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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3158B

AN ORDINANCE separating the Storm and Surface Water Utility from the Department of Public Works and Utilities and establishing the powers of said departments, amending B.C.C. Ch. 3.39, B.C.C. 3.40.020, B.C.C. 23.76.020 and Ord. 2003 Section 2 (1974), Ord. 2544 Section 1 (1978), Ord. 2963 Section 1, (1981), and Ord. 2799 Section 2 (part) (1979) and adding a new section to B.C.C. Ch. 3.40.

WHEREAS, the City Council requested that the City Manager evaluate the organization of the Public Works and Utilities Department and thereafter the City Manager appointed a committee to assist her in the evaluation of options for the reorganization of the Public Works and Utilities Department and the City Manager has considered the report of said committee; and,

WHEREAS, the City Manager submitted three possible methods of reorganization; and

WHEREAS, the City Council reaffirms its policies as expressed in Resolutions 1840 and 2007, and finds that land use and development affecting storm and surface water should be managed, regulated and controlled under unified management of a storm and surface water utility to reduce or control erosion, sedimentation, and particulate and other pollution of water, danger and damage to life and property and to protect and encourage the use of natural and efficient man made means to these ends; and

WHEREAS, by Ordinance 2003, the City Council of the City created and established a Storm and Surface Water Utility to administer, own and operate the City's storm and surface water public utilities and specified and adopted the original system or plan of the storm and surface water public utility, and provided for the management of said utility by the Director of Public Works, ex officio; and

WHEREAS, on November 2, 1976, the majority of the electorate voted on an advisory ballot in favor of the issue proposed to them which read:

Shall all property owners, including undeveloped and tax exempt properties, pay monthly service charges, such monthly rates to relate to the area and state of development of the property, to finance the operation and maintenance of the Bellevue storm and surface water system? The City of Bellevue will establish a citizen's commission, appointed by the Mayor and confirmed by the Council, to advise the City Council regarding rate structure, financial and long-term planning programs for the City's storm and surface water system.

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Capital improvements, funded by revenue bonds and financed by service charges, shall be subject to voter approval; and

WHEREAS, on September 12, 1977, the City Manager determined and the City Council concurred that Public Works and Utilities be combined into a single department, and such combined department was created by Resolution 2950 and Ordinance 2544; and

WHEREAS, the City Council believes that the Storm and Surface Water Utility needs greater independence and visibility to provide for absolute credibility and accountability, and that this can best be established by establishing the Storm and Surface Water Utility as a separate department operating as a component of the Waterworks Utility; and

WHEREAS, certain codes, heretofore administered by the Public Works and Utilities Department will be administered by the Storm and Surface Water Utility; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: Ordinance 2544 Section 1, Ordinance 2963 Section 1, and B.C.C. 3.39.010, and B.C.C. 3.39.030 are hereby amended to read:

3.39.010 Department established - Functions.

The Department of Public Works and Utilities shall perform all functions heretofore performed by said department except the functions of the Storm and Surface Water Utility shall constitute a separate department, operating as a component of the Waterworks Utility as of the effective date of this ordinance. These functions shall include, but not be limited to, the administration, supervision, construction, maintenance and operation of the city's system of streets and other public ways and the water and sanitary sewer systems of the Waterworks Utility.

3.39.030 Development Standards.

The Director of Public Works and Utilities is authorized to formulate written development standards applicable to the administration, supervision, construction, maintenance and operation of the city's system of streets and other public ways, the water and sanitary sewer systems of the waterworks utility, and the implementation of ordinances administered by the Department of Public Works and Utilities or its director regulating public and private development and work. Said standards shall be effective and shall be enforced by the Department of Public Works and Utilities upon their approval by resolution of the city council. Said standards shall be applied consistently with the provisions of state law and city ordinance.

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Section 2. Ordinance 2003 Section 2, and B.C.C. 3.40.010 are hereby amended to read:

3.40.010 Established - City Powers - Separate Department.

There is created and established a Storm and Surface Water Utility of the city which shall be a separate department operating as a component of the Waterworks Utility and which shall administer the city's storm and surface water public utility. The city elects to exercise all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of the storm and surface water public utility described in Section 4 of Ordinance 2003 and as the same may hereafter be added to, bettered or extended within or without the present and future limits of the city, including, without limitation, all the lawful powers to fix, alter, regulate and control the rate, charges and conditions for the use thereof.

Section 3: Ordinance 2003 Section 2, and B.C.C. 3.40.020 are hereby amended to read:

3.40.020 Director - Appointment - Responsibilities.

The City Manager shall appoint the Director of the Storm and Surface Water Utility who shall report directly to the City Manager. The Director shall be appointed for an indefinite term and may be removed at any time pursuant to the provisions of R.C.W. 35A.13.100. The Director shall direct the operations of the utility including but not limited to the administration, planning, design, construction, operation, maintenance and regulation of the storm drainage system.

Section 4: A new section shall be added to B.C.C. Ch. 3.40:

3.40.040 Development Standards.

The Director of the Storm and Surface Water Utility is authorized to formulate written development standards applicable to the administration, supervision, construction, maintenance and operation of the storm and surface water utility of the city and the implementation of ordinances administered by the Storm and Surface Water Utility regulating public and private development and work. Said standards shall be effective and shall be enforced by the Storm and Surface Water Utility upon their approval by resolution of the city council. Said standards shall be applied consistently with the provisions of state law and city ordinance.

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Section 5: Ordinance 2799, Section 2 and B.C.C. 23.76.020 are hereby amended to read:

23.76.020 Permit authority.

The Director of the Storm and Surface Water Utility or his/her designee, hereinafter termed the permit authority, is the designated agent for the issuance of clearing and grading permits. The permit authority shall have the authority to set administrative procedures to carry out the purposes and intent of the Clearing and Grading Code. Such administrative procedures shall be developed in consultation with the technical committee and shall be made available to the public for comment at least seventeen days before adoption.

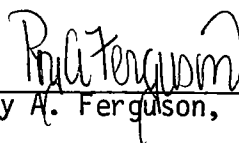
Section 6: The separation of the Storm and Surface Water Utility into an independent department shall be reviewed by the City Council after one year of operation.

Section 7. This ordinance shall have no effect on the combination of the Storm and Surface Water Utility with the Waterworks Utility of the City of Bellevue under Ordinance No. 2845. In the event of any conflict between this ordinance and Ordinance No. 2845, said Ordinance No. 2845 shall control.

Section 8: This ordinance shall be published by posting it in the three official posting places of the city, and shall take effect and be in force January 1, 1983.

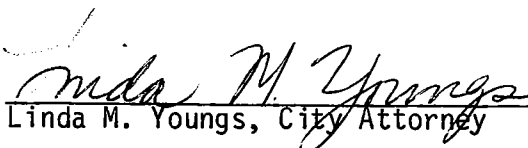
PASSED by the City Council this 27th day of September, 1982, and signed in authentication of its passage this 27th day of September, 1982.

(SEAL)




Roy A. Ferguson, Mayor

Approved as to form:



Linda M. Youngs, City Attorney

Attest:



Marie K. O'Connell, CMC
Acting City Clerk

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Published October 2, 1982