

CHEHALIS
RIVER BASIN

FLOOD AUTHORITY

Interlocal Agreement Options

Chehalis River Basin Flood District Formation
January 20, 2011

Chehalis Basin Flood District Interlocal Agreement (ILA)

- ▶ December FA meeting provided ILA outline
- ▶ Options/Interviews for Key ILA Sections:
Formation, Boundaries, Membership,
Voting, Flood Plain Regulations
- ▶ Assumptions & Objectives
 - Based on existing legislation (RCW 86.15)
 - Formation by June 2011
 - Compatible with proposed legislation
 - Responsive to public input

Flood District Formation by ILA: Background

- ▶ RCW 86.15 allows counties to form county-wide FCZDs by vote of BoCCs
- ▶ Option for elected Board
- ▶ Counties can enter into ILA to form multi-county Flood District
- ▶ Public vote required to issue GO bonds
- ▶ Public input to date indicates that a public vote on financing and/or projects to be funded is desirable

How to Incorporate Public Vote on Flood District Actions?

- ▶ Options:
- ▶ Advisory Ballot in each jurisdiction to form FCZDs prior to 6/2011
- ▶ Advisory Ballot on Capital Plan before funding
- ▶ Advisory Ballot on funding plan
- ▶ Required vote on bonds, which includes both capital and funding plans
- ▶ Election of Board
- ▶ No Vote

Flood Authority Interview Summary: Formation

- ▶ All members recognized importance of public vote on capital projects, funding plan &/or bonding
- ▶ All members recognized District Formation not the most important issue for vote
- ▶ Many members acknowledged value of public vote for Board members (discussed further under Membership)

Flood Authority Interview Outcomes: Formation

- ▶ Formation of County & Tribe FCZDs or equivalent by June 2011
- ▶ Counties & Tribe approve ILA by June 2011
- ▶ Embody in ILA a public vote on capital plan, financing, and/or bonding before proceeding
- ▶ Consider Board Elections (more under Membership)

Boundary for ILA Flood District Background

- ▶ Initially set by jurisdiction FCZDs
- ▶ Subject to Boundary Review Boards for each County boundary
- ▶ Chehalis Tribe reservation lands included only with their consent
- ▶ Only Lewis, Grays Harbor, and Thurston Counties/Cities participating to date, comprising a majority of the basin impacted by flooding
- ▶ Sub-areas allowed within larger District Boundary

Flood District Boundary Options & Considerations

- ▶ Assumption to date is the Chehalis River Basin boundary within Grays Harbor, Lewis and Thurston Counties
- ▶ Black Lake, Thurston Co. anomaly
- ▶ Issues of precedent & impacts on financing
- ▶ Flood Plain properties only
- ▶ BRB criteria
- ▶ Options to create sub-areas within Boundary for financing purposes

What should be the Flood District Boundary? Interview Outcomes

- ▶ Boundary the entire watershed within the 3-County region of Grays Harbor, Lewis, and Thurston Counties
- ▶ Tribal reservation lands with the consent of the Chehalis Tribe
- ▶ Retain potential for sub-areas for financing purposes

Flood District ILA Membership Background & Options

- ▶ RCA 86.15 provides that the BoCC is the initial Board for a county FCZD
- ▶ Can subsequently be elected
- ▶ Counties can form, by ILA, a multi-county flood district & appoint initial Board members
- ▶ With new proposed legislation ILA-Board members could be directly elected
- ▶ Elected Board must conform to “equal representation”; not so if appointed
- ▶ Can have *ex officio* members & Advisory Committee

Flood District Membership Interview Summary

- ▶ All members considered the current 11 member FA too large
- ▶ All members preferred Board membership of 4–6
- ▶ All members recognized importance of city representation
- ▶ All members realize that the initial Board must be appointed; members can later stand for election
- ▶ Most members considering pros/cons of elected v. appointed Board
- ▶ All members recognized value of State as *ex officio* ILA–Board member

Pros / Cons of Appointed Board

- ▶ + New precincts unnecessary
- ▶ +/- Stronger ties to Counties / Cities (less independent & potentially less focused)
- ▶ - Potentially less opportunity for Cities representation unless larger Board
- ▶ +/- Potentially more opportunity for special interest representation
- ▶ +/- Potentially less delegated power to non-elected Board
- ▶ +/- Power sharing negotiated [AV, financial contribution, population, area, etc.]

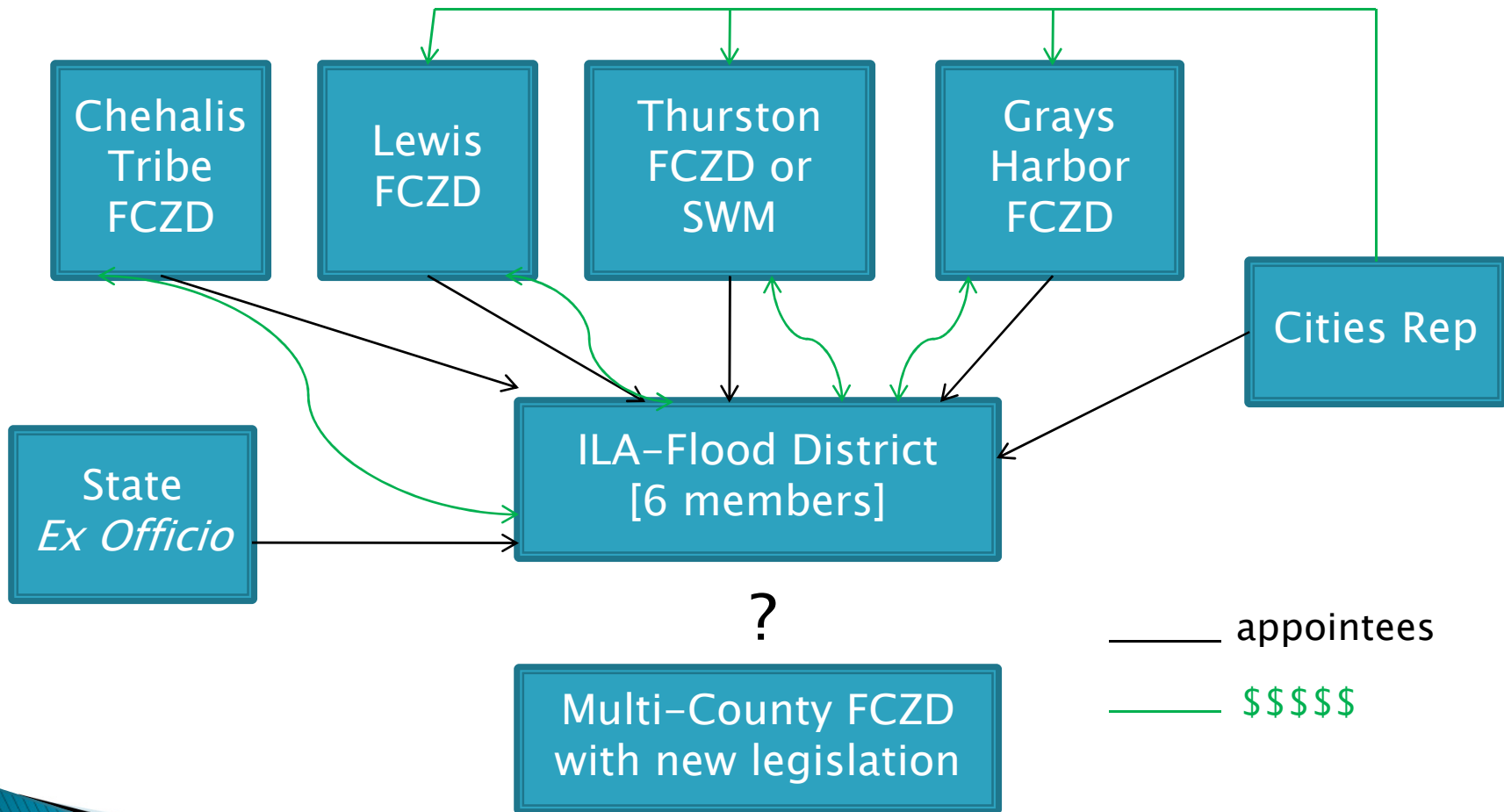
Pros / Cons of Elected Board

- ▶ - Requires new precincts
- ▶ +/- Power sharing based on population
- ▶ +/- Independent of Counties / Cities; potentially more focused
- ▶ + Delegated powers negotiable
- ▶ - Cost of elections
- ▶ + Potentially more opportunity for City representation
- ▶ + Provide public another opportunity for a public vote; direct accountability

Possible Membership Alternative?

- ▶ Counties & Chehalis Tribe form FCZDs (or equivalent)
- ▶ Each County and the Chehalis Tribe appoint one member to the ILA-Board by June 2011
- ▶ Cities caucus to appoint an ILA-Board member to initially represent them (could rotate)
- ▶ State has *ex officio* membership
- ▶ Total of 5 voting and 1 non-voting members
- ▶ With new legislation, 4 municipal members stand for election at a subsequent general election

Relationship between FCZDs & ILA-Flood District



Flood District ILA: Voting?

Interview Summary & Outcomes

- ▶ All preferred Robert's Rules to current consensus voting structure
- ▶ With smaller Board, supermajorities were mostly deemed not needed; a few desired a supermajority for financial votes
- ▶ Value of even numbers recognized as requiring greater consensus
- ▶ Recognition that without new legislation, all tax votes and potentially all revenue votes will remain with underlying FCZDs, or equivalent

Local Flood Plain & Land Use Regulations: Background

- ▶ Not required to be in ILA
- ▶ FCZDs do not have land use authority
- ▶ Land use authority remains with jurisdictions
- ▶ Flood Plan approved by FA contains 16 “baseline” and 5 “ideal” flood plain land use recommendations (pg. 9–5)
- ▶ Recommendations based on:
 - Mitigation of damages to structures in flood plain
 - Protection of flood plain (avoid new development damages)

Local Flood Plain & Land Use Regulations: Interview Summary

- ▶ Some desire for consistency
- ▶ Recognition that past practices/existing development not changing
- ▶ Recognition that focus should be on new development
- ▶ Recognition that urban development in flood plain is an economic benefit to jurisdiction
- ▶ Consideration that those who protect flood plain should not pay for protection of those who don't
- ▶ Recognition that Agriculture "lives" with flooding; special case
- ▶ Recognition of tidal influence as special case

How should District address Flood Plain development? A Concept...

- ▶ All jurisdictions adopt consistent baseline flood plain regulations within 2–3 years
- ▶ Those jurisdictions who go beyond and adopt ideal recommendations receive a financial incentive or bonus when allocating District costs [on theory they are creating less costs for the District]
- ▶ Those jurisdictions who do not adopt the baseline regulations pay a premium when allocating District costs [on theory they are creating more costs for the District]

Implementation of Concept

- ▶ All jurisdictions within the Boundary review recommended flood plain regulations for potential incorporation by reference into the ILA
- ▶ Determine reasonable time frame for adoption and implementation
- ▶ FCS to use Economic Analysis to recommend incentives and premiums
- ▶ Jurisdiction FCZDs responsible for implementing through their rate structures

FA decisions on ILA

- ▶ Do you agree with the **Formation** approach?
 - Form by action of jurisdictions
- ▶ Do you agree with the **Boundary** approach?
 - Chehalis Basin in 3-county area & reservation lands by consent of Chehalis Tribe
- ▶ Do you agree with the **Membership** approach?
 - 5 members initially appointed; potentially elected
- ▶ Do you agree with the **Voting** approach?
 - Robert's Rules
- ▶ Do you agree with development of the **flood plain land use regulations concept** for future consideration with the Economic Analysis and financing plan for the District?

Additional Issues from Interviews

- ▶ Role of ILA–District to review flood projects of jurisdictions for holistic/consistent approach?
- ▶ Why can't we dredge the river?
- ▶ More focus on rates which are more flexible than taxes; use for flood plain incentives/premiums
- ▶ Need for ILA–District funding after 2011 but before new taxes/rates can be implemented; State assistance? Fallback?
- ▶ Questions about the Corps

Next Steps

- ▶ Begin drafting ILA
- ▶ FA Agenda for February:
 - Economic Analysis
 - Financing of FCZDs and ILA Flood District
- ▶ March: Review Draft ILA
- ▶ March: Jurisdiction FCZDs should be formed & subject to BRB process if applicable
- ▶ April/May: Complete BRBs; Complete ILA
- ▶ May/June: Adopt ILA
- ▶ June/July: New legislation adopted? State funding for continuation?