

To: Council  
From: Clerk/Treasurer  
Re: Resolution 18-01

March 1, 2018

Resolution 18-01 approved amendments to Sultan School District's Capital Facilities Plan (CFP) and had wording allowing future approvals to be done by resolution. Before drafting the plan I did a word search on our municipal code website for 'Sultan' and 'School District' and had no hits, meaning they did not appear to be in our code. However, I have since found out that they actually are.

After reviewing the municipal code, I would like to ask the Council to move to rescind Resolution 18-01 for the following reasons.

1. An ordinance cannot be amended by a resolution.
2. Gold Bar Municipal Code (GBMC) 15.27.020(B) states that the CFP adopted by Snohomish County for the school district, becomes the CFP for the city. I have contacted the school district and asked them if the County had approved the recent amendment.
3. GBMC 15.27.030(A) states that the school district is eligible to receive impact fees once the CFP is approved as part of the comprehensive plan. The CFP is already approved under the city's comprehensive plan which means the city does not need to take action on approving the original CFP as that part is already done.
4. GBMC 15.27.030(C) states the district can amend their plan, and that the amendments must be reviewed by the Council (which is what started this process). However, this code does not stipulate that amendments must be adopted through a resolution or an ordinance amendment. This means that approval of amendments appear that they can be approved by a simple motion of the Council, similar to any other contract the City has. This is the section that I believe shows the resolution should be rescinded. One is not needed.

Additionally, concerns about the work and costs involved in having to amend the City's comprehensive plan every time the CFP is amended, no longer exists. By code, the comprehensive plan includes the CFP and amendments only require Council review.

5. On a related note, this code also requires the school district to give the City an annual report showing the amount of impact fees received, and what capital projects those fees were used for. It appears the City hasn't received those reports so I have also contacted the school district and asked them when the report for 2017 will be available.

I will talk about this at the Council meeting, and at that time will ask for the Resolution to be rescinded. Let me know if you have any questions.

