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

3
4 PROPOSED 2005 - 2006 WHATCOM COUNTY BUDGET

5
6 October 21, 2004
7

8 Committee Chair Sam Crawford called the meeting to order at 9:00 a.m. in
9 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

10
11 Present:

12 Dan McShane
13 Sharon Roy

Absent:

None

14
15 Also Present:

16 Seth Fleetwood
17 Barbara Brenner
18 Laurie Caskey-Schreiber
19
20

21 **DISCUSSION OF THE COUNTY EXECUTIVE'S 2004 RECOMMENDED**
22 **BUDGET (PLANNING AND DEVELOPMENT SERVICES DEPARTMENT,**
23 **ADMINISTRATIVE SERVICES, PUBLIC DEFENDER, WHAT-COMM/COUNCIL**
24 **OF GOVERNMENTS/MEDIC ONE/ALL OTHER NON-DEPARTMENTAL,**
25 **DISTRICT COURT, DISTRICT COURT PROBATION, PARKS DEPARTMENT,**
26 **JUVENILE COURT/PROBATION/DETENTION, EXECUTIVE, COUNCIL AND**
27 **HEARING EXAMINER)(AB2004-027A)**

28
29
30 Planning and Development Services Department

31
32 Hal Hart, Planning and Development Services Director, stated this budget is
33 an augmented version of last year's budget. Last year's original budget plus the
34 supplemental budget requests are incorporated into this budget. The year and
35 growth they've had has been unprecedented. He forecasts a neutral revenue
36 permit load for next two years. They will continue to have a high level of permits
37 for the next few years.
38

39 Differences in the budget include additional services requests (ASR's) for
40 Lummi Island, Birch Bay, and East County planning projects due to other projects
41 that are coming up from the school districts, State Department of Transportation,
42 and regarding recent economic development efforts.
43

44 Through September and early October, they have exceeded all of 2003's
45 permit level. As of this morning, they are booking appointments on February 1,
46 2005. There are two service lines at the front counter. This budget includes a third
47 service line.

1
2 In the 2005 -2006 budget, he emphasizes customer service. The budget
3 includes frontline changes to upgrade the front counter staff, who will be able to
4 respond to a more detailed and complicated level of questions. They will move
5 from clerks to professional staff at the front counter. That staff will be developed
6 over the next two to four years through training.
7

8 Two significantly important positions for the next year include support for the
9 Shoreline Master Program, which includes an assistant to Jeff Chalfant as he works
10 through the critical areas ordinance update and a geographic information system
11 (GIS) staff person who is producing the maps.
12

13 He would like to continue a technical support person to review development
14 occurring in wetlands.
15

16 The burn permit staff person is increasing to a one full-time equivalent (FTE)
17 position and will begin to help with the building permit process. It will be another
18 inspector in the field. His inspectors are doing a very high number of inspections
19 each day already.
20

21 He wants to continue the plans examiner position.
22

23 He wants one seasonal clerk for six months each year to expedite permits.
24

25 He wants one floater person in the Building Services Division for about 24
26 hours per week. All those staff will help keep up with the permit levels.
27

28 The challenge in the field now is that available development sites are more
29 complex than they used to be. All the easy development sites have been
30 developed. The department is seeing more wetland challenges and more
31 complicated site designs. He will continue to train staff on those complexities.
32

33 Two significant long-range challenges are the critical areas ordinance and
34 shoreline master programming. If the ordinances are challenged and the County
35 must go to court to defend those programs, it will change the department's work
36 program.
37

38 Finally, the east county effort is also included in this budget.
39

40 Roy stated there is a great deal of focus and effort on the county's stand-
41 alone urban growth areas (UGA's), except Point Roberts. She asked the reason
42 there aren't any special efforts about Point Roberts. Hart stated he and Executive
43 Kremen have been asked to go to Point Roberts to hear from the community. The
44 County has adopted things in Point Roberts that are unusual and unique to the
45 County. It's time to review those things. They're still trying to figure out the
46 economic development projects the community wants. The Lummi Tribe is very
47 happy about the County's historical and archaeological protections, but it's created

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1 a stir in Point Roberts. Other communities and counties across the state may use
2 Whatcom County's archaeological protections in Point Roberts as a model.
3 Hopefully, people will calm down once they get used to the system. The reason
4 there isn't a lot of focus on Point Roberts in the budget is because there has been a
5 lot of change already.

6
7 Roy asked Mr. Hart if he wanted to plead his case for any unapproved ASR's.
8 Hart stated the only concern he has is about an existing floater position in the Land
9 Use Division that is supposed to go away. Yesterday, the department received a
10 plat for 534 new homes in the Kendall UGA. They are going to build a school and
11 want to have a business center. The traditional grid system streets will have very
12 small lots. Sewer and water is available. There are limited areas for doing this in
13 the county. The developer even offered to pay the school district all the
14 engineering fees for the building.

15
16 Roy asked if the floater position to support this kind of thing will be worked
17 out with the administration.

18
19 Dewey Desler, Deputy Administrator, stated he is trying to keep support to a
20 level that grows, but doesn't get too large. He and Mr. Hart will meet and refine
21 the budget a little more.

22
23 Hart submitted a memo (*on file*) regarding Lummi Island. There are three
24 levels they can choose from to work on Lummi Island.

25
26 McShane stated these are quite large increases for the Planning Department,
27 but overall, in the long-term, the economic health of the county may be better off if
28 they plan carefully. He is pleased to see the forestry and wetlands planner. They
29 are overdue for that position.

30
31 It sounds like Kendall is well on its way to becoming a city. There is going to
32 be a lot of residential use out there. He's worried about having jobs out there.
33 Hart stated a Microsoft executive was in his environmental permitting class at
34 University of Washington. That person found Glacier, Washington on the internet,
35 and decided to move there. Those people can work from anywhere.

36
37 McShane stated economic development efforts in the county are reflected in
38 the Economic chapter of the Comprehensive Plan. The reality is there are many
39 homes and people living out there. The area needs some economic development.
40 Hart stated he agreed. The theory is to put jobs where people are living.

41
42 Crawford referenced page A17 of the 2005 ASR's and the shoreline master
43 program update. He thought that cost would be covered because the County got a
44 grant. Hart stated they have staff until June. There is a possibility of having staff
45 beyond June if the shoreline master program goes beyond June. He wants that
46 staff in to do work in the north part of county to do the Environmental Protection
47 Agency (EPA)-funded alternative futures work in Drayton Harbor. It's in the work

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1 program for 2005 and 2006. This ASR is to fill the gap in the EPA funding. They
2 can use that staff time to follow up if the shoreline master program isn't done by
3 June.
4

5 Crawford stated the budget includes the grant in the amount of \$257,000.
6 He asked if the salary out of that can be only until June. Hart stated the County
7 has had those staff for the last year. The County has charged that grant since April
8 2004. That grant has also paid for consultants.
9

10 Desler stated staff convinced him that there will be a lot of activity before the
11 Council beyond the end of the shoreline master program planning grant in June.
12 The administration wants to make sure staff can answer any further issues the
13 Council may bring up.
14

15 Crawford asked about the building addition at the Northwest Annex. Desler
16 stated it was already budgeted. It's being bid right now. It's in the 2004 budget.
17 The administration will do a continuing appropriation forward into 2005.
18

19 Crawford asked about the funding for the Lummi Island water study. He
20 asked if they can use any flood funds for that study. Desler stated the water
21 resources fund is empty.
22

23 Crawford stated he believes, as a former Planning Commissioner, in staff
24 participation in the American Planning Association (APA) conference. Education for
25 staff is very important. He asked if there is a travel or training budget for that.
26 Hart stated it is in the budget. There will be a higher level of training for the next
27 two years. Training is open to the Planning Commissioners. He wished more
28 commissioners would take advantage of those training opportunities.
29

30 Crawford stated he would like County staff to be on the forefront of training
31 and knowledge. Hart stated the prohibitive factor is the workload. Staff have been
32 too busy for training. They are hiring people who have that education when they
33 are hired. Big changes to shorelines and wetland issues are coming up. Already,
34 the County is considered a leader in the state in purchases and transfers of
35 development rights. Keeping the staff trained on those issue is helpful. They also
36 make sure the building office can go to Washington Association of Building Officials,
37 but it's difficult when the workload is high.
38

39 Crawford stated the Council right now is viewed as environmentally
40 progressive. The councilmembers have differences of opinion on policy and
41 regulation. The Council tends to take some pretty big steps rather than baby steps
42 in some of these areas. County staff needs to be as highly trained as possible and
43 exposed to as many concepts as possible. They need to be open-minded about all
44 options. Hart stated he agreed. The education and knowledge gives the County
45 more tools to solve problems.
46

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1 Roy asked if the department has money for this education and training, and
2 the problem is finding the time for that training. Hart stated staff are doing all they
3 can given the workload. The administration always questions how it looks to the
4 taxpayer for staff to go out-of-state to national conferences.
5

6 Crawford stated there are mechanisms of accountability for those
7 expenditures. Do a better job of regrouping after an event to see if staff is
8 accomplishing objectives. The administration will get that accountability.
9

10 Crawford stated the potential for rising interest rates will have an impact on
11 the permit level activity. He asked if the County is poised to shrink if the fees don't
12 come in and activity decreases. Hart stated management has looked at that. They
13 can reduce to the level in the year 2000. Subdivision and platting activity is strong.
14 Attraction to the area is still strong. Development of single-family residences may
15 slow down, but there are still big industrial projects.
16

17 Desler stated the administration doesn't disagree. The administration is
18 looking out five or ten years. They are bullish about the issues of properly
19 predicting growth.
20

21 Crawford referenced page 170 of volume two. There is a rise in
22 administration's salaries. Hart stated he moved around a couple of permit
23 technicians positions. They are the staff that give him reports all the time. The
24 permit system recently crashed, so he's focusing more and more of his and his
25 assistant's time on the permit software technician, which has a role to give the
26 Council and everyone updated information.
27

28 Crawford stated they need more web content. Include data and maps. Get
29 more information on the website.
30

31 Kathryn Morice, Administrative Assistant II, stated they are looking at putting
32 building permit information on the web. The department submitted an ASR, but the
33 County won't go forward with it at this time. They may go forward next year when
34 the infrastructure is better prepared.
35

36 Crawford stated that if a 500-home subdivision is going in Kendall, he
37 doesn't want to repeat past mistakes of previous councils and planners. He asked if
38 the Council is going to be involved in that subdivision. If the plat is vested, it's
39 significant. He would like the Council to be able to take input from the community.
40 Hart stated he will look at the work program and accelerate the subarea plan for
41 that area. That subdivision may come forward as a planned unit development
42 (PUD). If so, the Council will see the project. They've got to look at all the pieces
43 and how they work together.
44

45 McShane asked about Lummi Island groundwater.
46

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1 Roland Middleton, Special Projects, stated they started with an overall
2 comprehensive review of the aquifer situation. The estimate was approximately
3 \$200,000 to do that review. Subsequent, staff did research in how other counties
4 are approaching similar situations. They talked to the State Department of Ecology
5 through Island County's phase I and phase II work. Those counties adopted
6 parameters for any kind of development at all, to establish quantities, qualities, and
7 impacts to the surrounding aquifer.

8
9 The second proposal is to have a consultant to establish those parameters
10 specific to the information they have on Lummi Island. It is a similar approach as
11 was taken for wetlands. This would also address the likelihood of significant
12 impacts.

13
14 With these parameters in the critical areas ordinance, the County's State
15 Environmental Protection Agency (SEPA) official would accept the parameters as
16 mitigation for adoption of a Lummi Island Subarea Plan.

17
18 He is concerned about the status quo and shelving subarea plan and work
19 that has been done. Now, the 1970's plan does not address the aquifer concerns
20 for the island. They have had 18 or 20 homes last year and 25 homes this year
21 that have gone in. Nothing would happen if a new well for a home dries up the well
22 of an existing home. The problem would have to go before the civil courts. The
23 proposal is to begin to define the significant aquifer recharge area.

24
25 McShane stated Jefferson County now has something like that as well. He's
26 not sure theirs is a good model, but it may be worth looking at. Middleton stated
27 he doesn't propose doing this in-house. Have a hydrologist and hydro-geologist
28 identify the parameters a licensed hydrologist or hydro-geologist would have to do.
29 The County staff geologist would do project review. Whatcom County has two
30 licensed hydro-geologists on staff. They are certainly qualified to do project review.

31
32 Hart stated it would add to the number of reviews done, but these would be
33 quicker.

34
35 McShane stated that if the code is written right, the review should be easy.
36 Middleton stated that if the code isn't written right, then don't adopt it. Get a
37 consultant, because they want the right information the first time. Maintaining the
38 County's authority to reject those reviews is important.

39
40 McShane stated he supports the concept. Hart stated he will bring forward a
41 more detailed scope of work.

42
43 Middleton stated Councilmember McShane's input, given his background, is
44 helpful. The cost estimate given is an average amount.

45
46 Fleetwood asked if the effect of the study may result in a proposal for
47 significant modification of the subarea plan. He asked if there would be a greater

1 demand for development once the subarea proposal is delineated. Middleton stated
2 he didn't think so. They are not doing an entire review of the aquifer. They will
3 insure that current and future development does not impact the aquifer. They will
4 not identify the location of all aquifers, the amount of water available, or the water
5 quality. That would trigger a question of density. This would just insure that the
6 impacts are mitigated.

7
8 Public Defender's Office

9
10 John Ostlund, Public Defender, stated he agrees with Executive's
11 recommendations for 2005 budget. He's concerned about recommendations for the
12 2006 budget. Originally, his personnel increase request was shocking, which was
13 four attorneys and two support staff for 2005. Two of the four attorneys are not
14 new positions. They have been funded on a temporary basis. Those existing
15 attorneys are working in District Court and Juvenile Court.

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

18
19 Ostlund continued to state he had asked for two additional attorneys, one for
20 Superior Court and one to handle the mental hearings and juvenile status offenses,
21 which are Becca Bill cases. That is the position the Executive's Office recommends.
22 Traditionally, whichever attorney is on call for the week handles the mental
23 hearings. Due to changes in State law for mental health treatment, he was advised
24 that the mental hearings would almost double.

25
26 Brenner asked about the mental hearings. Ostlund stated mental hearings
27 are on petitions for involuntary mental treatment. He has started to see the number
28 of mental hearings double. Presently, they are having one or two per day. They
29 can no longer spread out those hearings among the attorneys.

30
31 Also, the civil caseload has skyrocketed. He was advised a year and a half
32 ago that this would happen. One juvenile civil attorney is handling dependency
33 cases, parental termination cases, and Becca Bill cases. In July, the attorney had
34 208 open cases. These are highly intense cases with volatile family situations and
35 often mental health problems. Children and parents are in need of services. These
36 cases are very time consuming. The Executive's Office recommends this position.
37 He agreed to wait on the felony attorney request. This new position will provide
38 some relief for the felony attorneys, but he can't guarantee that he can continue
39 with the felony staff next year.

40
41 Caseload standard statistics given for District Court are low but are accurate
42 for felony and juvenile attorneys. Felony attorneys handle about 150 to 200 cases
43 per year full time. When that happens, clients complain, there are more conflict
44 cases, staff starts to make mistakes, they are not filing the motions they should be,
45 and court cases get delayed. Now, Whatcom County has the worse record in the
46 state in terms of moving cases through the system. The reason is that his office
47 and Mr. McEachran's office have a limited number of staff. They are close to break

1 down. He hopes this civil attorney will help enough, but he can't guarantee it.
2 There is consensus in the law and justice departments that his request for
3 attorneys is the highest priority because of the clogs in the system.
4

5 Brenner stated she supports the Public Defender's Office. She has a problem
6 with the truancy cases. Make those a very low priority except if a mental hearing is
7 involved. There are some truancy cases going through the Prosecutor's Office that
8 are about kids skipping school. Don't clog up the criminal justice system with that.
9 It's not a part of the criminal justice system. She will push to make that a low
10 priority. Ostlund stated he agrees. King County did something similar, and saved a
11 million dollars. He will find out how it was done. He doesn't get appointed to a
12 truancy case until there is a contempt citation and the possibility of jail time. If
13 that's the case, he needs to react to try to keep the kids out of jail and get them
14 back in school. He can't do that as long as petitions for contempt are coming
15 through.
16

17 Brenner stated she understands. The priority change will have to start with
18 Prosecutor's Office, which can prioritize cases. Ostlund stated it doesn't start in the
19 Prosecutor's Office. The Prosecutor's Office is stuck in the system as well. He
20 would like to see something else done, and will find out what King County has
21 done.
22

23 Ostlund referred to the recommended 2006 budget. He agreed to defer the
24 extra felony attorney request. However, the caseloads will continue to grow as the
25 County grows. In 2006, he needs to address two things. First, he will have to have
26 another felony attorney by 2006. Also, a social services coordinator/investigator is
27 necessary in 2006. It's a specialist position. He has two investigators overworked
28 on felonies. One investigator is in District Court working on about 2,000 cases.
29 One investigator is handling both juvenile criminal and juvenile civil cases. Juvenile
30 civil cases are very time consuming. This is an area where having someone to work
31 on getting the social services to people, get evaluations done, and get families
32 together will make a difference. It will be money well spent.
33

34 McShane stated he is very open to that concept sooner rather than later. He
35 asked the ability to provide office space for additional personnel. Ostlund stated it
36 is a problem. He may have someone work out of their home. Making the Olympic
37 Building useable will cost money. Now, his investigator staff is on the second floor
38 of courthouse. Volunteer interns sit in an open area. One office has two attorneys
39 in it. He will propose in 2005 to put investigators back upstairs, two to an office.
40 He can put one attorney per office downstairs. At some point, they will need some
41 more room.
42

43 He made a request for secretaries and account clerks. They are not as high
44 a priority as the operational staff, but he will have to cover those things to keep
45 things running.
46

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1 Roy asked if the social services person was not approved. Ostlund stated it
2 was not. He moved the request back to 2006, but it was not approved.
3

4 Roy stated it is an important function. She asked if any community agencies
5 can provide these services. Ostlund stated there is not. Those agencies' services
6 keep getting cut each year, which puts more work on the County's social services
7 staff person. That staff person finds agencies to hook up with clients.
8

9 Roy asked if someone does this now. Ostlund stated one person is doing it
10 all. His request is for another equal position.
11

12 Desler stated there are many jurisdictions that affect the Public Defender's
13 Office. The administration has tried to be more efficient and effective. Laserfiche
14 will have an effect on the amount of paper handling for staff. There is a federal
15 grant for management information systems, which will give staff more effective use
16 of information. He was hoping the Law and Justice Council would be able to create
17 more efficiencies, but that hasn't happened. The administration is now convening
18 monthly meetings of all law and justice officials in the County to find management
19 efficiencies. All aspects of the system will need to work together. Because the
20 Public Defender and Prosecutor relationship is adversarial, the administration has to
21 balance the two.
22

23 Brenner asked if there are more attorneys in the Prosecutor's Office than the
24 Public Defender's Office. Desler stated the administration is trying to maintain a
25 balance. This budget does that.
26

27 Crawford stated it's a dilemma for the councilmembers. They want an
28 effective criminal justice system, but have finite resources.
29

30 Ostlund has three responsibilities. He is an administrative official of the
31 County, so he is obligated to use County resources sparingly. He has an obligation
32 to his staff to do the best he can to protect and support them. The attorneys in his
33 office face a personal liability if they don't provide effective counsel, which can
34 affect their entire careers. He is responsible for making sure those attorneys are
35 not carrying cases they can't handle.
36

37 His overriding duty is to the clients. He owes the clients his sworn duty to
38 make sure they receive effective assistance of counsel. He tried to avoid giving
39 cases to the courts.
40

41 Fleetwood stated the heavy caseload must affect the health of the County's
42 workforce in the Public Defender's Office. Ostlund stated he lost one attorney who
43 had planned to be with the County his entire career. He doesn't want to lose any
44 more staff.
45

46 Fleetwood stated Mr. Ostlund made a comment that the alternative is to
47 reduce caseloads for the attorneys. He asked how Mr. Ostlund would do that, given

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1 Mr. Ostlund's mandate to take cases. Ostlund stated he would go to the court and
2 ask to be relieved of some cases. He tries to do it at the least impact to the
3 County. He asks to not be assigned cases for a certain period of time. He's done
4 that in the past, but it's been a long time.

5
6 Fleetwood stated the effect is that the Superior Court Clerk comes forward
7 with a request of extra funding. It's a wash in the end.

8
9 Roy asked if this budget put forward alleviates the crisis point. Ostlund
10 stated it does for 2005.

11
12 What-Comm, Council of Governments, Medic One, and all other non-departmental
13 outside contracts

14
15 Crawford asked about the general fund non-departmental increases in 2005
16 and 2006. Desler stated non-departmental items are not tied to a particular
17 department's budget. They are reorganizing certain things that don't result in a
18 total increase of expenditures for the County. For example, the administration is
19 transferring money from Sheriff's Office budget to non-departmental to handle the
20 Law Enforcement Officers and Fire Fighters (LEOFF) retiree expenses differently. It
21 will be administered through the Human Resources Division instead of the Sheriff's
22 Office. There are a few modest increases.

23
24 It's true that there is a deficit of about \$1.4 million. The administration
25 proposes to spend \$3.6 million in one-time expenses in major facility repair,
26 software, and capital. The deficit can be adequately justified over time.

27
28 Crawford asked if the administration will get the second elevator operating in
29 the Civic Center building. Desler stated it will not. The elevator maintenance item
30 is for the elevators in the courthouse.

31
32 Jim Miller, Council of Governments (COG), stated dues request is slightly
33 increased. The dues collected is based on formula that has been in place for many
34 years. COG is the regional transportation organization for the area and the State.
35 It has been very successful in leveraging local dollars and getting federal and State
36 transportation dollars. COG has brought in several million dollars over the years
37 through a series of processes. One request has been for a state transportation
38 liaison officer in the amount of \$15,055, which is adjusted annually only by a cost
39 of living adjustment increase. Everyone in the COG shares that cost.

40
41 Crawford asked if the transportation summit is concluded. Miller stated it is
42 not concluded. COG has stretched those dollars. The citizens group is to provide
43 information to elected officials about transportation needs. It is a two-year effort.
44 They have at least another year or 18 months funding for that effort.

45
46 Crawford stated a recent board of directors meeting discussed Ellen Barton's
47 position reducing to half-time. Some of her projects are important to several

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1 County councilmembers. He asked the status of that possibility. Miller stated COG
2 is moving funds around to keep her position full-time at least another quarter- or
3 half-year. They don't want to lose her efforts.
4

5 Crawford stated the COG board should discuss it more. The jurisdictions may
6 need to contribute to fund that position. Miller stated they talked about it.
7

8 McShane stated he appreciates COG's efforts.
9

10 Carolyn Casey, Bellingham/Whatcom County Visitor's & Convention Bureau,
11 stated their request is an increase, which would be the first increase from the
12 County since 1998. She hopes the request will move forward. Since the branding
13 process is done, they have been able to figure out the tourists they would like to
14 have here. Combine the economic development effort from tourism with enhancing
15 community assets. Money will promote information about rural areas, growing
16 agricultural tourism, and recreational things going on in the areas that don't have
17 their own organized tourism programs.
18

19 Crawford stated the County has been funding the Visitor's & Convention
20 Bureau at \$75,000. The request this year was \$95,000. The administration
21 approved \$85,000. He asked if this money comes from hotel/motel tax. Desler
22 stated it does.
23

24 Crawford asked how much the County gets. Desler stated he predicts they'll
25 receive about \$150,000 this year. They may be short of that. Some of those
26 revenues are sagging a bit. Proposed expenditures will be about \$155,000 or
27 more. They are slightly over-budgeted. There is \$220,000 in the fund balance,
28 and will spend down the balance over three or four years. They are starting a
29 tourism advisory committee. Those folks will be charged with making those
30 recommendations.
31

32 Crawford asked if the Council ever looked at the rate for the hotel/motel tax.
33 Desler stated the administration is not interested in increasing taxes. It's possible
34 for the County to double the rate. The new committee will work on tourism issues,
35 and will be chaired by the County Executive.
36

37 Crawford stated the request is not fully funded. He asked if there has been a
38 discussion how much more revenue they can generate. Casey stated she
39 understands the budget pressures, and is pleased with the increase they've
40 received. The work program for 2005 will include a review of the county's tourism
41 assets to see where there are gaps and then work with different economic
42 development agencies and recreation folks from Western Washington University to
43 link those assets.
44

45 Crawford asked if hotel owners in the county would say an increased tax is a
46 good thing to promote more people using their services, or if it would discourage
47 people from tourism. Casey stated no one is ever happy about charging more, but

1 she can't speak for that group. The hotel owners do feel like the money spent for
2 promotion is well spent.

3
4 McShane stated one way of measuring the benefits is that he hasn't heard
5 any complaints from anyone in the industry.

6
7 Carole MacDonald, Mt. Baker Foothills Chamber of Commerce, spoke.

8
9 *(Clerk's Note: End of tape one, side B.)*

10
11 MacDonald stated the tourism advisory committee is a great idea. The
12 request from the Mt. Baker Foothills Chamber of Commerce is for visitor center on
13 Mt. Baker Highway.

14
15 Crawford asked her opinion on an increase in the hotel/motel tax.
16 MacDonald stated she doesn't know enough about the topic. Mr. Pat Milligan
17 proposed an increase a couple of years ago. She will meet with Mr. Milligan and
18 talk more about it. She wants to see the implications of a raised tax in other
19 counties. People along the Mt. Baker Highway have had a good year. She's not
20 averse to raising the tax. Many other places charge a lot more.

21
22 Leslie Brewster, Whatcom Symphony Orchestra Executive Director, stated
23 her request was raised and approved. The orchestra is celebrating its 30th
24 anniversary. Her job is to get the word out. The first concert of the season was a
25 sell-out. It hosted a world-renowned guest pianist. The orchestra is an 85-piece
26 volunteer orchestra that gives seven concerts per year. The orchestra does an
27 outreach program with the schools. Each year, they go to eight different schools to
28 put on a free half-hour to 45-minute concerts for the schools.

29
30 Sixty percent of their brochures are sent out to the islands, Seattle, Spokane,
31 and to music teachers in the state of Washington. Many people stay in Whatcom
32 County for two or three days. People want reasons to stay in Bellingham. Now
33 they have a cultural arts calendar. They try to do advertising, which is very
34 important. Many people are coming to Bellingham and Whatcom County for the
35 arts in the community.

36
37 She likes the idea of working with different organizations. She is working
38 with hotels on developing hotel specials. She sent out 7,800 brochures to residents
39 in the islands, including the options for hotel specials. There is a lot of money in
40 the islands. Get those people to Whatcom County instead of Seattle.

41
42 McShane stated they could advertise with airlines as well.

43
44 Rob Pochert, Economic Development Council (EDC), stated he appreciates
45 the County's financial support. Six economic development partners have
46 determined which agency does what. That information will be published in the
47 Business Journal in November. The EDC is working on 14 viable prospects. Seven

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1 businesses are in Whatcom County and want to expand. Another seven are
2 Canadian that want to expand in Whatcom County.

3
4 Henry Bierlink, Agricultural Preservation Committee, thanked the Council for
5 funds for starling control. He asked where they may want to go in the future for
6 starling control. There is a problem with consistency in nuisance wildlife control,
7 which goes beyond starling control. Beavers are becoming a huge problem.
8 Drainage districts, farmers, and road districts are putting together a beaver control
9 program. There are places where beavers should be, but some are in the wrong
10 places. There needs to be some control. A beaver control program is operated
11 through the U.S. Department of Agriculture Nuisance Wildlife Services. Their
12 problem is finding a consistent employee up here. It's always been done part time.
13 The starling program is weather dependent. Ideally, they have someone up here
14 full time to work these contracts year-round and take advantage of opportunities.
15 He asked if the County is interested in helping with a joint effort to do that each
16 year.

17
18 Roy stated she is open to looking at a proposal. Be very careful with the
19 public relations about the beavers. They're indigenous species, not like the
20 starlings. She will need to be convinced about it. She asked if eagles eat starlings.
21 Bierlink stated they do. That's how this program got started. Farmers illegally
22 poisoned the starlings, and eagles got sick.

23
24 McShane stated he's interested if the beaver program is linked to the diking
25 districts themselves. The flood fee is providing subsidies to the diking districts.
26 That might be the venue for coordinating an overall program. Bierlink stated the
27 drainage districts are working with him quite a bit. They have not worked with
28 diking districts or County flood control department yet.

29
30 McShane stated that if one drainage district has a problem, it would justify
31 an overall program.

32
33 Roy stated salmon recovery folks have a problem with beavers destroying
34 their structures.

35
36 Sue Parrott, Commission Against Domestic Violence, stated she appreciates
37 the County's support. Their request is the same as last year, which is matched
38 equally by the City of Bellingham.

39
40 Crawford asked if the funding from the County and the City is the
41 commission's full budget. Parrott stated the commission has to find other funding
42 for special projects.

43
44 Crawford asked if the contribution comes from general fund money in 2006.
45 Desler stated it does.

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1 Sue Ellen Hefflin, Whatcom Volunteer Center, stated this is a great
2 community, as evidenced by all the people who volunteer in the community. The
3 center logged more than 200,000 volunteer hours in the county. More than 350
4 non-profit, healthcare, and education partners use volunteers. She appreciates the
5 County's support. The County itself also uses volunteers in different departments.
6

7 Brenner stated she would like to have an ongoing amount contributed to the
8 Sean Humphrey Hospice House. They do an incredible amount of work taking care
9 of people with HIV/AIDS. The agency gets buy on a shoestring. Almost every
10 year, she gets some contribution from Mr. Kremen. Instead, add the agency to the
11 budget. This is a matter of life and death to people. Find a way to include that
12 amount.
13

14 District Court and District Court Probation

15

16 Bruce Van Glubt, District Court/Probation, thanked the Council and Executive
17 for the budget. A couple of items approved in the past have been helpful. One is a
18 courtroom clerk position and the second is temporary part-time extra help they are
19 using to process civil clerk dismissals. They have between 65,000 to 75,000 files
20 waiting for action to close. There is a specific procedure they must use to close a
21 case. He hopes to process the first 14,000 to 16,000 this year. The process will
22 take seven years.
23

24 His ASR's, work, and goals come down to three things. The third priority is
25 customer service, second is liability management, and first is caseload volume
26 management. The workload has exploded in both departments. One positive in
27 the increase in the volume of work is that it brings in more revenue. That's true
28 with both departments. He submitted information (*on file*). Revenue for District
29 Court is up substantially. There has been a steady increase in revenue. District
30 Court case filings for infractions are up tremendously. Those are the cases that
31 pay. Criminal cases don't pay at the same rate. Civil court will never make money
32 because fees are regulated by State Revised Code of Washington (RCW) and are
33 split in many ways. Driving under the influence (DUI) cases are up. The number of
34 some criminal cases may dip because of recent Supreme Court rulings. However,
35 revenue has not dropped.
36

37 Crawford stated the number of non-infractions were flat for six years. Van
38 Glubt stated they look flat. From 1999 to 2000, they went from 750 to 1,000
39 DUI's. DUI's are more complicated than infraction cases. They require more
40 preparation. The graph looks flat, but it's a 33 percent increase. Criminal cases
41 are the same. Civil cases are dropping. Locally, when the economy drops, the
42 number of civil cases drop. As the economy rebounds, the number of civil cases
43 increase. He has a serious concern about the caseload. The Executive approved an
44 additional probation full-time equivalent (FTE) employee position. He will continue
45 to try and manage caseloads in a variety of ways. An effect of increased caseloads
46 is an increase in urinalysis (UI) testing. All the ASR's revolve around those three
47 issues and managing the increasing volume of cases coming through.

1
2 For District Court, the Executive also recommends another full-time clerk
3 position in District Court to deal with customer service issues.
4

5 Crawford asked if they are ready for a significant jail expansion. Van Glubt
6 stated now they are having to work with clients more intensely because there is no
7 jail penalty. The jail used to be a great tool to motivate people to comply with
8 court conditions imposed by a judge. They have little of that leverage left to use.
9 For probation, a new jail is a great benefit.

10
11 For District Court, a new jail will create an increased work load. People will
12 be incarcerated who aren't now. There will be an increase in people who will see a
13 judge. There will be plenty of opportunity before the jail opens to talk with
14 administration and Council on planning for those impacts.
15

16 Parks

17
18 Mike McFarlane, Parks and Recreation Department Director, stated the 2005
19 and 2006 budget is a good budget for the Parks Department. It allows him to
20 continue operations and maintenance. He will use 2005 to upgrade and catch up
21 on maintenance requests. He asked for an additional \$10,500 in extra help to
22 prepare for the consultant to work on the Comprehensive Parks plan. That funding
23 will get them through 2004.
24

25 He is concentrating on infrastructure maintenance. He is working with the
26 Facilities Management Division and Public Works Department to implement a
27 maintenance management system to improve facilities and the tracking of expenses
28 and revenues.
29

30 They will also work on a web-based reservation system, which will allow for
31 self-registration online for many programs and services. Individuals can put a hold
32 on a park shelter. The department is not yet ready to do campsite reservations.
33 They are developing a software package, but they're not there yet.
34

35 Crawford stated they should consider allowing reservations only for residents
36 of the county, or giving the county residents a priority. Their fees already go to
37 paying for the parks.
38

39 Brenner asked if the Parks Department has worked with the Custer gun club.
40 Gun safety is a good thing for kids to learn. McFarland stated they have not
41 worked with the Custer gun club, but they do offer gun classes at the Plantation
42 Rifle Range.
43

44 He asked to make changes to outdoor recreation program. They spent a lot
45 of time looking at that program. There was a steering committee. A portion of the
46 time spent at the staff retreat looked at it. They did a thorough analysis. They
47 found there was a high overhead. Class sizes were restricted by activity,

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1 transportation, and permits required. They couldn't grow the program in its
2 present structure.

3
4 They also heard that offerings were limited to active adults who kayak. They
5 want to broaden the program. They found that 1,000 people participate annually.
6 There is a high repeat rate. About 12 to 14 percent of the users are non-county
7 residents. They also found that 33 percent of the programs offered were being
8 cancelled.

9
10 They set up guidelines to make fundamental changes. They will have
11 shorter, less expensive programs that can accommodate more participants.
12 Increase the contracting of programs to allow for more programming. The private
13 sector can provide some of those services. Create shorter programs instead of
14 multi-day programs to offer a greater number of programs. Offer programs of
15 interest to all folks. Have a greater focus on using local sites and venues within the
16 county instead of long distance trips.

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

19
20 McFarland continued to state there have been requests for an educational
21 component of the program, such as an interpretive program. They will stick to the
22 basics of skills, safety, and introducing people to new activities. They started
23 looking at the teen adventure program. The Alcoa grant for that program is very
24 reduced. They found some efficiencies from combining the teen adventure program
25 with the outdoor recreation program. Gear some programs more toward families.
26 In 2006, the entire Alcoa grant will go away. There are demands for school
27 programs in locations such as Hovander Park. They discovered successes working
28 with younger students. There will be a program through the Blaine School District
29 for youth also, funded from a grant.

30
31 Brenner stated she was always against teen adventure program because it
32 competes with the Boys & Girls Club. She asked if Mr. McFarlane is working with
33 the Boys & Girls Club to operate this program jointly. McFarlane stated he is. He is
34 also working with the YMCA. They are each bringing something different to the
35 table. This is an area that will probably be expanded through the county. One
36 advantage of working with the Boys & Girls Club is a youth component that is
37 already organized and supervised.

38
39 Roy asked if the statistic was only 1,000 people who took advantage of the
40 outdoor recreation program. McFarlane stated they have averaged around 1,000
41 participants the last four years. Part of the reason for that statistic is the narrow
42 nature of programs.

43
44 Roy stated an issue is whether they are charging enough for the activities, or
45 if they are bringing in more charges for the programs. McFarlane stated he is
46 looking at the pricing policy. Adult programs should be full cost recovery. If the
47 County is going to subsidize programs, it should be the youth and family

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1 component. The County can also subsidize larger events that will bring in lots of
2 participants. He hasn't set the cost recovery level yet for family or youth activities.
3 One suggestion was to offer free programs instead of providing individual
4 scholarships.

5
6 There is an opportunity to do more at certain parks in the northwest area of
7 the county. One idea was to reduce the outdoor coordinator position to 50 percent,
8 and use the other 50 percent to serve as park manager for that area, plus to serve
9 drop-in programs in the area. Currently, about ten percent of that position's time is
10 spent on information technology. That duty can be shifted to other staff. That
11 position spends about 20 percent supervising the teen coordinator, which isn't
12 really necessary. There is probably a net loss on programming of 20 percent, but
13 they gain a presence and programming in that part of the county.

14
15 They reviewed and revised rates and fees. At Samish Park, there is a big
16 demand for swimming during summer. That park fills completely. A lot of use is by
17 non-county residents from Skagit County. Instead of charging \$4 per vehicle for
18 non-residents, they will charge \$2 per person. It will increase revenues, but he's
19 not sure it will decrease non-resident use.

20
21 They are reassessing the special events policy to increase and set those rates
22 and fees. Most events are at Hovander Park. Many times, the County has not
23 recovered costs of certain events. He is trying to fully recover the County's costs
24 for specialty events. He also added a little bit for the inconvenience of the public
25 for being closed out of the facility during the event.

26
27 Caskey-Schreiber asked about the Sunset Equestrian Park. There is not a lot
28 of information in the community about that park and what is available to riders.
29 That's a place where they can charge a user fee. People would be willing to pay.
30 McFarlane stated a new contract is shortly coming forward. A substantial amount
31 of work needs to be done before getting to that point of advertising. They have
32 \$20,000 in a fund from a donation to design a riding ring. A new contractor at the
33 facility will make a big difference in getting the facility set up and organized as an
34 equestrian facility. Within two to three years, they will be able to put some shine
35 on that facility.

36
37 McShane stated he is pleased to see they are getting Semiahmoo Park open.
38 Programs there would be significant. He is also pleased with the environmental
39 education position. At some point, they might be able to expand that position for
40 the Semiahmoo Park location.

41
42 Roy stated the Birch Bay State Park runs an interpretive program and
43 lectures in the summer. She asked if the Parks Department ties into that staff.
44 McFarlane stated he has been in close contact with that staff. Once the County
45 starts doing a program there, its programs will complement and enhance existing
46 programs. In the future, they will move out the daycare program and open the

1 building for rentals and programs. There is an available facility nearby for
2 conference facilities. They will be involved in that community soon.

3
4 Roy asked if there are any unapproved ASR's that are necessary, or if Mr.
5 McFarlane is comfortable with the recommended budget. McFarlane stated he is
6 comfortable with the approved budget.

7
8 Prosecutor's Office

9
10 Dave McEachran, Prosecutor, stated there are not enough courts to handle
11 the amount of cases. He has a difficult time getting cases to trial. There have been
12 a huge number of serious cases. The Superior Court increase is 1.2 percent. A
13 couple of years ago, the Superior Court increase was 25 percent. The District Court
14 increase in caseload is four percent. The Juvenile Court has had shrinking
15 caseloads, due to demographics. That trend will reverse eventually.

16
17 He described a recent serious case that just occurred the previous day. It is
18 an example of the criminals they are seeing. He's never had so many serious cases
19 go through his office. There are 14 homicide cases and one death penalty case.
20 Now, there are three homicides pending that won't be finished this year. That's an
21 extremely high number of cases.

22
23 They are also having a large number of bank robberies. There have been 55
24 in Bellingham alone this year, with six in the last couple of months.

25
26 They are still dealing with meth labs. Methamphetamine is cheaper to
27 import. They may see a reduction in the number of labs. They found seventeen
28 labs and nine dumpsites this year. A concern is where some of the labs are turning
29 up, which are in nice neighborhoods.

30
31 His budget goal for 2005 is to hang on, and then get assistance if needed in
32 2006. The backlog in cases is a major problem. There are not enough attorneys to
33 move cases through. The Executive's Office recommends an attorney support staff
34 in 2005 instead of 2006. The main concern is salaries for attorneys in the office.
35 His chief deputies are 14 and 10 percent behind comparable positions elsewhere.
36 Senior deputies are also behind. Across the state, Whatcom County handles more
37 cases per attorney than any other office. They can do that because of attorney
38 experience. However, the County has to keep up with the salary levels. In the
39 past, attorneys left after ten years because they weren't making enough money to
40 support their families. For the integrity of staff, maintain the attorneys to keep up
41 with their caseloads.

42
43 Caskey-Schreiber asked how many people are leaving because of this.
44 McEachran stated he only has anecdotal information.

45
46 Caskey-Schreiber asked if those attorneys got the same salary increase as
47 other employees last year. McEachran stated they did. Look at comparable

1 counties. If an employee salary is ten percent below the comparable counties, he
2 will bring a salary increase request forward. The senior deputy attorneys are six
3 percent below the comparables. The chief deputy attorneys are more than ten
4 percent below the comparables. Fortunately, people in the office love doing the
5 work, which is a great benefit to the citizens they serve. He will not be able to
6 maintain the staff without comparable salaries.

7
8 Roy asked about the agreement of staff being more than ten percent below
9 comparable positions in other counties. Desler stated the administration is
10 discussing this. The request has implications for other operations in the county. A
11 Council policy uses comparisons to six other counties, established by an
12 independent, objective person. If they find that staff is at or below ten percent of
13 those comparable counties, the County will make adjustments. For three of Mr.
14 McEachran's staff, that is the case. That is also the case for one or two in the
15 Public Defender's Office. The administration will make a recommendation for an
16 increase. Other groups didn't meet that test.

17
18 Caskey-Schreiber stated the ten percent policy is a fair measure right now.
19 They are not quite there yet. Hopefully, the steady cost of living increases will
20 bridge that gap. McEachran read the policy. Whatcom County is ten percent below
21 four counties. Cowlitz and Skagit counties are the only two counties that are lower
22 than Whatcom County for senior deputy prosecutors. Cowlitz County is lower than
23 Whatcom County in everything, but it has only half the population of Whatcom
24 County. Look at that. His prosecutors are below ten percent of four comparable
25 counties. Compared to all six counties, Whatcom County is six percent below the
26 threshold. If they ask staff to do the work of one and a half people, they should at
27 least consider comparables of four other counties.

28
29 McShane stated just because they budget for this request, it doesn't mean it
30 will happen. If they don't budget for it, they may have to go through the
31 supplemental budget process. He'd rather consider in the context of the budget.
32 He is interested in looking into this.

33
34 Roy stated she doesn't want to make an exception. Follow the policy they've
35 set. They need more information and the administration's response.

36
37 Caskey-Schreiber asked if the additional staff attorney for 2005 and 2006 is
38 a new FTE. McEachran stated it is. Initially, he put the position in the budget for
39 2006. As they worked through the budget process and met with other parts of the
40 criminal justice departments, they found the reason for the backlog was because
41 there are not enough attorneys to process the cases. There must be some point of
42 parity between the Public Defender's Office and the Prosecutor's Office.

43
44 McShane stated it sounds as if the justice system components are working
45 closer together through this budget proposal process. McEachran stated they have
46 worked together for years. This is not new. A law and justice working group met
47 years ago. They have the Law and Justice Council now. They have traded off tasks

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1 and responsibilities to become more efficient. A group was convened this year to
2 discuss budget issues. It's taking longer for a case to get through District Court,
3 which is a performance measure.
4

5 Another major problem is office space. He has no more room to expand.
6 Two attorneys are sharing an office. It hasn't worked well, so one attorney works
7 offsite. That hasn't worked well, either. In the past, he has split up the office in
8 different locations, but that's difficult for administration. Keep them all under one
9 roof. Find space for his offices. If they don't have courthouse security, then at the
10 least make his office more secure.

11
12 McShane stated he appreciates the communication and information on the
13 federal cases that Mr. McEachran has provided to him.

14
15 *(Clerk's Note: End of tape two, side B.)*
16

17 Juvenile Court/Probation/Detention

18
19 Dave Reynolds, Juvenile Court Administrator, stated there has been a
20 decrease in referrals from the offender side, but an increase in referrals from the
21 civil side, in terms of at-risk youth and truancy.
22

23 There are only a couple of additional things he's asking for in the budget.
24 One is a one-time funding for a washer and dryer in the amount of \$10,000 for
25 detention. The existing washer and dryer are the original set, and are used quite a
26 bit. It cannot be repaired any further. Staff has had to use the laundry at the jail,
27 which takes staff off the floor, and also ties up the jail's ability to do laundry.
28

29 The second request is for a maintenance contract with a vendor from
30 Wyoming for a case management system. The tool will go live on December 1,
31 2004. The system is a case management tool for probation and detention. It will
32 allow them to do everything electronically and access case notes and records from
33 the field. The maintenance contract allows all future upgrades, including to
34 handheld devices. Caseworkers can update case notes in the field, which will go
35 directly into the system rather than be double-entered. This is a priority. The staff
36 from the Information Services Division have said this is a good contract to have.
37

38 The third request is an increase in the nurse practitioner position for
39 detention from .6 FTE to .7 FTE. Currently, the staff person is an employee of the
40 Health Department. January 1, the staff will switch to his department. Many youth
41 have considerable medical needs.
42

43 Roy stated an issue about truancy came up earlier today. One
44 councilmember, who she agrees with, is concerned about truancy cases. The public
45 defender said he would gather information on that issue, so he may talk to Mr.
46 Reynolds. Reynolds stated they've exceeded their truancy cases from last year.
47 It's a State mandate, but they can look at more efficiencies.

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Final Comments

Desler stated the administration has worked closely with departments to solve problems in advance of the budget process.

The Prosecutor is asking to take out a section of language that refers to the fact that if there are six comparables, all six comparables will be used. This affects more than just the Prosecutor's Office. They really don't disagree about the percentages, but the Prosecutor's wants to use a different number of jurisdictions. For some positions, there are not six comparables, so the policy says there has to be at least four comparables. When there are six comparables, the Prosecutor wants to exclude the lower two comparables.

The three most contentious issues in this organization are parking, health insurance, and wages. The Executive's Office wants to pay people fairly and, in some cases, more. There is no incentive to have turnover and disgruntled employees. They are budgeting \$2 million dollars more in the 2005 budget for wage and health insurance increases. They are also budgeting \$3 million more in 2006. They are trying to raise all salaries fairly. If there is justification and issues they need to address beyond the current policy, he will be happy to talk with the Council about it. Just addressing the Prosecutor's staff will create a lot of other requests.

Caskey-Schreiber stated it's fair to stick with the policy. If they can't argue that they're ten percent behind the six counties, then they'll eventually get there or the County will rectify the situation with consistent COLA's. The current policy is already fair and generous compared to what State employees are allowed. Desler stated other counties' salaries are flattening out. People aren't getting COLA's.

Roy stated the Whatcom County turnover rate is not excessive. They have a low turnover rate compared to other, similar governmental bodies. Desler stated it depends on the employer group.

Roy stated there is an assumption that attorney's make a lot of money. Not every attorney in Bellingham makes a lot of money. The salaries of the County's attorney, compared with the average attorney salary in Bellingham, are very good. Desler stated the beginning salary for an prosecuting attorney is \$42,500, and raises to \$75,000 in ten years. There is also a full family benefit package.

McShane stated there are assumptions in the budget about providing a COLA. At some point, he would like to know if there is some sort of salary adjustment in the budget. Desler stated they are actively engaged in negotiations with employee groups. They are considering when to bring forward the unrepresented employee proposal. The administration does not intend to be unfair and entrenched. They've tried to approach the budget with resources assigned to wages.

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ADJOURN

The meeting adjourned at 12:50 p.m.

Jill Nixon, Minutes Transcription

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Sam Crawford, Committee Chair