

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: Jared Keefer, Environmental Health & Water Quality Director

DATE: April 28, 2014

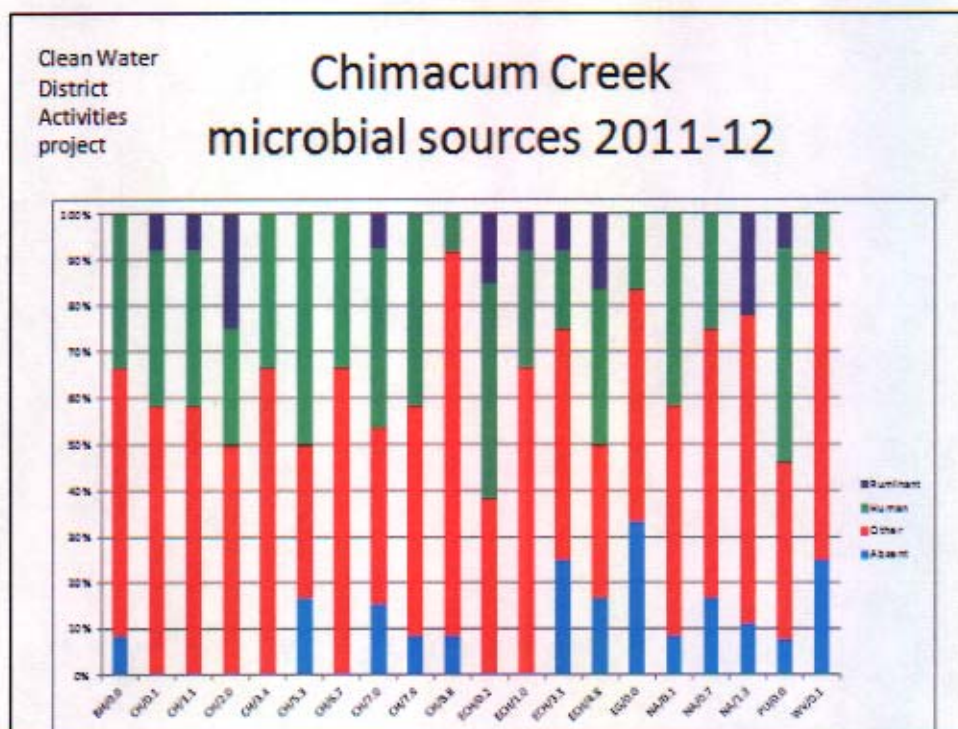
SUBJECT: Clean Water District Ordinance Amendment

STATEMENT OF ISSUE:

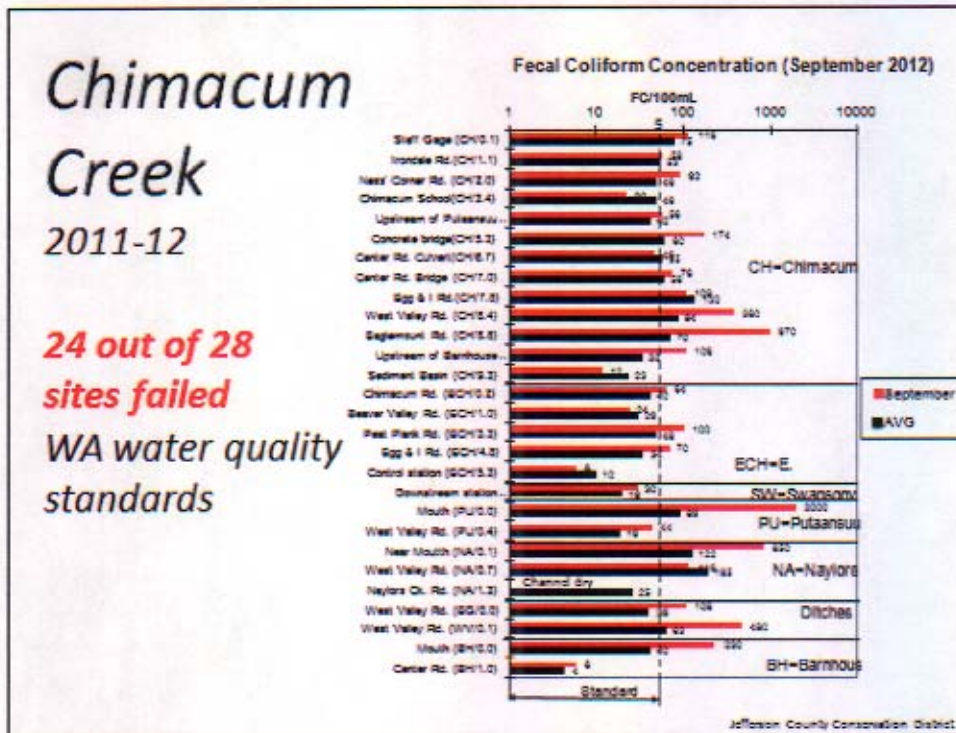
Jefferson County Public Health is requesting an amendment to the Clean Water District Ordinance.

ANALYSIS:

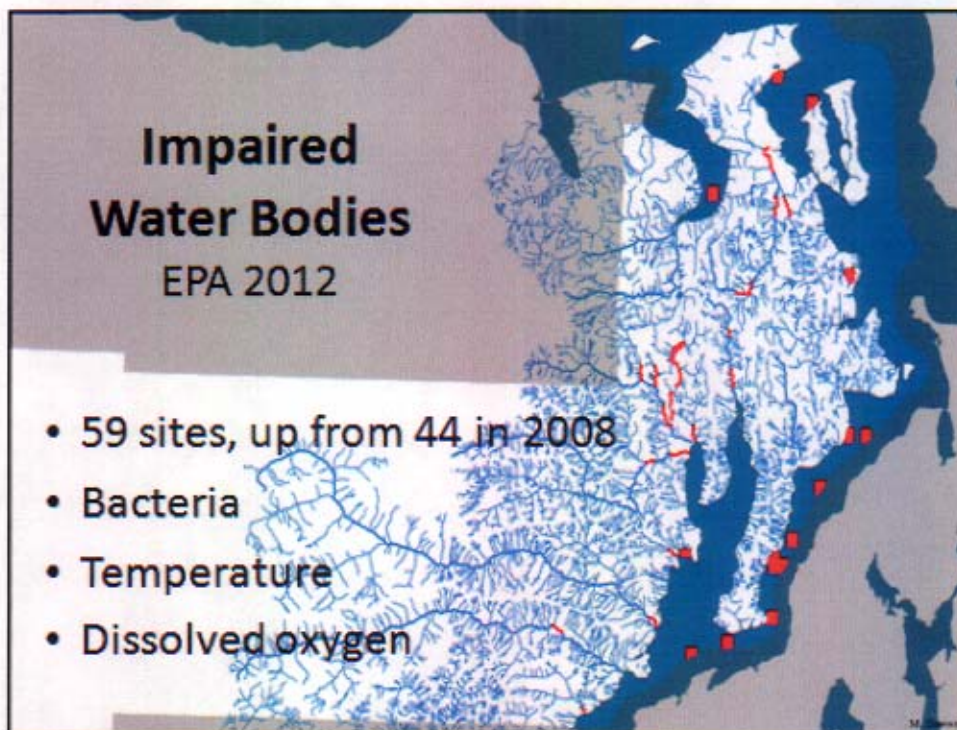
Jefferson County Public Health (JCPH) has found a number of water quality impairments that have the ability to adversely affect public health and shellfish. Jefferson County Clean Water District Advisory Council (CWDAC) has found that JCPH has used Clean Water District funds to pursue a number of cost-effective projects that have restored and protected shellfish growing areas and clean water throughout Jefferson County. In December 2012, the Jefferson County Clean Water District Advisory Council (CWDAC) developed its recommendations for Clean Water District Activities and stable funding. These recommendations were presented to the BOCC in January of 2013.



Indicators of human fecal sources were found in 18 out of 19 Chimacum sampling sites.



The latest monitoring results from the Chimacum Creek basin show high levels of bacteria.



EPA's Clean Water Act lists 59 water bodies in eastern Jefferson County as impaired by pollutants.

Public hearing was held on this ordinance revision on April 7th 2014, at 10:00am. The public comment period was extended to Monday, April 14th 2014 until 4:30pm. Further discussion took place on Monday, April 21st, 2014. During the discussion on the 21st, it was asked whether or not tax exempt parcels were receiving the assessment. It was decided that question needed to be answered before taking action.

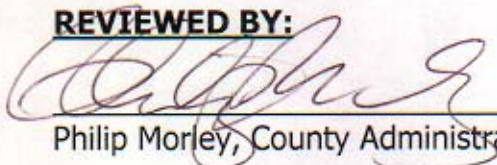
Staff has followed up on the question about tax exempt parcels and the Clean Water District assessment. Currently, tax exempt parcels are not receiving Jefferson County's existing Clean Water District assessment. Staff surveyed other Shellfish Protection Districts in Washington State, and all the districts we successfully contacted also exclude tax-exempt parcels from a district assessment. Legal staff advises that this common practice is well within the legislative discretion provided under RCW 90.72.070, which reads in part, "The county legislative authority establishing a shellfish protection district may finance the protection program through ...(3) reasonable charges or rates specified in its protection program,...." The proposed Jefferson County ordinance revision is to maintain the current assessment structure and expand that structure into the remaining areas of the Clean Water District not served by sanitary sewer.

Jefferson County Public Health is now requesting approval to the amendment to the Clean Water District Ordinance to address the CWDAC recommendations, establish a stable funding source with which to address the adverse water quality conditions and restore cut funding.

RECOMMENDATION:

JCPH management's recommends approval of an amendment to the Clean Water District Ordinance.

REVIEWED BY:


Philip Morley, County Administrator

4/23/14
Date

An Ordinance amending the }
Jefferson County Clean Water District, }
Jefferson County Code Ch. 8.65 }

ORDINANCE NO.

WHEREAS, the Findings of Fact listed below leads to the conclusion that the amending of Chapter 8.65 of the Jefferson County Code, entitled “Clean Water District,” in order to establish a stable funding source for said District is not only authorized by state law but would promote the general health, safety and welfare of the citizens of Jefferson County, and

WHEREAS, Jefferson County Public Health consulted with staff from the City of Port Townsend to discuss the proposal to extend the applicability of Chapter 8.65 JCC to those parcels and premises located within the City not served by a sanitary sewer (as that term is defined and regulated in Ch. 36.89 RCW and Ch. 36.94 RCW) and City and County staff agreed such an extension was both lawful and in furtherance of the public policy behind Ch. 90.72 RCW,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF JEFFERSON COUNTY COMMISSIONERS as follows:

Section 01: Findings of Fact amended

Section 8.65.020(28) of the Jefferson County Code (JCC) is hereby revised to read as follows:

(28) Certain regions of Jefferson County, specifically the city of Port Townsend and the master planned resort at Port Ludlow, have in place stormwater management facilities and/or sanitary sewers that serve to control, properly dispose of and mitigate nonpoint sources of water pollution. Clean Water District programs shall not be duplicative of the programs and services provided in areas where fees, rates or charges are imposed under Chapters 36.89 and 36.94 RCW.

Section 02: Findings of Fact supplemented

Section 8.65.020 is amended to reflect the addition of the following text:

(29) The Jefferson County Board of Commissioners also serve on and appoint the Jefferson County Board of Health. The Jefferson County Board of Health is responsible for all matters pertaining to the life and health of the people of Jefferson County (as required by JCC 8.00.010). The Board of Health is well qualified to coordinate the activities of the Clean Water District under this Chapter with other programs and activities which fall under the duties and responsibilities of the Board of Health.

Section 03: Revision to JCC Section 8.65.050, “Assignment of a lead department”

Section 8.65.050 is amended in its entirety to read as follows:

8.65.050 Assignment of a lead department.

The Jefferson County Board of Commissioners hereby directs Jefferson County Public Health to serve as the county department responsible for administering the Clean Water District (in coordination with the Washington State Department of Health, the Washington State Department of Ecology, the Puget Sound Partnership, the Jefferson County conservation district, and other appropriate entities).

Section 04: Revision of the title of JCC Section 8.65.070

JCC Section 8.65.070 shall hereinafter be entitled “Advisory Council.”

Section 05: Revision to section .080 entitled “Program Evaluation”

JCC Section 8.65.080 is amended to read in its entirety as follows:

The Clean Water District shall be evaluated for effectiveness by the advisory council or Board of Health on an annual basis.

Section 06: Addition of a new section entitled “Oversight”

A new section is hereby added to Chapter 8.65 of the Jefferson County Code, said section to read in its entirety as follows:

The Jefferson County Board of Commissioners hereby directs the Jefferson County Board of Health to coordinate the activities of the Clean Water District under this Chapter with other programs and activities which fall under the duties and responsibilities of the Board of Health in JCC 08.00.010.

Section 07: Annual fee section repealed and replaced:

Section 8.65.090 of the Jefferson County Code (or “JCC”) is hereby repealed and replaced so that it shall read in its entirety as follows:

There is hereby established for the Clean Water District a financing mechanism, specifically a fee of Twenty Dollars (\$20.00) per year per tax parcel, except for parcels or lands described in in JCC 8.65.100.

This fee shall be adjusted annually accordingly on the first business day of January (Adjusted Date) by the amount of the increase in the Consumer Price Index (CPIW). The CPIW is the Consumer Price Index – US City Average for All Urban Wage Earners and Clerical Workers, published by the Bureau of Labor Statistics of the United States Department of Labor.

This fee adjustment shall be calculated as follows: it shall be increased by the percentage increase in the CPIW as reported for the month of September preceding the Adjustment Date. A fee shall not be reduced by reason of such calculation. However, fee increases in accordance with this calculation shall not exceed 5 percent per year.

Section 08: Text is added to the Public Health Fee Schedule:

The following text is added to the Fee Schedule for Public Health found in the Appendix to the Jefferson County Code:

Beginning with the year 2015, there is hereby established for the Clean Water District a fee of Twenty Dollars (\$20.00) per year per tax parcel, except for parcels or lands described in JCC 8.65.100.

The Clean Water District fee shall be adjusted annually accordingly on the first business day of January (Adjusted Date) by the amount of the increase in the Consumer Price Index (CPIW). The CPIW is the Consumer Price Index – US City Average for All Urban Wage Earners and Clerical Workers, published by the Bureau of Labor Statistics of the United States Department of Labor.

This fee adjustment shall be calculated as follows: it shall be increased by the percentage increase in the CPIW as reported for the month of September preceding the Adjustment Date. A fee shall not be reduced by reason of such calculation. However, fee increases in accordance with this calculation shall not exceed 5 percent per year.

Section 09: Certain parcels exempt from fee section rewritten:

Section 8.65.100 of the Jefferson County Code (or “JCC”) is hereby repealed and replaced so that it shall read in its entirety as follows:

Parcels within the boundaries of the City of Port Townsend and the Port Ludlow Master Planned Resort connected to a sanitary sewer service will not be subject to this fee. Lands classified as forest land under Chapter 84.33 RCW and timber land under Chapter 84.34 RCW shall not be subject to said fee (as required by Chapter 90.72 RCW). Additionally, any parcel that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381 (as currently enacted or hereafter amended) is hereby exempted from this fee.

Section 10: Severability

If any provision of this ordinance, or its application to any person or circumstances, is held invalid, the remainder of this ordinance, or the application of the provisions to other persons or circumstances, shall not be affected.

Section 11: Effective Date:

This amendment to JCC 8.65 shall take effect seven (7) days after adoption.

ADOPTED this _____ day of _____, 2014.

Board of Jefferson County Commissioners

SEAL:

John Austin, Chairman

Phil Johnson, Member

ATTEST:

David Sullivan, Member

David Alvarez 3/25/14

Approved as to Form
David Alvarez, Chief Civil DPA

Carolyn Avery,
Deputy Clerk of the Board