

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on September 7, 2022, the Snohomish County Council approved Ordinance 22-032.

ORDINANCE NO. 22-032

RELATING TO THE SNOHOMISH COUNTY PUBLIC WORKS ASSISTANCE FUND, PROVIDING FOR LOANS TO LOCAL GOVERNMENTS, AND ADDING A NEW CHAPTER TO TITLE 4 SCC

WHEREAS, chapter 36.135 RCW authorizes county legislative authorities to establish local public works assistance funds for the purpose of funding public works projects located wholly or partially within the county; and

WHEREAS, RCW 36.135.020 authorizes counties to deposit moneys from existing county revenue sources into local public works assistance funds, which deposits and any interest earned thereon can only be used to make loans to the county and to other local governments for public works projects, and for administration of the fund; and

WHEREAS, pursuant to RCW 36.135.020 and 36.135.030, such loans must be made in consultation with cities and towns and are subject to certain minimum amounts that must be made available for projects in cities or towns and to certain maximum amounts that can be used for loans to the County or for administration of the fund; and

WHEREAS, chapter 4.05 SCC provides for the creation of county funds by ordinance; and

WHEREAS, the Snohomish County Public Works Assistance Fund created by this ordinance will provide a structure for conducting and accounting for future county funding and loan activities as contemplated by chapter 36.135 RCW, if any;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to Title 4 of the Snohomish County Code to read:

Chapter 4.117
SNOHOMISH COUNTY PUBLIC WORKS ASSISTANCE FUND

Sections:

- 4.117.010 Creation and purpose.
- 4.117.020 Definitions.
- 4.117.030 Source of resources.
- 4.117.040 Use of resources.
- 4.117.050 Loan eligibility and terms.
- 4.117.060 Loan applications and prioritization.
- 4.117.070 Administration of fund.
- 4.117.080 Sunset, staff report

4.117.010 Creation and purpose.

There is hereby created the Snohomish county public works assistance fund. The purpose of the fund is to provide for loans to the county and other local governments to assist in funding public works projects located wholly or partially within the county as authorized by chapter 36.135 RCW and this chapter.

4.117.020 Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) "Local government" means a city, town, county, special purpose district, and any other municipal corporation or quasi-municipal corporation in the state, excluding school districts and port districts;

(2) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities.

4.117.030 Source of resources.

(1) The resources of the Snohomish county public works assistance fund shall consist of:

(a) Such revenue from existing revenue sources of the county within the meaning of RCW 36.135.020 as may be approved by the county council in its sole discretion; and

(b) Money received from the county and other local governments in repayment of loans from the fund.

(2) All deposits to the fund, except repayments of loans from the fund, must be approved by the county council.

4.117.040 Use of resources.

(1) Moneys in the Snohomish county public works assistance fund, and interest earned on balances from the fund, may only be used:

(a) To make loans to the county and to other local governments to fund public works projects located wholly or partially within the county as provided in chapter 36.135 and this chapter; and

(b) For costs incurred in the administration of the fund.

(2) No more than fifty percent of the moneys loaned from the fund in a calendar year may be loaned to the county. At least twenty-five percent of the moneys anticipated to be loaned from the fund in a calendar year must be made available for funding public works projects in cities or towns.

(3) No more than one percent of the average annual balance of the fund, including interest earned on balances from the fund, may be used annually for administrative costs.

(4) All loans of fund resources must be approved by the county council. Such approval will be considered by the council in accordance with procedures adopted under SCC 4.117.060.

4.117.050 Loan eligibility and terms.

(1) To be eligible for a loan from the Snohomish county public works assistance fund, a local government must, in addition to meeting other county requirements, demonstrate to the county:

(a) Utilization of all local revenue sources that are reasonably available for funding public works projects;

(b) Compliance with applicable requirements of chapter 36.70A RCW; and

(c) Consistency between the proposed project and applicable capital facilities plans required under chapter 36.70A RCW.

(2) Loans from the fund will be made upon such terms and conditions and charge rates of interest as the county council deems necessary or convenient to carry out the purposes of this chapter. Loans must not exceed the money in the fund plus money to be received from the payment of debt service on loans made from the fund.

4.117.060 Loan applications and prioritization.

(1) Within 120 days after the county council determines by motion that the resources of the Snohomish county public works assistance fund are sufficient to support the grant of one or more loans to local governments, the departments of finance and public works shall jointly prepare and present to the council for its adoption by motion:

- (a) A proposed prioritization process for funding public works projects that gives priority to projects necessary to address public health needs, substantial environmental degradation, or increase existing capacity necessary to accommodate projected population and employment growth; and
- (b) A proposed competitive application process for funding public works projects that requires consideration of the following factors in assigning a priority to and funding a project:
 - (i) Whether the local government applying for assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;
 - (ii) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;
 - (iii) The cost of the project compared to the size of the local government and amount of loan money available;
 - (iv) The number of communities served by or funding the project;
 - (v) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards;
 - (vi) The number of additional housing units estimated to be achieved by funding the project;
 - (vii) The number of additional jobs estimated to be achieved by funding the project; and
 - (viii) Other criteria the council may deem appropriate.
- (c) A proposed schedule of terms, conditions, and interest rates that are necessary or convenient, considering the financial and other interests of the county, to carry out the purposes of this chapter.
 - (2) The prioritization process required by subsection (1)(a) of this section must be:
 - (a) Completed collaboratively with public works directors of local governments within the county through the Snohomish county tomorrow process initiated by council Motion No. 89-159, provided that final decisions shall be made by the council;
 - (b) Documented in the form of written findings produced by the county; and
 - (c) Revised periodically according to a schedule developed by the county and the public works directors.
 - (3) The council will adopt the procedures and schedule of terms, conditions, and interest rates, with or without revisions, or return the proposals to the departments for modification. Once adopted by the council the procedures shall be implemented by the departments of finance and public works and other county departments as provided therein.

4.117.070 Administration of fund.

The director of the department of finance or the director's designee shall administer the Snohomish county public works assistance fund within the financial management system provided for in chapter 2.100 SCC, and shall serve as the fund manager. Administration of the fund shall be coordinated with like county loan programs, if any, in order to maximize efficiencies and avoid duplication. The fund manager shall have the duties set out in SCC 4.05.050.

4.117.080 Sunset, staff report.

- (1) Chapter 4.117 SCC, adopted by this ordinance or as amended after the effective date of this ordinance, is repealed, effective on the date six years following enactment unless re-enacted prior to that date as provided in section 2.115 of the county charter.
- (2) On or before the date five years following enactment the director of the department of finance or the director's designee shall file with the council a written report on the status and operation of the Snohomish county public works assistance fund, which report shall include, in addition to other matters identified by the director, a statement of the terms and conditions of all outstanding loans to local governments and a recommendation for legislative action to be taken prior to repeal under subsection (1) of this section, if any.

Section 2. All acts taken by the Public Works Department and/or the Finance Department prior to enactment of this ordinance that are consistent with and in furtherance of the purpose or intent of this ordinance and the prior chapter 4.117 SCC are hereby ratified and confirmed..

Copies of the Ordinance: For copies of the ordinance and related documentation, call 425-388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339; or e-mail Contact.Council@snoco.org. The ordinance is also available on the Council's website at <https://snohomish.legistar.com/Default.aspx> (File #2022-0762).

DATED this 13th day of September, 2022.



Asst. Clerk of the Council

PUBLISH: September 21, 2022

Send Affidavit to: Council

Send Invoice to: Public Works 107024