

**RESOLUTION NO. 2013-2**

**A Resolution of the Pierce County Flood Control Zone District relating to flood and stormwater projects by cities, towns and Pierce County; establishing an "opportunity fund" of ten percent (10%) of District tax revenues for such projects; establishing opportunity fund eligibility criteria and procedures; approving a form of interlocal agreement between the District and Pierce County, cities and towns regarding the opportunity fund; and authorizing the Chair of the District Board to sign such agreements.**

**Whereas**, by Ordinance 2011-95s, passed on April 3, 2012, the Pierce County Council, as authorized by chapter 86.15 RCW, formed the District; and

**Whereas**, in Section 5 of Ordinance 2011-95s, the Pierce County Council requested the District to establish an opportunity fund composed of ten percent (10%) of the revenues raised from District regular property tax levies ("Opportunity Fund"), to be distributed to cities, towns and unincorporated Pierce County based on their proportional percentage of the Opportunity Fund for projects that are consistent with Chapter 86.15 RCW; and

**Whereas**, by Resolution No. 2012-13, and pursuant to RCW 86.15.160(3), the District Board of Supervisors authorized a regular ad valorem property tax levy in the amount of \$6,896,700 for collection in 2013; and

**Whereas**, by Ordinance No. 2012-24, the Pierce County Council, as authorized by RCW 86.15.070, created the District Advisory Committee to provide advice and recommendations to the District Board of Supervisors; and

**Whereas**, the Advisory Committee submitted to the District Board of Supervisors a recommendation regarding the Opportunity Fund program, including projects to be included in the program; and

**Whereas**, under RCW 86.15.110, District funds may be expended for flood and stormwater control improvements, and under RCW 86.15.035 and RCW 39.34.190, District funds may be expended for certain cooperative watershed management projects; and

1       **Whereas**, under RCW 86.15.080(11), the District may provide grant funds to  
2 political subdivisions of the State that are located within the District, as long as the use  
3 of the grant funds is within the purposes authorized by Chapter 86.15 RCW; and  
4

5       **Whereas**, to address flooding problems in cities, town and unincorporated areas  
6 of the District, the District Board of Supervisors desires to establish an Opportunity Fund  
7 to allocate ten percent (10%) of District regular property tax levy revenues to cities,  
8 towns and unincorporated areas of the District; **Now, therefore**  
9

10       **BE IT RESOLVED by the Board of Supervisors of the Pierce County Flood**  
11 **Control Zone District as follows:**  
12

13       Section 1. Establishment of Opportunity Fund and Program. The District  
14 allocates and sets aside ten percent (10%) of the District's annual regular property tax  
15 levy revenues as an "Opportunity Fund" for use by cities, towns and Pierce County, on  
16 behalf of unincorporated Pierce County (individually, "municipality" and collectively,  
17 "municipalities"), in accordance with this Resolution.  
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19       Section 2. Opportunity Fund Allocations. The Opportunity Fund shall be  
20 allocated to the municipalities based on the proportional amount that each municipality's  
21 assessed valuation bears to Pierce County's total assessed valuation, as determined by  
22 the Pierce County Assessor's Office.  
23

24       Section 3. Accrual of Opportunity Fund Allocations. Opportunity Fund's  
25 allocated to a municipality and not expended by a municipality in a calendar year shall  
26 be accrued and rolled over (banked) to the next calendar year, subject to procedures  
27 developed by the District Administrator.  
28

29       Section 4. Purposes and Uses of Opportunity Fund. The Opportunity Fund  
30 shall be used by the municipalities for the following purposes and uses:  
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32       A. Flood control and stormwater control improvements, as authorized by RCW  
33 86.15.110.  
34

35       B. Maintenance and operation of flood and stormwater control improvements  
36 that have been constructed or acquired by the municipality.  
37

38       C. Studies and plans for flood or stormwater control improvements that will be  
39 constructed or acquired by the municipality.  
40

41       D. Watershed management projects, studies, plans and activities that are for  
42 the purpose of water supply, water quality, and water resource and habitat protection  
43 and management.  
44

45       E. Major equipment that is utilized for stormwater control or water quality  
46 protection.

The improvements and actions authorized by this Section 4 shall be referred to in this Resolution as "Projects."

Section 5. Approval of Projects. The District Board of Supervisors must approve all Projects funded by Opportunity Funds.

Section 6. Project Review and Recommendation. The District Administrator is authorized and directed to establish rules and regulations for review and approval of Projects and disbursement of Opportunity Fund allocations. Upon adoption, the District Administrator shall provide a copy of the rules and regulations to the Board of Supervisors, the District Executive Director and the District Clerk. The District Clerk shall post a copy of the rules and regulations on the District's website, and shall keep a copy of the rules and regulations for inspection and review by the public.

Section 7. Interlocal Agreement. The Board of Supervisors approves the form of "Interlocal Cooperation Agreement Between the Pierce County Flood Control Zone District and [name of jurisdiction] for Opportunity Fund Projects" attached to this Resolution. The Chair of the Board of Supervisors, or designee, is authorized to sign all such Agreements. A municipality must execute the Interlocal Cooperation Agreement before approval by the Board of Supervisors of the municipality's first Project.

ADOPTED this 5<sup>th</sup> day of June, 2013.

ATTEST:

**PIERCE COUNTY FLOOD CONTROL  
ZONE DISTRICT**

Pierce County, Washington

Cathy Sala  
Cathy Sala, Clerk of the Board

Joyce McDonald  
Board Chair