Ordinance revising Whatcom County Code 2.27A, Aquatic Invasive Species

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This revision to the ordinance expands the AIS prevention program to include mandatory inspections of watercraft prior to launching at Lake Whatcom and Lake Samish in 2013, and at all Whatcom County water bodies starting in 2015.
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and The Honorable Jack Louws, Whatcom County Executive

Through: Frank M. Abart, Director

From: Chris Brueske, P.E., Assistant Director

Date: March 27, 2013

Re: Ordinance revising Whatcom County Code 2.27A Aquatic Invasive Species

Enclosed for your review and consideration is an Ordinance revising Chapter 2.27A of the Whatcom County Code related to Aquatic Invasive Species (AIS).

Background and Purpose
The attached revision expands the AIS prevention program to include mandatory inspections of watercraft prior to launching at Lake Whatcom and Lake Samish in 2013, and at all Whatcom County water bodies starting in 2015. Watercraft covered by the inspection program includes all vessels that require registration by the Washington State Department of Licensing. This requirement is intended to ensure that those boats posing the greatest risk of transporting AIS are inspected and will help to streamline administration of the inspection program in the future.

The proposed ordinance revision also includes a requirement for the Public Works Department to develop an expedited inspection and permitting program for County residents by 2015. This will be necessary to minimize the administrative burden and associated costs of an inspection program covering all water bodies in Whatcom County.

Funding Amount and Source
Funding for the 2013 inspection program is included in a Supplemental Budget Request to be introduced on April 23, 2013. The fee structure for AIS inspections and permits is included in an amendment to the Unified Fee Schedule forwarded under separate cover.

The proposed budget for the AIS inspection program in 2013 is approximately $55,000. Of this amount, approximately $32,000 comes from existing budget authority in the approved 2013 Natural Resources and Noxious Weed budgets, and $23,000 is transferred from the Flood fund balance. The $23,000 from the Flood fund balance will be included in the Supplemental Budget Request to allow inclusion of Lake Samish in the 2013 inspection program. An additional supplemental budget request is anticipated later this year to address budget needs for the 2014 AIS inspection program.

Please contact Chris Brueske at extension 50693 if you have any questions or concerns regarding this agreement.
ORDINANCE NO.__________

AMENDING WHATCOM COUNTY CODE CHAPTER 2.27A TO PREVENT THE RELEASE AND SPREAD OF AQUATIC INVASIVE SPECIES.

WHEREAS, the County has authority under Washington State law to protect the health, safety, and general welfare of the public, to regulate and protect waters within its jurisdiction, and to control the transport and release of Aquatic Invasive Species,

WHEREAS, Lake Whatcom and Lake Samish are the drinking water sources for approximately half of the residents of Whatcom County and the vast majority of the City of Bellingham residents; and

WHEREAS, Whatcom County has adopted goals and policies to protect Lake Whatcom, Lake Samish and other freshwater lakes and streams; and

WHEREAS, Aquatic Invasive Species pose a serious threat to the waters of Whatcom County and can have severe impacts to ecology, water quality, water supply infrastructure, and recreational use; and

WHEREAS, watercraft transported from water bodies with Aquatic Invasive Species to uninfested waters are the principal cause of new infestations; and

WHEREAS, prevention programs that include education, screening, and watercraft inspection are effective in preventing the spread of Aquatic Invasive Species to uninfested water bodies; and

WHEREAS, an Aquatic Invasive Species prevention program is necessary to reduce the risk of Aquatic Invasive Species infestation and related impacts at Lake Whatcom and other waters of Whatcom County; and

WHEREAS, Whatcom County has authority under RCW 36.32.120 and Washington State law generally to regulate and protect its water supply and other waters within its jurisdiction; and

WHEREAS, Whatcom County adopted Ordinance 2012-034 in September 25, 2012, codified at WCC Chapter 2.27A, to prevent the release and spread of Aquatic Invasive Species into waters of Whatcom County; and

WHEREAS, it is in the best interests of Whatcom County to amend WCC Chapter 2.27A to further define and enhance its Aquatic Invasive Species detection and prevention program, including the adoption of mandatory inspection and permitting requirements for watercraft in Whatcom County.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
Whatcom County Code 2.27A is hereby deleted in its entirety and replaced with the
following, adopted as set forth in Exhibit A, attached hereto.

ADOPTED this _____ day of ________________ 2013.

ATTEST

Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Daniel O. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive
(  ) Approved    (  ) Denied

Date Signed: ___________________
Exhibit A

WCC Chapter 2.27A
Aquatic Invasive Species

2.27A.010 Definitions
For the purpose of this chapter, the following definitions shall apply:

A. "Authorized Inspector" means a person who has received the necessary training approved by Whatcom County to inspect Watercraft to detect the presence of Aquatic Invasive Species.

B. "Aquatic Invasive Species" and "AIS" shall mean and include those species classified in Washington Administrative Code (WAC) 220-12-090 as "prohibited aquatic animal species", and those plant species listed in WAC 16-752-400-415; 505; and 610. For purposes of this section, WAC 220-12-090 and WAC 16-752-400-415; 505; and 610, as presently constituted or as hereinafter amended, are adopted and incorporated herein by reference.

C. "Enforcement Officer" includes any peace officer with jurisdiction in Whatcom County, and the County Noxious Weed Coordinator or his or her designee, to enforce the prohibitions set forth in this section.

D. "Inspection" means an inspection of a Watercraft or other vessel conducted by an Authorized Inspector for the purpose of detecting Aquatic Invasive Species and preventing their transport and release into any Public Water Body. Inspections may consist of questioning as well as a visual and tactile search of the exterior and interior of the Watercraft or other vessel, including but not limited to the hull, trailer, motor, propeller, bilge pump, compartments, bait well, ballast tank, bladder, and all areas of standing water.

E. "Inspection Seal" means a chord or tether installed by an Authorized Inspector in a manner that connects a Watercraft to its trailer for the purpose of indicating that the Watercraft has passed Inspection, has not entered a water body since passing Inspection, and, therefore, may launch without further Inspection so long as the Inspection Seal is intact at the time of launch.

F. "Launch" means any act that places or attempts to place a Watercraft into a Public Water Body.

G. "Public Water Body" shall mean Lake Whatcom, Lake Samish, Baker Lake, Tennant Lake, Lake Terrell, Wiser Lake, Silver Lake, Toad Lake, Squalicum Lake, Reed Lake, Cain Lake and all other freshwater lakes and streams in unincorporated areas of Whatcom County where Watercraft have access.

H. "Watercraft" shall mean any vessel requiring registration by the State of Washington Department of Licensing under RCW 88.02 and WAC 308-93-030 and any vessel registered under the laws of a state other than Washington State or a country other than the United States.

2.27A.020 Prohibitions
The following activities are prohibited:

A. The transport or release of Aquatic Invasive Species into a Public Water Body.
B. Launching, operating or keeping on a Public Water Body a Watercraft that has not submitted to Inspection and decontamination as required by this section.

C. Launching, operating or keeping a Watercraft on a Public Water Body without a current AIS Permit as required by WCC 2.27A.070, below.

2.27A.030 Inspection and Decontamination.

A. Inspections shall be required of:

i. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish in each calendar year;

ii. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish after it has entered any fresh water body located outside Whatcom County, Washington; and

iii. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body in each calendar year;

iv. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body after it has entered any fresh water body located outside Whatcom County, Washington; and

v. All Watercraft prior to each and every launch onto a Public Water Body from a public access point for which an AIS check station is operating under this section, except Watercraft bearing an intact Inspection Seal.

B. Exemptions

Watercraft inspections and the associated fees shall not be required for:

i. Law enforcement and emergency response watercraft.

ii. Watercraft involved in search and rescue operations or training.

C. Inspection and Decontamination Services

i. Whatcom County may establish and operate AIS check stations at public access points to Public Water Bodies.

ii. Whatcom County may, upon request by an owner or operator of a Watercraft, conduct an Inspection on private property owned by the Watercraft owner or operator.

iii. All AIS check stations operating under this section shall be marked by signs and staffed by one or more Authorized Inspectors. AIS check stations authorized by this section shall be subject to hours of operation and other program requirements established by the Director of Public Works or his designee.

iv. If upon Inspection an Authorized Inspector determines that a Watercraft is not contaminated with Aquatic Invasive Species, then said Watercraft shall be permitted to launch, subject to payment of fees authorized in Section .050 of this Chapter.

v. If upon Inspection an Authorized Inspector reasonably suspects that a Watercraft or any other vessel is contaminated with Aquatic Invasive Species, the Authorized Inspector may decontaminate the Watercraft on site or direct the Watercraft owner or operator to a decontamination facility.
station where the Watercraft will undergo a decontamination process. Following decontamination, the Watercraft owner or operator shall not launch the Watercraft onto a Public Water Body until the Watercraft has been re-inspected and approved for launch by an Authorized Inspector.

vi. A Watercraft owner or operator may refuse to stop and consent to Inspection at any AIS check station authorized by this section; provided, if any Watercraft owner or operator refuses to stop and consent to Inspection at an AIS check station authorized by this section, then said owner or operator shall not launch his or her Watercraft from said location and shall be in violation of this section if he or she nevertheless attempts to do so.

2.27A.040 Safe Harbor

Any person who voluntarily stops and consents to Inspection at an AIS check station or other Inspection station and cooperates in the decontamination process shall not be subject to penalties under this section for possessing or transporting Aquatic Invasive Species.

2.27A.050 AIS Permits and Fees

A. Every Watercraft requiring inspection under this Chapter shall be affixed with an AIS Permit issued by Whatcom County or the City of Bellingham prior to launching or operating on Public Water Bodies.

B. AIS Permits shall be issued upon passage of Inspection and payment of the applicable fee.

C. The fee for inspection and decontamination services shall be established in the Whatcom County Unified Fee Schedule.

D. AIS Permits shall be available as follows:

   i. Annual Sticker. Each Annual Sticker shall be effective during the calendar year in which it is issued. A receipt evidencing payment of the Annual Sticker fee shall entitle the holder to unlimited Inspections and Inspection Seal installation services for the Watercraft to which the Annual Sticker is affixed.

   ii. Day Pass. Each Day Pass shall be effective only on the date it is issued. A receipt evidencing payment of the Day Pass fee shall entitle the holder to one Inspection of the Watercraft to which the Day Pass is affixed.

E. AIS Permits are nontransferable and shall apply to a single Watercraft. AIS Permits shall be affixed to the Watercraft as directed by the Authorized Inspector in a visible location located above the waterline.

F. A Watercraft shall be deemed to be in compliance with the inspection and permitting requirements of this section if his or her Watercraft is currently in compliance with an Aquatic Invasive Species inspection and permitting program adopted by the City of Bellingham, Washington.

G. The fees authorized by this section are intended to offset the cost to Whatcom County of implementing this section for the purpose of detecting and preventing the spread of Aquatic Invasive Species and are not intended to be, nor shall they be construed to be, charges imposed upon access to Public Water Bodies for the purpose of outdoor recreation.
H. The Public Works Department is directed to develop an expedited inspection and permitting program for residents of unincorporated Whatcom County for consideration by the Whatcom County Council prior to April 1, 2015.

2.27A.060 Cooperative Agreements.

Whatcom County may enter into cooperative agreements with persons and entities, including but not limited to, homeowner’s associations, condominium associations, civic groups and governmental entities, to adopt and execute plans, which may be implemented inside or outside Whatcom County, to detect and prevent the transport and release of Aquatic Invasive Species in Public Water Bodies.

2.27A.070 Penalties

A. Any person violating this section shall have committed a civil infraction, and shall be punished by a fine not to exceed $1,000 for each violation. Each violation of this section shall be a separate infraction, and in the case of a continuing violation, each day’s continuance shall be deemed to be a separate and distinct infraction. Civil infractions under this section shall be issued and processed in accordance with Chapter 7.80 RCW, except as otherwise provided in this section. Each party to a civil infraction case shall bear its own attorney’s fees, witness fees and costs.

B. Any individual who violates this section may be held responsible for the costs expended by the Whatcom County or its designee for response and mitigation of impacts.

C. Payment of any civil penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the Enforcement Officer.

D. Any person found not in compliance with this section is subject to citation, shall be escorted off the Public Water Body, and shall be subject to any other legal action as deemed necessary by the Enforcement Officer including but not limited to detaining said person and Watercraft until inspected and decontaminated as required under this section.

E. Fines collected as a result of violating this section that are not otherwise encumbered, shall be used to fund the Whatcom County Aquatic Invasive Species Management and Prevention Program.

2.27A.080 Applicability

The provisions of this code section shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. The provisions of this section are in addition to those provisions regulating Aquatic Invasive Species as contained in Washington State law.

2.27A.090 Severability.

If any section, provision, or portion of this chapter shall be determined to be invalid, the remainder of the chapter shall not for that reason be rendered ineffective or invalid.
RECEIVED
APR 15 2013
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT: Overview from Executive Louws on the County’s major funds

ATTACHMENTS: Spreadsheet showing summary of County’s major funds

SEPA review required? ( ) Yes ( x ) NO
SEPA review completed? ( ) Yes ( x ) NO

Should Clerk schedule a hearing? ( ) Yes ( x ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

County Executive Jack Louws will provide an overview to Council on the County’s major funds

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
<table>
<thead>
<tr>
<th>Prior Year Ending Balance</th>
<th>Fund</th>
<th>REET 1</th>
<th>REET 2</th>
<th>Park Improvement*</th>
<th>Conservation Futures</th>
<th>Flood</th>
<th>Rural Sales Tax / EDI</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td></td>
<td>2,159,783</td>
<td>1,539,963</td>
<td>37,361</td>
<td>2,970,887</td>
<td>8,814,094</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td></td>
<td>3,353,495</td>
<td>3,777,921</td>
<td>109,275</td>
<td>2,676,455</td>
<td>8,670,929</td>
<td>1,525,885</td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td>3,385,780</td>
<td>5,912,048</td>
<td>134,926</td>
<td>2,941,088</td>
<td>7,342,489</td>
<td>6,048,678</td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td>4,128,949</td>
<td>7,885,806</td>
<td>129,911</td>
<td>2,633,410</td>
<td>7,083,336</td>
<td>3,078,263</td>
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<tr>
<td>2008</td>
<td></td>
<td>3,823,141</td>
<td>8,997,715</td>
<td>127,753</td>
<td>2,463,748</td>
<td>7,422,377</td>
<td>4,557,673</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td>3,141,330</td>
<td>6,703,141</td>
<td>130,744</td>
<td>3,318,476</td>
<td>7,866,767</td>
<td>7,121,016</td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td>1,691,726</td>
<td>6,307,957</td>
<td>1,655,069</td>
<td>1,944,985</td>
<td>9,072,892</td>
<td>7,371,147</td>
</tr>
<tr>
<td>2011</td>
<td></td>
<td>1,307,629</td>
<td>5,670,175</td>
<td>1,676,210</td>
<td>2,489,708</td>
<td>10,665,094</td>
<td>-833,861</td>
</tr>
<tr>
<td><strong>2012</strong></td>
<td></td>
<td>2,215,461</td>
<td>7,204,054</td>
<td><strong>163,641</strong></td>
<td><strong>4,937,796</strong></td>
<td><strong>11,917,813</strong></td>
<td><strong>1,692,016</strong></td>
</tr>
</tbody>
</table>

**Average Income Per Year**

| 2012 | 1,250,000 | 1,288,824 | 10,332 | 1,015,972 | 4,731,216 | 3,200,000 |

**Projected Expenses**

| 2013 | 473,511 | 3,735,613 | 94,183 | 269,000 | 7,160,950 | 72,105 |
| 2014 | 613,516 | 2,293,152 | 96,826 | 285,000 | 4,022,056 | 26,516 |

**Estimated Fund Balance at end of 2014**

| 2014 | 3,628,434 | 3,752,937 | -6,704 | 6,415,740 | 10,197,639 | 7,993,395 |

**NOTES:**

<table>
<thead>
<tr>
<th>Primary Uses:</th>
<th>% allowed for M&amp;O</th>
<th>% used for M&amp;O</th>
<th>RCW Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REET 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Services &amp; general county capital projects</td>
<td>0%</td>
<td>0%</td>
<td>82.46.010 (2)</td>
</tr>
<tr>
<td><strong>REET 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roads, Stormwater and Parks</td>
<td>7/2011 thru 12/2016: $100K or 35% of available funds whichever is greater but not to exceed $1M/yr.</td>
<td>We are currently using the full $1M allowed</td>
<td>82.46.035</td>
</tr>
<tr>
<td><strong>Park Improvement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks improvement</td>
<td>None - unless restricted by funding source requirements.</td>
<td>No limitations.</td>
<td>old fund no rcw or WCC</td>
</tr>
<tr>
<td><strong>Conservation Futures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of Land</td>
<td>15% of tax collected in previous year</td>
<td>15%</td>
<td>84.34.210 &amp; 84.34.220</td>
</tr>
<tr>
<td><strong>Flood</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan, construct, acquire, maintain and operate</td>
<td>0 - 100% can be used for M&amp;O. M&amp;O is a primary use of the Fund.</td>
<td></td>
<td>86.15.160: 85.15.080</td>
</tr>
<tr>
<td><strong>Rural Sales Tax / EDI</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants &amp; loans for public facilities redevelop.</td>
<td>Allowance for salaries of economic development agencies</td>
<td></td>
<td>82.14.370</td>
</tr>
</tbody>
</table>

*Still includes budget for interest income and ranger positions which will need to be removed by supplemental budget.*
## Major Funds Overview 4/1/2013

<table>
<thead>
<tr>
<th>FUND</th>
<th>Project Name</th>
<th>2013 Proj Expenses</th>
<th>2014 Proj Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>REET I:</td>
<td>Interior Painting</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td></td>
<td>Central Plaza Projects</td>
<td>20,000</td>
<td>105,000</td>
</tr>
<tr>
<td></td>
<td>Senior Center Projects</td>
<td>50,000</td>
<td>8,000</td>
</tr>
<tr>
<td></td>
<td>Plantation Rifle Range Road</td>
<td>69,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Courthouse Exit Light Replace.</td>
<td>35,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Courthouse Exterior Project</td>
<td>100,000</td>
<td>300,000</td>
</tr>
<tr>
<td>REET II</td>
<td>Lighthouse Dock Replacement</td>
<td>246,899</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hovander-Tennant Playground</td>
<td>32,213</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Samish Docks</td>
<td>194,586</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Silver Lake Projects</td>
<td>142,600</td>
<td>145,000</td>
</tr>
<tr>
<td></td>
<td>Hovander Riverwalk</td>
<td>185,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lily Point Park Development</td>
<td>38,529</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plan Update</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td>Lighthouse Park Road &amp; Parking</td>
<td>38,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lookout Mountain Trailhead</td>
<td>230,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Park Operations Transfer</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td></td>
<td>South Fork Park Access</td>
<td></td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>Lake Whatcom Trail</td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td></td>
<td>75% of Design/Develop Super</td>
<td>75,685</td>
<td>76,211</td>
</tr>
</tbody>
</table>

**PARK IMPROVEMENT** Fund depleted

**CONSERVATION FUTURES**
- Professional Services
  - Parks M&O Expenditures 129,000 145,000
  - PDS - PDR related wages 20,000 20,000
  - PDR FTE added during budget 120,000 100,000

**FLOOD**
- Deming Levee Raise 382,675 1,300,000
- Swift Creek 174,616 25,000
- Canyon Creek Phase II 3,400,270
- Lower Nooksack Restoration 2,961,999
- Jones Creek Deflection Berm 675,000
- Transfers to Stormwater 500,634 537,164

**RURAL SALES TAX / EDI**
- Construction Mgt by Facilities 25,511 26,516
- Arbitration Settlement for CH Roof 46,594

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Page 1
**TITLE OF DOCUMENT:** 2013 Supplemental Budget Request #5

**ATTACHMENTS:** Ordinance, Memoranda & Budget Modification Requests

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
<td>Requested Date:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #5 requests funding from the General Fund:

1. To appropriate $4,604 in Cooperative Extension to fund completion of 2012-2013 Strengthening Families program.
2. To re-appropriate $73,488 in Non Departmental to fund the completion of the Lake Whatcom Reconveyance project.
3. To appropriate $12,000 in Parks and Recreation to fund Hovander house air quality improvements from donation proceeds.
4. To appropriate $8,000 in the Sheriff Department to fund Crisis Negotiation Team training.
5. To appropriate $5,847 in the Sheriff Department to fund completion of 2012-2013 Boating Safety Program. Public Utilities Improvement Fund:
6. To appropriate $46,594 in AS Facilities to fund arbitration settlement of Courthouse roofing project.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
4/09/2013: Introduced
ORDINANCE NO.

AMENDMENT NO. 5 OF THE 2013 BUDGET

WHEREAS, the 2013-2014 budget was adopted November 20, 2012; and,
WHEREAS, changing circumstances require modifications to the approved 2013-2014 budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2013-2014 Whatcom County Budget Ordinance #2012-048 is hereby amended by adding the following additional amounts to the 2013 budget included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Extension</td>
<td>4,604</td>
<td>(4,604)</td>
<td>-</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>73,488</td>
<td>-</td>
<td>73,488</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>12,000</td>
<td>(12,000)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
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<td><strong>(30,451)</strong></td>
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<tr>
<td>Public Utilities Improvement Fund</td>
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<td>46,594</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td><strong>150,533</strong></td>
<td><strong>(30,451)</strong></td>
<td><strong>120,082</strong></td>
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</table>

ADOPTED this ____ day of ________________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Kathy Kershner, Chair of the Council

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Civil Deputy Prosecutor: Jack Louws, County Executive

Date: _________________

I:\BUDGET\SUPPLS\2013_Suppl\Supplemental #5-2013.doc

13
### WHATCOM COUNTY

#### Summary of the 2013 Supplemental Budget Ordinance No. 5

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased Expenditure (Decrease)</th>
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<tr>
<td>Cooperative Extension</td>
<td>To fund completion of 2012-2013 Strengthening Families program</td>
<td>4,604</td>
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<td><strong>Total General Fund</strong></td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>To fund arbitration settlement on Courthouse roofing project</td>
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<td>-</td>
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<td><strong>Total Supplemental</strong></td>
<td></td>
<td>150,533</td>
<td>(30,451)</td>
<td>120,082</td>
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</table>
Supplemental Budget Request

Cooperative Extension

Fund 1  Cost Center 2003  Originator: Drew Betz

Expenditure Type: One-Time  Year 1 2013  Add'l FTE  Add'l Space  Priority 1

Name of Request: 2013 Strengthening Families Program

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

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<td>8301</td>
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Request Total: $0

1a. Description of request:

Strengthening Families Program is a series of 7 classes for families with 10-14 year old youth. Each class has 3 segments. Parents and youth meet separately for an hour and then the families meet together for an hour. A community meal is served to start the program and child care is provided by volunteers for younger children. The model is internationally recognized as a best practice for adolescent substance abuse prevention and also the reduction of other anti-social behavior. The class focuses on increasing positive parenting skills, parent-youth communication and peer resistance skills in the youth. There is a strong focus on setting goals for future and family problem solving.

This request will fund one additional 7 week series in Spanish. It will be in the Bellingham School District. This is based on a contract with Whatcom County Health Department implemented July 1, 2011. This money is carried over from the 2012 budget.

1b. Primary customers:

Families with 10-14 year old children who live in the service area.

2. Problem to be solved:

This program addresses family management issues and youth substance abuse prevention as identified areas of concern by the county substance abuse prevention plan and is part of the State Prevention Redesign Initiative. The Health Department selected the sites.

3a. Options / Advantages:

There are no alternatives to this high quality program in Whatcom County. This program has a proven track record here and families trust its quality.

3b. Cost savings:

Washington Public Policy Institute and the Prevention Research Center at Penn State University consider $6000 per participating youth a reasonable estimate for cost savings from substance abuse related crimes over a lifetime. We anticipate that 25-30 youth will complete the program, resulting in a possible savings of up to $180,000 for this program in a six month period.

Monday, March 25, 2013
Supplemental Budget Request

Cooperative Extension

Fund 1  Cost Center 2003  Originator: Drew Betz

4a. Outcomes:
We will measure the following:

1. Weekly attendance for all participants
2. Pre and post program measures for all adults and youth participating
3. Implementation details, costs of meals, volunteer time, etc.
4. Demographics of the participants

4b. Measures:
All of our evaluation data is sent to the state SFP office at WSU for analysis upon completion of the program. An outcome report is prepared for each series and an aggregated report is completed at the end of the 3 classes. The demographic data and attendance are entered onto a data management website by our coordinator as required by the contract with the Health Department. That data is entered monthly while the services are being delivered.

5a. Other Departments/Agencies:
Whatcom County Health Department funds this program to support the county Substance Abuse Prevention Plan. Our partners for the year are Ferndale Community Resources, Ferndale School District and Bellingham School District. Families in each program will provide positive impact on their own kids and the youth who associate with them. It will reduce negative behaviors and support pro-social behavior in parents and youth in and out of school.

5b. Name the person in charge of implementation and what they are responsible for:
Isabel Meaker, Bellingham School District coordinator and site coordinator.

6. Funding Source:
Whatcom County Health Department. This agreement was initiated July 1, 2011 and ends June 30, 2013. This supplemental request gives us the authority to spend the remainder of the funds by the end of the funding cycle. This money request is from funds carried over from the 2012 budget.
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws, County Executive
Date: March 21, 2013
Subject: Supplemental Budget Request
Lake Whatcom Reconveyance Reappropriation

Attached is a Supplemental Budget Request for your consideration and approval.

Background
In 2009 Whatcom County approved funding and entered into an interagency agreement with the Department of Natural Resources (DNR) in preparation of a reconveyance/transfer of forestlands in the Lake Whatcom Watershed to Whatcom County, including reviews, administrative staff costs, land surveys, and similar expenses associated with the project.

This is a request for a reappropriation of the funds required to complete the terms of the agreement between Whatcom County and DNR for those services contracted or provided by the State.

Funding Source
General Fund with reimbursement by Conservation Futures upon completion and approval by the County Council.
Supplemental Budget Request

Executive

Supp'l ID # 1466  Fund 1  Cost Center 4540  Originator: Linda Kasper

Expenditure Type: One-Time  Year 1  2013  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Lake Whatcom Reconveyance Reappropriation

Department Head Signature (Required on Hard Copy Submission)  Date

3/28/13

<table>
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<td><strong>Request Total</strong></td>
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</table>

1a. Description of request:

This request is for reappropriation of funding for payment of services rendered by the State of Washington Department of Natural Resources (DNR) in the preparation of a reconveyance - transfer of forestlands in Lake Whatcom watershed to Whatcom County. In 2009 Whatcom County approved funding and entered into an interagency agreement with DNR (Contract #200911002). These funds are required to complete the terms of the agreement between the County and DNR for those services contracted or provided by the State, including reviews, administrative staff costs, land surveys and similar expenses associated with the project.

1b. Primary customers:

Over 50% of County residents get their drinking water from Lake Whatcom. This project is intended to assist in providing added protection for the lake’s watershed while providing passive recreational opportunities and connectivity to Park and Recreation facilities around the lake.

2. Problem to be solved:

This is a request for appropriation of funds per the County’s administrative policy and is required due to this project spanning multiple budget years.

3a. Options / Advantages:

The County has fiscal responsibility per the terms of the interagency agreement.

3b. Cost savings:

This is a reappropriation of funds at the approved funding level.

4a. Outcomes:

If approved by County Council, it is expected that the transaction will close in late 2013.

4b. Measures:

The County will assume ownership of approximately 8,844 acres of forest land and one mile of shoreline around Lake Whatcom.

5a. Other Departments/Agencies:

Yes, the Washington State Department of Natural Resources. This is a collaborative project between Whatcom County and the DNR per an existing agreement. DNR has completed or is in the process of completing a number of tasks in which Whatcom County has agreed to reimburse that agency for their expenses. Funding will allow the continuation of this agreement and the fulfillment of the County’s obligations.

5b. Name the person in charge of implementation and what they are responsible for:

Paul McFarland, Lands Transaction Manager, NW Region, Washington Department of Natural Resources.
### Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
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<tbody>
<tr>
<td>1466</td>
<td>1</td>
<td>4540</td>
<td>Linda Kasper</td>
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</table>

**Executive**

Resources. Project Manager.

6. **Funding Source:**

General Fund with reimbursement by Conservation Futures upon completion and approval by the County Council.
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane, Director
DATE: March 22, 2013
RE: Attached Supplemental Budget Request- Hovander House Air Quality Improvements

Attached is a supplemental budget request in the amount of $12,000 to be funded from a restricted donor fund established at Whatcom Park & Recreation Foundation to improve air quality, ventilation, and humidity at Hovander Homestead House.

The improvements will result in improved air quality and indoor environment for visitors, staff, volunteers, and docents at Hovander House and help to preserve an extensive collection of period furnishings and historical artifacts that are on display.

Additional information is included in the supplemental budget request.
Supplemental Budget Request

Status: Pending

Parks & Recreation

Supp'I ID #: 1495  Fund 1  Cost Center 6317  Originator: Erik Axelson

Expenditure Type: One-Time  Year: 2013  Add'l FTE ☐  Add'l Space ☐  Priority: 1

Name of Request: Hovander House Air Quality Improvement

X 3-27-13

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

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<td>$0</td>
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</table>

1a. Description of request:

Hovander House is on the National Register and operates seasonally as a living exhibit of farm life dating to the first decade of the 20th century. The historic home has an inventory of thousands of historic artifacts on display. Depending on the weather, the main floor of the uninsulated house can be extremely cold or feel clammy, and in summer the second floor attic is often stiflingly hot. Air circulation is problematic.

Further, each spring a colony of bats has taken up residence in the upper level of the attic space. Guano from this seasonal colony is entirely captured to protect visitors and artifacts by a dropped ceiling plenum lined with plastic sheathing, but air quality and ventilation for visitors and volunteers is a major concern. While bats are quite beneficial in the surrounding environment, they can become a nuisance and even a health hazard inside a periodically occupied historic house.

This request is to fund a $12,000 project from a fund established by a donor to Whatcom Park & Recreation Foundation to improve overall air quality, humidity, and environmental conditions at Hovander House. The budget request will fund these improvements:

(a) Exclude bat entry to attic area by sealing openings, providing inhospitable light and air movement in the upper attic, and pilot testing of Transonic PRO sonic and ultrasonic bat repeller; $1,600

(b) Installation of 24" 2000 CFM exhaust roof ventilator in attic using an existing roof hatch; $1,900

(c) Provide commercial/industrial portable dehumidifier with automatic condensate pump; $2,800

(d) Purchase of period-style pedestal fans for improved air circulation on main floor; $2,800

(e) Upgraded electric service; $2,900

1b. Primary customers:

Park visitors, including small groups, tour the home. Our volunteer docents are on site four days per week during the park season (May-September).

2. Problem to be solved:

Presence of bats (and resulting bat guano) in the upper attic exacerbates endemic air quality issues. Bat exclusion program and installation of attic exhaust fan will remove and exhaust from the structure particulates and other airborne pollutants, improving both air quality in the entire house and reducing summer attic temperatures by convecting warmer air out. Use of period-style fans on the main floor will
Supplemental Budget Request

Parks & Recreation

<table>
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<tr>
<th>Supp'l ID #</th>
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<th>Originator</th>
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<tr>
<td>1495</td>
<td>1</td>
<td>6317</td>
<td>Erik Axelsson</td>
</tr>
</tbody>
</table>

Enhance air movement and facilitate air movement to the attic exhaust fan. With the use of the dehumidifier, humidity and potential mold growth will be inhibited. These improvements will provide a more comfortable environment in the house for docents, and visitors while preserving the historical exhibits and artifacts.

3a. Options / Advantages:

We are implementing this project to provide significantly improved air quality for visitors, staff, volunteers and docents and provide protection to the collection of artifacts.

3b. Cost savings:

This project will be funded by a restricted donation deposited at Whatcom County Park & Recreation Foundation.

4a. Outcomes:

Bat exclusion and ventilation improvements can be installed in the first half of 2013, prior to the prime visitation season for Hovander House that begins in May.

4b. Measures:

When these improvements are made, Hovander House will feature a less extreme and more healthful indoor environment. This positive change should provide significantly improved air quality and comfort conditions for visitors, staff, volunteers, and docents. The improvements will provide additional protection to historical furnishings and artifacts.

5a. Other Departments/Agencies:

None

5b. Name the person in charge of implementation and what they are responsible for:

Erik Axelsson, Parks Operations Manager.

6. Funding Source:

Whatcom County Parks & Recreation Foundation fund transfer from restricted donation for Hovander House air quality and ventilation improvements.
Memorandum

TO: Jack Louws, County Executive

FROM: Sheriff Bill Elfo

DATE: March 25, 2013

SUBJECT: Supplemental Budget ID# 1496
2013 Boat Safety Grant 2012-2013

The attached Supplemental Budget requests budget authority in 2013 for remaining Recreational Boating Safety (RBS) grant funds.

Background and Purpose
The Washington State Parks and Recreation Commission awarded a Recreational Boating Safety grant in the amount of $35,385 to the Whatcom County Sheriff’s Office to conduct on the water patrols. The Sheriff’s Office spent $29,538 in 2012 and requests budget authority in 2013 for the remaining $5,847.

Funding Amount and Source
Funds of $5,847 will be provided by Washington State Parks and Recreation Commission, Recreational Boating Safety (RBS) Federal Financial Assistance Grant, CFDA No. 97.012.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff

Suppl ID # 1496

Fund 1

Cost Center 1003512006

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 1 2013

Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2013 Boat Safety Grant 2012-2013

Department Head Signature (Required on Hard Copy Submission)

Date 3/25/13

Costs:

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</table>

1a. Description of request:

The WA State Parks & Recreation Commission awarded a grant of $35,385 to the Sheriff's Office in 2012. This grant allows the Sheriff's Office to conduct on the water patrols to increase education and enforcement efforts and to stimulate greater local participation in boating safety in an effort to reduce boating-related loss of life, personal injury, and property damage. The Sheriff's Office spent $29,538 in 2012 and requests budget authority in 2013 for the remaining $5,847. These funds will be used in 2013 for Operation Drywater and other water patrols.

1b. Primary customers:

Whatcom County citizens and visitors.

2. Problem to be solved:

The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

Vessel inspections and visual spot checks of recreational vessels to insure compliance with county codes and state laws.

4b. Measures:

Written vessel inspections and visual spot inspections of recreational vessels.

5a. Other Departments/Agencies:

N/A

5b. Name the person in charge of implementation and what they are responsible for:

N/A

6. Funding Source:

WA State Parks and Recreation Commission, Recreational Boating Safety (RBS) Grant, CFDA 97.012.

Monday, March 25, 2013
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Eifo
DATE: March 25, 2013
SUBJECT: Supplemental Budget ID# 1501
        Crisis Negotiation Team Training 2013

The attached Supplemental Budget requests budget authority for Sheriff's Office Crisis Negotiation Team Training in 2013.

Background and Purpose
The Sheriff's Office Crisis Negotiation Team (CNT) members require continued training to keep their skills current. The Sheriff's Office requests budget authority for 8 CNT members to attend Western States Hostage Negotiators' Association (WSHNA) training in Oregon.

Funding Amount and Source
As this training relates directly to crisis intervention and responding to mental health issues, funding of $8,000 will be provided by the Whatcom County Health Department Behavioral Health Fund.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff    Administration

Suppl' ID # 1501    Fund 1    Cost Center 2940    Originator: Dawn Pierce

Expenditure Type: One-Time    Year 1 2013    Add'l FTE □    Add'l Space □    Priority 1

Name of Request: Crisis Negotiation Team Training 2013

X

Department Head Signature (Required on Hard Copy Submission)    Date

3/25/13

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1a. Description of request:
The Sheriff's Office Crisis Negotiation Teams (CNT) to attend the Western States Hostage Negotiators' Association (WSHNA) 2013 Conference. Conference highlights include Dynamics of Violent Behavior, PTSD for Law Enforcement, PTSD Veterans, and Negotiating with the Insane.

1b. Primary customers:
Crisis Negotiation Teams in the Sheriff's Office, citizens of Whatcom County, and individuals in crisis

2. Problem to be solved:
Continued training for CNT allows team members to receive updates on emerging trends and to keep their skills current.

3a. Options / Advantages:
Behavioral Health Fund monies are available from the Whatcom County Health Department for this training.

3b. Cost savings:
Cost savings to the Sheriff's Office is $8,000.

4a. Outcomes:
Continued training for CNT allows team members to receive updates on emerging trends and to keep their skills current.

4b. Measures:
Positive outcomes for crisis negotiation incidents.

5a. Other Departments/Agencies:
The Whatcom County Health Department administers the Behavioral Health Fund.

5b. Name the person in charge of implementation and what they are responsible for:
Supplemental Budget Request

<table>
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<tr>
<th>Sheriff</th>
<th>Administration</th>
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*Status:* Pending

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<tbody>
<tr>
<td>1501</td>
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<td>2940</td>
<td>Dawn Pierce</td>
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</table>

6. **Funding Source:**

Operating Transfer In from the Whatcom County Health Department Behavioral Health Fund. See Whatcom County Health Department supplemental budget for corresponding Operating Transfer Out.
Supplemental Budget Request

Status: Pending

Administrative Services

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<td>M Caldwell</td>
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Expenditure Type: One-Time

Year 1 2013

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Arbitration Settlement on Roof Project

Department Head Signature (Required on Hard Copy Submission) Date: 3/28/13

1a. Description of request:

Establish budget authority to move an arbitration award from the Tort Fund to the project cost center where the rest of the project was funded from.

1b. Primary customers:

N/A

2. Problem to be solved:

Whatcom County and Mike's Roofing went to arbitration concerning a dispute over removal and replacement of insulation on the 2012 2nd Floor Courthouse/Rotunda roof project. The arbitrator found that removal and replacement of insulation at the roof was not within the scope of the contract and found in favor of Mike's Roofing. The award for materials and labor has been paid out of the Tort Fund. Since the amounts paid are part of the roof project, this supplemental requests budget authority so it can be moved to the Public Utilities Improvement Fund where the rest of the project was paid from.

3a. Options / Advantages:

No other options - contract specified arbitration as the method to settle disputes and Whatcom County is following the contract.

3b. Cost savings:

None

4a. Outcomes:

Tort Fund will be reimbursed upon approval of the supplemental.

4b. Measures:

Fund adjustment will be entered in the accounting system and will move payment from Tort to Public Utilities Improvement Fund.

5a. Other Departments/Agencies:

Adjustment will be between Administrative Services and Tort which is managed by the Prosecuting Attorneys Office. Tort Fund will be made whole.

5b. Name the person in charge of implementation and what they are responsible for:

N/A

6. Funding Source:

Public Utilities Improvement Fund fund balance (EDI Fund)
In re the Arbitration between:

Mike's Roofing, Inc.

and

Whatcom County

ARBITRATION AWARD

Pursuant to the March 19, 2013 written arbitration agreement of the parties designated above, arbitration was held before arbitrator selected by the parties, Mr. Kerry C. Lawrence. A copy of the arbitration agreement is attached hereto. The hearing was held March 19, 2013, and was closed at the conclusion of the hearing on March 19, 2013.

As arbitrator, I find that removal and replacement of insulation at the roof was not within the scope of the contract entered into between the parties. For that reason, I find in favor of Mike's Roofing, Inc. as follows.

Materials (including markup for overhead and profit - liquidated amount) $26,192.83
Labor (including markup for overhead and profit - not liquidated) $14,400.00
Additional bond premium on the above two amounts (3%) $1,217.78

Subtotal $41,810.61
Washington State Sales Tax (8.5% of the above amounts): $3,553.90
Interest on the liquidated material amount (10/30/2012-03/20/2013) $1,220.58

Total: $46,685.09

In addition to the above amounts, simple interest at the rate of 12% per annum shall accrue beginning March 21, 2013 on the liquidated amount for materials only ($26,192.83), until paid. All other sums shall NOT bear interest.

The charges of the arbitrator totaled $3875, but all amounts in excess of $3000 are waived. The $3000 in arbitrator compensation shall be shared equally. The parties each deposited in advance $1500 into the trust account of Schlemlein, Goetz, Fick & Scruggs PLLC, and those funds will be disbursed to Schlemlein, Goetz, Fick & Scruggs in ten days.

Signed this 21st day of March, 2013 at Seattle, WA

Kerry C. Lawrence

BATCH # 485109
VOUCHER # 1444904
507200.7120.902
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<thead>
<tr>
<th>Initial</th>
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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
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<td>4/09/2013</td>
<td>04/23/2013</td>
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Division Head:

Dept. Head:

Prosecutor:

Purchasing/Budget:

Executive:

TITLE OF DOCUMENT: Flood Control Zone District 2013 Supplemental Budget Request #1

ATTACHMENTS: Resolution, Memoranda and Budget Modification Requests

SEPA review required? ( ) Yes ( x ) NO
SEPA review completed? ( ) Yes ( x ) NO
Should Clerk schedule a hearing? ( ) Yes ( x ) NO

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #1 requests funding from the Flood Control Zone District Fund:

1. To appropriate $1,124,550 to provide additional funding for Phase 2 of the Canyon Creek Integrated Fish and Flood Project.

COMMITTEE ACTION: 

BOARD OF SUPERVISORS ACTION:
4/09/2013: Introduced

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION NO. __________
(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 1 OF THE 2013 BUDGET

WHEREAS, the 2013 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 20, 2012; and,

WHEREAS, changing circumstances require modifications to the approved 2013 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2013 budget as approved in Resolution 2012-035 is hereby amended by adding the following additional amounts to the budgets included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>1,124,550</td>
<td>(489,550)</td>
<td>635,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of __________________, 2013

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Kathy Kershner, Chair of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]
Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #1</th>
<th>Expenditures</th>
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<td>Flood Control Zone District</td>
<td>1,124,550</td>
<td>(489,550)</td>
<td>635,000</td>
</tr>
<tr>
<td>To provide additional funding for Canyon Creek Phase 2 Construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>1,124,550</td>
<td>(489,550)</td>
<td>635,000</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Frank M. Abart, Public Works Director

FROM: Paula J. Cooper, River and Flood Manager
       Chris Brueske, Assistant Director

RE: FCZD 2013 Supplemental Budget Request – Canyon Creek Integrated Fish and Flood Project

DATE: March 20, 2013

The attached Supplemental Budget Request (ID# 1491) is proposed to provide additional funding for the Canyon Creek Integrated Fish and Flood Project, based on the engineer's estimate for the final project design. At their March 14, 2013 meeting, the FCZD Advisory Committee unanimously supported a recommendation to approve the supplemental budget request.

The proposed supplement to the 2013 FCZD budget will:

- Increase revenues associated with federal and state funding for salmon recovery by $489,550
- Increase budgeted expenditures by $1,124,550
- Impact the 2013 FCZD budget by a net increase of $635,000

Please contact Paula Cooper at extension 50625, if you have any questions or concerns regarding the terms of this supplemental budget request.

Encl
1a. Description of request:
The Canyon Creek integrated fish and flood project will improve fish habitat and reduce flood risk in an area that has historically supported up to half the documented spring Chinook spawning for the North Fork. Debris floods in 1989 and 1990 destroyed four houses and a portion of a County road, prompting construction of a levee in the middle of the active alluvial fan. The levee constricts the area available for storing and conveying floodwaters and debris, degrading habitat and increasing flow velocities. The project proposed for 2013 construction includes setting back the rock armor on the face of the existing levee to the edge of the active fan, removing the levee and constructing eleven engineered log jams.

1b. Primary customers:
This project will reduce risk to the Glacier Springs subdivision and the Mount Baker Highway, benefiting the local community and the travelling public. The improvements to fish habitat will benefit the general public.

2. Problem to be solved:
The existing levee constricts the area available to store and convey water and debris, resulting in increased velocities and impeding natural stream processes. This has degraded fish habitat on a stream that supports several salmon species including those listed as threatened under the Endangered Species Act. The armor rock on the existing levee is not large enough to withstand events of similar magnitude as the 1989 and 1990 events and provides a false sense of security to Glacier Springs residents. Failure of the existing levee could potentially increase damages in areas of the fan.

3a. Options / Advantages:
In 2000, an alternatives analysis was conducted to evaluate options to address the problem. Alternatives analyzed include repairing the existing levee, setting the levee back and purchasing high risk areas of the fan. Setting the levee back was identified as the alternative that would result in the greatest reduction in risk but also was the most expensive. At that time the FCZD Advisory Committee and the Board of Supervisors supported a project to acquire the highest risk properties on the fan. Since then, the key properties along the fan margin have been acquired, providing the land needed to implement the levee setback alternative. Restoration of lower Canyon Creek was identified in the WRIA #1 Salmon Recovery Plan, making it a high priority for grant funding.

The proposed project will provide the highest level of risk reduction and improvements to fish habitat.

3b. Cost savings:
Setting back the levee will reduce the potential and frequency for repairs to the flood protection and reduce the potential for damages.
4a. Outcomes:
   The project will be constructed in 2013 and will include setting back the armor, removing the levee and constructing 11 engineered log jams. This will provide more area to store and convey flood waters and debris, reducing flood risk and enabling natural stream processes. The log jams will provide immediate habitat for salmon, including ESA-listed species, and help train normal stream flows away from the rock armor.

4b. Measures:
   The project includes a monitoring component to evaluate the quantity and quality of instream and riparian habitat created by the project and by the stream as it migrates across the fan. Monitoring of the setback revetment will be included in this to ensure the integrity of the structure is not compromised.

5a. Other Departments/Agencies:
   This request will not directly impact other departments. While the project will reduce risk on the fan, it will not eliminate all risk. Residents in the adjacent community will still need to comply with the Critical Areas Ordinance as alluvial fans are geologically hazardous areas.

5b. Name the person in charge of implementation and what they are responsible for:
   N/A

6. Funding Source:
   The funding source for this request includes the following:

   2013 approved budget:
   - NOAA/RCO grant: $973,750
   - FCZD fund: $1,302,020

   Supplemental budget request:
   - RCO grant amendment: $292,248
   - NOAA/PSP grant: $197,302
   - Additional FCZD fund: $635,000
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<thead>
<tr>
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</table>

**TITLE OF DOCUMENT:** Documents to support a loan for the Cornwall Housing Project.

**ATTACHMENTS:**
1. Memo
2. Info Sheet
3. Two copies of Loan Agreement/Promissory Note/Restrictive Covenant/Leasehold Deed of Trust

**SEPA review required?** ( ) Yes ( X ) NO
**SEPA review completed?** ( ) Yes ( X ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The purpose of this loan is to support the development of a permanent supportive housing rental complex on the 1100 block of Cornwall Avenue. This loan will ensure that a portion (22 units) of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. During the 40 year term of the loan, a program of on-site case management and behavioral health services will support the recovery efforts of the residents living in the 22 units dedicated to formerly homeless individuals.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
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<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers</th>
<th>Ordinance or Resolution Number</th>
</tr>
</thead>
</table>

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
Enclosed are two (2) originals of a loan agreement and supporting documents between Cornwall Housing LLC and Whatcom County for your review and signature.

- **Background and Purpose**
  On June 19, 2012, County Council voted to commit $550,000 for the Catholic Housing Services Cornwall Permanent Supportive Housing Project. Since that time CHS has reduced their request for participation in this project to $300,000. In addition, instead of a grant, this funding will be provided as a long term loan. The project has broad community support from the City of Bellingham, the Whatcom Housing Advisory Committee, and the Whatcom County Coalition to End Homelessness. The Behavioral Health Revenue Advisory Committee (BHRAC) also recommended that a portion of the Chemical Dependency/Mental Health Program Fund be utilized to support this project. This local support allows Catholic Housing Services to secure the bulk of the funding for the $9 million project from the Washington State Housing Trust Fund and Low Income Housing Tax Credit investments.

  This loan will be used to pay construction-related fees associated with the project. This agreement will ensure that a portion (22 units) of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. During the 40 year term of the loan, a program of on-site case management and behavioral health services will support the recovery efforts of the residents living in the 22 units dedicated to formerly homeless individuals.

- **Funding Amount and Source**
  The Chemical Dependency/Mental Health Program Fund is the source for the $300,000 loan to Cornwall Housing LLC. These funds are included in the Health Department's May supplemental budget request. This agreement requires Council approval because it is a commitment of over $15,000 in County funds. An agenda bill is attached.

- **Differences from Previous Contract**
  This is a new agreement.

Please contact Anne Deacon at extension 50877, if you have any questions or concerns regarding the terms of this agreement.

Encl.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Health</th>
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<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Gail deHoog</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Catholic Housing Services (Cornwall Housing, LLC)</td>
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<thead>
<tr>
<th>Is this a New Contract?</th>
<th>Yes</th>
<th>No</th>
<th>Is not, is this an Amendment or Renewal to an Existing Contract?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Is this a grant agreement?  Yes | No | X |
If yes, grantor agency contract number(s) | CFDA number |

Is this contract grant funded?  Yes | No | X |
If yes, associated Whatcom County grant contract number(s) |

Is this the result of a RFP or Bid process?  Contract |
If yes, RFP and Bid number(s) | Cost Center: |

Is this contract excluded from E-Verify?  No | X |
If so, include Attachment D Contractor Declaration Form |

If yes, indicate qualified exclusion(s) below:
- Contract less than $100,000.
- Professional services agreement for certified/licensed professional
- Work is for less than 120 days
- Contract for Commercial off the shelf items (COTS)
- Interlocal Agreement (between Govt.)
- Public Works Dept. - Local Agency/Federally Funded FHWA

Contract Amount (sum of orig contract amt and any prior amendments) |
$300,000 |

This Amendment Amount: |
$

Total Amended Amount: |
$

Scope of Services: [Insert language from contract (Exhibit A) or summarize; expand space as necessary]

The purpose of this loan is to provide support for building a permanent supportive housing rental complex on the 1100 block of Cornwall Avenue. Loan funds will be used to pay construction-related fees associated with the project. This loan will ensure that 22 units of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. On-site behavioral health services will provide support to the recovery efforts of the residents living in the 22 units dedicated to individuals living with serious mental illness and/or addiction.

Term of Contract: 40 Years from Signing | Expiration Date: 12/31/2054 |

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]
1. Prepared by: | pj |
2. Attorney reviewed: | ELG |
3. AS Finance reviewed: | Schmeler |
4. IT reviewed if IT related: |
5. Corrections made: |
6. Attorney signoff: |
7. Contractor signed: \( \checkmark \) |
8. Submitted to Exec Office | \( \checkmark \) |
9. Council approved (if necessary): |
10. Executive signed: |
11. Contractor Original Returned to dept: |
12. County Original to Council: |
COUNTY ORIGINAL

LOAN AGREEMENT

Whatcom County Chemical Dependency/Mental Health Program Fund

Cornwall Housing

THIS LOAN AGREEMENT (this "Agreement") made as of ___________________________ 2013 and is by and between CORNWALL HOUSING LLC, a Washington limited liability company (the "Borrower"), and WHATCOM COUNTY, a municipal corporation and a political subdivision of the State of Washington (the "County").

PART I:  INTRODUCTION

A.  Sales and use taxes are collected in and for the County under authority of RCW 82.14.460 and Whatcom County Code 3.37.010 for the purpose of financing chemical dependency or mental health treatment programs and services in the County, and the proceeds are deposited in the Whatcom County Chemical Dependency/Mental Health Program Fund.

B.  State statute, RCW 82.14.460, referenced in County Code 3.37, allows for funding of housing when it is a "component of a coordinated chemical dependency or mental health treatment program or service".

C.  The Behavioral Health Revenue Advisory Committee (BHRAC) advises the County on program and service priorities that should be funded with the Chemical Dependency/Mental Health Program Fund. BHRAC has also recommended that a portion of this fund should be dedicated to housing support, recognizing that stable housing is essential to recovery.

D.  Borrower is the tenant under the Lease Agreement with Catholic Community Services of Western Washington, a Washington nonprofit corporation, as landlord ("CCS"), for the property located at 1100 Cornwall, Bellingham, Washington (the "Property"). Borrower intends to develop the Property to be permanent supportive housing for formerly homeless individuals and small families.

E.  Pursuant to the terms of this Agreement and the Promissory Note, Leasehold Deed of Trust, dated the same date as this Agreement, made by Borrower in favor of the County, the County has agreed to loan Borrower $300,000.00 (the "Loan"). The proceeds of the Loan will be applied solely to costs associated with investigating the Property, permitting, attorney fees, architectural fees, engineering fees, and other soft costs. None of the proceeds of the Loan shall be used for construction costs or expenses.

F.  As consideration for the Loan, the Borrower has agreed to comply with the Covenant (as defined below), which requires that twenty two (22) (the "County Units") of the 42 rental units in the Property will be dedicated to housing Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction. On-site residential support and/or counseling services will be available 24 hours daily/365 days per year to the residents of the
PART II: BASIC LOAN TERMS AND CONDITIONS

2.01 Amount, Interest and Maturity

A. The Loan is in the amount of Three Hundred Thousand and 00/100 Dollars ($300,000.00).

B. The entire balance of the Loan will be due on December 31, 2054 (the “Maturity Date”).

C. No interest will be charged on the Loan, except in the Event of Default (as defined in the Note and Covenant).

D. No payments will be due until the Maturity Date.

2.02 Security

A. Promissory Note and Deed of Trust

The Loan will be evidenced by a promissory note (the “Note”) and secured by a leasehold deed of trust in favor of the County (the “Deed of Trust”), which will encumber Borrower’s leasehold interest in the Property. The Deed of Trust shall be recorded in Whatcom County, Washington. The original Note shall be returned to the County.

B. Title Insurance

The Borrower shall purchase an extended coverage lender’s policy of title insurance insuring the lien position of the Deed of Trust in an amount not less than $300,000.

C. Covenant Running with the Land

The Borrower shall cause to be recorded a covenant running with the land (the “Covenant”) limiting the use of the Property as set forth in Section 2.03 below.

D. Cross Default

The County has not and will not cross default or cross collateralize the Loan made hereunder with any other loan or award.
2.03 **Target Population and Commitment Period**

The Borrower shall house Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction in the County Units. Borrower’s commitment to house Whatcom County residents who are struggling with homelessness due to mental illness and/or addiction in the County Units will commence on the date the Property is first occupied and end on December 31, 2054 (the “Commitment Period”).

All County Units will be considered “floating units”, meaning that units originally designated as County Units may change over time. During the Commitment Period, the number of County Units in the Project shall never be less than twenty-two (22) units.

The Borrower shall make available on-site residential support and/or counseling services to the residents of the County Units 24 hours daily/365 days per year. Upon the County’s reasonable prior request, the Borrower shall provide evidence to the County that such services or an agreement to provide such services is currently in place with an appropriate provider.

2.04 **Final Contract Close Out**

Upon the expiration of the Commitment Period and payment in full of the Note, the Deed of Trust recorded against the Borrower’s leasehold interest in the Property shall be reconveyed, the County shall mark the Note “Paid in Full” and return the same to the Borrower, and the parties shall terminate the Covenant by written agreement and record a copy of such termination in the Whatcom County real property records. This Agreement will automatically terminate upon the latest to occur of (a) the expiration of the Commitment Period, (b) the reconveyance of the Deed of Trust, or (c) the termination of the Covenant.

**PART III: PROGRAM TERMS AND CONDITIONS**

3.01 **Non-Recourse**

Notwithstanding anything to the contrary herein, the Borrower, its assigns and their respective members, partners, officers, directors, employees, agents and contractors shall have no personal liability for payment of the indebtedness evidenced by the Note or performance of the covenants set forth in the Note, in the Deed of Trust or in this Agreement, and the sole recourse of the County shall be confined to the exercise of its rights under the Deed of Trust.

3.02 **Insurance**

The County shall be specifically named as a lender loss payee on all policies, and all policies shall be primary to any other valid and collectable insurance.

3.03 **Nondiscrimination**
The Borrower shall make the Project facilities available to the public in a manner that assures fair, equal, and non-discriminatory treatment to all persons without regard to race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability. No personnel shall be refused service, be given discriminatory treatment, be denied any privilege, use of facilities, or participation in activities on account of race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability, nor shall any person be required to participate in any religious worship, exercise, or instruction. The funds provided under this Agreement shall not be used to fund religious worship, exercise, or instruction.

PART IV: MISCELLANEOUS

4.01 Construction

All terms and provisions in this Agreement, as well as the attachments, shall be construed in accordance with their ordinary and customary meaning.

4.02 Entire Agreement

This Agreement, the Note, the Covenant, and the Deed of Trust represent all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

4.03 Conformance

If any provision of this Agreement violates any statute or rule of law of the State of Washington, it is considered modified to conform to that statute or rule of law.

4.04 Assignment

The Borrower shall not assign its rights or obligations under this Agreement, the Note, the Deed of Trust, or the Covenant (collectively, the “Loan Documents”) without the County’s prior written consent. The County hereby consents to the Borrower’s assignment of all of its rights under the Loan Documents to the Archdiocesan Housing Authority, a Washington nonprofit corporation (“AHA”), or CCS or a nonprofit affiliate of either AHA or CCS provided that such assignee assumes all of Borrower’s obligations under the Loan Documents.

4.05 Notice

All notices given hereunder shall be in writing, shall be hand delivered or sent by overnight courier or by certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Borrower: Cornwall Housing LLC
c/o Catholic Housing Services of Western Washington
100 23rd Avenue South,
Seattle, WA, 98122

If to the County: Whatcom County Health Department
Business Office
509 Girard Street
Bellingham, WA 98225

Any such notice shall be deemed effective when hand delivered, or one day after timely delivery to an overnight courier for next day delivery (as evidenced by a receipt from the overnight courier), or three days after notice is deposited with the U.S. Postal Service.

[Signatures on Following Page]
This Loan Agreement is executed by the persons signing below who warrant that they have the authority to execute this Loan Agreement on the day and year first written above.

BORROWER:

CORNWALL HOUSING LLC,
a Washington limited liability company

By: Archdiocesan Housing Authority, a Washington nonprofit corporation, dba Catholic Housing Services of Western Washington, its managing member

By: 

John Hickman, Vice President

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that John Hickman is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Archdiocesan Housing Authority dba Catholic Housing Services of Western Washington, in its capacity as the managing member of Cornwall Housing LLC, to be the free and voluntary act and deed of such company for the uses and purposes mentioned in the instrument.

Date: April 5, 2013

Laurie C. Carter
Notary Public in and for the state of Washington, residing at Seattle, WA

My commission expires 1/8/2015

Laurie C. Carter
Print Name
COUNTY:

DEPARTMENT APPROVAL

Anne Deacon, Human Services Manager

Regina Delahun, Director, Health Department

4/8/13

4/9/13

WHATCOM COUNTY

JACK LOUWS
County Executive

STATE OF WASHINGTON )
)
COUNTY OF WHATCOM )

On this ______ day of __________________, 2013, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for
the State of Washington,
residing at Bellingham.

My Commission expires: _____________

APPROVED AS TO FORM

Elizabeth L. Gallery, Deputy Prosecuting Attorney

Date 4/10/13

Loan Agreement 7
LOAN AGREEMENT

Whatcom County Chemical Dependency/Mental Health Program Fund

Cornwall Housing

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B. State statute, RCW 82.14.460, referenced in County Code 3.37, allows for funding of housing when it is a “component of a coordinated chemical dependency or mental health treatment program or service”.

C. The Behavioral Health Revenue Advisory Committee (BHRAC) advises the County on program and service priorities that should be funded with the Chemical Dependency/Mental Health Program Fund. BHRAC has also recommended that a portion of this fund should be dedicated to housing support, recognizing that stable housing is essential to recovery.

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F. As consideration for the Loan, the Borrower has agreed to comply with the Covenant (as defined below), which requires that twenty two (22) (the “County Units”) of the 42 rental units in the Property will be dedicated to housing Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction. On-site residential support and/or counseling services will be available 24 hours daily/365 days per year to the residents of the
County Units. These services will provide residential behavioral health programming focused on promoting the recovery efforts of the residents of the County Units. The County Units must be used to house Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction in a coordinated chemical dependency or mental health treatment program for the Commitment Period (as defined below).

PART II: BASIC LOAN TERMS AND CONDITIONS

2.01 Amount, Interest and Maturity

A. The Loan is in the amount of Three Hundred Thousand and 00/100 Dollars ($300,000.00).

B. The entire balance of the Loan will be due on December 31, 2054 (the “Maturity Date”).

C. No interest will be charged on the Loan, except in the Event of Default (as defined in the Note and Covenant).

D. No payments will be due until the Maturity Date.

2.02 Security

A. Promissory Note and Deed of Trust

The Loan will be evidenced by a promissory note (the “Note”) and secured by a leasehold deed of trust in favor of the County (the “Deed of Trust”), which will encumber Borrower’s leasehold interest in the Property. The Deed of Trust shall be recorded in Whatcom County, Washington. The original Note shall be returned to the County.

B. Title Insurance

The Borrower shall purchase an extended coverage lender’s policy of title insurance insuring the lien position of the Deed of Trust in an amount not less than $300,000.

C. Covenant Running with the Land

The Borrower shall cause to be recorded a covenant running with the land (the “Covenant”) limiting the use of the Property as set forth in Section 2.03 below.

D. Cross Default

The County has not and will not cross default or cross collateralize the Loan made hereunder with any other loan or award.
2.03 Target Population and Commitment Period

The Borrower shall house Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction in the County Units. Borrower’s commitment to house Whatcom County residents who are struggling with homelessness due to mental illness and/or addiction in the County Units will commence on the date the Property is first occupied and end on December 31, 2054 (the “Commitment Period”).

All County Units will be considered “floating units”, meaning that units originally designated as County Units may change over time. During the Commitment Period, the number of County Units in the Project shall never be less than twenty-two (22) units.

The Borrower shall make available on-site residential support and/or counseling services to the residents of the County Units 24 hours daily/365 days per year. Upon the County’s reasonable prior request, the Borrower shall provide evidence to the County that such services or an agreement to provide such services is currently in place with an appropriate provider.

2.04 Final Contract Close Out

Upon the expiration of the Commitment Period and payment in full of the Note, the Deed of Trust recorded against the Borrower’s leasehold interest in the Property shall be reconveyed, the County shall mark the Note “Paid in Full” and return the same to the Borrower, and the parties shall terminate the Covenant by written agreement and record a copy of such termination in the Whatcom County real property records. This Agreement will automatically terminate upon the latest to occur of (a) the expiration of the Commitment Period, (b) the reconveyance of the Deed of Trust, or (c) the termination of the Covenant.

PART III: PROGRAM TERMS AND CONDITIONS

3.01 Non-Recourse

Notwithstanding anything to the contrary herein, the Borrower, its assigns and their respective members, partners, officers, directors, employees, agents and contractors shall have no personal liability for payment of the indebtedness evidenced by the Note or performance of the covenants set forth in the Note, in the Deed of Trust or in this Agreement, and the sole recourse of the County shall be confined to the exercise of its rights under the Deed of Trust.

3.02 Insurance

The County shall be specifically named as a lender loss payee on all policies, and all policies shall be primary to any other valid and collectable insurance.

3.03 Nondiscrimination
The Borrower shall make the Project facilities available to the public in a manner that assures fair, equal, and non-discriminatory treatment to all persons without regard to race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability. No personnel shall be refused service, be given discriminatory treatment, be denied any privilege, use of facilities, or participation in activities on account of race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability, nor shall any person be required to participate in any religious worship, exercise, or instruction. The funds provided under this Agreement shall not be used to fund religious worship, exercise, or instruction.

PART IV: MISCELLANEOUS

4.01 Construction

All terms and provisions in this Agreement, as well as the attachments, shall be construed in accordance with their ordinary and customary meaning.

4.02 Entire Agreement

This Agreement, the Note, the Covenant, and the Deed of Trust represent all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

4.03 Conformance

If any provision of this Agreement violates any statute or rule of law of the State of Washington, it is considered modified to conform to that statute or rule of law.

4.04 Assignment

The Borrower shall not assign its rights or obligations under this Agreement, the Note, the Deed of Trust, or the Covenant (collectively, the “Loan Documents”) without the County’s prior written consent. The County hereby consents to the Borrower’s assignment of all of its rights under the Loan Documents to the Archdiocesan Housing Authority, a Washington nonprofit corporation (“AHA”), or CCS or a nonprofit affiliate of either AHA or CCS provided that such assignee assumes all of Borrower’s obligations under the Loan Documents.

4.05 Notice

All notices given hereunder shall be in writing, shall be hand delivered or sent by overnight courier or by certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Borrower: Cornwall Housing LLC
c/o Catholic Housing Services of Western Washington
100 23rd Avenue South,
Seattle, WA, 98122

If to the County: Whatcom County Health Department
Business Office
509 Girard Street
Bellingham, WA 98225

Any such notice shall be deemed effective when hand delivered, or one day after timely delivery to an overnight courier for next day delivery (as evidenced by a receipt from the overnight courier), or three days after notice is deposited with the U.S. Postal Service.

[Signatures on Following Page]
This Loan Agreement is executed by the persons signing below who warrant that they have the authority to execute this Loan Agreement on the day and year first written above.

BORROWER:

CORNWALL HOUSING LLC,
a Washington limited liability company

By: Archdiocesan Housing Authority, a Washington nonprofit corporation, dba Catholic Housing Services of Western Washington, its managing member

By: [Signature]
John Hickman, Vice President

STATE OF WASHINGTON )
COUNTY OF King ) ss.

I certify that I know or have satisfactory evidence that John Hickman is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Archdiocesan Housing Authority dba Catholic Housing Services of Western Washington, in its capacity as the managing member of Cornwall Housing LLC, to be the free and voluntary act and deed of such company for the uses and purposes mentioned in the instrument.

Date: [April 5, 2013]

[Signature]
Laurie C. Carter
Notary Public in and for the state of Washington, residing at Seattle

My commission expires [January 8, 2015]
COUNTY:

DEPARTMENT APPROVAL

Anne Deacon, Human Services Manager 4/8/13

Regina Delahunt, Director, Health Department 4/9/13

WHATCOM COUNTY

JACK LOUWS
County Executive

STATE OF WASHINGTON )
COUNTY OF WHATCOM )

On this _______ day of ______________, 2013, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham.

My Commission expires____________________

APPROVED AS TO FORM

Elizabeth L. Gallery, Deputy Prosecuting Attorney 4/10/13
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td></td>
<td>Pj</td>
<td>1/31/13</td>
<td></td>
<td>4/23/13</td>
<td>Finance</td>
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</table>

Division Head:        4/10/13

Dept. Head:           4/8/13

Prosecutor:           4/15/13

Purchasing/Budget:    4/4/2013

Executive:            4/15/13

TITLE OF DOCUMENT:
Contract between Whatcom County and the Opportunity Council for Care Navigation Services for families of special needs children and youth.

ATTACHMENTS:
1. Agenda bill
2. Memo to Executive
3. 2 copies of contract

SEPA review required? ( ) Yes (x) No
SEPA review completed? ( ) Yes (x) No

Should Clerk schedule a hearing? ( ) Yes (x) No
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The purpose of this contract is to provide referral and connection to services families of children and youth ages 3-21 with developmental disabilities, delays and other special health care needs. This contract assumes seamless coordination with the State designated Local Lead Agency (LLA) responsible for the coordination of services for children ages birth to 36 months.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
TO: Jack Louws, County Executive
FROM: Regina A. Delahunt
RE: Opportunity Council,
     Care Navigation for Children with Special Health Care Needs
DATE: April 9, 2013

Enclosed are two (2) originals of a contract between Opportunity Council and Whatcom County for your review and signature.

- **Background and Purpose**
  The purpose of this contract is to provide referral and connection to services for families and professionals seeking resources for children and youth ages 3-21 with suspected developmental disabilities and delays. This service expands on an existing screening and referral line currently operated by the Opportunity Council for children ages birth to three. This contract is proposed as a sole source contract because the single point of access for all ages is essential for coordination. The Opportunity Council is Whatcom County’s Local Lead Agency (LLA) for services to eligible children with developmental disabilities and delays birth to 3 under the federal Individuals with Disabilities Education Act (IDEA) Part C.

- **Funding Amount and Source**
  Funding for this contract, in the amount of $40,000, is from local DD millage. Council approval is required because this is a new contract for services in excess of $15,000. An agenda bill is attached. Funding for this contract is included in the 2013-14 budget.

- **Differences from Previous Contract**
  This is a new contract.

Please contact Jessica Lee at extension 32014, if you have any questions or concerns regarding the terms of this agreement.
<table>
<thead>
<tr>
<th><strong>WHATCOM COUNTY CONTRACT INFORMATION SHEET</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Originating Department:</strong></td>
</tr>
<tr>
<td><strong>Contract Administrator:</strong></td>
</tr>
<tr>
<td><strong>Contractor’s / Agency Name:</strong></td>
</tr>
</tbody>
</table>

| **Is this a New Contract?** | Yes X No |
| **Is this a grant agreement?** | Yes No X |
| **Is this contract grant funded?** | Yes No X |
| **Is this the result of a RFP or Bid process?** | Yes No X |
| **Is this contract excluded from E-Verify? No** | Yes X |

- **Contract Amount:** (sum of orig contract amount and any prior amendments) $40,000
- **This Amendment Amount:** $10,000
- **Total Amended Amount:** $50,000

**Scope of Services:** [Insert language from contract (Exhibit A) or summarize; expand space as necessary]

The purpose of this contract is to provide referral and connection to services for families and professionals seeking resources for children and youth aged 3-21 with suspected developmental disabilities and delays.

**Term of Contract:** 5/01/13 – 12/31/2014
**Expiration Date:** 12/31/14

<table>
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<tr>
<th><strong>Contract Routing Steps &amp; Signoff:</strong></th>
<th>[sign or initial]</th>
<th>[indicate date transmitted]</th>
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</thead>
<tbody>
<tr>
<td>1. Prepared by:</td>
<td>pj</td>
<td>Date 3/15/13 [electronic]</td>
</tr>
<tr>
<td>2. Attorney reviewed:</td>
<td>ELG</td>
<td>Date 4/12/13 [electronic]</td>
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<tr>
<td>3. AS Finance reviewed:</td>
<td>mdc</td>
<td>Date 4/4/2013 [electronic]</td>
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<tr>
<td>4. IT reviewed if IT related</td>
<td></td>
<td></td>
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<tr>
<td>5. Corrections made:</td>
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<td>6. Attorney signoff:</td>
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<tr>
<td>7. Contractor signed:</td>
<td>✓</td>
<td>Date 4/10/13</td>
</tr>
<tr>
<td>8. Submitted to Exec Office</td>
<td>✓</td>
<td>Date 4/16/13 [summary via electronic; hardcopies]</td>
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<tr>
<td>9. Reviewed by DCA</td>
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<td>10. Council approved (if necessary)</td>
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<td>11. Executive signed:</td>
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<tr>
<td>12. Contractor Original Returned to dept;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. County Original to Council</td>
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</tr>
</tbody>
</table>
COUNTY ORIGINAL

CONTRACT FOR SERVICES AGREEMENT
Single Entry Access to Services

Opportunity Council, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 8
Exhibit A (Scope of Work), pp. 9 to 11
Exhibit B (Compensation), pp. 12 to 13
Exhibit C (Certificate of Insurance), p 14.

Copies of these items are attached hereto and incorporated herein by this reference as if fully set forth herein.

The term of this Agreement shall commence on the 1st day of May, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2014.

The general purpose or objective of this Agreement is to provide referral and connection to services for children and youth with suspected disabilities or delays, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $40,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this 10th day of April, 2013.

CONTRACTOR:

Opportunity Council

[Signature]
David Finet, Executive Director

STATE OF WASHINGTON
COUNTY OF Whatcom ss.

On this 10th day of April, 2013, before me personally appeared David Finet to me known to be the Executive Director of the Opportunity Council and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at

CONTRACTOR INFORMATION:

Opportunity Council
1111-Cornwall Avenue
Bellingham, WA 98225
Contact Name: David Finet, Executive Director
Contact Phone: (360) 734-5121
Contact FAX: (360) 676-2142
Contact Email: dave_finet@oppcoc.org

HL_050113_Opportunity_Council_SEAS
WHATCOM COUNTY:
Recommended for Approval:

Anne Deacon, Human Services Manager 4/10/13
Date

Regina A. Delahunt, Department Director 4/10/13
Date

Approved as to form:

Elizabeth Gallery, Prosecuting Attorney 4/12/13
Date

Approved:
Accepted for Whatcom County:

By: ____________________________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

On this _____ day of ________________________, 2013, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at
________________________________________. My commission expires ___________________.
GENERAL CONDITIONS

Series 30-39: Provisions Related to Administration of Agreement

0.1 Scope of Services:
The Contractor agrees to provide to the County services and any materials as set forth in the project narrative identified as Exhibit "A", during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties.

10.2 Extension:
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year, and for a total of no longer than three years.

11.1 Termination for Default:
If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. Termination shall be effective upon Contractor's receipt of the written notice, or within three (3) days of the mailing of the notice, whichever occurs first. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract until all work called for has been fully performed. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

11.2 Termination for Reduction in Funding:
In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement as to the funds withdrawn, reduced, or limited, notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience:
The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion, that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or incomplete work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate
documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1 Taxes:
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes, including, but not limited to, Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

22.1 Withholding Payment:
In the event the County's Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to the Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

23.1 Labor Standards:
The Contractor agrees to comply with all applicable state and federal requirements, including but not limited to those pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

Series 30-39: Provisions Related to Administration of Agreement

30.1 Independent Contractor:
The Contractor's services shall be furnished by the Contractor as an independent contractor, and nothing herein contained shall be construed to create a relationship of employer-employee or master-servant, but all payments made hereunder and all services performed shall be made and performed pursuant to this Agreement by the Contractor as an independent contractor.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

30.2 Assignment and Subcontracting:
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

30.3 **No Guarantee of Employment:**
The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.2 **Patent/Copyright Infringement:** Not Applicable

32.1 **Confidentiality:**
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys’ fees and costs resulting from Contractor’s breach of this provision.

33.1 **Right to Review:**
This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor’s Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.

34.1 **Proof of Insurance:**
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:

- Property Damage per occurrence - $500,000.00 (this amount may vary with circumstances)
- General Liability & Property Damage for bodily injury - $1,000,000.00 (this amount may vary with circumstances)

A Certificate of insurance, that also identifies the County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.

a. **Professional Liability - $1,000,000 per occurrence:**
If the professional liability insurance is a claims made policy, and should the contractor discontinue coverage either during the term of this contract or within three years of completion, the contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.

34.2 **Industrial Insurance Waiver:** Not Applicable

34.3 **Defense & Indemnity Agreement:**
The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys’ fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.
It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

35.1 Non-Discrimination in Employment:
The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontracts for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services:
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her rights to receive any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition: Not Applicable

36.2 Conflict of Interest:
If at any time prior to commencement of, or during the term of this Agreement, Contractor or any of its employees involved in the performance of this Agreement shall have or develop an interest in the subject matter of this Agreement that is potentially in conflict with the County's interest, then Contractor shall immediately notify the County of the same. The notification of the County shall be made with sufficient specificity to enable the County to make an informed judgment as to whether or not the County's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, the County may require the Contractor to take reasonable steps to remove the conflict of interest. The County may also terminate this contract according to the provisions herein for termination.

37.1 Administration of Contract:
This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The Contractor also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.

The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County's representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County's right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Jessica Lee, Developmental Disabilities Program Specialist
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98225
(360) 676-6724 ext.#32014
jlee@co.whatcom.wa.us
37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County's Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

38.1 Certification of Public Works Contractor's Status under State Law: Not Applicable

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions: Not Applicable

38.3 E-Verify: Not Applicable

Series 40-49: Provisions Related to Interpretation of Agreement and Resolution of Disputes

40.1 Modifications:
Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

40.2 Contractor Commitments, Warranties and Representations: Not Applicable

41.1 Severability:
If any term or condition of the contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

41.2 Waiver:
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument in writing, signed by the parties hereof. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 Disputes:

a. General:
Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:
The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

b. Detailed Claim:
The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.
d. **Arbitration:**
Other than claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinabove, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, including expenses, costs and attorney fees to the prevailing party and pre-award interest, but shall not have the power to award punitive damages. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

Unless otherwise specified herein, this Agreement shall be governed by the laws of Whatcom County and the State of Washington.

43.1 **Venue and Choice of Law:**
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

44.1 **Survival:**
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.1, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

45.1 **Entire Agreement:**
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
EXHIBIT “A”
SCOPE OF WORK

I. Background
Developmental disabilities are conditions which result in physical, learning, language, or behavioral impairment and occur before the age of 18. According to the Centers for Disease Control (CDC) about one in six children in the U.S. have one or more developmental disabilities or other developmental delays.

The Opportunity Council is Whatcom County’s Local Lead Agency (LLA) for services to eligible children with developmental disabilities and delays birth to 3 under the federal Individuals with Disabilities Education Act (IDEA) Part C.

In partnership with a local coalition of health and social service providers, the Opportunity Council (OC) has agreed to pilot an expanded referral line to include children and youth ages 3 to 21 with suspected disabilities and delays in addition to children birth to three screened for IDEA part C eligibility.

As recommended by the local coalition, this referral line is designed to address access to services from birth to 21 is referred to as the “Single Entry Access to Services” (SEAS). More information on the local coalition and its membership is available at the following:

II. Purpose
The purpose of this contract is to expand the referral and care navigation services currently offered to families and professionals seeking resources for children and youth ages 0 to 3 to include the same services for those seeking assistance with children and youth up to age 21.

III. Statement of Work

1. Accept referrals for children and youth ages 3-21 received through the existing “Single Entry Access to Services” (SEAS) phone and fax lines. Phone and fax numbers should remain unchanged over the contract period, and be publicly advertised in collaboration with community partners.

2. Provide Care Navigation: Care navigation ensures the effective and timely connection of families of children and youth with possible developmental disabilities and delays to health and social services. Care navigation is a service provided primarily by phone, with in person accommodation available when requested by the family. Care navigation activities include:
   - Assisting families to complete referral paperwork
   - Assisting families to understand the resources available to them
   - Providing referral and assistance to connect families to community resources for which they may be eligible
   - Providing brief screening and assessment of the family's needs to determine appropriate referral
   - Accepting referrals from health and social service providers
• Assisting families to coordinate care for their child amongst multiple health and social service providers

• Following up with families and referral sources as appropriate to ensure necessary connections are made

• Connecting families with financial resources for which they may be eligible (Medicaid, SSI, DDD)

• Coordinating with other community providers

• Providing families with developmental information when requested or desired

IV. Program Requirements

1. Ensure that qualified staff are available to respond to referrals and provide care navigation. Desired qualifications include:
   • A bachelor's degree in human services (or related discipline) or a minimum of 2 years experience working with families of children with disabilities or special health care needs
   • An understanding of the local social and health services systems
   • A background in child development
   • The ability to communicate effectively
   • Experience working with people from various cultural, socioeconomic and educational backgrounds.

2. Ensure that personnel staffing the SEAS line have a cleared background check through one of the following: Washington State Patrol, DSHS Background Check unit, or the Department of Early Learning.

3. Ensure that all calls made to the SEAS line are responded to promptly, within 2 business days.

4. Notify the County in the event of a change in personnel or in the hours that the referral line is available to the public.

5. Ensure ongoing assessment and quality improvement of referral tools, procedures and activities in collaboration with the Health Department and other community stakeholders.

6. Meet with the Whatcom County Health Department as requested to ensure continuity and quality of services.

7. Ensure that referral and resource information is reviewed regularly and updated for accuracy.

8. Maintain documentation of calls and faxed referrals received including referral source, age of child, primary concern, linkages and follow-up identified.

9. Develop and implement procedures for follow-up in collaboration with the Health Department.

10. Work with the Health Department, as a representative of the "Whatcom Taking Action" group to identify and implement outreach activities during the contract period.

11. Develop a plan, in collaboration with the Health Department and other community stakeholders to assess and evaluate the effectiveness of the referral line and care navigation activities in achieving
the desired outcomes during the contract period. The plan, including timelines for implementation, must be completed July 1, 2013.

V. Role of the Health Department

The Whatcom County Health Department agrees to provide consultation to the contractor regarding the 0-21 population of children with special health care needs and developmental disabilities and delays. The nature and extent of consultation services will be outlined in a memorandum of understanding (MOU) developed by the Community Health Division of the Health Department.

VI. Reporting Requirements:

1. Provide service data on a monthly basis in a format provided by the County. Data report will be submitted monthly with invoice for services.
EXHIBIT “B”
COMPENSATION

I. Budget and Source of Funding

The source of funding for this contract, in the amount not to exceed $40,000, is DD Millage.

II. Budget Rates and/or Allowable Costs

The 20-month budget for this cost reimbursement contract is as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Estimated Unit rate</th>
<th>Invoice Documentation</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care Navigator</td>
<td>$24.44/hr</td>
<td>General Ledger Detail</td>
<td>$28,300</td>
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<tr>
<td>Supervisor</td>
<td>$28.67/hr</td>
<td>General Ledger Detail</td>
<td>$7,256</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<td><strong>$35,556</strong></td>
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<tr>
<td>Indirect administration</td>
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<td>$4,444</td>
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<tr>
<td><strong>Total Budget</strong></td>
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<td></td>
<td><strong>$40,000</strong></td>
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</tbody>
</table>

Funding may be redistributed between line items, with written authorization from the County, however, indirect administration will not exceed 12.5% of direct expenses. Funding is limited to $20,000 per calendar year.

III. Invoicing

1. Monthly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include documentation listed in budget table above as well as service report described in Exhibit A Section VII.

2. The Contractor shall submit invoices to (include contract/PO #):

   Attention: Business Office
   Whatcom County Health Department
   509 Girard Street
   Bellingham, WA 98225

3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.

4. Invoices must include the following statement, with an authorized signature and date:

   I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.

5. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform
or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.
Non Profit Insurance Program

CERTIFICATE OF INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONVEYS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain coverage may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
Canfield
451 Diamond Drive
Ephrata, WA 98823

**INSURED**
Opportunity Council, The
1111 Cornwall Avenue, Ste C
Bellingham, WA 98225

**COMPANIES AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>LIABILITY</th>
<th>COMPANY</th>
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<tr>
<td>GENERAL LIABILITY</td>
<td>American Alternative Insurance Corporation</td>
</tr>
<tr>
<td>AUTOMOBILE LIABILITY</td>
<td>American Alternative Insurance Corporation</td>
</tr>
<tr>
<td>PROPERTY</td>
<td>American Alternative Insurance Corporation</td>
</tr>
<tr>
<td>MISCELLANEOUS PROFESSIONAL LIABILITY</td>
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</tr>
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</table>

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE COVERAGE PERIOD INDICATED. NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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<th>TYPE OF INSURANCE</th>
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<th>POLICY EFF DATE</th>
<th>POLICY EXP DATE</th>
<th>DESCRIPTION</th>
<th>LIMITS</th>
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<td>OCCURRENCE FORM INCLUDS STOP GAP</td>
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<td>PRODUCT-COMP/OP</td>
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<td>PERSONAL &amp; ADV. INJURY</td>
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<td>ANNUAL POOL AGGREGATE</td>
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<td><strong>AUTOMOBILE LIABILITY</strong></td>
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<td><strong>COMBINED SINGLE LIMIT</strong></td>
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<td>ANY AUTO</td>
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<td>06/01/2012</td>
<td>06/01/2013</td>
<td>ANNUAL POOL AGGREGATE</td>
<td>NONE</td>
</tr>
<tr>
<td>(LIABILITY IS SUBJECT TO A $50,000 SIR PAYABLE FROM PROGRAM FUNDS)</td>
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<td></td>
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<td><strong>ANNUAL POOL AGGREGATE</strong></td>
<td>NONE</td>
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<td><strong>PROPERTY</strong></td>
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<td><strong>ALL RISK PER OCC EXCL EQ &amp; FL</strong></td>
<td>$50,000,000</td>
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<td>(PROPERTY IS SUBJECT TO A $50,000 SIR PAYABLE FROM PROGRAM FUNDS)</td>
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<td>NONE</td>
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<tr>
<td><strong>MISCELLANEOUS PROFESSIONAL LIABILITY</strong></td>
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<td></td>
<td></td>
<td><strong>PER CLAIM</strong></td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>ANNUAL POOL AGGREGATE</td>
<td>NONE</td>
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</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS**
Evidence of Insurance.

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**CERTIFICATE HOLDER**
Attn: Terry Hinz
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225

**AUTHORIZED REPRESENTATIVE**
Angela Eloff

2017013
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Division Head:</td>
<td>Chris Brueske</td>
<td>4/1/13</td>
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<td>4/23/13</td>
<td>Council</td>
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<tr>
<td>Dept. Head</td>
<td>Frank Abart</td>
<td>4/1/2013</td>
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<tr>
<td>Prosecutor:</td>
<td>Dan Gibson</td>
<td>02/25/13</td>
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<tr>
<td>Purchasing/Budget</td>
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<td>04/08/13</td>
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<tr>
<td>Executive:</td>
<td>Jack Louws</td>
<td>4/15/13</td>
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</table>

**TITLE OF DOCUMENT:**
2013-2014 City of Bellingham Interlocal Agreement

**ATTACHMENTS:**

- Memorandum
- Interlocal Agreement

**SEPA review required?**
- Yes
- X NO

**SEPA review completed?**
- Yes
- X NO

**Should Clerk schedule a hearing?**
- Yes
- X NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**
(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Agreement with the City of Bellingham to operate the Lakeway yard waste collection facility.

### COMMITTEE ACTION:

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)
MEMORANDUM

TO: The Honorable Jack Louws, Whatcom County Executive
   Honorable Members of Whatcom County Council

THROUGH: Frank M. Abart, Director

FROM: Chris Brueske, P.E., Assistant Director
       Debbie Bailey, Solid Waste Coordinator

RE: City of Bellingham Interlocal

DATE: April 3, 2013

Enclosed are two (2) originals of the 2013/2014 Interlocal Agreement between the City of Bellingham and Whatcom County Public Works, Solid Waste Division, for your review and signature.

Requested Action
Public Works respectfully requests that the County Executive and Whatcom County Council enter into an Interlocal agreement with the City of Bellingham for operation of the Lakeway yard waste facility. This Interlocal is for the two-year period, 2013 and 2014, providing for County subsidies up to the amount of $45,000 for 2013 and $25,000 for 2014.

Background and Purpose
Whatcom County contracts with the City of Bellingham for operation of the Lakeway yardwaste facility for the benefit of the citizens of Whatcom County. The Solid Waste Executive Committee approved solid waste funds be utilized to subsidize a portion of this program up to an amount of $45,000 for 2013 and $25,000 for 2014. The City of Bellingham collects a per visit user fee to help defray the costs of this facility. Net operational costs (total operational cost less user fee revenue), will be split 50/50 between the City of Bellingham and Whatcom County Solid Waste fund, to a maximum County contribution of $45,000 for 2013 and $25,000 for 2014.

Funding Amount and Source
Funding will be made up of Solid Waste Revenues and contributions by the City and County, to a maximum County contribution of $45,000 in 2013 and $25,000 in 2014 for a total potential County subsidy of $70,000 for the life of the Agreement.

Please contact Debbie Bailey at extension 50292 if you have any questions or concerns regarding the terms of this agreement.

Encl.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works/Solid Waste Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Debbie Bailey</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>City of Bellingham Public Works</td>
</tr>
</tbody>
</table>

Is this a New Contract? Yes [X] No____ Yes ____ No ____ If yes, previous number(s): ______________

Is this a grant agreement? Yes ____ No [X] If yes, grantor agency contract number(s) ___________ CFDA # ____________

Is this contract grant funded? Yes ____ No [X] If yes, associated Whatcom County grant contract number(s) ____________

Is this the result of a RFP or Bid process? Yes ____ No [X] If yes, RFP and Bid number(s) ___________ Contract ____________________________

Is this contract excluded from E-Verify? No ____ Yes [X] If no, include Attachment D Contractor Declaration

If yes, indicate qualified exclusion(s) below:

- [ ] Contract less than $100,000.
- [X] Work is for less than 120 days
- [ ] Interlocal Agreement (between Govt.)
- Professional services agreement for certified/licensed professional
- Contract for Commercial off the shelf items (COTS)
- Public Works Dept. - Local Agency/Federally Funded FHWA

Contract Amount: (sum of orig contract amt and any prior amendments)

- $ not to exceed 70,000.00 ($45,000 - '13, $25,000 - '14)
- This Amendment Amount:
- Total Amended Amount:

If a Professional Services Agreement is more than $15,000 or a Bid is more than $35,000, please submit an Agenda Bill for Council approval and a supporting memo. Any amendment that provides either a 10% increase in amount or more than $10,000, whichever is greater, must also go to Council and will need an agenda bill and supporting memo. If less than these thresholds, just submit to Executive with supporting memo for approval.

Scope of Services: [Insert language from contract (Exhibit A) or summarize; expand space as necessary]

The City of Bellingham agrees to operate the Lakeway yard waste collection facility to accept household yard waste materials and to transport materials to a permitted compost facility.

Term of Contract: Two years Expiration Date: 12/31/14

**Contract Routing Steps & Signoff:**

<table>
<thead>
<tr>
<th>Step</th>
<th>Date</th>
<th>Date Format</th>
<th>Electronic Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prepared by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Attorney reviewed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. AS Finance reviewed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. IT reviewed if IT related</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5. Corrections made</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Attorney signoff</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Contractor signed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Submitted to Exec Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Reviewed by DCA</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>10. Council approved (if necessary)</td>
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<tr>
<td>11. Executive signed</td>
<td></td>
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</tr>
<tr>
<td>12. Contractor Original Returned to dept.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. County Original to Council</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Last Revised 6/9/11

73
WHEREAS, the City of Bellingham, 210 Lottie Street, Bellingham, WA  98225 ("Bellingham") and Whatcom County, County Courthouse, Bellingham, WA 98225 ("Whatcom County") desire to provide certain solid waste program services for the benefit of all Whatcom County citizens residing in both incorporated and unincorporated areas; and

WHEREAS, Bellingham entered into the First Amended Interlocal Agreement with Whatcom County on December 30, 1991, for the purpose of having a coordinated countywide solid waste management system which includes provisions for Whatcom County to finance certain solid waste programs; and

WHEREAS, each party complies with all applicable bidding and other procedures with regard to acquisitions, services, and construction, and

WHEREAS, RCW 39.34 allows municipalities to enter into interlocal agreements to set forth the conditions of providing services to one another; and

WHEREAS, it is in the best interest of such parties to enter into this Interlocal Agreement,

NOW THEREFORE, the City of Bellingham and Whatcom County agree as follows:

I. City of Bellingham Responsibilities: Bellingham hereby agrees:

A. To operate and maintain the Lakeway yard waste collection facility. To accept household yard waste materials and to transport materials to a permitted compost facility or other mutually acceptable recycling/reuse alternative.

B. To monitor and account for actual expenses for the Clean Green facilities on a month to month basis.

C. To reimburse contract labor.

II. Whatcom County Responsibilities: Whatcom County hereby agrees:

A. To reimburse Bellingham monthly for the costs in providing and performing the services stated under Section I. Whatcom County will be responsible for reimbursing the City of Bellingham 50% of the net operating costs (total operating costs less user fee revenue), up to but not exceeding $45,000 in 2013 and $25,000 in 2014. See exhibit A.

Whatcom County shall reimburse Bellingham in nine (9) equal payments of $4,500 per month for 2013 and $2,500 per month for 2014, and a final payment, payment ten (10), which will be adjusted to comply with the above stated terms.

B. To incorporate Bellingham into the County’s waste reduction and recycling education and promotion program, the scope of which depends on the annual solid waste budget as recommended by the Solid Waste Executive Committee, and approved by the County Council.

III. Payment: Each request for payment shall be submitted monthly by Bellingham to the Public Works Department and supported by documentation of the service expenses. The payment request and supportive documents must itemize all operating costs by the major tasks as stated in Section I. The payment request shall show the amount of user fee revenue collected.

IV. Performance Reporting: Bellingham shall submit performance reports to Whatcom County at least quarterly with the following information:
1. Number of vehicles using the Clean Green yard waste facility.
2. Quantity of yard waste delivered to a permitted compost facility.

Reports shall be due within 30 days following the end of the quarter being reported. Payment may be withheld if performance reports are not submitted.

Term: This Agreement shall be effective for services performed from January 1, 2013 through December 31, 2014 and may be mutually renewed thereafter. It may be terminated by either party upon the giving of ninety (90) days written notice to the other, at which time any remaining financial obligations for services rendered prior to termination shall be paid in full.

Dated this _____ day of __________, 2013.

WHATCOM COUNTY

[Signature]

Departmental Approval

[Signature]

APPROVED AS TO FORM:

[Signature]

DANIEL L. GIBSON
Civil Deputy Prosecuting Attorney

EXECUTED the 28th day of March, 2013, for the CITY OF BELLINGHAM:

[Signature]

Mayor

[Signature]

Departmental Approval:

[Signature]

Department Head

[Signature]

Attest:

[Signature]

Finance Director

Approved as to Form:

[Signature]

Office of the City Attorney
Dated this ______ day of _________, 2013.

WHATCOM COUNTY

JACK LOUWS
County Executive

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this ______ day of ________________ 2013, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

WITNESS my hand and official seal hereto this ______ day of ____________, 2013.

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham.
My commission expires: ____________

CITY OF BELLINGHAM

Kelli Linville
Mayor of Bellingham

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this ______ day of March, 2013, before me personally appeared Kelli Linville, to me known to be the Mayor of the City of Bellingham who executed the above instrument, and who acknowledged to me the act of signing and sealing thereof.

WITNESS my hand and official seal hereto this ______ day of March, 2013

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham.
My commission expires: ____________

Contract for Services Agreement
13/14 COB Interlocal – Clean Green
### 2013 Budget for Reimbursement

<table>
<thead>
<tr>
<th>Task A</th>
<th>Clean Green facility operations</th>
<th>$45,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Total Budget for 2013:</strong></td>
<td><strong>$45,000</strong></td>
</tr>
</tbody>
</table>

### 2014 Budget for Reimbursement

<table>
<thead>
<tr>
<th>Task A</th>
<th>Clean Green facility operations</th>
<th>$25,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Total Budget for 2014:</strong></td>
<td><strong>$25,000</strong></td>
</tr>
</tbody>
</table>

**Total Interlocal Agreement**  
$70,000
WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
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<tbody>
<tr>
<td>Division Head:</td>
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<td>Dept. Head:</td>
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<tr>
<td>Prosecutor:</td>
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</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>DB</td>
<td>4/12/13</td>
<td></td>
<td></td>
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<tr>
<td>Executive:</td>
<td></td>
<td>1/15/13</td>
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<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Approval to Award Bid 13-10 Annual Supply of Asphalactic Mixes

**ATTACHMENTS:** Memos from Finance and Public Works

**SEPA review required?** ( ) Yes ( ) NO  
**SEPA review completed?** ( ) Yes ( ) NO

**Should Clerk schedule a hearing?** ( ) Yes ( ) NO

**Summary Statement or Legal Notice Language:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Public Works is requesting approval to award Bid 13-10 for the delivery and supply of asphalactic mixes. Two bids were received and Public Works would like to award to both bidders and select the vendor that has the best value based on price and cost to transport the product to the job site. This is a regularly budgeted item and expenditures could exceed $35,000.

Funds were approved in the current budget.

**Committee Action:**

**Council Action:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
DATE: 13 April 2013

TO: Jack Louws, County Executive

FROM: Brad Bennett, Administrative Services Finance Manager

SUBJECT: Award of Bid 13-10 Annual Supply of Asphaltic Mixes

BACKGROUND & PURPOSE
Administrative Services advertised for bids to supply Public Works Maintenance & Operations with their annual supply of asphaltic mixes. Two bids were received on Tuesday April 9. Public Works uses the material on county road projects and selects the vendor with the most economical product based on low price and source location.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>HMA 1/2&quot;</th>
<th>HMA 3/8&quot;</th>
<th>ATB</th>
<th>Cold Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Construction – Everson Goshen Rd</td>
<td>65.00</td>
<td>69.00</td>
<td>52.00</td>
<td>no bid</td>
</tr>
<tr>
<td>Whatcom Builders – LaBounty Rd</td>
<td>65.00</td>
<td>70.00</td>
<td>52.00</td>
<td>117.00</td>
</tr>
</tbody>
</table>

AWARD RECOMMENDATION
Public Works is requesting approval to award to both bidders. They will use the most economical bid for a particular job, based on low price and source location. This is a regularly budgeted purchase and product is purchased as needed and expenditures could exceed $35,000.00

I concur with this recommendation.

AS Finance Manager

Approved as recommended:

__________________________________________________________
County Executive

Date of Council Action __________________________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Frank M. Abart, PW Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager
       Jeff Gollen, PW Maintenance & Operations Superintendent

RE: Bid 13-10, Annual Supply of Asphalctic Mixes (Hot & Cold Mix)

DATE: April 12, 2013

Requested Action
I am requesting Executive and Council approval to purchase asphalctic mixes as needed during 2013 from any of the following vendors: Granite Construction Company or Whatcom Builders, Inc. I further request and recommend that Whatcom County reserve the right to utilize vendors based upon the location of the project, distance to the plant(s), and product availability up to an annual expenditure in excess of $35,000.00.

Background and Purpose
Bids were duly advertised for the supply of asphalctic mixes. Public Works Maintenance & Operations Division will use the asphalctic mixes on various county road projects as part of the annual road maintenance and repair program. Two bids were received Tuesday, April 9, 2013. We received good responses from two vendors (total of two plant locations). Attached is a bid proposal tabulation sheet listing each type of asphalctic mix with the lowest bid highlighted for each category.

<p>| ANNUAL EXPENDITURE FOR ASPHALTIC MIXES (HOT &amp; COLD MIX) |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|</p>
<table>
<thead>
<tr>
<th>YEAR</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNUAL COST</td>
<td>$20,086.56</td>
<td>$51,885.93</td>
<td>$38,702.36</td>
<td>$14,204.14</td>
<td>$9,477.69</td>
</tr>
</tbody>
</table>

Funding Amount and Source
These are regularly budgeted expenditures for material, which are used on an annual basis as needed and have been budgeted during the 2013-2014 Budget process. Based on prior and estimated usage it is anticipated total expenditures may be in excess of $35,000.00 and therefore requires Whatcom County Council approval.

Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the April 23, 2013 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns.

Attachment
### SECTION A

**F.O.B. Delivery Point**

<table>
<thead>
<tr>
<th>Vendor Supplier Plant Location</th>
<th>GRANITE CONSTRUCTION COMPANY 6956 Everson Goshen Road</th>
<th>WHATCOM BUILDERS, INC. La Bounty Road Plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prices Firm Through</td>
<td>April 9, 2014</td>
<td>April 30, 2014</td>
</tr>
<tr>
<td>HMA Class 1/2”</td>
<td>$65.00 per ton</td>
<td>$65.00 per ton</td>
</tr>
<tr>
<td>HMA Class 3/8”</td>
<td>$69.00 per ton</td>
<td>$70.00 per ton</td>
</tr>
<tr>
<td>A.T.B.</td>
<td>$52.00 per ton</td>
<td>$52.00 per ton</td>
</tr>
<tr>
<td>Cold Mix</td>
<td>NO BID</td>
<td>$117.00 per ton</td>
</tr>
<tr>
<td>Special Conditions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### SECTION B

**F.O.B. Delivery Point**

<table>
<thead>
<tr>
<th>Vendor Supplier Plant Location</th>
<th>GRANITE CONSTRUCTION COMPANY 6956 Everson Goshen Road</th>
<th>WHATCOM BUILDERS, INC. La Bounty Road Plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prices Firm Through</td>
<td>April 9, 2014</td>
<td>April 30, 2014</td>
</tr>
<tr>
<td>HMA Class 1/2”</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>HMA Class 3/8”</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>A.T.B.</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>Cold Mix</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>Special Conditions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
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</table>

### SECTION C

**F.O.B. Delivery Point**

<table>
<thead>
<tr>
<th>Vendor Supplier Plant Location</th>
<th>GRANITE CONSTRUCTION COMPANY 6956 Everson Goshen Road</th>
<th>WHATCOM BUILDERS, INC. La Bounty Road Plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prices Firm Through</td>
<td>April 9, 2014</td>
<td>April 30, 2014</td>
</tr>
<tr>
<td>HMA Class 1/2”</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>HMA Class 3/8”</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>A.T.B.</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>Cold Mix</td>
<td>NO BID</td>
<td>NO BID</td>
</tr>
<tr>
<td>Special Conditions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**TITLE OF DOCUMENT:** Bid 13-28 Construction of the Olsen Trailhead Parking Lot

**ATTACHMENTS:** Memos from Finance and Parks

**SEPA review required?**  ( ) Yes  ( x ) NO  
**SEPA review completed?**  ( ) Yes  ( x ) NO

**Should Clerk schedule a hearing?**  ( ) Yes  ( x ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The Parks & Recreation Department is requesting approval to award the bid and enter into a contract for the construction of the Olsen Trail head parking lot. Twelve responsive bids were received and Parks would like to award to the low bidder, Faber Construction in the amount of $148,358.51. This is a planned project and funds were approved in the current budget using REET II funding.

**COMMITTEE ACTION:**  

**COUNCIL ACTION:**

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
DATE: 11 April 2013

TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Award of Bid 13-28 Construction of Olsen Trailhead Parking Lot

- Background & Purpose
Bids were advertised for the construction of the Olsen Trailhead parking lot. Twelve responsive bids were received on Tuesday April 2 and are noted below:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Base Bid</th>
<th>Sales Tax</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faber Construction</td>
<td>136,735.95</td>
<td>11,622.56</td>
<td>$148,358.51</td>
</tr>
<tr>
<td>Mark White Enterprise</td>
<td>148,667.20</td>
<td>12,636.71</td>
<td>161,303.90</td>
</tr>
<tr>
<td>Minergy Inc</td>
<td>155,110.10</td>
<td>13,184.36</td>
<td>168,294.46</td>
</tr>
<tr>
<td>Stremler Gravel</td>
<td>167,327.00</td>
<td>14,222.80</td>
<td>181,549.80</td>
</tr>
<tr>
<td>HB Hansen Construction</td>
<td>175,330.00</td>
<td>14,903.05</td>
<td>190,233.05</td>
</tr>
<tr>
<td>Larry Brown Construction</td>
<td>177,587.00</td>
<td>15,094.90</td>
<td>192,681.90</td>
</tr>
<tr>
<td>Home &amp; Garden Builders</td>
<td>179,990.00</td>
<td>15,299.15</td>
<td>195,289.15</td>
</tr>
<tr>
<td>Iverson Earthworks</td>
<td>191,986.60</td>
<td>16,318.8</td>
<td>208,305.46</td>
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<tr>
<td>Friberg Construction</td>
<td>199,172.00</td>
<td>16,929.62</td>
<td>216,101.62</td>
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<tr>
<td>Henifin Construction</td>
<td>208,430.00</td>
<td>17,716.55</td>
<td>226,146.55</td>
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<tr>
<td>Trimaxx</td>
<td>215,789.00</td>
<td>18,342.07</td>
<td>234,131.07</td>
</tr>
<tr>
<td>Ram Construction</td>
<td>222,590.00</td>
<td>18,920.15</td>
<td>241,510.15</td>
</tr>
</tbody>
</table>

The Park Department is requesting approval to award the bid and to enter into a contract with the lowest responsive bidder, Faber Construction for a total amount of $148,358.51.

- Funding
This is a planned project and funds were approved in the current budget using REET II funding, (Ordinance 2012-048).

I concur with this recommendation.

Approved as Recommended:

[Signature]

AS Finance Manager

County Executive

Date of Council Action ______________
MEMORANDUM

TO: Brad Bennett, Finance Manager

FROM: Michael McFarlane, Director

DATE: April 9, 2013

RE: Recommend to Accept Bid Award #13-28, Construction of Olsen Trailhead Parking

On Tuesday, April 2, 2013 thirteen bids were received in response to Whatcom County Bid #13-28, Construction of Olsen Trailhead Parking.

*Faber Construction* met all the required specifications for this work. I am recommending that the bid totaling $148,358.51 which includes 8.5% Washington State Sales Tax, submitted by *Faber Construction* be accepted.

Development of the Park is being funded with REET II funds approved by the Council on November 20, 2012 (Ordinance 2012-048)

If you need any additional information, please contact Rod Lamb at extension 31727.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Division Head:</td>
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<td>Purchasing/Budget:</td>
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<td>4/11/13</td>
<td></td>
<td>1/15/13</td>
<td></td>
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<tr>
<td>Executive:</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Approval to Award Bid 13-09 Asphaltic Emulsions

**ATTACHMENTS:** Memos from Finance and Public Works

**SEPA review required?** ( ) Yes ( x ) NO  
**SEPA review completed?** ( ) Yes ( x ) NO  
**Should Clerk schedule a hearing?** ( ) Yes ( x ) NO  
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Public Works is requesting approval to award Bid 13-09 and enter into a contract for delivery and supply of asphaltic emulsions (road oil). Two bids were received, and Public Works would like to award to the low bidder Paramount Petroleum for CRS-2P. This is a regularly budgeted item and estimated expenditures will be $1,300,000.000.

Funds were approved in the current budget.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
DATE: 11 April 2013
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Award of Bid 13-09 Annual Supply of Road Oil

BACKGROUND
Administrative Services advertised for the annual supply of Asphaltic Emulsions/Road Oil. Public Works uses this product in various road projects as well as doing some billable work for other local governments. Two bids were received on Tuesday March 26. Costs are as noted below.

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>CRS-2 (per ton)</th>
<th>CRS-2P (per ton)</th>
<th>DELIVERY COST (per ton)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mc Asphalt Industries</td>
<td>523.00</td>
<td>538.00</td>
<td>53.00</td>
</tr>
<tr>
<td>Paramount Petroleum</td>
<td>no bid</td>
<td>530.00</td>
<td>55.00</td>
</tr>
</tbody>
</table>

Public Works Maintenance & Operations is requesting approval to award the bid and enter into a contract with the low bidder Paramount Petroleum Corporation for CRS-2P. Product is used on an as-needed basis. Public Works is requesting approval for expenditures not to exceed $1,300,000.00.

FUNDING
Asphaltic emulsions are a regular maintenance product. Approved funds are in the current budget.

I concur with this recommendation.

Approved as Recommended:

County Executive

Date of Council Action _______________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Frank M. Abart, PW Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager
Jeff Gollen, PW Maintenance & Operations Superintendent

RE: Bid 13-09, Supply of Asphalitic Emulsions (Road Oil)

DATE: April 4, 2013

- **Requested Action**
  I am requesting Executive and Council approval to award the bid and subsequent contract for the supply of asphalitic emulsions (road oil) to Paramount Petroleum Corporation of Seattle, in the total amount of $1,300,000.00.

- **Background and Purpose**
  Bids were duly advertised and submitted for the supply of asphalitic emulsions (road oil). The Public Works Maintenance and Operations Division will use the asphalitic emulsions during the annual chip sealing program of 2013. Two bid responses were received Tuesday, March 26, 2013. Factoring in delivery costs and specific locations for chip sealing work for 2013, Paramount Petroleum Corporation is the overall lowest responsive bidder for the preferred CRS-2P.

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>CRS-2 (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
<th>CRS-2P (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
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</thead>
<tbody>
<tr>
<td>Paramount Petroleum Corp.</td>
<td>No Bid</td>
<td>No Bid</td>
<td>$ 530.00</td>
<td>$ 55.00</td>
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</table>

- **Funding Amount and Source**
  These are regularly budgeted expenditures for material, which is used on an annual basis as needed and has been budgeted during the 2013-2014 Budget process.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tr>
<td>ANNUAL COST</td>
<td>$ 717,393</td>
<td>$ 469,935</td>
<td>$ 574,666</td>
<td>$ 632,585</td>
<td>$ 951,942</td>
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</table>

Based on prior and estimated usage it is anticipated total expenditures will be approximately $1,300,000.00 and therefore requires Whatcom County Council approval. This amount also allows for additional work requests for chip sealing from other local governments on a reimbursable basis.

- **Recommendation**
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the April 23, 2013 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607 or Jeff Gollen at extension 50660, if you have any questions or concerns.

Encl.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>Originator:</td>
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<td>Division Head:</td>
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<td>5/15/13</td>
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**TITLE OF DOCUMENT:** Federal Lands Access Program-Transit, Transportation Planning or Research Project Proposal-Glacier Trail

**ATTACHMENTS:**
- Grant Application

**SEPA review required?** ( ) Yes ( X ) NO

**SEPA review completed?** ( ) Yes ( ) NO

**Should Clerk schedule a hearing?** ( ) Yes ( X ) NO

**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Request approval for the County Executive to apply for planning and engineering grant funding through the *Washington Federal Lands Access Program* for a multiuse bicycle pedestrian trail between Glacier and the Douglas Fir Campground.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
MEMORANDUM

APR 8 - 2013

TO: Jack Louws, County Executive
FROM: Michael McFarlane, Director
RE: WA Federal Lands Access Program Grant Application - Glacier Trail
DATE: April 5th, 2013

Enclosed is a grant application requesting funding form the Washington Federal Lands Access Program for engineering and planning services for a two-mile multi-use trail located between Glacier and the USFS Douglas Fir Campground.

This is a community sponsored initiative in which it is envisioned that Whatcom County will manage the grant and contract or pass funds through to the Washington Department of Transportation or its assign to complete the work tasks.

The local required match is proposed to come from various developments on the trail corridor and from funds raised by the Community.

Please contact Michael McFarlane at extension 32072, if you have any questions or concerns regarding the terms of this agreement.

Encl.
The proposed project would address critical safety, recreation, economic, mobility, and environmental concerns, as indicated. A total of 895 homes are located within 0.5 miles of the Mt. Baker Snoqualmie National Forest east of Glacier, Washington. More than 7,000 people reside, visit or pass through the area targeted for the proposed trail on event weekends, holidays, or during pleasant weather. State Route 542 is the only access road for these homes and is the primary access route into the National Forest. No non-motorized trails or pathways exist that would allow people to access the federal lands or link the many homes with the Glacier commerce center. Extreme hazardous conditions due to erosion exist on both sides of SR 542, eliminating the possibility of safely using the highway for pedestrians and bicycles or other non-motorized travel during high volume times (WSDOT: 1600 to 1700 vehicles per day pass this section of highway, 2012). No shoulder areas exist along much of the road with which to walk or bike. Bridges have no pedestrian areas between the bridge structure and the roadway, thus preventing foot traffic. Gallup bridge, also along this proposed trail route, records 1,400 vehicles per day with a 15% increase during the summer. It is impossible for a bike or pedestrian to travel across the North Fork or Glacier Creek bridges, or along many sections of SR 542 that parallels the proposed trail, while being passed by a motor vehicle without the vehicle crossing the centerline. When two cars pass each other and a bike or pedestrian is on either side of the road, traffic is halted. The attached photos show traffic having to cross the center line to avoid pedestrians. The volume of people and cars in the area create potential hazardous and disruptive traffic flow situations. Fourteen collisions were reported in the past five years along this section of SR 542. This number is low because people routinely avoid walking or biking along this roadway for fear of harm. (See Photos: passing car Glacier Creek Bridge, North Fork Bridge, erosion, fog line). The Mt. Baker Snoqualmie recreation area is a primary economic driver for the region. With no transportation alternative but cars, air quality will continue to be reduced and the pristine nature of the region will be diminished, affecting the environment and detracting from the reason people visit.
### Proposed Work Summary:
The work summary involves all those activities necessary to complete pre-construction engineering, planning, and construction cost estimates. The engineering and planning work plan is attached. The completed plans resulting from this project will be submitted and approved by WSDOT and USFS.

### Primary visitor destinations:
Mt. Baker Snoqualmie National Forest, the Mt. Baker ski area, Horseshoe Bend Trail, Douglas Fir Campground.

### High use Federal recreation sites and/or Federal economic generators (as determined by Federal Land Management Agency):
Mt. Baker Snoqualmie National Forest; Horseshoe Bend Trail and Douglas Fir Campground

<table>
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<tr>
<th>Project Corridor (location)</th>
<th>Mile Posts</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Project Length (miles)</th>
<th>2</th>
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<tbody>
<tr>
<td>Begin</td>
<td>33.3</td>
<td>48.88949</td>
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<td>35.3</td>
<td>48.901785</td>
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### Estimated Total Project Costs
$284,000

### Funds Requested from Federal Lands Access Program
$245,660

### Required Local Match
$38,340 From: Local Community Sources

### Other Funding Contributions to Project:
From:

### Acres of Federal Land accessed by the project: 1,724,229 acres

### Functional Classification of the roadway: (Show official designations of route.)
(X) National Highway System ( ) Arterial ( ) Major Collector ( ) Minor Collector ( ) Local Road
**Problem Statement:** Please provide a problem statement. What is the purpose and need for this project? Who will this project serve (such as skiers, communities, hikers...)? What are the conditions requiring relief? Describe the consequences if these conditions are not addressed. Briefly describe how the proposed project will address the problem.

Community volunteer efforts initiated this project due to the extremely hazardous road conditions existing between the National Forest campground, the main commerce center, the Forest Service information center, and residential and visitor areas. State Route 542 is the only access road between these homes and the commerce center and it is the primary access route into the National Forest. No safe non-motorized trails or pathways exist that would allow people to access the federal lands or link the many homes with the Glacier commerce center. Extreme hazardous conditions due to erosion exist on both sides of SR 542, eliminating the possibility of safely using the highway for pedestrians and bicycles or other non-motorized travel during high volume times.

This project will serve the visitors to the Mt. Baker Snoqualmie National Forest. The Mt. Baker Ski area attracts skiers and snowboarders from around the world. The four communities and the Glacier commerce area are within 2 miles of the heavily used Douglas Fir Campground. Summer hikers, mountain bikers, bird watchers, and river rafters frequent this area with no way to navigate these amenities by non-motorized means. What is needed is a pedestrian, bike and equestrian friendly trail linking the Federal land to the residents Forest Service Information Center and Glacier commerce center. If no trail is constructed, vehicle pollution will continue, many people will be less likely to use non-motorized options between these critically used areas, and the absence of a trail will limit the areas healthy appeal to visitors. The proposed project will connect the visitors and communities to the Federal lands.

**Detailed description of proposed project:** Provide a detailed description of the proposed activities that would be funded with Federal Lands Access Program funds. This description must include cost estimates for each project component and must outline timeline and scope (if planning application), proposed methodology (if research application), or transit service proposal (if transit application, plus supplemental question required below). Include preferences of the fiscal year(s) this project would ideally be funded. You may also attach additional maps, tables, or illustrations.

This trail would be the access point for 1,724,229 acres of federal recreation land. This proposed trail is along a designated Washington State Scenic Byway and a National Forest Scenic Byway. (See attachments: Glacier Trail topo, Glacier trail aerial photo, the green and red lines indicate the trail location) The Forest and its recreation areas (including the Mt. Baker Ski resort) is the single largest recreational economic driver of Whatcom County. In addition to connecting the County, State, and private lands to the National Forest, the trail also connects to the popular USFS Douglas Fir Campground and the Horseshoe Bend Trail. The 2-mile Glacier trail will connect to and extend the Bay to Baker Trail, a priority project designated in the Whatcom County Comprehensive Parks, Recreation and Open Space Plan. This project is also supported in Section 9 of the Whatcom County Comprehensive Plan. It is a supported project by the Whatcom County Pedestrian and Bicycle Advisory Committee and many other organizations. Highway 542 is the sole access road to the National Forest. This trail project would eliminate increased air pollution resulting from needless motor vehicle usage for the many residents who have no other alternative mode of transportation to the Forest or Glacier commerce center. The attached work plan details each project component, scope and timetable. The planning activity costs are $284,000. An individual breakdown for each work plan segment is included in the plan.

The trail is located exclusively on Federal Forest Service land, Puget Sound Energy easement on Federal land, and Washington State Dept. of Transportation right of way. On several occasions, the coalition of
primary agencies have met, walked the proposed trail, and agreed on a preliminary route and trail location. The next step in this process is to engineer and design a specific trail plan for submission to the primary agencies for official approval.

**Transit Application Supplemental Questions:** *For Transit Applications only,* please answer the following: If transit service is currently being provided to this Federal Land Management Agency unit or service has been provided in the past, please provide details about service parameters, ridership, cost per passenger, and any other pertinent information. For this proposal, please provide operational details of the proposed transit service serving Federal Lands: What are the specific destinations the route will serve? Is the service year-round or seasonal? What are the operating dates/service hours/days of week? Describe transit route details, including miles, number of stops, and variability in service operations. What revenue will be collected to support the service? Describe fare pricing, discounts, pass programs, etc. Provide number, type, and age of current fleet. Describe any marketing, wayfinding, or other information that will be disseminated to promote the service. What is the daily number of riders estimated currently and/or at project completion? Describe how the proposed transit service will be financially sustainable with current and future sources of funding.
Research Application Supplemental Questions: For Research Applications only, please answer the following: Describe the need for this research. Also, how this research enhances safety, access, or sustainability. Please provide details that this research is broad-based and not narrowly focused on a localized problem. Provide specific examples showing how this research product can be used across multiple agencies. Please specify the final product of research.

Describe the range of attitudes, both support and opposition, that this proposed project may receive from organizations, the public and within your own agency: State the basis for this supposition and include coordination efforts and public involvement efforts completed to date. Describe any anticipated challenges in implementing the proposed project. Attach letters of support for the project.

A citizen’s group, organized in 2005, has continued to organize and advance this project to its present stage. The project has matured, elevated through the system, and fully complies with the intent of this program in scope and nature. The community, it’s members, local businesses, and frequent area visitors strongly support this project. Local surveys and Trail Committee information meetings soliciting community feedback validated the need for and strong desire to construct the Glacier Trail project. Appropriate agencies strongly support this project as indicated in the many letters of support. (See support letters: WCPRC support, WPRF support, NPS support, WCPBAC support, US Forest Service)

The coalition of Federal, State, and County, agency representatives and the process used to include the participation of many directly or indirectly affected agencies eliminated opposition for this project. We have clearly established relationships with critical agency representatives to remove challenges from implementing the project. The four main residential areas (Mt. Baker Rim, Snow Water Snowline Condos and Snowline) have shown strong support and committed the project match as testament to their earnest. Opposition to this specific Trail project is non-existent. The members serving on this committee (who collectively add up to more than 100 years serving on committees) find this fact astonishing.

The Trail project has the support of 100% of the Glacier businesses, including: Glacier Fire and Rescue, Glacier Water District, Orion Ceramic Studios, Foothills Chamber of Commerce, Snowater Residential Group, Graham’s Restaurant, Mt. Baker View Guest House, Glacier Glass Works, Milano’s Restaurant, Mt. Baker Snowboard Shop, Graham’s Store, Contemporary Design, The Hairstream Studio, the Wake and Bakery, Scott’s Ski Service, and The Mt. Baker Trailhead Group.

The greatest challenge the project faces is competing for this award. If awarded, this planning grant will help establish a significant transportation improvement affecting thousands of people annually.

Has the project been identified within the following? (Check all that apply, show plan name, and provide brief summary of how need was identified):

- System Transportation Plan:
- Land Management Plan: Whatcom County Comprehensive Plan; Multi-use bicycle pedestrian trail
- Regional Transportation Plan:
- County Transportation System Plan: Mt. Baker Foothills Chain of Trails Concept Plan (December 2004 WCCOG); Multi-use bicycle pedestrian trail
- Tribal Transportation Plan
- Other (Corridor Plan, Road Safety Audit, ATS Study, etc.) Whatcom County Comprehensive Parks, Recreation and Open Space Plan 2008; Multi-use bicycle pedestrian trail

Has NEPA analysis been completed on this project? If so, what were the conclusions /decisions made?
What are the anticipated environmental clearances needed for this project? (permits, etc)
The NEPA will be completed during the engineering portion of this project that will be funded through this application as described in the work plan.

**Required Local Contribution to Project:** (Describe the type and source of funds to provide the required 13.5% local match.)
The communities have obligated funds as indicated in the following:
- Snowwater Residential Community: $5,000
- Mt. Baker Rim Residential Community: $12,000
- Foothills Chamber of Commerce: $5,000
- Snowline Residential Community: $8,000
- Whatcom Parks and Recreation Foundation: $2,000
- Community Fund Raisers: $4,340
How does the project relate to the following evaluation criteria?

1. **SAFETY**
   Improvement of the transportation network for the safety of its users.
   - How would the proposed project improve unsafe conditions?
   - Does the project address safety for a wide range of users (freight, destination motorists, touring motorists, bicyclists, pedestrians, public transportation)?
   - How many and what type of crashes have occurred on the project site in the last five years? Is the project identified in a strategic safety plan?

2. **RECREATION AND ECONOMIC**
   Development and utilization of the Federal Land and its resources.
   - Describe any high use recreation sites or Federal economic generators (as determined by the Federal Land Manager) that are accessed by this project. How many visitors access/use the site annually? How does the project enhance access to these sites?
   - Which Federal Lands are accessed by this project? How much Federal Land (acres) is accessed by the project? If multiple Federal Lands are accessed, itemize acreage by agency.
   - How would this project improve or enhance the visitor experience?
   **Enhancement of economic development at the local, regional, or national level, including tourism and recreational travel.**
   - Identify the community or communities economically dependent on the network, and the elements that comprise the economy (e.g. timber, tourism, etc.) How is the economy tied to the transportation network? How will the proposed project improve the transportation network and support the community’s economic goals/needs or other economic plan?
   - If the proposed project is located on a designated federal, state, or county scenic byway, identify the scenic byway and explain the anticipated benefit related to the byway. Would the project meet the needs identified in the Byway’s management plan?

3. **MOBILITY**
   Continuity of the transportation network serving the Federal Land and its dependent communities.
   - Identify all planning documents related to this project. Is the project specifically identified in any of these plans? How does this proposal fit with the Federal Land Management Plan? How does the proposal fit with the local jurisdiction comprehensive plan or State long-range plan? How does the proposal fit with any Transportation System Plans or Corridor Plans? What are the consequences to the transportation system of not addressing these needs?
   - Does the proposed project connect to a designated route on the Federal Land Management Agency inventory? Are there any future improvements planned on the designated route?
   - How would the proposed project improve the continuity of the transportation network? Which gaps or missing links would the proposed project address?
   - Does this transportation system provide the sole access to the area? Will the proposed project mitigate the potential of the route closing?
   **Mobility of the users of the transportation network and the goods and services provided.**
   - Describe congestion issues related to this project. Provide specific data to support (e.g., ADT, SADT, LOS, both current and projected) How would the proposed improvements reduce travel time and congestion, increase comfort and convenience for the user?
   - What are the major traffic generators within the Federal Land for this proposed project?
   - How would the proposed project improve the choices for alternative modes of travel (pedestrian, bike, bus, or rail)?
4. SUSTAINABILITY AND ENVIRONMENTAL QUALITY
Protection and enhancement of the environment in association with the Federal Land and its resources.
Note: It is assumed all projects will be constructed in accordance with all environmental regulations. This scoring is for projects which enhance environmental goals.
- How does the proposed project contribute to the use of sustainable energy sources for transportation?
- How does the proposed project mitigate an existing environmental problem in the area?
- How does the proposed project contribute to improved environmental quality (i.e. Green House Gas reductions) or reduction in Vehicle Miles Travelled?
- How does the proposed project reduce exposure of the population to air pollution?
- Describe how the proposed project contributes to the environmental goals and objectives of the Federal Land Management Plan or other applicable land management plan. Would the proposed project require modifications or amendments to these plans?
- How would the proposed project enhance habitat, native vegetation, noxious weed reduction, wildlife connectivity and/or aquatic organism passage, water quality, riparian and/or wetland function?

| JOINT ENDORSEMENT: This project is supported and endorsed by: (add agency endorsements as needed) |
|-------------------------------------------------|---------------------------------|-------------------|
| *Federal Land Agency(ies):* | United States Forest Service | **State, County, Local, or Tribal Government:** | Whatcom County, WA |
| Federal Land Unit Manager Name: | Erin Uloth, Mt. Baker District Ranger | Authorized Official: | Jack Louws, County Executive |
| Signature: | *see attached fax | Signature: | |
| Date: | 4/4/13 | Date: | 4/4/13 |
| E-Mail: | euloth@fs.fed.us | E-Mail: | jlouws@co.whatcom.wa.us |
| Telephone: | (360) 854-2601 | Telephone: | (360) 676-6717 |
| Point of Contact: | Erin Uloth USFS | Point of Contact: | Michael McFarlane Whatcom County Parks & Recreation |
| Title: | Mt. Baker District Ranger | Title: | Director |
| E-mail: | euloth@fs.fed.us | E-mail: | mmcfarla@co.whatcom.wa.us |
| Telephone: | (360) 854-2601 | Telephone: | (360) 733-2900 |

* Unit manager such as Park Superintendent, Forest Supervisor...
** Official authorized to commit agency to project such as WSDOT District Engineers, Highway District Commissioner, County Commissioner, Transit Agency Director...

Page 8 of 9 Pages
4. SUSTAINABILITY AND ENVIRONMENTAL QUALITY

Protection and enhancement of the environment in association with the Federal Land and its resources.

Note: It is assumed all projects will be constructed in accordance with all environmental regulations. This scoring is for projects which enhance environmental goals.

- How does the proposed project contribute to the use of sustainable energy sources for transportation?
- How does the proposed project mitigate an existing environmental problem in the area?
- How does the proposed project contribute to improved environmental quality (i.e. Green House Gas reductions) or reduction in Vehicle Miles Travelled?
- How does the proposed project reduce exposure of the population to air pollution?
- Describe how the proposed project contributes to the environmental goals and objectives of the Federal Land Management Plan or other applicable land management plan. Would the proposed project require modifications or amendments to these plans?
- How would the proposed project enhance habitat, native vegetation, noxious weed reduction, wildlife connectivity and/or aquatic organism passage, water quality, riparian and/or wetland function?

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JOINT ENDORSEMENT - This project is supported and endorsed by:

(add agency endorsements as needed)

*Federal Land Agency(ies): United States Forest Service

**State, County, Local, or Tribal Government: Whatcom County, WA

Federal Land Unit Name: Erin Uloth, Mt. Baker District Ranger

Authorized Official: Jack Louws, County Executive

Signature: ___________________________ Signature: ___________________________

Date: 4/6/13 Date: 4/4/13

E-Mail: culoth@fs.fed.us E-Mail: jlouws@co.whatcom.wa.us

Telephone: (360) 854-2601 Telephone: (360) 676-6717

Point of Contact: Erin Uloth Point of Contact: Michael McFarlane

Title: Mt. Baker District Ranger Title: Director

E-mail: culoth@fs.fed.us E-mail: mmcfarla@co.whatcom.wa.us

Telephone: (360) 854-2601 Telephone: (360) 733-2900

* Unit manager such as Park Superintendent, Forest Supervisor...

** Official authorized to commit agency to project such as WSDOT District Engineers, Highway District Commissioner, County Commissioner, Transit Agency Director...

Page 8 of 9 Pages
Provide a good quality map clearly showing the project location and other supporting material.

The best available data should be used in completing the project proposal form. Photos should also be included that support the proposal. Email the completed proposal form with all maps, signatures, and photos to:

WFL.CallForProjects@dot.gov.

The proposal must be received by April 5, 2013. The maximum file size for the proposal form (including maps, photos and support letters) should not exceed 10 megabytes and should be combined into a single pdf file before submission.

Should you have any questions, please contact Susan Law or the Federal Lands Access Program coordinator for your agency.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact</th>
<th>Phone</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Highway Administration</td>
<td>Susan Law</td>
<td>(360) 619-7860</td>
<td><a href="mailto:susan.law@dot.gov">susan.law@dot.gov</a></td>
</tr>
<tr>
<td>Washington State Department of Transportation</td>
<td>Bill Leonard</td>
<td>(360) 705-7344</td>
<td><a href="mailto:leonardb@ws.dot.wa.gov">leonardb@ws.dot.wa.gov</a></td>
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<tr>
<td>County Road Administration Board</td>
<td>Randy Hart</td>
<td>(360) 350-6081</td>
<td><a href="mailto:randy@crab.wa.gov">randy@crab.wa.gov</a></td>
</tr>
<tr>
<td>US Forest Service</td>
<td>Amy Thomas</td>
<td>(503) 808-2473</td>
<td><a href="mailto:aethomas@fs.fed.us">aethomas@fs.fed.us</a></td>
</tr>
<tr>
<td>National Park Service</td>
<td>Justin De Santis</td>
<td>(415) 623-2278</td>
<td><a href="mailto:Justin_DeSantis@nps.gov">Justin_DeSantis@nps.gov</a></td>
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<tr>
<td>Bureau of Land Management</td>
<td>Dick Bergen</td>
<td>(503) 808-6100</td>
<td><a href="mailto:rbergen@blm.gov">rbergen@blm.gov</a></td>
</tr>
<tr>
<td>US Fish &amp; Wildlife Service</td>
<td>Jeff Holm</td>
<td>(503) 231-2161</td>
<td><a href="mailto:jeff_holm@fws.gov">jeff_holm@fws.gov</a></td>
</tr>
<tr>
<td>US Army Corp of Engineers</td>
<td>Kevin Paff</td>
<td>(503) 808-3897</td>
<td><a href="mailto:kevin.l.paff@usace.army.mil">kevin.l.paff@usace.army.mil</a></td>
</tr>
<tr>
<td>Milestone/Task/Scope</td>
<td>Start Date</td>
<td>Duration/Cost</td>
<td>Responsible Party</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>------------</td>
<td>------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Administer grant compliance (indirect)</td>
<td></td>
<td></td>
<td>Whatcom County Parks and Recreation Department</td>
</tr>
<tr>
<td>Convene agency representatives to explore route options</td>
<td>10-10-2013</td>
<td>3 weeks/$1,000</td>
<td>By contract to WSDOT or assign</td>
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<tr>
<td>Determine and select preferred trail option</td>
<td>10-29-2013</td>
<td>2 weeks/$4,100</td>
<td>By contract to WSDOT or assign, Glacier Trail Committee (GTC), US Forest Service</td>
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<tr>
<td>Perform the survey and engineer bid process</td>
<td>11-12-2013</td>
<td>6 wks./$1,000</td>
<td>By contract to WSDOT or assign</td>
</tr>
<tr>
<td>Research: Identify ownership, deeds and surveys</td>
<td>10-5-2013</td>
<td>2 to 3 weeks/ $12,000</td>
<td>By contract to WSDOT or assign</td>
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<tr>
<td>Secure necessary easements</td>
<td>10-5-2013</td>
<td>3 months/ $15,000</td>
<td>By contract to WSDOT or assign</td>
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<tr>
<td>Critical Areas: Survey delineated wetlands and buffers</td>
<td>10-12-2013</td>
<td>4 to 6 weeks/ $30,000</td>
<td>By contract to WSDOT or assign</td>
</tr>
<tr>
<td>Horizontal Survey Control</td>
<td>10-12-2013</td>
<td>1 to 2 weeks/  $6,000</td>
<td>By contract to WSDOT or assign</td>
</tr>
<tr>
<td>Survey &amp; Prepare Base Map</td>
<td>10-12-2013</td>
<td>6 weeks/ $25,000</td>
<td>By contract to WSDOT or assign</td>
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GLACIER TRAIL PROJECT

Typical Shoulder

Pedestrian and Fog Line

Pedestrian on Bridge Crossing

Pedestrian and Passing Vehicle
Dr. Joseph Garcia  
Glacier Community Trail Project  
P.O. Box 28567  
Bellingham, WA 98228-0567

Dear Dr. Garcia,

Re: 2013 WASHINGTON FEDERAL LANDS ACCESS PROGRAM TRANSIT, TRANSPORTATION PLANNING or RESEARCH PROJECT PROPOSAL

The Mt. Baker Ranger District of the Mt. Baker-Snoqualmie National Forest supports the Glacier Community Trail Project planning effort for a pedestrian trail along Washington State Route 542. It is the Forest Service understanding that this project is in the conceptual planning stages. Any future development on National Forest lands will take into consideration all pertinent environmental regulations and be developed within National Forest guidelines, coordinated for District Ranger and/or Forest Supervisor approval as needed.

The Glacier Community Trail Project proposes a multi-use pedestrian trail as an alternative means of travel near the community of Glacier and National Forest lands approximately two and a half miles to the east. The Forest Service understands that the proposed trail may be located alongside Washington State Department of Transportation right-of-ways (State Route 542), Puget Sound Energy right-of-ways, National Forest lands and private lands.

We look forward to working with you and the other vested stakeholders as this project progresses.

Sincerely,

/s/ Erin Uloth  
ERIN ULOTH  
District Ranger

cc: Carol Gladsjo  
Debra C Paul
To Whom It May Concern,

Scenic Byways Program

As Forest Service representative of the Mt. Baker Ranger District of the Mt. Baker-Snoqualmie National Forest I am writing this letter in support of the Glacier Community Trail Project. It is the Forest Service understanding that this project is in the conceptual planning stages. Any future development on National Forest lands will take into consideration all pertinent environmental regulations and be developed within National Forest guidelines and coordinated for District Ranger and/or Forest Supervisor approval as needed.

The Glacier Community Trail Project proposes a pedestrian trail as an alternative means of travel between the community of Glacier, located along Washington State Route 542, the Mt. Baker Scenic Byway and National Forest lands located approximately two and half miles to the east of the community. The proposed eastern terminus of the trail is the Douglas Fir Campground located within the National Forest. This popular recreation site serves forest visitors during the busy summer recreation season of May through September. The western terminus of the trail is proposed as the community of Glacier and the services offered within.

It is the Forest Service’s understanding that the proposed trail may be located along Washington State Department of Transportation right-of-ways (State Route 542), Puget Sound Energy right-of-ways and National Forest lands as it serpentines between the beginning and ending trail points.

At this time the Forest Service offers support to this project in the way of attendance at Glacier Trail Project Committee meetings and assistance with potential trail location planning efforts.

/s/ Debra C. Paul

DEBRA C. PAUL
Public Services
March 29, 2013

Susan Law, Program Coordinator
Federal Lands Access Program, U.S. Department of Transportation
Federal Highway Administration, Office of Federal Lands Highway
610 E 5th Street, Vancouver, WA 98661

Dear Ms. Law:

The National Park Service Rivers, Trails and Conservation Assistance Program provided planning assistance to the Glacier Trail Committee in 2009 and 2010 to help with scoping, planning and development of a trail that links the community of Glacier with the adjacent Mount Baker Snoqualmie National Forest. NPS helped the Trail Committee organize community outreach and enhance partnership opportunities among stakeholders such as the US Forest Service, Washington DNR, Whatcom County, and Washington DOT. Scoping included field work where trail partners convened to walk possible routes for an off-road trail corridor for walkers and bicyclists.

Glacier is a gateway community to Mount Baker Snoqualmie National Forest. There is currently no safe way for residents or visitors in Glacier to access USFS land other than walking or biking on SR 542, a busy, high-speed, two-lane highway that provides year-round access to the Forest. Similarly, visitors staying in the USFS campground to the east of Glacier have no safe way of biking or walking to the community without traveling on the same highway, which has no shoulders. Construction of the proposed off-road 1.5-mile Glacier Trail would provide the safe access that is needed between Glacier and the National Forest. Possible options for locating the proposed trail include the DOT right-of-way for SR 542 and a USFS service road (the Old Mt. Baker Highway). This off-road routing was supported in the Mount Baker Foothills Chain of Trails Concept Plan, a partnership planning effort that NPS provided assistance to in 2003 and 2004 that included Mount Baker Economic Development Association, Whatcom Council of Governments, Port of Bellingham and Whatcom County Parks and Recreation Department.

State Route 542 is a Washington State Scenic Highway and a National Forest Scenic Byway. It is a highly used recreation corridor, and a delivery system for thousands of summer and winter recreationists to the National Forest that lies one-half mile east of Glacier. The Glacier Trail would provide safe access between Glacier and the National Forest for both residents and visitors, connecting the town center with Horseshoe Bend Trail Head, Douglas Fir Campground, Glacier Public Service Center and the residential communities of Snowater, Snowline, Mt. Baker Rim, Snowline Inn and Thompson Creek. The Trail has the support of the Whatcom County Pedestrian and Bicycle Advisory Committee. When completed, it would become a segment of the Bay to Baker Trail, a high priority multi-purpose trail recommended in the county’s Comprehensive Plan. The National Park Service is writing to lend its support for funding the planning, engineering and construction of the Glacier Trail through the Federal Lands Access Program.

Sincerely,

Sue Abbott
Community Planner
NPS Rivers, Trails and Conservation Assistance

Cc: Dr. Joseph Garcia, Chair, Glacier Trail Committee; Jack Louws, Whatcom County Executive

Take Pride in America
April 1, 2013

Ms. Susan Law
Coordinator
Federal Lands Access Program, U.S. Department of Transportation
Federal Highway Administration, Office of Federal Lands Highway
610 E. 5th Street, Vancouver, WA 98661

Dear Ms. Law,

The Whatcom Parks and Recreation Foundation strongly supports the Glacier Trail Committee’s grant application to pay for the engineering and planning needed to help complete the 1.5 mile Glacier Trail. The trail, located in the Mount Baker Snoqualmie National Forest, would connect Glacier with the NFS Douglas Fir Campground and in so doing would provide safe, off-road access for over 895 homes in the Glacier area as well as providing recreational opportunities for numerous visitors.

The proposed Glacier Trail is located alongside a designated Scenic Byway, SR 542. Extremely hazardous conditions exist on both sides of SR 542 eliminating the possibility of using the highway for pedestrians, bicyclists and other non-motorized travel. There are no shoulder areas along the road and bridges have no pedestrian areas between the bridge structure and the roadway preventing foot traffic. SR 542 is the sole access road to the Mt. Baker National Forest.

In addition to the safety concerns, the Glacier Trail is also a part of Whatcom County’s Bay to Baker Trail project which is included in the County’s Comprehensive Plan. It is also a supported project of the Whatcom County Bike and Pedestrian Advisory Committee and as such would play a key role in promoting the National Forest and its recreation areas (recreation is the single largest recreational economic driver of Whatcom County). The trail project would also help reduce air pollution resulting from needless motor vehicle usage for the many residents of the Glacier area.

Sincerely,

Daniel Tepper
President
April 1, 2013

Re: Support for the Glacier Trail

To Whom It May Concern:

The Whatcom County Parks and Recreation Commission supports the Glacier, WA community’s efforts to bring the concept of the Glacier Trail to reality. The vision for a two-mile trail connecting the three private communities east of town with the Glacier commerce area and the Mt Baker National Forest would provide safe and accessible passage along a corridor where no safe non-motorized passage currently exists.

There are 895 homes east of Glacier where a significant population of residents live full or part time. The only access road for these homes is SR 542, a designated scenic by-way. There is no accommodation for pedestrians to safely access Glacier along this route.

Glacier Trail will connect to and extend the 7-mile Bay to Baker Trail, a priority project designated in the Whatcom County Comprehensive Parks, Recreation and Open Space Plan, and supported by the Whatcom County Pedestrian and Bicycle Advisory Committee. This grant will allow completion of preliminary work needed to seek funds for project construction.

The trail, when built, will connect the communities to each other and offer a healthy transportation alternative for residents, visitors and travelers alike. Glacier Trail will also connect to the National Forest’s most popular campground and year round trail head on the Mt Baker highway, SR 542.

The Parks Commission supports the efforts of various land-owners, communities and agencies that, together, will help bring this vision to reality. We wish all success for all participants in this project.

Gordon Rogers, Chair
Whatcom County Parks and Recreation Commission
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**

Discussion Re: Amendments to WCC 3.37.070 Chemical Dependency/Mental Health Prog

**ATTACHMENTS:**

**SEPA review required?** ( ) Yes ( ) No
**SEPA review completed?** ( ) Yes ( ) No

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Discussion Re: WCC 3.37.070 Chemical Dependency/Mental Health Program

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
ORDINANCE NO. 2013-016

An Ordinance Amending County Code, Chapter 3.37, Section 3.37.070 Chemical
dependency/mental health program fund oversight advisory committee

WHEREAS, the Chemical Dependency/Mental Health Program Fund
Advisory Committee requires representation from the mental health and
substance abuse boards; and

WHEREAS, the Mental Health and Substance Abuse Advisory Boards
have been dissolved; and

WHEREAS, Whatcom County has created a new Behavioral Health
Advisory Board to represent Mental Health and Substance Abuse Issues; and

WHEREAS, new representation from the Behavioral Health Advisory
Board on the Chemical Dependency/Mental Health Program Fund Advisory
Committee is now necessary; and

WHEREAS, certain sections of the existing code are obsolete because
of the dissolution of the Mental Health and Substance Abuse Advisory
Boards; and

WHEREAS, the existing code must designate member representation
from the newly established Behavioral Health Advisory Board

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County
Council that Whatcom County Code Chapter 3.37.070 is amended as
specified in Exhibit A of this ordinance to replace substance abuse and
mental health advisory board representation with Behavioral Health Advisory
Board representation, repealing obsolete sections.
Date prepared: 3/1/2013
ADOPTED this 9th day of April, 2013.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

(✓) Approved  (   ) Denied
Date Signed: April 10, 2013

Page 2
Exhibit A

3.37.070 Chemical dependency/mental health program fund oversight advisory committee.

To ensure oversight, implementation, and evaluation, the county council authorizes the county executive to appoint a 10-member oversight committee consisting of one representative from each of the following areas: Peace Health Hospital, the judicial branch of Whatcom County government, the Whatcom County sheriff or designee, the chief of corrections or designee, the Whatcom County public health director or designee, and the Behavioral Health Advisory Board. The remaining four positions are to include two people that represent mental health advocacy, and two people that represent drug recovery advocacy. In coordination with the oversight committee, the executive or designee shall submit quarterly progress reports and one annual summary report for those programs supported with the sales tax revenue to the county council. (Ord. 2008-027 Exh. A).
Chapter 3.37
SALES AND USE TAX FOR CHEMICAL DEPENDENCY OR MENTAL HEALTH TREATMENT SERVICES AND THERAPEUTIC COURT PROGRAMS

Sections:

3.37.010 Sales and use tax imposed.
3.37.020 Tax rate and applicability.
3.37.030 Administration and collection.
3.37.040 Establishment of chemical dependency/mental health program fund.
3.37.050 Use of funds.
3.37.060 Administration of fund.
3.37.070 Chemical dependency/mental health program fund oversight advisory committee.
3.37.080 Effective date.
3.37.090 Severability.

3.37.010 Sales and use tax imposed.

Pursuant to RCW 82.14.460, there is hereby imposed a sales and use tax, as the case may be, upon any taxable event, as defined in Chapters 82.08 and 82.12 RCW, occurring within Whatcom County. The tax shall be imposed upon and collected from those persons who are taxable by the state under Chapters 82.08 and 82.12 RCW. This tax shall be in addition to any other sales and use tax imposed by the state of Washington and/or Whatcom County. (Ord. 2008-027 Exh. A).

3.37.020 Tax rate and applicability.

The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. (Ord. 2008-027 Exh. A).

3.37.030 Administration and collection.
The tax imposed by this chapter shall be administered and collected in accordance with RCW 82.14.050. The county executive or designee is hereby authorized to and directed to execute any contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax. (Ord. 2008-027 Exh. A).

3.37.040 Establishment of chemical dependency/mental health program fund.

There is hereby created the chemical dependency/mental health program fund. The Whatcom County treasurer shall deposit monies collected pursuant to this chapter in this fund. The treasurer may invest the fund balance and any interest earned shall be deposited into this fund. (Ord. 2008-027 Exh. A).

3.37.050 Use of funds.

Monies deposited into the chemical dependency/mental health program fund shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of new or expanded therapeutic court programs, and as otherwise authorized by the laws of the state of Washington as referenced in RCW 82.14.460. Monies collected under this chapter may be used to supplant existing funding for these programs as authorized by the laws of the State of Washington as referenced in RCW 82.14.460. (Ord. 2008-027 Exh. A).

3.37.060 Administration of fund.

The county executive shall administer the chemical dependency/mental health program fund with the assistance of the chemical dependency/mental health program fund oversight advisory committee and the Whatcom County health department, in accordance with budgetary processes and Whatcom County administrative policies and state statutes. (Ord. 2008-027 Exh. A).

3.37.070 Chemical dependency/mental health program fund oversight advisory committee.

To ensure oversight, implementation, and evaluation, the county council authorizes the county executive to appoint a 10-member oversight committee consisting of one representative from each of the following areas: Peace Health Hospital, the judicial branch of Whatcom County government, the Whatcom County sheriff or designee, the chief of corrections or designee, the Whatcom County public health director or designee, and the Behavioral Health Advisory Board. The remaining four positions are to include two people that represent mental health advocacy, and two people that represent drug recovery advocacy. In coordination with the oversight committee, the executive or designee shall submit quarterly progress reports and an annual summary report for those programs supported with the sales tax revenue to the county council. (Ord. 2008-027 Exh. A).
3.37.080 Effective date.

In accordance with the Whatcom County budget cycle, this chapter shall take effect January 1, 2009. (Ord. 2008-027 Exh. A).

3.37.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 2008-027 Exh. A).
## WHATCOM COUNTY COUNCIL AGENDA BILL

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### TITLE OF DOCUMENT:

Discussion regarding proposed changes to Jet Oldsters Assoc Nutrition Program

### ATTACHMENTS:


### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Discussion regarding proposed changes to Jet Oldsters Association's Nutrition Program at the Ferndale Senior Activity Center

### COMMITTEE ACTION:


### COUNCIL ACTION:


### Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
FERNDALE SENIOR ACTIVITY CENTER
Jet Oldsters Association of Ferndale
1999 Cherry St  Ferndale, WA 98248  360) 384-6244

April 15, 2013

Barbara Brenner
Whatcom County Council
311 Grand Ave. Suite 105
Bellingham, WA  98225

Dear Barbara,

On Friday, April 5 Mary Carlson and Julie Meyer from Whatcom County Council on Aging presented the Jet Oldsters with the enclosed proposal to change the operation of the Nutrition Program at the Ferndale Senior Activity Center. They are feeling a financial crunch as we all are, and Sequestration may cut another 4% from their total Nutrition Program revenue. They have outlined three alternatives, and asked us to respond by April 19. Much as we value our relationship with WCCOA, the directors of the Jet Oldsters Association of Ferndale do not feel that any of these alternatives work for us, and would like your input in finding a viable solution.

The Jet Oldsters is a small non-profit that manages the Ferndale Senior Activity Center, a 350 member organization. We are a small fish in a large pond of Senior Center operators in Whatcom County who are all listed by Whatcom County Parks as being contracted/managed by a government entity except for our Center and Bellingham, which is operated by Council on Aging. We enjoy an excellent relationship with Parks and with the City of Ferndale, who are our landlords and benefactors; but as our City does not operate the Center, it makes only a small cash contribution to our operation.

In 2012, 7600 meals were served at the Ferndale Activity Center as part of the WCCOA nutrition program. Many of our members depend on this as their main, and perhaps only, meal of the day. It brings them into the Center where they are offered other programs that encourage healthy and active lifestyles. We are committed to the health and welfare of Ferndale area seniors who need an affordable congregate meal for the nutrition as well as the socialization and it is imperative that we continue providing daily meals at the Ferndale Senior Activity Center.

In order to continue daily meal service, WCCOA proposes that the Ferndale Center either:
A. In addition to the current support provided by the Jet Oldsters in dining room set-up, dishwashing support, and recordkeeping, it is proposed that we also set up and serve, prepare the salad bar, cook the vegetables, and clean up. The JO cover repair and replacement on half the equipment, none of which they own.
B. The Jet Oldsters pay WCCOA $10,500 annually and cover repair and replacement on half the equipment.
Our volunteers already contribute 6700 hours annually to fundraise and to operate the Center. We currently employ a full time manager and a part time janitor. We just don’t have the human resources to implement Plan A.

During our discussion, WCCOA told us that average meal cost has risen to about $6.80. (Per their Forms 990, in 2009 they served 169,000 meals at a cost of $5.73 each; in 2010 they served 155,000 meals at a cost of $5.72 each; in 2011 they served 149,000 meals at $6.17 each). The federal contribution will be about 36% with Sequestration, or around $2.45. According to Ferndale records our average donation per meal was $3.50 in 2012. That’s $5.95 toward the cost, and we know that WCCOA receives additional public and private funding for the nutrition program.

The Jet Oldsters can’t be expected to add $10,500 per Plan B to their annual budget, especially with only two weeks’ notice. This is 10% of an annual budget that we are already dipping into reserves to cover. The four percent Sequestration loss to the WCCA nutrition program budget is about $35,000. According to their website, they provide 155,000 meals annually, so we don’t understand applying 30% of that loss to our site that serves 5% of those meals.

We are seeking an alternative that will work for WCCOA as well as for the Jet Oldsters who are representing seniors in the Ferndale area, and we need the input of wiser minds than ours. We value your opinion. Since time is of the essence, we would appreciate your sharing any suggestions you may have before our imposed deadline of April 19. Please respond to Barbara Fischer, Manager or Pete Harksell, President at 360-384-6244 or ferndale.senior.center@gmail.com.

Respectfully,

Barbara Fischer
Manager

Lawana Chapman
Treasurer, Jet Oldsters
Pete Harksell, President
Jet Oldsters Association of Ferndale
1998 Cherry St
Ferndale, WA 98248

Dear Pete Haskell, President and Members of the Board
of the Jet Oldsters Association of Ferndale,

For many years Whatcom Council on Aging has had the pleasure of serving meals five days a week at the Ferndale Senior Center. We enjoy the Ferndale seniors and appreciate your willingness to work with us to provide daily meals.

Since the economic downturn in 2007, we have experienced financial challenges, and most recently we have heard that our Federal funding will be further reduced under Sequestration. Consequently, we are making difficult decisions about how to maintain maximum meal service for the seniors in Whatcom County. As a part of this process, we have reviewed meal site attendance and also explored whether there are new ways we can deliver meals without reducing the number of meals available to seniors. The Nutrition program currently delivers meals to six meal sites in Whatcom County. All of these sites with the exception of Ferndale provide staffing and/or volunteers to serve the meals.

As a result of this review, we have identified three alternatives for meal service at the Ferndale Senior Center:

Alternative A – WCOA delivers meals five days a week, but does not provide meal service
- Meal days – M-F
- WCOA delivers nutritious hot meals
- Jet Oldsters provide all dining room set-up, salad bar preparation, meal set-up and serve, to-go meals, clean up, dishwashing support and recordkeeping
- Responsibility for equipment maintenance and repair:
  WCOA – steam table, ice machine, and dishwasher
  Jet Oldsters – Stove, oven, refrigerator, freezer and any other kitchen equipment

Alternative B – WCOA delivers meals five days a week as currently occurs, Jet Oldsters pays $10,500 annually
- Meal days – M-F
- WCOA provides nutritious hot meal delivery, meal set up and serve, salad bar preparation, cooking of vegetables, to-go meals and meal clean up.
- Jet Oldsters provides $10,500 annually ($875/month), and current support for dining room set-up, dishwashing support and recordkeeping
- Responsibility for equipment maintenance and repair:
  WCOA – steam table, ice machine, and dishwasher
  Jet Oldsters – Stove, oven, refrigerator, freezer, and any other kitchen equipment

Alternative C – WCOA delivers meals twice a week
- Meal days – T and Th
- WCOA provides nutritious hot meal delivery, meal set up and service, salad bar preparation, cooking of vegetables, to-go meals and meal clean up.
- Jet Oldsters provides dining room set up, dishwashing support and recordkeeping
- Responsibility for equipment maintenance and repair:
  WCOA – steam table, ice machine, and dishwasher
  Jet Oldsters – Stove, oven, refrigerator, freezer and any other kitchen equipment

Our preference is to continue service meals five days each week. Please let us know within the next two weeks which option will work the best for you? We are available to meet with the full Board on Monday, April 8th, or to meet with you at other times to discuss and explore additional options that would create this savings. We do want to continue to provide meals daily in Ferndale and are hopeful that this will happen.

Sincerely,

[Signature]

Julie Meyers,
Nutrition Director

[Signature]

Mary Carlson
Executive Director
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Interlocal Agreement between Whatcom County and the Lummi Nation

**ATTACHMENTS:**
1. Memo to County Executive and Council
2. Contract Information Sheet
3. Interlocal Agreement

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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The Lummi Nation plans to convert the existing conventional 4-way intersection at Haxton Way and Kwina Road to a roundabout intersection. This Agreement defines responsibilities for construction, operation, maintenance, and repair of the proposed improvements.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.*
Memorandum

To: The Honorable Jack Louws, Whatcom County Executive, and Honorable Members of the Whatcom County Council

Through: Frank M. Abart, Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director

Date: April 9, 2013

Re: Interlocal Agreement between Whatcom County and The Lummi Nation

Requested Action:
Authorize the Executive to sign the Interlocal Agreement between Whatcom County and The Lummi Nation for construction, operation, maintenance and repair of Haxton Way Roundabout and associated public appurtenances.

Background and Purpose:
The Lummi Nation plans to lead a project that will convert the existing conventional 4-way intersection at Haxton Way and Kwina Road to a roundabout intersection. The Lummi Nation has obtained necessary equivalent road right-of-way dedications of real property beyond existing County public road right-of-way boundaries.

The purpose of this Agreement is to define the rights and responsibilities with regard to this development, construction, operation, repair, and maintenance of a roundabout and its associated public appurtenances at the intersection of Haxton Way and Kwina Road.

Information:
The Lummi Nation plans to begin construction of this roundabout immediately upon the execution of this Agreement. Project plans have been reviewed by Whatcom County Public Works and are in compliance with applicable design standards and codes.
WHATCOM COUNTY CONTRACT
INFORMATION SHEET

Originating Department: Public Works
Contract Administrator: Joe Rutaa
Contractor's / Agency Name: Lummi Nation

Is this a New Contract? Yes  No
If not, is this an Amendment or Renewal to an Existing Contract?
Yes ___ No ___ If yes, previous number(s): ____________

Is this a grant agreement? Yes ___ No  X__
If yes, grantor agency contract number(s) ____________ CFDA # ____________

Is this contract grant funded? Yes ___ No  X__ If yes, associated Whatcom County grant contract number(s) ____________

Is this contract the result of a RFP or Bid process? Yes ___ No  X__ If yes, RFP and Bid number(s) ____________ Cost Center: ____________

Is this contract excluded from E-Verify? No ___ Yes ___ If no, include Attachment D Contractor Declaration Form
If yes, indicate qualified exclusion(s) below:
___ Contract less than $100,000. ___ Professional services agreement for certified/licensed professional
___ Work is for less than 120 days ___ Contract for Commercial off the shelf items (COTS)
X__ Interlocal Agreement (between Govt.) ___ Public Works Dept. - Local Agency/Federally Funded FHWA

Contract Amount: $ ____________ (sum of orig contract amt and any prior amendments)
This Amendment Amount: $ ____________
Total Amended Amount: $ ____________

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]
1. Prepared by Joe Rutaa Date 4/9/2013 [electronic]
2. Reviewer reviewed Daniel L. Gibson Date 6/12/13 [electronic]
3. AS Finance reviewed Date [electronic]
4. IT reviewed if IT related Date [electronic]
5. Corrections made Date [electronic] hard copy printed
6. Attorney signoff Daniel L. Gibson Date 6/12/13
7. Contractor signed Date
8. Submitted to Exec Office  
9. Council approved (if necessary) Date
10. Executive signed Date
11. Contractor Original Returned to dept. Date
12. County Original to Council Date

Scope of Services: [Insert language from contract (Exhibit A) or summarize; expand space as necessary].
The purpose of this Agreement is to define the rights and responsibilities with regard to this development,
construction, operation, repair, and maintenance of a roundabout and its associated public appurtenances at
the intersection of Haxton Way and Kwina Road.

Term of Contract: Expiration Date: Upon Completion of Work

Last Revised 1/19/12

126
INTERLOCAL AGREEMENT

BY AND BETWEEN

WHATCOM COUNTY AND THE LUMMI NATION

FOR

CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR OF HAXTON WAY
ROUNDABOUT AND ASSOCIATED PUBLIC APPURTENANCES

THIS AGREEMENT is executed this _____ day of __________, 2013 by and between
Whatcom County, a municipal corporation of the State of Washington, hereinafter referred to as
"County," and the Lummi Tribe of the Lummi Reservation, a federally recognized Native
American tribe, hereinafter referred to as "Nation".

WHEREAS, RCW 39.34.010:

"...permit[s] local governmental units to make the most efficient use of their powers by
enabling them to cooperate with other localities on a basis of mutual advantage and
thereby to provide services and facilities in a manner and pursuant to forms of
governmental organization that will accord best with geographic, economic, population
and other factors influencing the needs and development of local communities..."; and

WHEREAS, Nation plans to lead a project that will convert the existing conventional 4-way
intersection at Haxton Way and Kwina Road to a roundabout intersection; and

WHEREAS, the scope of work for said roundabout conversion project also includes new
construction, modification, and relocation of various pedestrian facilities and utility
infrastructure; and

WHEREAS, Nation has, as needed for said roundabout and associated pedestrian facilities and
utility infrastructure operation and maintenance purposes, obtained necessary equivalent road
right-of-way dedications of real property beyond existing County public road right-of-way
boundaries; and

WHEREAS, Nation is the Grantee of said equivalent road right-of-way dedications; and

WHEREAS, County and Nation find that this Agreement is in the best overall public interest;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is mutually
agreed and understood that Nation and County, in accordance with federal, state, and local laws,
will agree to and comply with the following:
SECTION I. PURPOSE

The purpose of this Agreement is to define the Parties’ rights and responsibilities with regard to the development, construction, operation, repair, and maintenance of a roundabout and its associated public appurtenances at the intersection of Haxton Way and Kwina Road, situated on the Lummi Reservation.

SECTION II. NATION RESPONSIBILITIES

Nation shall:

1. Design, plan, and construct the roundabout and all associated pedestrian facilities and utility infrastructure according to the 2010 edition of the Washington State Department of Transportation Design Manual and the 2012 edition of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction; and obtain all necessary permits;

2. Grant such non-exclusive easements or rights-of-way to County as may be reasonably necessary for County to operate, maintain, and repair the roundabout and its associated public appurtenances, and to provide service providers who are County’s franchisees with permission to use space within the right-of-way for utility infrastructure; provided, that, such easements or rights-of-way shall not extend to any real estate or interest therein which is held in trust for the benefit of Nation or its members;

3. Grant to County a license in such real estate or interests in real estate which are held in trust, for the purpose of operating, maintaining, and repairing the roundabout and its associated public appurtenances, which license shall be irrevocable for the period of time that the roundabout is in use as part of the County-operated road system, and to provide the necessary permissions for service providers to use space within the licensed area as they would if holding a franchise from the County;

4. Allow tribal and non-tribal public use of the roundabout consistent with its traffic purposes;

5. Refrain from interfering with County’s responsibilities pursuant to this Agreement.

SECTION III. COUNTY RESPONSIBILITIES

Contingent upon Nation’s performance of its responsibilities identified in Section II, above, County shall:

1. Upon substantial completion of the roundabout and its associated public appurtenances, accept such roundabout and its associated public appurtenances, provided that they meet the provisions of the 2010 edition of the Washington State Department of Transportation Design Manual and the provisions of the 2012 edition of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction;
2. At its expense, operate, maintain, and repair roundabout and its associated public appurtenances in a manner that complies with or exceeds all legal standards and safety standards based upon the manual and specifications referenced in #1, above, at the time of their dedication and acceptance by the County;

3. Accept such easements, rights-of-way, or grants as reasonably necessary to fulfill its responsibilities; and

4. In the execution of its duties, comply with all presently applicable federal, state, tribal and local laws, including the Native American Graves Protection and Repatriation Act, Lummi Cultural Resources Preservation Code, and Lummi Tribal Employment Rights Ordinance; and adhere to Nation’s protocols for on-reservation work, including notifying the Lummi Nation Police Department upon initial entry onto the reservation to perform such work.

SECTION IV. CONTINGENCIES

This Agreement is also contingent on Nation successfully obtaining funding for, and LIBC and other approvals of, this Agreement and its obligations arising hereunder.

SECTION V. DURATION

This Agreement shall commence upon the date of execution above and continue unless otherwise terminated as provided herein.

SECTION VI. TERMINATION

1. Termination of this Agreement may only occur under one of the following circumstances:

1.1. If Nation provides notice to County that Nation has totally abandoned the project:

1.1.1. Before any roundabout-associated construction has started, then, effective immediately upon County’s receipt of said notification, this Agreement will terminate automatically without any further involvement by either Party.

1.1.2. After any roundabout-associated construction has started, but prior to County acceptance of the facilities per paragraph no III.1 above, then, effective immediately upon Nation having fully restored the intersection to its pre-construction condition to the satisfaction of County, of which County will provide notice of same to Nation, this Agreement will terminate automatically without any further involvement by either Party.

1.2. Following County’s acceptance of the completed roundabout, if Nation provides to County evidence of recorded public (County) road right-of-way dedication documents that supersede all currently recorded documents that grant equivalent
road right-of-way rights to Nation, then, effective immediately upon County receipt of said evidence:

1.2.1. This Agreement will terminate automatically without any further involvement by either Party, and

1.2.2. County will automatically assume all operation, maintenance, and repair responsibilities of any areas of the roundabout itself and all associated public appurtenances now within public road rights-of-way.

2. Any notice required under this Section VI shall be given in accordance with Section XII of this Agreement. Notice shall be deemed to be effective four (4) days following deposit in accordance with Section XII.

3. Upon termination by either Party under the terms stated above, all rights and obligations under this Agreement shall become null and void, except those rights and obligations that would be reasonably expected to continue.

SECTION VII. RELATIONSHIP OF THE PARTIES

The Parties agree that each is an independent entity operating pursuant to the terms and conditions of this agreement. No agent, employee, or representative of either Party shall be deemed to be an agent, employee, or representative of the other Party for any purpose unless requested otherwise in writing per the scope of this agreement. Each Party shall be solely and entirely responsible for the acts of its agents, employees and representatives for the duration of this Agreement.

SECTION VIII. INDEMNIFICATION AND HOLD HARMLESS

1. Nation agrees to protect, defend, save, hold harmless and indemnify County from and against all claims, damages, suits, and actions arising from the negligent acts or omissions of Nation, or its authorized contractors or subcontractors, including its agents or employees, in the performance of this Agreement. In the event that County is required to institute legal action and/or participate in legal action to enforce this indemnification and hold harmless clause, Nation agrees to pay County’s reasonable legal fees, costs and disbursements incurred in establishing the right to indemnification. Under no circumstances shall Nation’s obligations pursuant to this paragraph be deemed to afford Nation the right to determine County’s counsel or legal strategy, or settle any claim, suit, or action on County’s behalf without first obtaining County’s approval in writing.

2. County agrees to protect, defend, save, hold harmless and indemnify Nation from and against all claims, damages, suits, and actions arising from the negligent acts or omissions of County, or its authorized contractors or subcontractors, including its agents or employees, in the performance of this Agreement. In the event that Nation is required to institute legal action and/or participate in legal action to enforce this indemnification and hold harmless clause, County agrees to pay Nation’s reasonable legal fees, costs and disbursements incurred in establishing the right to indemnification. Under no circumstances shall County’s obligations
pursuant to this paragraph be deemed to afford County the right to determine Nation’s counsel or legal strategy, or settle any claim, damage, suit, or action on Nation’s behalf without first obtaining Nation’s approval in writing.

SECTION IX. MODIFICATION

No changes or additions to this Agreement shall be valid or binding on any Party unless such changes or additions shall be in writing and executed by both Parties.

SECTION X. NON-WAIVER OF BREACH

The failure of County or Nation to insist upon strict performance of any of the covenants and conditions of this Agreement, or to exercise any options herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

SECTION XI. ARBITRATION AND MUTUAL WAIVER OF SOVEREIGN IMMUNITY

1. The Parties to this agreement mutually covenant to work cooperatively to timely resolve any dispute that may arise between the Parties concerning this agreement. However, if the Parties cannot mutually settle a dispute, the dispute or claim shall be submitted to binding arbitration. The Parties agree that the arbitration shall be governed by the rules and procedures of the American Arbitration Association. The arbitration shall be brought for resolution at a neutral site in Whatcom County. Judgment on an award of arbitration may be brought only in the U.S. Federal District Court for the Western District of Washington. No award of arbitration shall exceed the obligations of either Party arising from this Agreement, but may include reasonable costs and fees.

2. Nation hereby agrees to a limited waiver of its sovereign immunity only for the purposes of arbitration, the enforcement of an award of or judgment on an award of arbitration, and the enforcement consistent with this arbitration clause of Nation’s Responsibilities, Termination and Indemnification and Hold Harmless clauses contained in Sections II, VI and VIII, above. Such waiver shall be effective only in the federal courts for the Western District of Washington. Enforcement of any award or judgment shall not be made against trust property or trust resources, or funds restricted to governmental or economic development purposes.

3. County hereby agree to a limited waiver of sovereign immunity it may possess, for the purposes of arbitration and the enforcement of an award of or judgment on an award of arbitration, and the enforcement, consistent with this arbitration clause of County’s responsibilities pursuant to this Agreement, including but not limited to Sections III and VII. Nothing herein shall be interpreted as operating in derogation of the County’s protection by virtue of the public duty doctrine against actions brought by third parties.
4. The laws of the United States and of the State of Washington shall govern this Agreement.

SECTION XII. NOTICE

Notices pursuant to this Agreement shall be delivered via USPO certified mail, or by private carrier via a method with similar assurances of delivery as USPO certified mail, to the following persons at the corresponding addresses below:

Nation:

County:
Jeff Gollen, Superintendent
Public Works Maintenance & Operations
901 West Smith Road
Bellingham, WA 98226
Phone: 360.676.6759 (during business hours; outside business hours, in case of emergency call 911 and ask for on-duty county road supervisor)

SECTION XIII. RECORDS

Each Party shall maintain books, records, documents and other evidence which accurately evidences all direct and indirect costs incurred by either Party in the performance of this Agreement. These records shall be subject to inspection, review, or audit by the other Party as required by applicable law. All records will be maintained for a minimum of six years after expiration.
IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year hereafter indicated.

DATED this _____ day of __________________, 2012.

Executed by LUMMI NATION:

__________________________ Date: __________

__________________________ , Chair

Approved as to Form:

__________________________ Date: __________

Mary M. Neil, Reservation Attorney

STATE OF WASHINGTON )
COUNTY OF WHATCOM )
On this ______ day of _____________, 2013, before me personally appeared
__________________________, to me known to be the __________________ of the Lummi Indian Nation, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of the Lummi Indian Nation, for the uses and purposes herein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of the Lummi Indian Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

__________________________
Notary Public in and for the State of Washington

Residing at _______________________

My commission expires ________________
Executed by WHATCOM COUNTY

______________________________  Date: ____________
Jack Louws, County Executive

Approved as to form:

Prosecuting Attorney’s Office

Daniel Gibson, Assistant Chief Deputy/Civil  Date: 04/11/13

STATE OF WASHINGTON )
COUNTY OF WHATCOM  )
On this ______ day of _____________, 2012, before me personally appeared
Jack Louws, to me known to be the Executive of Whatcom County, a municipal corporation, that
executed the within and foregoing instrument, and acknowledged said instrument to be the free
and voluntary act and deed of Whatcom County, for the uses and purposes herein mentioned, and
on oath stated that he was authorized to execute said instrument on behalf of Whatcom County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.

__________________________
Notary Public in and for the State of Washington

Residing at __________________________

My commission expires ____________
WHATCOM COUNTY COUNCIL
Committee Of The Whole

March 26, 2013

CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 5:48 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, Pete Kremen and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. STRATEGY PLANNING DISCUSSION AND POSITIONS TO BE TAKEN REGARDING COLLECTIVE BARGAINING (AB2013-018A) Attorney Present: None

2. DISCUSSION REGARDING A POTENTIAL PROPERTY ACQUISITION WITH COUNTY EXECUTIVE JACK LOUWS AND SHERIFF BILL ELFO (AB2013-018B) Attorney Present: None

3. DISCUSSION WITH COUNTY EXECUTIVE JACK LOUWS REGARDING A POSSIBLE PROPERTY ACQUISITION FOR GENERAL GOVERNMENT PURPOSES (AB2013-018C) Attorney Present: None

Kershner stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.140 (4)(a) and discussion of agenda items two and three may take place in executive session pursuant to RCW42.30.110 (1)(b). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, she will step out of the meeting to make a public announcement.

Kremen moved to go into executive session until no later than 7:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair.

The motion carried by the following vote:

Ayes: Brenner, Kershner, Knutzen, Mann, Kremen and Weimer (6)

Nays: None (0)

Absent: Crawford (out of the room) (1)

OTHER BUSINESS
ADJOURN

The meeting adjourned at approximately 7:00 p.m.

The Council approved these minutes on ______________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
          WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Regular County Council  
March 26, 2013  

CALL TO ORDER  
Council Chair Kathy Kershner called the meeting to order at 7:03 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  
(7:03:54 PM)  
Present: Barbara Brenner, Ken Mann, Sam Crawford, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.  
Absent: None.  

FLAG SALUTE  
Boy Scout Troop 4006 lead the flag salute.  

ANNOUNCEMENTS  
Kershner announced there was discussion of the following items in executive session during the Committee of the Whole meeting:  
• Strategy planning discussion and positions to be taken regarding collective bargaining (AB2013-018a)  
• Discussion regarding a potential property acquisition with County Executive Jack Louws and Sheriff Bill Elfo (AB2013-018b)  
• Discussion with County Executive Jack Louws regarding a possible property acquisition for general government purposes (AB2013-018c)  

SPECIAL PRESENTATION  
1. STEVE HOOD, DEPARTMENT OF ECOLOGY, TO ANNOUNCE AND BRIEFLY DESCRIBE THE DRAFT TOTAL MAXIMUM DAILY LOAD (TMDL) COMMENT AND APPROVAL PROCESS, EMPHASIZING THAT THIS IS A STATE PROCESS, NOT A COUNTY PROCESS (AB2013-109)  

Steve Hood, Department of Ecology, submitted and read from a presentation (on file) describing the total maximum daily load (TMDL) process.  

Kremen stated the Councilmembers heard this presentation earlier today at a committee meeting, during which they asked a lot of questions and had a lot of discussion.
Kershner asked when the comment period will be over and this process will be officially in place. Hood stated they are accepting comments until May 28. He will respond to comments as part of the submission process to the Environmental Protection Agency (EPA). They may make small changes based on those comments. Substantive changes would require another comment period. Once EPA receives it, they have 60 days to evaluate it and issue a letter, which becomes an enforceable TMDL.

Kershner asked if the County can benefit from starting work now or should wait. Hood stated the County has already been doing a lot of improvements that go toward meeting the goal. The County identified five years ago things that needed to be done. There is no reason to delay the next iteration of that work.

PUBLIC HEARINGS

1. ORDINANCE ESTABLISHING SPEED LIMITS ON CERTAIN COUNTY ROADS (AB2013-106) (7:24:59 PM)

Joe Rutan, Public Works Department, gave a staff report. For the Pacific Highway, staff recommends signage at 40 miles per hour due to a curve that does not meet the criteria for 45 miles per hour. The second project recommendation is for a 45-mile per hour speed limit. The third street is a residential street off Yew Street Road named Bass Street. When the road was developed, the speed limit was never addressed, but should have been signed at 25 miles per hour. Given current development in the area, the limit should be reduced from the current 35 miles per hour to 25 miles per hour. For Autumnwood Court, the recommendation is for a speed limit of 25 miles per hour.

Kershner opened the public hearing and, hearing no one, closed the public hearing.

Knuteen moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

2. RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR NEW OR EXPANDED DIRECT SERVICES TO PERSONS WITH LOW AND MODERATE INCOMES IN ISLAND, SAN JUAN AND WHATCOM COUNTIES WITH THE OPPORTUNITY COUNCIL AS SUB-RECIPIENT AND WHATCOM COUNTY AS LEAD AGENCY (AB2013-107) (7:30:48 PM)

(Clerk’s Note: The CDBG required handouts were included in the Council’s packet and available to the public at the public hearing.)

Kershner opened the public hearing and, hearing no one, closed the public hearing.

Kremen moved to approve the resolution.

Knutzen stated the Council received a letter about administration. He asked if that letter refers to County management of this item. It looks like the Opportunity Council is
going to contribute $3,000 for administration, and the County will absorb the rest. He asked if that’s correct.

Dave Finet, Opportunity Council, stated that’s correct.

Knutzen asked if the County will manage the grant and distribute the funds. Finet stated that’s correct. The maximum the CDBG allows for the County is $3,000, which is low. They felt it was right to contribute $3,000 more from discretionary funds to help support the Executive’s Office in administering the grant. The funds are flexible, and are used for information and referral. It’s one of the hardest things to get funding to do. These funds are very important to the Opportunity Council and are used at the East Whatcom Resource Center for staffing.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

**Nays:** None (0)

OPEN SESSION

The following people spoke:

- Anne Mosness spoke about the proposed resolution endorsing Washington State Initiative 522 requiring labeling of genetically engineered food products (AB2013-132).
- Sheri Lambert spoke about a motocross track on the Hemmi Road.
- Roni Lenore submitted a handout (on file) and spoke about the proposed resolution endorsing Washington State Initiative 522 requiring labeling of genetically engineered food products (AB2013-132).
- Max Perry spoke about the Lake Whatcom total maximum daily load (TMDL) report (AB2013-109), the proposed resolution endorsing Washington State Initiative 522 requiring labeling of genetically engineered food products (AB2013-132), and parcel reconfiguration (AB2013-128).
- Janet Marino, Whatcom Peace and Justice Center, spoke about a Cornwall supportive housing project.
- Theresa Meurs spoke about homelessness in Whatcom County and a Cornwall supportive housing project.
- Peter Blackburn spoke about a Cornwall supportive housing project.
- Jennifer Moon spoke about a Cornwall supportive housing project.
- Rebecca Johnson spoke about a Cornwall supportive housing project.
- Mike Parker, Catholic Community Services, spoke about a Cornwall supportive housing project.
- Stephen Gockley spoke about a Cornwall supportive housing project.
Karen Weil spoke about the proposed Forestry Advisory Committee.

Steven J. Carter spoke about a motocross track on the Hemmi Road.

Brenner stated Executive Louws will be working on this issue, which is an administrative issue.

Kris Halterman spoke about the Lake Whatcom total maximum daily load (TMDL) report (AB2013-109) and about the transfer of development rights (TDR) program (AB2013-115).

Roland Trenouth spoke about a Cornwall homeless housing project.

Scott Connolly, Assumption Parish, spoke about Catholic Community Services.

**CONSENT AGENDA**

(8:14:34 PM)

Mann reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through six.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

Nays: None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND BERK & ASSOCIATES, INC. RELATED TO THE 2016 WHATCOM COUNTY COMPREHENSIVE PLAN UPDATE AND UGA REVIEW, IN THE AMOUNT OF $140,000 (AB2013-119)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND SNOHOMISH COUNTY FOR FUNDING THE STATE HOMELAND SECURITY PROGRAM, IN THE AMOUNT OF $48,380 (AB2013-120)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND REISNER DISTRIBUTOR, INC. FOR CARD LOCK FUEL SERVICE, IN THE AMOUNT OF APPROXIMATELY $300,000, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF APPROXIMATELY $2,300,000 (AB2013-121)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE OF WASHINGTON DEPARTMENT OF HEALTH FOR THE POLLUTION IDENTIFICATION AND CONTROL PROGRAM, IN THE AMOUNT OF $164,000 (AB2013-122)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND EDGE ANALYTICAL LABS FOR WATER QUALITY ANALYTICAL TESTING SERVICES, IN THE AMOUNT OF $29,700 (AB2013-123)
6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND CDW-G TO COMPLETE THE COUNTYWIDE E-MAIL SYSTEM UPGRADE, IN THE AMOUNT OF $50,825, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $123,105 (AB2013-124)

OTHER ITEMS

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN MT. BAKER FOOTHILLS CHAMBER OF COMMERCE AND WHATCOM COUNTY TO AUTHORIZE FUNDING FOR THE BAKER BIRCH BAY TOURISM PROMOTION PROJECT, IN THE AMOUNT OF $247,000 OVER THE NEXT FOUR YEARS FOR A TOTAL CONTRACT AMOUNT OF $400,000 AS ORIGINALLY RECOMMENDED BY THE LODGING TAX ADVISORY COMMITTEE (AB2013-053) (8:14:57 PM)

Mann reported for the Finance and Administrative Services Committee and moved to approve the request.

Kershner stated she supports the request. The project is great.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

**Nays:** None (0)

2. ORDINANCE AMENDING THE 2013 WHATCOM COUNTY BUDGET, FOURTH REQUEST, IN THE AMOUNT OF $51,410 (AB2013-105) (8:15:59 PM)

Mann reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

Brenner stated she is against the motion because it uses real estate excise tax (REET) II funds for the Samish dock. There is money in the park funds that can be used for this. REET II money should be used for issues associated with the new jail. Don’t keep using money from this fund. She supports the Sheriff’s request in this ordinance. She also supports repairing the dock, but not with REET II money.

Knutzen stated he agrees with Councilmember Brenner about not using REET II funds and about supporting the other projects in the ordinance.

Mann stated he supports the ordinance. This same project has come forward many times. The County does more than build jails and pave roads. People value parks, docks, and lake access. It’s a reasonable expenditure of $27,000 compared to the millions of dollars the County will spend on the jail. This dock and access to the lake is important.

Brenner stated there is money in other funds that can be used for this expense. She’s never voted for this item. A paths and trails fund in the Public Works Department may be a possible funding source. This is about the source of the funds, not fixing the
dock. The jail costs will be very expensive. They still have not gotten a breakdown of
money spent from the REET I and II funds.

Knutzen stated the cost isn’t only $27,000. The total project is over $100,000. It’s
been before the Council five times for a number of reasons.

Kershner asked if it’s true they don’t have funds in the Parks Improvement Fund.

Mike McFarlane, Parks and Recreation Department Director, stated there is money in
the fund, but its otherwise allocated. This has been before the Council multiple times
because it has not been a project-based budget. He described the history of this item
before the Council.

Kershner stated this is before the Council tonight because the funds weren’t
expended during the last budget cycle, and they’re coming forward again. McFarlane stated
the docks have been constructed. They’re at the manufacturer’s and waiting to be
delivered. This is for upland work necessary to attach the docks to the shoreline, which
they can’t do until they get to June, when the watershed window opens.

Knutzen asked if they could use conservation futures funds for this dock. McFarlane
stated conservation futures can be used for the maintenance of properties, but not for
capital projects and development. This is not eligible for conservation futures, because this
isn’t a property that was used. It is not property maintenance. It is a replacement of an
asset in the park. Each particular fund has certain restrictions. The paths and trails fund
can’t be used for dock replacement. The conservation futures fund can’t be used for trails.

Kershner asked if this expense could have been funded from any other fund.
McFarlane stated REET II was set up to deal with capital projects and replacements like this.
The general fund can be used. They see how the projects rank statewide for grant funds.
This project didn’t rise to that level. They are using State funds for the docks and the piles
at Point Roberts, which competed on a statewide basis.

Brenner stated this isn’t just about the jail. One of the biggest uses for the REET II
fund is for stormwater facilities. The County needs stormwater facilities to help clean up
water in the Lake Whatcom watershed. The jail will need stormwater facilities. They are
talking about big issues of cleaning water and keeping water clean. At some point, the
County will have to prioritize the REET I and REET II fund. Get the dock done with other
funds.

The motion carried by the following vote:
Ayes: Mann, Crawford, Kershner, Weimer and Kremen (5)
Nays: Brenner and Knutzen (2)

3. ORDINANCE ESTABLISHING THE WHATCOM COUNTY FORESTRY ADVISORY
COMMITTEE (AB2013-098) (8:28:30 PM)

Mann reported for the Finance and Administrative Services Committee and moved
to adopt the ordinance with the substitute page, which includes one amendment made in
committee.
Kremen stated he thanks Councilmember Knutzen for offering the amendment, which is workable and most can support.

Brenner stated this is an advisory committee about the forestry industry. The State says the County must prioritize the industry. This is about getting information from that industry. It’s really helpful to have advisory committees specific to an industry.

Kershner stated she thanks Councilmember Knutzen for bringing this forward.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)


Mann reported for the Finance and Administrative Services Committee and moved to approve the request.

(8:31:34 PM)

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

5. RESOLUTION AMENDING RESOLUTION NO. 2012-039, SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES (AB2013-117) (8:31:58 PM)

Mann reported for the Finance and Administrative Services Committee and moved to approve the resolution.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND WASHINGTON STATE RECREATION AND CONSERVATION OFFICE FOR THE CANYON CREEK BARRIER REMOVAL PROJECT, IN THE AMOUNT OF $365,310, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $1,339,060 (AB2013-118) (8:32:26 PM)

(Clerk’s Note: Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Mann reported for the Finance and Administrative Services Committee and moved to approve the request.
The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

Nays: None (0)

7. RESOLUTION ENDORSING WASHINGTON STATE INITIATIVE 522
REQUIRING LABELING OF GENETICALLY ENGINEERED FOOD PRODUCTS
(AB2013-132) (8:33:18 PM)

Brenner reported for the Public Works, Health, and Safety Committee. She
wholeheartedly endorses the resolution. The other sponsors of the resolution have
reconsidered their sponsorship for various reasons. She did her homework on this issue.
People have a right to know what they’re getting when they buy a product to eat.

Kremen stated the committee voted to hold this in committee. They are obligated to
take that action tonight.

Brenner stated that isn’t a vote of the full Council.

Knutzen moved to remove this resolution from Council consideration.

Crawford stated the Council should not be in the business of weighing in on citizen-
sponsored initiatives, especially for issues the County Council would not regulate. Leave it
to the citizens to figure out. He doesn’t have a strong opinion on the labeling issue. He
hasn’t received enough information to determine how he will vote in November. His first
instinct is to hear from the Agricultural Advisory Committee. His passion is to do everything
possible to help the local agricultural industry, including the entire agricultural process.
Ninety-eight percent of the agricultural products leave Whatcom County. It’s important to
make sure they’re on board with any initiative the County takes. It’s not the Council’s role
to get into the middle of the issue.

Brenner stated she would like to know the Agricultural Advisory Committee’s view on
genetically modified organisms (GMOs). The Agricultural Advisory Committee doesn’t have
the right to tell her whether she can see something on a label. This is only about putting
something on a label. There should be a choice. She wouldn’t otherwise be able to find
information on whether a product includes GMOs. They deserve to have information. She
would like to hear from the Public Health Advisory Committee about genetically engineered
products, but this is about her ability to see what she is buying to consume.

Mann stated they could spend a lot of County resources debating something the
County has no control over or that has no nexus with Council responsibilities. He has no
special expertise on the issue. He’s reluctant to give the Council’s stamp of approval on a
statewide ballot initiative. He will probably vote for this on the ballot, but he doesn’t see it’s
the Council’s role to weigh in on it.

Kremen stated the farm gate value in Whatcom County is extremely significant. The
value is in the top one-half of one percent of all the counties in the country. However, he
opposes the motion because he is pro-consumer, which this initiative is. It trumps his
support for agriculture in Whatcom County.
Kershner stated she supports the motion. Initiative 522 doesn’t address some of the things she might be interested in. She’s not sure if she wants to endorse it. This isn’t something the Council should spend time on. It will go to voters for their support.

Brenner stated labeling provides those who want to know more the ability to know more. If they don’t know that it’s there, there is nowhere to go look. This is just to let people know that it’s there. If they want more information, they can call the company.

Weimer stated he wants to learn more about it, but he doesn’t know enough now to endorse it at this point. The Council would spend a lot of time on this, but it’s not within the Council’s realm. He supports the motion.

The motion carried by the following vote:

Ayes: Mann, Crawford, Knutzen, Kershner and Weimer (5)
Nays: Brenner and Kremen (2)

8. RESOLUTION VACATING A PORTION OF BRIDGEWATER STREET (SHIPYARD ROAD) AND DEARBORN AVENUE PER RCW 58.17 AND RCW 36.87 AND WHATCOM COUNTY CODE 12.20 (AB2012-272B) (8:46:31 PM)

Brenner reported for the Public Works, Health, and Safety Committee and moved to approve the resolution. This is the first time she supports a road vacation. The vacation is much smaller than what originally came forward. The Council is assured by Blaine that there is ample room for any necessary services.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

9. NOMINATION AND APPOINTMENT TO FILL TWO VACANCIES ON THE WHATCOM COUNTY PORTAGE BAY SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE - APPLICANT(S): CHRISTINE WOODWARD AND LEE FIRST (AB2013-078) (8:47:44 PM)

Knutzen moved to nominate and appoint Christine Woodward and Lee First.

The motion carried by the following vote:

Ayes: Brenner, Mann, Knutzen, Kershner, Weimer and Kremen (6)
Nays: Crawford (1)

10. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENTS OF AMY SCHUBERT, CAROL HAWK, DAVID KINCHELOE, MICHAEL MASSANARI, LARRY RICHARDSON, DASCOMB JAMISON, TERESEM BOSTETER AND MARK MCDONALD TO THE WHATCOM COUNTY BEHAVIORAL HEALTH ADVISORY BOARD (AB2013-129) (8:48:38 PM)

Mann moved to confirm the appointments.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Crawford stated all the appointees are very dedicated people. He commends these people for their service. It’s a thankless committee. They make very big decisions and spend a lot of time on it. They only thing they get in return is the gratification of serving the community.

Brenner stated these applicants have served before and are willing to serve again.

11. REQUEST APPROVAL FOR COUNCIL TO SEND A LETTER TO STATE REPRESENTATIVES REGARDING STATE SHARED REVENUE (AB2013-027) (8:50:30 PM)

Knutzen moved to approve the letter.

Mann asked about using the phrase “council manically” and what is the public safety sales tax. He doesn’t understand the sentence.

Dana Brown-Davis, Clerk of the Council, stated the letter is copied from the Washington State Association of Counties (WSAC).

Jack Louws, County Executive, read the definition of “council manically.” The document encourages the legislative delegation to make sure they continue to fund the programs and initiatives through the next budget biennium.

Kershner asked if this is time-sensitive. Brown-Davis stated the letter needs to be to the State by April 1.

Kremen stated the language is standard language used for the legislative bodies of each county in the state, to be consistent with the Revised Code of Washington (RCW). WSAC did its due diligence. He recommends approval as is, but is willing to alter it if necessary.

Brenner stated there is a scrivener error. The letter sounds good until the last paragraph. It sounds like they’re talking about working with them to raise taxes.

Kremen stated it’s not a new tax.

Brenner moved to amend the letter “…the state’s budget dilemma and not simply transfer unfunded mandates to the County to tax. We are already sending you money for these services.” Don’t give the impression that they are going to support any tax increase.

Crawford stated the amendment is redundant. The sentence as written is fine the way it is. WSAC advocates that local governments have the opportunities to increase extra tenths of a percent.

Kremen stated it’s enabling, but isn’t mandatory.
Crawford stated this is a laundry list of issues that WSAC is trying to put before the State. It says that if the State is currently paying the counties for things, don’t cut the funding and say the counties still have to pay for it.

Kremen stated representatives from various counties discussed this extensively. There are many conservative counties in Washington State. There was unanimous support for this letter. He’s comfortable with the letter as it is. It sends the right message to the legislature. He recommends approving the letter.

Kershner asked why they didn’t include a request to allow counties to use certain funds that are restricted, but are growing their balance.

Kremen stated a bill from Senator Erickson was geared to do that. Unfortunately, it didn’t get through the legislative process.

The motion to amend failed by the following vote:

**Ayes:** Brenner (1)

**Nays:** Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (6)

Brenner stated the third sentence of the third paragraph contains a scrivener’s error.

Mann stated he can’t support the letter because it seems to be a letter asking the State just to not cut funding to the State. He understands that request. He’d like to understand what they’re talking about and the grammar in the letter.

Knutzen stated he understands the concern, but it’s a recommendation of the Washington State Association of Counties (WSAC), of which the County is a member.

Brenner stated WSAC approved an extra tax on refineries. It didn’t ask Whatcom County about it, and Whatcom County opposed it. She’s not that devoted to WSAC.

Kremen stated the State legislature is thinking of changing the formula for revenue-sharing to shift a portion of the counties’ revenue to the State to fix the State’s budget hole. All the counties that comprise the Legislative Steering Committee of WSAC voted unanimously for the letter.

**Kershner restated the motion** to approve the letter with the corrected scrivener’s error.

The motion carried by the following vote:

**Ayes:** Crawford, Knutzen, Kershner, Weimer and Kremen (5)

**Nays:** Brenner and Mann (2)

**INTRODUCTION ITEMS**

**Crawford moved** to accept the Introduction Items. He asked about the proposed schedule for the Hearing Examiner appeal.
Dana Brown-Davis, Clerk of the Council, stated the appeal process is not yet definite, so they don’t know the final date for consideration.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

**Nays:** None (0)

1. **RECEIPT OF APPEAL OF THE HEARING EXAMINER’S DECISION ON FILE NO. APL2012-0005, FILED BY JOSEPH BOWEN, REGARDING APPLICANT THOMAS FENTON’S APPEAL OF AN ADMINISTRATIVE DECISION BY WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES (AB2013-079)**

2. **ORDINANCE AMENDING WCC CHAPTER 3.37.070 CHEMICAL DEPENDENCY/MENTAL HEALTH PROGRAM FUND OVERSIGHT ADVISORY COMMITTEE (AB2013-130)**

3. **ORDINANCE AMENDING THE WHATCOM COUNTY AGRICULTURE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM APPLICATION PROCEDURES AND GUIDELINES (AB2013-115)**

**OTHER BUSINESS**

Knutzen stated he received an email from the Washington State Association of Counties (WSAC) asking the County to submit stormwater projects to them, to be forwarded to Senator Erickson. He asked if the Executive is aware of it.

Jack Louws, County Executive, stated he is aware of it. He worked with the Public Works Department, Senator Erickson’s office, and others to get the Swift Creek project on the list. The Birch Bay berm project doesn’t qualify for funding, but it’s worth a try. It’s a long-shot.

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

Knutzen reported that he thanks Councilmembers Brenner and Mann for attending a meeting last week regarding Catholic Community Services and downtown merchants.

Kershner reported that she was asked to distribute awards and trophies to 8th grade students in the county who participated in the annual math championship at Whatcom Community College.

Kremen stated he has done that presentation for the last 28 years. He thanked Councilmember Kershner for doing that presentation.

**ADJOURN**

The meeting adjourned at 9:10 p.m.

The Council approved these minutes on ______________, 2013.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 10:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(10:33:31 AM)

Present: Barbara Brenner, Sam Crawford, Ken Mann, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.

Absent: None.

1. FOOD SAFETY AND FOOD CODE UPDATE

Greg Stern, Health Department, stated this discussion precedes a request to revise the County Code on food safety. They will talk about the creation and implementation of food safety regulations.

Food borne diseases come from many sources. It’s important to know the risks and how to prepare food at home. When going out to eat, people depend on others to take necessary food safety measures. The Health Department helps food establishments know the risks from food and reduce those risks. In commercial settings, an outbreak can impact many people. Things can spread quickly. The Health Department provides food safety training. There are sporadic cases of food borne illnesses. He described how an outbreak can occur.

From 2009 to 2011, there were two or three dozen outbreaks in the state per year. Almost half were associated with restaurants. Eight percent were from catered events, and 19 percent were from other commercial food products. In 2010 in Washington State, there were 37 outbreaks and more than 300 associated cases. The regulations are products of collaboration with food scientists, federal and state regulators, and the industry. Regular dialog in the industry produces code changes to be effective in protecting public health and are also fair and reasonable for the food businesses.

There are many activities in the local food regulation program, including meeting with new businesses to identify problems before there are fines. The Department also receives complaints, works with business owners, and applies enforcement actions.

Tom Kunesh, Health Department, stated the County has a public interest and expectation to provide food safety inspection in the community. The program is effective if they can keep the interests of the operator in mind. They must see a benefit to themselves as business people. Inspection staff are trained. It’s a technical matter to enforce a food
code and understand risks of illness. The staff go through about 40 hours of Food and Drug Administration (FDA) training, mostly online. They also conduct 25 joint inspections with an experienced inspector. That process takes about two months. Once trained, inspectors are standardized to a federal program. They must understand the technical aspects of food safety and also have certain detective skills to get an idea of what’s happening when they’re not there. They focus on prevention. They focus on things that are more likely to cause illness.

Inspectors work to maintain a good rapport with the operators. It’s in the businesses’ best interest to operate a safe establishment. They conduct periodic inspections and maintain open lines of communication. They try to focus on establishments that do more complex food handling, such as full service restaurants. They work with establishments on the specific steps they take while preparing food. They investigate complaints, issue permits, and respond to incidents. He described recent situations in the community in which the department staff worked with operators. Before dictating solutions, the inspection staff must find out the concerns and interests of the owner/operator.

As an enforcement agency, they may occasionally not be as successful as they like with their efforts to get compliance. There are over 1,100 permanent food establishments in the county, and staff conduct over 1,100 inspections. They issue about 700 permits for temporary establishments, such as fairs, festivals, and farmer’s markets, each year. They conduct over 200 inspections of those establishments every year. In 2012, staff reviewed about 350 plans for new establishments, remodes, or changes of ownership. When the economy struggles, they are even more busy because the owner turnover is higher. In 2012, there were over 240 individual complaints.

The State Board of Health recently adopted a revised food code. The Washington code is an amended version of the FDA model food code. Both levels have had stakeholder review. Whatcom County currently adopted the State retail food code by reference in the County Code. They did an economic impact analysis. The changes may have an impact on business. In most cases, the costs are defined as minor. The Health Department is committed to finding low- or no-cost solutions.

A few changes are unique to Washington State. The biggest change is that cut tomatoes and cut leafy greens must be refrigerated for safety. Evidence shows contamination is happening at the producer level, but lack of refrigeration along the chain of distribution can make the problem worse.

There have been changes in the foods that require temperature control for safety. There are restrictions in the current code about mixing large quantities of eggs together. The food code revision, at the request of the industry and changes to the FDA code, allows fresh eggs to be used in larger batches if they’re cooked right away. The holding temperature for hot foods is reduced. There are new provisions for wild mushroom source identification that give operators more options for obtaining wild harvested mushrooms. The new requirements allow folks to buy direct from pickers rather than going through wholesale distributors. This allows restaurants to offer local delicacies.

A new provision establishes a distance from a work station to a hand washing sink in a restaurant. In new construction, make sure hand washing sinks are appropriately located. Retrofits aren't required.
Knutzen asked if chanterelle mushrooms growing in cow manure are a problem. Kunesh stated a picker would have to provide that information on location of harvest to a retailer. They are trying to make sources of wild foods more like sources of fresh produce, which has an easy path to the restaurant. They must balance that with restricting types of species that can be harvested to those that don’t commonly have toxic lookalikes.

Stern stated the main concern with wild mushrooms is picking toadstools instead. Misidentification is a bigger concern. Manure issues can be addressed with cooking temperatures.

Knutzen asked about interpreters on the County’s on-call list. Kunesh stated they used to have several interpreters, but now they have access to the AT&T interpreter service.

Kershner asked if the public can look up the deficiencies of a specific establishment. Kunesh stated they can’t do that online, but all records are public records. The staff have talked about adding that capability to the website.

Stern stated many counties post inspection reports. Whatcom County decided to create the silver platter award instead. There is a system in place to ensure safety without publicizing problems. It doesn’t advance public safety.

Kershner asked if the State code change effective May 1 will automatically happen in Whatcom County, without Council action. Stern stated they just adopt the State codes. Some of the language is obsolete, so changes are mostly for housekeeping. They will bring something forward for Council action.

Brenner asked if cabbage is a problem similar to leafy greens. Kunesh stated the opportunity for contamination in an open head is greater than with a solid head, like an iceberg or cabbage. Contamination happens at the field or grower level. Once leaves are cut, bacteria can anchor and grow. The concern is low with a whole head.

Brenner asked if they can say the same thing with celery or other vegetables. Kunesh stated they haven’t seen epidemiology as risky as cut tomatoes and leafy greens.

Brenner asked if the situation is the same with melons. Kunesh stated whole melons don’t need refrigeration, but cut melons do. That change was made to the code previously.

Kremen stated Whatcom County has one of the more robust food safety programs in the state. However, they can sometimes go overboard. There is a happy medium in terms of protecting the public and deciding what’s cost effective. The department should keep that in mind. He asked if they are talking about cut vegetables in commercial establishments and not home use. Stern stated precautions for commercial regulations are based on evidence from microbiology and epidemiology. If not using precautions, there may be sporadic problems at home. There won’t be huge outbreaks because the problem will be limited to the home. However, food safety recommendations apply. People balance the risk they take knowingly with the benefit they get from taste and nutrition. They don’t
want restaurants making that choice for consumers who assume they’re getting a safe product. It is more stringent at home, but the same principles apply.

Kremen stated the general public doesn’t know that there is a significant loss in the nutrient value of produce once it’s cut. No one would engage in the practice of cutting and not refrigerating lettuce because it would go bad. He asked if the public is better served by buying bags of cut greens knowing it’s been washed, or buying the same greens at home and not washing the greens. Stern stated those are two different risks. He doesn’t know which risk is higher. They’ve had several outbreaks of bad spinach and cut greens. Cut vegetables are convenient, but they are at a higher risk of contamination. Public education and personal accountability is a factor at home.

Kukesh stated that regarding the relative risk of home preparation versus prepared vegetables, many outbreaks are from commercial bagged products, which aren’t necessarily safer. The reason they’re involved in outbreaks has more to do with volume. Statistics show that outbreaks associated with tomato and lettuce are prevalent. Staff will make sure operators have options that don’t cost money, to comply with the new code provisions. The code allows short-term storage without refrigeration, as long as the product is used soon. Tools will help an operator comply without costing money.

Kremen stated he read several articles from several media that say a person isn’t supposed to refrigerate tomatoes because they lose taste. Kunesh stated tomatoes will ripen naturally if left out. They’ll be sweeter if left on the vine. Refrigeration retards sugar production, so the quality concern is with refrigerated tomatoes. From a code standpoint, they don’t need to be refrigerated until they’re cut. From a practical quality standpoint, most restaurants don’t cut them until they’re immediately needed.

Kershner asked if local farms, community supported agriculture (CSA) programs, and farmers market vendors will not have to keep their cut produce at 41 degrees. Kunesh stated State law dictates that a County or City cannot require a permit of someone who is growing and selling their produce, unless the produce is processed. Most vendors at the farmers markets aren’t going to process the foods. Those who do process have licenses from the State Department of Agriculture. The FDA is working with growers and others to implement refrigeration throughout the food chain. It’s a collaborative effort. County code deals strictly with retail food establishments and people directly selling food to the consumer. The revision won’t regulate anyone who isn’t already regulated.

Stern stated the cottage food industry used to have to meet the requirements of food establishments. The new regulation of cottage food would be low risk products made in small lots and sold to the public. Those are regulated by the Department of Agriculture, not by the County. It’s a way to allow those businesses to operate, and still assure food safety.

Brenner asked if picked spinach leaves are considered whole, not cut. Kunesh stated that according to guidance from the State Department of Health, field cut spinach does not require refrigeration. If only the stem is cut one time, it’s not regulated. If the spinach is washed and cut a few more times, it becomes a regulated processing operation.
Brenner asked if it’s okay to chop lettuce and put it in the refrigerator at 41 degrees. Kunesh stated the outbreaks in cut leafy greens are salmonella and e-coli. It won’t multiply if refrigerated, and it may remain below the level of contamination.

Mann stated they are doing a great job. Food safety is a successful program in the entire country. Outbreaks are rare. He’s glad they work with businesses to maintain a cooperative relationship. Stern stated their goal is to find a balance when working with operators. They’re not interested in suppressing businesses.

Weimer asked if there are special precautions for salad bars, such as those in grocery stores, where people without food handling permits are handling the food. Kunesh stated most are already refrigerated. It won’t require any changes, as long as there is a functioning refrigerated salad bar. There are practical solutions such as serving smaller servings more frequently and offering tongs and utensils. Someone could inadvertently contaminate a salad bar. It’s a risk that the operator and consumer accept.

Kremen stated an example of how the County went overboard was at the Rome Grange, which cooked thousands of breakfasts using eggs in cartons. About eight years ago, they were no longer allowed to use raw eggs for anything. They were forced to purchase the pasteurized eggs that were much more expensive. That was a prime example of overkill. Kunesh stated that requirement has been modified. It’s will be okay to use fresh eggs as long as they are cooked within 30 minutes from breaking. In 2005, the State diverged from the federal example. The new regulation is a response to the needs of the industry.

Stern stated one in 10,000 eggs has salmonella in the egg. In a very large food service venue that goes through 1,000 eggs per day, one contaminated egg can expose them all. This is the risk assessment.

Kerschner asked if there is evidence that the human population hasn’t been exposed to enough germs, and can no longer fight off viruses and bacteria. Stern stated humans are exposed to a lot of bacteria and viruses, and are challenged all the time. Humans don’t get sick from a lot of exposures because the immune system protects from sickness. This argument happens about vaccines, too. There’s no science to support the claim that vaccinations cause weakened immune systems. There may be concerns regarding allergies and childhood exposure to certain environmental antigens. In general, it’s not good to be exposed to viruses and bacteria that can cause illness and death. There are plenty of opportunities to stimulate the immune system.

Kremen stated an example of that is people who live in Mexico who have built up their immunities and don’t get sick from the water. He believes the United States life expectancy is less here than in Mexico. Given the sanitary conditions there compared to the United States, they aren’t having any more problems than in the United States. Stern stated they are having problems. He isn’t seeing the infant and elderly mortality rates from diarrheal diseases. The things they are trying to protect against include the e-coli that causes death or chronic kidney disease, for example. Certain disease can cause chronic, lifelong problems. They have changed regulations, which may seem like overkill, to prevent those risks. It involves epidemiology and identifying the vulnerable populations. A good question is whether public health efforts create more problems. It’s a question they should address.
Kunesh stated food, water, and milk are much safer than they were a hundred years ago. Continue to make sure the food supply remains safe. There are questions about protecting and developing the immune system, but don’t go back to the time when diarrhea and dysentery were the leading causes of death.

Brenner stated some regulations have become less stringent because they’ve found that the less stringent regulations work just fine. The information she read was very balanced.

Kremen stated a recent study of salt indicated that there was a higher mortality rate in those that had a reduced, restricted salt intake. He’s perplexed by that study. Stern stated he would look at the study. It’s important to look at all the studies together and their methodology. They must also look at the populations vulnerable to salt, the impact of salt intake on the population in general. Staff can talk about healthy diets and the role of salt, sugar, and fat in promoting the use of unhealthy and less nutritious foods.

**ADJOURN**

The meeting adjourned at 11:56 a.m.

The Council approved these minutes on ______________, 2013.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Regular County Council  

April 9, 2013  

CALL TO ORDER  
Council Chair Kathy Kershner called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  
Present: Barbara Brenner, Ken Mann, Sam Crawford, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.  
Absent: None.  

FLAG SALUTE  

ANNOUNCEMENTS  
There were no announcements.  

MINUTES CONSENT  

Brenner moved to approve the Minutes Consent items one through three.  

The motion carried by the following vote:  
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)  
Nays: None (0)  

1. SPECIAL COMMITTEE OF THE WHOLE FOR MARCH 12, 2013  
2. REGULAR COUNTY COUNCIL FOR MARCH 12, 2013  
3. SURFACE WATER WORK SESSION FOR MARCH 19, 2013  

PUBLIC HEARINGS  
1. ORDINANCE AMENDING THE WHATCOM COUNTY AGRICULTURE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM APPLICATION PROCEDURES AND GUIDELINES (AB2013-115)  
Samya Lutz, Planning and Development Services Department, gave a staff report.  
Kershner opened the public hearing, and the following people spoke.
Jack Petree stated encumbrances on the agriculturally-zoned acres inside the urban growth areas violates the Growth Management Act. Remove the acres inside the urban growth areas from this ordinance.

Brenner stated she thought they weren’t in violation because they have a transfer of development rights (TDR) program. Petree stated he thought this had to do with parcel reconfiguration.

Crawford stated this hearing is not on parcel reconfiguration.

Petree stated that if PDR or TDR apply within UGAs, they’re not legal unless the cities and County establish a program together.

Henry Bierlink, Whatcom Farm Friends, stated County staff and the Purchase of Development Rights Advisory Committee have worked hard to find creative ways to apply this tool, which is the best tool they have. Keep adding more tools for agricultural protection. This tool isn’t perfect, but has accomplished good things. Listen to the PDR Advisory Committee and consider its recommendations.

Hearing no one else, Kershner closed the public hearing.

Knutzen moved to refer the ordinance to the Agricultural Advisory Board to review proposed changes and make any recommendations to make the program more successful.

Brenner stated she supports the motion.

Lutz stated the Purchase of Development Rights Oversight Advisory Committee discussed the proposal. The County’s Agricultural Advisory Committee also discussed parts of it. The Agricultural Advisory Committee is the primary author of the agricultural strategic plan, which lists the purchase of development rights program. There are liaison advisory committee members who attend both advisory committee meetings. The Agricultural Advisory Committee members who attended the PDR Oversight Advisory Committee support this. This proposal doesn’t preclude more creative ways of being developed. The PDR Oversight Committee wants to work closely with the Agricultural Advisory Committee on finding more creative ways for development. Given the wording of the current code and program guidelines, there is not an opportunity to be more creative in targeting those core agricultural lands or for staff to do the research to go in that direction. The guidelines are specific about how the program is followed. To improve the program, making these changes will allow them to have the discussion and spend time on making those improvements. The changes aren’t substantial. Any specific program for targeting agricultural lands would come to the Council for approval. It’s a program the Agricultural Advisory Committee would want to develop.

Brenner stated the council requested these changes. She doesn’t have a problem referring it to the Agricultural Advisory Committee also, but she’s pleased with this.

Knutzen stated he’s heard suggestions from Agricultural Advisory Committee members who want to discuss this.
Crawford stated he doesn’t support the motion. The appropriate time to have raised it would have been when the council had all its meetings with Ms. Lutz and went through this process step-by-step, not at the night of the hearing. This is one small tool. He is confident in the PDR Oversight Committee, which reviewed this. Change is good. This may improve the program.

Knutzen stated he would be more comfortable if the agricultural community weighed in on this. It’s unfortunate that he didn’t hear from them until the past two weeks.

Weimer stated he is against the motion. This has been discussed in the Natural Resources Committee a couple of times. He hasn’t received any direct concerns about it. There is enough cross-pollinization between both committees. He’s surprised that they haven’t heard about concerns before tonight, when the council is ready to vote.

Kershner stated the public hearing would have been an opportunity for someone from the Agricultural Advisory Committee to let the council know that it wants to discuss this item in their committee. She hasn’t seen anything about their concerns, so she’s reluctant to support the motion. This is a step forward in the PDR program.

Brenner stated it’s a step forward, but it’s not a big deal to allow the Agricultural Advisory Committee a couple of weeks to review the item, out of respect. She expects them to be happy with the proposal, but it’s a show of respect to let them review it.

Mann stated he agrees that they value the Agricultural Advisory Committee, but he hasn’t heard anything from them. This makes the process more flexible. The council would send them any substantive changes to the program. This is not very substantive. It was done in concert with them all along.

Kremen stated the Agricultural Advisory Committee may provide recommendations on any thing at any time. However, he agrees that the council should allow the advisory committee to review the item, out of respect for the committee members.

Kershner asked when the Agricultural Advisory Committee meets again.

Mark Personius, Planning and Development Services Department, stated the next meeting is tomorrow, but that agenda is set. This will not be on the agenda for tomorrow. Their last meeting of the year is in mid-May. Staff are trying to move forward with a request for proposals (RFP) to explore the alternative approach to PDRs, which they can’t do without this enabling language. That would be delayed by a couple of months.

Brenner stated she appreciates the comments, but doesn’t agree that they are an advisory committee. Staff can bring it to them and ask for a recommendation. The Council is asking, and time is critical. She would like the committee to review it at the meeting tomorrow. Personius stated their agenda for tomorrow is full. It’s not fair to staff or the committee members to drop it in their lap with one day’s notice. They can schedule it at the May meeting. If the Council approves this tonight, staff would be happy to refer it to them at their May meeting and ask for additional comments. That would keep the PDR Oversight Committee work moving forward.
Brenner stated she doesn’t believe that no one on the Agricultural Advisory Committee doesn’t know about this, and she would like the committee to weigh in. This is what they do.

Kremen stated he disagrees with Mr. Personius that it’s impossible to bring this issue up to the Agricultural Advisory Committee tomorrow, without having a meaningful discussion. He asked if the Council can wait two weeks and still meet the deadline regarding the RFP. Personius stated the PDR Oversight Committee will move forward with putting together the RFP to explore this alternative way of putting together the PDR program. It can’t do that without these changes to the guidelines. If not approved, the PDR Oversight Committee will be put on hold until the Council approves these regulations. Tomorrow, the Assessor will talk to the committee about the open space program and designated agricultural land program, which will take up one hour of the two-hour meeting. Staff needs the committee to approve other things tomorrow. He doesn’t know if they’ve seen this proposal. If they have seen it, he wished they would have come forward at the public hearing.

Knutzen asked if the Council could vote on this, and schedule it at their May meeting. Personius stated that would be no problem.

Knutekn估算 withdrew his motion to refer to the Agricultural Advisory Committee.

Weimer moved to adopt the ordinance.

Knutzen stated he would like this ordinance to be scheduled on the Agricultural Advisory Committee’s May meeting agenda.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

Nays: None (0)

OPEN SESSION

The following people spoke:

• Richard Hunt submitted and read from a handout (on file) about the effects of the Hannegan Speedway impacts to property value.

Brenner stated the Executive is working on this problem and suggested that Mr. Hunt check with the Executive’s Office.

• Greg Brown spoke about Introduction Item three, the ordinance amending Ordinance 2012-048 in the matter of the adoption of the final budget of Whatcom County for the biennium 2013-2014 and restricting the expenditure of certain funds therein (AB2013-144).

• Jack Petree spoke about his appeal of the Lake Whatcom reconveyance resolution.

• Lorraine Newman spoke about the proposed ordinance regarding packing houses.
Kris Halterman spoke about the proposed packing facility, aquatic invasive species, and the total maximum daily load (TMDL) report.

Ben Elenbaas spoke about the proposed packing house ordinance.

Carole Perry spoke about parcel reconfiguration.

CONSENT AGENDA

Mann reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda Items one through three.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD CONSTRUCTION CONTRACT BID #13-27 FOR 2013 HOT MIX ASPHALT PRELEVEL AT VARIOUS LOCATIONS TO THE LOWEST BIDDER, WHATCOM BUILDERS, INC., IN THE AMOUNT OF $1,036,293.25 (AB2013-138)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID #13-19 TO THE LOW BIDDER, GRAINGER, FOR JANITORIAL SUPPLIES, IN THE APPROXIMATE ANNUAL AMOUNT OF $39,633.02 (AB2013-139)

3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ACCEPT ALL BIDS FOR THE ANNUAL SUPPLY OF QUARRY ROCK, GRAVEL AND OTHER MATERIALS FOR USE AS NEEDED FOR VARIOUS COUNTY MAINTENANCE PROJECTS, AND SELECT THE APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL CIRCUMSTANCES OF EACH PARTICULAR JOB, IN AN AMOUNT TO EXCEED $35,000 (AB2013-140)

OTHER ITEMS

1. ORDINANCE AMENDING WCC CHAPTER 3.37.070 CHEMICAL DEPENDENCY/MENTAL HEALTH PROGRAM FUND OVERSIGHT ADVISORY COMMITTEE (AB2013-130)

Mann reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

Brenner stated this is duplicative of an advisory committee that already exists. She doesn’t support it. They don’t need it. If they want to set up a smaller number of people to talk about funding, then the Behavioral Health Advisory Committee can establish its own subcommittee. The purpose of this ordinance was done for reasons other than setting up a fund advisory committee. The Mental Health Advisory Committee and the Substance Abuse Advisory Committee were combined to form the Behavioral Health Advisory Committee

Crawford stated the ordinance is about another committee called the Behavioral Health Revenue Advisory Committee (BHRAC)
Mann stated there are two committees with similar names and do similar things. There aren’t any ulterior motives or attempts to circumvent the council regarding funding. This is meant to streamline the recommendation process. This isn’t about supporting big projects outside the council.

Crawford stated he has some concerns about this. They took a unilateral vote on a housing project downtown that was not on their agenda last week. He will support the ordinance. If the council wants to change it, look at the whole picture. This simply changes the name of combining the two committees in this ordinance that establishes the financial committee. If they want to eliminate, change, or combine the financial committee, staff would have to bring forward a new ordinance.

Brenner stated this doesn’t streamline anything. It is more confusing. Two different committees will have competing recommendations. One can’t recommend projects, but not funding, and vice versa. They’re part of the same thing. This is the time to make the changes. Before, the funding advisory committee was a subcommittee of the committee. This will be a completely different committee with ten people on it.

Crawford stated this only changes the reference in the financial committee’s ordinance to update the new name of the combined committees. This ordinance doesn’t make any new committee. If they want to change the whole process for how decisions are made on the mental health sales tax, they have to bring forward a new ordinance to eliminate or combine this committee. This ordinances doesn’t combine any committees or create a board of ten. That board already exists.

Brenner stated they can vote against this ordinance and request an ordinance that eliminates it. That’s what she wants.

Crawford stated they can vote for this ordinance, and do the same thing.

Brenner asked why the council would vote for this ordinance.

Crawford stated this ordinance fixes an incorrect reference in the current code. It refers to the Mental Health Advisory Board and Substance Abuse Advisory Board, both of which no longer exists. It does refer to the behavioral health advisory board, which now does exist.

Knutzen stated he would like to have a councilmember on this committee. In its current form, he can’t support the ordinance.

Brenner stated she would be on the committee. If she had know what they were going to discuss at the last meeting, she would have been there even though she isn’t a member, but it wasn’t on the agenda.

Brenner moved to refer this ordinance to the Finance Committee. The number of committee members should be odd, not even.

Weimer stated it was explained this morning that the committee went from eleven members to ten members. There used to be two committees, the Mental Health Advisory
Board and the Substance Abuse Advisory Board. One member of each of those committees 
was a member of this committee. Now, those two committees have combined into one 
committee, with one member on this committee. Someone on the new Behavioral Health 
Advisory Committee can be appointed to this committee.

Brenner stated looked closely, and it didn’t look like she could be on this.

**Mann suggested a friendly amendment** that the ordinance be referred to the 

**Brenner accepted** the friendly amendment.

The motion carried by the following vote:

**Ayes:** Brenner, Knutzen, Mann and Kershner (4)

**Nays:** Crawford, Kremen and Weimer (3)

Kremen stated he is concerned because of all the time spent discussing this in 
committee today. All the questions were addressed. This issue was discussed today at 
length. The issue was referred to the full Council with a unanimous vote. Just because 
there was misleading or erroneous information brought up this evening, they have derailed 
all of today’s work. They’ve been talking about wasting time and putting things off. This is 
a glaring example of how not to run a government.

**Kershner moved** to reconsider the vote to refer to committee.

The motion carried by the following vote:

**Ayes:** Kremen, Crawford, Weimer and Kershner (4)

**Nays:** Brenner, Knutzen and Mann (3)

**Kershner moved** to adopt the ordinance. She did not attend the committee 
meeting this morning. She respects the work done during those meetings. She understood 
that the vote to refer back to committee would be unanimous. She is changing her mind 
and moving it forward.

Brenner stated the name of this committee is not the same as the Behavioral Health 
Committee. It has a totally different name. This is the kind of committee in which things 
will go, if they don’t want it to go to the Behavioral Health Advisory Committee. It’s 
duplicative and less efficient. Councilmember Kershner wasn’t at the committee, and should 
give it two weeks rather than changing her mind because someone said something 
different.

Kershner stated she didn’t have a problem with the ordinance, but thought the 
council’s sentiment was to refer it back to committee, and she wasn’t opposed to that 
either. This is one step forward in making a simpler process. If Councilmember Brenner 
wants to make it even better, she can take the next step forward. This is simply to fix 
something in the code that doesn’t work.

Knutzen stated all they’re asking is that there be a council representative on this 
committee. It’s a fair request. He has no problem sending this back to committee. Amend 
the ordinance to allow a councilmember on the committee.
Kremen stated that when the council established this committee, no councilmember expressed an interest in a member of the County Council being on this committee. A councilmember now believes this committee should include a member of the County Council, which he doesn’t object to.

Brenner stated she has realized that the advisory committee took a vote to recommend something to the County Council, which wasn’t on the advisory committee’s agenda.

The motion to adopt the ordinance carried by the following vote:

**Ayes:** Kremen, Crawford, Weimer, Mann and Kershner (5)

**Nays:** Brenner and Knutzen (2)

2. **REQUEST APPROVAL TO TERMINATE A DEVELOPMENT AGREEMENT BETWEEN WHATCOM COUNTY AND CAITAC USA CORP., AS AGREED TO BY BOTH PARTIES (AB2013-135)**

Mann reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:

**Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

**Nays:** None (0)

3. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF ROBERT WUNSCHEL TO THE AMERICAN’S WITH DISABILITIES ACT (ADA) COMPLIANCE COMMITTEE (AB2013-141)**

Brenner moved to confirm the appointment.

The motion carried by the following vote:

**Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

**Nays:** None (0)

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

Knutzen reported for the Planning and Development Committee on its discussion regarding a proposed ordinance amending the Whatcom County Code to allow packinghouses in the Agriculture Zoning District (AB2012-300B). This item is held in committee for another month.

Knutzen reported for the Planning and Development Committee on its discussion regarding a proposed ordinance amending the Whatcom County Code to allow agriculture parcel reconfiguration and related changes affecting the Agriculture Zone as approved by Council Resolution No. 2011-023 (AB2013-128). The committee gave staff direction on moving forward.
Brenner reported for the Public Works, Health, and Safety Committee on its discussion regarding the potential purchase of 28 acres in Everson for a conservation and storm water project with a recreational overlay (County would assist with purchase, Everson would develop, maintain, and operate) (AB2013-134). The five councilmembers who attended the committee meeting indicated that they would like the Executive to move forward.

INTRODUCTION ITEMS

Mann moved to accept Introduction Items one through six.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

1. ORDINANCE AMENDING THE 2013 WHATCOM COUNTY BUDGET, FIFTH REQUEST, IN THE AMOUNT OF $150,533 (AB2013-142)

2. ORDINANCE AMENDING THE 2013 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BUDGET, FIRST REQUEST, IN THE AMOUNT OF $1,124,550 (AB2013-143) (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)


4. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.27A, AQUATIC INVASIVE SPECIES (AB2013-145)

5. ORDINANCE AMENDING THE WHATCOM COUNTY UNIFIED FEE SCHEDULE TO INCLUDE AQUATIC INVASIVE SPECIES INSPECTION FEES (AB2013-146)

6. ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION 1.14, ELECTORAL PRECINCTS, TO CHANGE CERTAIN VOTING PRECINCT BOUNDARIES IN WHATCOM COUNTY (AB2013-147)

OTHER BUSINESS

Kershner stated the Lummi Island Ferry Advisory Committee is doing good work. They are looking for direction and support from the County Council. She asked councilmembers to plan to discuss plans for the advisory committee at the next meeting. She wants to make sure the work they’re doing is helpful and useful to the council and Public Works Department.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS
Kremen reported that he attended the Legislative Steering Committee in Olympia last Thursday. The Senate coalition budget, which was released recently, is a good document compared to what most local governments were concerned about. The council wrote and sent to Olympia a letter about shared revenues. The Senate coalition budget did not reduce shared revenues, which is really good for counties and all local governments. There are some concerns, but the financial impacts to Whatcom County and all counties are better than they expected. The Senate budget restored half the reduction for the liquor tax to cities and counties. There is still an effort to make them 100 percent whole. The House budget will be released tomorrow. He understands that unless the Senate is willing to accept revenue enhancements in the form of tax increases or closes tax loopholes, the House will not approve the budget. In general, the Washington State Association of Counties (WSAC) Legislative Steering Committee is positive about the status.

He also reported that the dedication for the Dee West Wing at the East Whatcom Regional Resource Center was held last week. The dedication ceremony was filled to capacity. The entire community honored Dee West, who was with the Opportunity Council for many years and was instrumental in making the lives of young people throughout Whatcom County better. It was gratifying to see the facility used as it is.

Brenner reported that she attended a conference on tribal issues, specifically the issue of fee to trust land. Whatcom County and all the small cities oppose putting 80 acres at Slater Road into trust land. The conference provided extremely relevant information, including comments from an attorney who had argued before the Supreme Court. It was encouraging that there is another point of view about what they can and can’t do.

Mann reported that he met with Ferndale District 7 firefighters about ongoing negotiations regarding the Medic One agreement, which ends at the end of this year. The council hasn’t had a recent update on that committee and the status of negotiations. If Medic One doesn’t continue as a unified system at the end of this year, the council needs an update from the Executive.

Weimer reported he attended a ceremony last week in Anacortes with the Secretary of Interior and the local Congressional delegation to celebrate the new San Juan Island national monument that is partially in Whatcom County.

Brenner stated the City of Bellingham also opposes putting land at Slater Road into trust status.

**ADJOURN**

The meeting adjourned at 8:25 p.m.

The Council approved these minutes on ______________, 2013.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**RECEIVED**

APR 02 2013

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:**

An Ordinance amending Ordinance 2012-048 in the Matter of the Adoption of the Final Budget of Whatcom County for the Biennium 2013-2014 and Restricting the Expenditure of Certain Funds Therein.

**ATTACHMENTS:**

Proposed Ordinance

**SEPA review required?**  ( ) Yes  (X ) NO  Should Clerk schedule a hearing?  ( ) Yes  ( x ) NO

**SEPA review completed?**  ( ) Yes  ( ) NO

**REQUESTED DATE:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This proposed ordinance amends the Whatcom County 2013-2014 budget ordinance Section II, provision (D).

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Memorandum

To: Jack Louws, County Executive
From: Brad Bennett, Finance Manager
Date: March 29, 2013
Re: Amendment to 2013-2014 Budget Ordinance

The attached budget ordinance resolves two challenges we have administering the budget. First, cost centers within funds change almost daily. As plans for work are refined frequently new cost centers are needed and the budget authority needs to be shifted to these new cost centers. The current budget ordinance requires council approval for transfers between cost centers within funds other than the General Fund. This is a very burdensome requirement. I believe this change was unintentional since the budget for funds other than the General Fund are adopted at the fund level.

The second challenge is administering budgets for groups of departments within the General Fund that function as one unit, examples are Juvenile, County Clerk, Superior Court managed by Dave Reynolds and District Court, District Court Probation managed by Bruce Van Glubt. When budget adjustments are needed in these departments frequently the solution involves changes in multiple department budgets. The Departments and Administrative Services Finance could save a considerable time if these budget changes could be address with budget transfers rather than supplemental budgets.
ORDINANCE NO. 2012-048
AN ORDINANCE AMENDING ORDINANCE 2012-048
IN THE MATTER OF THE ADOPTION OF THE FINAL BUDGET OF
WHATCOM COUNTY FOR THE BIENNIAL 2013-2014
AND RESTRICTING THE EXPENDITURE OF
CERTAIN FUNDS THEREIN

WHEREAS, On November 7, 2012 the Whatcom County Council adopted the Whatcom County Budget for the biennium 2013-2014 with ordinance 2012-048; and,

WHEREAS, Changes to Section II.(D) of this ordinance will improve the County Executive’s efficiency administering the County Budget;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Section II. (D) of Ordinance 2012-048 is amended as follows:

Section II. Provisions Restricting Expenditures

(D) Administration of the budget is the responsibility of the County Executive and therefore the County Executive is authorized to manage County budgets by transferring appropriation authority between departments within the General Fund and cost centers within other County funds, if authorized by the County Council.

ADOPTED this _____ day of ____________________, 2013.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Kathy Kershner, Council Chair

APPROVED as to form:

( ) Approved ( ) Denied

Jack Louws, Executive

Date: _______________________

Civil Deputy Prosecutor

Page 1
 Ordinance revising Whatcom County Code 2.27A, Aquatic Invasive Species

This revision to the ordinance expands the AIS prevention program to include mandatory inspections of watercraft prior to launching at Lake Whatcom and Lake Samish in 2013, and at all Whatcom County water bodies starting in 2015.
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and The Honorable Jack Louws, Whatcom County Executive

Through: Frank M. Abart, Director

From: Chris Brueske, P.E., Assistant Director

Date: March 27, 2013

Re: Ordinance revising Whatcom County Code 2.27A Aquatic Invasive Species

Enclosed for your review and consideration is an Ordinance revising Chapter 2.27A of the Whatcom County Code related to Aquatic Invasive Species (AIS).

Background and Purpose
The attached revision expands the AIS prevention program to include mandatory inspections of watercraft prior to launching at Lake Whatcom and Lake Samish in 2013, and at all Whatcom County water bodies starting in 2015. Watercraft covered by the inspection program includes all vessels that require registration by the Washington State Department of Licensing. This requirement is intended to ensure that those boats posing the greatest risk of transporting AIS are inspected and will help to streamline administration of the inspection program in the future.

The proposed ordinance revision also includes a requirement for the Public Works Department to develop an expedited inspection and permitting program for County residents by 2015. This will be necessary to minimize the administrative burden and associated costs of an inspection program covering all water bodies in Whatcom County.

Funding Amount and Source
Funding for the 2013 inspection program is included in a Supplemental Budget Request to be introduced on April 23, 2013. The fee structure for AIS inspections and permits is included in an amendment to the Unified Fee Schedule forwarded under separate cover.

The proposed budget for the AIS inspection program in 2013 is approximately $55,000. Of this amount, approximately $32,000 comes from existing budget authority in the approved 2013 Natural Resources and Noxious Weed budgets, and $23,000 is transferred from the Flood fund balance. The $23,000 from the Flood fund balance will be included in the Supplemental Budget Request to allow inclusion of Lake Samish in the 2013 inspection program. An additional supplemental budget request is anticipated later this year to address budget needs for the 2014 AIS inspection program.

Please contact Chris Brueske at extension 50693 if you have any questions or concerns regarding this agreement.
ORDINANCE NO. 

AMENDING WHATCOM COUNTY CODE CHAPTER 2.27A TO PREVENT THE RELEASE AND SPREAD OF AQUATIC INVASIVE SPECIES.

WHEREAS, the County has authority under Washington State law to protect the health, safety, and general welfare of the public, to regulate and protect waters within its jurisdiction, and to control the transport and release of Aquatic Invasive Species;

WHEREAS, Lake Whatcom and Lake Samish are the drinking water sources for approximately half of the residents of Whatcom County and the vast majority of the City of Bellingham residents; and

WHEREAS, Whatcom County has adopted goals and policies to protect Lake Whatcom, Lake Samish and other freshwater lakes and streams; and

WHEREAS, Aquatic Invasive Species pose a serious threat to the waters of Whatcom County and can have severe impacts to ecology, water quality, water supply infrastructure, and recreational use; and

WHEREAS, watercraft transported from water bodies with Aquatic Invasive Species to uninfested waters are the principal cause of new infestations; and

WHEREAS, prevention programs that include education, screening, and watercraft inspection are effective in preventing the spread of Aquatic Invasive Species to uninfested water bodies; and

WHEREAS, an Aquatic Invasive Species prevention program is necessary to reduce the risk of Aquatic Invasive Species infestation and related impacts at Lake Whatcom and other waters of Whatcom County; and

WHEREAS, Whatcom County has authority under RCW 36.32.120 and Washington State law generally to regulate and protect its water supply and other waters within its jurisdiction; and

WHEREAS, Whatcom County adopted Ordinance 2012-034 in September 25, 2012, codified at WCC Chapter 2.27A, to prevent the release and spread of Aquatic Invasive Species into waters of Whatcom County; and

WHEREAS, it is in the best interests of Whatcom County to amend WCC Chapter 2.27A to further define and enhance its Aquatic Invasive Species detection and prevention program, including the adoption of mandatory inspection and permitting requirements for watercraft in Whatcom County.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
Whatcom County Code 2.27A is hereby deleted in its entirety and replaced with the
following, adopted as set forth in Exhibit A, attached hereto.

ADOPTED this _____ day of __________________2013.

ATTEST

Dana Brown Davis, Clerk of the Council

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibbon
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved      ( ) Denied

Date Signed: ________________
Exhibit A

WCC Chapter 2.27A
Aquatic Invasive Species

2.27A.010 Definitions
For the purpose of this chapter, the following definitions shall apply:

A. “Authorized Inspector” means a person who has received the necessary training approved by Whatcom County to inspect Watercraft to detect the presence of Aquatic Invasive Species.

B. "Aquatic Invasive Species" and "AIS" shall mean and include those species classified in Washington Administrative Code (WAC) 220-12-090 as "prohibited aquatic animal species", and those plant species listed in WAC 16-752-400-415; 505; and 610. For purposes of this section, WAC 220-12-090 and WAC 16-752-400-415; 505; and 610, as presently constituted or as hereinafter amended, are adopted and incorporated herein by reference.

C. "Enforcement Officer" includes any peace officer with jurisdiction in Whatcom County, and the County Noxious Weed Coordinator or his or her designee, to enforce the prohibitions set forth in this section.

D. “Inspection” means an inspection of a Watercraft or other vessel conducted by an Authorized Inspector for the purpose of detecting Aquatic Invasive Species and preventing their transport and release into any Public Water Body. Inspections may consist of questioning as well as a visual and tactile search of the exterior and interior of the Watercraft or other vessel, including but not limited to the hull, trailer, motor, propeller, bilge pump, compartments, bait well, ballast tank, bladder, and all areas of standing water.

E. “Inspection Seal” means a chord or tether installed by an Authorized Inspector in a manner that connects a Watercraft to its trailer for the purpose of indicating that the Watercraft has passed Inspection, has not entered a water body since passing Inspection, and, therefore, may launch without further Inspection so long as the Inspection Seal is intact at the time of launch.

F. “Launch” means any act that places or attempts to place a Watercraft into a Public Water Body.

G. "Public Water Body " shall mean Lake Whatcom, Lake Samish, Baker Lake, Tennant Lake, Lake Terrell, Wiser Lake, Silver Lake, Toad Lake, Squalicum Lake, Reed Lake, Cain Lake and all other freshwater lakes and streams in unincorporated areas of Whatcom County where Watercraft have access.

H. “Watercraft” shall mean any vessel requiring registration by the State of Washington Department of Licensing under RCW 88.02 and WAC 308-93-030 and any vessel registered under the laws of a state other than Washington State or a country other than the United States.

2.27A.020 Prohibitions
The following activities are prohibited:

A. The transport or release of Aquatic Invasive Species into a Public Water Body.
B. Launching, operating or keeping on a Public Water Body a Watercraft that has not submitted to Inspection and decontamination as required by this section.

C. Launching, operating or keeping a Watercraft on a Public Water Body without a current AIS Permit as required by WCC 2.27A.070, below.

2.27A.030 Inspection and Decontamination.

A. Inspections shall be required of:

i. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish in each calendar year;

ii. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish after it has entered any fresh water body located outside Whatcom County, Washington; and

iii. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body in each calendar year;

iv. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body after it has entered any fresh water body located outside Whatcom County, Washington; and

v. All Watercraft prior to each and every launch onto a Public Water Body from a public access point for which an AIS check station is operating under this section, except Watercraft bearing an intact Inspection Seal.

B. Exemptions

Watercraft inspections and the associated fees shall not be required for:

i. Law enforcement and emergency response watercraft.

ii. Watercraft involved in search and rescue operations or training.

C. Inspection and Decontamination Services

i. Whatcom County may establish and operate AIS check stations at public access points to Public Water Bodies.

ii. Whatcom County may, upon request by an owner or operator of a Watercraft, conduct an Inspection on private property owned by the Watercraft owner or operator.

iii. All AIS check stations operating under this section shall be marked by signs and staffed by one or more Authorized Inspectors. AIS check stations authorized by this section shall be subject to hours of operation and other program requirements established by the Director of Public Works or his designee.

iv. If upon Inspection an Authorized Inspector determines that a Watercraft is not contaminated with Aquatic Invasive Species, then said Watercraft shall be permitted to launch, subject to payment of fees authorized in Section .050 of this Chapter.

v. If upon Inspection an Authorized Inspector reasonably suspects that a Watercraft or any other vessel is contaminated with Aquatic Invasive Species, the Authorized Inspector may decontaminate the Watercraft on site or direct the Watercraft owner or operator to a decontamination
station where the Watercraft will undergo a decontamination process. Following decontamination, the Watercraft owner or operator shall not launch the Watercraft onto a Public Water Body until the Watercraft has been re-inspected and approved for launch by an Authorized Inspector.

vi. A Watercraft owner or operator may refuse to stop and consent to Inspection at any AIS check station authorized by this section; provided, if any Watercraft owner or operator refuses to stop and consent to Inspection at an AIS check station authorized by this section, then said owner or operator shall not launch his or her Watercraft from said location and shall be in violation of this section if he or she nevertheless attempts to do so.

2.27A.040 Safe Harbor

Any person who voluntarily stops and consents to Inspection at an AIS check station or other Inspection station and cooperates in the decontamination process shall not be subject to penalties under this section for possessing or transporting Aquatic Invasive Species.

2.27A.050 AIS Permits and Fees

A. Every Watercraft requiring inspection under this Chapter shall be affixed with an AIS Permit issued by Whatcom County or the City of Bellingham prior to launching or operating on Public Water Bodies.

B. AIS Permits shall be issued upon passage of Inspection and payment of the applicable fee.

C. The fee for inspection and decontamination services shall be established in the Whatcom County Unified Fee Schedule.

D. AIS Permits shall be available as follows:

   i. Annual Sticker. Each Annual Sticker shall be effective during the calendar year in which it is issued. A receipt evidencing payment of the Annual Sticker fee shall entitle the holder to unlimited Inspections and Inspection Seal installation services for the Watercraft to which the Annual Sticker is affixed.

   ii. Day Pass. Each Day Pass shall be effective only on the date it is issued. A receipt evidencing payment of the Day Pass fee shall entitle the holder to one Inspection of the Watercraft to which the Day Pass is affixed.

E. AIS Permits are nontransferable and shall apply to a single Watercraft. AIS Permits shall be affixed to the Watercraft as directed by the Authorized Inspector in a visible location located above the waterline.

F. A Watercraft shall be deemed to be in compliance with the inspection and permitting requirements of this section if his or her Watercraft is currently in compliance with an Aquatic Invasive Species inspection and permitting program adopted by the City of Bellingham, Washington.

G. The fees authorized by this section are intended to offset the cost to Whatcom County of implementing this section for the purpose of detecting and preventing the spread of Aquatic Invasive Species and are not intended to be, nor shall they be construed to be, charges imposed upon access to Public Water Bodies for the purpose of outdoor recreation.
H. The Public Works Department is directed to develop an expedited inspection and permitting program for residents of unincorporated Whatcom County for consideration by the Whatcom County Council prior to April 1, 2015.

2.27A.060 Cooperative Agreements.

Whatcom County may enter into cooperative agreements with persons and entities, including but not limited to, homeowner’s associations, condominium associations, civic groups and governmental entities, to adopt and execute plans, which may be implemented inside or outside Whatcom County, to detect and prevent the transport and release of Aquatic Invasive Species in Public Water Bodies.

2.27A.070 Penalties

A. Any person violating this section shall have committed a civil infraction, and shall be punished by a fine not to exceed $1,000 for each violation. Each violation of this section shall be a separate infraction, and in the case of a continuing violation, each day’s continuance shall be deemed to be a separate and distinct infraction. Civil infractions under this section shall be issued and processed in accordance with Chapter 7.80 RCW, except as otherwise provided in this section. Each party to a civil infraction case shall bear its own attorney’s fees, witness fees and costs.

B. Any individual who violates this section may be held responsible for the costs expended by the Whatcom County or its designee for response and mitigation of impacts.

C. Payment of any civil penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the Enforcement Officer.

D. Any person found not in compliance with this section is subject to citation, shall be escorted off the Public Water Body, and shall be subject to any other legal action as deemed necessary by the Enforcement Officer including but not limited to detaining said person and Watercraft until inspected and decontaminated as required under this section.

E. Fines collected as a result of violating this section that are not otherwise encumbered, shall be used to fund the Whatcom County Aquatic Invasive Species Management and Prevention Program.

2.27A.080 Applicability

The provisions of this code section shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. The provisions of this section are in addition to those provisions regulating Aquatic Invasive Species as contained in Washington State law.

2.27A.090 Severability.

If any section, provision, or portion of this chapter shall be determined to be invalid, the remainder of the chapter shall not for that reason be rendered ineffective or invalid.
Ordinance revising the Whatcom Unified Fee Schedule to include Aquatic Invasive Species Inspection Fees

1. Cover memo
2. Ordinance amending Whatcom County Unified Fee Schedule

This revision to the Unified Fee Schedule sets fees for Aquatic Invasive Species inspections on Whatcom County water bodies.
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and
   The Honorable Jack Louws, Whatcom County Executive

Through: Frank M. Abart, Director

From: Chris Brueske, P.E., Assistant Director

Date: March 27, 2013

Re: Ordinance revising the Whatcom County Unified Fee Schedule to include Aquatic Invasive Species inspection fees

Enclosed for your review and consideration is an ordinance revising the Whatcom County Unified Fee Schedule to include Aquatic Invasive Species (AIS) inspection fees.

Background and Purpose
The Whatcom County Council is currently considering legislation mandating AIS inspections for watercraft launching on certain Whatcom County water bodies.

The attached revision to the Unified Fee Schedule sets fees for these inspections at $50.00 for an Annual Sticker and $20.00 for a Day Pass. These fees match those to be charged by the City of Bellingham during 2013 for AIS inspections on Lake Whatcom.

Please contact Chris Brueske at extension 50693 if you have any questions or concerns regarding this agreement.
ORDINANCE NO.___________

AMENDING THE WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, the Whatcom County Council adopted Ordinance No. _________ on __________, 2013, thereby establishing mandatory Aquatic Invasive Species inspections prior to launch at certain Whatcom County water bodies; and

WHEREAS, the 2013 Unified Fee Schedule was adopted by the Whatcom County Council by Ordinance No. 2012-043 on November 20, 2012; and

WHEREAS, fees for Aquatic Invasive Species inspections are not included in the 2013 Unified Fee Schedule;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following new fees are hereby incorporated into the Whatcom County Unified Fee Schedule:

Aquatic Invasive Species Inspection Annual Sticker: $50.00
Aquatic Invasive Species Inspection Day Pass: $20.00

ADOPTED this _____ day of _______________ 2013.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council
Kathy Kershner, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive
( ) Approved  ( ) Denied

Date Signed: __________
ORDINANCE NO.__________

AMENDING THE WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, the Whatcom County Council adopted Ordinance No. _________ on _________, 2013, thereby establishing mandatory Aquatic Invasive Species inspections prior to launch at certain Whatcom County water bodies; and

WHEREAS, the 2013 Unified Fee Schedule was adopted by the Whatcom County Council by Ordinance No. 2012-043 on November 20, 2012; and

WHEREAS, fees for Aquatic Invasive Species inspections are not included in the 2013 Unified Fee Schedule;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following new fees are hereby incorporated into the Whatcom County Unified Fee Schedule:

Aquatic Invasive Species Inspection Annual Sticker: $50.00
Aquatic Invasive Species Inspection Day Pass: $20.00

ADOPTED this _____ day of ____________ 2013.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved       ( ) Denied

Date Signed: ___________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Amendment to Whatcom County Code Section 1.14 Correcting Certain Precinct Boundary Lines and Precinct Descriptions

**ATTACHMENTS:**
Ordinance and Amendment A

**SEPA review required?** ( ) Yes ( x ) NO  
**SEPA review completed?** ( ) Yes ( ) NO  
**Should Clerk schedule a hearing?** ( x ) Yes ( ) NO  
**Requested Date:** 4/23/13

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Changes are needed to correct certain precinct description and boundary lines in Whatcom County Code Section 1.14 as presented last year:
- Expand description of precinct 183 to encompass all of the National Forest land in eastern Whatcom County;
- Scrivener's error for precinct 250 to correct a street name in the legal description;
- Adjust boundaries in precincts 209 and 222 to accommodate accurate designation of voters in the Port marina area to the slip number assigned. This also affects a change in the city's ward lines between Ward 1 and Ward 3; and
- Adjust boundary line in precincts 224 and 225 to allow for the treatment lagoon at the former Georgia Pacific site to be contained within one precinct (rather than be divided between two).

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
4/09/2013: Introduced

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. ________

AMENDING WHATCOM COUNTY CODE SECTION 1.14, ELECTORAL PRECINCTS, FOR CHANGES IN CERTAIN VOTING PRECINCT BOUNDARIES IN WHATCOM COUNTY

WHEREAS, it has been determined that many of the National Forest lands contained in the eastern part of Whatcom County have not been designated to any specific voting precinct; and it is further determined to expand Precinct 183 currently around the Newhalem area to encompass the rest of the undesignated land to the boundaries of the county; and

WHEREAS, a change is needed to Precincts 209 and 222, respectively, to allow for voters living aboard vessels in the marina area to be designated and assigned to voting precincts according to their pier slip and not by some other method previously used; and the City of Bellingham will designate an appropriate similar adjustment to the Ward Lines of Ward 1 and Ward 3, respectively, as a result; and

WHEREAS, it is also suggested that for future purposes the treatment lagoon located off the former Georgia Pacific site be designated in its entirety to one precinct, rather than being divided between two; and the boundaries of Precincts 224 and 225 shall be designated; and

WHEREAS, a Scrivener's error was discovered in the legal description for the precinct boundary of Precinct 250 in the ordinance adopting all precinct boundaries approved on April 24, 2012 which indicated references to “High Street” which should have been “Highland Drive;” and

WHEREAS, RCW 29A.16.040 requires the county legislative authority of each county in the state to divide the county into election precincts and establish the boundaries of the precincts; and

WHEREAS, RCW 29A.16.040 further provides that no precinct boundary changes may be made starting fourteen (14) days prior to the first day candidates may file for the primary election through the period ending with the general election; and

WHEREAS, the first day for candidates to file is the 13th day of May, 2013, and

WHEREAS, RCW 29A.76.030 provides the County Auditor shall transfer and notify any registered voters that may be affected by the change in boundaries.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the proposed Amendment A attached hereto designating the new boundaries affecting Precincts 183, 209, 222, 224 225, and 250 shall replace the previously approved descriptions so designated.

ADOPTED this ____ day of ___________________, 2013.

ATTEST:

__________________________
Dana Brown-Davis, County Clerk

APPROVED AS TO FORM:

__________________________
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,
WASHINGTON

__________________________
Kathy Kershner, Council Chair

( ) Approved  ( ) Denied

__________________________
Jack Louws, County Executive
Date: _______________________
Amendment A – Adjustments to WCC 1.14
Proposed with Ordinance No. _________
Intro Date 4/9/13; Hearing Date 4/23/13

Cherry Street and Cherry Street to its intersection with the centerline of Monroe Street; then east along said centerline of Monroe Street to its intersection with the centerline of Henry Street to its intersection with the centerline of W North Street; then east along said centerline of W North Street to its intersection with the centerline of Elm Street, then south along said centerline of Elm Street to the point of beginning.

Precinct 224
Beginning at the intersection of the centerlines of Dupont Street and Broadway; then southwesterly along the centerlines of Broadway and Bellwether Way and the extension of Bellwether Way to its intersection with the extended shoreline of Bellingham Bay being the city limits of the City of Bellingham; then southeasterly along said city limits to its intersection with the centerline of the extension of B Street; then northeasterly along said centerline of the extension of B Street to its intersection with the centerline of Roeder Avenue; then westerly along said centerline of Roeder Avenue to the centerline of E Street; then northeasterly along said centerline of E Street to the centerline of Dupont Street; then northwesterly along the centerline of Dupont Street to the point of beginning.

Precinct 225
Beginning at the intersection of the centerlines of Jenkins Street and E Street; then southwesterly along the centerline of E Street to its intersection with the centerline of Roeder Avenue; then southeasterly along Roeder Avenue to the intersection with the centerline of the extension of B Street; then southwesterly along the centerline extension of B Street to its intersection with the extended shoreline of Bellingham Bay being the city limits of the City of Bellingham; then southeasterly along said city limits to its intersection with the centerline of Wharf Street; then northeasterly along said centerline of Wharf Street to its intersection with the centerline of N State Street; then northeasterly along said centerline of N State Street to its intersection with the meander line of Whatcom Creek; then northwesterly along said meander line to its intersection with the centerline of Cornwall Avenue; then north along said centerline of Cornwall Avenue to its intersection with the centerline of Irving Street; then northwesterly along said centerline of Irving Street to its intersection with the centerline of B Street; then northeasterly along said centerline of B Street to its intersection with the centerline of Jenkins Street; then northwesterly along said centerline of Jenkins Street to the point of beginning.

Precinct 250
Beginning at the intersection of the centerlines of S Garden Street and Olive Street; then northwesterly along said centerline of Olive Street and its extension to its intersection with the extended shoreline of Bellingham Bay being the city limits of the
Amendment A – Adjustments to WCC 1.14
Proposed with Ordinance No. __________
Intro Date 4/9/13; Hearing Date 4/23/13

City of Bellingham; then southwesterly along said city limits to its intersection with the centerline of the extension of Adams Avenue; then east along said centerline of the extension of Adams Avenue and Adams Avenue to its intersection with the centerline of 16th Street; then south along said centerline of 16th Street to its intersection with the centerline of Taylor Avenue; then east along said centerline of Taylor Avenue to its intersection with the Centerline of Highland Drive; then north along said centerline of Highland Drive to its intersection with the centerline of Easton Avenue; then east along said centerline of Easton Avenue and its continuation as 20th Street to its intersection with the centerline of W College Way; then northwesterly along said centerline of W College Way to its intersection with the centerline of High Street Highland Drive; then northerly along said centerline of High Street Highland Drive to its intersection with the centerline of the extension of Consolidation Avenue; then west along said centerline of the extension of Consolidation Avenue to its intersection with the centerline of S Garden Terrace; then southwesterly along said centerline of S Garden Terrace to its intersection with the centerline of 17th Street; then northerly along said centerline of 17th Street to its intersection with the centerline of S Garden Street; then southwesterly along said centerline of S Garden Street to the point of beginning.
Precinct 225

Ward 3
Council District 1
Leg. District 42
Cong. District 2

March, 2013
Precinct 250

Ward 5
Council District 1
Leg. District 40
Cong. District 2

May, 2012
Amendment A – Adjustments to WCC 1.14
Proposed with Ordinance No. __________
Intro Date 4/9/13; Hearing Date 4/23/13

Revised Precinct Boundary Descriptions to be substituted into the Whatcom County Code for these designated precincts:

Precinct 183
Beginning at the intersection of the international boundary line and the West line of Sec 31, T 41 N, R 7E; then south along said section line and the section lines of Sec 6, 7, 18, 19, 30, and 31, all in T 40 N, R 7E to the southwest corner of Sec 31, T 40 N, R 7E; then east approximately 6 miles to the southwest corner of Sec 31, T 40 N, R 8E; then south 3 miles to the southwest corner of Sec 18, T 39 N, R 8E; then west 6 miles to the northwest corner of Sec 19, T 39 N, R 7E; then south along west section lines of Sec 19, 30, and 31, all in T 39 N, R 7E; and Sec 6, 7, 18, 19, 30 and 31, all in T 38 N, R 7E; and Sec 6, 7, 18, 19, 30 and 31, all in T 37 N, R 7E to the boundary separating Whatcom and Skagit Counties; then east approximately 55 miles to the boundary separating Whatcom and Okanogan Counties; then north along said boundary to the international boundary line; then east long said boundary line to the point of beginning.

Precinct 209
Beginning at the intersection of the centerlines of West Street and Monroe Street; then west along said centerline of Monroe Street to its intersection with the centerline of Cherry Street; then south along said centerline of Cherry Street to the centerline of Roeder Avenue; then west along Roeder Avenue to the extension of its intersection with the extension of Keesling Avenue to its intersection with the extended shoreline of Bellingham Bay and city limits of the City of Bellingham, then west and north along the extended shoreline of Bellingham Bay to its intersection with the extension of the centerline of Nequialcicum Avenue being the city limits of the City of Bellingham; then north and west along said city limits to its intersection with the extension of the centerline of W Illinois Street; then east along said extension of W Illinois Street and W Illinois Street to its intersection with the meander line of Squalicum Creek; then south along said meander line to its intersection with the centerline of West Street; then south along said centerline of West Street to the point of beginning.

Precinct 222
Beginning at the intersection of the centerlines of Elm Street and Broadway; then southwest along said centerline of Broadway and the centerline of Bellwether Way and the extension of Bellwether Way to the extended shoreline of Bellingham Bay being the city limits of the City of Bellingham; then northwest along said city limits to its intersection with the extension of the centerline of Keesling Street; then north along said centerline of the extension of Keesling Street to the intersection with the centerline of Roeder Avenue; then east along the centerline of Roeder Avenue to the extension of its intersection with Cherry Street; then north along said centerline of the extension of
**WHATCOM COUNTY COUNCIL AGENDA BILL**  
**NO.** 2013 – 108

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</tr>
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</table>

**TITLE OF DOCUMENT:**
Appointments to Surface Mining Advisory Committee: Various applicants

**ATTACHMENTS:**
Applications

**SEPA review required?** ( ) Yes ( ) NO  
**SEPA review completed?** ( ) Yes ( ) NO

**Should Clerk schedule a hearing?** ( ) Yes ( × ) NO  
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
WHATCOM COUNTY COUNCIL

BOARDS AND COMMISSIONS VACANCIES
March 27, 2013

COUNCIL-APPOINTED BOARDS AND COMMISSION VACANCIES

The Whatcom County Council makes appointments. All members must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Applications are available in the Council Office, Whatcom County Courthouse, 311 Grand Ave., Suite 105, Bellingham, on the County website at: (http://www.co.whatcom.wa.us/boards/boardsapplication.pdf), or phone 360-676-6690. For more information on a board or committee, call the Council office at 676-6690, unless otherwise noted. The County Council will make appointments at a regular County Council meeting in the County Council Chambers, 311 Grand Avenue, Bellingham.

SURFACE MINING ADVISORY COMMITTEE: 6 Vacancies, Two-year terms

- 1 ecologist
- 1 environmental consultant
- 1 geologist
- 1 representative of potable domestic groundwater supply
- 2 members of the surface mining industry (one vacancy is a partial term ending 1/31/2014)
- 1 member of the forestry industry

Committee advises the Whatcom County Planning and Development Services Department and the Whatcom County Council on implementing a surface mining regulatory program consistent with the Comprehensive Plan. Committee has been inactive, but may reactivate to consider the mineral resource lands section of the Comprehensive Plan in 2013. Meeting frequency to be determined.

Applications Received

Geologist (Vote for 1):
Dan McShane
Martin Conyac
Shannon Logan

Member of Surface Mining Industry (Vote for 2):
Brent Cowden
Steve Cowden
Brad Davis
Name: Dan McShane
Street Address: 1451 Grant Street
City: Bellingham, WA
Zip Code: 98225
Mailing Address (if different from street address):
Day Telephone: (260) 714-9409 Evening Telephone: (360) 677-3744 Cell Phone:
E-mail address: mcsharedan@gmail.com

1. Name of board or committee-please see reverse: Surface Mining Advisory Committee
2. You must specify which position you are applying for. Geologist

3. Do you meet the residency, employment, and/or affiliation requirements of the position which you’re applying? (If applicable, please refer to vacancy list.) ( ) Yes ( ) No
4. Which Council district do you live in? ( ) One ( ) Two ( ) Three
5. Are you a US citizen? ( ) Yes ( ) No
6. Are you registered to vote in Whatcom County? ( ) Yes ( ) No
7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No*

If yes, dates: I attended past meetings

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) Yes ( ) No

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. Geologist and Engineering Geologist, President of Stratum Group, an environmental and geology consulting company. We have conducted several surface mine market assessments and have assisted in permitting mines in Skagit, Island and Jefferson counties. I am very familiar with the geology and aggregate resources in Whatcom County.

10. Please describe why you’re interested in serving on this board or commission: I believe good policy is best-formed based on sound facts, and information that I can contribute.

References (please include daytime telephone number): Kim Ninnemann (360) 980-0468
Terry McHugh (360) 301-1763

Signature of applicant: Dan McShane

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March 8, 2013

Whatcom County Council

Re: Surface Mining Advisory Committee

Dear Council Members:

I know that most of you have some familiarity with me and are aware that I am a geologist and engineering geologist. Part of my work as a geologist has involved surface mining projects including a number of aggregate mining projects. I believe my familiarity with the geology of Whatcom County combined with my surface mining project experience can provide useful information for providing surface mining advice to you as the policy makers of our community.

I have two other areas of extensive work experience that I believe may be helpful on the committee. I have many years of experience assessing environmental contamination risks including surface mining sites. In addition, I work on development projects that require the use of aggregate materials for construction. The recommendations we make for engineering purposes are influenced by the quality of availability aggregate and rock material.

I have done aggregate and rock quality and market assessments on numerous surface mine deposits over the past 15 years on western Washington. I have assessed the value of deposits in Whatcom County, two in Skagit County, three in Jefferson County, one in Island County and Lewis County and reviewed rock quality reports for sites in Whatcom County and Skagit County. In conducting value assessments, the assessment has to include evaluating other mine sites as aggregate value is based in part on the free market of supply and demand as well as distance to market and ease or challenges of mining a given deposit. As such I must be familiar with long term and short term market conditions of supply and demand as well as the constraints a given site has on mining operations.

While assessing the value of a deposit is of use to private sector operators and purchasers of aggregate it is also an important policy consideration for local county governments. On four occasions I have assessed aggregate deposits that were not included in the local county government mineral lands. After completion of the assessment I assisted in getting all four of these deposits added to the local county mineral lands through comprehensive plan amendments.
As you are well aware, adding lands into a mineral lands resource designation can be very contentious. There are a variety of reasons for this that I believe can be addressed and should be addressed early versus later in the process. Surface mining is a very intensive land use and understanding those impacts is a very critical aspect of establishing policy.

You will be faced with some difficult policy issues regarding surface mining in the near future, and I hope I can contribute to your understanding of these issues so your policy choices and the consequences are clear to you.

If you do see fit to appoint me to the Committee, I would hope that you would pass onto me any specific areas that you would like to see the committee evaluate in order to assist you in surface mining policy.

Best regards,

Dan McShane, M.Sc., L.E.G.
Licensed Engineering Geologist
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Martin D. Conway  Date: March 10, 2013
Street Address: 5543 Sandpiper Lane
City: Blaine  Zip Code: 98230
Mailing Address (if different from street address):
Day Telephone: 360-371-7568  Evening Telephone: same  Cell Phone: 483-8070
E-mail address: mconway@comcast.net

1. Name of board or committee-please see reverse: Surface Mining Advisory Committee
2. You must specify which position you are applying for. Please refer to vacancy list. Geologist, or Civil or Geotechnical Engineer - no ties to industry
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) ☑ yes ( ) no
4. Which Council district do you live in? ( ) One ( ) Two ( ) Three
5. Are you a US citizen? ☑ yes ( ) no
6. Are you registered to vote in Whatcom County? ☑ yes ( ) no
7. Have you ever been a member of this Board/Commission? ( ) yes ☑ no  If yes, dates: N/A
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ☑ no  If yes, please explain: N/A
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.  
Retired, BS Geology, Univ. Washington, many post-grad courses, soils, concrete, asphalt, and construction materials quality control testing, Seattle and Alaska.
2.2 yrs soils and foundation engineering, Seattle area. Career w/US Bureau of Mines included 10 yrs, field exploration as a mining and minerals geologist in the 6 western states; 4 yrs as the Alaska Programs Manager at BLM, Mineral Headquaters, in Wash. D.C.; 5 yrs, Deputy Chief and Acting Chief of Alaska Field Operations Center, Anchorage
10. Please describe why you’re interested in serving on this board or commission: To assist the County in making informed, sound decisions concerning landuse and economics related to mining and mining related issues.
References (please include daytime telephone number):
Garey Vedapich - 234-3074  Doug Graves 671-4938
Signature of applicant: Martin D. Conway

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Shannon Logan
Street Address: 1205 Birch Falls Drive
City: Bellingham
Mailing Address (if different from street address):
Day Telephone: 319-5943
E-mail address: shannon.logan@erm.com
Date: March 13, 2013

1. Name of board or committee—please see reverse:
   Surface Mining Advisory Committee

2. You must specify which position you are applying for.
   Please refer to vacancy list.
   Geologist

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
   (If applicable, please refer to vacancy list.)
     yes ( ) no

4. Which Council district do you live in?
   One ( ) Two ( ) Three
   yes ( ) no

5. Are you a US citizen?
   yes ( ) no

6. Are you registered to vote in Whatcom County?
   yes ( ) no

7. Have you ever been a member of this Board/Commission?
   ( ) yes ( ) no

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ( ) yes ( ) no

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Currently, I am employed as an environmental consultant for a local consulting firm, ERM. I am registered as a geologist in Washington and California and hold a master's degree in geology from New Mexico Tech and a bachelor's degree in geology from WWU. I have worked as a geologist for a large sand and gravel company, where I was responsible for calculating reserves and developing exploration and production plans. In my years as an environmental consultant I have gained regulatory experience writing stormwater plans, air quality permits, habitat conservation plans and incidental take permits for mining operations. With respect to my community involvement, I am the Treasurer for Carl Cozier Elementary PTA and involved with the Wild Whatcom Explorer's Club. Please refer to my attached resume for further information.

10. Please describe why you're interested in serving on this board or commission:
    I am interested in using my geologic knowledge and experience as a mining geologist to ensure that the regulatory program is implemented according to the Plan using sound scientific judgement.

References (please include daytime telephone number):
   Michelle Smith, ERM 647-3922; June Coover ERM 425-214-7413

Signature of applicant:

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Ms. Shannon Logan is a licensed geologist with 11 years of air permitting and regulatory experience for minor and major Title V sources, including major oilfield leases and refineries, power plants, and an industrial minerals mine. This work involves calculating criteria and toxic emissions inventories, drafting air operating permit applications, calculating potential-to-emit for emission sources, preparing compliance monitoring, certification reports, and deviation reports.

Ms. Logan has five years exploration and production geology experience with copper, crushed rock, and sand and gravel mines. She has calculated reserves and developed exploration and production plans based on geologic models she created from her mapping and drilling of mine deposits. She has regulatory experience involves writing stormwater and air quality permits, habitat conservation plans and incidental take permits.

Ms. Logan also has led title V compliance certification of an industrial minerals mine with over 200 emission sources, which included coordinating with facility staff, observing facility operations, observing emissions and active control techniques, confirming monitoring and recordkeeping conditions and verifying all certification requirements. She also created an Environmental Management System (EMS) database for the mine as well as assisted in the development of an EMS for a major oil company with several leases and over 500 permits. Ms. Logan has represented clients during air district inspections and negotiated permits conditions with several air districts.

Professional Affiliations & Registrations
- Washington Licensed Geologist, #2589
- California Professional Geologist, #7731

Fields of Competence
- Air Quality
- Stormwater
- Economic Geology

Education
- AERMOD, Computer Modeling Laboratory Class, Trinity Consultants, 2007
- M.S. Geology, New Mexico Institute of Mining and Technology, Socorro, NM, 1999
- B.S. Geology, Western Washington University, Bellingham, WA, 1996

Languages
- English, native speaker

Key Industry Sectors
- Oil & Gas
- Mining & Metals
Key Projects

Geologist

Geologist for Sand and Gravel Company, Vulcan Materials Company, Los Angeles, CA. Geologist for a national sand and gravel company. Interpreted surface and subsurface geology for exploration and production decisions; sited and supervised drill holes for exploration, production and water monitoring wells; logged the exploration, production and water monitoring well drill core; recommended the quantity and quality of company aggregate resources to management; and developed the aggregate exploration GIS database for the company’s New Mexico region.

Geologist for Copper Company – Morenci, AZ. Geologist for copper mine. Mapped production high walls and exploration targets and logged exploration and production drill core.

Air Quality

Air Emissions Inventory, Bellingham, WA. Calculated annual criteria and toxic air emissions at a major oil refinery. The completed report was submitted to corporate officers and Washington State Department of Ecology.

Air Quality Specialist for Petroleum Company, Bakersfield, CA. Contract air quality specialist for a petroleum production lease. Managed more than 500 Title V air quality permits; assisted in the development of a management system for tracking permit requirements; represented the company during air district inspections; negotiated permit conditions; calculated air emission inventories for annual submission to the air district; and wrote monitoring reports, semi-annual and annual compliance certification reports, and deviation reports.

Environmental/Air Quality Specialist for Industrial Minerals Mine, Boron, CA. Contract environmental specialist for an industrial minerals mine. Managed more than 200 Title V air quality permits; developed a management system for tracking permit requirements; drafted air quality permit applications, deviation reports, monitoring reports and semi-annual and annual compliance certification reports; prepared criteria emissions inventories for air district submittal; led consulting team in the first annual Title V compliance certification for the mine; renegotiated stormwater requirements for the mine’s NPDES permit; and renegotiated conditions for the incidental take permit.

Water Quality

SPCC Review and Update for Poultry Processing Facility, Mt Vernon, WA. Reviewed and updated the SPCC plan based on the modified Industrial Stormwater General Permit issued by the Washington State Department of Ecology.

Regulatory Affairs

Emerging Issues Tracking Track and summarize air quality regulatory developments of the federal and state agencies. Provide weekly reports for client knowledge.

TSCA Inventory for Major Oil Refinery, Bellingham, WA. inventoried chemicals used in manufacturing and processing at a major oil refinery. The completed report was submitted in requirement of EPA TSCA 2012 CDR rule.

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Brent Cowden
Street Address: 2665 E 39th Terrace
City: Bellingham WA
Mailing Address (if different from street address): 
Day Telephone: 542-1000 Evening Telephone: 739-5269 Cell Phone: 
E-mail address: brent@cowdeninc.com

Date: 3/18/13

1. Name of board or committee-please see reverse: Surface Mining Advisory

2. You must specify which position you are applying for.
   Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) 
   Yes ( ) no ( )

4. Which Council district do you live in? One ( ) Two ( ) Three ( )

5. Are you a US citizen? 
   Yes ( ) no ( )

6. Are you registered to vote in Whatcom County? 
   Yes ( ) no ( )

7. Have you ever been a member of this Board/Commission? 
   Yes ( ) no ( )

If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any 
   business or agency that does business with Whatcom County? 
   Yes ( ) no ( )

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community 
   activities, and education.

   General Manager of Cowden Gravel & Ready Mix. Graduated from Simon 
   Fraser University in 2006 with Bachelor’s degree in Business Administration. 
   Managed the company that mines sells 30,000 – 50,000 yards annually.

10. Please describe why you’re interested in serving on this board or commission: 
    Family Business has been 
    involved with Surface mining for over 65 years.

References (please include daytime telephone number): 

   Ryan Deuris (Grande Construction) 360 239-0153 / Dave Eddleman (Friend/ ) 739-762

Signature of applicant: 

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available to the County Council, County Executive, and the public. All board and commission members are 
expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these 
expectations may result in revocation of appointment and removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS.

Return to Whatcom County Council Office, 311 Grand Avenue, Suite 105, Bellingham, Washington 98225

Name: Steve Cowden
Street Address: 5570 Knight Road
City: Bellingham WA
Zip Code: 98226

Date: 3-21-13

Mailing Address (if different from street address):

Day Telephone: 360-592-4700 ext. Evening Telephone: 360-592-2241 Cell Phone: 360-739-4642

E-mail address: Steven@cowdeninc.com

1. Name of board or committee: SURFACE MINING ADVISORY COMMITTEE

2. You must specify which position you are applying for. Please check one: ( ) geologist ( ) ecologist ( ) environmental consultant ( ) member of surface mining industry ( ) potable groundwater supply ( ) forestry.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? ( ) yes ( ) no

4. Are you a US citizen? ( ) yes ( ) no

5. Are you registered to vote in Whatcom County? ( ) yes ( ) no

6. Have you ever been a member of this Board/Commission? ( ) yes ( ) no

If yes, dates:

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no

If yes, please explain: Please read attachment - thank you

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Please read attachment - thank you

9. References (please include daytime telephone number): Please read attachment - thank you

Signature of applicant: ________________________________

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Application for Appointment to Whatcom County Boards and Commissions

Page 2 of 2
Applicant: Steven Cowden

7. Whatcom County has in the past, and continues to purchase small quantities of products and utilize our services on a semi-regular basis. We have a customer base of several thousand business, agencies, and homeowners however, so the County's purchases have no significant impact on our business.

8. My family has been in the gravel mining business in Whatcom County since 1945; you may be familiar with Cowden Gravel & Ready Mix. I became involved part time in 1970 and have been full time since 1976. During my forty plus years I have been active in our industry and served on related committees. I am currently a member of Building Industry Association of Whatcom County (BIA), Whatcom Business Alliance (WBA) and most notable was elected and served as president of Washington Aggregate and Concrete Association (WACA). I am also a member of the NFIB (National Federation of Independent Businesses)

I have worked with Department of Ecology, Army Corp of Engineers, Department of Fisheries HPA, Shoreline, Department of Natural Resources, and of course, Whatcom County and many more.

I am routinely involved in mining activities, permitting and related regulations, as well as the reclamation process. I am also familiar with/knowledgeable of the various gravel deposit sites in Whatcom County.

Historically, I have harvested gravel off the Nooksack River bars (referred to as 'scalping') which have had a side benefit of flood control. Likely I have harvested more river gravel than all other operators in Whatcom County combined and thus have a broad background and understanding of the processes, methods, challenges and value.

10. I believe I would be a valuable resource for information to and for the SMAC committee based upon my forty years of upland mining experience and twenty years of harvesting gravel from the Nooksack River system. I do not pretend to have all of the answers, but believe I have valuable input for the committee overall that will enable them to come up with a viable solution to the challenges and opportunities that are before Whatcom County at this time.

I would consider it a privilege and an honor to serve the citizens in this capacity.

References:  Jack Louws: 360-676-6717  
Pete Kremen: 360-676-6690  
Lesa Starkenburg-Kroontje: 360-354-7822
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS.
Return to Whatcom County Council Office, 311 Grand Avenue, Suite 105, Bellingham, Washington 98225

Name: Brad Davis Date: 3/22/2013
Street Address: 3048 Pine Lane
City: Sedro Woolley WA. (Whatcom Co.) Zip Code: 98284
Mailing Address (if different from street address): 3094 Glenhaven Dr. #136 Sedro Woolley
Day Telephone: 360-961-2826 Evening Telephone: 360-595-0278 Cell Phone: 360-661-5937
E-mail address: bradd@gravelpits.com

1. Name of board or committee: SURFACE MINING ADVISORY COMMITTEE

2. You must specify which position you are applying for. Please check one: ( ) geologist ( ) ecologist
( ) environmental consultant ( ) member of surface mining industry ( ) potable groundwater supply ( ) forestry.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?

4. Are you a US citizen? ( ) yes ( ) no

5. Are you registered to vote in Whatcom County? ( ) yes ( ) no

6. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
If yes, dates: 1993 - 1994

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
If yes, please explain: EMPLOYEE CONCRETE NOR'WEST

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I HAVE BEEN EMPLOYED WITH CONCRETE NOR'WEST AS WHATCOM COUNTY MANAGER FOR THE PAST 23 YEARS. IN THIS TIME I HAVE BEEN RESPONSIBLE FOR AND DIRECTLY INVOLVED WITH THE DAILY OPERATIONS OF SURFACE MINING AT VARIOUS SITES WITHIN WHATCOM CO. I ATTENDED SHORELINE C.C.
I AM A CHAPTER MEMBER OF WHATCOM CO. DUCKS UNLIMITED, CORNWALL CHURCH

10. Please describe why you're interested in serving on this board or commission: TO SUSTAIN AND ENHANCE THE MINERAL RESOURCE LANDS & INDUSTRIES IN WHATCOM CO.: PROTECT FUTURE RESERVES

References (please include daytime telephone number): Dan Cox - 360-770-0494
Mike Crawford - 360-708-1323 Brad Barton 360-770-9929

Signature of applicant: Brad Davis

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**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>4/23/2013</td>
<td>County Council</td>
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**TITLE OF DOCUMENT:**
Appointments to Forestry Advisory Committee

**ATTACHMENTS:**
Applications

<table>
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<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( × ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
<td></td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.*
FORESTRY ADVISORY COMMITTEE: 10 Vacancies, four year terms

Applicants must meet one of the following qualifications: Small forest landowner, commercial forest landowner or qualified designee, forestry harvester, citizen with forestry expertise, or forest product manufacturer.

The Forestry Advisory Committee provides review and recommendations to the Whatcom County Council on issues that affect the forestry industry. The Forestry Advisory Committee also provides a forum for all sectors of the forestry community to contribute to discussions on the future of forestry in Whatcom County. Meeting schedule to be determined.

APPLICATIONS RECEIVED:

*Note: 3 applicants, Herb Barker, Rod Lofdahl and Gerry Millman, applied for qualify for more than one position. If Council appoints these applicants, please choose which positions they will fill.

<table>
<thead>
<tr>
<th>Position</th>
<th>Applicants</th>
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<tbody>
<tr>
<td>Small Forest Landowner</td>
<td>Rod Lofdahl (*also forestry harvester)</td>
</tr>
<tr>
<td></td>
<td>Gerry Millman (*also forest product manufacturer)</td>
</tr>
<tr>
<td></td>
<td>Herb Barker (*also citizen with forestry expertise)</td>
</tr>
<tr>
<td>Commercial Forest Landowner or Qualified Designee</td>
<td>No applications received</td>
</tr>
<tr>
<td>Forestry Harvester</td>
<td>Rod Lofdahl (*also small forest landowner)</td>
</tr>
<tr>
<td>Citizen With Forestry Expertise</td>
<td>Gerry Millman (*also forest product manufacturer)</td>
</tr>
<tr>
<td></td>
<td>Herb Barker (*also small forest landowner)</td>
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<tr>
<td></td>
<td>Phil Cloward</td>
</tr>
<tr>
<td></td>
<td>Sharon Westergreen</td>
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<td></td>
<td>Max L. Perry</td>
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<td></td>
<td>Jim Hansen</td>
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<tr>
<td>Forest Product Manufacturer</td>
<td>Gary E. Jones</td>
</tr>
<tr>
<td></td>
<td>Gerry Millman (*also small forest landowner)</td>
</tr>
<tr>
<td>OTHER:</td>
<td>Application from David O. Wallin, did not specify a position.</td>
</tr>
</tbody>
</table>
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Rod Lofdahl
Street Address: 2431 Plum Tree Dr.
City: Everson
Mailing Address (if different from street address):

Day Telephone: (360) 592-5300 Evening Telephone: (360) 966-4310 Cell Phone: (360) 815-0491
E-mail address: rlofdahl@yahoo.com

1. Name of board or committee—please see reverse:
Forestry Advisory Committee

2. You must specify which position you are applying for.
Please refer to vacancy list.
Forestry Harvester; Small Forest Landowner

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
(If applicable, please refer to vacancy list.) ———————————————————— (✓) yes ( ) no

4. Which Council district do you live in? ———————————————————— ( ) One (✓) Two ( ) Three

5. Are you a US citizen? ———————————————————— (✓) yes ( ) no

6. Are you registered to vote in Whatcom County? ———————————————————— (✓) yes ( ) no

7. Have you ever been a member of this Board/Commission? ———————————————————— ( ) yes ( ) no
If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ———————————————————— (✓) yes ( ) no
If yes, please explain: 10% owner of ALRT Corporation

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

10. Please describe why you’re interested in serving on this board or commission: I would like the opportunity to contribute to the process of shaping land policies regarding our county’s forestlands.

References (please include daytime telephone number):
Jerry Hammer (360) 815-1935.
Tom Westergreen (360) 966-3605; Brian Pederson (360) 734-9180

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: GERRY MILLMAN

Date: 4/2/13
Street Address: 2821 DOUGLAS RD
City: FERNDALE, WA
Zip Code: 98248

Mailing Address (if different from street address):

Day Telephone: 360/766-3061 Evening Telephone: 360/384-1557 Cell Phone: 360/961-5601

E-mail address: gmillman@frontier.com

1. Name of board or committee-please see reverse:
   FORESTRY ADVISORY COMMITTEE

2. You must specify which position you are applying for.
   Please refer to vacancy list. CITIZEN, MANUFACTURER, SMALL FOREST LANDOWNER

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
   (If applicable, please refer to vacancy list.) ( ) yes ( ) no

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   President, Great Western Lumber Company, Everson We operate the only sawmill in Whatcom County since 1951.
   Assumption Catholic School Foundation Board Member
   Bachelor of Science, University of Notre Dame, 1982

10. Please describe why you’re interested in serving on this board or commission: TO HELP WHATCOM COUNTY SUPPORT A VIVABLE TIMBER INDUSTRY

References (please include daytime telephone number):

   CJ Bernard 815-1676
   Joe Greshock 319-0312

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: HERB BARKER
Street Address: 851 E. LK SANISH DRIVE
City: BELLINGHAM WA
Zip Code: 98229

Mailing Address (if different from street address): P.O. BOX 5006 BELLINGHAM WA 98227

Day Telephone: 360 739 7799 Evening Telephone: 360 739 7799 Cell Phone: 360 739 7799
E-mail address: BARKERS, CHIPPING @ GMAIL.COM

1. Name of board or committee—please see reverse: FORESTRY ADVISORY COMMITTEE

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? (If applicable, please refer to vacancy list.) (x) yes ( ) no

4. Which Council district do you live in? (x) One ( ) Two ( ) Three

5. Are you a US citizen? (x) yes ( ) no

6. Are you registered to vote in Whatcom County? (x) yes ( ) no

7. Have you ever been a member of this Board/Commission? (x) yes ( ) no

If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? (x) yes ( ) no

If yes, please explain: I BID HABITAT JOBS WHEN THEY COME UP

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I OWN A SMALL BUSINESS THAT PROVIDES LOGS + WOODY DEBRIS TO VARIOUS SALMON HABITAT RESTORATION GROUPS, OCCASIONALLY INCLUDING WHATCOM COUNTY

10. Please describe why you're interested in serving on this board or commission: FORESTRY NEEDS A VOICE THAT IS MISSING IN COUNTY GOVERNMENT

References (please include daytime telephone number): ____________________________

Signature of applicant: ____________________________

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Gary E. Jones          Date: 4/28/13
Street Address: 2906 Greenview Lane, Lynden, Wa
City: Lynden Zip Code: 98264

Mailing Address (if different from street address): --------------

Day Telephone: 360-927-4101   Evening Telephone: --------------   Cell Phone: --------------

E-mail address: gary-jones@comcast.net

1. Name of board or committee-please see reverse: Forestry Advisory Com

2. You must specify which position you are applying for. Please refer to vacancy list. Forest Product Manufacturing

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? (If applicable, please refer to vacancy list.) Yes (X) No

4. Which Council district do you live in? ( ) One (X) Two ( ) Three

5. Are you a US citizen? (X) Yes ( ) No

6. Are you registered to vote in Whatcom County? (X) Yes ( ) No

7. Have you ever been a member of this Board/Commission? ( ) Yes (X) No

If yes, dates: --------------

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) Yes (X) No

If yes, please explain: --------------

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. Owner of Socco Forest Products, a Lumber-drying business in Sumas, Wash. Summit Timber Co. in Darrington for over 30 years.

10. Please describe why you're interested in serving on this board or commission: I have been in the logging & sawmill business for over 30 years.

References (please include daytime telephone number): --------------

Signature of applicant: --------------

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Phil Cloward
Date: 4/2/13

Street Address: 522 Strange Valley
City: Maple Falls, WA
Zip Code: 98266

Mailing Address (if different from street address):

Day Telephone: 599-1738 Evening Telephone: Same Cell Phone:

E-mail address: stert@comcast.net

1. Name of board or committee—please see reverse:
   Forest Advisory citizen of Forest Hardware.

2. You must specify which position you are applying for.
   Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying?
   (If applicable, please refer to vacancy list.)
   \( \checkmark \) yes \( \times \) no

4. Which Council district do you live in?
   \( \checkmark \) One \( \times \) Two \( \times \) Three

5. Are you a US citizen?
   \( \checkmark \) yes \( \times \) no

6. Are you registered to vote in Whatcom County?
   \( \checkmark \) yes \( \times \) no

7. Have you ever been a member of this Board/Commission?
   \( \checkmark \) yes \( \times \) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   \( \checkmark \) yes \( \times \) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Forest - BS, M.S.
   Landscaping Engineering

10. Please describe why you’re interested in serving on this board or commission:
    Have interest & knowledge that may assist.

References (please include daytime telephone number):

Signature of applicant: Phil Cloward

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jim Hansen
Street Address: 2418 Keesling St
City: Bellingham
Mailing Address (if different from street address):
Day Telephone: 676-8014
E-mail address: jh-hmk1284@msn.com
E-mail address: jh-hmk1284@msn.com

Name of board or committee—please see reverse:

Forestry Advisory citizen w forestry experience

1. You must specify which position you are applying for. Please refer to vacancy list.

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.)

   Yes (x) No ( )

3. Which Council district do you live in? ( ) One (x) Two ( ) Three

4. Are you a US citizen? (x) Yes ( ) No

5. Are you registered to vote in Whatcom County? (x) Yes ( ) No

6. Have you ever been a member of this Board/Commission? (x) Yes ( ) No

   If yes, dates: Flood Advisory 2009 - 2011

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? (x) Yes ( ) No

   If yes, please explain:

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education:

   15 years forestry contractor & tree planting, pre-commercial thinning, stand exams, superior seed tree selection, cone harvest, climbing.

   15 years Habitat Program Manager & Managed road sediment survey, RMAP Projects, Culvert replacement, slope stabilization, riparian inventory & enhancement.

   10 years Road abandonment and storm proofing. 10+ years forestry as an environmental industry.

9. References (please include daytime telephone number):

   Merle Jefferson 440-1706 Joe Routan 398-1310

Signature of applicant:

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Max L. Perry  Date: 3-27-13
Street Address: 1111 Deer Creek Lane
City: Bellingham  Zip Code: 98226
Mailing Address (if different from street address): 
Day Telephone: 384-1044  Evening Telephone: 360-384-1044  Cell Phone: 319-1224
E-mail address: max and carole g-mail.com

1. Name of board or committee-please see reverse: Forestry Adv. Committee
2. You must specify which position you are applying for. Please refer to vacancy list.
   Citizen with Forestry exp/Forest Prd. Mfg.
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) ( ) yes ( ) no
4. Which Council district do you live in? ( ) One ( ) Two ( ) Three
5. Are you a US citizen? ( ) yes ( ) no
6. Are you registered to vote in Whatcom County? ( ) yes ( ) no
7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates:
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

          see attached

10. Please describe why you’re interested in serving on this board or commission: Forest products are vital to Whatcom County

References (please include daytime telephone number): Linda Mooney, Key Bank 676-6311
Klaus Klix, Ferrotec, 364-7444, Pastor Dean Iverson, 384-1129

Signature of applicant:

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MAX L PERRY

My background is in timber. I spent my early work years in the timber industry; logging with my Dad, working for Weyerhauser Timber Co., Ladd Timber Co., and Arnold Roller Timber Co. I worked various logging jobs, dynamited stumps for logging road construction and drove log truck. I stayed and worked out of Weyerhauser's Camp Baker prior to the eruption of Mount Saint Helens, which destroyed the camp.

I attended WSU and graduated with a BA in Mathematics Education. I taught Math at North Thurston School District in Lacey Washington. We moved to Bellingham in 1966 so my wife could complete her teaching certificate at WWU. I began what was to be a short-term job at Intalco in 1966, as it was just beginning “start-up” of the aluminum producing cells. I retired in from Intalco Management in 1996, and 30 years. We have in Whatcom County for 47 years, raise a family of five and four of them live in Whatcom County with their families.

My three sons and I started a business, Perry Pallet Company, in 1996. We began using recycled pallets and still do but have grown and now build many pallets and crates with new lumber and other timber products. We currently have 38 employees representing 35 families, all in Whatcom County. We used 22 million board feet of lumber building pallets as well as large quantities of dismantled lumber from used pallets to service our customers. We have to go far and wide in purchasing lumber, from Alberta and British Columbia mills in Canada; from Montana, Idaho and Oregon mills; as well as mills in Whatcom, Lewis and Cowlitz counties.

Timber products are vital for our business and many other lumber related business' in Whatcom County. Forestry and the sustainable harvesting of timber provides a large number of jobs and supports many families and provides a significant tax base for Whatcom County. Timber is a crop and when used wisely is sustainable.

I would like to apply for the “Citizen with forestry knowledge” or “Forest Product Manufacturer” position.

Best regards,

[Signature]

Max L. Perry
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Sharon Westergreen
Street Address: Sumas, WA
City: Sumas, WA
Mailing Address (if different from street address):
Day Telephone: 676-6670 Evening Telephone: 966-4781 Cell Phone: 325-3639
E-mail address: mrswestergreen@gmail.com

Date: 4-2-13 Zip Code: 98295

1. Name of board or committee-please see reverse: Forestry Advisory Committee
2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.)

4. Which Council district do you live in?
   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?
   ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County?
   ( ) Yes ( ) No

7. Have you ever been a member of this Board/Commission?
   ( ) Yes ( ) No
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ( ) Yes ( ) No
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   I am a Deputy Public Defender for Whatcom County, having graduated in the top 5% of my class from the U.S. Military Academy (1984), and from the University of Virginia School of Law (1990). I purchased and planted my first 50 Whatcom County trees in 2010, and joined the Whatcom County Farm Forestry Association. I began studying college texts on forestry & silviculture, have attended educational programs hosted by the county & state Farm Forestry Associations, and am interested in the my community on an issue which holds lifelong interest, a newfound interest.

10. Please describe why you’re interested in serving on this board or commission: Continued service to the needs of my community on an issue which holds lifelong interest.

References (please include daytime telephone number):

Angela Anderson 676-6670 (Dona)
Ed Westergreen 966-4781 & Tom Westergreen 961-0312 re "expertise."

Signature of applicant: Sharon Westergreen

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now serving on the Board of the Whatcom County Farm Forestry Association. I married Ed Westergreen in March 2011, immersing myself in the practice of forest management, and becoming a sort of "stepmother" to nearly 200 acres of actively managed forestland. I have absorbed a lot of knowledge from my husband and his brother, and gain more expertise about forestry practice, regulations, and issues by the week. This new side of the forest augments my lifetime love of the woods as a hiker, biker, bird-watcher, and environmentalist.

Now in my 50's, I have learned to sort through the BS of issues; I prefer to have the most factual information possible when I offer information or make decisions. I am smart, quite capable of reading and understanding statutes and regulations. I work well with others and can either follow or lead, as required. I have a strong interest in maintaining the clean beauty (natural beauty) of Whatcom County, while not damaging the forestry industry that the County requires for its healthy economy. I did not come to Whatcom County to change this county; it is a lovely, vibrant place. But forestry belongs here, and if I can assist in maintaining a safe, productive forest industry, improve industry/community relations, continue to serve my community, and protect my own dual interests of environmentalism and my family's livelihood, then I need to be on this committee.

I should note that I do not personally own any forestland in Whatcom County (my personal property is pending a sale). I am considering the purchase of acreage for forestland once my own sale closes, and my spouse owns forestland - but technically, I do not.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: David O. Wallin
Street Address: 2020 N. Mahonia Pl
City: Bellingham
Mailing Address (if different from street address):
Day Telephone: 360-650-7526 Evening Telephone: 360-671-6883 Cell Phone: 360-220-6635
E-mail address: david.wallin@wwu.edu (preferred) or dowallin@gmail.com

Name of board or committee—please see reverse:

Forest Advisory Board

Position you are applying for:

Committee Member

Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?

(If applicable, please refer to vacancy list.)

Which Council district do you live in? One Two Three

Are you a US citizen?

Are you registered to vote in Whatcom County?

Have you ever been a member of this Board/Commission?

If yes, dates:

Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

If yes, please explain:

Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Professor of Environmental Sciences at WWU since 1995
Faculty member in the Department of Forest Sciences at Oregon State University 1991-95
Engaged in research related to the ecology and management of PNW forests since 1991
See attached Curriculum Vitae for more information

Please describe why you’re interested in serving on this board or commission: I look forward to contributing to the preservation of forest resource lands in the county. We need a viable forest industry in the county.

References (please include daytime telephone number):

Dan McRae (mcradon@gmail.com; 647-3744); David L. Peterson, Research Forestor, USFS & Professor, U. Wash. (wild@u.washington.edu; 206-732-7812) James Agee, Professor of Forest Ecology, U. Wash. (jagee@u.washington.edu, 206-543-8242)

Signature of applicant: [Signature]

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Forest Advisory Board
David Wallin [David.Wallin@wwu.edu]

Sent: Tuesday, February 26, 2013 3:16 PM
To: council@co.whatcom.wa.us
Cc: Jack Louws

Dear Whatcom County Council Members,
I am writing to you with regard to your decision to establish a Forest Advisory Board for Whatcom County. I applaud your decision. Forestry is an important industry in our county and we need to maintain it as a viable industry into the future.

With this email, I would like to request that I be considered for an appointment to this new Forestry Advisory Board. As many of you know, I have been involved with forest management issues in the Pacific Northwest for over 20 years and I have been a resident of Whatcom County since 1995. I have attached my Curriculum Vitae for your review. Please let me know if you need any additional information from me.

Regards,

David O. Wallin
Professor
Department of Environmental Sciences
Huxley College of the Environment
Western Washington University
Bellingham, WA 98225-9181
email: david.wallin@wwu.edu
webpage: http://faculty.wwu.edu/wallin/
Telephone: 360-650-7526
CURRICULUM VITAE
David Oakes Wallin
Department of Environmental Sciences
Huxley College of the Environment
Western Washington University
Bellingham, Washington 98225-9181
Telephone 360-650-7526; FAX 360-650-7284
E-mail: wallin@cc.wwu.edu; Web Page: http://www.ac.wwu.edu/~wallin

Education:
Ph.D., Environmental Sciences, University of Virginia, Charlottesville, VA, August 1990;
Dissertation title: Habitat dynamics for an African weaver-bird: the red-billed quelea
(Quelea quelea); advisor: Herman H. Shugart
M.A., Biology, The College of William and Mary, Williamsburg, VA, January 1982; Thesis title:
The influence of environmental conditions on the breeding biology of the bald eagle in
Virginia; advisor: Mitchell A. Byrd
B.S., Biology, Juniata College, Huntingdon, PA, May 1978

Professional Experience:
Current: Professor, Western Washington University (see below for employment history)
Research focus: landscape ecology and remote sensing, land-use effects on ecosystem structure
and function, landscape genetics, regional analysis of biodiversity patterns, life history
attributes and habitat heterogeneity in space and time as determinants of species
distribution and abundance patterns, analysis of landscape pattern and pattern change
under shifting management objectives, effect of land-use on carbon storage in forest
ecosystems.
Research Activities and Tools: remote sensing; image analysis and GIS, univariate and
multivariate statistics, spatial analysis, computer programming, simulation modeling,
vegetation sampling, habitat analysis, GPS telemetry.

Honors and Awards:
National Aeronautics and Space Administration Fellowship (1986-1989)
The William and Mary Fellowship in Biology (1979-1980)
Beta Beta Beta (1977) and Phi Sigma (1979) Biological Honor Societies

Funded Proposals: (PI or Co-PI for over $2,600,000 of funded proposals since 1992)
North Cascades Elk Population Study (Stillaguamish Indian Tribe; $30,076; 9/2012-12/2014)
Landscape Effects on Connectivity and Genetic Diversity of Cougar (Puma concolor)
Populations in Washington (Seattle City Light; Wildlife Research Program; $6,471;
5/2012-6/2013) (WA Chapter of the Wildlife Society Research Grant; $2,500; 2012)
Patterns of Genetic Diversity and Connectivity Among Mountain Goat Populations in
Washington and Southern British Columbia (Mountaineers Foundation Research Grant,
$4,000; 4/11-6/12)
Funded Proposals: (continued)

Mountain Goat Conservation and Restoration in the North Cascades: Connectivity and Genetic Diversity (Washington Department of Fish and Wildlife; ALEA Cooperative Project, $10,700 summer 2011)

Mountain Goat Conservation and Restoration in the North Cascades: Connectivity and Genetic Diversity (Washington Department of Fish and Wildlife; ALEA Cooperative Project, $8,688 summer 2010)


Mountain Goat Conservation and Restoration in Washington State: Genetic Analysis (The Mazamas Foundation Research Grant, $2,400, 5/1/07 – 7/15/08)

Mountain Goat Conservation and Restoration in Washington State: A Landscape Genetics Approach (Seattle City Light, $36,640, 7/1/07 – 12/31/09)


Mountain Goat Genetic Analysis (Washington Department of Fish and Wildlife, $12,000, 3/1/07 – 6/30/07)

Helicopter-based Biopsy Darting of Mountain Goats for Genetic Analysis (Washington Department of Fish and Wildlife, $20,000, 6/1/07 – 6/30-07)

Mountain Goat Behavioral Observations and Survey Ground Observations (Washington Department of Fish and Wildlife; ALEA Cooperative Project, $14,262, summer 2006)

Assessment of Mountain Goat Habitat in the North Cascades (Sauk-Suiattle Indian Tribe, multiple contracts, $54,000, 2002-2006)

Mountain Goat Ecology and Management (Washington Department of Fish and Wildlife, $12,684, 3/06 – 9/06)


Modeling forest carbon dynamics in the Pacific Northwest of the United States. (NASA, $96,000, 1995-96) co-PI with W.B. Cohen and M.E. Harmon

Fire history of the Cherry Creek Basin Research Natural Area, Winema NF. (USDA Forest Service, $60,000, FY95, 96, 97) PI

Spatio-temporal analysis of ecological and physical systems at landscape to regional scales. (NSF Training grant, $337,000, 1995-2000) Faculty Participant


Landscape dynamics in pre-settlement and managed forests. (USDA Forest Service, $75,000, 1994-95) PI
Funded Proposals: (continued)
Land use and wildfire effects on landscape patterns and avian diversity: a comparison of the greater Yellowstone ecosystem and the Pacific Northwest. (NASA, $111,000, 1994) co-PI with A. Hansen, W.B. Cohen, J. Wilson, J. Rotella, R. Redmond and R. Patten
Modeling the effects of land use and climate change on carbon storage in the forests of the Pacific Northwest. (NASA, $395,000, 1992-94) co-PI with W.B. Cohen, M.E. Harmon, P. Sollins, W.K. Ferrell
Mapping regional biodiversity patterns using satellite-based estimates of forest structure.
Using satellite-measurable environmental parameters for extending models of ecological processes to large spatial scales: a test case. (NASA, $150,000, 1986-89), graduate student on grant to H.H. Shugart

Western Washington University Internal Funding:
Acquisition of Small Unmanned Aircraft Systems (sUAS) to enhance and support teaching and research (Student Technology Fee Program, WWU, $89,134, 2013, in review) primary author with two co-authors
Remote Sensing Software Equipment (Student Technology Fee Program, WWU, $7,600, 2009) proposal author
Spatial Analysis Lab Global Positioning System Equipment (Student Technology Fee Program, WWU, $15,000, 2004) proposal co-author
Spatial Analysis Computer Lab Upgrades (Student Technology Fee Program, WWU, $40,000, 2002) proposal co-author
Global Positioning System Equipment for Huxley College and the Departments of Anthropology, Biology and Geology (Student Technology Fee Program, WWU, $72,000, 1999) primary author with numerous co-authors
Huxley Map Library Equipment (Student Technology Fee Program, WWU, $32,000, 1998) proposal co-author
Spatial Analysis Computer Lab for Huxley College and the Department of Geology (Student Technology Fee Program, WWU, $150,000, 1997), proposal co-author

Employment:
Professor, Department of Environmental Sciences, Huxley College of the Environment, Western Washington University (4/04 – present); Associate Professor (9/98 – 4/04); Assistant Prof. (9/95 - 9/98).
Courtesy Faculty, Forest Science Department, Oregon State University (9/95 – 12/99)
Research Assistant Professor, Forest Science Department, Oregon State University (1/94-9/95)
Postdoctoral Research Associate, Forest Science Department, Oregon State University (2/91 - 12/93); supervisor, F.J. Swanson
Doctoral Student; Environmental Sciences Department, University of Virginia, Charlottesville, Virginia (9/85-8/90); regional-scale study of factors affecting the distribution and abundance of organisms in space & time

- 3 -
Employment (continued):
NASA Fellow; One year in residence (during 1986-90) at Goddard Space Flight Center learning remote sensing, image analysis and GIS; experience with a wide range of remotely sensed data; supervisor: Compton J. Tucker
Wildlife Biologist; The Virginia Commission of Game and Inland Fisheries, Richmond, Virginia (10/84-8/85); endangered and non-game species research and management.

Publications (* indicates graduate student author):
Publications: (continued)
Presentations:


Presentations: (continued)
Presentations: (continued)
Presentations: (continued)


Presentations: (continued)

Cincinnati, OH, November 1993.


Wallin, D.O. and N. Schumaker. The influence of species dispersal characteristics and landscape heterogeneity on population persistence in a simple predator-prey system. (International Association of Landscape Ecologists, Annual Meeting; Corvallis, OR, April 1992).


- 10 -
Current Support:
North Cascades Elk Population Study (Stillaguamish Indian Tribe; $30,076; 9/2012-12/2014)
Landscape Effects on Connectivity and Genetic Diversity of Cougar (Puma concolor)
   Populations in Washington (Seattle City Light; Wildlife Research Program; $6,471;
   5/2012-6/2013)

Committee Work:
National Ecological Observatory Network (NEON); Advisory Panel Member for Domain 16:
   Pacific Northwest. NEON is a National Science Foundation Program. (2009- )
Whatcom County Executive’s Review Panel on the Reconveyance and Transfer of Lands within
   the Lake Whatcom Watershed Reservoir (2008)
WWU Academic Coordinating Committee (2005-06)
WWU Faculty Senate (2000-02, 2009- )
WWU Graduate Council (1996-98, 2011- )
WWU Research Advisory Committee (2000-2002)
WWU Faculty Senate Representative to the Student Technology Fee Committee (1999-2001)
WWU Faculty Grievance Committee (1998-2001)
WWU Advisory Committee for the Canyon Lake Creek Community Forest, Chair (1999-00)
Lake Whatcom Citizen’s Advisory Task Force (1999-2001) (Appointed by the Mayor and the
   County Executive to provide input on the management of the Lake Whatcom Watershed)
County Executive’s Review Panel on the Reconveyance and Transfer of Lands within the Lake
   Whatcom Watershed Reservoir (2007-08) (Appointment by the County Executive)
WWU Huxley College By Laws Revision Committee Chair (2011-12)
WWU Huxley College Curriculum Committee member (1995), Chair (2001-02, 2005-06, 2006-
   07)
WWU Huxley College Policy Committee (2006-07)
WWU Huxley College Academic Technology Committee member (1996-97)
WWU Academic Technology Committee member (1996)
OSU Forest Science Department representative to Remote Sensing and GIS Coordinating
   Committee (coordination of course work and research activities across departments;
   helped develop an interdisciplinary minor in this area).
OSU Forest Science Department representative to Conservation Biology Coordinating
   Committee (helped develop an interdisciplinary minor in this area).
OSU Forest Science Department representative on NSF Landscape Studies Graduate Faculty
   Oversight Committee (administration of NSF Training Grant).

Invited Peer Review:
Proposal Review Panels: USDA Cooperative Research Program, NASA Land-use Land-cover
   Change Research
Manuscript and Proposal Reviews for: Canadian Journal of Forest Research, Conservation
   Biology, Journal of Environmental Management, Ecological Applications, Landscape Ecology,
   Northwest Science, Photogrammetric Engineering and Remote Sensing, NASA, USDA, NSF
   and the Canadian Research Chairs Program.
Graduate Student Advisement; Major Professor:
Natalya V. Antonova, M.S., WWU, Huxley College, Geography, completed 12/00; Mapping potential habitat for the Ferruginous Hawk in Utah using satellite remote sensing. (Current employment: North Cascades National Park)
Tana Beus, M.S. WWU, Huxley College, Environmental Sciences, completed 7/10; Habitat Modeling Using Path Analysis: Delineating Mountain Goat Habitat in the Washington Cascades.
Andrew Boyce, M.S., WWU, Huxley College, Geography, completed 6/99; Rates and patterns of disturbance in forests of Washington and British Columbia. (Current employment: Private Environmental Consulting, Vermont)
Erica Capuana, M.S., WWU, Huxley College, Environmental Sciences, expected 6/12; Assessment of Riparian Conditions in the Nooksack River Basin with the Combination of Lidar, Multi-Spectral Imagery and GIS
Sam Cushman, M.S., WWU, Huxley College, Environmental Sciences, completed 10/97; Analysis of landscape patterns and rates of landscape change in Russian far east using satellite remote sensing. (Completed a Ph.D. at the U. of Massachusetts in 2003. Current employment: Research Scientist, US Forest Service, Missoula, Montana)
John Foster, M.S., OSU, Forest Science, completed 6/99; Fire history of the Cherry Creek Basin Research Natural Area. (Current employment: The Nature Conservancy, Seattle, WA)
Lise Grace, M.S., WWU, Huxley College, Environmental Sciences, completed 7/03; Mapping Bald Eagle communal night roosts habitat in Northwest Washington using satellite imagery. (Current employment: North Cascades National Park)
Sally Manifold, M.S., WWU, Huxley College, Environmental Sciences, completed 6/99; Factors influencing avian nesting success in greenway corridors. (Former employment: Greenways Coordinator, Bellingham Parks and Recreation; now retired)
Kari Odden, M.S., WWU, Huxley College, Environmental Sciences, completed 11/04; Landuse effects on stream temperatures in Western Washington.
Leslie Parks, M.S. WWU, Huxley College, Environmental Sciences, completed 12/12; Gene flow and habitat connectivity for mountain goats in the Washington Cascades and southern British Columbia.
Christopher S. Purnell, M.S., Oregon State University, Geosciences, completed 6/94; Analysis of riparian vegetation and land use in the Oregon Cascades using Landsat TM data. (deceased)
Diane Rangaard, M.S., WWU, Huxley College, Environmental Sciences, completed 2/99; Effects of forest roads on small mammal and amphibian habitat connectivity. (Current employment: Teacher)
Nathan Rice. M.S., WWU, Huxley College, Environmental Sciences, expected 12/14; North Cascades Elk population study.
William Richards, M.S., WWU, Huxley College, Environmental Sciences, completed 10/98; Analysis of patterns of vertebrate diversity in Pacific Northwest forests. (Current employment: Wildlife Biologist, Cedar River Watershed, City of Seattle)
Graduate Student Advisement; Major Professor (continued):
Kari Secrest, M.S., WWU, Huxley College, Geography, completed 2/07; Use of high resolution multispectral imagery and LIDAR to map riparian vegetation. (Current employment: Skagit County; Geographic Information Services)
Andrew Shirk, M.S., WWU, Huxley College, Environmental Sciences, completed 6/09; Landscape genetic for Mountain Goats in the Washington Cascades. (Currently employment: Research Scientist for the Climate Impacts Group at the University of Washington)
Misty Tyler, M.S., WWU, Huxley College, Environmental Sciences, completed 6/03; Coral reef habitat mapping using IKONOS satellite imagery. (Current employment: Teacher)
Tzeidele Wasserman, M.S., Huxley College, Environmental Sciences, completed 3/2008; Gene flow and habitat relationships of Marten (Martes americana) and Fisher (Martes pennanti) in Northern Idaho. (Current employment: Began working on a Ph.D. at Northern Arizona University in the Fall of 2009)
Adam Wells, M.S., WWU, Huxley College, Environmental Sciences, completed 7/06; Habitat relationships for Mountain Goats in the North Cascades of Washington State. (Current employment: Completed Ph.D. at the University of Idaho in June 2012)

Graduate Student Advisement; Graduate Committee Member:
Logan Berner, M.S., WWU Huxley College, Environmental Sciences, completed 4/10; Evaluation of high-latitude boreal forest growth using satellite-derived vegetation indices.
Dan Welsh-Bon, M.S., WWU, Huxley College, Environmental Sciences, completed 11/99; Spectral characteristics of coral reef communities.
Kori Buford, M.A., WWU, Huxley College, Environmental Studies, completed 6/04; Fire behavior modeling in the Washington Cascades.
Melissa Brown, M.S., WWU, Huxley College, Environmental Sciences, completed 6/01; Reproductive success of wild and hatchery-reared Steelhead.
Katherine Cali, M.S., WWU, Huxley College, Environmental Sciences, completed 9/99; Coral reef habitat mapping using satellite remote sensing and optical spectra data.
Katherine Callahan, M.S., WWU, Department of Geology, completed 12/06; Hydrological response of the Lake Whatcom watershed using a distributed hydrologic-soils-vegetation model.
Brigitte Dorner, Ph.D., Simon Frasier University, School of Resource and Environmental Management, completed 9/02; Forest management effects on landscape pattern in British Columbia.
Brenna Forester, WWU, Huxley College, Environmental Sciences. Completed 3/12; Climate change, landscape genetics and shifts in plant distributions. (Entered Ph.D. program at Duke University in the fall of 2011)
Jill Fullagar, M.S., WWU, Huxley College, Environmental Sciences, completed, 11/06; Effects of sea level rise on coastal wetlands.
Graduate Student Advisement; Graduate Committee Member (continued):
Leslie Gonzalez, M.S., WWU, Biology, completed 2/07; Plant species and functional diversity across gradients of resource availability and grazing in a California serpentine grassland.

Peter Home, M.S., WWU, Huxley College, Environmental Sciences, completed 11/02; Mapping potential Grizzly Bear habitat in the North Cascades.

Kathleen M. Hurley, M.S., WWU, Huxley College, Environmental Sciences, completed 12/02; Change in benthic marine habitats of the middle Florida Keys by analysis of satellite images.

Cindy Jackson, WWU, Huxley College, Environmental Sciences, completed 12/03; Alpine plant ecology.

Jacobsen, Aaron. M.S., WWU Biology, completed 9/08; Post-fire responses of great basin desert scrub communities.

Geraldine J. Jordan, Ph.D., Simon Frasier University, School of Resource and Environmental Management. completed 8/02; Detection of spatio-temporal characteristics of fire disturbance boundaries in a forest landscape and their relationship with riparian zones. (I served as the External Examiner for the dissertation defense.)

Jason S. Kapchinske, M.S., WWU, Huxley College, Environmental Sciences, completed 10/98; Soil carbon-nitrogen relationships affected by climate, soil texture, and vegetation: a continental evaluation.

Peter Kairis, M.S., Huxley College, Environmental Sciences, completed 3/08; A spatially explicit relative elevation model for Padilla Bay, Washington.

Casey Kula, M.S. WWU, Huxley College, Environmental Sciences, completed 5/06. Effects of climate change on subalpine forests.

Michael Leech, M.S., WWU, Huxley College, Geography, completed 5/06; Use of high resolution remote sensing to map invasive plant communities in Hawaii.

Cara Leverett, M.S., WWU, Biology completed 6/02; The effects of reed canarygrass on riparian nutrient dynamics.

Thomas K. Maiersperger, M.S., Oregon State University, Geosciences, completed 6/97; Estimating compositional attributes of Douglas-Fir/Western Hemlock forest stands using Landsat imagery.

Donald S. Meyer, M.S., WWU, Huxley College, Environmental Sciences, completed 12/03; Depressurization stress in rockfish.

Virginia Naef, M.S., WWU, Huxley College, Environmental Sciences, completed 12/96; Susceptibility of forest and riparian avifauna to nest predation in varying northwestern Washington landscapes.

Andrew Rothstein, M.S., WWU, Biology, expected 6/14; Harbor Seal diet study using non-invasive genic sampling

Kate Ramsden, M.A., WWU, Huxley College, Environmental Studies, completed 6/04; Tree encroachment onto the Ozette Prairies, Olympic National Park, Washington.

Suzanne Schull, M.S., WWU, Huxley College, Environmental Sciences, completed 1/00; Distribution of sea grass in Padilla Bay.

Cathi Wining, M.A. WWU, Huxley College, Environmental Studies, expected completion 12/12; Use of LIDAR and high resolution imagery to map alpine treeline.
TITLE OF DOCUMENT: Appointment to the Public Health Advisory Board

ATTACHMENTS: Application for Appointment

SEPA review required? ( X ) Yes ( ) NO
SEPA review completed? ( X ) Yes ( ) NO

Should Clerk schedule a hearing? ( ) Yes ( X ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

County Executive Jack Louws requests confirmation of his appointment of Jon Hutchings to the Whatcom County Public Health Advisory Board.

COMMITTEE ACTION: COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: __Jon Hutchings ____________________________ Date: ___4/1/13________
Street Address: ___2170 Granger Way ____________________________
City: __Lummi Island ____________________________ Zip Code_98262 __________
Mailing Address (if different from street address): ____________________________
Day Telephone: __303-9384_________ Evening Telephone: __758-4101_______ Cell Phone: __________
E-mail address: ___djhutchings@gmail.com ____________________________

1. Name of board or committee-please see reverse: __Public Health Advisory Board

2. You must specify which position you are applying for. Please refer to vacancy list. ________ Adminstration/fiscal

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) _____________________________________________________________________________________________________________________________________________________________ (x) yes ( ) no

4. Which Council district do you live in? ____________________________________________ ( ) One ( ) Two ( x) Three

5. Are you a US citizen? ____________________________________________ (x) yes ( ) no

6. Are you registered to vote in Whatcom County? ____________________________ (x) yes ( ) no

7. Have you ever been a member of this Board/Commission? ____________________________ ( ) yes ( x) no

If yes, dates: ____________________________

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ____________________________ ( x) yes ( ) no

If yes, please explain: ___City of Bellingham ____________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

__________________________Public Works Administration, AWC Certified Public Official, experience in subjects related to County __________________________

__________________________Health Department’s environmental health programs-particularly those related to water resources, __________________________

__________________________Ph.D. Soil Science, M.S. Hydrology __________________________

__________________________Lummi Island Heritage Trust Governance Committee, __________________________

__________________________LI Boys and Girls Club, Ferndale Youth Basketball and Soccer Coach __________________________

10. Please describe why you’re interested in serving on this board or commission: I am committed to the premise that our governments work best when able citizens are willing to participate directly. I am always looking to learn something new.

References (please include daytime telephone number): Dale Sprague, Regional Manager, Manpower, Inc. (360) 393-2087

Signature of applicant: ______________ 4/1/13

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
TITLE OF DOCUMENT: Appointment to the Bellingham-Whatcom Public Facilities District.

ATTACHMENTS: Application for Appointment

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

County Executive Jack Louws recommends the confirmation of his concurrent appointment of Daniel Larner to the Bellingham-Whatcom Public Facilities District.

The City of Bellingham is being asked to confirm Mr. Larner as well.
APPLICATION FOR APPOINTMENT TO
CITY OF BELLINGHAM BOARDS AND COMMISSIONS
(Please Type or Print Clearly)

All applicants must be a citizen of the United States and of the City of Bellingham, a resident of the State of Washington for at least three (3) years, and of the City of Bellingham (residing within the City limits) for at least two (2) years, unless otherwise specified. Some residency exceptions may apply for certain boards. No elected City official, City officer, City employee or citizen having a conflict of interest shall be eligible for appointment.

Complete, sign and return this application to the Mayor's Office, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Note: As a candidate to a public board or commission, this information may be made available to the public.

I am interested in serving on the: Bellingham/Whatcom Public Facilities District Board of Directors (Board / Commission)

Name: Daniel Lamer

Street Address: 1411 Langara Circle, Bellingham, WA 98229

Mailing Address (if different): PO Box 31607, Bellingham, WA Zip Code: 98226

Phone Numbers: Home: 360-734-1222 Cell: 360-319-2454 Work: 360-650-4908

Email Address: daniellamer@comcast.net

Are you a resident of the City of Bellingham (live within the city limits)? YES ☐ NO ☑


Neighborhood in which you reside: Geneva

Current Occupation: Professor of Theatre, Fairhaven College of Interdisciplinary Studies, Western Washington University

OR – If retired, former occupation:

Education: A.B. Harvard. M.S., Ph.D University of Wisconsin


Qualifications Related to Position: Long-time arts advocate, community activist, and supporter of cultural institutions. Liberty Bell Award from the Whatcom County Bar Association, 2008. Administrative Experience (former president of Faculty Senate, WWU 2009-10, and former Dean of Fairhaven College 1982-89). Mayor's Arts Award, 1997. Long-time member of boards, used to working with colleagues who may disagree, and to exercising scrupulous fiduciary responsibility.

Describe why you are interested in serving on this Board or Commission: To help the community provide the facilities necessary to move all the arts in our community to the next level. It's good for us, for our children, and for our economy.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>04/23/2013</td>
<td>Intro</td>
</tr>
<tr>
<td></td>
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<td>05/07/2013</td>
<td>Finance Comm.; Board of Supervisors</td>
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</tbody>
</table>

**RECEIVED**

**APR 15 2013**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:** Flood Control Zone District 2013 Supplemental Budget Request #2

**ATTACHMENTS:** Resolution, Memoranda and Budget Modification Requests

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( x ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( x ) NO</th>
</tr>
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<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( x ) NO</td>
<td>Requested Date:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #2 requests funding from the Flood Control Zone District Fund:

1. To appropriate $53,155 to fund Aquatic Invasive Species Inspection Program.

---

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
RESOLUTION NO.__________
(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 2 OF THE 2013 BUDGET

WHEREAS, the 2013 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 20, 2012; and,
WHEREAS, changing circumstances require modifications to the approved 2013 budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2013 budget as approved in Resolution 2012-035 is hereby amended by adding the following additional amounts to the budgets included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>53,155</td>
<td>-</td>
<td>53,155</td>
</tr>
</tbody>
</table>

ADOPTED this ____ day of __________________, 2013

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk
Kathy Kershner, Chair of the Board of Supervisors

APPROVED AS TO FORM:

Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #2</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td></td>
<td></td>
<td>53,155</td>
</tr>
<tr>
<td>To fund Aquatic Invasive Species Inspection Program.</td>
<td>53,155</td>
<td>-</td>
<td>53,155</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>53,155</td>
<td>-</td>
<td>53,155</td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and
The Honorable Jack Louws, Whatcom County Executive

Through: Frank M. Abart, Director

From: Chris Brueske, P.E., Assistant Director

Date: April 8, 2013

Re: Supplemental Budget Request - 2013 Aquatic Invasive Species Inspection Program

Enclosed for your review and consideration is Supplemental Budget Request ID No. 1482 related to the 2013 Aquatic Invasive Species (AIS) inspection program.

Background and Purpose
The Whatcom County Council is currently considering legislation mandating AIS inspections for watercraft launching on certain Whatcom County water bodies. The attached Supplemental Budget Request establishes Cost Center 169120 to budget and track the costs associated with this program.

Funding Amount and Source
The proposed budget for the AIS inspection program in 2013 is $53,155. Of this amount, $28,155 comes from existing budget authority in the approved 2013 Natural Resources and Noxious Weed budgets, and $25,000 is transferred from the Flood fund balance, as detailed below:

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Amount</th>
<th>Budget Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1 FTE of Noxious Weed Coordinator</td>
<td>$8,155</td>
<td>Approved 2013 Noxious Weed and Natural Resource Budgets</td>
</tr>
<tr>
<td>Temporary Extra Help – Lake Whatcom</td>
<td>$20,000</td>
<td>Approved 2013 Noxious Weed and Natural Resources Budgets</td>
</tr>
<tr>
<td>Temporary Extra Help and/or Parks Dept. reimbursement – Lake Samish</td>
<td>$22,000</td>
<td>Transferred in from Flood Fund Balance</td>
</tr>
<tr>
<td>Educational Signs – Lake Samish</td>
<td>$3,000</td>
<td>Transferred in from Flood Fund Balance</td>
</tr>
<tr>
<td><strong>Total 2013 Planned Expenditures</strong></td>
<td><strong>$53,155</strong></td>
<td></td>
</tr>
</tbody>
</table>

The $25,000 from the Flood fund balance has been included in the Supplemental Budget Request to allow inclusion of Lake Samish in the 2013 inspection program.

The fee structure for AIS inspections and permits is included in an amendment to the Unified Fee Schedule forwarded under separate cover. An additional supplemental budget request is anticipated later this year to address budget needs for the 2014 AIS inspection program. Due to uncertainty regarding the amount of revenue that will be generated by fees during 2013, fee revenue collected during 2013 is not included in the table above and will be applied toward the cost of the 2014 inspection program.

Please contact Chris Brueske at extension 50693 if you have any questions or concerns regarding this agreement.
Supplemental Budget Request

Public Works

Fund 169
Cost Center 169120

Noxious Weed

Originator: Chris Brueske

Expenditure Type: Ongoing
Year 1 2013
Add'l FTE ✓
Add'l Space □
Priority 1

Name of Request: Aquatic Invasive Species (AIS) Inspection Program

Department Head Signature (Required on Hard Copy Submission) 4/8/2013

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($53,155)</td>
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<tr>
<td></td>
<td>6120</td>
<td>Extra Help</td>
<td>$20,000</td>
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<tr>
<td></td>
<td>6290</td>
<td>Applied Benefits</td>
<td>$2,000</td>
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<tr>
<td></td>
<td>6320</td>
<td>Office &amp; Op Supplies</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>6699</td>
<td>Other Services-Interfund</td>
<td>$28,155</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Request Total</td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
Funding for full-time seasonal inspectors and additional staff time to perform AIS inspections on boats entering Lake Whatcom and Lake Samish. Fund 0.1 FTE from Noxious Weed to support work performed by Weed Control Coordinator related to AIS.

Reimburse $18,155 to Noxious Weed (cost center 108110) of .1 FTE for Noxious Weed Coordinator's time and one (1) part-time inspector at Lake Whatcom. These funds are part of the approved 2013 Noxious Weed budget. Reimburse $10,000 to Parks Department for one (1) part-time inspector at Lake Samish.

Utilize $3,000 of Flood fund balance for installation of educational signs around Lake Samish. Utilize $22,000 of Flood fund balance for staff time and/or extra seasonal staff to administer inspection program on Lake Samish.

1b. Primary customers:
Citizens of Whatcom County.

2. Problem to be solved:
This program is being conducted in coordination with the City of Bellingham and the Lake Whatcom Water and Sewer District and is intended to reduce the possibility of AIS being introduced into Whatcom County water bodies. AIS such as Zebra mussels and Quagga mussels have the potential to cause serious impacts to water quality, infrastructure, recreation, and aesthetics if they become established in Whatcom County.

3a. Options / Advantages:
The other options considered include (a) not conducting an AIS inspection program and (b) limiting the AIS inspection program only to Lake Whatcom. This supplemental budget request includes funding to include Lake Samish in the 2013 inspection program in order to obtain a higher level of protection of Whatcom County water bodies.

3b. Cost savings:
N/A.

4a. Outcomes:
The outcome of this supplemental budget request will be a functional AIS inspection program for Lake
## Supplemental Budget Request

**Public Works** | **Noxious Weed**
---|---
**Suppl ID #** | 7482 | **Fund** | 169 | **Cost Center** | 169120 | **Originator:** | Chris Brueske

Whatcom and Lake Samish in 2013.

### 4b. Measures:
Data will be collected on the number of inspections conducted, as well as the number of Whatcom County resident boats vs non-County resident boats.

### 5a. Other Departments/Agencies:
The Lake Whatcom inspection program is being coordinated with the City of Bellingham and the Lake Whatcom Water and Sewer District. The Lake Samish inspection program will be coordinated with the Whatcom County Parks Department if feasible to increase administrative efficiencies.

### 5b. Name the person in charge of implementation and what they are responsible for:
N/A.

### 6. Funding Source:
Flood fund balance. Eventually will be partially supported by fee revenue. Unable to predict the level of fee revenue that will be generated at this time.
# WHATCOM COUNTY COUNCIL AGENDA BILL

**NO.** 2013-161

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<th>Date</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>4/9/13</td>
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**TITLE OF DOCUMENT:**
Ordinance Establishing Parking Restrictions on Roma Road

**ATTACHMENTS:**
1. Memo to County Executive and Council
2. Ordinance
3. Vicinity Map

<table>
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<th>Yes</th>
<th>( ) No</th>
<th>Should Clerk schedule a hearing?</th>
<th>Yes</th>
<th>( ) No</th>
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<td>( ) No</td>
<td>Requested Date: 5/7/13</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

It is found necessary to establish parking restrictions on Roma Road.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMO TO: The Honorable Jack Louws, County Executive, and Honorable Members of the Whatcom County Council

Through: Frank Abart, Public Works Director

FROM: Joseph P. Rutan, P.E. County Engineer/Assistant Director

DATE: 4/10/2013

RE: Ordinance Establishing Parking Restrictions on Roma Road

Requested Action:
Recommend adoption of an ordinance for the establishment of parking restrictions on Roma Road.

Background and Purpose:
The County Engineer is recommending that a “No Parking Anytime” zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

Information:
This ordinance will allow the installation of a “No Parking Anytime” zone on Roma Road to comply with RCW 46.61.570 to restrict parking on certain County roads.

Northern Heights Elementary School, the Bellingham School District, and Whatcom County Public Works have worked together to update and amend this school’s “Safe Walk to School Route” per WAC 392-151-025. This amended plan requires the installation of two stop signs, three marked crosswalks, a new sidewalk ramp, and creation of a small no parking zone. (See attached map.)

Encl.
ORDINANCE NO.______
ESTABLISHING PARKING RESTRICTION
ON ROMA ROAD

WHEREAS, Whatcom County Council is authorized under RCW 46.61.570 to restrict parking on certain County roads; and

WHEREAS, Bellingham School District contacted Public Works with the concerns of unsafe parking and waiting; and

WHEREAS, an engineering study was conducted by the County Engineer’s office it was found that the parking was in a manner that was unsafe;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.24.235 as follows:

No Parking Anytime zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ____ day of __________, 2013.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Kathy Kershner, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Daniel L. Gibson
Jack Louws, Executive
Civil Deputy Prosecutor
Date:

Page 1 of 1
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
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<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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<td>Prosecutor:</td>
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<td>04/11/13</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
<td>Jack Loues</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TITLE OF DOCUMENT:
Ordinance amending WCC 10.34, Ferry Rates

ATTACHMENTS:
Ordinance, Exhibit A, and Exhibit B

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO

Should Clerk schedule a hearing? ( ) Yes ( ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This ordinance amends Whatcom County Code 10.34. The amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. If approved, both calculations will be based upon the same adjusted total expenses number.

The Ordinance amendment also includes language to clarify the specific state funding included in the calculation as “Ferry Deficit Reimbursement” in an effort to reduce confusion.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
AB2012-197

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: The Honorable Jack Louws, Whatcom County Executive
    Honorable Members of the Whatcom County Council

FROM: Frank M. Abart, Director [signature] 4/19/2013

RE: An Ordinance to amend WCC 10.34, Ferry Rates

DATE: April 8, 2013

Requested Action:
Consideration of the attached ordinance that amends Whatcom County Code 10.34. The amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. If approved, both calculations will be based upon the same adjusted total expenses number.

The recommendation also includes language to clarify the specific state funding applicable to the calculation as “Ferry Deficit Reimbursement” in an effort to reduce confusion.

Background and Purpose:
The intended purpose is to provide the same basis of calculation for the 45% Road Fund Subsidy as is currently used to calculate the 55% Fare Box Recovery. The current calculation allowed by ordinance provides a disproportionate increase in the amount subsidized by the Road Fund.

The change also clarifies the source and identification of state funding intended to directly assist County Ferry Operations. There have been concerns expressed regarding other state funding and confusion about whether it applies or not. This language change is intended to eliminate the confusion.

Other Information:
The financial impact from the previous three years has required the Road Fund to pay an additional $228,888 in increased subsidy toward the Ferry Operational expenses (2010 = $61,735, 2011 = $80,028, 2012 = $87,125).

If approved, this Ordinance change would eliminate the increased subsidy (over 45%) from the Road Fund and shift the expense back to the Ferry Fund.

If you have any questions please call Frank Abart at extension 50678. Thank you.

Enc.
ORDINANCE NO. ______

AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES

WHEREAS, Chapter 10.34 of the Whatcom County Code addresses administration of ferry rates; and

WHEREAS, Section 10.34.030 addresses use of ferry user fee revenue; and

WHEREAS, the amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. **If approved, both calculations will be based upon the same adjusted total expenses number.**

WHEREAS, the amendment also includes language to clarify the specific state funding applicable to the calculation as “Ferry Deficit Reimbursement” in an effort to reduce confusion.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 10.34 is hereby amended as shown in Exhibit A to this ordinance, and

BE IT FURTHER ORDAINED that the amended calculations shall be effective retroactively to January 1, 2013.

ADOPTED this ____ day of ________, 2013.

ATTEST:

[Signature]

Dana Brown-Davis, Clerk of the Council

[Signature]

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

[Signature]

Civil Deputy Prosecutor

[Signature]

Jack Louws, County Executive

( ) Approved  ( ) Denied

Date Signed: ________________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON
EXHIBIT A

Chapter 10.34 FERRY RATES

Sections:

10.34.005 Definitions.

10.34.010 Effective date for ferry user fees.

10.34.020 Interpretation of rate schedule.

10.34.030 Use of ferry user fee revenues.

10.34.005 Definitions.

A. "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking areas, and ferry docks, and any and all boats utilized for transport purposes.

B. "Operating cost" means all actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with the use and operation of all physical elements of the ferry system.

C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

D. "Fare box recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.


10.34.010 Effective date for ferry user fees.
Ferry user fees are set forth in the Whatcom County Unified Fee Schedule and become

10.34.020 Interpretation of rate schedule.

The following provisions should be observed in application of the ferry rate schedule:

A. Trailers shall include, but not be limited to, ball hitches, military hitches, fifth wheel in bed of pickup, dump trailers, recreation trailers and mobile homes.

B. Special trips are a surcharge in addition to the applicable fare.

C. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

D. Trucks and tow vehicles with trailers shall be charged a rate based on length and weight. Heavy machinery and motor homes shall be charged at the corresponding vehicle rate.

E. All trucks shall be charged regular round-trip rates based on legal license capacity.

F. Over-width vehicles or trailers occupying more than one lane shall be charged a 50 percent surcharge. In addition, vehicles towing over-width trailers shall also be charged a 50 percent surcharge.

G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. Children 12 to under 19 (nineteen) years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.

I. County employees on official county business shall be exempt from fares. All county employee trips exempt from fares will be tracked, and $10.00 per trip will be credited toward the fare box recovery rate each year.

J. Enrolled members of the Lummi Indian Tribe who are issued appropriate identification cards by the tribe, or current fishing cards, licenses, or Lummi Indian Business Council ID cards and who have legitimate tribal business upon Lummi Island, as indicated by the Lummi Indian Tribe, shall have free foot passage upon and across the ferry operated by Whatcom County between Gooseberry Point and Lummi Island.

K. A special-needs-based discount is provided for Lummi Island residents who meet the income levels listed below. These special tickets will only be sold at the Whatcom County treasurer's office in Bellingham and will require proof of income and family size. Eligibility will be reviewed at least annually. Forms and procedures will be developed by the
Whatcom County treasurer's office.

1. Family of four or more with less than $40,000 total annual income;
2. Family of three with less than $30,000 total annual income;
3. Family of two with less than $20,000 total annual income;
4. Individual with less than $10,000 total annual income.

L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and 84.38.030 and WAC 458-16-020 and 458-18020, and as these may be hereafter amended. Eligibility for a special "senior/disabled" discount is also available to all Lummi Island residents that also qualify for medical assistance within the Medicaid Program.

M. Intentionally left blank.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.

10.34.030 Use of ferry user fee revenues.

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2007, 2013, any interest income or miscellaneous ferry fares income, or income from the State of Washington specifically identified as the annual Ferry Deficit Reimbursement motor vehicle fuel-tax for ferry operation and the credit for County employee ferry trips will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated and before the actual 45% Road Fund subsidy is calculated. The goal of this method of calculation is that the Road Fund will not contribute more than 45 percent of the adjusted operating costs each year. (Ord 2012-016, Exh A, Ord. 2010-054, Exh A, Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001

Prior legislation: Ord. 89-103.
### EXHIBIT B

Example of **Current** and **Proposed** method of calculation and the resulting impact using actual numbers from the 2012 budget.

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<thead>
<tr>
<th><strong>Current Calculation Method</strong></th>
<th><strong>Ferry Fund</strong></th>
<th><strong>Road Fund</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total ferry operating expenses</td>
<td>$2,488,023 (A)</td>
<td>$2,488,023 (A)</td>
</tr>
<tr>
<td>less ferry deficit reimbursement</td>
<td>(181,433) (B)</td>
<td>0 (B)</td>
</tr>
<tr>
<td>less county employee trip credit</td>
<td>(5,510) (B)</td>
<td>0 (B)</td>
</tr>
<tr>
<td>less miscellaneous income</td>
<td>(526) (B)</td>
<td>0 (B)</td>
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<tr>
<td>less interest income</td>
<td>(6,142) (B)</td>
<td>0 (B)</td>
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<tr>
<td>Adjusted operating expenses</td>
<td>$2,294,412 (C)</td>
<td>$2,488,023 (A)</td>
</tr>
<tr>
<td>55%</td>
<td>45%</td>
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<tr>
<td>Cost recovery amounts</td>
<td>$1,261,927 (50.72%) (D)</td>
<td>$1,119,610 (45%) (E)</td>
</tr>
</tbody>
</table>

Total ferry operating expenses: $2,488,023 (A)
less fare recovery amount (1,261,927) (D)
less road fund contribution (1,119,610) (E)
Amount paid by ferry fund $106,486 (4.28%) (F)*

Total ferry operating expenses: $2,488,023 (A)
Percent paid by ferry fund 4.28% (rounded)
Total $106,487 (F)*

* $1 difference due to rounding.

The current Ferry Fund contribution is total operating expenses (A) less credited income items (B) equaling adjusted operating expenses (C), multiplied by 55 percent which results in a fare recovery amount of 50.72% of total operating expenses (D). The remaining 4.28 percent (F) of the credited income items is paid by the ferry fund.

The current calculation method for the Road fund contribution is total operating expenses (A), multiplied by 45 percent equaling the road fund contribution (E).
## Proposed Calculation Method

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<tr>
<td>Total ferry operating expenses</td>
<td>$2,488,023</td>
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<tr>
<td>less ferry deficit reimbursement</td>
<td>(181,433)</td>
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<td>less county employee trip credit</td>
<td>(5,510)</td>
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<td>less miscellaneous income</td>
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<td>Adjusted operating expenses</td>
<td>$2,294,412</td>
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<tr>
<th>Description</th>
<th>Ferry Fund</th>
<th>Road Fund</th>
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<tbody>
<tr>
<td>Cost recovery amounts</td>
<td>$1,261,927</td>
<td>($1,032,485)</td>
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<tr>
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<td>(50.72%)</td>
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<tr>
<td>less fare recovery amount</td>
<td>(1,261,927)</td>
<td>(1,032,485)</td>
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<td>less road fund contribution</td>
<td>(1,032,485)</td>
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<td>Amount paid by ferry fund</td>
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<td>(7.78%)</td>
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<td>Total ferry operating expenses</td>
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<tr>
<td>Percent paid by ferry fund</td>
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<tr>
<td>Total</td>
<td>$193,568</td>
<td>($193,568)</td>
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* $43 difference due decimal points in percentage.

The proposed contribution amounts are adjusted operating expenses (C) multiplied by 55 and 45 percent respectively, which results in a fare recovery amounts of 50.72 percent (D) and 41.5 percent (E) of total operating expenses, (A). The remaining 7.78 percent (F) is paid by the ferry fund.

### 2010 Financial Impact:

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### 2012 Financial Impact:

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<tr>
<td>Current calculation method</td>
<td>$1,119,610</td>
<td>$1,119,610</td>
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<tr>
<td>Proposed calculation method</td>
<td>(1,119,610)</td>
<td>(1,032,485)</td>
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<tr>
<td>Change to contribution amounts</td>
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<td>$87,125</td>
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</table>
EXHIBIT A

Chapter 10.34 FERRY RATES

Sections:

10.34.005 Definitions.

10.34.010 Effective date for ferry user fees.

10.34.020 Interpretation of rate schedule.

10.34.030 Use of ferry user fee revenues.

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D. "Fare box-recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.


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C. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

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Whatcom County treasurer's office.

1. Family of four or more with less than $40,000 total annual income;
2. Family of three with less than $30,000 total annual income;
3. Family of two with less than $20,000 total annual income;
4. Individual with less than $10,000 total annual income.

L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and 84.38.030 and WAC 458-16-020 and 458-18020, and as these may be hereafter amended. Eligibility for a special "senior/disabled" discount is also available to all Lummi Island residents that also qualify for medical assistance within the Medicaid Program.

M. Intentionally left blank.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.

**10.34.030 Use of ferry user fee revenues.**

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2013, any interest income or miscellaneous ferry fares income, or income from the State of Washington specifically identified as the annual Ferry Deficit Reimbursement and the credit for County employee ferry trips will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated and before the actual 45% Road Fund subsidy is calculated. The goal of this method of calculation is that the Road Fund will not contribute more than 45 percent of the adjusted operating costs each year. (Ord 2012-016, Exh A; Ord. 2010-054, Exh A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord.
Prior legislation: Ord. 89-103.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**RECEIVED**

**APR 15 2013**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:**

Ordinance regarding installation of stop signs on various roads within the County.

**ATTACHMENTS:**

1. Memo to County Executive and Council
2. Ordinance
3. Vicinity maps

**SEPA review required?** ( ) Yes  ( X ) NO  
**SEPA review completed?**( ) Yes  ( X ) NO  
Should Clerk schedule a hearing? ( X ) Yes  ( ) NO  
Requested Date: 3/26/2013

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

It is found necessary to install stop signs to help control traffic on Darcy Court southbound at Roma Road and on Patrick Court southbound at Roma Road.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMO TO: The Honorable Jack Louws, County Executive, and Honorable Members of the Whatcom County Council

Through: Frank Abart, Public Works Director

FROM: Joseph P. Rutan, P.E. County Engineer/Assistant Director

DATE: 4/10/2013

RE: Ordinance Regarding Installation of Stop Signs at Various Intersections

Requested Action:
Recommend adoption of an ordinance for the establishment of stop signs at various intersections and parking restrictions on Roma Road.

Background and Purpose:
The County Engineer is recommending that stop signs be installed at various intersections within the county.

Stop signs located at: Darcy Court southbound at Roma Road
Patrick Court southbound at Roma Road

The County Engineer is recommending that a “No Parking Anytime” zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

Information:
This ordinance will allow the installation of a “No Parking Anytime” zone on Roma Road to comply with RCW 46.61.570 to restrict parking on certain County roads.

Northern Heights Elementary School, the Bellingham School District, and Whatcom County Public Works have worked together to update and amend this school’s “Safe Walk to School Route” per WAC 392-151-025. This amended plan requires the installation of two stop signs, three marked crosswalks, a new sidewalk ramp, and creation of a small no parking zone. (See attached map.)

Encl.
SPONSORED BY: ____________
PROPOSED BY: Public Works - Engineering
INTRODUCTION DATE: 04/23/13

ORDINANCE NO. ____________

INSTALLING STOP SIGNS ON VARIOUS ROADS WITHIN THE COUNTY

WHEREAS, in compliance with RCW 46.61.200 and 47.36.110, it is found necessary and expedient to install traffic control signs on certain County Roads; and

WHEREAS, Bellingham School district changed the safe walk route to school for Northern Heights Elementary School; and

WHEREAS, crosswalks will be installed at the intersection; and

WHEREAS, it is found necessary to install stop signs, to help control traffic, at the intersections described below.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.16 as follows:

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<tr>
<td>Patrick Court</td>
<td>SB</td>
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BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ____ day of __________________, 2013.

ATTEST:

Dana Brown-Davis, Council Clerk

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Jack Louws, Executive

Date:

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**TITLE OF DOCUMENT:**
An Ordinance Authorizing Interfund Loans to Finance Cash Flow for Road Capital Project Budgets

**ATTACHMENTS:**
Ordinance

**SEPA review required?**  ( ) Yes  ( ) NO  
**SEPA review completed?** ( ) Yes  ( ) NO  
Should Clerk schedule a hearing?  ( ) Yes  ( ) NO
Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The attached ordinance authorizes the Whatcom County Treasurer for make interfund loans from the County Road Fund to Road Capital Project Funds for up to $1,000,000 for terms up to 2 years.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Memorandum

To: Jack Louws, County Executive
From: Brad Bennett, Finance Manager
Date: April 12, 2013
Re: Ordinance Authorizing Interfund Loans to Finance Cash Flow for Road Capital Project Budgets

Multi-year Road Fund capital projects are generally budgeted in capital project funds which improves our ability to budget and account for these projects. Cash flow loans from the Road Fund to a capital project fund maybe necessary if a project is principally funded by grants and the Road Fund contribution to the project is insufficient to provide the funding necessary for cash flow between grant reimbursements or if there is a delay in State or Federal grant reimbursements. The attached ordinance authorizes the County Treasurer to make interfund loans between the County Road Fund and road capital project funds for up to $1,000,000 per project for terms up to 2 years.
ORDINANCE NO.
AN ORDINANCE AUTHORIZING INTERFUND LOANS
TO FINANCE CASH FLOW FOR ROAD CAPITAL PROJECT BUDGETS

WHEREAS, multi-year road capital projects are budgeted in capital project funds to facilitate project accounting and,

WHEREAS, from time to time due to the processing time required to receive grant reimbursements, road capital project funds need a temporary loan for cash-flow purposes; and,

WHEREAS, the Road Fund is the appropriate source to provide cash-flow loans for road capital project funds,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council: The Whatcom County Treasurer is hereby authorized to make inter-fund loans from the County Road Fund to Road Capital Project Funds for cash flow purposes. The loans shall not exceed $1,000,000 per project and shall not be for a term exceeding two years. No interest shall be charged on the loans.

ADOPTED this ____ day of ____________________, 2013.

ATTEST:

Dana Brown-Davis, Council Clerk
Kathy Kershner, Council Chair

APPROVED as to form:

Daniel Gibson
Chief Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, Executive