

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS
CONSENT AGENDA REQUEST**

TO: BoCC Board Members

FROM: Mark McCauley, County Administrator

DATE: February 18, 2025

SUBJECT: Resolution Adopting a Material Change Policy

STATEMENT OF ISSUE:

RCW 36.73.160(1) requires transportation benefit districts adopt a material change policy. The attached resolution serves as that required policy and was previously approved and adopted by the Jefferson County Transportation Benefit District (JCTBD) on January 06, 2025 in Resolution No. 02-0106-25-TBD.

On February 10, 2025, BoCC held a public hearing and passed an ordinance finding it was in the county's best interest to assume the JCTBD and amending JCC Chapter 3.90 accordingly. As such, JCTBD's material change policy has become moot. BoCC should now implement the material change policy, which is consistent with Jefferson County's purchasing policies for changes.

ANALYSIS:

RCW 36.73.160(1) outlines what must be included in the material change policy:

The district governing body shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved.

Through assumption, JCC Chapter 3.90 was amended to now read:

3.90.030 Material change policy required.

~~The governing board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements of RCW 36.73.160(1).~~

The BoCC shall implement the material change policy previously adopted by the JCTBD that addresses major plan changes that affect project delivery or other ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

That the BoCC approve and adopted the JCTBD Material Change Policy.

REVIEWED BY:



Mark McCauley, County Administrator



Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**In the Matter of Implementing the Material
Change Policy previously adopted by the
Jefferson County Transportation Benefit
District (JCTBD)**

RESOLUTION NO.

WHEREAS, Jefferson County approved Ordinance No. [10-1216-24](#) on December 16, 2024, establishing the Jefferson County Transportation Benefit District (JCTBD) for unincorporated Jefferson County pursuant to Chapter [36.73](#);

WHEREAS, RCW [36.73.160](#)(1) and Jefferson County Code Chapter 3.90 required the JCTBD Board to adopt a material change policy to address major plan changes that affect project delivery or the ability to finance the plan;

WHEREAS, according to RCW [36.73.160](#)(1), the policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes;

WHEREAS, RCW [36.73.160](#)(1) requires that, at a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent (20%) as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved;

WHEREAS, this policy was previously approved and adopted by the JCTBD on January 06, 2025 in Resolution No. [02-0106-25-TBD](#);

WHEREAS, on February 10, 2025, the Jefferson County Board of Commissioners (BoCC) assumed the JCTBD pursuant to RCW [36.74](#), and, as such, JCTBD's material change policy has become moot;

WHEREAS, BoCC should now implement the material change policy, which is consistent with Jefferson County's purchasing policies for changes; and

NOW, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Material Change to Cost. In the event an approved transportation improvement project exceeds its original cost by more than twenty percent (20%), the BoCC shall hold a public hearing to solicit comments from the public regarding how the cost change should be resolved.

Section 3. Material Change to Scope. In the event that the scope of a transportation improvement project materially changes from that originally anticipated at project approval, county staff shall consult with and review the changes with the BoCC Chair. The BoCC Chair shall determine whether or not to convene a meeting of the BoCC for discussion. If the scope of the change will

result in an increase in cost by more than twenty percent (20%), the BoCC shall hold a public hearing to solicit comments for the public regarding how the change of scope should be resolved.

Section 4. Material Change to Schedule. In the event that the schedule of a transportation improvement project materially changes in a way that significantly impacts other JCTBD projects for funding, or schedule changes exceed 180 days, county staff shall consult with and review such changes with the BoCC Chair. The BoCC Chair shall determine whether or not to convene a meeting of the BoCC for discussion. In the event that the schedule change of a transportation improvement project will result in an increase in cost by more than twenty percent (20%), the BoCC shall hold a public hearing to solicit comments from the public regarding how the schedule change should be resolved.

Section 5. Definition of Material Change. Material changes as used in Sections 2 and 3 above shall be defined as a change, knowledge of which would more likely than not have affected the BoCC's decision regarding the project. The BoCC Chair shall have the authority to determine whether material changes have occurred that require a meeting of the BoCC.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 7. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800](#)(19).

Section 8. Effective Date. This resolution shall take effect and be in full force immediately upon adoption by the BoCC.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of February, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney