

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

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

4 November 23, 2004
5

6 Committee Chair Sam Crawford called the meeting to order at 1:00 p.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 Laurie Caskey-Schreiber
16
17

18 **SPECIAL PRESENTATION**
19

20 **1. QUARTERLY REPORT FROM THE BELLINGHAM-WHATCOM PUBLIC**
21 **FACILITIES DISTRICT (AB2004-120)**
22

23 Crawford suggested that the report be made every six months instead of
24 quarterly. The report might be a part of the interlocal agreement. Check to see if
25 this is possible, or if quarterly reports are mandated as part of the agreement.
26

27 David Warren, Public Facilities District (PFD) Coordinator, presented a report
28 on the PFD's progress. The PFD opened phase I of a three-phase process on the
29 Mt. Baker theater buildings.
30

31 The Children's Museum project is moving ahead. They've purchased the old
32 Employment Security building on Grand Avenue. A museum design competition
33 has been going on. They've picked three finalists who's designs will be up for
34 public review at the Whatcom Museum in December.
35

36 The PFD completed a bond sale for regional projects. The net proceeds are
37 \$9.4 million. The PFD will use about \$6.5 million of the proceeds to reimburse itself
38 for capital expenses to date, leaving about \$3 million for future capital projects.
39 They must be spent within three years.
40

41 The PFD is moving into the streetscape design process to bring attention to
42 the downtown core area, including the Civic Center/Theater area. A developer put
43 forward a grant to hire an urban designer from Portland, Oregon. This is an
44 opportunity to look at the waterfront's potential, also. The urban designer will
45 make a final presentation to the PFD in December. The PFD Board can only do the
46 streetscape design in the cultural center area, not to the waterfront. However,

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 there are now opportunities for the private sector to finance some of that cost,
2 which he believes they will. Business owners are very excited about the potential.
3

4
5 **OTHER BUSINESS**
6

7 Dewey Desler, Deputy Administrator, stated there was a Bellingham
8 operation with a dangerous offender. There was a multi-jurisdictional effort to
9 capture this person, who escaped into Skagit County. The person fired at officers
10 surrounding his location. Officers fired back. The person was shot twice, which
11 resulted in a life-threatening situation. The person was treated at Harborview
12 Medical Center's trauma center. Whatcom County hired King County corrections
13 officers to provide 24-hour per day custody. The resulting costs of all that is
14 around \$125,000, which will come forward in the **ordinance amending the 2004**
15 **Whatcom County budget, fifteenth request (AB2004-411)**. He questions who
16 will ultimately be responsible for those bills.
17

18 Crawford stated several law enforcement jurisdictions were involved. He
19 asked if the County is prosecuting the offender. Desler stated he is planning a
20 discussion on all jail's costs. The administration wants to be clear on who has
21 responsibility. This item will come before the County Council at the next meeting.
22 It will be introduced at the evening meeting.
23

24 Brad Bennett, Finance Division Manager, stated they are holding off on
25 paying some of these bills until they figure out who is responsible for some of these
26 costs. Councilmember Crawford's question was why Whatcom County is bearing
27 the brunt of the cost. He's being told that Whatcom County is paying because
28 Whatcom County is charging the suspect with a crime, even though the suspect
29 committed crimes in other jurisdictions. The suspect needed to be delivered to
30 Whatcom County and, therefore, Whatcom County should pay. Payment for
31 medical costs prior to booking into the jail is another issue. Once booked, medical
32 costs are clearly Whatcom County's responsibility. Having talked to legal counsel,
33 there isn't a lot of law on who is responsible before booking. He will talk further
34 with legal counsel to see if the State should pick up the tab if the suspect qualifies
35 for medical coverage through the State Department of Social and Health Services
36 (DSHS), since the suspect hadn't been booked.
37

38 Crawford stated there should be some precedence for how that is handled in
39 the larger urban areas. Bennett stated the medical issues is becoming a bigger and
40 bigger problem. In this instance, there wasn't a clear trail and the attorneys will
41 have to become involved.
42

43 Desler stated that within the next 45 days, the administration is going to try
44 to determine who is responsible for paying which health care costs. The County will
45 have to change its statutes to accurately reflect State law. Whatcom County has
46 been asked to pay for some things that he is questioning.
47

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 Brenner stated she will not support this at all. It will send out the wrong
2 message to law enforcement. The suspect should bear the costs. Desler stated the
3 County is constitutionally required to provide this kind of care for these people.
4 The County would be forced to pay for that care. If the County refuses to pay, the
5 providers of the medical service will have to pay for it, rather than the public.
6

7 Brenner stated they should say that the suspect should pay for the bill. If
8 the suspect can't pay for it, put him on social services and make the State
9 responsible. Desler stated no one wants to pay for their health care and medical
10 costs.
11

12 Crawford asks if hospital care for transients, for instance, is paid for by the
13 hospital. Desler stated it is. The hospital gets the money from insurance rates and
14 the cost of delivering services to employees and others in the community.
15

16 McShane stated the bill will have to be paid in some way. Whether or not
17 they agree with it, the County has a bill to pay. This isn't about whether or not the
18 councilmembers agree with the law. The County has to budget for this, whether or
19 not it likes it.
20
21

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, FOURTEENTH REQUEST (AB2004-397)

27 ***McShane moved*** to recommend approval to the full Council.
28

29 Caskey-Schreiber asked how they derived the funding split between flood
30 funds and the Conservation Futures fund.
31

32 Dewey Desler, Deputy Administrator, stated they initially planned to spend
33 Conservation Futures funds. The three acres and the house are covered by the
34 Conservation Futures fund.
35

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

COUNCIL "CONSENT AGENDA" ITEM

1. DISCUSSION AND POSSIBLE ACTION REGARDING THE RFP FOR HEARING EXAMINER SERVICES (AB2004-398)

44 ***McShane moved*** to recommend to the full Council accepting Michael
45 Bobbink's proposal for hearing examiner services.
46

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 Roy stated she's concerned that there isn't anything in the packet that
2 mentions the contractor. The public has a right to be able to look at something like
3 this.
4

5 Crawford stated the difference is that the Council is talking about hiring an
6 employee. All they're doing is notifying the public that the Council is hiring a
7 hearing examiner. That will give the Council Clerk direction to prepare a contract.
8

9 McShane stated all those proposals were a part of the packet at the last
10 meeting and are a part of the record.
11

12 Brenner stated the Council should have something to vote on, rather than an
13 oral statement. Something from the executive session should have been put in the
14 packet.
15

16 Crawford stated the Clerk of the Council will prepare a contract based on the
17 request for proposals (RFP). The Council will approve the contract at a later date.
18 All they are doing today is hiring Michael Bobbink as the hearing examiner.
19

20 ***Motion carried unanimously.***
21

22 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
24 **INTERFLUVE, INC. FOR MONITORING OF THE SAXON BANK**
25 **STABILIZATION AND SAAR CREEK SEDIMENT TRAP PROJECTS, IN**
26 **THE AMOUNT OF \$180,635 (AB2004-401)**
27

28 Paula Cooper, River and Flood Division Manager, stated they putting two
29 monitoring projects together into one monitoring contract.
30

31 ***Roy moved*** to recommend approval to the full Council.
32

33 McShane asked if the sub-zones will pay a portion of monitoring. Cooper
34 stated they won't.
35

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

38 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
39 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
40 **AUTOMATIC FUNDS TRANSFER SERVICES TO PROVIDE LOCKBOX**
41 **PAYMENT PROCESSING FOR PROPERTY TAX AND SPECIAL**
42 **ASSESSMENT PAYMENTS, IN THE AMOUNT OF \$20,000 (AB2004-402)**
43

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

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

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
2 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
3 **CITY OF LYNDEN REGARDING THE ANNEXATION WITHIN THE URBAN**
4 **GROWTH AREA, AMENDMENT #4 - +/- 8 ½ ACRES SOUTH OF KOK**
5 **ROAD (AB2004-403)**
6

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

8
9 Crawford asked if the County already agreed to this annexation.

10
11 Caskey-Schreiber asked if this changes the zoning. They are asking to annex
12 agricultural land in the flood plain. It seems strange that this item is before the
13 Finance Committee.

14
15 Brenner asked why this is in the Finance Committee instead of the Planning
16 Committee.

17
18 McShane stated this is an interlocal agreement.

19
20 Crawford asked for more information from staff.

21
22 Dewey Desler, Deputy Administrator, stated there are occasionally finance
23 issues that go along with annexation. This item can go before the Planning
24 Committee.

25
26 Crawford asked if the County doesn't have a lot of say if a property owner
27 and a city agree that a property be annexed.

28
29 Dan Gibson, Senior Civil Deputy Prosecutor, stated this is an interlocal
30 agreement as a function of the understanding between the County and cities
31 pertaining to annexation of urban growth areas, which impacts public works and/or
32 taxes. The Planning and Development Services probably originated this item.

33
34 Roy stated there is no mention in the paperwork of money.

35
36 Crawford stated he would like to hold this over for two weeks to get
37 information on the financial and legal implications. Desler stated that is fine.

38
39 Caskey-Schreiber stated citizens are opposed because it is expansion of the
40 flood plain. She would like to find out from the Planning staff if that's true.

41
42 **McShane withdrew** his motion and **moved** to hold in committee for two
43 weeks for more information on financing and planning.

44
45 **Motion carried 2-1 with McShane opposed.**
46

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
2 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
3 **WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE &**
4 **ECONOMIC DEVELOPMENT TO EXTEND THE BIRCH BAY WATER &**
5 **SEWER DISTRICT'S SANITARY WATER SYSTEM FOR THE BENEFIT OF**
6 **THE BIRCH BAY VIEW COMMUNITY, IN THE AMOUNT OF \$850,000 -**
7 **IN ADDITION, REQUEST AUTHORIZATION FOR THE EXECUTIVE TO**
8 **ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE BIRCH BAY**
9 **WATER & SEWER DISTRICT AS THE SUBRECIPIENT OF THIS GRANT**
10 **FUNDING (AB2004-404)**

11
12 Dewey Desler, Deputy Administrator, stated the County submitted an
13 application for funding of sewer system connections to the Birch Bay Water and
14 Sewer District for the Birch Bay View Community. He's pleased they've received
15 financing from external sources for the work. The next phase is signing an
16 agreement with the State of Washington to receive the money and another
17 agreement with the Birch Bay Water and Sewer District to take on the responsibility
18 for construction and implementation of the project. The County is the
19 intermediary, although it is responsible to see that the project be done properly.
20 There are small technical changes to the agreement. The key thing is to approve
21 the agreement so they can begin receiving the money and begin the project.

22
23 **Roy moved** to recommend approval to the full Council. This project is on
24 the priority list for the Washington Community Economic Revitalization team (WA-
25 CERT). In addition, 75 percent of these households are low or low-moderate
26 income. This is assistance to people who can't do this themselves. There is a large
27 amount of community support, particularly from the development community.

28
29 McShane thanked the Executive and Mr. Desler for taking on this project.

30
31 *(Clerk's Note: End of tape one, side A.)*

32
33 **Motion carried unanimously.**

34
35 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
36 **AWARD OF BID #04-80, THE ANNUAL LIST OF INDIVIDUALS AND**
37 **COMPANIES INTERESTED IN RENTING THEIR EQUIPMENT TO THE**
38 **COUNTY, IN AN AMOUNT THAT MAY EXCEED \$35,000 WITH A SINGLE**
39 **VENDOR (AB2004-405)**

40
41 **McShane moved** to recommend approval to the full Council.

42
43 **Motion carried unanimously.**

44
45 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
46 **PURCHASE OF A MODULAR BUILDING FROM WILLIAM SCOTSMAN,**

1 **INC. USING THE WASHINGTON STATE CONTRACT, IN THE AMOUNT**
2 **OF \$104,118.69 (AB2004-406)**
3

4 Mike Russell, Facilities Maintenance Supervisor, stated this is a pre-approved
5 State contract from which the County is purchasing the modular. They don't get
6 paid until delivery.
7

8 **McShane moved** to recommend approval to the full Council.
9

10 **Motion carried unanimously.**
11

12 **8. REQUEST APPROVAL OF THE HOUSING FOR LOW INCOME ADVISORY**
13 **COMMITTEE RECOMMENDATIONS FOR FUNDING OPERATIONS RFP**
14 **04-79, IN THE AMOUNT OF \$211,759 (AB2004-407)**
15

16 Dewey Desler, Deputy Administrator, stated these are the 20/60 funds. This
17 is the first implementation of those funds. The Housing for Low Income Advisory
18 Committee made recommendations on using the first part of the funding in January
19 2005.
20

21 Gary Williams, Human Services Supervisor, stated the selection committee
22 realized one of the applications serves the highest-need population, including those
23 who have significant challenges to accessing housing support. This is a focus area
24 they want to add additional dollars to, for housing vouchers. This would help
25 people living on the street and are at most risk for harm. The amount is for the
26 requested amount of \$22,518 plus an additional \$5,691.
27

28 Roy stated the information on Council packet pages 170 and 171 is
29 confusing. She asked about vouchers. Williams stated those pages are a summary
30 of the applications. They include the questions asked the applicants during the oral
31 presentations.
32

33 Crawford asked the total amount requested. Williams stated the total sum is
34 \$211,759 which is what the Advisory Committee approved for operations. They
35 increased beyond the applicant's request rather than changing the amount on
36 paper.
37

38 **McShane moved** to recommend approval to the full Council.
39

40 Roy stated she would like to know the number of clients this service will help.
41 She asked to know if they are getting the most benefit for the dollars spent.
42 Williams stated the operations funds will be used to augment existing programs.
43 Information from the homeless coalition talks about the number of homeless
44 individuals in Whatcom County and the special populations they come from.
45

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 Desler stated this is the first of three sets of funding. It's a new process for
2 the administration. They're still working it out. Next, there will be specific
3 contracts with each organizations that will come before the Council for approval.
4

5 Crawford stated the summary on pages 170 and 171 can be used for more
6 information, and include outcomes.
7

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

10 **9. RESOLUTION ADOPTING A SALARY SCHEDULE AND POLICIES FOR**
11 **UNREPRESENTED WHATCOM COUNTY EMPLOYEES FOR THE YEAR**
12 **2005 (AB2004-387)**
13

14 Dewey Desler, Deputy Administrator, stated he distributed an amendment
15 related to the Sheriff's Office (*on file*). When the administration reached an
16 agreement with the Sheriff deputy guild, the deputies will receive a ten percent
17 increase over three years. The sergeants will receive a seven percent increase.
18 The unrepresented resolution traditionally asked the undersheriff, chiefs, and
19 lieutenants to build it around the guild agreement and the seven percent increase.
20 Those in the leadership wants it built around a ten percent increase. The
21 administration proposes a 1.5 percent increase as a new, top step. Not everyone
22 would be eligible yet. It would add a step H and a 1.5 step increase.
23

24 Roy stated she thought this was going to be more in line with a merit pay to
25 acknowledge people who perform above the minimum standards. Desler stated
26 that was discussed in regard to the adjustments proposed for the Prosecuting
27 Attorney's Office.
28

29 Roy asked if that is a low standard. Desler stated it is what has been
30 traditionally applied. The administration hasn't discussed that standard with the
31 Council. Bring the people who oversee those deputies in line with the represented
32 deputies.
33

34 McShane stated they don't want staff turning down promotions because they
35 would be less money.
36

37 Brenner asked how much extra money they are talking about. Desler stated
38 that amount is about \$2,000 to \$2,500 overall in 2005.
39

40 ***Roy moved*** to recommend approval, including the submitted change, to the
41 full Council.
42

43 ***Motion carried unanimously.***
44

45 **10. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS MORE**
46 **THAN A YEAR OLD (AB2004-408)**
47

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

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

3 **Motion carried unanimously.**
4

5
6 **OTHER BUSINESS**
7

8 Dewey Desler, Deputy Administrator, asked the councilmembers to consider
9 introducing at the evening meeting an **ordinance adopting a one-tenth of one-**
10 **percent sales and use tax for the purpose of funding jails (AB2004-412).**
11 This item will be before the Finance Committee and Council on December 7.
12

13 He asked the councilmembers if there are any questions on the **ordinance**
14 **amending the 2004 Whatcom County budget, fifteenth request (AB2004-**
15 **411).** It will be introduced at this evening's meeting and before the Finance
16 Committee on December 7.
17

18 Crawford asked for information on the Superior Court item. Desler stated
19 the court budget expenditures must follow the court orders. The State of
20 Washington is changing the way it assigns issues before the court, which results in
21 increased expenditures. The Court Clerk will address the councilmembers in two
22 weeks.
23

24 Crawford stated a big cost is for the guardians ad litem. Desler stated the
25 County doesn't have a lot of control over what the court orders. The County has to
26 find the money either in the court budget or elsewhere.
27

28 Superior Court has been cooperative in implementing laser fiche. They are
29 moving ahead with that project for the court. He's asking for an additional
30 supplemental out of the operations and maintenance (O&M) fund for software and
31 equipment purchases for that effort.
32

33 At the next meeting, there will be a **contract agreement between**
34 **Whatcom County and Compu-Tech for development and implementation of**
35 **the data integration project (AB2004-424).** It is a multi-jurisdictional project.
36 They received a grant of nearly \$1 million from the federal government to
37 implement a consolidation of information systems around criminal justice. The first
38 phase is targeted around many of the local government agencies and internal
39 courthouse operations. The second phase will bring in other federal law
40 enforcement operations and sharing information on a consistent platform. In the
41 future, they will see major contracts for this project. The County has been granted
42 a second federal award for the implementation of phase II. It may be about
43 \$500,000. A committee of people are working on the effort.
44

45 The **third quarter financial report (AB2004-005)** is in (*on file*). Revenue
46 is good. Expenditures are relatively on target, with the exception of the Sheriff,
47 Jail, and Superior Court budgets.

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1
2 Crawford asked about a report he heard about the federal government
3 providing money for the prosecution of people who are arrested crossing the border
4 with Canada. Desler stated that is another issue they've been working on. He's
5 heard only verbally about an appropriation of about \$1.2 million for either Whatcom
6 County or all the northern border counties in the Washington state, for the entire
7 justice system in the county.

8
9 Crawford asked if the County can replace general fund dollars with these
10 grant monies. Desler stated he doesn't think so.

11
12 Crawford asked if the grant is additive and if they have to add \$1.2 million in
13 services. He's not in favor of doing that. Desler stated they haven't reached that
14 level of detail yet. The County would have to provide a scope of work and write a
15 work program. The County would have to have a contract with the federal
16 government. The County will have to prove deliverables. The County is not
17 interested in developing recurring expenditures. This is only a one-year
18 appropriation.

19
20 Crawford stated the message in Washington D.C. from the County was not to
21 help the federal government do more. The message was to get compensation for
22 the undue burden of border county responsibilities. They all know they are over-
23 capacity the way it is. The courts and jail are not interested in processing more
24 people.

25
26 Roy stated this is something that the Whatcom County delegation to
27 Washington D.C. discusses before the trip in March.

28
29 He submitted a packet of information (*on file*) on the new jail work center
30 and triage center relating to the **update on the master facility plan jail**
31 **(AB2003-288)**. As much as possible, this will be a Leadership in Energy &
32 Environmental Design- (LEED) certified building. They will use some of the excess
33 steel originally from the Skagit River bridge and not used by the Depot Market
34 project.

35
36 Brenner asked if there has been discussion about incorporating a green roof,
37 since this will have a flat roof. Desler stated they haven't discussed it yet. The
38 budget for the project is included in the update. The current schedule is also in the
39 update. This spring, they would apply for permits and start construction in April.
40 They hope to be in the building by February or March 2006.

41
42
43 **ADJOURN**

44
45 The meeting adjourned at 2:27 p.m.
46
47

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 _____
2 Jill Nixon, Minutes Transcription

3
4
5 ATTEST: WHATCOM COUNTY COUNCIL
6 WHATCOM COUNTY, WASHINGTON

7
8
9
10 _____
11 Dana Brown-Davis, Council Clerk Sam Crawford, Committee Chair