

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 **Motion carried unanimously.**
3

4
5 **OPEN SESSION**
6

7 The following people spoke:
8

9 Chris Ungern, 295 Northshore Road, submitted and read his testimony (*on*
10 *file*). He is opposed to the Whatcom Connector in the **ordinance adopting the**
11 **Six-Year Capital Improvement Program 2005-2010 (Appendix F of the**
12 **Whatcom County Comprehensive Plan) (AB2004-337)**. Also, he is pleased
13 that the Lake Whatcom Landscape Plan was approved. He is opposed to the
14 County's lawsuit regarding the Landscape Plan.
15

16 Brian Canfield, 289 Marine Drive, Point Roberts, stated he supports the
17 **resolution ordering an election for the proposed Point Roberts Public**
18 **Hospital District (AB2004-377)**. Interfaith provides the service to the
19 community. It has been successful. However, revenues have not met
20 expectations. The clinic is not self-funding, yet it is a vital service for the
21 community. The federal grant the community received a couple of years ago
22 expires in April 2005. The community needs the district for a funding mechanism
23 for the clinic. The community signed a petition for due process and a special
24 election that required 38 signatures. They gathered 300 signatures over four days.
25 He asked for the Council's support. Time is an issue.
26

27 Don Hansey, 907 - 41st Street, Bellingham, submitted and read his testimony
28 (*on file*) regarding a procedural matter to remove the Whatcom Connector from
29 **ordinance adopting the Six-Year Capital Improvement Program 2005-2010**
30 **(Appendix F of the Whatcom County Comprehensive Plan) (AB2004-337)**.
31 The project could benefit the water in Lake Whatcom. He asked that a hearing be
32 held open to the next meeting.
33

34 Dorothy Vale, Whatcom Rainbow Coalition, stated she would speak on the
35 **discussion and review of applications received for the position of Interim**
36 **District Court Judge (AB2004-359)**. All applicants are entirely white male.
37 There is one female applicant. The Council's aim must be for a diversified
38 representation. She would like the Council to go back to the beginning of the
39 recruiting process and hopefully get at least half of the applicants who are female
40 or otherwise diversified.
41

42 Richard Gilda, Jensen Road, Bellingham, submitted unbiased magazines to
43 Council on the environmental protection, timber, stormwater, and other issues. He
44 suggested that the Council get a subscription to those magazines. They are free.
45

46 Bern Haggerty, Whatcom Rainbow Coalition, stated he would speak on the
47 **discussion and review of applications received for the position of Interim**

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 **District Court Judge (AB2004-359).** He drafted a resolution about diversity in
2 the appointment process for District Court judges by the County Council. The code
3 requires recruitment practices that are designed to include under-represented
4 minority employees. At the current rate, women will achieve parity with men in the
5 U.S. Congress in 300 years. That's too long. Parity may never happen in County
6 judgeships. Reconsider recruitment practices. The Council should recruit from a
7 broader pool of candidates. He encouraged the Council to reissue the recruitment
8 form.

9
10 Nelson asked if qualifications and ability is less or more important than
11 diversification. Haggerty stated he looked at the County code, which requires
12 recruitment practices. He suspects the County doesn't have them.

13
14 McShane stated that unfortunately, this is a political appointment, so
15 recruiting practices may not apply. However, others can get their names into the
16 Council, but the Council may not look favorably on those applications. There has
17 been a month-long application process.

18
19 Nelson stated the process has been open and publicized for quite some time.

20
21 Dennis Jones, 1487 Sudden Valley, stated he supports Lake Whatcom
22 Management Plan. Sudden Valley residents held its board elections recently.
23 Sudden Valley used to run a deficit, but now they aren't. The crew out there is
24 very proactive. They used models from Birch Bay to create a community plan with
25 goals. He apologized to anyone he may have offended in the past. What they
26 resolved 14 or 16 years ago is finally being implemented. They now have the new
27 Austin Creek bridge for safety. He asked how they can win the challenge to save
28 Lake Whatcom. They have to deal with the problem. In 1992, they created a plan
29 and funded it in 1998. The Sudden Valley community gave up \$1 million every two
30 years through its density reduction program. He thanked the County Council. Take
31 a look at extending San Juan Boulevard. The decision is apolitical.

32 33 34 **PUBLIC HEARINGS**

35 36 **1. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY** 37 **CONSERVATION FUTURES PURPOSES FOR 2005 (AB2004-367)**

38
39 Dewey Desler, Deputy Administrator, gave a staff report and stated there is
40 no recommended increase.

41
42 McShane opened the public hearing and, hearing no one, closed the public
43 hearing.

44
45 Brenner stated this levy happened because many citizens wanted to protect
46 sensitive, critical areas. The levy was put on the ballot and was passed
47 overwhelmingly. The levy came into being when it was voted on by the public.

1
2 Crawford stated the County has been using the money to purchase
3 properties it wants to protect and preserve for future generations. They have
4 acquired phenomenal properties in the past year. Most people in Whatcom County
5 are starting to see the benefits.
6

7 Caskey-Schreiber stated that they've used the fund to remove development
8 rights from 275 acres of prime farmland and to purchase land in the Lake Whatcom
9 watershed.

10
11 **McShane moved** to adopt the ordinance.

12
13 **Motion carried unanimously.**

14
15 **2. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD**
16 **PURPOSES FOR 2005 (AB2004-368)**

17
18 McShane opened the public hearing and, hearing no one, closed the public
19 hearing.

20
21 **Fleetwood moved** to adopt the ordinance.

22
23 Brenner stated the levy amount has not gone up this year.

24
25 **Motion carried unanimously.**

26
27 **3. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND**
28 **STATE PURPOSES IN WHATCOM COUNTY FOR THE YEAR OF 2005**
29 **PURSUANT TO HOME RULE CHARTER SECTION 6.10 (AB2004-369)**

30
31 McShane opened the public hearing and, hearing no one, closed the public
32 hearing.

33
34 **Roy moved** to adopt the ordinance.

35
36 Brenner stated this levy percentage has not gone up this year.

37
38 **Motion carried unanimously.**

39
40 **4. ORDINANCE ADOPTING THE WHATCOM COUNTY 2005-2006 BUDGET**
41 **(AB2004-027B)**

42
43 McShane opened the public hearing and the following people spoke:

44
45 Jon Komorowski, Chief Deputy, stated Public Defender John Ostlund asked
46 him to address the Council. The Public Defender's Office seeks an additional felony
47 attorney and an additional social worker investigator, in addition to the positions

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 the Executive recommends. It results in a net increase in one attorney in the
2 office. Two of those recommended positions have already been filled on a
3 temporary basis. The additional attorney would handle Becca Bill hearings and the
4 mental health hearings, which are increasing exponentially due to changes in State
5 and federal law. The department is very grateful for the support of the Council and
6 Executive. He is not here to complain, but to explain the situation. They try to be
7 frugal with County resources within the constraints of the budget. They had
8 thought they could make it through 2006 without asking for these additional two
9 positions. However, it's now apparent that they cannot do that. A well-respected
10 attorney in the Public Defender's Office resigned due to health-related problems
11 attributed to job stress. This felony attorney's caseload was around 70 cases.
12 There are standards by the American Bar Association. A judge has contacted the
13 office suggesting that another of their attorney's is overworked. The department is
14 not confident it can retain its attorneys. At a meeting of law and justice
15 department heads, the consensus was that the source of the problem was the
16 inability of the Prosecutor's Office and Public Defender's Office to process cases.
17 The department is not able to process the cases with the current staffing level.
18

19 Lisa LaGuardia, Deputy II, stated she is the only civil attorney of the 14 full-
20 time attorneys in the Public Defenders Office. All of her clients have not committed
21 clear crimes and there is no punishment to oppose. Her clients are in extreme
22 crisis. They all face the destruction of the parent/child relationship. Currently, the
23 American and State Bar Associations recommend a caseload limit for these cases of
24 60 cases per year. She carries about 112 cases. Most of the cases are dependency
25 cases. The parents have drug or alcohol addictions, extreme mental health issues,
26 developmental disabilities, or are children. They are impoverished and single
27 parents. She also represents teenagers living outside of the home, have no access
28 to services, and who cannot get help from other social workers. Those teenagers
29 may be runaways, addicted to drugs, living on the streets, and who are at risk of
30 becoming criminal offenders or victims of crime. There is no clear support system
31 for her clients. They must provide services to people who are trying to get their
32 children back. She is in court daily to get these people services. It involves a lot of
33 hand-holding. She can't do it all by herself. She really needs a social services
34 coordinator to help her get the clients services so families can be reunited.
35

36 Brenner asked if this request is the same position that Mr. Komorowski
37 requested. LaGuardia stated she is. She's specifically addressing the need for a
38 social services coordinator.
39

40 Kim Schuster, Social Services Coordinator, stated she is in favor of funding
41 another social services coordinator and felony attorney. Her job is to assist
42 attorneys in preparation of cases when clients have psychiatric illness, chemical
43 dependency, developmental disability, or medical disorders. Clients are brought to
44 attention from attorneys in the office, the jail, tribal and local social service
45 agencies, the clients family, or the clients themselves. She conducts background
46 investigation of medical, social, psychological issues, housing, and other situations
47 for the client. The product of her investigation is a presentation to the court. She

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 also helps clients find appropriate rehabilitative programs to transition back into the
2 community following incarceration and housing. There has been only one position
3 of this type for the last 13 years in the Public Defender's Office. The growing
4 population necessitated the hiring of additional attorneys. With recent cuts to
5 services, they're seeing more clients. It is impossible for even ten percent of cases
6 to have social services support. In most cases, the juvenile clients who need
7 services the most don't receive any support. The department is asking for one
8 additional position, but really needs four positions.
9

10 Gordon Rogers, Council of Governments, thanked the Council for matching
11 grant funds for transportation planning. It enables them to complete federal and
12 state transportation planning requirements. He explained some of the ongoing
13 projects and upcoming projects, including a transportation model, transportation
14 improvement program, architecture for intelligent transportation systems
15 applications, international mobility and trade corridor work, education in
16 preparation for the 2010 Olympics, and trails.
17

18 *(Clerk's Note: End of tape one, side A.)*
19

20 Rogers continued to state they are developing a priority list for the lobbyist
21 on transportation issues in Olympia. They also work on commute trip reduction,
22 west coast corridor issues, and other tasks as assigned.
23

24 Jon Raney, Deputy II felony attorney, stated Whatcom County is required to
25 provide indigent defense according and to establish standards for those services, as
26 specified in the Revised Code of Washington (RCW) 10.101.030. He's not aware
27 that any standards have been adopted. The standards recommended by the
28 American Bar Association and Washington Bar Association requires counties to
29 provide constitutionally adequate counsel. Defining constitutionally adequate
30 standards was done by the bar associations. A felony attorney handling felony
31 indigent cases shouldn't handle more than 150 cases per year. That's the
32 maximum caseload the study recommended in 1992, when conditions of practice
33 were less demanding than they are now. He has almost 200 cases. The
34 department isn't able to adequately serve the clients at the current caseload. The
35 clients suffer terribly. People must be properly represented. The proposal for one
36 additional felony attorney is about two and a half attorneys short of what they
37 really need to get with the guidelines. They are going to have real problems if this
38 isn't done. The system will come to a halt. The defense attorneys are the only part
39 of the system that is constitutionally mandated. If they stop doing what they do,
40 they can't even arraign defendants.
41

42 Carol Follett, 2605 Lakeridge Drive, stated she is a member of the Chamber
43 of Commerce, but feels it is inappropriate for the County to give the Chamber
44 money because it is a political action agency. Even though the Chamber said it
45 would be careful about separating its finances, giving the Chamber money would
46 finance its entire endeavor, including the political action committee. The Chamber

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 received approximately \$34,000 funding from the City hotel/motel tax for the Ski to
2 Sea Festival.

3
4 Brenner asked if the Chamber also received money from the Visitor and
5 Convention Bureau. Follett stated that is what the hotel/motel tax is from.

6
7 Hearing no one else, McShane closed the public hearing.

8
9 **Brenner moved** to adopt the ordinance.

10
11 Brenner stated she wanted to add the social services coordinator position
12 and the family attorney position to the Public Defender's Office, and to eliminate
13 funding for the Chamber of Commerce and the Economic Development Council
14 (EDC). The EDC does a great job, but she doesn't know that the County is
15 receiving all the services it wants from the EDC. Also, this is more important, if
16 they have to make priorities. Concerns from the Public Defender's Office regarding
17 mental health issues keep being put on the back burner, and they will pay a price
18 for that at some point. The other things are nice to have, but this is a necessity.

19
20 **Brenner moved** to add additional services request (ASR) 2005-3679, a
21 social services coordinator in the Public Defenders Office starting in 2005 in the
22 amount of \$51,295.

23
24 Nelson stated many departments need help. The Council has to be frugal.
25 He agrees with providing more help to keep as many people out of the system as
26 possible. He'd like to see a plan come forward on how to do that. This motion has
27 impacts to other law and justice departments. Create a coordinated plan that
28 includes social services in the community.

29
30 Caskey-Schreiber stated she is perplexed about why the councilmembers
31 didn't hear about these requests when it discussed the budget earlier. She doesn't
32 want to start a trend to discourage people from participating in the process, but will
33 not bring requests forward at the last night. For that reason, she hesitates
34 supporting the motion. She's sure the Public Defender's Office would make good
35 use of a social services coordinator, and it's probably the best investment to reduce
36 recidivism. She's not in favor of funding for another attorney, because then the
37 Prosecutor's Office will want another attorney. The County needs to approach this
38 holistically. With the approval of the jail tax, the County will revisit the staffing
39 level for all the law and justice departments.

40
41 Crawford asked if the coordinator position would affect the attorney balance
42 between the Public Defender's Office and the Prosecutor's Office.

43
44 Dewey Desler, Deputy Administrator, stated it doesn't. The Public Defender
45 requested the position for 2006, not 2005. It's fortunate that Whatcom County has
46 a social services coordinator in the Public Defender's Office. Many counties don't
47 have that service.

1
2 Crawford stated the overcrowded jail in Whatcom County is a big problem.
3 They are about to expand jail space. Along with that additional space is added
4 cost. He asked how many people they can divert from incarceration if the County
5 makes this investment. He asked how much it costs to house one inmate per year.

6
7 Bill Elfo, Sheriff, stated it costs the County \$20,000 to \$22,000.

8
9 Crawford stated that diverting three or more person makes this investment
10 worthwhile.

11
12 Schuster stated the new jail is going to increase the number of
13 misdemeanants in the system. Misdemeanants traditionally are chemically
14 dependent and mentally ill. Those are the people the County can work with, if
15 there is staff to do that.

16
17 Crawford asked if there is a longer term success rate from the service this
18 position offers than incarceration. Schuster stated there is. Every individual is
19 different, but if they can help keep people out of jail, it's worth it.

20
21 Brenner stated this is an important service that was requested. It will
22 provide enough diversions to mental health services to pay for itself. The County
23 keeps putting mentally ill, developmentally disabled, and people with dual
24 diagnoses on the back burner. No one has a problem supporting the jail. Triage is
25 only a part of the solution. The social service coordinator is part of triage, too. She
26 appreciates that they do a lot more for the mentally ill than other counties, but they
27 don't enough. They certainly find the money to do a lot of fun things, but this is
28 something they need to do. She appreciates councilmembers' hesitancy because it
29 wasn't brought up earlier. However, she's seen this request somewhere in the
30 packet, even though it wasn't discussed. This will cut back on recidivism and bring
31 families closer.

32
33 Nelson stated no one disagrees that the service is valuable. However, the
34 position doesn't do anything other than get people into social services. They don't
35 even know what services are available or how they work in the community.
36 Evaluate the entire system holistically. Make sure the services are available.

37
38 Roy stated she agrees that the position is very important. She brought it up
39 during the committee meetings. The Council has a process. She asked every
40 department head if there was anything they wanted to lobby for. She's concerned
41 about the request coming forward at this point in time. She would rather have
42 talked about this earlier. She would like to have a discussion with the
43 administration about this issue. The administration brought together all in the
44 criminal justice system and talked about what the system needs. She asked if the
45 administration can talk more about this issue and then come to the Council with a
46 supplemental budget request. The councilmembers are sympathetic, but she's
47 concerned about the process.

1
2 Desler stated Mr. Ostlund requested the position, and said it was a lower
3 priority than the requested attorneys. The administration heard that also from the
4 courts and judges. There are tremendous cutbacks occurring in the community. If
5 the County government is going to be part of the solution, it must address services
6 in the jail, emergency management services (EMS) system, and other social
7 agencies. The social services coordinator position can provide value in 2006, but
8 do the review at the end of 2005 first.
9

10 **Crawford** stated he's more willing to look at it now. He sees the need in the
11 community. The community received a grant to do outreach for substance abuse
12 and homelessness. Folks want to make those kinds of connections. They don't
13 have to do outreach because the clients are ready. This service is ancillary to
14 incarceration, and has to do with how a person is able to cope with a situation and
15 get back on his or her feet. He's not sympathetic to violent offenders, but there are
16 other people they can keep out of the system, which will ultimately save taxpayer
17 money. He **suggested a friendly amendment** to add the coordinator beginning
18 in 2006. The public defender did not ask for this in 2005. They are funding other
19 public defender attorneys. He would vote for the motion if it goes along with what
20 the Public Defender asked for. It's not prudent to go beyond what the department
21 head asked for.
22

23 **Brenner accepted** the friendly amendment. The Council can ask the
24 administration to bring it forward in 2006, but it can't guarantee that will happen.
25 She wants to make sure it happens and the funding is in there. They can still have
26 discussions on the service.
27

28 Caskey-Schreiber stated the Mr. Ostlund ranked another deputy public
29 defender position higher than this position. She thought this budget process would
30 help the Council make the best decisions. She's leery of disrespecting the Mr.
31 Ostlund's ranking.
32

33 McShane stated this budget is well-crafted and reflects everyone's priorities.
34 This issue was discussed in committee. The committee was receptive to this
35 request. The department is struggling to provide social services. He'd be willing to
36 approve funding for 2005 because it will take time to hire a coordinator.
37

38 Roy stated she asked Mr. Ostlund whether the attorney or the coordinator
39 was more important. Mr. Ostlund said the attorney is more important. The Council
40 should not determine a department's priorities. The councilmembers were very
41 sympathetic about the coordinator position.
42

43 Crawford stated his reason for supporting the motion is not to second-guess
44 Mr. Ostlund's priorities. This position has a unique benefit. Given the resources,
45 they would love to increase staff in the entire system to deal with caseloads.
46

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 Brenner stated Mr. Ostlund would want this position filled. He may rather
2 have the attorney, but the Council isn't going to give him the attorney. That
3 doesn't mean Mr. Ostlund doesn't want the coordinator. Don't imply that the
4 Council shouldn't fund the coordinator position because it won't fund the attorney
5 position.
6

7 Caskey-Schreiber stated she was willing to consider adding a public defender
8 attorney. If there is an enormous need in the department, put funding to the area
9 it needs most, which is the public defender.

10
11 Fleetwood stated he is in favor of funding the additional attorney. The
12 Council has the option to approve funding for both positions. He will support the
13 motion.
14

15 ***Motion to amend carried 4-3 with Caskey-Schreiber, Roy, and Nelson***
16 ***opposed.***
17

18 ***Benner moved*** to add a felony attorney Deputy II for the Public Defender's
19 Office for the year 2006 in the amount of \$69,762. They keep hearing the
20 argument that they must increase staff in the Prosecutor's Office if they increase
21 staff in the Public Defender's Office. However, she's attended District Court and
22 Superior Court. It seems as if the Prosecutor's Office has more resources and the
23 Public Defender's Office is overloaded. The Prosecutor's Office may be overloaded.
24 The Prosecutor's Office represents Whatcom County. If it can't get something done
25 that is urgent, it can come to the County Council and County administration. Also,
26 the Prosecutor's Office gets to make the decision on whether or not it will prosecute
27 someone. The public defenders are required to defend someone, whether or not
28 the case should be prosecuted. The Prosecutor's Office generally does a good job.
29 However, they seem to neglect the Public Defender's Office. The County is on the
30 side of the Prosecutor's Office, and the other side needs to be adequately
31 represented.
32

33 Caskey-Schreiber stated the administration recommends approval of three
34 additional attorneys. She asked if any of those were temporary, that they've hired
35 over the past years. Desler stated two positions were hired, in 2003 and 2004.
36 The administration is making those positions an ongoing part of the budget. The
37 administration recommends a third attorney for 2005 and 2006. The department
38 has a total of 16 attorneys, including the three attorney positions.
39

40 Fleetwood asked if this is the position Mr. Komorowski proposed.
41 Komorowski stated they'd be grateful for whatever assistance they received for
42 felonies. When he spoke, he asked for a new felony attorney to replace the
43 attorney who has resigned for health reasons. They need an additional attorney for
44 felonies. By 2006, every attorney will get the equivalent of one felony per day.
45 They can't handle those caseloads. A deputy I position would be fine.
46

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 Caskey-Schreiber stated two attorneys are working in temporary positions
2 that the Council is making permanent. The Council is adding a third position. She
3 asked if that will not significantly address the caseload issues. Komorowski stated
4 it will not. The attorney is being added due to changes in State and federal mental
5 health laws. They've been told they can expect mental health hearings to double.
6 In the past, they've spread those cases out amongst the felony attorneys.
7 However, they anticipate as many as 227 hearings, which is more than a full
8 caseload. The new attorney is for the mental health hearings and the Becca Bill
9 cases.

10
11 Caskey-Schreiber stated she used to work with the involuntary commitment
12 team at Whatcom Counseling and Psychiatric Clinic. There is no way they would be
13 able to commit 237 people in a year. She asked how it can increase that
14 significantly. Komorowski stated there are changes in law that affect Medicaid and
15 Medicare. This was the subject of a discussion by department heads. This statistic
16 is what they were told. They have begun to see an increase in mental health and
17 alcohol commitment hearings. That caseload will rise significantly, which they're
18 beginning to see.

19
20 Caskey-Schreiber stated she has reservations about requests being brought
21 forward at tonight's meeting. She would rather deal with this when the Council has
22 it's earlier meetings.

23
24 Roy stated she is uncomfortable with what may happen with staffing. She is
25 a member of the regional mental health board and is aware of what is happening
26 with mental health funding. She would be reluctant to predict how things will turn
27 out. There is conflicting information about what the changes will mean.

28
29 *(Clerk's Note: End of tape one, side B.)*

30
31 Roy continued to state that she can't support additional staffing at this time,
32 until they can work these things out with the administration.

33
34 Brenner stated she sits on the Mental Health Advisory Board, which is
35 making those predictions. The changes will mean a huge increase in local
36 incarceration. Also, the Becca Bill is a choice for the Prosecutor to prosecute or not.
37 She doesn't approve of the Becca Bill. It's a ridiculous waste of time. It had great
38 intentions, but was washed down and changed at the legislature, which turned it
39 into a truancy regulation. It wasn't supposed to have anything to do with truancy
40 to begin with. King County found a way to make it a lower priority and not even
41 prosecute many of those cases. Whatcom County should follow. She explained the
42 origin of the Becca Bill. This bill was supposed to allow parents to have some say in
43 their runaway children between the ages of 13 to 18. However, it was changed into
44 a truancy bill. This bill was dumped onto the Public Defender.

45
46 Fleetwood stated they have these appeals to add an additional attorney
47 every year. There is still a dire and well-documented need in that office. He

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 recognizes that they have to be concerned with staff in all departments. However,
2 there is a greater documented need in this office. There are issues in the
3 department with esteem, morale, and frustration. It all relates to the requirement
4 to provide constitutionally adequate representation. It's not the fault of the
5 excellent attorneys in the office. Their caseloads, even with the additions, are way
6 too high. There was a mention of fiscal discipline, which he's sensitive about.
7 However, the County's reserves are high. He is concerned about the reserves in
8 the long haul, and they'll have to do something about it in the next several years.
9 However, they can afford to do this now. It comes down to the human beings who
10 are involved. People are at risk of the loss of liberty for a very long time. They
11 deserve it. It's constitutionally required. The additional expenditure at this time is
12 appropriate and justified.

13

14 Caskey-Schreiber stated she is against the motion. Wait and see how the
15 three new positions affect the department. She hesitates doing anything now
16 because this was presented at the last minute. The budget committee, which met
17 for three days, should have discussed it.

18

19 Nelson stated he is reluctant to support last minute changes without going
20 through a budget process, which makes sure there is fairness and equity. It will
21 give the departments the message that they don't have to go to the committee
22 hearings, just the final Council meeting. The Council doesn't get its questions
23 answered. The Council needs to hear what the caseloads and impacts are from Mr.
24 Ostlund.

25

26 Crawford stated this is the budget process. It was debated at length during
27 the budget meetings and tonight. Making the request now is very appropriate. He
28 is against the motion, but he disagrees about last minute requests. This is the
29 process.

30

31 Brenner stated this is the process. In addition, Mr. Ostlund did make this
32 request. He went through the budget process to request four attorneys, and
33 someone from his office came to this meeting and requested it again. This isn't a
34 last-minute request. It's gone through the process. The department didn't get
35 what it asked for during the process, and staff is coming to this meeting to make a
36 last attempt to plead their case. She will propose a few other changes for
37 reductions in the budget, which will even out the funding.

38

39 Desler stated the administration also added \$50,000 to the Superior Court
40 budget for conflict counsel, which is a 20 percent increase and will handle additional
41 workloads in public defense. The administration and other counties are trying to
42 obtain many more resources from the State legislature for public defender services.
43 They'll know by May, and it will be effective July 1. Any resources appropriated will
44 be additional to these resources.

45

46 ***Motion to amend failed 2-5 with Fleetwood and Brenner in favor.***

47

1 **Brenner moved** to amend to eliminate the funding to the Chamber of
2 Commerce for the Ski to Sea Festival in the amount of \$29,000.

3
4 Caskey-Schreiber stated the administration assured her that the Council
5 could provide funds only when the Chamber presents invoices for Ski to Sea
6 Festival direct expenses, which is why she will support the funding.

7
8 Brenner stated that if the Council provides this funding, it frees up other
9 Chamber of Commerce money that can be spent on political action. The Council
10 shouldn't do that. She didn't realize the Chamber will receive a large sum of
11 money from the Visitor and Convention Bureau. The Chamber can afford to take
12 care of it without additional County funding. The County has other, more important
13 needs. The Chamber will put on the Ski to Sea Festival with or without funding
14 from the County.

15
16 Roy stated she is not against the Ski to Sea Festival. Her issue is that the
17 Chamber of Commerce came to the County six months ago to say it will no longer
18 take public money because it is turning into a political action organization. Now, it
19 is asking for public taxpayer money for the festival. The issue is that taxpayer
20 money will go to an admitted political action group. This is a bigger issue than
21 funneling money through the Chamber. If the County wants to support the festival,
22 there is another way to do it.

23
24 Crawford stated that he is in favor of funding the Ski to Sea Festival. In a
25 political action venue, the County should not give the Chamber any money.
26 However, they need to support the festival. The Council gave Mr. Oplinger very
27 clear information that next year the Council will look at how Ski to Sea is funded,
28 separate from the Chamber.

29
30 **Motion failed 3-4 with Roy, Brenner, and McShane in favor.**

31
32 Crawford stated the Council is voting on a slightly different budget from what
33 is in the packet. The budget is different by about \$67,000, due to technical
34 corrections and other discussion with the Council over the last several weeks.
35 Desler stated the changes are in the Council packet, on page 251. The technical
36 corrections are already in the summary of the ordinance.

37
38 **Brenner moved** to eliminate funding in the amount of \$20,000 for the EDC
39 in 2005. She's not convinced the County is getting the proper amount of support
40 from the EDC. She's also not convinced that the County is not doing its own
41 evaluation.

42
43 Caskey-Schreiber stated she is on the EDC Board, and has gained an
44 appreciation for what it does in the community. Executive Kremen is also on the
45 board. The EDC's job now is to work on retention issues for businesses in the
46 county. The EDC has done that well. This is the first year that it handled the
47 Washington Community Economic Revitalization Team (WA-CERT) applications.

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 There were more applications than ever this year. This is also the first or second
2 year the EDC has handled the Economic Development Initiative (EDI) Board loan
3 applications. If the County communicated to the EDC what the County needs, the
4 EDI would be more than willing to accommodate that need. The EDC has worked
5 hard to put together a strong list of deliverables to the community. Now, the
6 Council knows how the EDC is using the taxpayer's dollars. The new executive
7 director has only been in the position for a year, and there have been tremendous
8 changes. The board is trying to become as fiscally responsible as possible and
9 figure out the role it should fill in the community, which is business retention. It is
10 also trying to facilitate cross-border business. It's a lean organization that is vital
11 to the community.

12
13 **Brenner** stated she hasn't seen what the EDC has done, but Councilmember
14 Caskey-Schreiber has, and convinced her to **withdraw her motion**.

15
16 **McShane moved** to add \$25,000 for the year 2005 for a lobbying position
17 to improve the interaction between the County, the State, and the Washington
18 Association of Counties.

19
20 Caskey-Schreiber asked Executive Kremen's perspective on the motion.

21
22 Pete Kremen, County Executive, stated he must reluctantly oppose the
23 motion. In his opinion, given his ties with the legislature, the Council of
24 Governments, the Washington Association of Counties, and the legislators, the
25 County has had a successful relationship with the State legislators and governor. If
26 money were not an issue and the County had an excess of funds, a lobbyist may be
27 desirable. Now, given the financial picture, he doesn't wish to appropriate any
28 money for that kind of expense.

29
30 Fleetwood asked Mr. Kremen if he plays the part of the lobbyist adequately.
31 Kremen stated he does. Given his relationship with the Washington Association of
32 Counties, he's had several opportunities to go to Olympia. This county is well-
33 served and has a presence in Olympia. He doesn't recommend spending \$25,000
34 on this item.

35
36 Crawford asked how much they budgeted for two years in dues for County
37 Executives of America. Kremen stated the dues amount is \$1,000. His
38 appointment to the Board of Directors of the County Executives of America has
39 gained Whatcom County immensely.

40
41 Crawford stated that over the two years, they are spending \$130,000 on
42 dues for Washington State Association of Counties (WSAC), Washington Association
43 of County Officials (WACO), County Executives of America, and the National
44 Association of Counties (NaCO), which are coalitions for the specific purpose of
45 lobbying. In addition, they are funding a portion of the Council of Governments
46 lobbyist. If the Council feels the need to take on a particular issue, it can approve a
47 supplemental budget request.

1
2 Roy stated the County councilmembers work part time. Everyone except her
3 and Councilmember Brenner has full-time jobs. It's not reasonable to expect that
4 this Council can go to Olympia on a regular basis. Kremen stated he represented
5 this community for eleven years in Olympia. As a legislator, he continually
6 contacted the legislative bodies. The County continues to get that interface with all
7 the federal and State legislators representing Whatcom County. The
8 councilmembers can have that relationship as well. He encouraged the
9 councilmembers to use their representation to its utmost.

10
11 Roy stated she is uncomfortable with the motion because they didn't talk
12 about it in committee, instead of tonight. She tends to support this position. If
13 lobbying was specific to the County Council, they could bring in funds and programs
14 to the County. The Council, at times, has a different focus and different priorities
15 from the Executive.

16
17 McShane stated there have been issues that have come up in Olympia where
18 Whatcom County missed the boat on a number of issues important to Whatcom
19 County. WSAC is good, but it sometimes doesn't take the position as Whatcom
20 County. There are times when Whatcom County needs it's own lobbyist. If the
21 Council is not ready to approve this at this time, he is interested in supporting a
22 supplemental budget request in the future.

23
24 Brenner stated she won't support the motion. For her, being a
25 councilmember is a full-time job that pays \$12,000 per year. The Executive gets
26 paid approximately \$100,000. People work very hard on the Council. They can't
27 have any more meetings than they have now. Whatcom County has one of the
28 few, or only, part-time councils set up this way in the state. It's important for
29 people to understand that. Going to Olympia is not on her list of things that need
30 to be done. However, the administration deals well with Olympia. She is against
31 the motion.

32
33 Caskey-Schreiber stated she agreed with Councilmember McShane. There
34 have been issues on which WSAC opposes Whatcom County's position. Many who
35 participate in WSAC are full-time commissioners in rural areas who have a different
36 position. This job doesn't pay enough for her to take time off from her paying job
37 to go to Olympia. Until that happens, the Council needs to depend on someone to
38 represent it in Olympia. She communicates frequently with all the legislators, but
39 sometimes it's hard to connect with them. She supports the motion.

40
41 McShane stated the Whatcom County Council is the lowest paid legislative
42 body in the state of Washington. That has an impact on their efforts in Olympia.

43
44 Nelson stated he's concerned about the perception. The lobbyist would
45 represent the Council, not certain individuals on the Council, which can be
46 confusing to everyone. If an issue is important to him, he will go to Olympia.

47

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 Fleetwood stated he won't support the motion tonight because he has many
2 questions that need to be raised. He is open to considering the supplemental
3 budget request.

4
5 ***Motion failed 2-5 with McShane and Caskey-Schreiber in favor.***
6

7 McShane stated the administration worked well with the Council, saved the
8 County much money, and made the councilmembers' jobs easier. The budget
9 reflects the Council's wishes. They have worked on this all year long.

10
11 Kremen stated he agreed with Councilmember McShane. He appreciates the
12 Council's collaboration and sincere concern for what the administration and
13 community are doing. This budget couldn't be much better. He is sensitive and
14 supportive of all department heads, staff, and elected officials. They didn't get
15 everything they wanted. They requested many things that the administration
16 couldn't grant.

17
18 He commended Administrative Services Department Director Dewey Desler,
19 Finance Division Manager Brad Bennett, and Senior Budget Analyst Marianne
20 Caldwell. They are the best. Everyone in the community is fortunate to have their
21 services. The experience has been painstaking, long, gratifying, and rewarding.
22 He thanked the Council.

23
24 ***Motion to adopt the ordinance as amended carried unanimously.***
25

26 **5. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMIT ON**
27 **LUMMI VIEW DRIVE FOR A SCHOOL ZONE (AB2004-371)**
28

29 Joe Rutan, County Road Engineer, gave a staff report and stated he is
30 available for answering questions.

31
32 McShane opened the public hearing and, hearing no one, closed the public
33 hearing.

34
35 ***Caskey-Schreiber moved*** to adopt the ordinance.
36

37 ***Motion carried unanimously.***
38

39 **6. ORDINANCE EXTENDING THE SUNSET DATES FOR DRAYTON HARBOR**
40 **AND PORTAGE BAY SHELLFISH DISTRICTS (AB2004-372)**
41

42 McShane opened the public hearing and, hearing no one, closed the public
43 hearing.

44
45 ***Roy moved*** to adopt the ordinance.
46

47 *(Clerk's Note: End of tape two, side A.)*

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

4 **7. ORDINANCE ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT**
5 **PROGRAM 2005-2010 (APPENDIX F OF THE WHATCOM COUNTY**
6 **COMPREHENSIVE PLAN) (AB2004-337)**
7

8 McShane opened the public hearing and the following people spoke:
9

10 Laura Rink, 995 Lakeview Street, stated she is opposed to the Whatcom
11 Connector. Increasing vehicle capacity will increase development and traffic.
12 Sudden Valley poses a greater threat to the watershed. The connector will not
13 protect the watershed. Remove the connector from the Comprehensive Plan.
14

15 William Rink, 995 Lakeview Street, stated he is opposed to the Whatcom
16 Connector. If they believe in the health of the Lake Whatcom watershed, don't add
17 another road to the watershed. To get vehicles off the lake's edge, people need to
18 use Lake Louise Drive. There are ways to get people to do that. Remove it from
19 the Comprehensive Plan.
20

21 Barry Englestad, 995 Lakeview Street, stated he is opposed to the Whatcom
22 Connector. The Interstate 5 corridor in Washington is starting to look like the
23 corridor in Los Angeles. People move here for the rural community and to gain a
24 quality of life. Pollution has become the paramount issue in the watershed. Keep
25 the rural nature of the area. A large arterial road will bring more growth to the
26 watershed. They will need expensive treatment of the drinking water. Remove the
27 connector from the Comprehensive Plan.
28

29 Donna Clark, 2502 Northshore Road, stated she supports the Whatcom
30 Connector. Traffic problems are only going to get worse. Development is already
31 here. Removing the connector will create a burden on the residents of Geneva,
32 Lakeway Drive, and Northshore Road. Don't remove the connector from the
33 Comprehensive Plan. Many people signed petitions to keep the connector. The
34 Whatcom Connector road will not cause more growth that is already there.
35

36 Gary Clark, 4821 Fir Tree Way, stated he supports the Whatcom Connector.
37 Not everyone will be happy with any decision. The safety of children walking to
38 Geneva school is an issue. The design of the current road is inadequate. There are
39 traffic problems in Geneva. Keep the Whatcom Connector option open. The people
40 in Lakeview live in a beautiful neighborhood, but he lives where all the cars drive.
41 Spread out a portion of those cars. A portion of those cars that drive in the Geneva
42 area could travel into town on the southern side of the watershed, which is land
43 owned by the State Department of Natural Resources (DNR). As long as they don't
44 sell that land, it can't be developed. The County could purchase the land to control
45 the growth. Get some of the cars off the lake in the summer.
46

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 Jerry Curtis, 935 Lakeview Street, stated he owns property on both sides of
2 the proposed connector. He is opposed to the Whatcom Connector personally. The
3 property is his investment for retirement. He wants to keep his place secluded.
4 Improve the existing routes, and don't build the connector.
5

6 Bob Wiesen, 3314 Douglas Road, Ferndale, asked the Council to not remove
7 the Whatcom Connector from the Six-Year Transportation Improvement Plan. He
8 asked when there was a public notice that the Council was going to make this
9 change. The quicker they remove cars from the lake, the lower the impact on
10 water quality. Many people were involved in keeping the connector in the plan.
11 Lately, the Council has been doing a lot of un-planning.
12

13 Hearing no one else, McShane closed the public hearing.
14

15 McShane asked the best way to remove the Whatcom Connector from
16 County plans is to bring forward an amended resolution for the 2005-2010
17 Transportation Improvement Plan (TIP).
18

19 Sylvia Goodwin, Planning Division Manager, stated the connector is in the
20 Six-Year TIP, which the Council adopted in July. It is also in this document. Both
21 reference a resolution that has already been adopted. The Council needs to amend
22 the Six-Year TIP next year.
23

24 Jeff Monsen, Public Works Director, stated he's never gone through a process
25 to amend the Six-Year TIP mid-year. If the Council wishes to remove any
26 consideration of the Whatcom Connector, then simply make that statement and
27 staff will amend all the documents in due course. If the Council voted to remove
28 the consideration of the connector as a policy direction, then that is the direction
29 the staff and administration will go.
30

31 Brenner suggested holding a public hearing on the Whatcom Connector
32 issue.
33

34 McShane asked if the Council can hold a public hearing on two versions of
35 this ordinance, one with the connector and one without the connector. Goodwin
36 stated this document is the six-year Capital Improvement Plan, which is related to
37 the budget. They don't want the budget out of balance with the Capital
38 Improvement Plan. They are always scheduled for adoption together.
39

40 Crawford stated removing the connector would be a change to the
41 document. Regardless of whether or not the Council wants to hold a hearing on the
42 connector issue, it needs to leave this language in this ordinance tonight. It needs
43 to be adopted. If the Council hears from the community that it's time to review the
44 issue, then it should hold a public hearing that would result in a resolution from the
45 Council to make a change. Mr. Monsen and Ms. Goodwin can react to the
46 resolution by changing pertinent documents. It's premature to take any action on
47 the Lake Whatcom Connector in this document tonight.

1
2 Brenner stated she agreed with Councilmember Crawford.
3

4 **McShane** stated the Council could have a hearing on only the option of the
5 Whatcom Connector. He **moved** to adopt the ordinance.
6

7 Fleetwood asked the benefit of doing a public hearing over waiting until June.
8

9 McShane stated it would provide some resolution to people who are thinking
10 about it now. If they wait until June, it may get lost in the six-year plan. There
11 have also been changes regarding land use and the potential for growth in the
12 watershed that are significant to the connector. The amount of build out
13 anticipated as a result of this connector is not what it use to be.
14

15 Fleetwood stated his concern is whether or not the connector will bode well
16 for water quality. He asked if there is adequate information on the effects of a
17 connector on water quality on the record that the councilmembers can review.
18

19 McShane stated the Council would focus on this issue alone, and get all that
20 information. The Council would make its decision based on the information before
21 it, such as the build out that could occur, studies that have been done, water
22 quality impacts, and cost to the road fund. It would be better to have a public
23 hearing that focus just on the connector.
24

25 Crawford asked the change the Council did to this ordinance that brought
26 this to a hearing tonight.
27

28 Fleetwood stated the Planning Committee discussed whether or not the
29 Council should remove the connector.
30

31 Goodwin stated a related item in Appendix F deals with transportation impact
32 fees. It's also in Chapter 6 of the Comprehensive Plan and in the Lake Whatcom
33 Subarea Plan. The committee did not make any other substantive change to this
34 ordinance. The Capital Facilities Plan hearing was scheduled to go along with the
35 budget so if there were changes to one, the other could be changed also.
36

37 Caskey-Schreiber stated the Council should hold this over for a public
38 hearing to talk about it, and make a decision in the next month. They've always
39 been told that they can't remove it from the TIP because it is in the Comprehensive
40 Plan. She is opposed to the connector, however she might consider it if
41 development opportunities are removed. The rights of citizens in the area have
42 been put on hold. Settle the issue either way.
43

44 Brenner stated she's not in favor of holding up this ordinance. Have a
45 special hearing later. The most recent study of the connector was done in 1992,
46 and it said the connector would be obsolete before it's built. It's an old study.
47 They need more information.

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 Caskey-Schreiber asked if the Council is committing itself to the connector
3 by approving the language as it is. Monsen stated it is in the six-year TIP for years
4 four through six, but not the 2005-2006 budget. The only thing that would change
5 practically would be how the staff manages the corridor in terms of the building
6 permit applications. Right now, the County reserves the ability to construct a
7 roadway.

8
9 Monsen asked if a Council resolution on a Whatcom Connector policy would
10 change the administration's approach. Monsen stated he would have to check with
11 legal counsel. From a practical standpoint, he will change how they operate
12 administratively. The position taken by the Council at any time on this matter is
13 how administration will proceed. It's not the first time the Council's position has
14 changed.

15
16 Crawford stated he is opposed to removing the Slater Road Connector.

17
18 Brenner stated Map F6 does not include the Civic Center building, and it
19 should. She would talk to staff about it later.

20
21 ***Motion to adopt the ordinance carried 6-1 with Crawford opposed.***

22
23 *(Clerk's Note: The Council took a twelve-minute break at 10:00 and*
24 *Councilmember Nelson left the meeting. End of tape two, side B.)*

25
26
27 **CONSENT AGENDA**

28
29 ***Crawford*** reported for the Finance and Administrative Services Committee
30 and ***moved*** to approve Consent Agenda items one through seven. The correct
31 amended amount in item four is \$104,225.

32
33 ***Motion to approve Consent Agenda items one through seven carried***
34 ***6-0 with Nelson absent.***

- 35
36 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND HEALTH**
38 **PROMOTION NETWORK FOR EMPLOYEE ASSISTANCE PROGRAM**
39 **(EAP) SERVICES IN THE AMOUNT OF \$3.95 PER EMPLOYEE PER**
40 **MONTH FOR EAP SERVICES, AND \$200 PER HOUR FOR TRAINING**
41 **(AB2004-380)**
42
43 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
44 **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**
45 **AND ST. JOSEPH HOSPITAL FOR OUTPATIENT SUBSTANCE ABUSE**
46 **SERVICES, IN A VARIABLE AMOUNT DEPENDING UPON COUNTY PRE-**
47 **AUTHORIZATIONS (AB2004-381)**

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 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
3 **JOINT FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND**
4 **UNITED STATES GEOLOGICAL SURVEY FOR STREAM FLOW GAGE**
5 **NETWORK MAINTENANCE FOR EARLY FLOOD WARNING PROGRAM,**
6 **IN THE AMOUNT OF \$48,160 FOR THE COUNTY SHARE, FOR A TOTAL**
7 **PROJECT COST OF \$59,480 (AB2004-382)**
8
- 9 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
10 **AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES**
11 **AGREEMENT BETWEEN WHATCOM COUNTY AND WALKER AND**
12 **ASSOCIATES FOR THE DEVELOPMENT OF TOPOGRAPHIC MAPPING OF**
13 **THE NORTH FORK, SOUTH FORK, MIDDLE FORK, AND MAINSTREAM**
14 **OF THE NOOKSACK RIVER, IN THE AMOUNT OF \$21,987, FOR A**
15 **TOTAL AMENDED AMOUNT OF \$126,212 (AB2004-383)**
16
- 17 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
18 **72 TO THE ONLY BIDDER, EQUIPMENT SALES CO., INC. FOR A**
19 **SURFACE MOUNTED TRUCK HOIST, IN THE AMOUNT OF \$82,844.09**
20 **(AB2004-384)**
21
- 22 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **LEASE AGREEMENT BETWEEN WHATCOM COUNTY (PARKS &**
24 **RECREATION) AND DEBORAH HIGHLEY FOR THE OPERATION OF A**
25 **PUBLIC EQUESTRIAN FACILITY AT SUNSET FARM, IN THE AMOUNT**
26 **OF \$800 PER MONTH (AB2004-385)**
27
- 28 **7. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
29 **NEGOTIATION, REQ. #08-04 (AB2004-386)**
30
31

OTHER ITEMS

- 32
33
34 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.28.010, OPEN**
35 **SPACE CLASSIFICATION PROCEDURES (AB2004-373)**
36

37 *Fleetwood* reported for the Planning and Development Committee and
38 *moved* to adopt the ordinance.
39

40 *Motion carried 6-0 with Nelson absent.*
41

- 42 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**
43 **APPLICATION FOR A LIQUOR LICENSE FOR THE THAI STEAK HOUSE,**
44 **8124 BIRCH BAY DRIVE, BLAINE (AB2004-388)**
45

46 *Roy moved* to approve the request.
47

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 ***Motion carried 6-0 with Nelson absent.***
2
3

4 **2004 COMPREHENSIVE PLAN AMENDMENTS**
5

6 **1. ORDINANCE ADOPTING AMENDMENTS TO THE TRANSPORTATION**
7 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
8 **ESTABLISHING POLICIES TO IMPLEMENT THE BICYCLE PLAN AND**
9 **CONSIDER UTILIZING ITS TECHNOLOGY IN TRANSPORTATION**
10 **PROJECTS (AB2004-355)**
11

12 ***Fleetwood*** reported for the Planning and Development Committee and
13 ***moved*** to forward to the concurrency meeting.
14

15 ***Motion carried 6-0 with Nelson absent.***
16

17 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
18 **COMPREHENSIVE PLAN RELATING TO TRANSPORTATION IMPACT FEE**
19 **BACKGROUND INFORMATION (APPENDIX G OF THE WHATCOM**
20 **COUNTY COMPREHENSIVE PLAN) (AB2004-370)**
21

22 ***Fleetwood*** reported for the Planning and Development Committee. The
23 committee recommended amending the document to remove the Whatcom
24 Connector. Given the discussion earlier, he would make his own motion to forward
25 to concurrency. He ***moved*** to forward to the concurrency meeting.
26

27 ***Motion carried 6-0 with Nelson absent.***
28

29 **3. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
30 **COMPREHENSIVE PLAN, CHAPTER 9 – RECREATION (AB2004-352)**
31

32 ***Fleetwood*** reported for the Planning and Development Committee and
33 ***moved*** to forward to concurrency meeting.
34

35 ***Caskey-Schreiber moved*** to amend Council packet page 134. policy 9D-5,
36 to require new subdivisions to acquire access to open space and recreation
37 opportunities, "...should be encouraged **required** as new subdivisions..." Growth
38 impacts everyone. The least they can do is to see that growth mitigates for
39 residents nearby to make sure they have access to open space and recreation
40 opportunities.
41

42 Crawford stated he is against the motion. In large subdivisions and master
43 plans, they do need to look at that issue. However, the Comprehensive Plan should
44 not say "shall." If the Council wants to adopt specific policies, it must look at the
45 threshold by which those things should be provided.
46

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 Caskey-Schreiber stated the committee had an extensive discussion with
2 Troy Holbrook, who said the staff would come up with rules about it. It could be an
3 impact fee proportionate to the development. The language change just provides
4 direction to the staff in coming up with regulations.
5

6 Roy stated she agreed with Councilmember Roy. The plan provides direction.
7 The particulars come later. She supports the motion. She wanted to also require
8 trails in policies 9C-17 and 9C-18. The motion covers her two concerns. The
9 Council needs to get serious about requiring these things. The quality of life in
10 many places doesn't include these facilities.
11

12 Brenner stated staff will come to the Council with a proposal. The plan is not
13 the place to require anything. There will always be exceptions to the rules. Don't
14 tie the County's hands. Very small developments or property divisions shouldn't be
15 required. Create a threshold.
16

17 Crawford stated the concern is covered on Council packet page 142, action
18 plan item 43. The Council needs to be cautious and hear all sides of the issue. An
19 impact fee may be the least cost-effective and most burdensome way to provide
20 parks to the community. He's opposed to the Comprehensive Plan saying that
21 things must occur in that direction.
22

23 McShane stated he's comfortable with new action item 19. Think carefully
24 about funding acquisition of land, farms, affordable housing, and open space with
25 the real estate excise tax (REET) 3, however it requires a vote of the people. It
26 may be a more progressive method of funding parks without charging impact fees.
27 The people who benefit financially pay. The Council is not near that yet. Move
28 toward setting aside open space and recreational opportunities as the community
29 grows. He's comfortable with the language as it is.
30

31 Crawford stated REET is a more equitable way of distributing the cost of
32 these things, rather than impact fees. It's more equitable.
33

34 ***Motion to amend failed 2-4 with Caskey-Schreiber and Roy in favor***
35 ***and Nelson absent.***
36

37 ***Motion to forward to the concurrency meeting carried 6-0 with***
38 ***Nelson absent.***
39

40 **4. ORDINANCE REVISING AND AMENDING THE WHATCOM COUNTY**
41 **COMPREHENSIVE PLAN, CHAPTER 3 – HOUSING (AB2004-353)**
42

43 ***Fleetwood*** reported for the Planning and Development Committee and
44 ***moved*** to hold a public hearing. The committee recommends an amendment. He
45 moved to amend Council packet page 189, goal 3G, "Identify and remove
46 impediments to affordable housing **where possible and appropriate.**"
47

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 Caskey-Schreiber stated this statement, without the amendment, could be
2 used in an argument that the Council is mandated to make any land readily
3 available for development, to keep prices low. That won't solve the affordable
4 housing problem.

5
6 Crawford stated land supply has a very direct correlation with housing cost.
7 The highest cost of a home is the lot.

8
9 Caskey-Schreiber stated they won't solve affordable housing problems by
10 building their way out of the problem. They have to do more than that. Housing
11 costs rise according to the market.

12
13 ***Motion to amend carried 4-1-1 with Nelson absent, McShane***
14 ***opposed, and Crawford abstaining.***

15
16 McShane stated the public hearing would be scheduled on December 7, 2004.

17
18 ***Motion to schedule a public hearing as amended carried 6-0 with***
19 ***Nelson absent.***

20
21 **5. ORDINANCE REVISING AND AMENDING THE WHATCOM COUNTY**
22 **COMPREHENSIVE PLAN, APPENDIX A (GLOSSARY), APPENDIX B**
23 **(LIST OF ACRONYMS) AND APPENDING D (BIBLIOGRAPHY)**
24 **(AB2004-354)**

25
26 ***Fleetwood*** reported for the Planning and Development Committee and
27 ***moved*** to forward to concurrency meeting.

28
29 ***Motion carried 6-0 with Nelson absent.***

30
31
32 **INTRODUCTION ITEMS**

33
34 ***Brenner moved*** to accept the Introduction Items, including the addendum
35 item 12.

36
37 ***Motion carried 6-0 with Nelson absent.***

38
39 ***McShane moved*** to accept Introduction Item 12.

40
41 ***Motion carried 6-0 with Nelson absent.***

42
43 **1. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM**
44 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2005 (AB2004-389)**
45 **(COUNCIL ACTING AS THE FLOOD CONTROL ZONE DISTRICT BOARD**
46 **OF SUPERVISORS)**

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. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
2 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
3 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
4 **LYNDEN/EVERSON SUBZONE (AB2004-390) (COUNCIL ACTING AS**
5 **THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
6
- 7 **3. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
8 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
9 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
10 **ACME/VAN ZANDT SUBZONE (AB2004-391) (COUNCIL ACTING AS**
11 **THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
12
- 13 **4. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
14 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
15 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
16 **SUMAS/NOOKSACK/EVERSON SUBZONE (AB2004-392) (COUNCIL**
17 **ACTING AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF**
18 **SUPERVISORS)**
19
- 20 **5. RESOLUTION CONDITIONALLY APPROVING THE COMPREHENSIVE**
21 **SEWER PLAN FOR POINT ROBERTS WATER DISTRICT NO. 4 (AB2004-**
22 **393)**
23
- 24 **6. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION, REQ.**
25 **#08-04 (AB2004-386A)**
26
- 27 **7. ORDINANCE RELATING TO TAXATION AND IMPOSITION OF AN**
28 **EXCISE TAX ON TIMBER HARVESTED FROM PRIVATE LANDS AND**
29 **FROM PUBLIC LANDS (AB2004-394) (HEARING TO BE HELD)**
30
- 31 **8. PROPOSED ORDINANCE AMENDING THE WHATCOM COUNTY**
32 **COMPREHENSIVE PLAN, CHAPTER 2 – CHERRY POINT URBAN**
33 **GROWTH AREA (AB2004-395)**
34
- 35 **9. PROPOSED ORDINANCE AMENDING THE WHATCOM COUNTY**
36 **COMPREHENSIVE PLAN, CHAPTER 2 – CUSTER PROVISIONAL URBAN**
37 **GROWTH AREA (AB2004-396)**
38
- 39 **10. ORDINANCE AMENDING 2004 WHATCOM COUNTY BUDGET,**
40 **FOURTEENTH REQUEST (AB2004-397)**
41
- 42 **11. RESOLUTION ORDERING AN ELECTION FOR THE PROPOSED POINT**
43 **ROBERTS PUBLIC HOSPITAL DISTRICT (AB2004-377)**
44

45 **Addendum:**
46

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 **12. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
2 **COMPREHENSIVE PLAN, CHAPTER 8, MINERAL RESOURCE LANDS**
3 **(AB2004-400)**
4

5
6 **OTHER BUSINESS**
7

8 There was no other business.
9

10
11 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
12

13 Brenner reported that she had attended a Methamphetamine Action Team
14 Summit. She's excited about the interaction among all the agencies and
15 community. The team is doing a great job getting people organized. They are
16 going to see recommendations for changes from the action team.
17

18 Caskey-Schreiber stated she toured the Kendall area in a ride-along with a
19 sheriff deputy. She was passionate and disturbed about what she saw. She hoped
20 they can all come together to solve the problems in that area. The conditions of
21 that area are frightening. It's a highly neglected area.
22

23 Crawford stated he liked the concept of a trash or garbage amnesty day for
24 that area.
25

26 McShane stated the Solid Waste Advisory Committee can discuss it. The City
27 of Bellingham did that in some neighborhoods, and the cost got out of hand.
28 However, it was very positive for some neighborhoods, who really need it.
29

30 Caskey-Schreiber stated that once an area is cleaned up, people behave
31 differently. The problems in that area are so huge and overwhelming that people
32 do nothing but add to the problems.
33

34 McShane stated he attended the Board of Natural Resource meeting, which
35 voted to adopt the Lake Whatcom Landscape Plan with a couple of amendments.
36 He thanked the County Council, City Council, and Water District 10 commissioners
37 for supporting the last-minute change. He also thanked Dave Grant for the well-
38 done petition. Regardless of what was adopted in the resolution, an aspect of
39 implantation of the plan is a new position on the Interjurisdictional Committee from
40 the Planning Department. The County has to commit to make sure the plan is
41 implemented by supporting the Interjurisdictional Committee.
42

43
44 **ADJOURN**
45

46 The meeting adjourned at 10:42 p.m.
47

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
3
4
5
6
7
8
9
10
11
12
13

Jill Nixon, Minutes Transcription

The Council approved these minutes on November 23, 2004.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair