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1 WHATCOM COUNTY COUNCIL
2 **Finance and Administrative Services Committee**
3

4 November 25, 2003
5

6 The meeting was called to order at 11:00 a.m. by Committee Chair Sam
7 Crawford in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.
8

9 Present:

10 L. Ward Nelson

11 Sharon Roy
12

Absent:

None

13 Also Present:

14 Dan McShane

15 Laurie Caskey-Schreiber

16 Seth Fleetwood

17 Barbara Brenner
18
19

20 **OTHER BUSINESS**
21

22 Crawford asked for an update on what's happening with emergency medical
23 services (EMS). He asked if the County is working with the City of Bellingham on
24 service in 2004.
25

26 Dewey Desler, Deputy Administrator, stated the County is following through
27 with existing commitments with the City of Bellingham. The County EMS budget for
28 2004 is \$1.3 million. The fund balance is higher than initially anticipated. People
29 should expect services to continue as they see it today. The Executive's Office is
30 discussing the next steps and meeting with people interested in EMS, including
31 those opposed to the levy. Out of that discussion will be recommendations to the
32 County Council for consideration.
33

34 Caskey-Schreiber stated she hopes they allow a transition time to a new
35 system. Don't end things sooner than later. Draw it out as long as possible to get
36 people up to speed and for the safety of county residents. Desler stated the
37 current agreement allows for a three-year termination schedule. If both parties
38 agree to something more accelerated, it can be organized. The citizens deserve an
39 adequate transition. There are a series of options. This is an opportunity, not a
40 crisis.
41

42 Nelson asked if there is a transition period other than what they've already
43 discussed.
44

45 Caskey-Schreiber stated the Mayor has said he would like to speed things up
46 a bit.
47

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1 Crawford asked the arrangement. Desler stated that if there is a termination
2 notice before the end of this year, the contract would end at the end of 2006. If
3 there is termination notice after the first of this year, the contract would end at the
4 end of 2007. There was discussion during the campaign about this. If it didn't
5 pass, the City discussed getting out of it in one year. The major reason for the
6 three-year period was because the City was concerned the County would withdraw.
7 This is the City's requirement.

8
9 Crawford stated the County has received no notification from the City about
10 terminating early.

11
12 Nelson stated many people are concerned. They have to be careful of
13 rumored conversations. He's also concerned that the City Council be kept informed
14 of the concerns raised by everyone.

15
16 Crawford stated there is a lot of confusion about the future of EMS since the
17 levy didn't pass. It would be nice to clarify the three-year contract agreement to
18 the public. The County Council needs to know if there's an effort to shorten that
19 contract. Desler stated any change in the agreement would require County Council
20 approval. The Executive will have discussions and hire a negotiation team that has
21 worked on this issue already.

22 23 24 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

25 26 **1. ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET,** 27 **TWELFTH REQUEST (AB2003-363)**

28
29 Crawford stated this ordinance is fully grant-funded.

30
31 ***Nelson moved*** to recommend approval to the full Council.

32
33 Roy asked if they are the grants for Kendall.

34
35 Nelson stated they are.

36
37 Roy asked if there is a revision.

38
39 Dewey Desler, Deputy Administrator, stated there will be an agreement
40 later, and there is a revised scope of work (*on file*).

41
42 Fleetwood asked what they are attempting to demonstrate is feasible.
43 Desler stated the feasibility study is for activities and programs that are viable and
44 appropriate for the Kendall and Foothills community.

45
46 ***Motion carried unanimously.***

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1 **2. DISCUSSION OF CONTRACT FOR SERVICES BETWEEN WHATCOM**
2 **COUNTY AND BURLINGTON ENVIRONMENTAL, INC. TO OPERATE THE**
3 **MODERATE RISK WASTE FACILITY AT 3505 AIRPORT DRIVE**
4 **(AB2003-371)**
5

6 Crawford asked if the Solid Waste Advisory Committee (SWAC) approved this
7 item.
8

9 Jeff Monsen, Public Works Director, stated it did not. However, this item was
10 approved and recommended by the Solid Waste Executive Committee. This is not a
11 contract approval request at this moment. He wanted to introduce the item to the
12 Council to see if there are questions and issues before the last Council meeting of
13 the year, when this will come forward. If this item is not approved in two weeks,
14 the operation will shut down the first of January until approved. No action is
15 needed today.
16

17 Crawford asked about compensation. Monsen stated the compensation rates
18 are what the County would pay the contractor to get rid of these estimated
19 quantities. The rates apply to materials actually disposed of.
20

21 Crawford asked if there is a cost to the person disposing of the material or if
22 County subsidizes the cost. Monsen stated the answer is yes to both. Small
23 quantity commercial generators pay for the service. Homeowners do not pay for
24 the service.
25

26 Nelson asked if value of any of the shared office and equipment are coming
27 back to the County. Monsen stated the facilities are owned by the County. The
28 City owns a forklift and small truck, and there was administrative oversight it did
29 not bill the County for. Everything else will come from the County.
30

31 Nelson asked if it's within the City limits. Monsen stated it is County land
32 and a County facility. He's not sure if it's in the city limits.
33

34 Nelson asked if the City will use it for its own disposal, and asked how they
35 will deal with their hazardous materials. Monsen stated City has no special use of
36 this site. The primary users are individuals and small companies.
37

38 Nelson stated the City decided not to contribute dollars. The County is
39 taking over the processing for the entire county. Monsen stated the City originally
40 developed a disposal facility for city residents. That was at the time the County
41 was getting into comprehensive solid waste management. Collection of money for
42 solid waste funds is mostly from City of Bellingham residents.
43

44 Nelson asked how the new request for proposals (RFP) makes changes for
45 the citizens of Bellingham. Monsen stated there is no change for Bellingham
46 citizens. Now, Bellingham is simply a county contractor. This site operates

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1 independent of any other activities. It's unlikely anyone inside the city of
2 Bellingham would go to the facilities outside the City of Bellingham.

3
4 Nelson asked about the increase. Monsen stated City of Bellingham
5 historically did not charge back administrative costs. The majority of the increase
6 is recognizing the increasing use of the facility. The estimated annual cost of
7 \$229,000 is probably an understatement of the actual cost. The use has increased
8 beyond that estimate.

9
10 **Addendum: DISCUSSION REGARDING OPTIONS RELATED TO THE THREE**
11 **RESOLUTIONS SCHEDULED FOR PUBLIC HEARING THIS EVENING ON**
12 **MODIFYING AND EXTENDING THE CURRENT WCFCZD FUNDING**
13 **MECHANISM AND LEVELS FOR VARIOUS SUBZONES (AB2003-365,**
14 **AB2003-366, AB2003-367)**

15
16 Paula Cooper, River and Flood Division Manager, reviewed the discussion
17 held during the Water Resources work session. Representatives of the three
18 subzone advisory committees the countywide advisory committee met yesterday
19 and created a new option six, which addresses the Council's concern about open
20 space.

21
22 ***Crawford moved*** to recommend approval of option six to the full Council.

23
24 Caskey-Schreiber asked if there will be a movement for unimproved
25 agricultural land that is not designated as open space to get that reduced tax
26 classification. Cooper stated the owner can always try to have their land
27 designated as open space, or modify the classification for 2005. All the
28 representatives are in favor of option six.

29
30 Crawford asked if they worked with the Assessor. Cooper stated the
31 Assessor provides a list of all the parcels in the subzones. They compared that with
32 the geographic information system (GIS) information to create the roll. They
33 provide the tax roll to the Treasurer, who sends out the bills.

34
35 Monsen stated he began talking to the Assessor and Treasurer during the
36 middle of the summer.

37
38 Roy stated option six seems to have a reduction for most of the zones. She
39 asked if everyone is okay with that, and if people can do what they need to do.
40 Cooper stated they are, and they can.

41
42 ***Motion carried unanimously.***

43
44 Monsen stated staff will include new language and the new funding option in
45 an amended resolution before the evening meeting.

1 **COUNCIL "CONSENT AGENDA" ITEM**

2
3 **8. RESOLUTION APPROVING A SALARY SCHEDULE AND POLICIES FOR**
4 **UNREPRESENTED WHATCOM COUNTY EMPLOYEES FOR THE YEAR**
5 **2004 (AB2003-368)**
6

7 Dewey Desler, Deputy Administrator, submitted a substitute version of the
8 resolution that incorporates discussions with County councilmembers and elected
9 officials. He described the changes in the substitute version.

10
11 Crawford asked if the increases for the elected officials are based on the
12 same percentage increase for all unrepresented employees. Desler stated the
13 increase is three percent for elected officials. Other employees would receive a two
14 percent cost of living adjustment (COLA) and a one percent step increase.
15 Councilmember salaries were set earlier by a different resolution.

16
17 Roy asked about the adjustments for comparable counties, and when they
18 would be made.

19
20 Crawford stated the elected officials, other than County Council and
21 Executive, asked to tie their salaries to a State elected officials index and that their
22 salaries be increased eight percent the first year. Through this proposal, the
23 administration recommends a three percent increase for elected officials in addition
24 to a review for realignment period during the first quarter of each year. Today,
25 they're not saying yes or no on that eight percent salary increase. They will
26 approve the three percent increase now, and review for realignment the first
27 quarter of 2004. Desler stated the administration heard the councilmembers
28 indicate that they wanted an equitable increase to the other unrepresented
29 employees, and a process for realignment where there were problems with low
30 parity salaries.

31
32 Fleetwood asked how the 4.3 percent increase was decided upon for the
33 realignment process. Desler stated it represents the range movement that exists
34 and is described in section 4.3.

35
36 Fleetwood stated they agreed to de-politicize the process. If they include
37 language "not to exceed," they are going to debate this every year.

38
39 Crawford stated he disagreed. The Council considers the unrepresented
40 resolution each year. There will be an opportunity for realignment review during
41 the first quarter of each year. It will be as politicized as anything else they do for
42 all the unrepresented employees. Desler stated the consistency of the realignment
43 process is related to the language in section 4.3, which has been in effect for some
44 time.
45

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1 Nelson asked if there's a reason they do this on an annual basis, compared
2 to union contracts that are only done every two or three years. Desler stated the
3 Council has traditionally reviewed and adjusted wage rates annually.
4

5 Crawford stated those contracts with the unions don't all come due during
6 the same year. They've had concerns about providing similar benefit packages as
7 the Council reviews the unrepresented resolution. If all the contracts came through
8 the same cycle, then the Council could do the unrepresented resolution on the
9 same cycle, but they don't.

10
11 Desler stated consideration is also done through the budget process each
12 year.
13

14 *(Clerk's Note: End of tape one, side A.)*
15

16 Roy asked how an elected official requests realignment consideration. Desler
17 stated that language is described in section seven.
18

19 Roy asked if the benefits are calculated in terms of comparable counties.
20 Her interpretation of the legal interpretation is that they can't calculate benefits
21 with any accuracy. It's not an issue that's been folded into the unrepresented
22 package. Desler stated they have not folded benefits into the calculation.
23

24 Crawford stated they also have comparable-sized counties in another part of
25 the state that have very different cost-of-living scales.
26

27 Caskey-Schreiber stated a citizen was upset that this eight percent increase
28 would come down when they don't have money to run EMS. She asked if the
29 budget for 2004 includes funding for some kind of salary adjustments. Desler
30 stated the administration budgeted for a two percent increase of elected official
31 salaries in the budget for 2004.
32

33 Caskey-Schreiber stated she wants to make sure there are funds set aside
34 for the increases so they don't take away from something else. Desler stated he
35 doesn't anticipate any reduction in services as a result of this proposal.
36

37 Caskey-Schreiber asked if the most an elected official would get would be
38 seven percent, given the realignment plus the COLA. Desler stated the most the
39 increase would be is 7.3 percent. They will look at each elected official individually
40 and on an annual basis.
41

42 Crawford asked if the 4.3 percent is added to the raise they already got.
43 Desler stated it is.
44

45 Crawford asked if it is based on the old or new salary level. Desler stated it
46 is based on the new salary amount.
47

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1 Crawford stated the elected official has to be below ten percent to get the
2 realignment. Desler stated that's correct. They have to be at least 10.1 percent or
3 more of the index.
4

5 Caskey-Schreiber stated the COLA increase may bump the salary up to make
6 the elected official ineligible for the realignment. The 4.3 percent, in addition to the
7 three percent COLA, is the maximum increase. There is some flexibility in the
8 realignment procedures for negotiation on the percentage increase. She asked why
9 the administration is removing paternity leave as an option. Desler stated there
10 are changes in the Family Care Act. Male employees are not limited to two days of
11 paternity leave. Male employees can take five to seven days of leave, or longer if
12 there are health complications. The administration wanted to make the resolution
13 consistent with the changes in the Family Care Act.
14

15 Caskey-Schreiber asked how employees find out about this option. Desler
16 stated there will be presentations and a bulletin for all affected employees.
17

18 Nelson asked why they are requiring that sick and vacation be used in one
19 hour increments, versus half hour increments, while they accrue in fractions.
20

21 Wendy Wefer-Clinton, Human Resources Associate Manager, stated a
22 number of court cases found they should not deduct less than one hour for Fair
23 Labor Standards Act (FLSA) exempt employees. If a FLSA exempt person needed
24 to take less than a one-hour increment, the time away would just be waived. FLSA
25 exempt staff do not record their time away if gone less than an hour. The
26 Prosecuting Attorney's Office agrees with the change.
27

28 Dan Gibson, Senior Civil Prosecuting Attorney, stated the general principal is
29 that, in order to maintain exempt status under FLSA and to avoid payment of
30 overtime, employers have to be careful not to track time minute-by-minute. One
31 hour is the smallest increment an employer can track time.
32

33 ***Nelson moved*** to recommend approval of the substitute version of the
34 ordinance.
35

36 Caskey-Schreiber asked if the councilmember salary increase reflects the
37 increase in the Executive's salary. Desler stated it is not. The 2001 resolution that
38 governs councilmember salaries is in effect.
39

40 Caskey-Schreiber stated the Whatcom County Council is the lowest paid
41 council in the state.
42

43 ***Motion carried unanimously.***
44

45 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
46 **PURCHASE OF TEN POLICE PURSUIT VEHICLES USING THE**

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1 **WASHINGTON STATE CONTRACT, FROM FRONTIER FORD FOR A**
2 **TOTAL PURCHASE PRICE OF \$226,347.83 (AB2003-372)**

3
4 *Nelson moved* to recommend approval to the full Council.
5

6 Caskey-Schreiber asked if they weren't able to purchase locally, in spite of
7 the sales tax benefits.
8

9 Mary Green, ER&R Division Manager, stated she looks at local prices versus
10 the State contract whenever they purchase anything. The State contract is very
11 competitive. She did not go out for local bidding on this.
12

13 Brenner asked if they can do both. Green stated everyone, including local
14 providers, have the opportunity to bid in the State bid process.
15

16 *Motion carried unanimously.*
17

18 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
19 **AWARD OF BID #03-75, THE ANNUAL LIST OF INDIVIDUALS AND**
20 **COMPANIES INTERESTED IN RENTING THEIR EQUIPMENT TO THE**
21 **COUNTY, IN AN AMOUNT THAT MAY EXCEED \$35,000 WITH A SINGLE**
22 **VENDOR (AB2003-373)**

23
24 *Nelson moved* to recommend approval to the full Council.
25

26 *Motion carried unanimously.*
27

28 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **CONTRACT BETWEEN WHATCOM COUNTY AND EXIGENT COMPUTER**
30 **GROUP, INC. FOR UPGRADE OF AUDITOR'S RECORDING**
31 **APPLICATION ENVIRONMENT, IN THE AMOUNT OF \$65,200 (AB2003-**
32 **374)**

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 A**
39 **CONTRACT BETWEEN WHATCOM COUNTY AND STEWART & KING**
40 **PARTNERSHIP, IN CONJUNCTION WITH PAUL SCHISSLER**
41 **ASSOCIATES, IN THE AMOUNT OF UP TO \$40,000 FOR PHASE I –**
42 **FEASIBILITY STUDY FOR KENDALL COMMUNITY RESOURCE CENTER,**
43 **WITH UP TO AN ADDITIONAL \$34,000 FOR PHASE II, IF THE**
44 **PROJECT IS DEEMED FEASIBLE, FOR A TOTAL CONTRACT AMOUNT OF**
45 **\$74,000 (AB2003-375)**

46
47 *Nelson moved* to recommend approval.

1
2 Crawford stated this is fully funded from grants. There is an amended scope
3 of work (*on file*).

4
5 Nelson stated his motion includes the new scope of work.

6
7 Roy asked what happens if there is no phase II due to there not being any
8 money left over from phase I. Desler stated they prefer not to dip into the phase
9 II money for phase I without adjusting the contract. The administration is trying
10 to break up complicated projects into phases and renegotiate the phases as they
11 make progress. They don't want to try and predict everything that will happen. If
12 it's not feasible, there's no sense in spending phase II funds. This process allows
13 both parties to regroup between the phases. They're dealing with two other
14 government agencies, so they'd have to negotiate some things with those folks as
15 well.

16
17 ***Motion carried unanimously.***

18
19 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
20 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND RICH**
21 **ULLSMITH, DDS FOR JAIL DENTAL SERVICES, INCREASING THE**
22 **HOURLY WAGE TO \$120 WITH ANY TIME OVER ONE HOUR BILLED AT**
23 **\$60 PER HALF-HOUR, FOR A MAXIMUM EXPENDITURE OF \$17,000**
24 **(AB2003-376)**

25
26 ***Roy moved*** to recommend approval to the full Council.

27
28 Nelson asked if the administration has had discussion with other providers
29 for dental services. Desler stated it has.

30
31 ***Motion carried unanimously.***

32
33 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
34 **AGREEMENT BETWEEN WHATCOM COUNTY AND COMPU-TECH, INC.**
35 **TO PROVIDE FOR THE DEVELOPMENT AND SUPPORT OF AS/400**
36 **BASED APPLICATIONS AND PROGRAMS OF THE**
37 **TREASURER/ASSESSOR SYSTEM IN THE AMOUNT OF \$83,200**
38 **(AB2003-377)**

39
40 ***Nelson moved*** to recommend approval to the full Council.

41
42 Brenner asked if this will get them where they need to be.

43
44 Steve Oliver, Chief deputy Treasurer, stated this is one of a number of
45 projects they've been working on with the Executive's Office. They are moving
46 forward with those projects. Some funds have been made available to address
47 those projects.

1
2 ***Motion carried unanimously.***
3

4 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
5 **AGREEMENT BETWEEN WHATCOM COUNTY AND SUDDEN VALLEY**
6 **COMMUNITY ASSOCIATION, CITY OF BELLINGHAM, AND WATER**
7 **DISTRICT NO. 10 TO PURCHASE A RESTRICTIVE COVENANT ON 83**
8 **SUDDEN VALLEY TAX TITLE LOTS, IN AN AMOUNT OF**
9 **APPROXIMATELY \$18,210 (AB2003-378)**

10
11 ***Nelson moved*** to recommend approval to the full Council.
12

13 Erika Stroebel, Resources Planner, submitted revisions (*on file*). The
14 revisions are minor. They added clarification of language in the text of the
15 agreement and further budgetary detail to exhibit A. There are minor adjustments
16 to the budget. They clarified that the Sudden Valley Community Association would
17 submit an application for the 73 tax title lots as a bundle of lots. There is also a
18 timeline by which Whatcom County and the City of Bellingham would purchase the
19 restrictive covenants. In Exhibit A, three columns were added to provide detail
20 referred to in the agreement.

21
22 ***Nelson amended his motion*** to approve the request with the revisions.
23

24 Caskey-Schreiber asked if these 73 lots will be owned by four jurisdictions.
25 Stroebel stated they would be owned by the Sudden Valley Community Association.
26 Whatcom County is contributing money toward the purchase of the restrictive
27 covenant that renders these lots un-developable.

28
29 Caskey-Schreiber asked what the Sudden Valley Community Association
30 intends to do with the lots. Stroebel stated they will be used as open space.

31
32 Crawford asked if covenants still exist if Sudden Valley becomes a city.
33 Stroebel stated they would.

34
35 ***Motion carried unanimously.***
36

37 **9. RESOLUTION SETTING THE HEARING OF NOTICE TO DECLARE**
38 **PROPERTY SURPLUS (AB2003-379)**
39

40 ***Nelson moved*** to recommend approval to the full Council.
41

42 ***Motion carried unanimously.***
43

44 **10. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS MORE**
45 **THAN A YEAR OLD (AB2003-380)**
46

47 ***Roy moved*** to recommend approval to the full Council.

