

ORDINANCE NO. _____

ORDINANCE ESTABLISHING THE SWIFT CREEK CAPITAL PROJECTS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR SWIFT CREEK CAPITAL PROJECTS

WHEREAS, Swift Creek, due to the Sumas Mountain landslide, transports large amounts of sediment containing naturally-occurring asbestos (NOA) and metals which poses flooding and health hazards to the surrounding community and environment; and

WHEREAS, the Washington State Legislature awarded Whatcom County an appropriation totaling \$6.4 million for the Sumas Mountain/Swift Creek Sediment Management Project to be distributed by the Department of Ecology (Ecology); and

WHEREAS, the Washington State Legislature has identified \$10.7 million of projected costs to be allocated in future biennia; and

WHEREAS, Ecology and Whatcom County have entered into a no-match grant agreement that will advance allotments of the state appropriation to the County; and

WHEREAS, \$1,182,841 of the state appropriation has been spent on preliminary engineering and maintenance; and

WHEREAS, in December of 2019, Ecology and Whatcom County entered into a Consent Decree which lays out the scope of work and overall schedule for this ongoing, multi-year project; and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years; and

WHEREAS, this is a multi-year capital project requiring budget approval,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a project based budget fund is hereby established effective March 25th 2020, titled "Swift Creek Capital Projects Fund"

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BE IF FURTHER ORDAINED, that the fund is approved with an initial project budget of \$5,217,159, as presented in attached Exhibit A.

ADOPTED this ____ day of _____, 2020.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan,
Chair of the Council

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

() Approved () Denied



Christopher Quinn
Senior Deputy Prosecuting Attorney
Civil Division

Satpal Singh Sidhu
County Executive

Date Signed: _____

EXHIBIT A

Supplemental Budget Request


Status: Pending

Public Works **Engineering Design/Const**

Suppl ID # 3033 Fund Cost Center Originator: Randy Rydel

Expenditure Type: One-Time Year 2 2020 Add'l FTE Add'l Space Priority 1

Name of Request: **Establish Swift Creek Capital Project Based Budget**

X  2/25/20
Department Head Signature (Required on Hard Copy Submission) Date

Costs:	Object	Object Description	Amount Requested
	4334.0310	DOE Grants	(\$5,217,159)
	6630	Professional Services	\$915,000
	6699	Other Services-Interfund	\$150,000
	7320	Land	\$1,900,000
	7380	Other Improvements	\$2,252,159
	Request Total		\$0

1a. Description of request:

In 2018 the Washington State Legislature awarded Whatcom County an appropriation totaling \$6.4 million for the Sumas Mountain/Swift Creek Sediment Management Project to be distributed by the Department of Ecology (Ecology). Ecology and Whatcom County have entered into a no-match grant agreement that advances allotments of the state appropriation to the County. Through 2019 \$1,182,841 of the state appropriation has been spent on preliminary engineering and maintenance. In December of 2019, Ecology and Whatcom County entered into a Consent Decree which lays out the scope of work and overall schedule for this ongoing, multi-year project. Given the capital and multiyear nature of this project it is best suited for a Project based budget. This request establishes a budget authority to spend the remaining \$5,217,159 of this no match state grant.

1b. Primary customers:

Whatcom County residents that live or work near the Sumas River or Swift Creek.

2. Problem to be solved:

Swift Creek has a long history of sediment loading and flooding as a result of an active landslide. Sediment from the slide contains naturally occurring asbestos and heavy metals causing environmental and public health concerns. The Swift Creek Sediment Management Action Plan (SCSMAP) was adopted by the County Council in 2013 to address the problem.

3a. Options / Advantages:

An Environmental Impact Statement that reviewed alternatives was finalized in 2013 for the SCSMAP.

3b. Cost savings:

4a. Outcomes:

Property acquisition, continued design of project elements, permitting, and capital construction of the initial phases of a multi-year project construction schedule.

4b. Measures:

5a. Other Departments/Agencies:

This requires working with the Department of Ecology on funding and grant management.

5b. Name the person in charge of implementation and what they are responsible for:

Wednesday, February 26, 2020

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Public Works

Engineering Design/Const

Suppl ID # 3033

Fund

Cost Center

Originator: Randy Rydel

6. Funding Source:

The source of funding for this Supplemental Budget Request is from state funding through a Department of Ecology no-match grant.