

Res

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

ORDINANCE FOR RESTORATION OF)	ORDINANCE NO. C- 64 -19
THE ANNUAL MAINTENANCE AND)	R- 21 - 19
OPERATION CHARGE IN THE)	
MARSHALL DRAINAGE BASIN STORM)	
AND SURFACE WATER UTILITY, ICC)	
15.02)	
)	

WHEREAS, Island County created the Marshall Drainage Basin Storm and Surface Water Utility by Ordinance C-106-95/R-55-95, dated December 18, 1995, to construct and operate a storm and surface water system as a utility; and

WHEREAS, initially, an annual maintenance and operation charge of \$30.00 was assessed to pay the costs of operation, maintenance, repair, improvement and replacement of all existing and future storm and surface water facilities; and

WHEREAS, Island County, through Ordinance C-124-05/C-48-05, dated November 28, 2005 eliminated the annual maintenance and operation charge for the Marshall Drainage Basin Storm and Surface Water Utility; and

WHEREAS, Island County, through Ordinance C-97-10, dated December 20, 2010, created the Clean Water Utility through which a system of charges was established to fund administration, planning, design, and construction of all existing and future program elements of the clean water utility; and

WHEREAS, the Marshall Drainage Basin Storm and Surface Water Utility remained a stand alone utility and does not participate in the Clean Water Utility; and

WHEREAS, ~~the County Road Fund and the Real Estate Excise Tax Fund cannot fund a utility that does not benefit the entire County; and~~ *and*

WHEREAS, the maintenance and operations fund of the Marshall Drainage Basin Storm and Surface Water Utility needs to be restored to pay for the costs of operation, maintenance, repair, improvement and replacement of current and future storm and surface water facilities;
NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington, as follows:

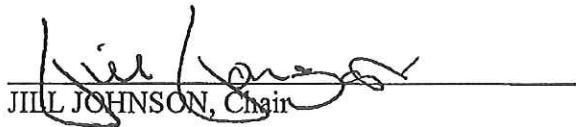
The Island County Code is amended to read as shown on Exhibit "A". Materials marked as stricken are to be deleted, materials marked as underlined, are to be added.

Ordinance No. C- 66 -19, R- 27 -19
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THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIFTEEN DAYS FROM AND AFTER ITS PASSAGE INTO LAW.

ADOPTED this 17th day of September, 2019 following public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON


JILL JOHNSON, Chair


JANET ST. CLAIR, Member


HELEN PRICE JOHNSON, Member



ATTEST:


DEBBIE THOMPSON
Clerk of the Board

APPROVED AS TO FORM:

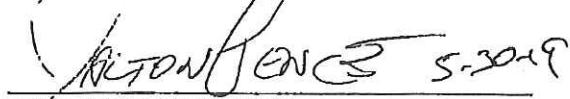

DALTON LEE PENCE
Deputy Prosecuting Attorney and
Island County Code Reviser

EXHIBIT A

Chapter 15.02 – Storm and Surface Water Utility

15.02.010 - Purpose and intent.

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D. The county finds that each owner of a parcel of real property within the Marshall Drainage Basin should pay for a pro rata share of the cost of constructing, operating, maintaining, repairing, improving and replacing drainage facilities described in the Marshall Drainage Basin Plan in accordance with that plan.

E. The county finds that Maintenance & Operation ("M & O") charges are necessary for the ongoing administration of the Utility created by this Chapter, as well as for the inspection and maintenance of surface water facilities. The Marshall Drainage Basin Plan recommended specific maintenance frequencies and an initial annual maintenance cost, as one component of the M & O charge. In addition to those maintenance costs, administrative costs for managing Utility operations include activities such as billing, accounting and periodic review and adjustment of the utility rate, which costs are included in the M & O charges.

E. F. The county finds that the intensity of development on all parcels of real property, including the square footage of impervious surface area, is an appropriate and reasonable basis for determining a particular parcel's contribution to the problem of storm and surface water run-off.

E. G. The utility created in this chapter shall include only such systems or programs created by the county and does not provide for a county-wide system of rates and charges.

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15.02.070 – System of charges.

A. The County hereby imposes the following system of charges on parcels of real property within the county located within the Marshall Drainage Basin and that benefit from or are served by the county storm and surface water system. The charges are found to be reasonable and necessary to fund administration, planning, design, and construction, operation, maintenance, repair, improvement, and replacement of all existing and future storm and surface water facilities, including the accumulation of reserves and the retirement of any associated debt: The charges below are in accordance with the Marshall Drainage Basin Plan and are based on parcel size and impervious surface area.

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4. All capital charges and M & O charges imposed by this chapter shall be due and payable in accordance with instructions included in billings. Charges due in a given year are due and payable in two (two) installments in accordance with those instructions. If one-half (1/2) of the total amount due is not paid by the due date indicated on the billing statement, interest shall be charged on the entire balance from the date of delinquency. All capital charges and M & O charges due in a given year, plus accrued interest, if applicable, must be paid by the date indicated on the billing for the second-half payment. Any charges that have not been paid by the applicable due date are delinquent.

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7. If a property owner has not paid one-time capital charges in full by the due dates for the second-half payment in 1997, such owner shall be deemed to have elected to pay annual capital charges in lieu of one-time capital charges. With respect to parcels for which capital charges have not been paid in full in 1997, owners of such parcels may request in writing that the Department of Public Works determine the amount required to pay capital charges owed on a parcel in full. Upon payment of the full amount of the capital charges (plus related charges such as taxes and interest, if any), the parcel owner shall no longer owe capital charges under section 15.02.070, subsections A.1A. through 5., but shall continue to be responsible for M & O charges and other applicable charges.

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9. In addition to the rates above, all parcels, all or a portion of which are located in the Marshall Drainage Basin, shall be charged and shall pay annually, beginning in 1996, a \$30 M & O charge as well as any taxes applicable to the utility or its services.

15.02.075 - Programs of credits established – Purpose – Qualifications – Amount.

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E. Individuals meeting one (1) or more of the qualifications in section 15.02.075.C from and after the effective date of this section shall receive a credit equal to fifty (50) percent of the applicable annual capital charge under section 15.02.070 as well as a credit equal to one hundred percent (100%) of the applicable M & O charges under ICC 15.02.070.A.9. Credits shall be applied to reduce annual capital charges and to cover the M & O charges due with respect to a particular parcel.

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G. Credits are not transferable. If a parcel is sold to an entity or to an individual who does not qualify for a credit under section 15.02.075, the individual or entity shall pay the full annual capital charge from and after the date of the transfer. In addition, the non-qualifying owner shall pay all M & O charges and all other charges imposed under this chapter from and after the date of transfer.