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

4 June 1, 2004
5

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

9 Present:

10 Dan McShane

11 Sharon Roy
12

Absent:

None

13 Also Present:

14 Barbara Brenner

15 Seth Fleetwood

16 Laurie Caskey-Schreiber
17
18

19 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**
20

21 **1. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
22 **SIXTH REQUEST (AB2004-214)**
23

24 Dewey Desler, Deputy Administrator, read through the list of supplemental
25 budget requests. The nine items from the Planning Department for the one-stop
26 shop can be supported by additional revenue from increased capacity. They still
27 hope to find additional revenue sources to pay for the additional public defender.
28 Funding so far has come from the extra help item. There are additional unbudgeted
29 funds from the hotel/motel tax that can go to the triathlon event. They will use the
30 real estate excise tax (REET) to pay for the partial cost of the purchase of land on
31 Division Street to construct a jail and other facilities. That requested amount would
32 be supplemented with the trade of additional County-owned property.
33

34 Roy stated she supports the requests for the PDS one-stop shop. It's paying
35 for itself. There is a crisis in the department in terms of the public's perceptions.
36

37 Crawford asked for information about discussion in the past about funding
38 the public defender position.
39

40 John Ostlund, Public Defender, stated last June, he came to the Council
41 because the felony caseload skyrocketed. He shifted his staff around from the
42 Juvenile Division. He tried to reduce staff in District Court. That did not work. He
43 is asking for funding through 2003 to handle the felony caseloads. That was
44 granted. In 2004, he put in a budget request to continue the position, but
45 Executive's Office held it back. In November, he indicated that if he can't maintain
46 the attorney staff, he would have to do something with Superior Court. He would
47 have to stop taking some cases. The Executive's Office allowed him to continue

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1 that third attorney from extra help funds. At the same time, he proposed raising
2 the recoupment costs for District Court, Juvenile Court, and Superior Court by triple.
3 That was done in Superior Court, but all his clients pay on a payment plan. Any
4 increased revenues from that will come in eventually, but not now. For District
5 Court, the judges haven't yet approved the increase in the recoupment costs. In
6 the last six months, District Court caseloads shot up from 1,500 cases to 1,800
7 cases per attorney. He submitted a letter that explains everything.

8
9 McShane stated this has been before the Council in one way or another. He
10 asked if there is a problem with staff given the lack of certainty of the position.
11 Ostlund stated he's had problems with turnover given the caseloads. The
12 temporary nature of the funding for the position has been difficult on the staff
13 person, who doesn't accrue vacation or seniority.

14
15 Roy asked if they don't have any control over the caseload. It's not like the
16 public defender can decide to not defend anyone. She asked if there are penalties
17 and if someone evaluates the effectiveness of the defense. Ostlund stated there are
18 two issues. One issue is if they have too many cases, the chance of mistakes go up
19 and cases get overturned on appeal. Most important to the attorneys is their ethical
20 obligation to handle their cases. Cases that are overturned get turned over to the
21 Bar Association for possible disciplinary action against the attorney. Governments
22 are always operating on the edge, but he will fight to maintain the upper edge.

23
24 Crawford asked if use of a public defender is based on income. Ostlund
25 stated it is, except in the case of juveniles and mental commitments, who are
26 statutorily eligible for an attorney.

27
28 Roy asked why the administration chose to fund the triathlon over other
29 events. She asked the process this request went through, and if there are other
30 tourism events. Desler stated recently, one of the primary organizers of this event
31 asked the Executive for the request. The Executive felt strongly enough about it to
32 put the request forward to the Council.

33
34 Roy asked the numbers of visitors this event attracts.

35
36 Brian Geschwill, Bakers Breakfast Cookies President of Sales and Marketing,
37 stated this year they won the bid to become the Olympic trials for this event. This
38 race decides the United States team that will go to Athens for triathlon. They won
39 the bid based on the performance of the race last year. There is community
40 support. They housed every athlete in private homes. His hope for this race is to
41 build this race every year. It will take four to five years to be profitable. He hopes
42 this race will be a destination race for these professional triathletes. There is no
43 race of this format in the United States.

44
45 Roy asked the location of the race. Geschwill stated he hopes to get 500 to
46 600 amateur racers and the top 125 racers for each professional woman and men's
47 category. Once he won the bid, he's been advertising like crazy.

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1
2 Roy asked what the advertising is for. Geschwill stated he needs amateur
3 participants who will pay to race, bring their families, visit the area, and watch the
4 professional races. Also, the race brings in professional athletes from all over the
5 world, Olympic Committee staff, and media.
6

7 Crawford asked the cost for the event last year. Geschwill stated they spent
8 close to \$95,000. There is a large prize purse of \$40,000 for the professionals. A
9 logistic company handles all the road closures, transition areas, and such for about
10 \$35,000. There are other extra expenses.
11

12 Crawford asked if they are getting other funds. Geschwill stated he applied
13 to the City of Bellingham last year for \$22,000, and got \$15,000 to reimburse
14 expenses already paid. All year, he has been running national ads and partnering
15 with media sponsors for getting better deals. Comcast is a sponsor in lieu of cash.
16 He produced postcards that have been handed out at races all over the country.
17 Brochures have been produced and mailed all over the west coast. Within five
18 years, this will be the largest triathlon event in the west coast.
19

20 Fleetwood asked the company's motivation. Geschwill stated the company
21 has always been involved in athletic events. His wife founded the company and a
22 foundation to donate money and product to school systems that have children that
23 come from underprivileged homes. This athletic event can fund that foundation.
24 Profit from the event will be donated to those causes. The company doesn't own
25 the race. The foundation owns the race.
26

27 Caskey-Schreiber stated the company has done an outstanding job being a
28 new business in the community. What they're trying to do in the community is
29 great. They all benefit.
30

31 Crawford stated the last funding request for the supplemental budget
32 request was to use REET for the jail proposal. The Mayor of Bellingham said he is
33 moving forward with a proposal to lease rather than purchase. Desler stated the
34 Executive's Office would like the Council to move forward with the proposal as it is.
35 The administration's work resulted in four different proposals the County crafted
36 based on the City's requests. He submitted a summary of the properties they are
37 proposing to trade. There were also discussions with four City Council members
38 who support the proposal. The administration was surprised to get the letter from
39 the mayor that takes a completely different view. The County Council needs to act
40 on this matter because the fundamental issue they've worked toward is that the
41 City Council added a condition that the acquisition take place by June 30, 2004 or
42 the zoning reverts back to its original zone. The administration is finalizing
43 contracts with an architectural firm for the buildings on this site. He hopes wisdom
44 and leadership will prevail at city hall.
45

46 Crawford stated the Mayor is saying it's the City Council that wants to do
47 a lease. Mr. Desler is saying he's had discussion with City Council members who

1 say otherwise. Desler stated City Council Member Ryan indicated she wanted to
2 retain the property for light industrial uses. One other council member asked about
3 it. However, the City Council approved the zoning with the provision that they could
4 trade, sale, or lease the property. The Executive is not interested in leasing
5 property to construct County government buildings for core functions of County
6 government. The County has always indicated that position to the City. The
7 County also took many steps that involved the cooperation of the City to construct
8 this trade and sale agreement. It took a number of months to go through the
9 process. The City selected the appraiser it wanted to use.

10
11 Crawford stated this is an eleventh hour thing from the City. Desler agreed.
12

13 McShane stated the City will do what it will do. They've discussed the value
14 of the properties. If the City doesn't want to take the deal, the County will move
15 on. He supports the request. From the January 15th memo, the last paragraph
16 discussed sending prisoners to Yakima. The City is interested in making use of this
17 facility to relieve overcrowding and allow more defendants to serve time. He asked
18 if they've discussed that approach. Desler stated the administration has talked with
19 the Sheriff and Jail management staff. There is additional cost above what they
20 budgeted for jail services to provide that additional capacity. The other county will
21 charge \$50 or \$55 per day for a prisoner. The Sheriff is not interested in that
22 approach because of complications regarding transportation and other issues.
23

24 McShane asked if the City is willing to commit inmates to Yakima as an
25 interim solution to the overcrowding. He's concerned about the cities' financial
26 abilities to pay for incarceration.
27

28 Wendy Jones, Chief of Corrections, stated part of the issue with Yakima is
29 that many prisoners in the new facility wouldn't be appropriate for Yakima because
30 they're too short-term. Now, they're diverting potential Yakima inmates through
31 the jail alternative program. It keeps folks in the community, generates work and
32 labor, and generates fees. The difficulty now is trouble getting offenders in the
33 front end. This minimum facility would take care of that trouble. That's also
34 Bellingham's interest. The Court Clerk for Bellingham feels there's plenty of money
35 in her budget to pay for the increase that would occur. Now, they are spending
36 money for continuous court processing. The City of Bellingham is responsible for
37 42 to 45 percent of the arrests right now.
38

39 McShane stated that approach may not be a good deal for the City of
40 Bellingham. Jones stated there is a tremendous amount of staff time for
41 coordinating that approach.
42

43 **McShane moved** to recommend approval of the supplemental budget
44 request to the full Council.
45

46 Caskey-Schreiber stated she's disappointed that the City is throwing a
47 wrench in the proposal at this late hour. If this is the demise of the proposal, she's

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1 very disappointed. If they can't work with the Port or City, the County will have to
2 come up with plan C. She encourages the Finance Committee to go forward with
3 the money and property proposal and let the City Council take it's vote once and for
4 all. The County put together a proposal that it thought would make the City happy.
5 For this to happen now is a slap in the face and shows the City never intended to
6 work with the County. It doesn't matter whether it is seven years or 20 years.
7 They've invested a lot of money putting together a plan for that facility. If the City
8 was serious, it should have included numbers in it's latest proposal.

9
10 Fleetwood stated the object has been to reduce crowding in the jail. He
11 asked why the formal owner of the facility matters, as long as they are dealing with
12 the problem from a community perspective. Desler stated the County is required to
13 operate a jail. The more parties that they have to involve in the planning and
14 construction of something they want to finish quickly, the more a delay will occur.
15 He's concerned about the potential for delays. The City has the option of building
16 its own jail. The County has enough expertise to get this done effectively. The City
17 doesn't have any expertise or experience to do this.

18
19 Crawford stated the Council decided several years ago with a private
20 organization that the County should own any jail facility. Anytime they want to do
21 anything, they would have to get approval from the City Council and City
22 administration. That's another level of bureaucracy required for every decision.

23
24 Brenner stated that if the County is going to do all the work, it must be in
25 charge of the facility. This letter makes her not trust the Mayor. It doesn't make
26 sense to consider a last minute option when they've been working so hard putting
27 together a deal. She doesn't think the City wants to do this, and is trying to make
28 the County the bad guy. Move forward and let the City say no, if it wants to say no.

29
30 McShane stated this deal will work for the County. The City will decide what
31 it does. The County can't control it.

32
33 ***Motion carried unanimously.***

34
35 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND DFM**
37 **ASSOCIATES FOR PURCHASE OF A VOTER REGISTRATION AND**
38 **ELECTION MANAGEMENT SYSTEM, IN THE AMOUNT OF \$99,074**
39 **(AB2004-203)**

40
41 Rich Griffith, Chief Deputy Auditor, stated he met with the citizens group
42 Whatcom Fair Voting.

43
44 *(Clerk's Note: End of tape one, side A.)*

45
46 Griffith continued to state that the group agreed with proceeding with the
47 contract as soon as possible so they can get through the conversion,

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1 implementation, and training before the election cycle starts. Filing week starts in
2 July. The Auditor's Office resolved the group's issues. All parties agree this is the
3 best time to do this conversion.

4
5 Crawford stated he received an email from the organization's members
6 saying they've met and agreed.

7
8 Roy stated she also received information from the League of Women Voter's,
9 which changed its position and now supports the purchase. Everyone commented
10 on how willing people were to work together and complimented County staff.

11
12 Brenner stated she got a call from a representative of Whatcom Fair Voting,
13 who said the same thing. They appreciated the Auditor's Office working with them
14 the way it did. She also appreciates it.

15
16 Crawford stated Whatcom Fair Voting and other voting parties act as a
17 bridge between the major electorate in the community and the Council. The
18 Council is trying to make the best decisions it can and explain why it delayed this
19 item. The Council respects the staff's hard work on this issue. Unfortunately, it is
20 a political decision that sometimes spills into the practical world.

21
22 ***Roy moved*** to recommend approval to the full Council.

23
24 ***Motion carried unanimously.***

25
26
27 **COUNCIL "CONSENT AGENDA" ITEM**

- 28
29 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **PROFESSIONAL SERVICES CONTRACT BETWEEN WHATCOM COUNTY**
31 **AND LARRY STEELE & ASSOCIATES FOR THE 2004 SURVEY**
32 **MONUMENTATION PROJECT, IN THE AMOUNT OF \$100,000 (AB2004-**
33 **217)**

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

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

- 38
39 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
40 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND NORSTAN**
41 **COMMUNICATIONS, INC. FOR INSTALLATION OF MD110 PHONE**
42 **SYSTEM AT WHATCOM COUNTY PARKS MAIN OFFICE, IN THE**
43 **AMOUNT OF \$16,510.12 (AB2004-218)**

44
45 ***Roy moved*** to recommend approval to the full Council.

46
47 ***Motion carried unanimously.***

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- 1
2 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
3 **BID AWARD WITH THE BELLINGHAM HERALD TO BE DESIGNATED AS**
4 **WHATCOM COUNTY'S OFFICIAL NEWSPAPER AND AUTHORIZE THE**
5 **EXECUTIVE TO SIGN THE CONTRACT WITH THE BELLINGHAM HERALD**
6 **(AB2004-219)**

7
8 *McShane moved* to recommend approval to the full Council.

9
10 *Motion carried unanimously.*

- 11
12 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
13 **49 TO THE LOWEST BIDDER, BRIM TRACTOR, FOR A ROADSIDE**
14 **MOWING TRACTOR, IN THE AMOUNT OF \$81,568.73 (AB2004-220)**

15
16 *McShane moved* to recommend approval to the full Council.

17
18 *Motion carried unanimously.*

19
20
21 **OTHER BUSINESS**

22
23 There was no other business.

24
25
26 **ADJOURN**

27
28 The meeting adjourned at 12:02 p.m.

29
30
31
32 _____
33 Jill Nixon, Minutes Transcription

34
35 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

36
37
38
39
40
41 _____
Dana Brown-Davis, Council Clerk

Sam Crawford, Committee Chair