

PROPOSED BY: DONOVAN, BUCHANAN
INTRODUCTION DATE: DECEMBER 3, 2024

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE SECTION 2.130 ECONOMIC
DEVELOPMENT INVESTMENT BOARD**

WHEREAS, on July 13, 1999 the Whatcom County Council established the Rural County Public Facilities Fund by Ordinance 99-032 to account for all revenue collections and expenditures related to the Rural County Sales and Use Tax; and

WHEREAS, on May 30, 2000 the Whatcom County Council established the Rural County Sales and Use Tax Committee to review funding proposals and make recommendations consistent with the intent of RCW 82.14.370;
and

WHEREAS, on October 23, 2023 the Whatcom County Council approved resolution 2023-043 which recommended the EDI Board consider and propose recommendations to promote more diverse representation on the Board, to prioritize affordable and workforce housing, update guidelines and consider a planned investment strategy; and

WHEREAS, on April 9, 2024 the Whatcom County Council approved Resolution 2024-018 supporting modernization of the Economic Development Investment Board; and

WHEREAS, during the 2024 Washington State Legislative Session, the Legislature amended RCW 82.14.370 to allow for direct investment in the construction of affordable workforce housing or facilities; and

WHEREAS, staff and the EDI Board have committed time and effort to the goals outlined in Resolution 2023-043 and Resolution 2024-018 and worked diligently to fulfill the requests of both Resolutions meeting on several occasions to develop and formalize policy updates and revisions to WCC 2.130; and

WHEREAS, the EDI Board have formalized their recommendations in the proposed changes to WCC 2.130 and those changes include a restructured board size and composition, updated code language, a revised purpose consistent with changes to RCW 82.14.370 and updated the EDI priorities to include investments in workforce housing and affordable housing; and

WHEREAS, the proposed code changes will ensure consistency with changes to RCW 82.14.370 and fulfill the Council priorities outlined in Resolution 2024-018.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that WCC 2.130 is hereby amended as presented in Exhibit A, effective November 20, 2024.

ADOPTED this _____ day of _____, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Cathy Halka, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:
/s/ approved by Brandon Waldron / LB

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Satpal Sidhu, County Executive
() Approved () Denied
Date Signed:

EXHIBIT A

Chapter 2.130

ECONOMIC DEVELOPMENT INVESTMENT BOARD

Sections:

2.130.010 Established.

2.130.020 Purpose.

2.130.030 Function.

2.130.040 Membership – Term of office.

2.130.050 Organization – Meetings

2.130.060 EDI program administration and board staffing.

2.130.010 Established.

There is hereby established the Whatcom County economic development investment board (EDI board). (Ord. 2003-046 Exh. A; Ord. 2000-022).

2.130.020 Purpose.

The board is created to make recommendations to the Whatcom County council to invest in public facilities, consistent with RCW [82.14.370](#), that further the goals for promoting the industrial, commercial, and residential growth and creation of housing units in support of economic development ongoing operation of business in Whatcom County:

A. Increase the number of family wage jobs available in Whatcom County~~to the citizens of the county~~;

B. Retain, Expand, and Attract existing businesses ~~to within the Whatcom County~~;

C. ~~Facilitate the expansion of existing businesses~~Invest in housing infrastructure and affordable workforce housing serving residents at 120% Area Median Income (AMI) or below;

D. ~~Attract new businesses to Whatcom County~~Invest in expansion of broadband internet infrastructure expanding access to affordable and reliable internet for Whatcom County businesses;

E. Sustain the EDI program through repayment of EDI loans. (Ord. 2003-046 Exh. A; Ord. 2000-022).

F. Other Criteria. Other criteria as established by legislative actions taken subsequent to the adoption of the ordinance codified in this chapter will be incorporated in the project funding criteria. (Ord. 2003-046 Exh. A: Ord 2000-022).

2.130.030 Function.

At the inception of the tax collection, all revenue shall be deposited into the designated rural county public facilities fund. As soon thereafter as practical, the county may issue bonds in an amount that will be based on the estimated annual tax collections. All interest from the bonds, loans, any additional taxes, or other revenues collected from this act or any subsequent or successor legislation shall be treated in a similar manner. (Ord. 2003-046 Exh. A; Ord. 2000-022).

2.130.040 Membership – Term of office.

A. The EDI board will consist of 143 members and 1 non-voting member responsible for administration of the EDI program, which include:

Members by Organization:

1. The county executive;
2. The mayor of Bellingham;
3. One of tTwo mayors from a of small cityies, designated by the Small Cities Caucus;
4. Chair One Member member of the county council;
5. One member of the county council representing a small city within their district but not an at-large member
5. County department head or official appointed by the county executive;
6. One member of the Whatcom County Business and Commerce committee (business representative) at large, appointed by the county executive;
7. One member of the agricultural community, appointed by the county executive representing the Bellingham/Whatcom County Chamber of Commerce;
8. One member of the timber community, appointed by the county executive representing the Associate Development Organization (ADO);
9. One member of the fishing community, appointed by the county executive representing the Port of Bellingham;
10. One member representing the Public Utility District each of the following:
 - a. Bellingham/Whatcom County Chamber of Commerce
 - b. Associate Development Organization (ADO);
 - c. Port of Bellingham;
 - d. Public utility district.

Members appointed:

11. One member of the commercial financing community, with expertise in housing developmenta. Bellingham/Whatcom County Chamber of Commerce;

12. One member from the philanthropic communityb. Associate Development Organization- (ADO);

13. One member of the non-profit housing development communityc. Port of Bellingham;

Non-voting member:

14. One Whatcom County staff member designated by the County Executive with responsibility for administrating the EDI program

B. The chairperson of the board shall be the Whatcom County executive.

C. Due to the composition of this board, it is not subject to Charter Section 3.23. (Ord. 2018-016 Exh. A; Ord. 2016-015 Exh. A; Ord. 2003-046 Exh. A; Ord. 2000-022).

D. ~~Appointed members~~All members of the EDI Board will be appointed by the County Executive and confirmed by the Whatcom County Council.

E. All appointed EDI Board members will serve a 3-year term, and will be limited to 2 consecutive terms.

2.130.050 Organization – Meetings.

A. Meetings of the EDI board shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. ~~The board shall determine its own meeting schedule. At every meeting, the committee will schedule an open session to take public comment.~~

~~B. All EDI projects shall be defined as publicly owned facilities that generate economic benefit to the citizens of Whatcom County. No investment shall be made in support of residential development.~~The EDI Board will meet 2 times per year: in May, the Board will review the past years awards and review the annual update form from each agency awarded funding, review proposed 'call for projects' process presented by staff, and vote to release a 'call for projects' and application.

In August, the Board will review applications to EDI funding and develop a prioritized list of projects and recommended funding awards for the following fiscal year to the County Council.

~~C. The Whatcom County council may establish additional criteria for the board to address in evaluating projects for funding priority that would enhance economically sustainable jobs and businesses, including jobs in agriculture, fisheries, and timber production, but not limited to.~~The EDI Board may be called to a special meeting at the discretion of the County Executive to consider emergent requests, where an opportunity arises to meet the County goals of EDI funding and the opportunity would be lost without consideration of awarding EDI funding. :

~~1. Job Creation. Funding priority shall be given to projects that result in immediate or near term job creation or retention of jobs.~~

~~2. Wages. Preference shall be given to projects that generate/retain higher paying jobs. Evaluation should be made of average anticipated wages of the new/retained employees and benefits available to employees.~~

~~3. Desired Project Timeline. Generally, projects shall be undertaken within 12 months of funding and completed within 24 months.~~

~~4. Match. Preference shall be given to projects that match rural county fund dollars. Funding priority will be given to projects that have a partnership(s) component.~~

~~5. Other Criteria. Other criteria as established by legislative actions taken subsequent to the adoption of the ordinance codified in this chapter will be incorporated in the project funding criteria. (Ord. 2003-046 Exh. A; Ord. 2000-022).~~

2.130.060 EDI program administration and board staffing.

The county executive will be responsible for administration of the EDI program including developing guidelines and processes to meet the adopted purpose.

The county executive shall designate the staffing for the board. (Ord. 2003-046 Exh. A; Ord. 2000-022).

EDI funding will be allocated annually to support staffing costs for the administration of the EDI program.