FCZD ADVISORY COMMITTEE MEETING AGENDA

Pierce County Flood Control Zone District (FCZD) Advisory Committee: The Advisory Committee is created to provide expert policy advice to the board of supervisors of the Pierce County Flood Control Zone District on regional flood protection issues. The committee shall review and recommend an annual capital budget for the district, including capital improvement program projects and funding levels, subject to approval or approval and modification by the board of supervisors. (Chapter 11.06.030 Pierce County Code).

PIERCE COUNTY
FLOOD CONTROL ZONE DISTRICT

MEETING TIME AND LOCATION

Friday, June 5, 2026
9:30 a.m. – 11:30 a.m.
Pierce County Annex Temple Conference Room - 2401 S 35th St, Tacoma, WA 98409

Zoom Meeting
https://us02web.zoom.us/j/81489306965?pwd=qscV97BYR9ysmts6OwSiYVxbO1dP81.1
Meeting ID: 814 8930 6965
Passcode: 930273
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PURPOSE OF THE MEETING

- Discuss 2027 Budget Assumptions and Maintenance Strategy
- Discuss Implementation Considerations of HB 2442

Time	Topic	Objective	Lead	Materials/Notes
9:30	Call to Order Introductions	Take attendance Introduce attendees	Roger Henderson, Chair	Pierce County Public Works Organizational Chart
9:35	Public Comment		Roger Henderson, Chair	
9:40	Meeting Summary Approval		Roger Henderson, Vice Chair	Draft Meeting Summary May 1, 2026
9:45	HB 2442 Implementation	Understand HB 2442 Discuss policy ideas for Board to consider	Kjristine Lund, Executive Director Participation by Pierce County Emergency Management and/or Human Services – Arel Solie	HB 2442 Draft Policy Issue Paper
10:30	2027 Budget	Discuss key issues Projects progress Maintenance needs Staffing needs	Brandon Smith, District Administrator Mark Schumacher & Justin Officer, Maintenance & Operations, Pierce County Planning and Public Works (PPW)	Presentation
11:00	Opportunity Fund	Update Report on Opportunity Fund projects and outreach to jurisdictions	Kathleen Berger, PPW Matt Gerlach, PPW	Presentation
11:15	Executive Director Report	Update on District key issues	Kjristine Lund	
11:25	Other Business			
11:30	Adjourn		Roger Henderson	

COMMITTEE MEMBERS

Name	Organization		Term
Roger Henderson, Chair	WRIA 15		2027
Hans Hunger, Vice Chair	City Engineer, City of Puyallup		2028
Nicholas Anderson	Designee for County Executive Mello		N/A
Greg Anglemyer	Unincorporated Pierce County		2027
Michael Kosa	Public Works Director, City of Sumner		2028
Todd McKellips	Unincorporated Pierce County		2028
Ryan Mello	Pierce County Executive		N/A
Char Naylor	Puyallup Tribe of Indians		2028
Russell Odell	WRIA 10		2027
Dwane Watsek	WRIA 11		2028
JT Wilcox	Commissioner, Port of Tacoma		2027
Marianne Dominique	Councilmember, City of Fife		2027
Vacancy	City of Orting		2028
Vacancy	Councilmember, City of Tacoma		2027
Vacancy	Business Representative		
Vacancy	WRIA 12		
Ned Witting	City of Puyallup, Mayor	Alternate	
Mindy Kellar	Port of Tacoma, Senior Manager, Water Quality	Alternate	
Greg Vigoren	Public Works Director, City of Fife	Alternate	
Robby Wright	Assistant Engineering Manager, City of Sumner	Alternate	

(WRIA) Water Resource Inventory Area

2026 MEETING SCHEDULE

March 6
May 1
June 5
July 10
August ~~14~~ 7 – PLEASE NOTE CHANGE

DRAFT PCZD Advisory Committee Meeting Summary: May 1, 2026

Attendance

Committee Members:
Roger Henderson, WRIA 15 , Chair
Nicholas Anderson, Designee for County Executive Mello
Greg Anglemyer, Unincorporated Pierce County
Hans Hunger, Interim Vice Chair, City Engineer, City of Puyallup
Michael Kosa, Public Works Director, City of Sumner
Todd McKellips, Unincorporated Pierce County
Char Naylor. Puyallup Tribe of Indians
Dwane Watsek, WRIA 11
JT Wilcox, Commissioner, Port of Tacoma

Alternates:
Mayor Ned Witting, City of Puyallup
Mindy Keller, Port of Tacoma, Senior Manager, Water Quality

Staff:
Kjristine Lund, Executive Director
Kathleen Berger, Planning and Public Works, Surface Water Management
Matt Gurlock, Planning and Public Works, Surface Water Management
Justin Officer, Maintenance Manager, Pierce County Planning and Public Works
Brandon Smith, District Administrator

The meeting was called to order at 9:30 a.m.
Chair Roger Henderson called the meeting to order. Executive Director Kjristine Lund took attendance, and introduced each member and their affiliation.

Public Comment
There was no public comment.

Approval of Meeting Summary
Todd McKellips moved to approve the meeting summary for March 6, 2026. Dwane Watsek seconded the motion, and it was unanimously approved.

Pierce County Flood District
Advisory Committee
Meeting Summary May 1, 2026

Operating Rules
Executive Director Lund included a draft of the updated Operating Rules in the meeting package based on the discussion from the last meeting. The only area of change was allowing Alternate members to vote if the Committee member they represent is absent. Chair Henderson moved that the Operating Rules be approved as presented today with a review of the Ground Rules. Todd McKellips seconded the motion, and it was unanimously approved.Executive Director Lund mentioned that the Advisory Committee is seeking a Business Representative, if anyone knows someone who might be interested.

Election of Vice-Chair
This seat needs to be filled by an elected official, but there were no volunteers. Hans Hunger will continue in his role as Vice-Chair until an elected official can be chosen.

Flood Facilities Maintenance
Brandon Smith, District Administrator, introduced Justin Officer, who gave a presentation on the Pierce County Planning and Public Works Maintenance and Operations Update. He began with an overview of the 2025 and the previous 5 years of Maintenance and Operations investment and flood control infrastructure. He concluded with a look at the 2026 levee repair plans and future considerations. There are plans to have this information available to the public in the near future.

Executive Director Lund suggested putting together a workgroup of some of the Committee Members in order to talk about how something might be scoped to develop a policy framework for maintenance priorities using District funding. This will require further discussion with the Advisory Committee and PPW staff.

Opportunity Fund
Kathleen Berger introduced Matt Gerlach, who gave a presentation about the Opportunity Fund, the Fund guidelines, updates, and changes addressing utilization of these funds in order to best assist the municipalities. He mentioned that some municipalities are taking good advantage of the Fund, but that there are several that have never touched the Fund. He asked the Committee if they could recommend any additional strategies to help increase Opportunity Fund usage. There was a lively discussion on how the municipalities can be contacted to explain about the funds that are available and how this money can be used.

Executive Director Report
Executive Director Lund said the Board of Directors met at the beginning of April and was disappointed that no members of the public or the Advisory Committee were in attendance. Among the items that were approved at the meeting was the carry-over budget of the remaining funds from 2025 to 2026. They also approved two interlocal agreements for the expenditure of projects approved for the City of Sumner and the City of Gig Harbor. Also approved was a resolution to create a Lower Puyallup flood action plan. Another issue that was discussed was the updated Fund Balance Policy, including how the new authority that was given to districts by the State Legislature related to State-declared flood emergencies will be handled.

The meeting was adjourned at 11:30 am.
Todd McKellips moved to adjourn the meeting, and the motion was seconded by Char Naylor. All members were in favor, and Chair Henderson adjourned the meeting.

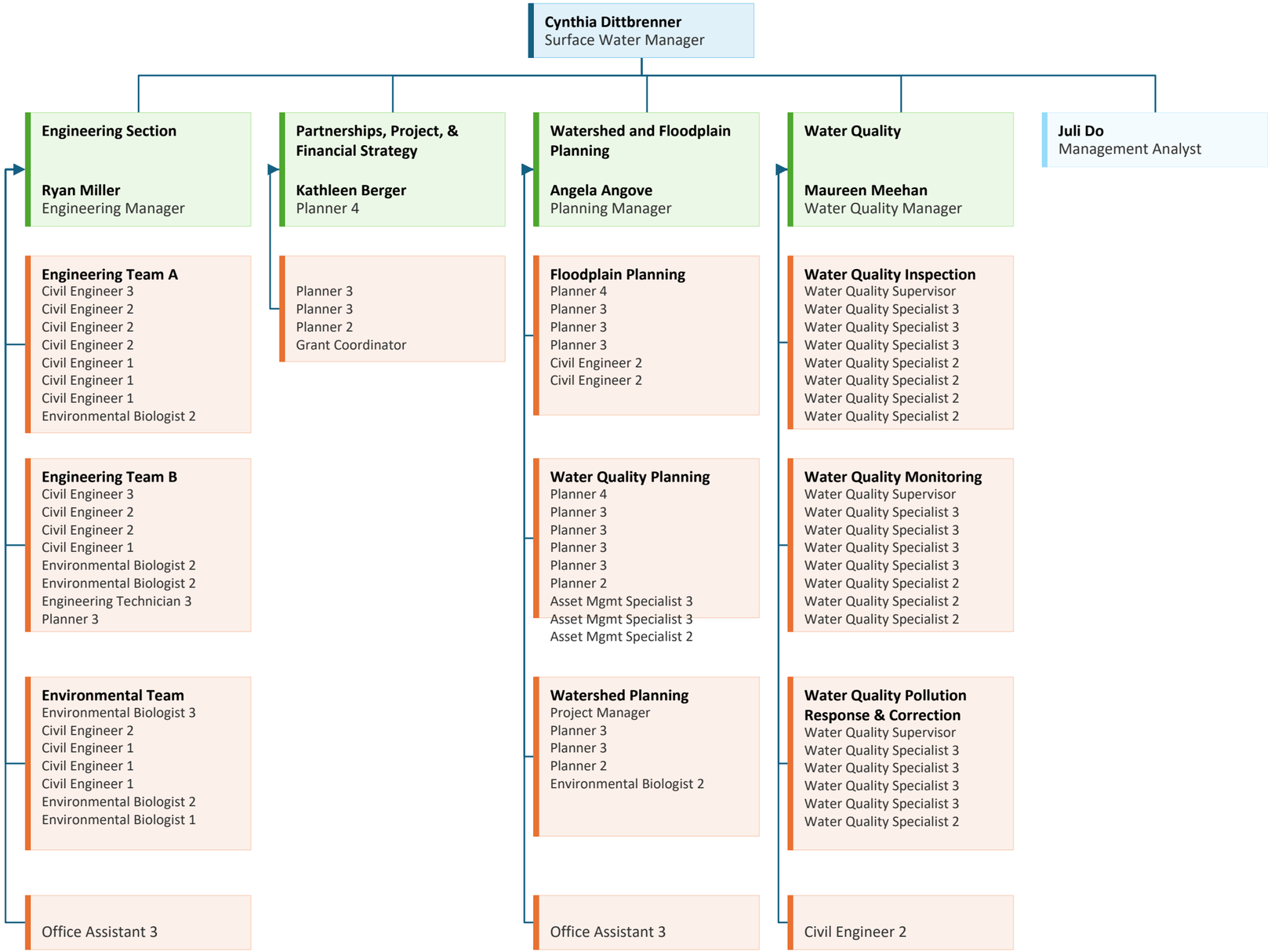
Planning and Public Works
Public Works and Utilities Branch
May 29, 2026

Josh Diekmann, PE, PTOE
Director, PPW

L. Brandon Smith, PE
Deputy Director, Public Works and Utilities

Division	**Office of the County Engineer** **Letticia Neal, PE** County Engineer	**Maintenance & Operations** **Mark Schumacher** Maint & Ops Manager	**Surface Water Management** **Cynthia Dittbrenner** Surface Water Manager	**Sewer & Water Utilities** **Steven Hartwig, PE** Utilities Manager	**Solid Waste** **Chris Brown (Acting)** Solid Waste Administrator
Sections	Construction Contract Admin Ferry Management Field Engineering Project Engineering Right of Way Traffic Engineering	Admin Services Airport Management Engineering Land Asset Mgmt Ops and Equipment Strategic Plng & Asset Mgmt	Engineering Partnership, Project, & Financial Strategy Planning Water Quality	Business Services Engineering Maint &Ops Planning	Project Coordination Solid Waste & Recycling

Surface Water Management Division
May 29, 2026



Pierce County Flood Control Zone District

Date: June 4, 2026

Prepared for: Pierce County Flood Control Zone District Advisory Committee

Prepared by: Kjristine Lund, Executive Director

Draft Policy Issue Paper: Implementation of HB 2442 Flood Recovery Assistance Authority by the Pierce County Flood Control Zone District

Purpose of Issue Paper

This paper is drafted to stimulate discussion by the Flood District Advisory Committee to provide policy input to the Pierce County Flood District Board of Supervisors related to the new authority granted under HB 2442 (Chapter 221, Laws of 2026). This new authority strengthens the FCZD's ability to support Pierce County residents and businesses during emergencies while advancing long-term flood resilience.

The Flood District is seeking input from the Advisory Committee on program parameters, including reserve funding levels and limitations on use of district funds. This paper also addresses relevant Washington State constitutional considerations.

The Advisory Committee's recommendations are requested on:

- **Appropriate reserve funding levels from district revenues.**
- **Limitations or guardrails on program design (e.g., eligibility, caps, prioritization).**
- **Any additional policy considerations.**

Executive Summary

HB 2442 expands the powers of flood control zone districts under RCW 86.15.080 by adding subsection (12). This allows the Pierce County Flood Control Zone District (FCZD) to expend funds—or transfer them to Pierce County—for county-administered flood recovery assistance to households and businesses damaged by a flood event subject to a Governor's emergency proclamation. This new tool addresses recurring gaps in private-sector recovery following frequent flood events in Pierce County.

Background and Statutory Authority

HB 2442 provides flood control zone districts with explicit new flexibility to support recovery in declared flood emergencies. Funds may be used directly by the district or transferred to the county legislative authority for administration (likely through Human Services or Emergency Management). The authority is in addition to existing powers for flood control projects, emergency protection, and grants to local jurisdictions. The authority is constitutionally supported as serving a public purpose (flood recovery and community resilience), consistent with exceptions for public welfare and emergency response.

Historical Context and Frequency of Events

- Statewide: 15–30+ flood-related or flood-inclusive Governor proclamations in the last 20 years.

- Pierce County: At least 8–12+ significant events impacting the county over the same period, with notable flooding roughly every 1–3 years (e.g., 2006 "100-year" flood, 2021, 2024–2025 atmospheric rivers). Pierce County has had at least 9 federally declared flood disasters since 1990.

Potential Eligible Expenditures and Uses

The program could target private damages (homes, contents, businesses) not fully covered by insurance, FEMA Individual Assistance, SBA loans, or limited state aid. The December 2025 floods highlighted this gap, with public infrastructure damage alone at $182.3 million.

Potential eligible uses are listed below for brainstorming purposes. These would be limited to county-administered flood recovery assistance for households and businesses impacted by a qualifying Governor-proclaimed flood event. The uses will also need to be reviewed by legal counsel before proceeding with establishing this new program.

"Recovery assistance" is broadly interpreted but must tie directly to a declared flood event.

Examples could include:

- Home repair/rehabilitation grants.
- Rental or temporary housing assistance.
- Replacement of essential personal property or business inventory.
- Basic needs support (e.g., food, mental health).

- RV replacement and repair assistance for households whose primary residence was damaged or destroyed.
- Hotel and motel vouchers to provide temporary shelter for displaced residents.
- Moving and relocation assistance to help households access safe alternative housing.
- Replacement of essential personal property, household belongings, or business inventory lost as a result of the disaster. (need to determine if these would be eligible under state constitution.)
- Basic needs support, including food, fuel, hygiene supplies, drinking water, and other emergency necessities.
- Funding for case management services, including behavioral health support, housing navigation, and connections to community resources.
- Provision of health and safety items, including personal protective equipment (PPE), basic medical supplies, and other materials necessary to support safe living conditions during recovery.

Traditional district expenditures (infrastructure, mitigation) remain unchanged.

Seeking Recommendations from Pierce County

The Flood District is seeking guidance from Pierce County government about the relationship of flood assistance potentially allowed under a new program to existing flood assistance programs.

Human Services: What are the unmet needs post-insurance/FEMA/SBA? Draw from 2025 flood responses (e.g., Household Needs Grants of $350–$1,125, rental aid, RV replacement). Prioritize vulnerable populations and rapid deployment.

Emergency Management (DEM/EMD): How can District funding integrate with unmet-needs tables, ensure coordination to avoid duplication, and use district funds for gaps that federal/state programs cannot fill quickly.

Interaction with Federal and Other Reimbursements

District funds should supplement, not supplant other sources. Use for unmet needs after insurance/FEMA/state aid, with documentation to preserve federal eligibility. Establish protocols for sequential funding and duplication-of-benefits tracking.

Is there Applicability to Opportunity Fund and Property Acquisition?

- Opportunity Fund: No direct applicability. This fund (typically 10% of levy) supports grants to local jurisdictions for public flood/stormwater projects and should remain separate.

- Property Acquisition: Possible in limited cases (e.g., buyouts framed as recovery/relocation assistance) but requires legal review. Traditional acquisition for mitigation is already authorized under existing RCW 86.15 powers.

Best Practices from Other Jurisdictions

- Harris County Flood Control District (TX): Post-Harvey voluntary buyouts, unmet-needs coordination, and bond-funded resilience programs.

- FEMA/HUD Approaches: Unmet-needs tables, equity focus, and "build back better" incentives.

Constitutional Considerations: Prohibition on Gifts of Public Funds

Constitutional Considerations: Prohibition on Gifts of Public Funds
Washington State Constitution Article VIII, Section 7 prohibits counties, cities, and other municipal corporations from giving money, property, or lending credit to private individuals or entities, except for the "necessary support of the poor and infirm." A similar prohibition applies to the state under Section 5. Courts apply a two-part test:

(1) Does the expenditure serve a fundamental government purpose (e.g., public health, safety, disaster recovery, economic resilience)? If the answer to this question is yes, there is no gift of public funds. If the answer is no, courts look to the second question:

(2) Is there adequate public consideration or benefit in return?

Disaster recovery assistance, especially when tied to a Governor's proclamation and focused on community-wide flood resilience, very likely qualifies as a fundamental government purpose, and therefore would not constitute a gift of public funds. It reduces long-term public costs (e.g., future emergency response, infrastructure repairs) and supports public welfare. Courts have found that relocation of businesses for the purpose of flood control, as well as public health and safety, is a fundamental government purpose.

The "poor and infirm" exception further supports aid to vulnerable households. Similar programs (e.g., emergency cash assistance) have been upheld when properly structured with eligibility criteria, needs assessments, and documentation.

Consider creating a program that is codified in the Pierce County Code. Codification gives Pierce County more authority and defense that the program is a valid public purpose, which is nice to have here since gifting of public funds is a legal constraint. Having the County Council determine that low-income mean $XX,000 or small business means Y has more power if a challenge were even to be made. The County may also want to a dedicated account to receive any Flood Control District funds to segregate and account for the funds, which could enable anticipatory appropriation authority.

Legal analysis of the gift of public funds doctrine is highly fact specific. Accordingly, the constitutionality of the Flood District's use of funds under HB 2442 will depend on the precise scope of services provided through the program.

Safeguards

Any program should include clear eligibility (e.g., verified flood damage, unmet needs), caps, reporting, and prioritization of public benefit to ensure compliance. District legal counsel should review final program design.

Key Issues for Advisory Committee Input

The Advisory Committee's guidance is requested on the following to shape program parameters:

1. Establish a Reserve Funding Level in Fund Balance Policy

District levy generates significant annual revenue (e.g., historical budgets around $18M million).

Recommendation for discussion: Establish a dedicated Flood Recovery Reserve of 1-5% of annual levy proceeds (or a fixed amount such as $300,000–$900,000, adjustable based on risk modeling). This balances ongoing mitigation work with emergency readiness, informed by historical event frequency and 2025 damage scales. Replenish fund within 3 years after any use.

Factors: Projected unmet needs per event, leverage with other funds, and maintaining fiscal stability.

2. Recommend Any Limitations on Use of District Funds

- Per-household/business caps?
- Prioritization criteria (e.g., low/moderate-income, repeatedly flooded properties, small businesses, farms)?
- Geographic or event-specific restrictions?
- Reporting, auditing, and sunset provisions for individual aid programs?
- Integration with equity goals and "build back better" mitigation requirements?

Additional input on program administration, public outreach, and evaluation metrics is welcome.

Next Steps

Committee recommendations reported to Executive Committee.

Coordination between District and Pierce County regarding potential legal mechanism, appropriation process, reimbursements, audit, and compliance.

Legal review of program framework.

Develop or amend the existing Interlocal Agreement between the District and Pierce County to incorporate this new funding program area under emergencies. The ILA will need to contemplate the reimbursement procedure to allow the program to expend District funding.

Revise Fund Balance Policy to reflect emergency funds.

Monitor future flood events and state guidance.

DRAFT