

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Board of County Councilors

**DATE:** September 1, 2015

**REQUESTED ACTION:** Approve amendment #4 to the Lower Columbia Fish Recovery Board (LCFRB) Interlocal Agreement. This amendment renews the IGA for an additional 5 years.

Consent     Hearing     County Manager

**BACKGROUND**

During the 2009 legislative session, Representatives worked successfully to remove the sunset date from the LCFRB Board's enabling legislation. Amendment #3 provided for this change and furthers stipulates that the counties would revisit this document again no later than July 1, 2015.

**COUNCIL POLICY IMPLICATIONS**

N/A

**ADMINISTRATIVE POLICY IMPLICATIONS**

N/A

**COMMUNITY OUTREACH**

This is an internal matter

**BUDGET IMPLICATIONS**

YES	NO	
		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

**BUDGET DETAILS**

Local Fund Dollar Amount	\$0
Grant Fund Dollar Amount	\$0
Account	
Company Name	

**DISTRIBUTION:**

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

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\_\_\_\_\_  
Mark McCauley  
County Manager

APPROVED:   
\_\_\_\_\_  
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: Sept. 1, 2015

SR# SR 171-15

APPROVED: \_\_\_\_\_  
Mark McCauley, Acting County Manager

DATE: \_\_\_\_\_

CO 1552

**Lower Columbia Fish Recovery Board  
Interlocal Agreement Between  
Clark, Cowlitz, Lewis, Skamania, and Wahkiakum**

**Amendment #4**

**Amendment Type:** Change in Duration

**Background:**

The counties represented on the Lower Columbia Fish Recovery Board (Board) entered into an agreement for the purpose of providing for the operation, funding, and support of the management board established by RCW 75.56.050 (subsequently changed to RCW 77.85.200). The Board was expected to sunset on June 30, 2002. During the 2001 legislative session the Governor signed a bill extending the sunset date of the Board to June 30, 2006. Again in the 2005 legislative session the Governor signed a bill extending the sunset date of the Board to June 30, 2010. And finally, during 2009 legislative session the Governor signed a bill removing the sunset clause from the legislation. In 2010 the counties agreed to amend this interlocal agreement through July 1, 2015 and agreed to reconsider the agreement at that time.

Given the Board continues to secure funding for their staff and operations from federal and state agencies to implement the salmon recovery and watershed management plans, the counties agree to continue the interlocal agreement.

It is agreed by the counties, that the Interlocal Agreement shall be amended as follows in Section 10 to read:

Section 10. Duration. Given that the sunset date has been removed from the law, the counties agree to enforce this agreement and shall reconsider it no later than December 31, 2020.

In all other respects the Agreement, to which this is an amendment shall remain in full force and effect.

In witness whereof the parties hereto have executed this amendment,

**BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY**

Attest:

Rebecca Jitton  
Clerk to the Board

By: [Signature]  
Chair

APPROVED AS TO FORM ONLY:  
Prosecuting Attorney

Date: 9/1/15

By: [Signature]

**BOARD OF COUNTY COMMISSIONERS  
FOR COWLITZ COUNTY**

**Attest:**

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM ONLY:  
Prosecuting Attorney

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

By: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
FOR LEWIS COUNTY**

**Attest:**

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM ONLY:  
Prosecuting Attorney

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

By: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
FOR SKAMANIA COUNTY**

**Attest:**

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM ONLY:  
Prosecuting Attorney

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

By: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
FOR WAHIAKUM COUNTY**

**Attest:**

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM ONLY:  
Prosecuting Attorney

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

By: \_\_\_\_\_

ORIGINAL

CLARK COUNTY  
STAFF REPORT

FILE COPY

**DEPARTMENT/DIVISION:** Commissioners' Office

**DATE:** October 19, 1999

**SPECIFIC REQUEST:** The Board of County Commissioners accepts and approves the Interlocal Agreement for the Lower Columbia Fish Recovery Board

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**BACKGROUND:** The Lower Columbia Fish Recovery Board was legislatively established in 1998. An original Interlocal Agreement was entered into by the five counties represented on the Board to provide for its operation, funding, and support. This second Interlocal Agreement more fully develops the Board's responsibilities, and more accurately reflects the nature of the Board

**COMMUNITY OUTREACH:** The Lower Columbia Fish Recovery Board has enjoyed popular public support among salmon habitat restoration project sponsors, and among state and federal technical agencies. This agreement continues county support for this popular and effective Board.

**ACTION REQUESTED:** That the BOCC sign this Interlocal Agreement for the Lower Columbia Fish Recovery Board.

**BUDGET IMPLICATIONS:** No budget increase or expenditure is necessary or requested.

**POLICY IMPLICATIONS:** This amendment is consistent with county intent upon signing the original agreement.

**DISTRIBUTION:** Sign five originals

  
Bill Barron  
County Administrator

APPROVED: 10-26-99  
Clark County SR 338-99  
Board of Commissioners

CO 99-113

**LOWER COLUMBIA FISH RECOVERY INTERLOCAL AGREEMENT**

**THIS INTERLOCAL AGREEMENT is entered into under the Interlocal Cooperation Act (Chapter 39.34 RCW) by the counties of Clark, Cowlitz, Lewis, Skamania, and Wahkiakum.**

**Section 1. Purpose. It is the purpose of this Interlocal Agreement to provide for the operation, funding, and support of that certain management board established by RCW 75.56.050 and supersedes any prior agreement entered into between these parties related to such purpose.**

**Section 2. Management Board. The Management Board created by RCW 75.56.050 shall be known as the "Lower Columbia Fish Recovery Board," which is hereby declared to be a local agency under state law. Appointments to the Board shall be made as provided for in RCW 75.56.050.**

**Section 3. Functions. The Management Board shall undertake those functions provided for in RCW 75.56.050. In particular, the Board shall undertake the following roles:**

- 3.1 *Habitat Preservation and Restoration.***
  - a. The Management Board will solicit, evaluate, rank, and pursue funding for fish habitat preservation and restoration projects. The Management Board will receive and disburse funds for such projects and will administer project contracts, monitor progress, and evaluate results.**

- b. **To facilitate habitat preservation and restoration work, the Management Board will conduct an assessment of the factors of decline on a stream-by-stream basis. The Management Board will maintain a technical advisory committee to assist in the assessment of habitat preservation and restoration needs and in the evaluation of projects and other fish recovery proposals.**

### **3.2 *Recovery Planning.***

1. **The Management Board will work with the National Fisheries Service, the state Salmon Recovery Office, and other local, state, and federal agencies and affected Indian tribes to develop a lower Columbia regional recovery plan for fish species listed or proposed for listing under the Endangered Species Act. Key functions will include coordinating local efforts in developing habitat portions of the plan, coordinating local participation in the development of federal and state plan elements, and working with state and federal agencies to ensure elements form an integrated and comprehensive regional plan.**
2. **The Management Board may work with cities and counties to develop plans and ordinances and incentive programs for fish recovery. The Board will participate in hydro-project relicensing efforts to secure appropriate measures for fish recovery.**

### **3.3 *Watershed Planning.***

**The Management Board will serve as lead agency for watershed planning efforts for Water Resource Inventory Areas (WRIA) 25, 26, 27, and 28. In this capacity, the Management Board will provide staff and administrative support to the watershed planning group. The Management Board shall also work to ensure that watershed management and fish recovery plans are consistent and compatible with each other. To this end, the Management Board shall also participate in watershed planning efforts for WRIA 29 and others as deemed appropriate by the Board.**

### **3.4 *Public Education and Involvement.***

**The Management Board will work with state and local governments to develop and implement coordinated regional public education and involvement efforts. These efforts shall help inform the public of fish recovery issues, solicit public input on recovery plans and efforts, and promote volunteer participation in recovery and restoration activities.**

**Section 4. Bylaws.** The Management Board shall adopt bylaws, policies, and procedures to govern its operations which are consistent with state law and this Interlocal Agreement.

**Section 5. Staff.** The Management Board may employ an executive director and other necessary employees.

**Section 6. Administrative Support.** The Management Board shall contract with one or more of the counties to this Interlocal Agreement or a council of governments to obtain accounting, purchasing, contracting, and other administrative support services. *Management Board shall be authorized to contract for independent legal counsel.*

**Section 7. Budget/Assessments.** The Management Board shall each year, in accordance with the county budget timetable, adopt a budget of revenues and expenditures for operations for the next calendar year. Such budget may include revenues from assessments to the participating counties only if such assessments have been unanimously agreed to by such counties.

**Section 8. Insurance.** Notwithstanding the immunity provided for in RCW 75.56.050(2), it is declared that acquisition of liability insurance is an appropriate expenditure for the Management Board.

**Section 9. Reports.** As provided for in RCW 75.56.050(4), the Management Board shall report on its progress on a quarterly basis to the five participating counties.

**Section 10. Duration.** Unless extended, this Interlocal Agreement shall terminate on July 1, 2002.

Section 11. Property. Upon termination, equipment or other property provided by a participating county shall be returned to such county. Assets acquired by the Management Board shall be equitably divided between the participating counties in accordance with the relative financial contributions made by each county.

Section 12. Authority. This Interlocal Agreement is entered into pursuant to the authority granted by Chapter 39.34 RCW. Its duration is set forth in Section 10; its purpose is set forth in Section 1; the manner of financing and establishing a budget is set forth in Section 7; provision for termination and disposal of property is set forth in Sections 10 and 11 and a joint board is provided for in Section 2.

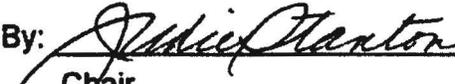
ENTERED into on the dates shown interim below.

**BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY**

Attest:

  
Clerk to the Board

By:

  
Chair

APPROVED AS TO FORM ONLY:

  
Prosecuting Attorney

Date: 10-26-99