such approval will be considered by the council in accordance with procedures
14 adopted under SCC 4.117.060.

15
16 **4.117.050 Loan eligibility and terms.**

17 (1) To be eligible for a loan from the Snohomish county public works
18 assistance fund, a local government must, in addition to meeting other county
19 requirements, demonstrate to the county:

20 (a) Utilization of all local revenue sources that are reasonably available
21 for funding public works projects;

22 (b) Compliance with applicable requirements of chapter 36.70A RCW;
23 and

24 (c) Consistency between the proposed project and applicable capital
25 facilities plans required under chapter 36.70A RCW.

26 (2) Loans from the fund will be made upon such terms and conditions and
27 charge rates of interest as the county council deems necessary or convenient to
28 carry out the purposes of this chapter. Loans must not exceed the money in the
29 fund plus money to be received from the payment of debt service on loans made
30 from the fund.

31
32 **4.117.060 Loan applications and prioritization.**

33 (1) Within 120 days after the county council determines by motion that the
34 resources of the Snohomish county public works assistance fund are sufficient to
35 support the grant of one or more loans to local governments, the departments of
36 finance and public works shall jointly prepare and present to the council for its
37 adoption by motion:

38 (a) A proposed prioritization process for funding public works projects that
39 gives priority to projects necessary to address public health needs, substantial
40 environmental degradation, or increase existing capacity necessary to
41 accommodate projected population and employment growth; and

1 (b) A proposed competitive application process for funding public works
2 projects that requires consideration of the following factors in assigning a priority
3 to and funding a project:

4 (i) Whether the local government applying for assistance has experienced
5 severe fiscal distress resulting from natural disaster or emergency public works
6 needs;

7 (ii) Whether the project is critical in nature and would affect the health and
8 safety of a great number of citizens;

9 (iii) The cost of the project compared to the size of the local government
10 and amount of loan money available;

11 (iv) The number of communities served by or funding the project;

12 (v) Whether the project is the acquisition, expansion, improvement, or
13 renovation by a local government of a public water system that is in violation of
14 health and safety standards;

15 (vi) The number of additional housing units estimated to be achieved by
16 funding the project;

17 (vii) The number of additional jobs estimated to be achieved by funding
18 the project; and

19 (viii) Other criteria the council may deem appropriate.

20 (c) A proposed schedule of terms, conditions, and interest rates that are
21 necessary or convenient, considering the financial and other interests of the
22 county, to carry out the purposes of this chapter.

23 (2) The prioritization process required by subsection (1)(a) of this section
24 must be:

25 (a) Completed collaboratively with public works directors of local
26 governments within the county through the Snohomish county tomorrow process
27 initiated by council Motion No. 89-159, provided that final decisions shall be
28 made by the council;

29 (b) Documented in the form of written findings produced by the county;
30 and

31 (c) Revised periodically according to a schedule developed by the county
32 and the public works directors.

33 (3) The council will adopt the procedures and schedule of terms,
34 conditions, and interest rates, with or without revisions, or return the proposals to
35 the departments for modification. Once adopted by the council the procedures
36 shall be implemented by the departments of finance and public works and other
37 county departments as provided therein.

38
39 **4.117.070 Administration of fund.**

40 The director of the department of finance or the director's designee shall
41 administer the Snohomish county public works assistance fund within the
42 financial management system provided for in chapter 2.100 SCC, and shall serve
43 as the fund manager. Administration of the fund shall be coordinated with like

1 county loan programs, if any, in order to maximize efficiencies and avoid
2 duplication. The fund manager shall have the duties set out in SCC 4.05.050.

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4 **4.117.080 Sunset, staff report.**

5 (1) Chapter 4.117 SCC, adopted by this ordinance or as amended after
6 the effective date of this ordinance, is repealed, effective on the date six years
7 following enactment unless re-enacted prior to that date as provided in section
8 2.115 of the county charter.

9 (2) On or before the date five years following enactment the director of
10 the department of finance or the director's designee shall file with the council a
11 written report on the status and operation of the Snohomish county public works
12 assistance fund, which report shall include, in addition to other matters identified
13 by the director, a statement of the terms and conditions of all outstanding loans
14 to local governments and a recommendation for legislative action to be taken
15 prior to repeal under subsection (1) of this section, if any.

16
17 Section 2. All acts taken by the Public Works Department and/or the Finance
18 Department prior to enactment of this ordinance that are consistent with and in
19 furtherance of the purpose or intent of this ordinance and the prior chapter 4.117 SCC
20 are hereby ratified and confirmed.

21
22 PASSED this 7th day of September, 2022.

23
24 SNOHOMISH COUNTY COUNCIL
25 Snohomish County, Washington


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27 
28 _____
29 Chairperson

30 ATTEST:

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32 _____
33 Asst. Clerk of the Council

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35 (X) APPROVED
36 () EMERGENCY
37 () VETOED

38 DATE: September 12, 2022

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41 _____
42 County Executive
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1 ATTEST:

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3 Melissa Geraghty

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5 Approved as to form only:

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7 /s/ George B Marsh 8/2/2022

8 Deputy Prosecuting Attorney

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