

**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.**

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

4 June 15, 2004  
5

6 Committee Chair Sam Crawford called the meeting to order at 11:05 a.m. in  
7 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  
8

9 Present:

10 Dan McShane

Absent:

Sharon Roy

11  
12 Also Present:

13 Seth Fleetwood

14 Laurie Caskey-Schreiber  
15  
16

17 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**  
18

19 **1. POSSIBLE DISCUSSION AND ACTION ON AMENDED PROPOSAL FOR**  
20 **THE EXCHANGE OF COUNTY-OWNED PROPERTY AND CASH PAYMENT**  
21 **FOR CITY OF BELLINGHAM OWNED PROPERTY (AB2004-213A)**  
22

23 Crawford stated no action will be taken today.  
24

25 Dewey Desler, Deputy Administrator, stated there have been a number of  
26 documents passing back and forth between the City and County. The City  
27 proposed their own real estate purchase and sale agreement. The County  
28 suggested modest changes to the agreement, including allowing shared  
29 indemnification, verifying the County's commitment to maximize jail use, making  
30 sure the City discloses information on any hazardous waste on the property, and  
31 seeking to close the purchase as soon as possible instead of waiting. They have  
32 written a short-term lease in case the property cannot close by June 30. A bridge  
33 lease would meet the zoning requirements.  
34

35 There is more work going on today with the attorneys on modest land use  
36 changes. He anticipates a proposed agreement before the Council during the next  
37 Council meeting. If it's necessary to hold a special meeting before then, they could  
38 do that.  
39

40 Another issue is that the city proposed a full cash price on the sale of the  
41 property. Instead of \$500,000, the County would pay \$873,000. There is an issue  
42 about handling the water retention issues around the site. The City proposed that  
43 they would carve off 1.25 acres of a neighboring lot composed of an existing waste  
44 site. The City would trade that acreage to the County for the Holly Street property.  
45 The Executive thinks that's acceptable. The County would pay full price for the  
46 Division Street property and include property on Holly Street for the approximately  
47 1.25 acres neighboring the Division Street property. This would be done through a

1 lot line adjustment. Staff is working on legal descriptions now. He submitted a  
2 copy of an aerial photograph of the area (*on file*). A portion of the neighboring lot  
3 will be used for stormwater retention.  
4

5 Crawford stated the plan is that the County will pay full cash price for the  
6 Division Street lot, and also receive about an acre of a neighboring site for  
7 stormwater retention, in trade for property on Holly Street.  
8

9 Desler stated the administration wants to amend the last budget proposal for  
10 the purchase of the property to add \$296,000. They will introduce that today, and  
11 have the hearing on June 29. He submitted that material to the Council on Friday.  
12

13 Caskey-Schreiber asked if a hearing on the 29<sup>th</sup> will be too close to the  
14 deadline. Desler stated language written at the time the document was approved  
15 will allow a lease. The lease would run until the County closes on the property.  
16

17 Caskey-Schreiber asked if the City Council will have already approved this  
18 when it comes to the County Council on June 29. Desler stated the City will review  
19 and approve this agreement on Monday. The County Council will receive it at its  
20 next meeting.  
21

22 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 7<sup>TH</sup>**  
23 **REQUEST (AB2004-226)**  
24

25 McShane asked for information on their relationship with U.S. Customs and  
26 how it affects overtime.  
27

28 Carey James, Undersheriff, stated the County provides deputies when  
29 available for the outbound inspections at points of entry. The work is paid for by  
30 U.S. Customs.  
31

32 McShane asked if the County is reimbursed at an overtime rate. James  
33 stated it is.  
34

35 McShane asked how the extra work affects the deputies. James stated this  
36 is a low priority. The County has other obligations, such as the security at the  
37 airport. The work at Customs is done when deputies are available. It's not  
38 mandatory.  
39

40 McShane asked the number of hours the deputies are working.  
41

42 Marvette Gwinner, Accountant, stated the schedule is to work two deputies  
43 per day on eight hour shifts. The County doesn't necessarily fill each shift. The  
44 work is off-duty overtime. The deputies are asked if they would like to work these  
45 shifts. Last week, only four days were covered. In May, the County billed for  
46 \$10,000. The positions are not filled every day. The airport is the primary  
47 responsibility.

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1  
2 McShane asked if this has an impact on County overtime, and if the County  
3 would have to pay for this duty anyway. James stated it does not. This money is  
4 strictly for this purpose. It can only be used when the deputies support Customs.  
5

6 McShane asked if the deputies providing support to Customs would normally  
7 be providing overtime for the County. James stated they would not. The deputies  
8 work for Customs on their off duty time.  
9

10 McShane asked what happens if a deputy is called in to work at the County  
11 while working at Customs. James stated the deputies are pulled from Customs to  
12 the Sheriff's Office, at the County's expense.  
13

14 McShane stated he is worried about a deputy who is called in to do overtime,  
15 and who has worked overtime at Customs. James stated the program is designed  
16 to not impact the County financially or in any other way. The money is set aside by  
17 Customs to support Customs when deputies are available.  
18

19 McShane asked if the deputies go out in County sheriff cars. James stated  
20 they do, for liability purposes. This way, the County gets reimbursed, and liability  
21 is cut.  
22

23 McShane asked if there is financial coverage in the agreement for the car  
24 that is gone to Customs. James stated there is.  
25

26 McShane asked about staffing two people per day. James stated that's  
27 typical, but there might be only one person. If the County can't fill a shift, Customs  
28 will use law enforcement from other local jurisdictions.  
29

30 McShane asked why Customs has chosen to not higher additional people.  
31 James stated they figure it's cheaper to pay periodic overtime rates rather than hire  
32 someone directly.  
33

34 **McShane moved** to recommend approval of the ordinance to the full  
35 Council.  
36

37 ***Motion carried unanimously.***  
38  
39

#### 40 **COUNCIL "CONSENT AGENDA" ITEM**

- 41  
42 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
43 **AMENDMENT TO THE AGREEMENT BETWEEN WHATCOM COUNTY AND**  
44 **WHATCOM LAND TRUST FOR THE CANYON CREEK ALLUVIAL FAN**  
45 **ACQUISITION PROJECT IN THE AMOUNT OF \$127,000, FOR A TOTAL**  
46 **AMENDED CONTRACT IN THE AMOUNT OF \$527,000 (AB2004-233)**  
47

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1            **Crawford moved** to recommend approval to the full Council.  
2

3            **Motion failed 1-1 with Crawford in favor.**  
4

5            Crawford stated the original offer was adequate.  
6

7            **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
8            **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND TRIMAXX**  
9            **CONSTRUCTION, INC. FOR MOSQUITO LAKE ROAD CULVERT**  
10           **REPLACEMENT AT JOHNSON’S CREEK (CRP 903008) IN THE AMOUNT**  
11           **OF \$211,845 (AB2004-234)**  
12

13            McShane asked if this is funded through a federal grant program.  
14

15            Mark Handzlik, Engineer-Stormwater Design, stated it is. The County got a  
16            grant for \$23,000 in 1999 from the Salmon Recovery Funding (SRF) Board that  
17            went toward design. Now the County has another \$11,000 in the coffers for  
18            construction. There should be some SRF Board dollars for funding.  
19

20            McShane asked if there are federal dollars. Handzlik stated there is not.  
21

22            Crawford asked how big the culver will be. Handzlik stated it’s 19 feet wide  
23            and 12 feet wide. They will fill it in about 40 percent to simulate the stream  
24            bottom.  
25

26            McShane stated there is federal money on the bridge project on the middle  
27            fork. Handzlik stated there is.  
28

29            McShane asked if there is another piece of Mosquito Lake Road that has  
30            federal funding. Handzlik stated that project is on the books for next year. These  
31            two projects are about a mile apart.  
32

33            McShane stated he would not be as keen on doing this if there weren’t  
34            federal funding for those two bridges.  
35

36            Joe Rutan, County Road Engineer, stated they’re opening up about two miles  
37            of Chinook run habitat.  
38

39            **McShane moved** to recommend approval.  
40

41            **Motion carried unanimously.**  
42

43            **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
44            **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND JEFFREY**  
45            **A. LUSTICK FOR CRIMINAL INDIGENT DEFENSE SERVICES FOR**  
46            **DEFENDANTS FOR WHOM THERE EXISTS A CONFLICT OF INTEREST**

1           **WITH THE PUBLIC DEFENDER, SUPERIOR, JUVENILE AND DISTRICT**  
2           **COURTS (AB2004-235)**

3  
4           *McShane moved* to recommend approval.

5  
6           *Motion carried unanimously.*

7  
8           **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
9           **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND HANDEL**  
10           **INFORMATION TECHNOLOGIES FOR PURCHASE AND**  
11           **CUSTOMIZATION OF A CASE MANAGEMENT SYSTEM FOR JUVENILE**  
12           **OFFENDERS AND STATUS OF OFFENDERS IN THE AMOUNT OF**  
13           **\$153,365 (AB2004-236)**

14  
15           *McShane moved* to recommend approval.

16  
17           *Motion carried unanimously.*

18  
19           **5. RESOLUTION SETTING A HEARING TO SELL TAX-TITLE PROPERTY BY**  
20           **PUBLIC AUCTION, REQ. #07-04 (AB2004-237)**

21  
22           *Crawford moved* to recommend approval.

23  
24           McShane asked if these are in a flood hazard zone, and if the County should  
25           sell them off, hoping the Federal Emergency Management Agency (FEMA) will  
26           purchase them later.

27  
28           Dewey Desler, Deputy Administrator, stated he doesn't recall the Property  
29           Management Committee discussing whether or not this is in a flood hazard  
30           management area. The County has this lot. People adjacent asked to purchase it.

31  
32           McShane stated he had trouble finding the location on a map. It's a policy  
33           issue about going down this path.

34  
35           Crawford stated that if someone wanted to develop, the person would have  
36           to get an elevation study and do extra studies, even if it is in a flood hazard area.  
37           He asked if there are structures on the site.

38  
39           Jeff Monsen, Public Works Director, stated he doesn't recall there being  
40           structures. If the lot were developed, the owner would have to meet all conditions.  
41           This is in an area that has flood issues, but the County is in the beginning stages of  
42           deciding what the County wants to do about this area. He recalls that the  
43           interested party for this property is an adjacent property owner who would  
44           consolidate properties rather than encourage additional development.

45  
46           *Motion carried unanimously.*

1  
2 **OTHER BUSINESS**  
3

4 Dewey Desler, Deputy Administrator, asked if the councilmembers had any  
5 questions regarding the clean green facility. Also, the WA-CERT ranking process  
6 concludes on June 29. If there's anything else the councilmembers want, he would  
7 be happy to provide that information. There was talk about having some  
8 presentations, but he would need time to organize it if the Council wants those  
9 presentations.

10  
11 Crawford asked how the clean green facility affects the County. Desler  
12 stated the County has a cost of \$120,000.  
13

14 Jeff Monsen, Public Works Director, stated the County covers 40 percent of  
15 the cost from the solid waste fund, which is jointly managed among the County and  
16 all the cities. This is the only facility in the state that operates at no cost to the  
17 users. The growth is outpacing their ability to provide the service at no cost. Find  
18 a way to stay within a predictable budget and start charging for the service.  
19

20 Crawford asked the appropriate action from the Council. Monsen stated at  
21 the time of the 2005-2006 budget proposal is a modified agreement that will  
22 include a fee for service.  
23

24 Crawford stated he recalls that before the burn restrictions, they provided it  
25 as a no-cost incentive as an alternative to burning. Now, people can't burn  
26 anyway. There is an argument to be made for a no-charge facility, since people  
27 pay for it with tax dollars. He doesn't know what an alternative would be for the  
28 people. Monsen stated there is now a curbside pickup of clean green, which is  
29 taken to compost chipping services or construction demolition services. This is a  
30 noncommercial site. Some opportunity still needs to be there for people who can't  
31 fit their large woody debris into the bins for the commercial pickup.  
32

33 Crawford asked if the large composting facility on Hannegan has an interest  
34 in pursuing a public use to generate material for them to recycle. Monsen stated  
35 they prepared a bid to receive material from this site. The low bidder was Skagit  
36 Soil. The County pays the bidder to handle the material.  
37

38 Crawford asked if it doesn't pay for the vendor to take the material at no  
39 cost, because the vendor gets to use it for material they can sell. Monsen stated  
40 that's correct. The County pays for site operation and the transport of the  
41 materials collected. The City pays for composting of the materials, which is still a  
42 higher percentage of the cost. He recalled that the cost of operating the site is \$6  
43 to \$9 per user.  
44

45 Crawford stated a benefit of the location at Hannegan and Pole road is that  
46 city users will be less willing to drive there.  
47

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1 Desler stated the City of Bellingham manages and operate the facility, and  
2 requests a subsidy from the County. The request this year was contained in the  
3 budget request the County Council approved. The City decided to reset the budget  
4 and added additional costs. It asked for more money to make the site viable. The  
5 Solid Waste Executive Committee said it wouldn't recommend to the County Council  
6 additional funding. The newspaper said the County refused to pay its share. That's  
7 not accurate.

8  
9 Crawford asked if the use has gone up accordingly with the new Clean Air  
10 requirements. Desler stated that's not the driver for the increased costs. The site  
11 doesn't accommodate as much volume as is going through there. There is a cost of  
12 keeping the site clean regarding stormwater. Also, cars driving out of the facility  
13 are leaving a lot of dirt on the road. There are additional costs the City has that it  
14 has identified, but also the City has distributed costs to other parts of the  
15 organization.

16  
17 Monsen stated the City of Bellingham supervises the site. Even though the  
18 agreement with the City allows them to cover all operating cost, the City did not bill  
19 to the site the cost of running it. The use started to grow enough that the City  
20 began to recover all operating costs. Second, the site is undersized for how its  
21 being used. Repair and maintenance activities were done so the site could function  
22 better. Those two factors have created the appearance that costs have grown  
23 faster than use. That increased use will continue to happen more frequently  
24 because of overuse of the site.

25  
26 Crawford asked if there is State or Northwest Air Pollution Authority  
27 (NWAPA) money for the service. Monsen stated the response from the State is to  
28 start charging a fee.

29  
30 McShane stated one could say that operating the system has been done with  
31 a subsidy. There have been other composting subsidies, including classes on  
32 composting and low cost composting bins. It's a matter of choosing where to put  
33 that subsidy. If either council chooses to deviate from what they've done with the  
34 site in the past, there is an arbitration clause. Or, they can pay for a subsidy like  
35 that outside of the solid waste fund. Monsen stated the County can either work  
36 through the solid waste fund, which requires agreement from the City, or to use  
37 another financing source other than the solid waste fund if the County choose to  
38 independently subsidize other efforts.

39  
40 Crawford asked if the Council will see projected impacts of a user fee and  
41 what a user fee will look like. Monsen stated they had planned on presenting that  
42 information to the Council during the budget process, but due to the issue in the  
43 press and before the City Council, it may come forward sooner.

44  
45 Crawford asked why the City Council closed the facility on Sundays. Monsen  
46 stated it's a popular service. Any appearance in reduction in service will affect the  
47 people.

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1  
2 Desler asked if the City could charge a fee. Monsen stated ultimately it's a  
3 City decision. The City will prepare a proposal suggesting what proportion of solid  
4 waste fund subsidy should occur to make the operation work. A significant factor  
5 with fees is that they can eat up the fees simply by managing cash on the site. The  
6 City already looked at ways to purchase a use ticket, so the site operator simply  
7 has to punch a ticket.

8  
9 Crawford stated RDS can take a truckload of debris for \$3, and is making a  
10 profit.

11  
12 Desler stated that at the next Council meeting, the administration will  
13 present a resolution for a one-tenth of one percent increase in sales tax. In the  
14 Finance Committee, councilmembers will hear from administration on how that  
15 money will be used.

16  
17 *(Clerk's Note: End of tape one, side A.)*

18  
19 Desler stated he will do a presentation. Let the public start to see that  
20 information.

21  
22 Crawford asked if there is a way for that presentation to be done in a format  
23 that they can take on the road to community groups. Desler stated the  
24 administration can do that.

25  
26  
27 **ADJOURN**

28  
29 The meeting adjourned at 11:56 a.m.

30  
31  
32  
33 \_\_\_\_\_  
34 Jill Nixon, Minutes Transcription

35  
36 ATTEST:

37 WHATCOM COUNTY COUNCIL  
38 WHATCOM COUNTY, WASHINGTON

39  
40  
41  
42 \_\_\_\_\_  
43 Dana Brown-Davis, Council Clerk

44 \_\_\_\_\_  
45 Sam Crawford, Committee Chair