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1
2 Roy stated the commitment of these people is amazing. She was told that
3 what the community has done on the Nooksack River is really unique in the nation.
4

5 **MINUTES CONSENT**

6
7 ***Brenner moved*** to approve the Minutes Consent items as amended.

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

10
11 **1. BOARD OF HEALTH FOR APRIL 27, 2004**

12
13 **2. SPECIAL COUNTY COUNCIL (LUMMI ISLAND HEARING) FOR APRIL**
14 **13, 2004**

15
16 **3. SPECIAL COUNTY COUNCIL (STAFF DIRECTION) FOR APRIL 27, 2004**

17
18 **4. COMMITTEE OF THE WHOLE FOR MAY 4, 2004**

19
20 **5. REGULAR COUNTY COUNCIL FOR MAY 4, 2004**

21
22 **OPEN SESSION**

23
24 The following people spoke:

25
26 Leonard Lindstrom, Bellingham resident, stated a lot of people think the
27 divided house issue is funny, but it's not. Understand why men pour gas over
28 themselves. It's not a not laughing matter.

29
30 Earl Listebarger, 8472 Cedar Way, Blaine, stated he lives in Birch Bay. On
31 the upcoming priority list for the Washington Community Economic Revitalization
32 Team (WA-CERT), he would like the Birch Bay sewer project to get special
33 recognition. They've had this problem for several years, and they'd like to resolve
34 it. With property priority, the funding will be available for the project. He asked for
35 Council support. They have to be in the top three on the list to get funding.

36
37 Marian Beddill, 3600 Seeley Street, Bellingham, referenced consent agenda
38 item three. She asked the Council to hold the item until there is further
39 consideration. The contract is for the purpose of purchasing elections systems
40 equipment. This item is a surprise. There has been no notice or information about
41 it. The scope as shown in Exhibit A of the contract is unclear about the linkage to
42 the poll site equipment. It seems to be related to voter registration equipment.
43 It's unclear how it might link to voting equipment, which is a major concern. It
44 does say it creates ballots, which indicates it has something to do with vote-
45 casting. There is an implied obligation for association and links to other future
46 software parts and components. Second, the title on the consent agenda lists an
47 amount of \$99,000, but the entire budget for the program is \$300,000. An item of

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1 that amount should not be on the consent agenda. Third, the Council is absent two
2 members tonight, including the Council Chair. The County Auditor said she would
3 convene a County advisory committee to work on citizen input and involvement
4 with the voting equipment. No such committee has been formed. She asked the
5 Council to hold this item until an adequate review and consideration can be done.
6

7 Linda Franz, 6640 Trout Lane, Ferndale, referenced consent agenda item
8 three. She had very little or no notice of this item. She has requested many times
9 to be notified and considered for any committees for the selection of voting
10 equipment. When undertaking a purchase such as this, they need extensive
11 review. They're buying something that will be used for a long time. They need
12 experts to look at this, look carefully into the contract, and know what they're
13 getting into. They need to know if they're giving too much power to the vendor, if
14 they're going to have to have too much outside help in voting matters. Currently,
15 there is a request before Congress for a probe into the e-voting industry, which will
16 affect voter registration. Contrary to popular opinion, much of the Help America
17 Vote Act (HAVA) is a fraud. The contractual language in HAVA says it can
18 recommend, but not mandate changes. HAVA does not mandate the things they've
19 been told. The system being currently proposed is being used in Riverside,
20 California. That elections official is in a lot of deep water. Also, they don't know
21 anything about DFM Associates and who else they represent or sell for. If they are
22 going to get a system like this, they might as well get a system that will handle the
23 audit procedures that will come about from State legislation. From the State
24 legislature this last session was a desire to track the accuracy of these systems.
25 Usually, a voting system has the software to create their own ballots, but that's not
26 what this contract talks about. This contract talks about a system that's supposed
27 to integrate and create a ballot for whatever voting system they get. This implies
28 that they know what voting system to get, or they'll be confined to a particular
29 voting system.
30

31 Sharon Groen, 8407 Seldar Road, Birch Bay, referenced the Birch Bay sewer
32 project. They are close to securing \$850,000 of grant funds. The only two things
33 that can prevent them are not being ranked in the top three on the WA-CERT list or
34 if the Department of Housing and Urban Development (HUD) didn't allocate funds
35 to the Community Development Block Grant (CDBG), which they have for many
36 years. The County is responsible for some of the deterioration of Birch Bay waters
37 from pollution and runoff. She asked the Council to rank the project in the top
38 three on the WA-CERT.
39

40 Dr. Frank Oldrich, 5534 Seaview, Birch Bay, referenced the Birch Bay sewer
41 project. He supports the project, which has many advantages. One advantage is
42 the ecological advantage. Nonfunctioning septic tanks contaminate aquifer sheds.
43 The sooner they get rid of septic tanks in favor of a sewer system, the more
44 ecologically safer they'll be. Second, it will create more employment, which is
45 valuable. Third, upon completion, many lots that can't be developed now will be
46 available for development. This will create work and add to the economy. The

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1 revenue to the Birch Bay water system will be increased. All of this will increase
2 the tax base, and will be very valuable for the County.

3
4 John Lesoe, 317 Madrona Place, Point Roberts, stated he proposes a Point
5 Roberts Rural Economic Advisory Commission. There are four prospective
6 members. He intends to advertise for two additional members. They also intend
7 to include one member each from the Voter's Association, Chamber of Commerce,
8 and Taxpayer's Association. He asked the Council to consider all the applicants.
9 They don't represent any special interests.

10
11 During the last meeting, a comment was made that the existing Point
12 Roberts Economic Development Council (EDC) represents 17 Point Roberts
13 organizations. That number is quite high. There are 17 names on the roster, but
14 there are really six participants. Some of those on the roster are not part of Point
15 Roberts, but the County government. The fire and water districts don't attend the
16 meetings. That leaves about six people who are not all against tree retention. The
17 taxpayer organization supports tree retention. The EDC mandate for the \$20,000
18 study that was done in 2000 was to find out what Point Roberts residents wanted.
19 At the top of the list was tree retention, followed by selective logging and clear
20 cutting. It's outside the mandate of the EDC to say they're all against tree
21 retention.

22
23 Guy Loiselle, 8445 Sunrise Way, Blaine, stated he supports the Birch Bay
24 sewer system. For 13 years, he's looked after wild birds in the county. What they
25 produce ends up in the bay. They're chasing away tourism in Birch Bay, which is
26 unbelievable. Drainage goes right in to the bay. They're killing the eelgrass. They
27 need the sewer upgrade.

28
29 Jo Slivinski, referenced the stump removal by Trillium on Semiahmoo Drive.
30 She asked how the State Department of Natural Resources (DNR) and State
31 Department of Ecology can be aware of this. She has not been able to get answers
32 from several county staffers about whether the developer would be required to do
33 any mitigation. She heard that County staff told someone there was no
34 relationship between the stump removal and clearing with the adjacent landslide
35 bluff failures. Many property owners experienced stormwater and runoff problems
36 only after the clearcut occurred. Much of the community supports removing Birch
37 Point from the urban growth area. She created a petition to stop the stump
38 removal on the Trillium clearcut land and to require mitigation to prevent further
39 downslope destabilization.

40
41 Brenner asked if the County has any authority over the stump removal.

42
43 Dave Grant, Senior Civil Deputy Prosecutor, stated he didn't know.

44
45 Roy stated she heard that the conversion applications have been approved
46 for part of the land, and some of it was still pending. She asked if the County
47 Council has any role with the applications still pending.

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1
2 Grant stated this is an issue that might come to the Council on appeal, but
3 not for first approval.
4

5 Brenner stated the County Council doesn't have any authority to stop it.
6 Grant stated that's correct, in the first approval process. The Council shouldn't
7 have too much debate on this.
8

9 Caskey-Schreiber stated the Council doesn't have any authority to take
10 action at this time, but the Council hears the concern and she hopes someone is
11 looking into the situation. Grant stated someone is looking into it.
12

13 Lincoln Rudder, 8373 Semiahmoo Drive, Blaine, stated the clearing that is
14 going on in Birch Bay is done under a DNR forest practice permit that was issued
15 over two years ago. If the County had not converted that property to pasture, the
16 DNR would have undertaken enforcement actions that would have required
17 reforestation and will not stop the stump removal. The County's conversion to
18 pasture terminate the previous DNR contracts.
19

20 Brenner stated the County has a separation of powers, and the County
21 legislative body did not have anything to do with those permits.
22

23 Rudder stated the County Council has oversight of the Executive branch of
24 government.
25

26 Brenner stated it doesn't, exactly.
27

28 Crawford stated it doesn't.
29

30 Pete Kremen, County Executive, stated the Executive branch is separate
31 from the legislative body. The County Council members adopt ordinance and laws
32 of the County. The legislators don't have any administrative oversight. The County
33 Council does have budget authority.
34

35 Rudder asked who has oversight over an infraction of a State law by an
36 official of the Executive branch, in a civil or tort offense case. Executive stated in
37 that case, the judicial branch has authority.
38

39 Larry Williams, 2539 Pacific Street, Bellingham, stated he is concerned about
40 consent agenda item three. He asked the Council to defer decision for a couple of
41 weeks so it can be considered.
42

43 **CONSENT AGENDA**

44
45 **Crawford** reported for the Finance and Administrative Services Committee
46 and **moved** to approve Consent Agenda items one through eight.
47

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1 Fleetwood withdrew item three.
2

3 ***Motion to approve Consent Agenda items one, two, and four through***
4 ***eight carried unanimously.***
5

6 **1. RESOLUTION SETTING THE HEARING DATE TO DECLARE PROPERTY**
7 **SURPLUS (AB2004-201)**
8

9 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
10 **CONTRACT BETWEEN WHATCOM COUNTY AND THE WASHINGTON**
11 **STATE DEPARTMENT OF ECOLOGY CONSERVATION CORPS,**
12 **COORDINATED BY THE NOOKSACK SALMON ENHANCEMENT**
13 **ASSOCIATION, FOR SALMON RECOVERY ACTIVITIES THROUGHOUT**
14 **THE COUNTY, IN THE AMOUNT OF \$35,703 (AB2004-202)**
15

16 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
17 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND DFM**
18 **ASSOCIATES FOR PURCHASE OF A VOTER REGISTRATION AND**
19 **ELECTION MANAGEMENT SYSTEM, IN THE AMOUNT OF \$99,074**
20 **(AB2004-203)**
21

22 ***Crawford moved*** approval of the request.
23

24 Fleetwood asked Shirley Forslof, County Auditor, if there were any
25 repercussions if this is held.
26

27 Shirley Forslof, County Auditor, stated there would be. There has been some
28 misunderstanding about this contract. She didn't contact the people interested in a
29 ballot counting system because this is not a ballot counting system. This request is
30 only a voter registration system that replaces the current system that does not
31 interface with the Secretary of State's system. The Diebolt's in this contract have
32 nothing to do with the Diebolt company that has been in the news and which makes
33 touch screens. The issue in the news has been about touch screens that produce
34 paper ballots. That is a vote counting system. This is a voter registration system
35 that interfaces with the Secretary of State's system. It is one of four systems that
36 are approved by the Secretary of the State. DFM and Associates has signed a
37 memorandum of understanding with the Secretary of State. The Information
38 Systems Division supports this. The reason for the objection by opponents seems
39 to be because they think this has to do with counting ballots. It doesn't. It
40 registers voters, tracks voter history, creates poll books, and transfers voters from
41 one address to another. They're getting into the filing period, which is deadlined at
42 the last week of July. Staff has to purchase and train on this system before then.
43

44 Fleetwood asked if there is anything about this system that would limit the
45 County's options to buy vote counting machinery. Forslof stated there is not. This
46 system will interface with all four voting system vendors. When she reviews the

1 vote counting systems, she will invite the proponents in and review the system
2 thoroughly.

3
4 Crawford stated he understands that the Help America Vote Act (HAVA) says
5 they need to do a better job on statewide databases to track registration. The
6 issue he's heard is because many in the student population in the community has
7 duplicate registrations. Students are staying registered in their former residence
8 and also in Bellingham.

9
10 *(Clerk's Note: End of tape one, side A.)*

11
12 Crawford asked if this system will solve that problem. Forslof stated it will
13 within the State. Registration checks will be done almost instantaneously once
14 entered into the system. It will almost eliminate anyone from registering more
15 than once.

16
17 Brenner asked why that citizen committee hasn't been formed. Forslof
18 stated there has been much change and debate on what systems will be
19 acceptable. She will call for the committee shortly, in the summer. In the
20 meantime, the vendors have been making changes in technology.

21
22 Brenner stated she would appreciate it if the committee were formed before
23 that debate occurs, not after. Forslof stated the voter registration system has
24 nothing to do with the ballot counting.

25
26 Brenner stated that if the committee had been created, these people
27 probably wouldn't be here tonight. Forslof stated she could have let them know
28 that this request was for a voter registration system. She presumed that the
29 notation on Council packet page 19 would make them aware of it. No one called
30 and asked her about the Diebolts.

31
32 Roy stated it's important to have community involvement. She asked if the
33 Council decided to set up the advisory committee, which is an excellent idea. She
34 supports holding this item for two weeks and forming a committee to let people talk
35 about it. Forslof stated it will be very difficult for her staff. She will call for a
36 committee on voter ballot counting. That's not what this is. This is just a matter of
37 interacting with the State's voter registration, which is required by HAVA. She
38 asked the Council to approve the item so staff can begin training and they can be
39 ready for filing in July.

40
41 Crawford stated the name of the president of DFM Associates is Diebolt. The
42 company in the news that makes the machines in question is the Diebold
43 Corporation. He can understand the confusion. It's a coincidence. Forslof stated
44 that's correct.

45
46 Dewey Desler, Deputy Administrator, stated the Council approved funding in
47 the 2004 budget for this system. This is merely the replacement of an existing

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1 voter registration system that meets the requirements of HAVA. The Auditor has
2 indicated that this system can be used with any new voting system that this County
3 selects in the future. That voting system can be selected with the advice and
4 participation of many people in the audience. The administration urged the Council
5 to move this forward so the County can be ready to meet the HAVA requirements.
6

7 Caskey-Schreiber stated the Council understands what this is about, but
8 wants to give the citizens a chance to review it.
9

10 **Roy moved** to hold in committee.
11

12 Fleetwood stated he is opposed to holding this item in committee. It seems
13 this is a case of mistaken identity. This has no effect on what is of most concern,
14 vote counting. Time is of the essence.
15

16 Brenner stated there isn't anything subverted. She doesn't have a problem
17 with the machine being purchased. She has a problem that the committee wasn't
18 formed, and this is where the misunderstanding happened. Two weeks isn't too
19 much to ask to relieve concerns.
20

21 **Motion to hold failed for a lack of Council majority, 3-2 with Crawford**
22 **and Fleetwood opposed.**
23

24 **Motion to approve failed for a lack of Council majority, 2-3 with**
25 **Crawford and Fleetwood in favor.**
26

27 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
28 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND**
29 **NORTHWEST INDIAN COLLEGE FOR AMBIENT WATER QUALITY**
30 **MONITORING UNDER THE CENTENNIAL GRANT, IN THE AMOUNT OF**
31 **\$66,799 (AB2004-204)**
32

33 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
34 **PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WHATCOM**
35 **COUNTY HEALTH DEPARTMENT AND PIONEER HUMAN SERVICES FOR**
36 **CONDUCTING SUB-ACUTE DETOXIFICATION AND ALCOHOL**
37 **PROTECTIVE CUSTODY SUBSTANCE ABUSE SERVICES, IN THE**
38 **AMOUNT OF \$767,500 (AB2004-205)**
39

40 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A**
41 **MEMORANDUM OF AGREEMENT BETWEEN WHATCOM COUNTY AND**
42 **WASHINGTON STATE UNIVERSITY TO IMPLEMENT A NUTRIENT**
43 **MANAGEMENT EDUCATION AND RESEARCH PROJECT TO DEVELOP,**
44 **PRODUCE AND CONDUCT RESEARCH AND EDUCATIONAL EFFORTS**
45 **THAT FURTHER DEVELOP THE ATTITUDES, KNOWLEDGE AND SKILLS**
46 **NECESSARY FOR THE ACCEPTANCE AND ADOPTION OF IMPROVED**

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1 **NUTRIENT MANAGEMENT PRACTICES IN WHATCOM COUNTY IN THE**
2 **AMOUNT OF \$47,000 (AB2004-206)**

3
4 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A**
5 **MEMORANDUM OF AGREEMENT BETWEEN WHATCOM COUNTY AND**
6 **WASHINGTON STATE UNIVERSITY TO IMPLEMENT AN INTEGRATED**
7 **PEST MANAGEMENT EDUCATION AND RESEARCH PROJECT TO**
8 **DEVELOP, PRODUCE AND CONDUCT RESEARCH AND EDUCATIONAL**
9 **EFFORTS THAT FURTHER DEVELOP THE ATTITUDES, KNOWLEDGE**
10 **AND SKILLS NECESSARY FOR THE ACCEPTANCE AND ADOPTION OF**
11 **INTEGRATED PEST MANAGEMENT PRACTICES IN WHATCOM COUNTY**
12 **IN THE AMOUNT OF \$57,000 (AB2004-207)**

13
14 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
15 **47 TO THE LOWEST BIDDER, KENWORTH NORTHWEST, FOR A**
16 **REPLACEMENT DUMP TRUCK, IN THE AMOUNT OF \$123,918.94**
17 **(AB2004-208)**

18
19 **OTHER ITEMS**

20
21 **1. REPORT ON PRESENTATION BY JIM DAWSON, PEOPLE FOR PUGET**
22 **SOUND, REGARDING PROPER STORMWATER MANAGEMENT FOR**
23 **SHELLFISH AREAS (AB2004-212)**

24
25 Roy reported for the Natural Resources Committee and stated there was an
26 excellent presentation in committee regarding managing stormwater onsite.

27
28 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
29 **FIFTH REQUEST (AB2004-197)**

30
31 Crawford stated he is concerned about what the Council just did about the
32 voter registration system. He asked if Ms. Forslof could contact these people who
33 are concerned and see if they can get some agreement, and then reconvene the
34 Council by the end of the week to pass that item.

35
36 Dewey Desler, Deputy Administrator, stated he advised Ms. Forslof to do just
37 that. They will follow up to get this moving. The administration is prepared to
38 meet with the Council next Tuesday about this issue if the Council chooses.

39
40 Roy asked if the Council can approve money for the project without naming
41 exactly which it is. Desler stated the Council has already done that in the 2004
42 budget.

43
44 Crawford stated the councilmembers should keep their schedules open to try
45 and get a quorum to see this passes. This system has to be in place by July 15.

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1 Brenner stated they can discuss it again at next week's Water Resources
2 work session.

3
4 **Crawford** reported for the Finance and Administrative Services Committee
5 and **moved** to adopt the ordinance.

6
7 **Motion to adopt carried unanimously.**

8
9 **3. ORDINANCE ADOPTING A BIENNIAL BUDGET PROCESS BEGINNING**
10 **WITH FISCAL YEARS 2005 AND 2006 (AB2004-199)**

11
12 **Crawford** reported for the Finance and Administrative Services Committee
13 and **moved** to adopt the ordinance.

14
15 **Motion to adopt carried unanimously.**

16
17 **4. RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN**
18 **SPACE/OPEN SPACE AND OPEN SPACE TIMBER APPLICATIONS**
19 **(AB2004-209)**

20
21 **Fleetwood** reported for the Planning and Development Committee and
22 **moved** to approve the resolution.

23
24 **Motion carried unanimously.**

25
26 **INTRODUCTION ITEMS**

27
28 **Brenner moved** to accept the Introduction Items.

29
30 Dewey Desler, Deputy Administrator, asked that item four be pulled from
31 Introduction Items. Administration determined that the proposed ordinance
32 requires more administrative review and possible amendments before introduction.

33
34 **Roy moved** to withdraw item four.

35
36 **Motion carried unanimously.**

37
38 **Motion to accept Introduction Items one through three, five, and six**
39 **carried unanimously.**

40
41 **1. RESOLUTION ORDERING AN ASSESSMENT AGAINST PROPERTY AT**
42 **4739 ALDERSON ROAD, BLAINE, WA, PURSUANT TO THE UNIFORM**
43 **CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (AB2004-**
44 **200)**

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- 1 **2. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY**
2 **SURPLUS PROPERTY PURSUANT TO WHATCOM COUNTY CODE 1.10**
3 **(AB2004-201A)**
4
5 **3. ORDINANCE TO PERMANENTLY CLOSE GARRISON ROAD FROM SR 9**
6 **(EAST BADGER ROAD) TO APPROXIMATELY 0.01 MILES SOUTH OF SR**
7 **9 (AB2004-210)**
8
9 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 12**
10 **CONSTRUCTION STANDARDS AND TITLE 2 ADMINISTRATION AND**
11 **PERSONNEL (AB2004-211)**
12

13 **ADDENDA:**

- 14 **5. RESOLUTION AUTHORIZING THE EXCHANGE OF COUNTY OWNED**
15 **PROPERTY FOR CITY OF BELLINGHAM OWNED PROPERTY (AB2004-**
16 **213)**
17
18 **6. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
19 **SIXTH REQUEST (AB2004-214)**
20

21 **OTHER BUSINESS**

22
23 There was no other business.
24

25 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

26
27 Crawford stated the Finance Committee had a presentation today about the
28 Depot Square building project for the farmer's market. The presentation was very
29 impressive.
30

31 Caskey-Schreiber stated all the school districts in Whatcom County have
32 signed up with the Northwest Air Pollution Authority (NWAPA) for diesel school bus
33 retrofits.
34

35 Roy stated she attended the regional mental health board meeting last week.
36 There are serious funding issues on the horizon, about the State not paying for any
37 non-Medicaid eligible people to get any kind of mental health services.
38

39 **ADJOURN**

40
41 The meeting adjourned at 8:11 p.m.
42
43

44
45 _____
46 Jill Nixon, Minutes Transcription

47 The Council approved these minutes on June 1 , 2004.

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ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Vice-Chair