

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: January 22, 2024

SUBJECT: Resolution: Revising a Policy for Consideration of Fee Waiver Requests Associated with County Government Functions

STATEMENT OF ISSUE: Resolution 74-95 was adopted by the Jefferson County Board of Commissioners (BoCC) in August, 1995. The purpose of the resolution was to require BoCC consideration of all requests for waiver of fees charged by the county. Experience has shown that the county receives very few fee waiver requests and those it does receive are for trivial amounts. In addition, the criteria for approving fee waiver requests are straightforward and simple to apply. Because of these factors the BoCC asked staff to prepare documents necessary to delegate fee waiver approval authority to the department directors and elected officials that impose and collect the fees subject to waiver.

ANALYSIS: The attached proposed resolution repeals and replaces Resolution 74-95 and delegates fee waiver authority to department directors and elected officials. Fees waivers granted under the proposed resolution must meet the same criteria as contained in Resolution 74-95 in order to be waived. These criteria are:

- the fee waiver supports the public interest or a public benefit that is identified in writing by the department director or designee, or is necessary to support an indigent individual;
- any and all similar requests will receive the same approval regardless of the person or organization requesting the waiver; and,
- the amount of the fee that is waived is covered by funds already existing in the form of grant funds or by other existing funds available to the department.

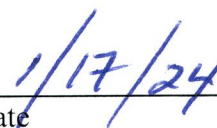
The resolution was reviewed by the Board of Commissioners during the January 16, 2024 Board meeting. At that meeting the Board request a number of changes which have been incorporated in this version. The principal changes were to set a \$500 limit on department fee waiver approvals, to limit approvals to department directors and not their designees, and to allow for partial fee waivers.

FISCAL IMPACT: None.

RECOMMENDATION: That the Board approve the attached resolution.

REVIEWED BY:


Mark McCauley, County Administrator


Date

STATE OF WASHINGTON

County of Jefferson

A Resolution Revising a Policy for Consideration of Fee Waiver Requests Associated with County Government Functions

RESOLUTION NO. XX-24

WHEREAS, Jefferson County is a political subdivision of the state of Washington as provided by [Title 36 RCW](#) and the Washington State Constitution [Article 11](#), and may impose fees to recoup the costs of providing services to the public; and,

WHEREAS, the Board of County Commissioners (“BoCC”) adopted by resolution (No. 74-95) a policy allowing fee waivers to be considered by the Board of County Commissioners under certain conditions; and,

WHEREAS, under the Policy, all requests for fee waivers were decided by the BoCC; and,

WHEREAS, the activities of the BoCC have expanded to the point where it is no longer feasible for the legislative body of the County to consider every fee waiver request; and,

WHEREAS, department heads and elected officials are qualified to make these decisions, with oversight from the County Administrator’s Office; and,

WHEREAS, a number of competing issues must be considered in reviewing waivers, including that (1) fees are established to compensate the general public for costs associated with the review of projects or activities, and the provision of goods and services by county government; (2) state and federal laws require that public agencies treat all persons and entities equally to avoid discrimination and ensure equal protection under the law; and (3) the Washington State Constitution, Article 8, Section 7 prohibits the gift of public funds by local governments as follows: “no county . . . shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual or association, company or corporation, except as necessary support of the poor and infirm . . .”; and

WHEREAS, any grant of a waiver of a fee should only occur in circumstances in which a waiver of fees is in the public interest or creates a public benefit for a project or activity.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY:

Section 1—Fee Waiver Policy. To assure that all parties requesting a waiver of fees are treated equally and to determine if the requested waiver of fees is in the public interest and of public benefit, a new policy is adopted as set out in Attachment A.

Section 2—Resolution 74-95. Resolution 74-95 is repealed and replaced by this Resolution.

Section 3—Findings. The Jefferson County Board of Commissioners adopts the above recitals (the “WHEREAS” statements) as its findings of fact supporting this resolution.

Section 4—Severability. The provisions of this resolution are declared separate and severable. If any provision of this resolution or its application to any person or circumstances is held invalid, then the remainder of this resolution or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 5—SEPA Compliance. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800\(19\)](#).

Section 6—. This Resolution shall take effect and be in full force immediately upon passage by the Board of County Commissioners.

SIGNATURES ON FOLLOWING PAGE

APPROVED and ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS

Kate Dean, Chair

Greg Brotherton, Member

Heidi Eisenhour, Member

SEAL:

ATTEST:

Carolyn Gallaway , CMC Date
Clerk of the Board

Approved as to form only:

Barbara D. Ehrlichman Date
Civil Deputy Prosecuting Attorney

ATTACHMENT A

POLICY FOR CONSIDERATION OF FEE WAIVER REQUESTS BY DEPARTMENT HEADS AND ELECTED OFFICIALS

1. Applicability. This fee waiver policy applies to requests for fee waivers which are not otherwise covered by local, state, or federal law. If any waiver request policy exists in local county code, or state or federal law, that codified policy shall be followed.
2. Requirements and Limitations. The decision to allow a fee waiver is subject to the following:
 - (a) The decision may be made by the director or the acting director, but may not be designated to any other person in the department or office;
 - (b) Any fee waiver considered by a director must be for \$500 or less. If the request is for more than \$500, the request must be sent to the Board of County Commissioners. The Board of County Commissioners will consider the criteria listed in paragraph 3(b), below and issue a written decision;
 - (c) A fee waiver may be a partial fee waiver; and
 - (d) The director shall issue a written decision addressing the criteria listed in paragraph 3(b), below.
3. Procedure. The following procedures shall be followed in considering a fee waiver request where no waiver request policy exists in local county code, or state or federal law and the waiver amount requested is - \$500 or less:
 - (a) The person requesting a fee waiver shall submit a sworn declaration making the fee waiver request in a form substantially similar to the form attached to this policy to the director of the department which charges the fee.
 - (b) The department director shall consider the request within 10 business days and shall issue a decision in writing, applying each of the following criteria:
 - (i) the fee waiver supports the public interest or a public benefit that is identified in writing by the department director or designee, or is necessary to support an indigent individual;
 - (ii) any and all similar requests will receive the same approval regardless of the person or organization requesting the waiver; and,
 - (iii) the amount of the fee that is waived is covered by funds already existing in the form of grant funds or by other existing funds available to the department.
 - (c) Upon issuance of the decision on the request for a fee waiver, the department director or designee shall send a copy of the decision to the County Administrator's Office. The County Administrator shall monitor decisions on fee waiver requests to assure that the Policy for Fee Waiver Requests is followed.

DECLARATION FOR FEE WAIVER REQUEST

(1) My name is _____.

(2) My address is _____.

(3) I am requesting a waiver of the following fee: _____.

(4) **I declare that:**

☐ I understand that the waiver of the fee must be based upon indigency, public interest, or public benefit.

☐ I cannot afford to meet my necessary household living expenses and pay the fees imposed by the Department/Office, **AND/OR**

☐ In addition to the information above, I would like the Department to consider the following:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature

Print or Type Name

APPROVED

OR

DENIED

(circle

one)

Department Director

Print Name and Title

Date