



SKAGIT COUNTY ADMINISTRATIVE SERVICES

GARY ROWE, County Administrator

TOM KARSH, Special Projects

Memorandum

To: Don Anderson, Chief Civil Deputy, Skagit County Prosecuting Attorney's Office

Date: 3/15/2005

From: Tom Karsh, Special Projects

RE: Applicability of RCW 36.89 for Water Resource Funding

We are currently working with a consultant, Financial Consulting Solutions Group, Inc. (FCSG), to identify and evaluate potential funding sources for water resource programs. One of the County's options for funding these programs on an ongoing basis is to expand the current scope of the County drainage utility, authorized under RCW 36.89. Our consultant has suggested that we seek a legal opinion to determine if that potential solution is defensible from a legal standpoint? Several other counties fund their water resource / water quality programs under the auspices of their surface water utilities (also authorized under 36.89), among them, Clark and Kitsap. [RCW 36.94 also provides counties with the authority to impose rates and charges for surface water management, as does RCW 86.15 regarding flood control zone districts.]

Skagit County's Code regarding the utility's purpose, seemingly enabling the delivery of a comprehensive set of services, is reprinted below.

12.19.020 Purpose.

This authority is being invoked in order to minimize property damage, promote and protect the public health, safety and welfare, minimize water quality degradation by preventing siltation, contamination and erosion of the County's waterways, protect aquifers, insure the safety of County roads and rights-of-way, increase educational and recreational opportunities, restore fisheries, encourage the retention of open space, and foster other beneficial public uses. (Ord. 15572 (part), 1994)

The general functions that Skagit County wishes to fund are listed below, followed by contact information for Clark and Kitsap county attorneys.

Functions:

- Water Quality
 - Drinking Water Supply (protection)
 - On-Site Sewage Disposal

SKAGIT COUNTY COMMISSIONERS – ADMINISTRATIVE BUILDING

1800 CONTINENTAL PL, SUITE 100, MOUNT VERNON, WA 98273 PHONE (360) 336-9300 FAX (360)336-9307

- Monitoring
- Agriculture
- Marinas
- Marine Shorelines / Shellfish Protection
- Hazardous Waste / Solid Waste
- Forest Practices
- Miscellaneous
- Water Resource Management
 - Species Recovery
 - Agriculture (purchase development rights/critical areas)
 - Stormwater / Erosion Control
 - Flood Control
 - Shoreline and Watershed Planning
 - Planning Activities
 - Water Rights / In-Stream Flows
 - Administrative and Technical Support
 - Lake Resource Protection
- Code Enforcement
- Education

The following contacts may be useful in your assessment of this question. Both are aware that someone from your office may be contacting them.

Bronson Potter, Clark County, 360-397-2478 x4783

Shelley Kneip, Kitsap County, 360-337-4975

Thank you in advance for your assistance. Please don't hesitate to call John Ghilarducci, Project Manager, FCSG at (425) 867-1802 or Tom Karsh (419-3373) if you have any questions.