

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of Commissioners
Philip Morley, County Administrator

FROM: Tami Pokorny, Environmental Health Specialist II

DATE: December 2, 2013

RE: Discussion of Possible Changes to County Code Section 3.08 –
Conservation Futures Fund

STATEMENT OF ISSUE: Conservation Futures Citizen Oversight Committee Chair Rick Jahnke and staff request an opportunity to discuss possible additions and changes to the text of County Code Section 3.08 regarding the Conservation Futures Fund. On July 9, 2013, Chief Civil DPA Alvarez issued a legal opinion in response to the concerns raised by Mssrs. Wood and Raven, two Conservation Futures Citizen Oversight Committee (CF Committee) members. That 87-page opinion is available at http://www.co.jefferson.wa.us/commissioners/Agenda/2013%20Attach/071513_ra05.pdf.

On September 11, the CF Committee met to discuss DPA Alvarez's opinion and voted to accept the suggested additions and changes to code. The preliminary final minutes of this meeting are available at http://www.co.jefferson.wa.us/commissioners/Conservation/conservation_meeting.asp. Previously, on April 18, the Committee had also voted to request a change in the meeting frequency required by code, from quarterly to "as needed." The final minutes for this meeting are available at the same location.

Next month, staff will present the CF Committee's recommendations for changes to the program's application and ranking materials for the 2014 cycle.

ANALYSIS: The changes to County Code Section 3.08 requested by the CF Committee would 1). Prevent a committee member from presenting or advocating on behalf of a project during the application cycle; 2). Require recusal of CF Committee members who represent projects prior to the meeting to rank projects; 3). Match the local and state definitions of "open space," and 4). Hold meetings on an as-needed basis because, for several funding cycles, there has been a lack of business to conduct in the first quarter.

The recommended changes are as follows:

1). Add County Code Section 3.08.050(6) stating: "No person on the citizen oversight committee shall serve as the application presenter or advocate during the annual application cycle that such a particular application is participating in except that this section is not violated when a citizen

oversight committee member is the person authorized or required to sign an application, request or other document necessary for the Conservation Futures Fund application process and so signs that application, request or other document."

2). Add County Code Section 3.08.050(7) stating: "Recusal of any sponsor or applicant, or any representative, advocate, presenter or agent of any sponsor or applicant, who is a voting member of the citizen oversight committee shall be mandatory prior to the start of any meeting of the citizen oversight committee during which the citizen oversight committee is going to vote upon or rank one or more applications."

3). Revise County Code Section 3.08.010(8) to remove the words "for public use and enjoyment." so that the revised definition ends with the phrase: "farm and agricultural land and timber land as those terms are defined in Chapter 84.34 RCW."

4). Revise County Code Section 3.08.050(1) to remove the words "at least quarterly" and replace them with "as needed".

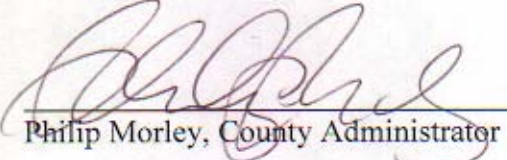
FISCAL IMPACT: Costs to discuss possible changes to County Code Section 3.08 are negligible.

RECOMMENDATIONS:

- 1) Review relevant portions of the April 18 and September 11 CF Committee minutes and July 9 legal opinion.
- 2) Consider whether the BoCC wishes to amend the text of County Code regarding the Conservation Futures Fund (Chapter 3.08 JCC) as suggested in the legal opinion and by the CF Committee. If so, direct the Chief Civil DPA to draft the ordinance to do so and staff to help prepare for a public hearing.

DEPARTMENT CONTACT: Tami Pokorny, Water Quality, Extension 498

REVIEWED BY:


Philip Morley, County Administrator

11/20/13
Date