

ORDINANCE NO. _____

**APPROVING A SYSTEM OF RATES AND CHARGES FOR THE WHATCOM
CONSERVATION DISTRICT ON PROPERTIES LOCATED IN UNINCORPORATED AND
INCORPORATED WHATCOM COUTY**

WHEREAS, RCW 89.08.405 authorizes county legislative authorities to approve a system of rates and charges for conservation districts to fund activities and programs to conserve natural resources and other exercise of authority for the public health, safety and welfare as authorized by law; and

WHEREAS, the Whatcom County Conservation District (District) has developed and proposes a system of rates and charges to provide basic funding for District activities within Whatcom County; and

WHEREAS, the District is a governmental subdivision of the State of Washington, organized under chapter 89.08 RCW to provide for the protection of the public health, safety and welfare, including protection and conservation of natural resources throughout Whatcom County; and

WHEREAS, the District's proposal includes a spending plan for projects and program activities as authorized by chapter 89.08 RCW that will support properties and property owners within both incorporated and unincorporated Whatcom County; and

WHEREAS, pursuant to RCW 89.08.400 and .405, the District conducted public hearings on the proposal on July 7, 2022, and July 11, 2022; and

WHEREAS, the Board of Supervisors of the Whatcom Conservation District passed Resolution No. 22-02 on July 25, 2022, to submit a proposed system of rates and charges to the Whatcom County Council; and

WHEREAS, the Board of Supervisors of the Whatcom Conservation District passed Resolution No. 22-03 on July 25, 2022, to provide a process for individual property owner appeals of a rate or charge applied to a parcel of property; and

WHEREAS, Whatcom Conservation District transmitted its resolutions and request to approve and to fix the rates and charges consistent with chapter 89.08 RCW to Whatcom County on July 29, 2022; and

- WHEREAS**, the revenue from the rates and charges will allow the District to:
- Exercise its authority, including the continued protection of the public health, safety and welfare and protection and conservation of natural resources throughout Whatcom County
 - Obtain grant funding and support local conservation programs
 - Address water quality and conservation programs related to endangered salmon species
 - Provide for other natural resource protection requirements and needs, such as the protection and conservation of farm lands; and

1 **WHEREAS**, support for the District's proposed programs has come from many
2 different organizations and agencies across the County; and

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4 **WHEREAS**, programs to be supported by the system of rates and charges are
5 consistent with policies in the Whatcom County Comprehensive Plan regarding the
6 conservation of agriculture and protection of important fish habitat; and

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8 **WHEREAS**, the system of rates and charges was developed following an extensive
9 rate study prepared for the Conservation District by FCS Group, an independent financial
10 consulting firm that provides economic, public finance, management consulting and financial
11 (rates, charges and fees) services to public sector entities throughout the country, including
12 city and county governments, utilities, municipal corporations and ports, special purpose
13 districts and state agencies. FCS Group evaluated the services provided by the District and
14 has developed a rate structure that allocates the costs of District services to classes of
15 property; and

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17 **WHEREAS**, the Board of Supervisors of the Whatcom Conservation District, in
18 adopting Resolution No. 22-02, considered and adopted Findings and Determinations that
19 support the system of rates and charges and the application to properties and property
20 owners in the unincorporated and incorporated areas of the County; and

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22 **WHEREAS**, notice of the public hearings held by the Board of Supervisors of the
23 Conservation District were posted in thirty-two places throughout the incorporated and
24 unincorporated areas of Whatcom County beginning on June 23, 2022; published on the
25 District web page beginning June 22, 2022; and published in The Bellingham Herald on June
26 24, 2022, and July 1, 2022, the Lynden Tribune on June 29, 2022, and the Northern Light
27 on June 30, 2022; and

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29 **WHEREAS**, pursuant to RCW 89.08.400 and .405, the Whatcom County Council
30 conducted a public hearing on _____ to consider the proposed rates and charges;
31 and

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33 **WHEREAS**, notice of the public hearing held by the Whatcom County Council was
34 posted in at least five locations throughout the District and published in
35 _____ for two consecutive weeks, with the last notice at
36 least five days before the hearing on _____, and published in _____ on
37 _____; and

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39 **WHEREAS**, imposition of the system of rates and charges by and for the District is
40 in furtherance of the public health, safety and welfare and in the interest of the citizens of
41 Whatcom County.

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43 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

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45 **Section 1.** The Whatcom County Council hereby approves a system of rates and charges
46 pursuant to RCW 89.08.405 on all lands in those portions of the Whatcom Conservation
47 District located within Whatcom County for a period of ten years, beginning collection in
48 January 2023 through 2032, consistent with Whatcom Conservation District Resolution No.
49 22-02 (the "Rate Resolution"), as outlined in Exhibit A, which is attached hereto and
50 incorporated herein by this reference.

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52 **Section 2.** The schedule of rates and revenue calculations is approved as shown in Exhibit
53 B, which is attached hereto and incorporated herein by reference.
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1 **Section 3.** The rate schedule approved in this Ordinance as shown in Exhibit B shall be
2 applied by the District as a separate item against each parcel (subject to a rate) on the tax
3 rolls, and the District shall at its expense prepare a roll setting forth each parcel to be
4 charged and the amount of unpaid charges for each parcel to be charged as set forth
5 herein, and transmit the same to the County Assessor and Treasurer, and the County
6 Treasurer shall collect and account in the manner required for property taxes. In recognition
7 of changes of use and of property during the period authorized hereunder (including
8 creation of new lots), and the potential for inadvertent error in classification of parcels and
9 the application of use codes, the Conservation District is authorized to modify and correct a
10 parcel's identification and applicable rate in its submittals to the County Assessor and
11 Treasurer. Any appeal of such rate and charge shall be conducted and determined by the
12 District pursuant to RCW 89.08.405 and District Resolution 22-03 as shown in Exhibit D,
13 which is attached hereto and incorporated herein by reference. The District shall promptly
14 transmit any revision to the rates and charges applicable to a parcel or parcels as the result
15 of its determination upon appeal to the County Assessor and Treasurer, and the District
16 shall refund any amount paid which it determines upon appeal to be in error. The cost and
17 administrative resources necessary to collect from a parcel that does not receive a property
18 tax statement from the County Treasurer may not be economically justified. As a result, if
19 the District includes in the roll transmitted to the County Assessor and Treasurer parcels
20 subject to the rates and charges approved by this Ordinance, not otherwise required by law
21 to receive a property tax statement, the District will pay to the County Treasurer the
22 allocable cost of mailing statements to that parcel, in addition to the otherwise applicable
23 cost of collection. The amount of a rate shall constitute a lien against the land that shall be
24 subject to the same conditions as a tax lien, collected by the County Treasurer in the same
25 manner as delinquent real property taxes, and subject to the same interest rate and penalty
26 as for delinquent property taxes.

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28 **Section 5.** As provided in RCW 89.08.405(6), the County shall retain one percent (1%) of
29 the amount collected by the County Treasurer to reimburse the County for the costs of
30 collection.

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32 **Section 6.** The District shall administer its program and expenditures pursuant to its annual
33 program of work and rates and charges budget. The *2023 Program of Work with Proposed*
34 *Rates & Charges Appropriation Budget* is attached hereto as Exhibit C, and incorporated
35 herein by reference. The District shall provide, by no later than September 1 of each year,
36 copies of its annual program of work and rates and charges budget to Whatcom County. The
37 District shall also provide annual reports at this time, detailing work completed the prior
38 year. The annual reports shall describe progress achieved towards work plan goals and
39 report any barriers towards achieving work plan goals. The annual program of work, the
40 rates and charges budget, and the annual reports shall be filed with the clerk of the
41 Whatcom County Council.

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1 **Section 7.** This Ordinance is enacted under the County's police power authority, including
2 Const. Art. XI, Section 11 and RCW 36.32.120, and its authority under chapter 89.08 RCW.
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5 **ADOPTED** this ____ day of _____, 2022.
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9 ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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11 _____
12 Dana Brown-Davis, Clerk of the Council Todd Donovan, Council Chair
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15 WHATCOM COUNTY EXECUTIVE
16 APPROVED AS TO FORM: WHATCOM COUNTY, WASHINGTON
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20 Civil Deputy Prosecutor Satpal Sidhu, County Executive

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22 () Approved () Denied
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24 Date Signed: _____
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