



City Council Agenda Bill

20297

Bill Number

Subject: Ordinance Amending Bellingham Municipal Code 15.36.020 Relating to Wholesale Sewer Services Outside City Limits.

Summary Statement: Bellingham Municipal Code 15.36 authorizes the City to contract to provide wholesale sewer services to districts or associations outside city limits. The code requires all new contracts to prohibit sewer main extensions in rural areas and further requires all new contracts to prohibit the district or association from enlarging its area of jurisdiction or service without the approval of City Council. The proposed ordinance repeals these provisions and replaces them with the requirement that all new contracts mandate compliance with the Growth Management Act and other state laws pertaining to the extension of sewer services in rural areas. The proposed ordinance aligns city code with state law while retaining flexibility for the City to impose additional contractual limitations on the provision of sewer services in rural areas tailored to the circumstances of each contract.

Previous Council Action: None.

Fiscal Impact: None.

Funding Source: N/A

Attachments: Proposed Ordinance Amending BMC 15.36

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Vote Requested	10-Feb-2014	Vote to Approve	Ted Carlson, PW Director	5 min

Council Committee:

Public Works / Public Safety

Terry Bornemann, Chair
Michael Lilliquist; Jack Weiss

Agenda Bill Contact:

Eric Johnston, PW Assistant Director, x7710
Bob Bandarra, PW Superintendent, x7810

Reviewed By	Initials	Date
Ted Carlson, PW Director	<i>TC</i>	2/4/2014
Legal	<i>MAS</i>	2/4/14
Mayor	<i>KL/ML</i>	2/11/14

Committee Actions:

JW/ML MOVED TO RECOMMEND APPROVAL.
Terry concurred.

Council Action:

2/10/14 BORNEMANN / WEISS moved approval for first and second reading. MOTION CARRIED 7-0.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 15.36.020 RELATING TO WHOLESALE SEWER SERVICES OUTSIDE CITY LIMITS

WHEREAS, Bellingham Municipal Code ("BMC") 15.36 authorizes the City to contract to provide wholesale sewer services to districts and associations outside city limits; and

WHEREAS, BMC 15.36 requires all new contracts to prohibit sewer main extensions in rural areas and further requires all new contracts to prohibit the district or association from enlarging its area of jurisdiction or service without the approval of City Council; and

WHEREAS, the City desires to repeal the foregoing provisions and replace them with the requirement that all new contracts mandate compliance with the Growth Management Act and other state laws pertaining to the extension of sewer services in rural areas; and

WHEREAS, the proposed amendments align city code with state law while retaining flexibility for the City to impose additional contractual limitations on the provision of sewer services in rural areas tailored to the circumstances of each contract.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

BMC 15.36.020 – Wholesale services to districts and associations is amended as follows:

A. All contracts for wholesale water and/or sewer service, whether new or extensions of existing agreements shall be executed by the mayor as provided in Bellingham City Charter Section 5.02. In no event shall the mayor execute such contracts without the express authorization of the city council. Requests for such wholesale service contracts shall first be directed to the director of public works, and shall thereafter be processed as provided in BMC 15.36.030. Existing contracts with districts and associations for water and/or sewer service may be renewed or extended and contracts negotiated with newly formed districts or associations, but all such contracts shall be subject to the terms and conditions of this chapter.

B. All new contracts as well as existing contracts being negotiated for renewal relating to sewer service shall include provisions specifically providing the maximum quantities of effluent that will be accepted for transmission and treatment, ~~and prohibiting the extension of new sewer mains outside urban growth areas and limited areas of more intensive rural development.~~ All new contracts as well as existing contracts being negotiated for renewal relating to water service shall include provisions specifically providing the maximum quantities that will be supplied at the point of distribution.

C. All new contracts as well as existing contracts being negotiated for renewal relating to wholesale sewer services shall include provisions requiring the district or association to

comply with all state and applicable local laws pertaining to the extension of sewer services in rural areas, including but not limited to the Growth Management Act provisions codified in RCW 36.70A.110(4) and the district's or association's comprehensive sewer plan as approved, or conditionally approved, by the Washington State Department of Ecology pursuant to RCW 90.48.110. Such contracts shall further specifically prohibit the district or association from enlarging its area of jurisdiction or service without the express approval of the city council.

PASSED by the Council this _____ day of _____, 2014.

Council President

APPROVED by me this ____ day of _____, 2014

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: