

**RESOLUTION NO.:**\_\_\_\_\_

**REAUTHORIZATION OF THE SKAGIT COUNTY  
SHELLFISH PROTECTION DISTRICT (CLEAN WATER PROGRAM) AND  
REESTABLISHMENT OF BUDGET AND FINANCE RATES AND CHARGES**

**WHEREAS**, in response to the continued and pervasive bacterial contamination of commercial saltwater shellfish growing areas in Skagit County, and pursuant to RCW 90.72, the Skagit County Code (SCC) Chapter 6.68 was amended in 2005 to add a comprehensive, countywide water quality plan known as the Shellfish Protection District (Clean Water Program); and

**WHEREAS**, pursuant to SCC 6.68 the Board of County Commissioners (Board) may establish by separate resolution an annual operating budget and finance charges for the Shellfish Protection District (Clean Water Program) consistent with RCW 90.72, and as part of the annual County budget process; and

**WHEREAS**, the initial Shellfish Protection District (Clean Water Program) budget and finance charges were established by Resolution #R20050487 (as amended by Resolution # R20060425) which also provided that the identified budget, rates, and charges would remain effective for a three year period until December 31, 2009; and

**WHEREAS**, the Shellfish Protection District (Clean Water Program) budget and finance charges were amended and reauthorized by Resolution #R20090395 which also provided that the identified budget, rates, and charges would remain effective for a five year period until December 31, 2014; and

**WHEREAS**, on June 3, 2014, the Shellfish Protection District (Clean Water Program) budget and finance rates and charges were again amended and reauthorized by Resolution #R20140165 (consistent with RCW 90.72 and Skagit County Code 6.68), which also provided that the identified budget, rates, and charges would remain effective for a five year period (until December 31, 2019); and

**WHEREAS**, on November 23, 2015, Skagit County Code 6.68.040 and 6.68.090 was revised pursuant to Ordinance # O20150008 (consistent with RCW 90.72), to allow for Shellfish Protection District (Clean Water Program) rates to be charged at a flat rate per parcel, as provided therein; and

**WHEREAS**, on December 7, 2015, the Skagit County Shellfish Protection District (Clean Water Program) annual rates and charges as previously established in Resolution #R20140165 were revised from an impervious surface calculation to flat per parcel rates by Resolution #R20150375; and

**WHEREAS**, under SCC 6.68 the Director of the Department of Public Works is authorized to administer, coordinate and implement the Shellfish Protection District (Clean Water Program) including the annual submittal of a proposed Shellfish Protection District (Clean Water Program) budget and finance plan to the Board; and

**WHEREAS**, the Director of the Department of Public Works has determined that it would be in the best interest of Skagit County to continue the Shellfish Protection District (Clean Water

Program) activities to identify and eliminate sources of bacterial water pollution affecting saltwater shellfish habitat; and

**WHEREAS**, on April 22, 2019 the Board approved **Resolution No.: xxxx**, calling for a public hearing to take place on May 7, 2019 for the purpose of considering whether to reauthorize the Shellfish Protection District (Clean Water Program) as recommended by the Director of the Department of Public Works; and

**WHEREAS**, the public hearing was properly noticed and duly held on May 7, 2019 in the Commissioner's Hearing Room, 1800 Continental Place, Mount Vernon, Washington at which time all interested persons had an opportunity to comment; and

**WHEREAS**, at the close of the public hearing the Board of County Commissioners considered the public comment and the recommendations of the Department of Public Works.

**NOW THEREFORE BE IT RESOLVED AND IT IS HEREBY ORDERED**, that the Skagit County Shellfish Protection District (Clean Water Program) budget and finance rates and charges previously established by Resolution #R20140165 and R20150375, are amended, reauthorized and reestablished consistent with SCC 6.68, RCW 90.72 and the annual adopted County budget, as follows:

Section (1) BUDGET IS REAUTHORIZED AND AMENDED TO NOW READ:

The Shellfish Protection District (Clean Water Program) shall fund activities and programs for the protection and improvement of saltwater shellfish habitat, as recommended by the Public Works Department and set forth in each year's annual adopted County budget.

Section (2) SHELLFISH PROTECTION DISTRICT (CLEAN WATER PROGRAM) ANNUAL RATES ARE REAUTHORIZED AND AMENDED TO NOW READ:

CLASS OF PROPERTY	RATE PER PARCEL
(a) Parcels containing single-family residences (including accessory dwelling unit)	\$53.00 per parcel
(b) Parcels containing duplex, triplex, or fourplex residential units (multi-family)	\$53.00 per parcel
(c) Parcels containing apartments of more than four residential units, commercial, industrial, or institutional establishments	\$176.00 per parcel
(d) County roads	\$0.00404 per impervious surface square foot

Except as provided herein, the terms of previous resolution(s) and ordinance(s) (including R20140165, R20150375) concerning the establishment and authorization of budget and finance charges (rates and charges ) for the Shellfish Protection District (Clean Water Program) shall otherwise remain unmodified and in effect.

**NOW THEREFORE BE IT FURTHER RESOLVED AND IT IS HEREBY ORDERED**, that the Shellfish Protection District (Clean Water Program) budget and finance rates and charges identified and authorized per this resolution shall become effective January 1, 2020, and shall continue thereafter effective for five years (until December 31, 2024), unless modified or rescinded by the Skagit County Board of Commissioners.

**NOW THEREFORE BE IT FURTHER RESOLVED AND IT IS HEREBY ORDERED**, that the Director of Public Works will, on an annual basis, provide to the Board of County Commissioners a Skagit County Shellfish Protection District (Clean Water Program) Annual Report outlining the proposed work program, together with performance measures, for the upcoming fiscal year and an evaluation of the program accomplishments.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

\_\_\_\_\_  
Lisa Janicki, Chair

\_\_\_\_\_  
Ron Wesen, Commissioner

\_\_\_\_\_  
Kenneth A. Dahlstedt, Commissioner

Attest:

\_\_\_\_\_  
Clerk of the Board

Approved as to form:

Approved as to Content:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

\_\_\_\_\_  
Department Head