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WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

September 23, 2003

The meeting was called to order at 11:00 a.m. by Committee Chair Sam Crawford in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

L. Ward Nelson

Absent:

Sharon Roy

Also Present:

Barbara Brenner

Laurie Caskey-Schreiber

Seth Fleetwood

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

- 1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A "MULTI-JURISDICTIONAL NARCOTICS TASK FORCE PROGRAM CONTRACT" BETWEEN WHATCOM COUNTY SHERIFF'S OFFICE AND THE WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT FOR THE CONTINUING NARCOTICS EFFORTS AND PROSECUTION ASSISTANCE OF THE NORTHWEST REGIONAL DRUG TASK FORCE, IN THE AMOUNT OF \$118,056 (AB2003-299)**

Nelson moved to recommend approval to the full Council. One previous concern was about language in the draft contract. The contract language changes are not included.

Bill Elfo, Sheriff, stated there were conditions that he has not received the changes yet from Department of Community, Trade, and Economic Development (CTED). They need to get the contract approved or he will lose the grant.

Nelson asked if the Council has to assume that CTED will send the letter. Elfo stated they do. He's had a meeting with the person from CTED, and the concerns have been straightened out.

Crawford asked if someone from the Sheriff's Office could contacted CTED and get a copy of the letter by tonight if the committee approves the contract today. Elfo stated he would try.

Nelson stated he's reluctant to approve the contract with the language being as explicitly inaccurate as it is. Elfo stated he has a letter he sent to CTED about the changes.

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1 Nelson asked for a copy of the letter to be submitted as part of the record.

2
3 ***Motion carried unanimously.***

4
5 Nelson thanked the Sheriff's Office for submitted the Additional Services
6 Request (ASR) form in accordance with County policy.

7
8 **2. ORDINANCE AMENDING ORDINANCE 2000-022 AND WHATCOM**
9 **COUNTY CODE 2.130 (AB2003-314)**

10
11 ***Nelson moved*** to recommend approval to the full Council.

12
13 Caskey-Schreiber stated she's concerned the Council is committing itself to
14 an experimental process. She's leery of putting the Economic Development
15 Council's (EDC's) name on this board. It might indicate a commitment to the
16 process before they see how it actually works.

17
18 Crawford stated there is a commitment of 24 months. There is an
19 application out there. Until this is codified, the County can't do anything with that
20 application.

21
22 Crawford stated they would hold discussion until staff is present to provide
23 input.

24
25 Brenner stated there are ten members on the committee. The County
26 Executive is the chair of the committee, and also appoints at least four or five of the
27 other members. She asked if that is a conflict.

28
29 Dave Grant, Senior Civil Deputy Prosecutor, stated he doesn't know of any
30 impediment in law to doing the committee this way.

31
32 Crawford stated the Council will approve every application. The committee
33 won't spend the money, only make recommendations.

34
35 Grant stated he can understand the concern that the appointment process
36 could color the results of the recommendations.

37
38 *(Discussion continued below.)*

39
40 **3. ORDINANCE AMENDING THE 2003 BUDGET, 10TH REQUEST (AB2003-**
41 **318)**

42
43 Don Boyd, Program Specialist, stated these are grant funds they've received.
44 There are no general fund dollars being used.

45
46 ***Nelson moved*** to recommend approval to the full Council. He asked on
47 what they are spending the request for approximately \$20,879. Boyd stated the

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1 \$120,000 is Whatcom County's share of the regional grant. The \$20,879 is the
2 County's share of the five-county region. The full-time equivalent (FTE) employee
3 will manage homeland security issues within Whatcom County. The money is
4 divided up in the Sheriff's yearly budget, reflecting this smaller figure for 2003.
5 When they come to the Council for the 2004 budget, the rest would be included.
6 That way they can hire the person now as an additional program specialist in the
7 Office of Emergency Management to deal with homeland security issues.

8
9 ***Motion carried unanimously.***

10
11 **2. ORDINANCE AMENDING ORDINANCE 2000-022 AND WHATCOM**
12 **COUNTY CODE 2.130 (AB2003-314)**

13
14 *(Continued from above.)*

15
16 Crawford restated Councilmember Nelson's motion of approval. He asked if
17 there is a limit to the contract, whether they can implement the effort of this
18 contract without doing the contract itself.

19
20 Dewey Desler, Deputy Administrator, stated the County administration
21 indicated last summer that it wanted to modify the existing County ordinance that
22 set up the Rural Sales Tax Committee, and tie that ordinance to the implementation
23 of the Economic Development Investment (EDI) program. This ordinance change is
24 proposed from the administration to call out the functions, membership, and
25 purpose of the EDI Board. The EDC is only one of the fourteen members on this
26 board.

27
28 Caskey-Schreiber stated she was under the impression that the County
29 would try out the EDC for a year to see how it meets the County needs. She asked
30 if this commits the County to keep up this revenue stream to the EDC. Desler
31 stated it has nothing to do with the contractual commitment with the EDC. It
32 doesn't modify that arrangement at all. There will be quarterly verbal and written
33 reports made to the County Council on the EDC progress.

34
35 Caskey-Schreiber stated there is not a lot of public awareness that the EDC
36 is doing this function. She thought the EDC was to do heavy marketing to
37 encourage grant application. She asked at what point they start measuring the
38 EDC's performance and deliverables.

39
40 Crawford stated he is a board member of the EDC. The program is being
41 marketed. The money from the program has to be spent on public facilities. The
42 current applicant's proposal is for a facility that the Port of Bellingham would own.

43
44 Caskey-Schreiber stated public facilities could include infrastructure.

45
46 Desler stated the new EDC president is scheduled to make a presentation to
47 the County Council in October. Those are good questions for the EDC president.

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1 The EDI Board would include the Council Chair as a member. The EDI Board
2 recommends the changes to this ordinance.

3
4 Caskey-Schreiber asked if the EDI Board will continue if the County Council
5 decides to sever its relationship with the EDC. Desler stated that is correct.

6
7 Brenner asked if there are any other committees where the Executive is the
8 Chair, and also appoints half of the other committee members. It has the
9 appearance of being a stacked deck. Desler stated the Executive doesn't appoint
10 half the members, only a few. He would look into the issue.

11
12 Brenner referenced section 2.130.050(B) and asked if a multi-use
13 development that includes onsite housing would be excluded from applying. Desler
14 stated that language was in the original County ordinance and also in State law.

15
16 Fleetwood asked if Councilmember Brenner is suggesting that the County
17 Council appoint those members that the Executive is proposed to appoint.

18
19 Brenner stated there are professional organizations that could appoint
20 someone from their organization.

21
22 Fleetwood asked if the administration would object to a language
23 amendment to section 2.130.040(4), "Chair of the County Council or his/her
24 designee." Desler stated he would not object. The original intent was to have a
25 County Councilmember.

26
27 **Crawford moved** to amend 2.130.040(4), "Chair of the County Council or
28 his/her designee."

29
30 Nelson stated the Chair can do that now.

31
32 Fleetwood stated the current language does not expressly allow it. Without
33 that language, no one else can represent the County Council.

34
35 Nelson asked if that language amendment modifies the position of the
36 Council in any way.

37
38 Dana Brown-Davis, Clerk of the Council, stated it did not.

39
40 Nelson stated he preferred to leave the language as it is, or else they will
41 have designees everywhere. The Chair has the responsibility to hold certain
42 positions.

43
44 Brenner stated she didn't agree. If the Chair can't make a committee
45 meeting, they should allow a designee.

46

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1 Fleetwood stated it is difficult to conceive how this additional language would
2 hurt anything. It would give the Council Chair a little more flexibility in certain
3 situations.

4
5 Caskey-Schreiber stated she is against it. That's why they have a vice-chair.

6
7 Desler stated the intent is to have a councilmember attend. The Executive
8 would not mind an official designee.

9
10 Caskey-Schreiber stated the current proposed language clarifies the intent,
11 and the Chair represents the Council majority.

12
13 Brenner stated that if the administration's intent was to include any member
14 of the County Council, the language should just say that. Let the councilmembers
15 decide who it will be.

16
17 Fleetwood stated this is an ordinance, and to interpret it they must consider
18 statutory construction. The first rule of statutory construction is the plain meaning.
19 The plain meaning of "The Chair of the County Council" does not include the
20 possibility of a designee. It's clear. If they want to give the chair the discretion of
21 allowing a designee, they have to say that.

22
23 ***Motion to amend failed 1-1 with Crawford in favor.***

24
25 Caskey-Schreiber asked if the County Council has final approval of the
26 projects. Desler stated it does.

27
28 Caskey-Schreiber stated they can still use the funds for infrastructure, not
29 just for businesses that are renting or leasing space from a public entity. Desler
30 stated it can include infrastructure if the investment is made in property that is
31 ultimately owned by the public, not a private organization.

32
33 Crawford asked if they could have theoretically used these funds for the
34 restroom at Glacier. Desler stated they are.

35
36 Caskey-Schreiber asked if the County would own that property. Desler
37 stated the property is owned by the school district, which would qualify. If a
38 property were owned by the Port, school district, or County, it would also qualify.

39
40 ***Motion carried unanimously.***

41
42 **4. DISCUSSION AND FORMULATION OF RECOMMENDATION REGARDING**
43 **COUNTY PARTICIPATION IN WRIA 3 WATERSHED PLAN IN THE**
44 **UPPER SAMISH RIVER BASIN (AB2003-327)**

45
46 Bruce Roll, Water Resources Manager, stated he recommends having a
47 future meeting in the Natural Resources Committee to invite steering committee

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1 members and have a full discussion. He and Planning and Development Services
2 Director Hal Hart are working on the issue of impacts to staff and resources. He
3 handed out the draft letter about the issues brought up at the most previous Water
4 Resources work session (*on file*).
5

6 Brenner stated she understood that Whatcom County was not a part of the
7 water resource inventory area (WRIA) 3 process. She doesn't want to hurry in two
8 weeks. Wait until Skagit County gives Whatcom County its final product, and deal
9 with it then. Otherwise they will duplicate efforts. Whatcom County was asked to
10 do this after Skagit County already decided what to do. She would still like to have
11 a meeting to talk about it. She's not comfortable with coming up with a position in
12 two weeks. Roll stated this won't play out that quickly. It isn't late in the process.
13 They are at a point where Whatcom County should put issues on the table.
14

15 Fleetwood stated some of the issues in the letter are framed as a question
16 and some aren't. Roll stated they need to spend some time working through each
17 of these issues and develop a set of questions for WRIA 3.
18

19 Caskey-Schreiber stated she is in favor of the recommendation to have a
20 discussion in the Natural Resources Committee in two weeks. It will give the public
21 a chance to provide input and recommendations.
22

23 Crawford stated there will be no action taken, and this will be referred to the
24 Natural Resources Committee.
25

26 **5. REQUEST ACCEPTANCE OF PETITIONER'S SECURITY RELATING TO**
27 **THE FORMATION OF AN IRRIGATION DISTRICT (BERTRAND CREEK**
28 **WATERSHED IMPROVEMENT DISTRICT (AB2003-226A)**
29

30 Dana Brown-Davis, Clerk of the Council, stated the Council received a
31 petition to form the Bertrand Creek Irrigation District. As of last week, the Council
32 Office only received personal checks to be considered as a bond. Since that time,
33 the applicant has replaced the personal checks with certified checks. The Council
34 needs to decide whether to accept the certified checks as good and sufficient bond.
35

36 Crawford asked the reason for the need of the bond. Brown-Davis stated it
37 will cost approximately \$7,500 to run the election. The applicant has to provide
38 double that amount as bond. The State law says it has to be a "good and
39 sufficient" bond. The State law language specifies using a "bondsmen." According
40 to irrigation district folks, they could not get someone to make a bond.
41

42 Dave Grant, Senior Civil Deputy Prosecutor, stated this process is controlled
43 by State law. In case the election fails, the taxpayers of Whatcom County don't
44 have to foot the election bills. If it passes, once the district is formed it will pay
45 back the County for the election. The applicant attempted to do this in 1994, and it
46 failed. This is a smaller geographic area. The bond is to also pay for State
47 Department of Ecology (DOE) to do certain reviews. The DOE has to review this

1 proposal and perform an investigation of the sufficiency of the source and supply of
2 water for the district's purposes. The proponents have already contacted DOE, and
3 believe that cost will be small, if anything. The Council also has to consider
4 whether this other expense is covered.

5
6 *(Clerk's Note: End of tape one, side A.)*
7

8 Grant continued to state that the applicant initially came forward with a
9 promissory note. They ought to follow the letter of the State law. He informed the
10 applicant that a promissory note would be insufficient. The applicants came
11 forward with personal checks. The County bond counsel and he advised that
12 personal checks were also insufficient for protecting the County fisc. They
13 suggested certified checks, which guarantee availability of funds. He also talked
14 with the Auditor's Office and Treasurer's Office, which believes it is inappropriate
15 for the County to sit on these certified checks for several months while the election
16 process went through. If the County cashes the checks, the Treasurer would
17 deposit the money into a fund for safekeeping. At the end of the process, the
18 County can write a warrant for the refund. The proponents do not accept that
19 option, and would rather the County just sit on the checks. That would violate
20 County auditing regulations. The decision today is whether the petition is sufficient
21 and whether the bond is sufficient. He and Ms. Brown-Davis concur that the
22 petition is sufficient. The only open issue is the bond. His advice is to reject the
23 offer based on the problem with the certified checks. If the proponents can obtain
24 the check writer's permission to have the Treasurer hold the funds in an account,
25 he could recommend approval.

26
27 ***Nelson moved*** to recommend approval of the request for acceptance of the
28 petitioners bond.
29

30 Brenner stated that if everything goes as planned, the County would just
31 reimburse the money back. Good faith is good faith both ways. If they are willing
32 to put the money up, it should sit in a neutral place. She doesn't understand the
33 proponents objections. Grant stated the objections are practical. The bond counsel
34 said commercial bondsmen in the Seattle area would pay for the bond. There is a
35 cost to that. A letter of credit from a bank is also sufficient, but the applicant would
36 have to pay for that, also. If the certified checks were cashed, the check writer
37 would lose the ability to use that money for their business.
38

39 Fleetwood asked if there is a specific policy, guideline, or regulation that says
40 the Treasurer cannot hold onto a certified check. Grant stated it is the position of
41 the Treasurer's Office and Auditor's Office to not hold on to checks without
42 depositing them.
43

44 Fleetwood stated there is not a lot of case law that defines "good and
45 sufficient" bond. The primary issue is security. A certified check that is good
46 enough for the bond counsel is good enough for him, as long as the check is held in
47 a safe and secure place.

1
2 Nelson asked if there are enough votes to form the district, according to the
3 petition.
4

5 Henry Bierlink, Agricultural Preservation Committee, stated he is the
6 proponent on behalf of steering committee in Bertrand. The issue is the bond. The
7 proponents have met the conditions. The petition is sufficient and the bond is
8 sufficient. How the County handles it internally is the issue. Part of the problem
9 with getting a district like this passed is when certain people step forward to pay for
10 it. He would like that to be in the background. They want to have a broad base.
11 He checked with a lot of bond companies. The County bond counsel did not return
12 his call. He could not find any bond company, and he called many in the state.
13 The County bond counsel suggested certified checks, which he provided. He will
14 call the proponents, who believed they would not have to let that money go. He
15 only heard about this an hour ago. The Agricultural Preservation Committee will
16 cover all these costs, up to \$7,500. If the election costs go over that amount, one
17 of these checks will be cashed.
18

19 Nelson asked if the County can legally cash those checks. Bierlink stated
20 they are in the County's name.
21

22 Grant stated there is an understanding that the County won't cash the
23 checks for four months, until after the election, if needed. If accepting the checks
24 with the petition by approving this request, the Council is accepting the condition to
25 not cash the checks. That's why he recommends rejecting the request. If the
26 County is offered a certified check, it needs to be able to cash it.
27

28 Brenner stated she understood that a certified check is the same as cash,
29 and the money is there. She asked if they could put a stop order on the check.
30 Brown-Davis stated they could.
31

32 Grant stated that's why he recommends denial.
33

34 ***Nelson withdrew his motion and moved that the committee make no***
35 ***recommendation to the full Council.***
36

37 ***Crawford moved*** to recommend approval, with the intent of voting no.
38 This is not very complicated. It is a simple fiscal policy. The County attorneys,
39 Auditor, and Treasurer have looked at the issue and know the State law. The
40 Council needs to send the signal to Mr. Bierlink to tell the investors that they need
41 to follow State law and County policy. The County Council has a very strong
42 responsibility to ensure the protection of taxpayers' dollars. The Treasurer and
43 Auditor both recommend that funds be in place before moving forward.
44

45 Nelson stated his motion to move forward with no recommendation takes
46 precedence over Councilmember Crawford's motion.
47

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1 **Motion to make no recommendation to the full Council failed 1-1 with**
2 **Nelson in favor.**

3
4 Crawford restated his motion.

5
6 **Motion failed unanimously.**

7
8
9 **COUNCIL "CONSENT AGENDA" ITEM**

- 10
11 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
12 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE**
13 **OF WASHINGTON DEPARTMENT OF ECOLOGY TO PREPARE THE**
14 **COASTAL ZONE MANAGEMENT SHORELINE LAND USE/RESOURCE**
15 **INVENTORY AND POLICY INTEGRATION IN THE AMOUNT OF \$22,000**
16 **(AB2003-320)**

17
18 **Nelson moved** to recommend approval to the full Council.

19
20 Hal Hart, Planning and Development Services Director, stated this is an
21 ongoing project. It is an inventory of saltwater shorelines. Focusing on three
22 areas: Terrell Creek, Dakota Creek, and California Creek.

23
24 Caskey-Schreiber asked if the department will hire a contractor or use staff.
25 Hart stated the department will use a combination of sources. The department has
26 always used recent Huxley College graduates as interns.

27
28 **Motion carried unanimously.**

- 29
30 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
31 **CONTRACT BETWEEN WHATCOM COUNTY AND DUPONT FLOORING**
32 **SYSTEMS FOR CARPET REPLACEMENT IN THE ASSESSOR,**
33 **PROSECUTOR, AND TREASURER'S OFFICES, IN THE AMOUNT OF**
34 **\$113,069 (AB2003-321)**

35
36 **Nelson moved** to recommend approval to the full Council.

37
38 Nelson asked why they wouldn't have a timeframe for having the task
39 completed. He would like a deadline for having the work done.

40
41 Dewey Desler, Deputy Administrator, stated the desire of staff is to get it
42 done as soon as possible. The administration doesn't always have control of fully
43 implementing things in the courthouse, due to delays, such as with the courts. The
44 administration may have to work around certain conditions.

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1 Mike Russell, Facilities Manager, stated it will take 30 to 45 days to get the
2 carpet once it is ordered. Once they receive the carpet, it will take about three
3 weeks to complete installation in all three areas.
4

5 Brenner asked about the life of the existing carpets. Russell stated the new
6 carpets are warranted for 18 years. The existing carpets are a lower grade carpet,
7 that was directly glued down with a water-based glue. There have been problems
8 with the carpet separating, because the County did not spend the money on the
9 carpet.

10 Desler stated the existing carpet is an inadequate commercial grade carpet.
11

12 Brenner asked for an accounting of how much of the original remodel work
13 has had to be redone.
14

15 Caskey-Schreiber asked if the ventilation system has been fixed. Russell
16 stated it has. The new carpet meets air quality standards also, and is on the State
17 contract for sole source carpet.
18

19 ***Motion carried unanimously.***
20

21
22 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **THREE-YEAR RENTAL AGREEMENT BETWEEN WHATCOM COUNTY AND**
24 **JEFFERSON AUDIO VISUAL SYSTEMS, INC. FOR SIX DIGITAL**
25 **COURTROOM RECORDING SYSTEMS, FOR THE TOTAL AMOUNT OF**
26 **\$88,805.04 (AB2003-322)**
27

28 Dewey Desler, Deputy Administrator, stated the County Council approved
29 the administration's request to acquire additional recording equipment. In the
30 intervening period, the court recommended leasing the equipment instead of
31 acquiring the equipment. The administration concurs with the court. The leasing
32 party would cover the maintenance.
33

34 ***Nelson moved*** to recommend approval to the full Council.
35

36 ***Motion carried unanimously.***
37

38 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO THE**
39 **WHATCOM CHIEF FERRY INSURANCE RENEWAL FOR POLICY YEAR**
40 **9/30/03 THROUGH 9/30/04 IN THE AMOUNT OF \$35,050 (AB2003-**
41 **323)**
42

43 ***Nelson moved*** to recommend approval.
44

45 Dewey Desler, Deputy Administrator, stated the administration proposes
46 excluding a couple of items in the request. The items to be removed are the
47 terrorism coverage on Council packet page 145, in the amount of \$3,000, and the

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1 excess protection and indemnity for terrorism, in the amount of \$625, for total
2 reduced amount of \$3,625. The terrorism coverage is so restrictive that it provides
3 no value.

4
5 ***Nelson moved*** to amend to remove the terrorism coverage on Council
6 packet page 145, in the amount of \$3,000, and the excess protection and
7 indemnity for terrorism, in the amount of \$625, for total reduced amount of
8 \$3,625.

9
10 ***Motion to amend carried unanimously.***

11
12 ***Motion to approve as amended carried unanimously.***

13
14 **5. REQUEST AUTHORIZATION FOR CONTRACT RENEWAL FOR HEARING**
15 **EXAMINER SERVICES (AB2003-325)**

16
17 Dana Brown-Davis, Clerk of the Council, stated the only change is the ten
18 percent increase that Mr. Bobbink is requesting.

19
20 ***Nelson moved*** to recommend approval to the full Council.

21
22 Brenner asked why the Council would approve a ten percent increase.

23
24 Caskey-Schreiber stated Mr. Bobbink says in his letter that it makes up for
25 not getting any increase in eight years. Brown-Davis stated that Mr. Bobbink has
26 received one increase in eight years.

27
28 Brenner asked if the money covers costs for continuing education or
29 workshops. Brown-Davis stated it does not.

30
31 Brenner stated the increase should include workshops or training.

32
33 Nelson stated that currently the Council approves of any workshops or
34 training Mr. Bobbink would like to attend. If amended, the Hearing Examiner may
35 not attend any beneficial training.

36
37 ***Motion carried unanimously.***

38
39
40 **COMMITTEE DISCUSSION**

41
42 **1. DISCUSSION REGARDING WATER RELATED FUNDING ISSUES**
43 **(AB2003-328)**

44
45 Paula Cooper, River and Flood Division Manager, stated the funding for the
46 three flood sub-zones will expire at the end of this year. Previously, the funding
47 has been linked to the countywide flood district funding mechanism. She needs

1 direction to move forward to implement a new funding mechanism. There are two
2 options. She provided handouts (*on file*) showing one funding option that better
3 links the fee to the benefits, based on acreage and location in or out of the flood
4 plain. A parcel would be considered unimproved if the improvement value is less
5 than \$25,000. Representatives of the three flood sub-zones have reviewed the
6 proposal.

7
8 Nelson asked if the districts evaluated the amount collected. Cooper stated
9 the initial request from the districts was that the new fee generate the same
10 amount of money as the old. Drafting a new tax roll is a big process. The new tax
11 roll for the Acme/VanZandt flood sub-zone generates about \$20,000 instead of
12 about \$13,000. She still needs to work on it more.

13
14 Brenner stated staff is heading in the right direction. Give deference to
15 agricultural open space land. She would rather see the minimum fee per parcel
16 raised on everyone else to make sure they are not burdening unimproved
17 agricultural land, which doesn't take much money to protect. Cooper stated the
18 sub-zone felt strongly about the same point. Under this mechanism, she can
19 change the \$2.00 fee per acre for unimproved land in the flood zone to \$1.00 per
20 acre. She can also raise the minimums. Staff is developing a spreadsheet that has
21 everything in there. She can change the formulas.

22
23 The feedback from the sub-zone committees was that the residential and
24 commercial land in flood plain should not pay less. They talked about having three
25 ranges of assessed values with three minimum fees.

26
27 There is a lot of support among sub-zone commissioners who prefer the
28 assessed value based system. Staff recommends this option. She asked for
29 direction from the Finance Committee on which way to go.

30
31 Ron Bronsema, Lynden/Everson Flood Sub-Zone Commissioner, stated all
32 the commissioners of all the sub-zones reached consensus. Any unimproved open
33 space land doesn't cost the County any money. Agriculture is being hit with this
34 fee of \$2.00 to \$2.50 per acre. The project review subcommittee criteria for doing
35 repair and maintenance has unimproved agricultural land as its last priority. The
36 problem with the mechanism is that they are applying the fee to those who receive
37 the least benefit. The consensus of the three sub-zone commissioners was to
38 maintain the current structure with market value. Those enjoying the most
39 protection would pay a like fee. Some of the agricultural land with a current fee of
40 \$20 would jump to \$142. That land won't receive any more protection.

41
42 Nelson referenced the Riverberry project. Most of the projects aren't for
43 agricultural land. He asked if agricultural land protection would be a minimum
44 priority in the sub-zones. Bronsema stated the Riverberry project was not to
45 protect agricultural land. It was to protect the crest, so the river did not continue
46 into Canada.

1 Cooper stated agricultural land often gets protected, but not by virtue of
2 itself.

3
4 Nelson asked if there should be deference given to the amount paid by
5 agricultural or timber open space.

6
7 *(Clerk's Note: End of tape one, side B.)*

8
9 Bronsema stated the only use recognized as beneficial for flooding is open
10 space because there are no damages.

11
12 Brenner stated she preferred the fee schedule instead of the assessment
13 schedule. Staff can redo this proposal. Improved land in the flood plain could pay
14 a much higher fee to lower the fee of unimproved land in the flood plain.
15 Unimproved land outside the floodplain should be lower.

16
17 Caskey-Schreiber agreed with the direction staff is going. She is also
18 concerned with the proposed fee to unimproved agricultural land. Residences
19 should pay more. Houses are what the County will fight to protect.

20
21 Cooper asked if that is broad support in concept from the Council for her to
22 continue working on the proposal.

23
24 Brenner stated the four councilmembers present agree with the direction.

25
26 Crawford asked if this handout is for one sub-zone. Cooper stated the
27 handout is just an example of certain kinds of parcels. She is trying to come up
28 with one mechanism to work with all three sub-zones.

29
30 Crawford asked the number of property owners and parcels they are talking
31 about. Cooper stated there are approximately 800 in the Acme/Van Zandt sub-
32 zone; 2,300 in the Lynden/Everson sub-zone, and; 5,000 in the
33 Sumas/Nooksack/Everson sub-zone.

34
35 Brenner stated she liked this structure for the overall countywide flood fee.

36
37 Bob Knudsen, Acme/Van Zandt Sub-Zone Commissioner, stated there is no
38 way that the Acme/Van Zandt sub-zone can't fund any blow out that occurs in that
39 area, and will have to ask for money.

40
41 Tom Westergreen, Sumas/Everson/Nooksack Sub-Zone Commissioner,
42 stated he got involved as a upland forestry owner. He doesn't know which way to
43 go. Before, when they went through this process, there was a lot of consensus.
44 His only concern is that they don't put the burden on the bigger businesses.

45
46 Brenner stated she doubted if the proposal would change much of the fee
47 that businesses pay.

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1
2 Jerry Juergens, Sumas/Everson/Nooksack Sub-Zone Commissioner, stated
3 the emphasis is on safety to the public. There is land like Riverberry that is set
4 back and the County won't do much with it. People will lose their land. It will be
5 difficult to convince those people to pay more taxes when they will lose their land.
6 Ms. Cooper is heading in the right direction.

7
8 Cooper stated she will change the numbers in the formulas to better reflect
9 the fairness issue of residential use versus agricultural use.

10
11
12 **OTHER BUSINESS**

13
14 Nelson thanked Mr. Desler for the memo that went out to the departments
15 regarding the use of the County format for submitting additional services requests.

16
17
18 **ADJOURN**

19
20 The meeting adjourned at 12:40 p.m.

21
22
23
24 _____
Jill Nixon, Minutes Transcription

25
26
27 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

28
29
30
31
32
33 _____
Dana Brown-Davis, Council Clerk
