



Snohomish County

Public Works
Surface Water Management

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Dave Somers
County Executive

May 11, 2017

Re: Stillaguamish Clean Water District Advisory Board letter of April 27, 2017

Dear Ms. Shelton and Mr. Landles:

Surface Water Management (SWM) has reviewed the letter you sent on behalf of the Stillaguamish Clean Water District (CWD) Advisory Board dated April 27, 2017. We understand and accept the focus of this year's annual letter on proposed ordinance 17-020, "Consolidating Surface Water Management service areas, amending portion of Title 4 related to revenue and finance, amending Title 25 related to storm and surface water management, and repealing Title 25A of the Snohomish County code related to water quality restoration and water quality management."

As we have discussed with the CWD Advisory Board in multiple recent CWD Advisory Board meetings, SWM's goal in proposing the ordinance is to be able to continue providing vital surface water programs, including those programs in the Stillaguamish Watershed, by becoming more efficient, transparent, and responsible to ratepayers. We believe that the consolidation of the three revenue districts is central to furthering this goal. We regret that the Board is not fully supportive of the consolidation, but hope that the following responses to your concerns provide some additional insight and clarity into the purpose and intent of the proposed ordinance.

Below are responses to the specific comments that you made in your letter.

- **Comment:** "The repeal of SCC Title 25A is not in the interest of the unique water quality issues and shellfish protection needs of the Stillaguamish Basin, nor will it provide the services and citizen oversight explicitly promised to ratepayers when the County established the CWD in 1993."

Response: *Many parts of the County are unique and require different solutions to different problems, which is highlighted in the proposed ordinance. SWM's diverse staff are experts in determining how to address the unique surface water challenges that are faced in each area of the County. Given some of the financial issues being faced by SWM, consolidation of the three districts is the first and most responsible step in eliminating hundreds of thousands of dollars of administrative overhead, allowing more money to be invested directly in important public services.*

Regarding citizen oversight of SWM, members of the County Council are elected by local ratepayers, and they provide ultimate oversight of SWM on behalf of their constituents. The Council is connected to the ratepayers, hears their needs and concerns, and reviews and approves SWM's annual budget. Additionally, the proposed ordinance outlines for the first time a reporting requirement to provide new levels of transparency and accountability to ensure SWM's dedication to its ratepayers. SWM is also committed to providing other more efficient venues for gathering input from the public, such as holding

annual public meetings throughout the county prior to the development of SWM's annual budget and engaging the public during the development of the upcoming SWM Business Plan.

- **Comment:** "We are profoundly disappointed that the Board was never allowed to review the proposed ordinance either in its planning stages or before it was forwarded to the Executive and Council, leaving the Board little opportunity to contribute its knowledge and expertise."

Response: When proposing changes to Snohomish County Code, SWM follows the established process for draft ordinances, and has a responsibility to the County Executive for final review and approval prior to sending the proposed ordinance to the County Council. During this period of review, the proposed ordinance is therefore not released to the public until it has been submitted to the County Council.

SWM notified the CWD Advisory Board that the proposed changes were being considered. SWM discussed each of the key elements of the proposed ordinance at the CWD Advisory Board's January, February, March and April 2017 meetings. A copy of the ordinance was provided to the CWD Advisory Board immediately after the County Executive's final review. The Council has set a public hearing date for May 17, 2017 at 10:30 AM.

- **Comment:** "The Board therefore respectfully recommends that: SWM continue to honor the direction of the County Council as set forth in SCC 25A.30.030;"

Response: It is SWM's responsibility to propose ordinances to the County Council that we believe will be in the best interest of Snohomish County and the ratepayers. The County Council considers these ordinances and either adopts them into County Code, modifies them, or rejects the proposals. SWM honors the decisions of the County Council and operates based on the authority set out in the County Code.

- **Comment:** "SWM engage with the Board to find cost effective ways to work harmoniously and collaboratively to meet the surface water control, clean water and pollution reduction objectives in the Stillaguamish CWD without dissolving the CWD and the Board;"

Response: Starting in November 2016, SWM reached out to the CWD Advisory Board to discuss the financial shortfall in the Stillaguamish CWD and potential reductions to existing programs that would be necessary. After reviewing SWM's proposal to temporarily reduce services in specific SWM programs, the CWD Advisory Board did not provide any helpful recommendations toward the goal of reducing expenditures. In a February 23, 2017 letter to SWM, the CWD Advisory Board requested no cuts to the CWD programs. Instead, the CWD Advisory Board recommended cuts to County overhead and administration, even though these are primarily fixed expenses, and cuts to Sustainable Lands Strategy (SLS), even though SWM had already cut back on this program in the CWD. Since the CWD Advisory Board's suggestions were not useful, SWM was unable to implement any of them. Again, consolidation of SWM's districts is the first and most responsible step in eliminating hundreds of thousands of dollars of administrative overhead and allowing this money to be invested directly in important public services.

- **Comment:** "The Board be notified in a timely manner, and in advance of any proposals, intentions, or actions that affect the operation of the CWD, including any proposals affecting the Board's duties, actions and responsibilities and that the Board be given the opportunity to provide advice as directed by SCC 25A;"

Response: For years, SWM staff have been assigned to assist the CWD Advisory Board and SWM management has provided excellent and timely communication to the CWD Advisory Board. In regards to the current proposed ordinance, SWM notified the CWD Advisory Board well in advance of the changes proposed by the ordinance and we sent the proposed ordinance to the CWD Advisory Board as soon as it was sent to the County Council, as described above.

- ***Comment:*** "SWM immediately lift the temporary suspension of the Discretionary Fund Grant Program so that new water quality restoration project proposals from CWD ratepayers can be considered. Since the Discretionary Fund was temporarily suspended, prospective applicants have been turned away. Discretionary Funds are dedicated under SCC 25A.20.020(3) (Rate structure for the clean water district), which is currently in effect and remains so until the existing code is amended or repealed; and the budgeted 2017 CWD fund balance in the Discretionary Fund be reserved for use exclusively within the Stillaguamish CWD boundaries."

Response: As SWM management has explained in your CWD Advisory Board meetings, SWM is waiting to open up the Discretionary Fund until the Council decides whether to make this a countywide program as proposed in the ordinance. If this becomes a countywide program, SWM will re-evaluate certain aspects of the program, such as the types of projects that would be funded by this program as well as the criteria and procedures used to select projects and distribute funds. Once this evaluation is completed, SWM fully intends to open up these funds for new applications. Also, as previously explained to you, the existing fund balance for this program in the CWD will be reserved for use exclusively within the Stillaguamish CWD boundaries.

Thank you for your comments.

Sincerely,



Will Hall
Surface Water Utility Director
(425) 388-4610

Cc: Brian Sullivan, Snohomish County Council Chair
Steve Thomsen, Snohomish County Public Works Director
Gregg Farris, SWM Planning Manager

