

1. July 8, 2020 Meeting Packet Updated

Documents:

[0708 FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS MEETING  
PACKET.PDF](#)

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<https://us02web.zoom.us/j/85839753132?pwd=YWpZb3hsUGhGbHICZlYsWHFcGFldz09>

Meeting ID: 858 3975 3132

Password: 550752

Dial: 253-215-8782

Dave Morell  
District No. 1

Pam Roach  
District No. 2

Jim McCune  
District No. 3

Connie Ladenburg  
District No. 4

Marty Campbell  
District No. 5

Derek Young  
District No. 7

Douglas G. Richardson  
District No. 6

## Pierce County Flood Control Zone District Board of Supervisors

### MEETING AGENDA

July 8, 2020

9:30 a.m.

930 Tacoma Avenue South – Room 1045  
Tacoma, WA 98402

Voice: (253) 798-7777 – FAX: (253) 798-7509 – Toll-Free: (800) 992-2456 – TDD: (253) 798-4018  
[www.piercecountywa.org/fczd](http://www.piercecountywa.org/fczd)

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda:** July 8, 2020
- IV. Approval of Minutes:** April 10, 2019, Flood Control Zone District Board of Supervisors Meeting  
October 16, 2019, Flood Control Zone District Board of Supervisors Special Meeting  
February 19, 2020, Flood Control Zone District Board of Supervisors Special Meeting
- V. Public Comment**
- VI. Resolutions**

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#### PUBLIC PARTICIPATION IN DISTRICT MEETINGS

Anyone may address any resolution on the agenda for final consideration. Public comment on any other items on the agenda shall be at the discretion of the Chair. To ensure equal opportunity for the public to comment, the Chair may impose a time limit on each speaker. All comments must be directed to the Chair.

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District meetings are audio recorded from gavel to gavel.  
Audio equipment is available for the hearing impaired. Please contact the receptionist for assistance.

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**Pierce County Flood Control Zone District  
Agenda, July 8, 2020**

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1. Resolution No. 2020-3, A Resolution of the Pierce County Flood Control Zone District Board of Supervisors Amending Operating Rules.
2. Resolution No. 2020-4, A Resolution of the Pierce County Flood Control Zone District Board of Supervisors Adopting a Revised 2020 Budget and Authorizing Improvements and Repealing Resolution No. 2019-5.
3. Resolution No. 2020-5, A Resolution of the Pierce County Flood Control Zone District Relating to District Flood and Stormwater Projects and Approving an Interlocal Agreement Between the District and the Pierce Conservation District.
4. Resolution No. 2020-6, A Resolution of the Pierce County Flood Control Zone District Relating to the Investment of District Funds by the Pierce County Department of Finance.
5. Resolution No. 2020-2, A Resolution of the Pierce County Flood Control Zone District Establishing a Flood Risk Reduction and Watershed Management Economic Stimulus Grant Program for the Pierce County Flood Control Zone District.

**VII. Project Updates**

**VIII. Other Business**

**IX. Adjournment**

**Note:** If for any reason this meeting is canceled, all Agenda items shall be continued to the next meeting of the District.

**MINUTES**  
**PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT**  
**BOARD OF SUPERVISORS MEETING**  
**April 10, 2019**

*Minutes of the Pierce County Flood Control Zone District are not verbatim; however, audio recordings are available upon request.*

**I. Call to Order**

The Meeting of the Pierce County Flood Control Zone District meeting was called to order at 9:33 a.m. by Vice Chair Morell.

**II. Roll Call**

The Clerk called the roll.

Supervisors present: Dave Morell, Vice Chair; Connie Ladenburg, Jim McCune, Douglas G. Richardson (Pam Roach and Derek Young arrived following roll; Marty Campbell was excused.)

Also present: Rod P. Kaseguma and Kinnon Williams, Inslee, Best, Doezie & Ryder, P.S.; Kjristine Lund, Independent Consultant, Lund Consulting, Inc.

Planning and Public Works Department staff: Anne-Marie Marshall-Dody, Melissa McFadden, Brynne Walker; Chris Cooley, Executive's Office

Council staff: Jeff Cox, Deputy Legal Counsel; Amy Cruver, Councilmember Assistant

**III. Approval of Agenda:** April 10, 2019

Without objection, the Agenda was approved as presented.

**IV. Approval of Minutes:** January 16, 2019 Special Meeting of the Flood Control Zone District Board of Supervisors. Richardson moved approval of the Minutes; motion seconded. The question was called; the Minutes were approved as presented.

**V. Public Comment:** There was none.

**VI. Resolutions**

1. Resolution No. **2019-2**, A Resolution of the Pierce County Flood Control Zone District, Amending Resolution Nos. 2013-3s and 2015-2, and Adopting an Update to the District Comprehensive Plan of Development.

The Clerk read the title into the record. Lund provided a staff report summarizing the meeting packet.

At 9:39 a.m., the gavel passed to Chair Young.

Lund explained the Resolution and stated the Executive Committee recommended a do pass recommendation to the full board. Richardson moved Resolution No. 2019-2; motion seconded.

The Chair called for public testimony; there was none.

Morell requested Kaseguma speak to the state statute requirement as it relates to the Resolution; Kaseguma cited the state statute.

The Chair called for a roll call vote; the Resolution was adopted 6-0.

2. Resolution No. **2019-3**, A Resolution of the Pierce County Flood Control Zone District Board of Supervisors, Adopting a Revised 2019 Budget and Authorizing Improvements, and Repealing Resolution No. 2018-7.

The Clerk read the title into the record. Lund explained the Resolution in its entirety and stated the Executive Committee recommended a do pass recommendation to the full board. In answer to Roach request on federal funding partners, McFadden will inquire.

The Chair called for public testimony; there was none.

Morell moved approval of Proposal No. 2019-3; motion seconded. The Chair called for a roll call vote; the Resolution was adopted 6-0.

## **VII. Project Updates**

Lund introduced Bill Pugh, Mayor, City of Sumner and Mike Dahlem, Public Works Director, City of Sumner, spoke regarding the process of various jurisdictions collaborating on White River projects.

Dahlem, presented a powerpoint presentation, "The White River Projects." (A copy of the presentation is contained in the meeting file.) Discussion ensued on levy recommendations, Pacific Point bar, CAP grant, floodplain plan.

McFadden will follow up with Dahlem on the Mud Mountain Dam issue of sediment removal and environmental requirements and how it will affect downriver.

## **VIII. Other Business/Announcements**

The Chair thanked staff for their work. Lund announced Kaseguma will be retiring and that this was his last meeting with the Board. Kinnon Williams, attorney from the same law firm will be replacing Kaseguma. Kaseguma thanked the Supervisors for their work.

**IX. Adjournment**

There being no further business, the Special Meeting of the Flood Control Zone District Board of Supervisors Meeting was adjourned at 10:45 a.m.

Approved:

\_\_\_\_\_  
Derek Young, Board Chair

\_\_\_\_\_  
Date Approved

Attest:

\_\_\_\_\_  
Kate Kennedy, CMC  
Clerk of the Board

**MINUTES**  
**PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT**  
**BOARD OF SUPERVISORS SPECIAL MEETING**  
**October 16, 2019**

*Minutes of the Pierce County Flood Control Zone District are not verbatim; however, audio recordings are available upon request.*

**I. Call to Order**

The special meeting of the Pierce County Flood Control Zone District Board of Supervisors was called to order at 9:37 a.m. by Chair Young

**II. Roll Call**

The Clerk called the roll.

Supervisors present: Derek Young, Chair; Dave Morell, Vice Chair; Marty Campbell, Jim McCune, Douglas G. Richardson, Pam Roach (Connie Ladenburg arrived following roll.)

Also present: Kinnon Williams, Inslee, Best, Doezie & Ryder, P.S.; Kjristine Lund, Independent Consultant, Lund Consulting, Inc.; Amy Cruver and Judy Hurley, Councilmember Assistants

Planning and Public Works Department staff: Anne-Marie Marshall-Dody, Melissa McFadden, Harold Smelt, Brynne Walker; Chris Cooley, Executive's Office

**III. Approval of Agenda:** October 16, 2019

Without objection, the Agenda was approved as presented.

**IV. Public Comment:** There was none.

**V. Advisory Committee Budget Recommendation**

Lund provided opening remarks, and introduced Ryan Mello, Chair Pierce County Flood Control Zone District Advisory Committee. Mello presented the budgetary recommendations from the Advisory Committee referencing the August 15, 2019 letter to the Board, "Advisory Committee Recommendations for the 2020-2025 Flood District Budget." (A copy of the letter is contained in the meeting file.)

The Chair thanked Mello for his work on the Advisory Committee.

**VI. Staff Report on Operating and Capital Budget Options**

Lund provided a powerpoint presentation, "Pierce County Flood Control Zone District 2020 Budget." (A copy of the presentation is contained in the meeting file.) She reviewed the Advisory Committee Membership. She also touched on key points on how to fund the Jones Levy, continuing progress on the White

River, lack of funding from the Corps, fund balance policy goal with strategic reserve.

The Chair explained why there are 2 proposals in the committee packet.

Lund explained the revenue options summary, 2020 Work Plan (Attachment A) to 2019-5, 2020 Operating Budget Assumptions, Operating Budget Differences

Harold Smelt, Engineering Manager, Planning and Public Works Department, presented a powerpoint, "Jones Levee Project: An Overview." (A copy of the presentation is contained in the meeting file.)

## **VII. Resolutions**

Resolution No. **2019-4**, A Resolution of the Pierce County Flood Control Zone District Relating to the Finances of the Pierce County Flood Control Zone District; Authorizing a Property Tax Levy to Implement the District's 2020 Budget; Reserving Banked Capacity; and Protecting up to \$.25 per \$1,000 of Assessed Value of the District's Property Tax Levy from Proration.

The Clerk read the title into the record. Lund explained the differences in the two Resolutions 2019-4 and 2019-4a -- stating section 1 on each resolution contains the calculation of the levy and section 2 shows the total amount. Lund explained how the opportunity fund can be expended per RCW. Discussion ensued.

The Chair called for public testimony: Josh Penner, Mayor of Orting, spoke to 2019-4. He referenced the City of Orting Resolution 2019-26. (A copy of the Resolution is contained in the meeting file.)

Mayor Pugh, City of Sumner, spoke to 2019-4, and invited Supervisors on the White River Restoration and Flood Project tour on October 29, 1:00 p.m.

Richardson moved 2019-4 (Advisory Committee recommendation); motion seconded. The Chair called for the roll. Resolution No. 2019-4 passed on a roll call vote of 6-1. (Young voted nay)

Resolution No. **2019-4a**, A Resolution of the Pierce County Flood Control Zone District Relating to the Finances of the Pierce County Flood Control Zone District; Authorizing a Property Tax Levy to Implement the District's 2020 Budget; Reserving Banked Capacity; and Protecting up to \$.25 per \$1,000 of Assessed Value of the District's Property Tax Levy from Proration.

Discussion on this Resolution was contained above under 2019-4.

Resolution No. **2019-5**, A Resolution of the Pierce County Flood Control Zone District Board of Supervisors, Adopting the 2020 Budget and Authorizing Improvements.

Lund explained Resolution 2019-5. The Chair called for public testimony; there was none. Supervisors provided additional comments on the Resolution.



Richardson moved 2019-5; motion seconded. The Chair called for the roll call. The Resolution passed on a roll call vote of 6-0; Ladenburg was excused.

Lund stated a special meeting notice has been sent out for the October tour. On February 19, 2020 there will be a tour of the City of Fife lower Puyallup north levee road.

IX. Adjournment

There being no further business, the Special Meeting of the Flood Control Zone District Board of Supervisors Meeting was adjourned at 11:23 a.m.

Approved:

\_\_\_\_\_  
Derek Young, Board Chair

\_\_\_\_\_  
Date Approved

Attest:

\_\_\_\_\_  
Kate Kennedy, CMC  
Clerk of the Board

**MINUTES**  
**PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT**  
**BOARD OF SUPERVISORS SPECIAL MEETING**  
**February 19, 2020**

*Minutes of the Pierce County Flood Control Zone District are not verbatim; however, audio recordings are available upon request.*

**I. Call to Order**

The special meeting of the Pierce County Flood Control Zone District Board of Supervisors was called to order at 9:37 a.m. by Chair Young

**II. Roll Call**

The Clerk called the roll.

Supervisors present: Derek Young, Chair; Dave Morell, Vice Chair; Jim McCune, Douglas G. Richardson, (Jim McCune arrived following roll.) (Supervisors Pam Roach and Marty Campbell were excused.)

Also present: Kinnon Williams, Inslee, Best, Doezie & Ryder, P.S.; Kjristine Lund, Independent Consultant, Lund Consulting, Inc.; Judy Hurley and Amy Cruver, Councilmember Assistants

Planning and Public Works Department staff: Anne-Marie Marshall-Dody, Melissa McFadden, Harold Smelt, Brynne Walker, Al Amirzehni, Todd Essman; and Chris Cooley, Executive's Office

**III. Approval of Agenda:** February 19, 2020

Without objection, the Agenda was approved as presented.

**IV. Election of Officers**

1. **Resolution No. 2020-1**, A Resolution of the Pierce County Flood Control Zone District Board of Supervisors Naming Board Officers and a Third Member of the Executive Committee.

Lund explained the intent of the Resolution. Richardson moved the following slate of officers: Dave Morell, Chair; Marty Campbell, Vice Chair; and Pam Roach, Ex-Officio; motion seconded.

The Chair called for public testimony on the amendment; there was none. The question was called; the amendment passed. Richardson moved to adopt the resolution as amended. The chair called for public testimony on the resolution as amended; there was none. The question was called; the resolution passed.

Chair Young passed the gavel passed to Supervisor Morell as Chair

- V. 1.** Letter of Agreement with City of Sumner for Expenditure of Funds for Property Acquisition, Kinnon Williams, Legal Counsel

Lund explained the topic stating the projects are multi-year and the strategy will be discussed with the Executive Committee with recommendation back to the full board. Kinnon explained currently that for each project there is a separate contract. Each project needs to be approved by resolution and can be done on multiple projects versus each individual. He stated a master contract would be more efficient and will discuss it in more detail at the Executive Committee. A master agreement stating what needs to be accomplished with the rules for each project with flexibility for last-minute projects. Lund reiterated that the Flood District is a partial funder of projects with partners bringing in grant monies.

**VI. Project Updates**, Melissa McFadden, District Administrator

Lund provided opening remarks. Harold Smelt, Planning and Public Works Department, introduced the speakers: Todd Essman and Al Amirzehni Supervisors Surface Water Management Capital Improvement Program. Essman provided a summary of funds in 2019, and presented a powerpoint presentation, "Pierce County 2019 FCZD Funded Projects." (A copy of the powerpoint is contained in the meeting file.) Amirzehni provided a summary of each project as contained in the powerpoint presentation. Lund stated the City of Renton will be scheduled to present how their jurisdiction mitigated sediment control in their City.

Mike Dahlem, Public Works Director, City of Sumner, presented a powerpoint presentation, "Sumner Flooding and Projects Update." (A copy is contained in the meeting file.)

Lund stated discussion for Executive Committee have Dennis Dixon, Surface Water Management Floodplain Services, explain how the Pierce County regulation works versus the Flood Control Zone District; FCZD does not have regulatory authority but has policy authority. Kinnon stated complex subject as relates to regulatory takings criteria and answered questions of Supervisors.

Lund provide summary remarks on flood projects.

**VII. Other Business**

1. Update on State Audit

Lund stated the State Audit 2017 and 2018 has been completed with a clean audit and no findings, and the accounting firm, Francis and Company, was an excellent liaison with the State Auditor.

**VIII. Adjournment**

There being no further business, the Special Meeting of the Flood Control Zone District Board of Supervisors Meeting was adjourned at 10:36 a.m.

Approved:

\_\_\_\_\_  
Dave Morell, Board Chair

\_\_\_\_\_  
Date Approved

Attest:

\_\_\_\_\_  
Kate Kennedy, CMC  
Clerk of the Board

1  
2  
3  
4 **RESOLUTION NO. 2020-3**  
5  
6

7 **A Resolution of the Pierce County Flood Control Zone District Board of**  
8 **Supervisors Amending Operating Rules.**  
9

10 **Whereas**, by Resolution No. 2012-1, the Board of Supervisors established rules  
11 for the operation of the District, which include, among other things, the date, time and  
12 place of the regular meetings of the Board and the Executive Committee;  
13

14 **Whereas**, by Resolution No 2017-2, the Board of Supervisors amended the  
15 operating rules of the District to add a new section related to agenda for and notice of  
16 Board and executive Committee Meetings;  
17

18 **Whereas**, the Board of Supervisors desires to amend the start time for regular  
19 Executive Committee meetings, and  
20

21 **Whereas**, the Board of Supervisors desires to add a new section to the operating  
22 rules to allow for remote meetings of the Board and Executive Committee when there is  
23 a declared emergency by the County Executive, consistent with the Open Public  
24 Meetings Act, Chapter 42.30 RCW.; **Now Therefore**,

25  
26 **BE IT RESOLVED by the Board of the Pierce County Flood Control Zone**  
27 **District:**  
28

29 Section 1. Purpose.  
30

31 The purpose of this Resolution is to establish rules and operating procedures for  
32 the Pierce County Flood Control Zone District.  
33

34 Section 2. Definitions.  
35

36 A. "Board" means the Board of Supervisors of the Pierce County Flood Control  
37 Zone District ("FCZD"), who as Pierce County Councilmembers are ex officio members  
38 of the Board.  
39

40 B. "Executive Committee" means the executive committee of the Pierce County  
41 Flood Control Zone District, consisting of three members of the Board who are elected  
42 by the members of the Board.  
43

44 C. "Legislation" means a "motion" or "resolution".  
45

46 D. "Motion" means legislation that organizes and administers the Flood Control  
47 Zone District or that contains declarations of policy which do not have the force of law.

1  
2 E. "Resolution" means legislation that has the force of law.  
3

4 Section 3. Officers.  
5

6 A. At the first meeting of the Board in any given year the Board shall elect a  
7 chair and a vice-chair and a third member of the Executive Committee all of whom shall  
8 serve for a term of one year or until their successors are elected.  
9

10 B. The Chair of the Board shall preside at Board meetings, sign resolutions and  
11 other documents on behalf of the Board and perform such other duties as are  
12 commonly associated with that office.  
13

14 C. The Vice-Chair shall perform the duties of the Chair in the Chair's absence.  
15

16 D. The Chair or the Vice-Chair may be removed by simple majority vote of the  
17 total membership of the Board. If the Chair or Vice-Chair of the Board is removed, the  
18 Board shall elect a successor as provided herein.  
19

20 Section 4. Executive Committee.  
21

22 A. The Executive Committee shall consist of the Chair and Vice-Chair of the  
23 Board and one additional member elected by the members of the Board.  
24

25 B. The Executive Committee member who is neither chair nor vice-chair shall  
26 serve at the pleasure of the Board for a term of one year, unless decided otherwise by  
27 the Board and until the member's successor is chosen.  
28

29 C. On behalf of the Board, the Executive Committee may take the following  
30 actions and perform the following functions:  
31

32 1. Approve contracts for goods and services where the stated charges in the  
33 contract or the actual and anticipated charges under the contract (including renewals,  
34 extensions and amendments) are or will be up to \$100,000;  
35

36 2. Review and recommend capital projects to the Board;  
37

38 3. Develop and approve staffing and personnel policies related to the  
39 administration of the District; and  
40

41 4. Oversee and administer the daily administration of the District.  
42

43 The Chair of the Executive Committee may approve contracts for goods and  
44 services where the stated charges in the contract or the actual and anticipated charges  
45 under the contract (including renewals, extensions and amendments) are or will be up  
46 to \$20,000 and are included in the District's budget and work program. After approval  
47 of such a contract, the agenda for the next Executive Committee meeting shall contain

1 an agenda item for the contract and at the meeting the chair of the Executive  
2 Committee or designee shall give a report regarding the contract.

3  
4 D. The Chair of the Executive Committee shall preside at Committee meetings  
5 and perform such other duties as are commonly associated with that office.

6  
7 E. The Vice-Chair shall perform the duties of the Chair in the Chair's absence.

8  
9 F. If any decision of the Executive Committee is not unanimous, the decision  
10 shall be forwarded to the Board for final decision at the request of any member who  
11 voted against the decision.

12  
13 Section 5. Meetings.

14  
15 A. The regular meetings of the Executive Committee shall be held every third  
16 Wednesday of each month starting at 11:00 a.m. at the Pierce County Council  
17 Chambers, Room 1045, 930 Tacoma Avenue South, Tacoma, Washington 98402.

18  
19 B. Special meetings of the Board or the Executive Committee may be called by  
20 their respective chairs or as provided in RCW 42.30.080.

21  
22 C. The Board and the Executive Committee shall comply with the Open Public  
23 Meetings Act, Chapter 42.30 RCW. Any member of the Board may attend a meeting of  
24 the Executive Committee.

25  
26 Section 6. Executive Committee and Board Action.

27  
28 A. A quorum of the Board shall consist of four members. A quorum of the  
29 Executive Committee shall consist of two members.

30  
31 B. All actions of the Board or Executive Committee shall be by simple majority  
32 vote of those present except that any action by the Board to impose a property tax shall  
33 be adopted with no less than an affirmative vote of two-thirds of the Board.

34  
35 C. Members of the Board and Executive Committee must be present to vote on  
36 a matter before the Board or Executive Committee, except that at any meeting of the  
37 Board involving a tax vote, members of the Board may attend and vote by  
38 teleconference, i.e. use of oral electronic communication devices such as telephone,  
39 conference call or internet audio, provided that:

40  
41 1. No more than two members of the Board may attend and vote by  
42 teleconference;

43  
44 2. The teleconference technical connection for the meeting must allow the  
45 Board member to hear and to be heard by other Board members and the public; and  
46

1           3. The Board member must provide six hours notice before the meeting to  
2 the Clerk of the Board, or the Clerk's designee.

3  
4           D. All actions of the Board or Executive Committee shall be recorded in the  
5 minutes, copies of which shall be distributed to each member of the Board or  
6 Committee.

7  
8           Section 7. Board Resources.

9  
10          A. The Board shall determine and provide for staff and other resources required  
11 to assist the Board and the Executive Committee in performing their duties.

12  
13          Section 8. Miscellaneous.

14  
15          A. The rules contained in Robert's Rules of Order Newly Revised shall govern  
16 the Board and Executive Committee in all cases in which they are reasonably applicable  
17 and not inconsistent with this resolution.

18  
19          B. The Board may revise these rules and operating procedures at any regular or  
20 special meeting by majority vote.

21  
22          Section 9. Agenda and Notice of Board and Executive Committee Meetings.

23  
24          A. The Chair or designee (hereafter, the "Chair") shall prepare an agenda  
25 foreach Board and Executive Committee meeting. The Chair shall determine the order  
26 of and items on the agenda, taking into account the order of and items on previous  
27 agendas.

28  
29          B. The Chair shall attach to the agenda all documents identified or referenced in  
30 the agenda, including but not limited to reports, agreements, resolutions and written  
31 motions (hereafter, the agenda and the documents are collectively the "Meeting  
32 Packet").

33  
34          C. For regular meetings of the Board or the Executive Committee, the Chair  
35 shall cause the Meeting Packet to be distributed to the Supervisors, posted on the  
36 District's website, and made available at the office of the Clerk of the Board by noon of  
37 the second business day before the day of the meeting. For example, if the regular  
38 meeting is on a Tuesday, the Meeting Packet shall be distributed, posted and made  
39 available by noon on Friday.

40  
41          D. For special meetings of the Board or the Executive Committee, the Chair  
42 shall cause the Meeting Packet to be distributed to the Supervisors, posted on the  
43 District's website, delivered to entities that have on file with the Board a written request  
44 to be notified of special meetings (as provided for in RCW 42.30.080), and made  
45 available at the office of the Clerk of the Board at least twenty-four (24) hours before the  
46 time of the special meeting.



1 E. If State law or District resolution requires notice of a public hearing to be  
2 published a certain number of days before the public hearing, the Chair shall cause the  
3 notice to be published as required. Any documents identified or referenced in the  
4 notice, including but not limited to reports, agreements, resolutions and written motions,  
5 shall be posted on the District's website and made available at the office of the Clerk of  
6 the Board concurrently with publication of the notice.  
7

8 F. The failure of the Chair to comply with any Meeting Packet requirement of this  
9 Section shall not invalidate or adversely affect an otherwise legal action taken at a  
10 meeting; provided that no action shall be taken by the Board of Supervisors on any  
11 resolution which has not been distributed, posted, and made available in accordance  
12 with the provisions of Subsections 9.C. and 9.D. of this Section.  
13

14 SECTION 10. Remote Attendance.  
15

16 A. Board members may appear at Board of Supervisor or Executive Committee  
17 meetings via video conferencing or telephone ("*remote attendance*") under limited  
18 circumstances.  
19

20 B. The Board Chair may approve a Supervisor's appearance at a meeting via  
21 remote attendance when action on a measure to be voted on cannot be delayed but  
22 rather requires immediate action or remedy and one or more of the following  
23 circumstances exists:  
24

25 1. Due to fire, flood, earthquake, public health or other emergency, the Board  
26 is unable to meet in person;  
27

28 2. There is a need for action by the Board to continue operations of the  
29 District or to meet the emergency, and  
30

31 3. A vote is required for action.  
32

33 C. Remote attendance should be announced by the board chairperson or vice  
34 chairperson in the absence of the chairperson and will be reflected in the meeting  
35 minutes.  
36

37  
38 **ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**  
39

40  
41 ATTEST:

**PIERCE COUNTY FLOOD CONTROL  
ZONE DISTRICT**  
Pierce County, Washington

42  
43  
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47 \_\_\_\_\_  
Kate Kennedy, Clerk of the Board

\_\_\_\_\_  
Dave Morell, Board Chair

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5 **RESOLUTION NO. 2020-4**  
6  
7

8 **A Resolution of the Pierce County Flood Control Zone District Board**  
9 **of Supervisors, Adopting a Revised 2020 Budget and Authorizing**  
10 **Improvements, and Repealing Resolution No. 2019-5.**  
11

12  
13 **Whereas**, by Resolution No. 2019-5 the Board of Supervisors adopted the 2020  
14 Budget for the District; and  
15

16 **Whereas**, the Board of Supervisors desires to amend the 2020 Budget to carry  
17 over funds that were appropriated but not expended in 2019; and  
18

19 **Whereas**, the Board of Supervisors desires to amend the 2020 Budget to reflect  
20 updated administrative costs with the terms of the Interlocal Agreement between the  
21 County and the District; and  
22

23 **Whereas**, pursuant to RCW 86.15.140, the District held a public hearing on the  
24 proposed revised 2020 Budget of the District on July 8, 2020; and  
25

26 **Whereas**, the Board desires to adopt the District's 2020 budget, as revised; and  
27

28 **Whereas**, by Resolution No. 2013-3s, the District Board of Supervisors adopted  
29 the District's comprehensive plan of development for flood and stormwater control,  
30 which is titled "Pierce County Flood Control Zone District Comprehensive Plan of  
31 Development," and is known as the Comprehensive Plan of Development or CPOD;  
32 and  
33

34 **Whereas**, by Resolution No. 2015-2 the District Board of Supervisors adopted  
35 three new sections to Resolution No 2013-3s; and  
36

37 **Whereas**, by Resolution 2019-2 the District Board of Supervisors adopted an  
38 update to the "Pierce County Flood Control Zone District Comprehensive Plan of  
39 Development;" and  
40

41 **Whereas**, Section 3 of Resolution No. 2013-3s provides that, pursuant to RCW  
42 86.15.110, the District Board of Supervisors must approve by subsequent resolution all  
43 flood control and storm water control improvements, prior to the extension,  
44 enlargement, acquisition, or construction of such improvements; and  
45

46 **Whereas**, Section 3 of Resolution No. 2013-3s, as required by RCW 85.15.110,  
47 further provides that such subsequent approval resolution, which may be a part of a  
48 District budget resolution, must (1) state whether the improvement is to be extended,

1 enlarged, acquired or constructed, (2) state that the District comprehensive plan has  
2 been adopted, (3) state that the improvement generally contributes to the objectives of  
3 the District Comprehensive Plan, (4) state that the improvement will benefit the County  
4 as a whole, (5) state the estimated cost of the improvement, and (6) identify the data  
5 supporting the estimated cost; and  
6

7 **Whereas**, the District Board of Supervisors desires to approve improvements in  
8 accordance with Section 3 of Resolution No. 2013-3s; **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. The Board hereby adopts the 2020 Budget for the District, as set forth  
14 in Exhibits A, B, C and D to this Resolution.

15  
16 Section 2. By Resolutions No. 2013-3s, Resolution 2015-2, and Resolution  
17 2019-2, the Board adopted and amended the District Comprehensive Plan of  
18 Development.

19  
20 Section 3. The Board approves the extension, enlargement, acquisition or  
21 construction, as applicable, of the improvements included in the District Comprehensive  
22 Plan of Development and identified in Exhibit C to this Resolution and determines that  
23 such improvements generally contribute to the objectives of the District Comprehensive  
24 Plan of Development and will be of benefit to the County as a whole.

25  
26 Section 4. The estimated cost of the improvements is stated in Exhibit C to this  
27 Resolution, and the supporting data for the estimated cost is on file with the District  
28 Administrator.

29  
30 Section 5. For improvements that will be constructed, preliminary engineering  
31 studies and plans either have been prepared or will be prepared, and have been filed or  
32 will be filed, with the District Administrator.

33  
34 Section 6. Resolution No. 2019- 5 is repealed.

35  
36 **ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

37  
38  
39  
40 ATTEST:

**PIERCE COUNTY FLOOD CONTROL  
ZONE DISTRICT**

Pierce County, Washington

41  
42  
43  
44 \_\_\_\_\_  
45 Kate Kennedy, Clerk of the Board

\_\_\_\_\_  
Dave Morell, Board Chair

**Exhibit A**  
**2020 Work Plan**  
**Pierce County Flood Control Zone District**  
**(10-16-19)**

<b>Tasks</b>	<b>Board</b>	<b>Advisory Committee</b>	<b>Staff</b>
<b>Implement Opportunity Fund Program</b>	Monitor effectiveness of program	Track progress	Monitor Contracts and Scope
<b>Implement Capital Projects</b>	Monitor progress	Develop recommendations if scope or budget changes	Process contracts Process payments Monitor compliance
<b>Strategy to Address Projects Identified in the General Investigation Study</b>	Review of large capital project needs and funding strategies	Advise on priorities	Develop options
<b>Maintenance &amp; Operations</b>	Monitor work		Perform repairs and improvements needed to maintain system
<b>Budget Actions</b>	Approve 2021 Budget and Levy Annual and Six-Year CIP Opportunity Fund	Develop Project Recommendations	Technical work in support of decisions
<b>Flood Hazard Planning</b>	Updates on plan development process	Make recommendation to Board on Plan Update as topics arise	Technical work to prepare updated plan for Advisory Committee review and Board adoption
<b>Consider Standard Operating Procedures</b>	Review SOP and take action to approve if needed		Develop scope of work for operating procedures and draft SOPs for Board Review
<b>Administration</b>	Approval of contracts Monitor finances Track state audit		Support Board Executive Committee Advisory Committee Financial reports
<b>Communications and Liaison with Other Governments</b>	Presentations, Annual Report Correspondence, Media, Legislature, Congress	Support legislative initiatives	Web site, Outreach, Media, Cities, State, Federal

## Exhibit B

Contact: Kjris Lund, Executive Director (253)612-8138

Melissa McFadden (253)798-2159

### Proposed 2020 Annual Budget Amendment Pierce County Flood Control Zone District



**B  
U  
D  
G  
E  
T**

#### **2020 Revenue**

**Assessment** **\$ 12,819,304**

#### **2020 Expenditures**

**Administration** **\$ 488,306**

*Pierce County FCZD Support	\$ 91,800
Pierce County Communication Section Support	\$ 3,500
Direct Flood Control Zone District Support	\$ 154,280
Indirect	\$ 66,550
Legal Counsel	\$ 47,000
Accountant	\$ 38,725
Clerk	\$ 12,423
Website Hosting	\$ 3,300
Insurance	\$ 20,000
Broker Fee	\$ 1,500
Copies, Printing, Notices, Miscellaneous	\$ 1,650
IT Financial/HR Systems Allocation	\$ 12,850
Printing Annual Report	\$ 1,700
Mailing the Annual Report	\$ 120
Printing CIP	\$ 800
Board, Travel, Dues, membership	\$ 5,000
State Audit	\$ 20,608
Consultant for the 2020 Annual Report	\$ 6,500

**Strategic Reserve** **\$ 100,000**

PS Shoreline Project \$ 100,000

**Operations and Maintenance** **\$ 1,922,896**

**Large Capital Projects** **\$ 1,000,000**

**Opportunity Fund** **\$ 1,281,930**

**Capital Projects** **\$ 7,963,111**


**Total Expenditures** **\$ 12,756,243**

\*includes the estimated 2.0% COLA increase

\*\* Please Note: \$2,500,000 will be deposited into the Strategic Reserve

## Exhibit C

Contact: Kjris Lund, Executive Director (206) 612-8138  
 Melissa McFadden, District Administrator (253)798-2159

Proposed 2020 Capital Improvement Projects Budget Amendment	
	
Project Name	2020 Budget
<b>Property Acquisitions</b>	<b>\$ 4,556,142</b>
Alward Road Acquisition & Setback Levee	\$ 1,092,256
Carbon River Floodplain Connection Right Bank	\$ 125,000
Neadham Road Acquisition & Revetment	\$ 857,356
White River Butte Pit Setback	\$ 250,000
Lower White River (Pacific Pt. Bar, L Bank Setback, 24th Street Setback)	\$ 1,622,000
Middle Puyallup 128th St Comp Study	\$ 537,030
Orville 2C Acquisition	\$ 72,500
<b>Engineering / Studies/ Construction</b>	<b>\$ 3,306,969</b>
Lower White River(Restoration; 24th Street Setback)	\$ 572,069
Lower White River (Sumner Point Bar)	\$ 250,000
Lower White River (Left Bank Setback	\$ 250,000
Alward Setback Levee (Preliminary Engineering)	\$ 198,891
Calistoga/Ken Wolfe Levee Carry-over 2018	\$ 50,505
Orville Road Revetment (Phase 2C)	\$ 578,624
Upper Nisqually Channel Migration Protection	\$ 1,406,880
<b>Total Capital Improvement Projects</b>	<b>\$ 7,863,111</b>
<b>Strategic and Emergent Needs Reserve</b>	<b>\$ 100,000</b>
PS Shoreline Project	\$ 100,000
<b>Total All</b>	<b>\$ 7,963,111</b>

## Exhibit D

Proposed 2020-2025 CIP Budget Amendment Pierce County Flood Control Zone District						
Project Name	2020	2021	2022	2023	2024	2025
<b>Property Acquisition</b>	<b>\$ 4,556,142</b>	<b>\$ 3,200,000</b>	<b>\$ 3,480,000</b>	<b>\$ 3,517,500</b>	<b>\$ 3,100,000</b>	<b>\$ 3,400,000</b>
With estimated \$/year for each project						
Alward Road Acquisition & Setback Levee	\$ 1,092,256	\$ 1,000,000	\$ 880,000	\$ -	\$ 600,000	\$ 900,000
Lower Puyallup Clear Creek Acquisition and Levee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Carbon River Setback Levee Left Bank			\$ -	\$ 167,500		
Carbon River Floodplain Connection Right Bank	\$ 125,000					
Neadham Road Acquisition & Revetment	\$ 857,356	\$ 350,000				
White River Butte Pit Setback	\$ 250,000	\$ 250,000	\$ 400,000	\$ 350,000		
Lower White River(Pacific Pt Bar, L Bank Setback, 24th Street Setback)	\$ 1,622,000	\$ 1,200,000	\$ 1,200,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000
Middle Puyallup 128th St Comp Study	\$ 537,030	\$ 400,000	\$ 1,000,000	\$ 500,000		
Orville 2C Acquistion	\$ 72,500					
<b>Engineering / Studies / Construction</b>	<b>\$ 3,306,969</b>	<b>\$ 480,425</b>	<b>\$ 3,950,505</b>	<b>\$ 4,300,000</b>	<b>\$ 5,750,000</b>	<b>\$ 7,000,000</b>
White River Butte Pit Setback		\$ -		\$ -	\$ -	\$ 3,000,000
Lower White River (Restoration; 24th Street Setback)	\$ 572,069	\$ -	\$ 1,500,000	\$ 1,500,000		\$ -
** Lower White River (Pacific Point Bar)	\$ 250,000	\$ 200,000			\$ -	\$ -
Lower White River(Left Bank Setback)	\$ 250,000	\$ 200,000			\$ -	
Middle Puyallup 128th St Comp Study					\$ 2,000,000	\$ 2,000,000
Alward Setback Levee(Preliminary Engineering)	\$ 198,891	\$ 29,920	\$ -	\$ -	\$ -	\$ -
Carbon River Setback Levee Left Bank			\$ -		\$ 250,000	\$ 2,000,000
Calistoga/Ken Wolfe Levee Carry-over 2018	\$ 50,505	\$ 50,505	\$ 50,505			
Orville Road @ Kapowsin Creek			\$ 1,000,000			
*Calistoga Phase II	\$ -	\$ -			\$ 3,500,000	
Orville Road Revetment (Phase 2C )	\$ 578,624	\$ -				
Neadham Road Revetment			\$ 1,400,000	\$ 2,800,000		
Upper Nisqually Channel Migration Protection	\$ 1,406,880					
<b>Total Six Year Capital Improvement Projects</b>	<b>\$ 7,863,111</b>	<b>\$ 3,680,425</b>	<b>\$ 7,430,505</b>	<b>\$ 7,817,500</b>	<b>\$ 8,850,000</b>	<b>\$ 10,400,000</b>
<b>Strategic and Emergent Needs Reserve</b>	<b>\$ 100,000</b>	<b>\$ 350,000</b>	<b>\$ 350,000</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>
Puget Sound Shoreline Project	\$ 100,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Calistoga Phase II		\$ 300,000	\$ 300,000			
<b>Total (including funds from Strategic Reserve)</b>	<b>\$ 7,963,111</b>	<b>\$ 4,030,425</b>	<b>\$ 7,780,505</b>	<b>\$ 7,867,500</b>	<b>\$ 8,900,000</b>	<b>\$ 10,450,000</b>



\* Please Note: This project is dependent on the CPOD revision that will take place in 2023

1  
2 **RESOLUTION NO. 2020-5**  
3  
4

5 **A Resolution of the Pierce County Flood Control Zone District, Relating to**  
6 **District Flood and Stormwater Projects, and Approving an**  
7 **Interlocal Agreement Between the District and the Pierce**  
8 **Conservation District.**  
9

10  
11 **Whereas**, in Resolutions No. 2018-7 and Resolution 2019-5, the District’s  
12 2019 budget resolution and revised budget resolution, the District appropriated District  
13 funds for the Puget Sound Shorelines Project within the District’s Strategic Reserve;  
14 and  
15

16 **Whereas**, the amount of \$50,000 for each of the years 2019 -- 2024 in  
17 Exhibit C-1 of the 2019 Budget Resolution is for Flood District capital improvement  
18 planning purposes only and is not an appropriation of funds for the PS Shoreline  
19 Project; and  
20

21 **Whereas**, the “PS Shoreline Project” is the Conservation District’s project  
22 to restore Puget Sound shorelines while maintaining protection from floods (Project);  
23 and  
24

25 **Whereas**, the Project will consist of partnerships with Puget Sound  
26 shoreline property owners, implemented through agreements between the Conservation  
27 District and property owners (1) to construct, operate, maintain, repair, replace, and/or  
28 improve flood control facilities, (2) to remove human barriers, such as bulkheads, and  
29 replace them with living shoreline features engineered to protect the shoreline from  
30 erosion and mudslides, while improving habitat for humans, fish, and wildlife, and (3) to  
31 install living shoreline features where no structures currently exist, but where concerns  
32 of erosion, sloughing, and mudslides present dangers and where living shoreline  
33 features will act as a preventative measure to protect public access to Puget Sound and  
34 protect upland assets; and  
35

36 **Whereas**, pursuant to RCW 86.15.080(11) this project is included within  
37 the authorized purposes of the Flood District which has authority to “provide grant funds  
38 to political subdivisions of the state that are located within the boundaries of the zone,  
39 so long as the use of the grant funds is within the purposes authorized under” Chapter  
40 86.15 RCW. These authorized purposes include (1) planning, constructing, acquiring,  
41 maintaining, and operating facilities, improvements, and works to control, conserve, and  
42 remove flood waters; (2) taking action necessary to protect life and property from flood  
43 water damage; (3) controlling, conserving, retaining, and removing flood waters; and (4)  
44 cooperating or joining with any agency or political subdivision of the state that are  
45 located within the zone to carry out the purposes of Chapter 86.15 RCW; and  
46



1           **Whereas**, pursuant to RCW 89.08.220(4) the Project is within the  
2 authorized purposes of the Conservation District which has authority to “cooperate or  
3 enter into agreements with, and within the limits of appropriations duly made available  
4 to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or  
5 any occupier of lands within the district in the carrying on of preventative and control  
6 measures and works of improvement for the conservation of renewable natural  
7 resources within the district...”; and

8  
9           **Whereas**, pursuant to Chapter 39.34 RCW, RCW 86.15.080, and RCW  
10 89.08.220(4), the Parties desire to authorize funding for the Project consistent with the  
11 2019 Budget Resolution and pursuant to the terms and conditions of Exhibit A to this  
12 Resolution. **Now, therefore**

13  
14           **BE IT RESOLVED by the Board of Supervisors of the Pierce County Flood**  
15 **Control Zone District as follows:**

16  
17           Section 1. The Board of Supervisors approves the “Interlocal Agreement  
18 Between the Pierce County Flood Control Zone District and the Pierce Conservation  
19 District Funded Projects (Funding Only),” Exhibit A to this Resolution.

20  
21           **ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.**

22  
23  
24  
25 ATTEST:

**PIERCE COUNTY FLOOD CONTROL  
ZONE DISTRICT**

Pierce County, Washington

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31 \_\_\_\_\_  
Kate Kennedy, Clerk of the Board

\_\_\_\_\_  
Dave Morell, Board Chair

## EXHIBIT A

### **INTERLOCAL AGREEMENT BETWEEN THE PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT AND PIERCE CONSERVATION DISTRICT**

THIS AGREEMENT is made and entered into by and between the PIERCE CONSERVATION DISTRICT, a quasi-municipal corporation of the State of Washington (Conservation District) and the PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT, a quasi-municipal corporation of the State of Washington (Flood District) (collectively “Parties” or individually a “Party”).

#### **RECITALS**

A. The Flood District Board adopted Resolution No. 2018-7, the Flood District’s 2019 budget resolution (2019 Budget Resolution). Exhibit B of the 2019 Budget Resolution, which is titled “Pierce County Flood Control Zone District – 2019 Annual Budget,” lists the “PS Shoreline Project,” with an expenditure of \$50,000 from the Strategic Reserve Fund. Exhibit C-1 of the 2019 Budget Resolution, titled “Pierce County Flood Control Zone District – CIP 2019-2024,” includes the “PS Shoreline Project” under the category of “Strategic Reserve,” and lists the amount of \$50,000 for each of the years 2019 -- 2024. The amount of \$50,000 for each of the years 2019 -- 2024 in Exhibit C-1 of the 2019 Budget Resolution is for Flood District capital improvement planning purposes only, and is not an appropriation of funds for the PS Shoreline Project.

B. The “PS Shoreline Project” is the Conservation District’s project to restore Puget Sound shorelines while maintaining protection from floods (Project). The Project will consist of partnerships with Puget Sound shoreline property owners, implemented through agreements between the Conservation District and property owners (1) to construct, operate, maintain, repair, replace, and/or improve flood control facilities, (2) to remove human barriers, such as bulkheads, and replace them with living shoreline features engineered to protect the shoreline from erosion and mudslides, while improving habitat for humans, fish, and wildlife, and (3) to install living shoreline features where no structures currently exist, but where concerns of erosion, sloughing, and mudslides present dangers and where living shoreline features will act as a preventative measure to protect public access to Puget Sound and protect upland assets.

C. Pursuant to RCW 86.15.080(11) the Flood District has authority to “provide grant funds to political subdivisions of the state that are located within the boundaries of the zone, so long as the use of the grant funds is within the purposes authorized under” Chapter 86.15 RCW. These authorized purposes include (1) planning, constructing, acquiring, maintaining, and operating facilities, improvements, and works to control, conserve, and remove flood waters; (2) taking action necessary to protect life and property from flood water damage; (3) controlling, conserving, retaining, and removing flood waters; and (4) cooperating or joining with any agency or political subdivision of the state that are located within the zone to carry out the purposes of Chapter 86.15 RCW. The Project is included within these authorized purposes.

D. Pursuant to RCW 89.08.220(4) the Conservation District has authority to “cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventative and control measures and works of improvement for the conservation of renewable natural resources within the district...” The Project is included within these authorized purposes.

E. Pursuant to Chapter 39.34 RCW, RCW 86.15.080, and RCW 89.08.220(4), the Parties desire to authorize funding for the Project consistent with the 2019 Budget Resolution and pursuant to the terms and conditions of this Agreement.

## **AGREEMENT**

The Parties agree as follows:

1. Definitions. The following terms shall have the following meanings:
2.
  - 1.1 “Board” means the Board of Supervisors of the Flood District.
  - 1.2 “Individual Projects” are specific projects within the scope of the overall Project which are funded in whole or in part with Funds and are the subject of Individual Project Contracts.
  - 1.3 “Individual Project Contracts” are the contracts executed by and between the Conservation District and Individual Property Owners for Individual Projects.
  - 1.4 “Individual Property Owners” are property owners who own property on the Puget Sound shoreline and who enter into Individual Property Contracts with the Conservation District for Individual Projects.

1.5 “Flood District Administrator” means the Pierce County Engineer, which position currently is held by the Deputy Director of the Department of Planning and Public Works, or designee.

1.6 “Funds” mean the funds authorized by the Flood District for payment to the Conservation District for the costs and expenses of the Project, as authorized by Exhibit B of the 2019 Budget Resolution and any subsequent Flood District resolutions.

1.7 “Project” means the “PS Shoreline Project” as described in the District’s 2019 Budget Resolution, including all Individual Projects.

1.8 “2019 Budget Resolution” means Flood District Resolution No. 2018-7, which is attached to this Agreement as **Exhibit A**.

## 2. Term, Termination, and Survival of Agreement.

2.1 This Agreement shall be effective upon execution by both Parties, and shall remain in effect until distribution of all Funds in accordance with this Agreement, or earlier termination pursuant to Sections 2.2 and 8 of this Agreement.

2.2 Either Party may terminate this Agreement for material breach by the other Party, which has not been remedied within sixty (60) days of notice of breach.

2.3 The Parties may terminate this Agreement by mutual agreement expressed in writing.

2.4 If this Agreement is terminated, Sections 9.2, 10, 11 and 12 of this Agreement shall survive termination.

3. Filing of Project Report and Individual Project Contract. Within thirty (30) days of the effective date of this Agreement, or a later date approved by the Flood District Administrator and the Flood District Executive Director, the Conservation District shall file with the Flood District a report that describes the Project (including Individual Projects) in such detail as is required by the District Administrator. At least thirty (30) days before executing the first Individual Contract, the Conservation District shall file with the Flood District the proposed Individual Contract. Upon request of the Flood District, the Conservation District shall file any executed Individual Contract with the Flood District.

4. Compliance of Individual Project Contracts. The Individual Project Contracts shall comply with all applicable laws, rules and regulations. The Conservation District shall obtain and be responsible for all approvals and permits for each Individual Project.

5. Use, Approval and Payment of Funds. The Conservation District shall use Funds only for Project-related expenses and costs. With input from the Conservation District Executive Director, the Flood District Administrator shall adopt a procedure and schedule for approving the payment of Funds for the Project. The procedure and schedule shall take into account other funds that the Conservation District receives from other sources. The Procedure and Schedule shall authorize the payment of Funds only for Project-related expenses of the Conservation District, unless advance payment of Funds is approved generally or specifically by the Flood District Administrator and the Flood District Executive Director. The Flood District's financial liability and responsibility for the Project shall be limited to the payment of Funds.

6. Withholding or Denial of Funds. The Flood District reserves the right to withhold or deny payment of Funds for failure of the Conservation District to comply with any material term or condition of this Agreement.

7. Project Completion and Funds over Multiple Years.

7.1. The Parties agree that the Project and Individual Projects are likely to be commenced and completed in multiple years. The Parties further agree that the District has approved expenditure of Funds for the 2019 calendar year only pursuant to Exhibit B of the 2019 Budget Resolution. The Parties further agree that the District has not approved expenditure of funds for the 2020 – 2024 calendar years, as the \$50,000 amounts in Exhibit C of the 2019 Budget Resolution are placeholder amounts for Flood District planning purposes only. Consistent with and restricted by these agreements, the Flood District authorizes the Conservation District to enter into Individual Project Contracts and contracts related to the Project that are effective for multiple years.

7.2. The Parties agree that the Flood District generally is not required to carry over to a subsequent calendar year any Funds authorized for expenditure in a previous calendar year, and specifically is not required to carry over to calendar year 2020 any unspent portion of the \$50,000 authorized for expenditure in Exhibit B of the 2019 Budget Resolution. However, the Conservation District is allowed to request the Flood District to carry over to a subsequent calendar year any unspent Funds authorized for expenditure in a previous calendar year.

7.3. The Project, Individual Projects, and Individual Contracts are subject to the terms and conditions of Sections 7.1 and 7.2 of this Agreement, which are incorporated by reference into the Individual Contracts and any contracts related to the Project that are entered into by the Conservation District.

8. Flood District Participation in Project. The Parties agree that the Flood District's only connection with the Project is to provide Funds for the financing, in whole or in part, of the Project, and that the Flood District will not own or have any responsibility for the Project or the Conservation District's acts or omissions with regard to the Project.

9. Reports—Audits—Records Retention--Inspections.

9.1. The Conservation District shall prepare and file with the Flood District written reports regarding the expenditure of Funds, to the extent and as required by the Flood District Administrator. The Conservation District shall prepare and file with the Flood District such other written reports, including but not limited to a final report after final distribution of Funds, to the extent and as required by the Flood District Administrator.

9.2. The Conservation District shall retain all records and documents relating to the Funds for a minimum of seven (7) years after final payment of Funds, unless required by law to be retained for a longer period, in which case the longer period shall apply.

9.3. Upon reasonable notice in writing, the Conservation District shall make available to the Flood District for inspection, review and audit all records and documents relating to the Conservation District's expenditure or application of Funds.

10. Audit Exception Repayments. Following an audit of the payment of Funds, the Conservation District shall repay to the Flood District all amounts that the Flood District Administrator and Flood District Executive Director determines should not have been paid to the Conservation District.

11. Hold Harmless and Indemnification.

11.1. To the maximum extent permitted by law, each Party shall defend, indemnify and hold harmless the other Party, and all of its officers, officials, employees, agents, contractors, volunteers, successors or assigns from any and all claims, injuries, damages, losses or suits, including attorneys' fees, arising out of or resulting from any negligent acts, errors, omissions of the indemnifying Party and its officers, officials, employees, agents, contractors, volunteers, successors or assigns in performing obligations under this Agreement or in implementing the Project. However, if any such injuries and damages to persons or property are caused by or result from the concurrent negligence of the Flood District or its officers, officials, employees, agents, contractors, volunteers, successors or assigns and the Conservation District or its officers, officials, employees, agents, contractors, volunteers, successors or assigns, each Party's obligation hereunder applies only to the extent of the negligence of such Party or its officers, officials, employees, agents, contractors, volunteers, successors or assigns.

11.2 The foregoing indemnity is specifically and expressly intended to constitute a waiver of each Party's immunity under industrial insurance, Title 51 RCW, as respects the other Party only, and only to the extent necessary to provide the indemnified Party with a full and complete indemnity of claims made by the indemnitee's employees. This waiver has been mutually negotiated by the Parties.

12. Amendment. This Agreement may be modified by written instrument approved by the Parties' legislative bodies and signed by the authorized representatives of each.

13. Waiver. No waiver by either Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provision of this Agreement. No waiver shall be effective unless made in writing.

14. No Third-Party Rights. Nothing in this Agreement shall be construed to create any rights in or duties to any third party, nor any liability to or standard of care with reference to any third party.

15. Entirety. This Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated are excluded. This Agreement merges and supersedes all prior negotiations, representations and agreements between the Parties relating to the projects and constitutes the entire agreement between the Parties.

16. Counterparts. This Agreement may be signed in counterparts and, if so signed, shall be deemed one integrated document.

17. Filing of Notices, Reports and Documents. All notices under this Agreement shall be in writing. Unless provided otherwise in this Agreement, all notices, reports and other documents required by this Agreement to be filed with the Flood District shall be filed with the Flood District Administrator, and all notices, reports and other documents required by this Agreement to be filed with the Conservation District, shall be filed with the Conservation District Executive Director.

18. Approval by Districts. Unless provided otherwise in this Agreement, the Flood District Administrator shall exercise any Flood District right or approval under this Agreement, and the Conservation District Executive Director shall exercise any Conservation District right or approval under this Agreement.

19. Severability. The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or

unconstitutionality shall not affect the validity or unconstitutionality of any other provision.

IN WITNESS WHEREOF, authorized representatives of the Parties hereto have signed their names in the spaces below:

PIERCE COUNTY CONSERVATION  
DISTRICT

PIERCE COUNTY FLOOD  
CONTROL ZONE DISTRICT

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attested to:

Attested to:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Kate Kennedy  
Clerk of Board of Supervisors



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**RESOLUTION NO. 2020-6**

**A Resolution of the Pierce County Flood Control Zone District, Relating to the Investment of District Funds by the Pierce County Department of Finance.**

**Whereas**, pursuant to RCW 86.15.130, the treasurer of the flood control zone district shall be the county treasurer; and

**Whereas**, Resolution 2017-3 established a district fund balance policy; and

**Whereas**, Pierce County’s Policy and Procedures Manual includes a “County Investment Policy” for the safe investment of public funds and that policy applies to the County’s junior taxing districts, and

**Whereas**, the Pierce County Finance Department acting in its capacity as County Treasurer requires a “District Investment Request Authorization” to grant authorization to district officers to make investment decision on behalf of the district, **now therefore**

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

Section 1. The Board of Supervisors designates the District Chair and the District Executive Director as the authorized investment officers of the district responsible for instructing the Finance Department to make investments in the State Investment Pool on behalf of the District under the investment guidelines established by the State Investment Pool.

Section 2. The Board of Supervisors directs the District Executive Committee to determine quarterly the appropriate level of fund balance to be invested and to inform the Finance Department of the initial investment level and any subsequent changes to the investment level.

**ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.**

ATTEST:

**PIERCE COUNTY FLOOD CONTROL  
ZONE DISTRICT**  
Pierce County, Washington

\_\_\_\_\_  
Kate Kennedy, Clerk of the Board

\_\_\_\_\_  
Dave Morell, Board Chair

**RESOLUTION NO. 2020-2**

**A Resolution of the Pierce County Flood Control Zone District Establishing a Flood Risk Reduction and Watershed Management Economic Stimulus Grant Program for the Pierce County Flood Control Zone District.**

**Whereas**, the Pierce County Flood Control Zone District ("District") board of supervisors ("Board") established a strategic reserve as part of its fund balance policy with resolution FCZD 2017-4; and

**Whereas**, one of the purposes of the strategic reserve fund is to fund emergent needs; and

**Whereas**, the current economic climate in Pierce County, the nation, and globally is having a negative impact on many businesses, local jurisdictions, tribes, non-profits, and agencies; and

**Whereas**, investment in capital projects and equipment can provide jobs and tax revenue; and

**Whereas**, RCW 86.15 provides guidance on the types of investment that are allowed using funds generated by flood control zone districts; and

**Whereas**, the Board desires to initiate an economic stimulus grant program using the current balance in the Strategic Reserve Fund for a one-year initiative; now, therefore

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

Section 1. The Board of Supervisors adopts the " flood risk reduction and watershed management economic stimulus grant program as described in Attachment A to this resolution.

**ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.**

ATTEST:

**PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT**  
Pierce County, Washington

\_\_\_\_\_  
Kate Kennedy, Clerk of the Board

\_\_\_\_\_  
Dave Morell, Board Chair

## **Attachment A**

### **Flood Risk Reduction and Watershed Management Economic Stimulus Grant Program**



#### **The following purposes may be funded with this grant program**

- Flood control or storm water control improvements (whether extended, enlarged, acquired or constructed).
- Maintenance and operation of flood control and storm water control improvements that were constructed or acquired by the jurisdiction.
- Watershed management projects, studies, plans and activities that are for water supply, water quality and water resource and habitat protection and management.
- Major equipment used for stormwater control or water quality protection.

These purposes and uses are called "projects" for this grant program.

Potential eligible projects might include:

- Flood Control or stormwater control improvements
- Habitat protection and management
- Culvert improvements
- Maintenance and operations projects
- Watershed Management projects
- Property Acquisition and structure demolition that supports a larger flood risk reduction project
- Purchase of equipment for flood risk reduction

#### **Funding Eligibility Requirements**

Projects must address one of the purposes described above.

Projects must be shovel ready (i.e. completed permits, completed design) and be in a management plan (i.e. flood control, stormwater control, watershed management or hazard mitigation plans).

Projects must generate jobs in Pierce County.

Projects must be completed by December 31, 2021.

Projects should leverage other funding sources. For local jurisdictions, Flood District Opportunity Fund allocations may be used as a match.

The following documents must be submitted to the Flood District Administrator (*Assistant County Engineer of Pierce County Surface Water Management*).

- Preliminary engineering studies
- State Environmental Policy Act determinations and plans
- Cost estimates
- Description of project benefits

### **Eligible Applicants**

- Cities/municipalities
- Indian Tribes
- Parks departments
- Non-profit organizations

All applicants must either have an Interlocal Agreement (ILA) with the Pierce County Flood Control Zone District, be sponsored by a municipality that has an ILA with the Flood Control Zone District. If a municipality wants to sponsor an organization for funding, the municipality will serve as the applicant agent for the project. If an applicant does not have an existing Interlocal Agreement with the District, they must be willing to accept the contract terms for an Interlocal Agreement and sign an affidavit accepting those terms with their application.

### **Application and funding process**

All applicants will need to fill out the Flood Risk Reduction and Watershed Management Economic Stimulus Grant Program application and submit it to the District Administrator at [pcfzd@co.pierce.wa.us](mailto:pcfzd@co.pierce.wa.us) by September 30, 2020. All applications will be ranked and reviewed by October 31, 2020. Applicants will be notified of the selection by November 30, 2020. Funding will be made available for use by January 1, 2021.

## **Substitute Attachment A**

### **Flood Risk Reduction and Watershed Management Economic Stimulus Grant Program**



#### **The following purposes may be funded with this grant program**

- Flood control or storm water control improvements (whether extended, enlarged, acquired or constructed).
- Watershed management projects, that are for water supply, water quality and water resource and habitat protection and management.
- Major equipment used for stormwater control or water quality protection.

These purposes and uses are called "projects" for this grant program.

Potential eligible projects might include:

- Flood Control or stormwater control improvements
- Community Flood Resiliency projects (i.e. installation of evacuation signage)
- Habitat protection and management
- Culvert improvements
- Watershed Management projects
- Structure demolition that supports a larger flood risk reduction project
- Purchase of equipment for flood risk reduction

#### **Funding Eligibility Requirements**

Projects must address one of the purposes described above.

Projects must be shovel ready (i.e. completed permits, completed design) and be in a management plan (i.e. flood control, stormwater control, watershed management or hazard mitigation plans).

Projects must generate jobs in Pierce County.

Projects should leverage other funding sources. For local jurisdictions, Flood District Opportunity Fund allocations may be used as a match.

Applicants can apply for a maximum of \$1,000,000 for a single project.

Projects must be completed and reimbursement sought by December 31, 2021.

The following documents must be submitted to the Flood District Administrator (*Assistant County Engineer of Pierce County Surface Water Management*).

- Preliminary engineering studies
- State Environmental Policy Act determinations and plans
- Cost estimates
- Description of project benefits

### **Eligible Applicants**

- Cities/municipalities
- Indian Tribes
- Parks departments
- Non-profit organizations

All applicants must either have an Interlocal Agreement (ILA) with the Pierce County Flood Control Zone District, be sponsored by a municipality that has an ILA with the Flood Control Zone District. If a municipality wants to sponsor an organization for funding, the municipality will serve as the applicant agent for the project. If an applicant does not have an existing Interlocal Agreement with the District, they must be willing to accept the contract terms for an Interlocal Agreement and sign an affidavit accepting those terms with their application.

### **Application and Funding Process**

#### Key Dates

- Pre applications deadline: August 20, 2020
- Pre-applications screened by review panel: September 4, 2020
- Full applications deadline: September 30, 2020
- Applications presented to Executive Committee: October 21, 2020
- Board of Supervisors approval: December 9, 2020
- Municipality notification date: December 16, 2020
- Funding will be available on January 1, 2021

Pre-applications are due by August 20, 2020 and must be submitted to [pcfcd@piercecountywa.gov](mailto:pcfcd@piercecountywa.gov). All Pre-applications will be screened for eligibility by September 4, 2020. Successful applicants will be invited to fill out a full application that will be due by September 30, 2020. Applications will be ranked by a review panel and then presented to the Executive Committee by October 21, 2020 for recommendation to the full board. The Board is scheduled to take action on December 9, 2020. Municipalities will be notified of the selection by December 16, 2020. Funding will be made available for use on January 1, 2021.