

ORDINANCE NO. 2002 - 07 - 054

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 2.90 RELATING TO THE ORGANIZATION OF THE LAKE WHATCOM WATERSHED ADVISORY BOARD TO INCREASE THE NUMBER OF BOARD MEMBERS, PROVIDE DUTIES AND AN ORGANIZATIONAL STRUCTURE.

WHEREAS, the protection of the Lake Whatcom Reservoir, the drinking water source for the City of Bellingham and others, is of utmost public health importance to the citizens of Bellingham and others who obtain water from the lake; and

WHEREAS, by Ordinance No. 2000-69-058, codified as BMC 2.90, the City established and provided a funding source for a land acquisition program as part of a comprehensive plan for protecting water quality in the Lake Whatcom Reservoir; and

WHEREAS, the Ordinance, codified as BMC 2.90, authorizes the establishment of a Watershed Advisory Board to provide citizen input and oversight of the land acquisition program; and

WHEREAS, the City is aggressively implementing the land acquisition program and needs to move forward on the appointment of members to the Watershed Advisory Board so that the City has the benefit of citizen input regarding potential acquisitions as well as on the future use, maintenance, and/or disposition of properties acquired by the City in the Lake Whatcom Watershed; and

WHEREAS, before appointment of members to the Watershed Advisory Board it is desirable to increase the number of members, and to provide for the organizational structure of the Board;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Section 2.90.010 of the Bellingham Municipal Code shall be amended to read as follows:

2.90.010 – Watershed Advisory Board Established.

A. Pursuant to Section 7.01 of the City Charter there is established a Watershed Advisory Board (the “Board”) “which shall” provide citizen advice regarding the City watershed land acquisition program, and shall provide citizen advice concerning proposed specific land acquisitions except when not feasible.

B. The Board shall consist of 7 members appointed and removed by the Mayor, and shall serve terms as defined in Section 2.90.020. Each member shall be a citizen of the United States and an elector of the City of Bellingham, a resident of the State of Washington for at least three years and of the City of Bellingham for at least two years prior to appointment as a member of the Board.

Section 2. Section 2.90.020 of the Bellingham Municipal Code shall be amended to read as follows:

2.90.020 **Terms of Appointment**

Each member shall serve for a period of three years, however, so as to provide for staggered terms, the Mayor shall assign a 1-year term to two members, and a 2-year term to two members, with the three remaining members assigned a three year term. A member may be reappointed. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired terms.

Section 3. Section 2.90.030 of the Bellingham Municipal Code shall remain unchanged.

Section 4. Section 2.90.040 of the Bellingham Municipal Code shall be amended to read as follows:

A. The Board shall advise the City regarding the watershed land acquisition program, and the future use and maintenance of acquired property. The Board shall provide citizen advice concerning proposed specific land acquisitions except when not feasible. Provided, however, the City Council, as required by law, shall make the final decision.

B. The Board and City staff shall undertake their functions based upon consideration of the baseline criteria adopted by Joint Resolution of the City, Whatcom County, and Water District 10, as well as upon consideration of the City of Bellingham Overlay Criteria, adopted by the City Council. The Board shall annually review the City of Bellingham Overlay Criteria and recommend amendments to the City Council as appropriate.

C. The specific responsibilities of the Board are more particularly described as follows:

1. To provide advice and input to the City staff regarding recommended land acquisitions in the Lake Whatcom Watershed.
2. To consult with and make recommendations to the City staff regarding policies for the use, maintenance and/or disposition of acquired property.

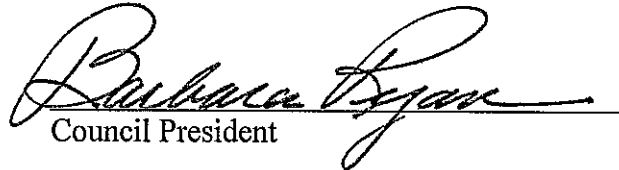
3. To encourage individuals and community/private groups or entities to donate funds and/or property to the Lake Whatcom Watershed Program.
4. The Board may make a recommendation to the City staff or the City Council regarding some or all of the issues that come before the Board. The City staff or City Council may adopt, modify, or reject such recommendation. The recommendation of the Board shall be transmitted to the City Council along with the staff recommendation.
5. In providing recommendations, the Board shall be guided first by the overriding goal of protecting the source drinking water quality in the Lake Whatcom Reservoir. In providing these policy recommendations the Board shall be guided further by consideration of reducing development and development potential in the watershed and of creating potential for future recreational opportunities.

Section 3. A new section 2.90.050 shall be added to the Bellingham Municipal Code to read as follows:

2.90.050 – Organization.

- A. The Board shall annually elect a chair person and vice-chairperson from among its members. The Board shall adopt its own rules of procedure.
- B. The Board shall hold at least one regular meeting each quarter. Additional meetings may be held as the Board deems necessary. All meetings of the Board shall be public meetings.
- C. Written records of meetings and actions of the Board shall be kept. Such records shall be public.
- D. The City staff shall provide appropriate staff support to the Board.

PASSED by Council this 29TH day of JULY, 2002.


Council President

APPROVED by me this 13~~th~~ day of August, 2002.

Mark Hand
Mayor

ATTEST:

Therese Hob
Finance Director

APPROVED AS TO FORM:

Jean Boisington
Office of the City Attorney

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