

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 voted for Caskey-Schreiber.

2

3 Brenner voted for Caskey-Schreiber.

4

5 Nelson voted for Fleetwood.

6

7 Roy voted for Caskey-Schreiber.

8

9 Councilmember Caskey-Schreiber was appointed 4-3 as Council Chair.

10

11 *(Clerk's Note: Councilmember Caskey-Schreiber assumed the duties of the*
12 *Chair.)*

13

14 Council Vice-Chair

15

16 Crawford nominated Fleetwood.

17

18 Nelson nominated Crawford.

19

20 Crawford voted for Fleetwood.

21

22 McShane voted for Crawford.

23

24 Fleetwood voted for Fleetwood.

25

26 Caskey-Schreiber voted for Fleetwood.

27

28 Brenner voted for Fleetwood.

29

30 Nelson voted for Crawford.

31

32 Roy voted for Fleetwood.

33

34 Councilmember Fleetwood was appointed 5-2 as Council Vice-Chair.

35

36 Executive Pro-Tempore

37

38 Nelson nominated Crawford.

39

40 Roy nominated McShane.

41

42 Roy voted for McShane.

43

44 Nelson voted for Crawford.

45

46 Brenner voted for Crawford.

47

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1 Caskey-Schreiber voted for McShane.

2
3 Fleetwood voted for Crawford.

4
5 McShane voted for Crawford.

6
7 Crawford did not vote.

8
9 Crawford was appointed 4-2 as Executive Pro Tempore.

10
11
12 Finance and Administrative Services Committee

13
14 Crawford nominated Fleetwood, Nelson, Crawford, and Roy.

15
16 Fleetwood voted for Fleetwood, Crawford, and Roy.

17
18 Nelson voted for Nelson, Crawford, and Roy.

19
20 McShane voted for Fleetwood, Nelson, and Crawford.

21
22 Caskey-Schreiber voted for Fleetwood, Nelson, and Crawford.

23
24 Crawford voted for Fleetwood, Nelson, and Roy.

25
26 Roy voted for Fleetwood, Nelson, and Roy.

27
28 Brenner voted for Fleetwood, Nelson, and Roy.

29
30 Councilmembers Fleetwood, Nelson, and Roy were appointed to the Finance
31 and Administrative Services Committee.

32
33 Roy stated she would rather serve on the Natural Resources Committee, and
34 withdrew from the Finance and Administrative Services Committee.

35
36 The Council concurred to appoint Crawford to the Finance and Administrative
37 Services Committee.

38
39 Planning and Development Committee

40
41 Caskey-Schreiber withdrew her interest from being appointed to the Planning
42 and Development Services Committee.

43
44 ***Brenner moved*** to appoint Fleetwood, McShane, and Brenner by
45 acclamation.

46
47 ***The Council concurred with the motion.***

1
2 Public Works Committee
3

4 ***Crawford moved*** to appoint Nelson, Brenner, and Crawford by acclamation.
5

6 ***The Council concurred with the motion.***
7

8 Natural Resources
9

10 Caskey-Schreiber withdrew her interest from being appointed to the Natural
11 Resources Committee.
12

13 Nelson withdrew his interest from being appointed to the Natural Resources
14 Committee.
15

16 ***Caskey-Schreiber moved*** to appoint Fleetwood, McShane, and Roy by
17 acclamation.
18

19 ***The Council concurred with the motion.***
20

21 The Council concurred to appoint the councilmembers by acclamation as
22 follows.
23

- 24 • Bellingham International Airport Advisory: Brenner
- 25 • Council of Governments: Fleetwood and Crawford
- 26 • Drayton Harbor Shellfish Protection District Advisory Committee: Roy
- 27 • Economic Development Council: Caskey-Schreiber
- 28 • Energy Facility Site Evaluation Council (EFSEC): McShane
- 29 • Health and Human Services Advisory Board: Nelson and Brenner
- 30 • Public Health Advisory Board: Nelson
- 31 • Developmental Disabilities Board: Roy
- 32 • Mental Health Advisory Board: Brenner
- 33 • Substance Abuse Board: Crawford
- 34 • Intergovernmental Tribal Relations Committee: Fleetwood and McShane
- 35 • Law Enforcement Officer and Fire Fighter (LEOFF) Board: McShane
- 36 • Local Emergency Planning Committee: Crawford
- 37 • Marine Resources Committee: McShane
- 38 • North Sound Mental Health Agency: Nelson
- 39 • Northwest Clean Air Agency: Caskey-Schreiber
- 40 • Northwest Regional Council: Nelson
- 41 • Portage Bay Shellfish Protection District Advisory Committee: Roy
- 42 • Opportunity Council: Crawford
- 43 • Public Defense Advisory Committee: Brenner
- 44 • Solid Waste Advisory Committee: McShane
- 45 • Urban County Caucus: Crawford
- 46 • Whatcom Transit Authority: Fleetwood
- 47

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1
2 **MINUTES CONSENT**
3

4 ***Brenner moved*** to approve Minutes Consent items one through seven.

5
6 ***Motion carried unanimously.***
7

8 **1. WATER RESOURCES WORK SESSION FOR NOVEMBER 16, 2004**

9
10 **2. COMMITTEE OF THE WHOLE FOR NOVEMBER 23, 2004**

11
12 **3. REGULAR COUNTY COUNCIL FOR NOVEMBER 23, 2004**

13
14 **4. SPECIAL COUNTY COUNCIL FOR NOVEMBER 29, 2004**

15
16 **5. SPECIAL COUNTY COUNCIL FOR NOVEMBER 30, 2004**

17
18 **6. COMMITTEE OF THE WHOLE FOR DECEMBER 7, 2004**

19
20 **7. REGULAR COUNTY COUNCIL FOR DECEMBER 7, 2004**
21

22
23 **OPEN SESSION**
24

25 The following people spoke:

26
27 Al Hanners, 3007 Plymouth Drive, Bellingham, stated he meant to speak on
28 the public hearing about the **resolution limiting the size of all voting precincts**
29 **to less than 200 registered voters each, thus allowing the County Auditor**
30 **to designate all Whatcom County Precincts as "Vote by Mail" (AB2004-**
31 **454)**. He submitted information (*on file*).
32

33 (*Clerk's Note: The Council decided to allow Mr. Hanners to speak at this time*
34 *even though it was not the correct time to speak.*)
35

36 Hanners stated there are problems with ballots and voting in the state and in
37 the Whatcom County Auditor's Office. He had difficulty signing up for absentee
38 ballots. He and his wife each received two ballots instead of one ballot. The
39 County Council should get someone to do an investigation. The problems could be
40 due to problems with software and late registrations. If the Auditor's Office is
41 overworked just before elections, then transfer people from other departments to
42 help.
43

44 Bob Bromley, City of Sumas Mayor, spoke on the **ordinance adopting**
45 **amendments to the Whatcom County Comprehensive Plan, Chapter 8, Mineral**
46 **Resource Lands (AB2004-400)** and asked the Council to prohibit surface mining
47 within aquifer recharge areas that provide groundwater for domestic supply. The

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1 Council is being told by gravel miners that mining does not threaten groundwater
2 and can even be beneficial. However, that is the opposite of what the City of
3 Sumas has heard from consultants and agencies. Experts say they should be
4 concerned about mining in the Sumas aquifer recharge area. It leads to increased
5 risk of water contamination.

6
7 The Environmental Protection Agency (EPA) uses a five-letter scale to
8 describe the risk. Gravel mining is a risk level C, which is a medium risk.
9 Agricultural row crops are ranked B, a lower risk.

10
11 The Washington State Department of Health recommends against placing
12 medium risk activities within the ten year zone of contribution for a wellhead
13 protection area.

14
15 The Washington State Department of Ecology recommends against placing
16 gravel mines within susceptible aquifers, such as the one Sumas relies on.

17
18 The Oregon Department of Environmental Quality recommends against
19 gravel mining in a ten-year zone of contribution.

20
21 The Whatcom County Health Department recommends protection to the ten-
22 year time of travel.

23
24 The Whatcom County Planning Commission twice recommended prohibition
25 of gravel mining within at least the ten-year contribution area.

26
27 The Council took action to ban two-stroke engines on Lake Whatcom even
28 though there is no evidence that the contamination from those engines pose any
29 threat to the Lake Whatcom water supply. The Abbotsford/Sumas aquifer is the
30 only drinking water reservoir for Sumas and 10,000 other county residents.
31 Support the Planning Commission's recommendation, and enact the Comprehensive
32 Plan language prohibiting new gravel mines within the ten-year zone of
33 contribution.

34
35 Chuck Egert, Teamster's Local 231 Secretary/Treasurer, thanked the
36 Executive and Council for increasing the medical cap contribution on behalf of the
37 unions and employees. **Request authorization for the Executive to sign a**
38 **memorandum of understanding between Whatcom County and General**
39 **Teamsters Local 231 establishing a medical contribution cap for the 2005**
40 **for Master Collective Bargaining Agreement (AB2005-033).** Medical costs
41 are skyrocketing. The trend to keep those costs down is to make the employee pay
42 a part of the premium.

43
44 Bob Tull, 709 Dupont, Bellingham, stated business people in Point Roberts
45 hired his firm to look at their concerns with certain aspects of zoning regulations
46 that apply to Point Roberts, particularly with tree retention and archeological
47 regulations. There are several flaws in the legislation in terms of authority of how

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1 the archeology is handled. There are also enforcement and application issues in
2 terms of tree canopy retention. He would like the Council and staff to review these
3 at a future date so they don't have to expend resources in a counterproductive,
4 wasteful way. Sylvia Goodwin has agreed to meet with him to see if these
5 concerns can be dealt with. If they can get some of those issues on the table and
6 work through them professionally, he's confident he and staff can come up with
7 revisions during the normal cycle. Consider the frustrations of the Point Robert
8 business community and citizens.

9
10 Heidi Wammack, Franklin Street, Bellingham, stated she would speak on
11 contract negotiations. She has been a Whatcom County employee for three and a
12 half years. The Council should want the employees to display a cheerful and
13 informative image to the public. During the negotiation process, keep in mind that
14 the County employees are hard-working and dedicated people. They need to be
15 able to support and provide medical care for themselves and their families.

16
17 Jean Freestone, 3200 Vallette Street, stated she is an owner of a piece of
18 property in the Custer rezone area. **Discussion regarding an alternate exhibit**
19 **to the ordinance proposing amendments to the Whatcom County**
20 **Comprehensive Plan, Chapter 6 and 7 goals and policies related to the**
21 **Custer Provisional Growth Area (AB2004-396B).** The local property owners
22 were not given notice of the hearing or an opportunity to abut, there are cloudy
23 issues she wants to clear up. The proposal is not a pie-in-the-sky proposal. Most
24 of the parcels are owned by local people who are aware their properties are in a
25 virtual train yard without the protection industrial zoning affords for fire and
26 hazardous material regulations. The local owners have been steadfast in their
27 support for a rezone. They are not outsiders out to destroy the community. They
28 are good neighbors who pay taxes and contribute to the community. They are
29 united in their support of future zoning of the Custer train yard properties.

30 31 32 **PUBLIC HEARINGS**

33 34 **1. RESOLUTION LIMITING THE SIZE OF ALL VOTING PRECINCTS TO** 35 **LESS THAN 200 REGISTERED VOTERS EACH, THUS ALLOWING THE** 36 **COUNTY AUDITOR TO DESIGNATE ALL WHATCOM COUNTY** 37 **PRECINCTS AS "VOTE BY MAIL" (AB2004-454)**

38
39 Shirley Forslof, County Auditor, submitted and read from a Power Point
40 demonstration on voting options in Whatcom County (*on file*).

41
42 (*Clerk's Note: End of tape one, side A.*)

43
44 Forslof continued to read from the presentation.

45
46 Caskey-Schreiber opened the public hearing and the following people spoke:
47

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1 *(Clerk's Note: The Council allowed Al Hanners to speak on this item during*
2 *Open Session, above.)*
3

4 Tim Douglas, 2114 Williams Street, Bellingham, stated he has experience in
5 many elections and has helped thousands of people register to vote and become
6 active voters. He is also a member of the Citizens Elections Advisory Committee.
7

8 Because of the closeness of large, recent elections, people are aware of the
9 need for security of their ballot and assurance that their ballot will be counted. He
10 supports vote by mail. The new system proposed provides the best opportunity for
11 best security during all steps of the voting process. The process will be easier to
12 explain to people. Many people get confused about where they are supposed to go
13 to vote or where their precinct is. It's important to simplify the process. The
14 County must encourage everyone to become active, registered voters.
15

16 If one traditionally votes at the poll, it takes an adjustment to vote by mail.
17 However, there is a higher percentage of participation by those who vote by mail.
18 Voting at home is more convenient.
19

20 Jim Fox, 2106 Young Street, Bellingham, stated he supports vote-by-mail.
21 The last two major elections exposed major weaknesses in the voter system. The
22 current systems do well, but they must do better. Elsewhere, there are serious
23 questions of error, abuse, and fraud. Every vote counts. Voting systems matter.
24 The systems are being stretched to the max.
25

26 The present proposal only addresses part of the electoral problems. There
27 will be many electoral reform issues coming up in the next few years. For example,
28 there is no reason to wait for national standards. Move forward. He is against
29 electronic terminals at this time. However, if they want instant tallies the night of
30 the election in the future, they will have to move toward electronic terminals.
31

32 During the recount, the Auditor's staff was totally professional and
33 innovative. Partisan volunteers were committed to an accurate county. This
34 county is doing well, but fundamental improvements are required.
35

36 Patrick Alesse, 4825 Alderson Road, Blaine, stated he supports Auditor's
37 Forslof recommendation. She's done a marvelous job.
38

39 Marion Beddill, 3600 Seeley, Bellingham, stated she supports vote-by-mail.
40 Never give up on a paper ballot. Don't have any sort of electronic voting system.
41 Auditor Forslof does a good job for the Auditor's Office. To qualify for this, they
42 have to divide the precincts so there is no more than 200 poll voters in each
43 precinct. From a community action standpoint, small precincts are good. Many
44 small precincts is a workload increase for the staff, but there are a lot of reasons
45 for small precincts. It's essential to maintain the paper trail that can be verified by
46 the voter as the voter is voting, before the opportunity is lost to make changes.
47 Also, the paper value has negligible value when put into the counting machines.

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1 There is substantial opportunity for those machines to make errors. Use the paper
2 ballot for a mandatory, random, selected audit of a subset of the precincts, such as
3 five percent, during every election. She is also a member of the Citizens Election
4 Advisory Committee. The manual recount will give a much higher degree of
5 confidence that the machines worked.
6

7 Gerritt Kuiken, 6895A Golf View Drive, Lynden, stated he represents the
8 Whatcom County Republican Party, which passed a resolution to support vote-by-
9 mail, with provisions and reservations. Make every effort to minimize the number
10 of new precincts to meet the State requirement. Second, ensure reasonable access
11 to a voting official for those with voting problems. Third, update and maintain
12 accurate current voter registration information on an ongoing basis, ensuring only
13 eligible voters can vote and have equal access.
14

15 Myra Ramos, 2877 N. Nugent Road, Lummi Island, stated she is a member
16 of the Citizens Election Advisory Committee. She agreed with Ms. Beddill on the
17 importance of mandatory random audits to ensure confidence in the system and to
18 verify that the counting and recording of votes is done accurately.
19

20 Dewey Desler, Deputy Administrator, stated the vote-by-mail proposal is the
21 best choice. It is the most accurate and secure method of voting. For this reason
22 and the reason of ongoing cost, the Executive's Office supports the proposal.
23

24 John Neighbor, 2320 I Street, Bellingham, stated he is concerned about
25 bringing in seven touch screen voting machines. He asked who the manufacturer
26 will be. There are only three manufacturers nationwide. All have denied allowing
27 paper trails. He is concerned about not having a paper trail. The Chief Executive
28 Officer (CEO) of the largest manufacturer of the touch screen machines promised
29 George W. Bush's campaign to deliver the electoral votes in Ohio for Mr. Bush's
30 election. He's in favor of helping the handicapped, but doesn't understand how
31 these machines will help the handicapped.
32

33 The need to save money is due to the fact that the federal administration cut
34 funding for states and municipalities. One could argue they hate the idea of
35 democracy. Touch screen voting machines can make errors and create fraud.
36

37 Hearing no one else, Caskey-Schreiber closed the public hearing.
38

39 Brenner asked Auditor Forslof to address Mr. Hanners' concerns. She had an
40 experience similar to Mr. Hanners. She asked if those who do mail-in registration
41 don't have to produce any identification to prove U.S. citizenship. Auditor stated
42 the error with Mr. Hanners was a human error. Her office immediately realized
43 there was a problem. She sent out a press release and the correct ballots. Even if
44 one person happens to get two ballots, only one ballot is counted for each person.
45 The system allows only one ballot.
46

47 If someone votes by mail, he or she is asked to provide a driver's license

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1 number or the last four digits of the social security number. The Secretary of State
2 will verify the driver's license match. That is part of the new Help America Vote Act
3 (HAVA) requirements. A non-citizen who registers to vote is committing a felony.
4

5 **Crawford moved** to approve the resolution. He asked if there is a way to
6 get help for folks who have problems with the vote-by-mail on election day. Forslof
7 stated other counties with this system haven't found that to be an issue. It's a
8 matter of good publicity. She will get the word out about vote-by-mail. On
9 election day, provisional ballots and replacement ballots will be available.

10
11 Crawford asked if the electronic voting machines are required by federal law.
12 Forslof stated that is correct. They have to have those machines for people with
13 disabilities.
14

15 Crawford asked the number of locations in the county they anticipate staffing
16 to administer the use of those electronic machines and to provide general help to
17 voters. Forslof stated she estimates staffing seven locations for the electronic
18 voting terminals. They could have more deposit locations for ballots.
19

20 Crawford asked if the Citizens Election Advisory Committee has specific
21 recommendations on vote-by-mail in terms of the purchase of voting equipment.
22 Forslof stated the committee has met. Once the Council approves this resolution,
23 staff will put out a request for proposals (RFP) for the kind of equipment they need.
24 The committee will look over the RFP and proposals. The committee supports this
25 resolution. The vote-by-mail proposal is a paper ballot, not an electronic ballot.
26

27 Crawford stated the County spent money on a software overhaul to be
28 compatible with the Secretary of State's system. He understands that system did
29 not get put into effect in November. Forslof stated it did not. The State's goal is to
30 be in place by the end of 2006. Whatcom County's system talks to other counties.
31

32 Crawford asked if the \$125,000 is a separate expense from the \$580,000
33 expense. Forslof stated it is. The \$580,000 expense is to buy out punch card
34 voting. It will purchase electronic voting devices.
35

36 Roy stated they need to have staff available to answer citizens' questions on
37 election day. However, remember that 75 to 80 percent of the citizens already
38 vote this way. There won't be a huge rush of confusion. She asked if the Auditor
39 considered the suggestion to do random audits. Forslof stated there are State laws
40 about doing things the same way throughout the State of Washington. She will
41 have to see if random audits are allowed. There is a provision to select three
42 precincts and a candidate randomly, with the Democratic and Republican parties
43 first agreeing on the audits. No one has taken advantage of that option since 1979.
44 People are lobbying the legislature to allow for audits.
45

46 Roy stated it sounds like something that is worth considering, but she
47 supports this resolution. Don't put any conditions on it at this point.

1
2 Nelson asked the number of ballots mailed out and the number received
3 back. Forslof stated she mails out 77,000 ballots.
4

5 Crawford stated the County received 66,682 ballots.
6

7 Nelson asked the assurances that the postal system will provide timely and
8 appropriate ballot delivery. Forslof stated there has never been a problem. The
9 post office goes above and beyond to deliver the ballots timely. She's never
10 received a complaint that a ballot didn't arrive. If she did receive that complaint,
11 she can issue a replacement ballot. If a voter prefers, there are drop-off locations
12 for ballots.
13

14 Nelson stated the postal system is an element of the voting system they
15 don't have control over. Consider contingencies if there are problems with the
16 postal system.
17

18 Nelson asked what happens if a ballot reader can't read a ballot. Forslof
19 stated staff manually inspects every ballot that comes in before it is counted,
20 including an optical scan. They will make a ballot that can read.
21

22 Fleetwood stated there are some people with the opinion that a vote-by-mail
23 system provides greater opportunity for fraud. He asked what to say to those with
24 that opinion to allay their concerns. Forslof stated staff compares the signature on
25 every ballot that comes in with the signature on file. If the signature doesn't
26 match, they will send a letter to the voter and ask for an updated signature. They
27 scrutinize signature closely. At the polls, one could walk in and sign anything.
28 There is no method to verify signatures. Now, most poll makers don't know their
29 neighbors.
30

31 Roy stated the mail-in ballots are handled fewer times by fewer people than
32 the poll vote. The less a ballot is handled, the fewer the opportunities for fraud and
33 mistakes.
34

35 Forslof stated that if the Council approves the resolution, she will return to
36 the Council to establish those precincts.
37

38 Brenner asked what is going on at the State about forcing the County to
39 have precincts with fewer than 200 voters. Forslof stated she never knows if and
40 when that will happen. She discussed it with the local representatives last year.
41

42 Caskey-Schreiber stated she is in favor of the proposal. It will be good for
43 the County. It's clear that people are getting more comfortable with the vote-by-
44 mail system since 73 percent of the County already votes by mail. More people will
45 be involved in the process.
46

47 ***Motion to approve carried unanimously.***

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1
2 **2. EMERGENCY ORDINANCE (ORDINANCE 2004-070) AMENDING THE**
3 **WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM, SECTION**
4 **23.100.20.57 (AB2004-456)**
5

6 Caskey-Schreiber opened the public hearing and the following person spoke:
7

8 Buck Meloy, 2431 Lafayette Street, submitted information (on file) and
9 thanked the Council for ensuring that any growth of marine fin fish aquaculture will
10 not happen in this county until appropriate environmental safeguards have been
11 put in place. He supports the ordinance. The industry threatens wild salmon.
12 Disease and infestations take a toll on farmed and wild salmon. Recent research
13 concludes that the sea lice produced on salmon farm are responsible for the high
14 level of infection on juveniles and declining rates of return of adult salmon. Alaska
15 objects not only to salmon farms, but also to black cod and halibut. Make the ban
16 permanent, and then expand the ban to all fin fish species until methods of rearing
17 can be developed that are not destructive to wild fish.
18

19 Hearing no one else, Caskey-Schreiber closed the public hearing.
20

21 Roy thanked Mr. Meloy, who is a member of the Marine Resources
22 Committee and a commercial fisherman. She sent statistical information from Mr.
23 Meloy to all councilmembers.
24

25 *(Clerk's Note: End of tape one, side B.)*
26

27 Roy continued to state that the fish have escaped in British Columbia waters.
28 They've reproduced and foraged on native smolt. She thanked everyone for their
29 interest in this item.
30

31 McShane stated the shoreline management program for Whatcom County is
32 currently being updated. That will be the appropriate time to finalize it. At that
33 time, they could look at the issue for all fin fish, not just salmon.
34

35 Roy stated the Marine Resources Committee is interested in assisting the
36 Council on this issue.
37

38
39 **CONSENT AGENDA**
40

41 **Crawford** reported for the Finance and Administrative Services Committee
42 and **moved** to approve Consent Agenda items one through 32. The title in the
43 agenda for item 23 should be, "...for guardian-ad-litem services for minors **conflict**
44 **representation of indigent parents** in dependency cases."
45

46 **Motion to approve Consent Agenda items one through 32 carried 6-0**
47 **with Roy out of the room.**

- 1
2 **1. RESOLUTION AUTHORIZING THE PURCHASE OF A CONSERVATION**
3 **EASEMENT ON THE GORSEGNER DAIRY (AB2005-031)**
4
- 5 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
6 **CONTRACT BETWEEN WHATCOM COUNTY AND COMPANION LIFE**
7 **INSURANCE COMPANY TO RENEW STOP LOSS INSURANCE**
8 **PROTECTION FOR SELF-INSURED MEDICAL PLAN IN AN ESTIMATED**
9 **AMOUNT OF \$79,215 (AB2005-032)**
10
- 11 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO SIGN A**
12 **MEMORANDUM OF UNDERSTANDING BETWEEN WHATCOM COUNTY**
13 **AND GENERAL TEAMSTERS LOCAL 231 ESTABLISHING A MEDICAL**
14 **CONTRIBUTION CAP FOR THE 2005 FOR MASTER COLLECTIVE**
15 **BARGAINING AGREEMENT (AB2005-033)**
16
- 17 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO SIGN A**
18 **MEMORANDUM OF UNDERSTANDING BETWEEN WHATCOM COUNTY**
19 **AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND**
20 **TECHNICAL ENGINEERS LOCAL 17 ESTABLISHING A MEDICAL**
21 **CONTRIBUTION CAP FOR THE 2005 COLLECTIVE BARGAINING**
22 **AGREEMENT (AB2005-034)**
23
- 24 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO SIGN A**
25 **MEMORANDUM OF UNDERSTANDING BETWEEN WHATCOM COUNTY**
26 **AND WASHINGTON STATE NURSES ASSOCIATION ESTABLISHING A**
27 **MEDICAL CONTRIBUTION CAP FOR THE 2005 COLLECTIVE**
28 **BARGAINING AGREEMENT (AB2005-035)**
29
- 30 **6. REQUEST RE-AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
31 **A MASTER COLLECTIVE BARGAINING AGREEMENT BETWEEN**
32 **WHATCOM COUNTY AND GENERAL TEAMSTERS LOCAL UNION 231**
33 **FOR THE PERIOD 2002 – 2004 GIVEN THE UNCERTAINTY CREATED**
34 **BY PERC DECISION #8245-A (AB2005-036)**
35
- 36 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
37 **CONTRACT ADDENDUM #3 BETWEEN WHATCOM COUNTY AND**
38 **NORSTAN COMMUNICATIONS, INC. TO PROVIDE ANNUAL**
39 **MAINTENANCE SERVICES FOR THE COUNTY’S PABX AND VOICE MAIL**
40 **SYSTEMS, IN THE AMOUNT OF \$69,149.60 FOR 2005 AND \$70,515.00**
41 **FOR 2006 (AB2005-037)**
42
- 43 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
44 **CONTRACT ADDENDUM #5 BETWEEN WHATCOM COUNTY AND**
45 **ARAMARK CORRECTIONAL SERVICES, INC. TO PROVIDE JAIL FOOD**
46 **SERVICES IN THE AMOUNT OF \$1.09 PER ADULT MEAL AND \$1.60**
47 **PER JUVENILE MEAL (AB2005-038)**

- 1
2 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
3 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
4 **BELLINGHAM WHATCOM CHAMBER OF COMMERCE AND INDUSTRY TO**
5 **PROVIDE FUNDING FOR ADVERTISING AND PROMOTION OF THE**
6 **ANNUAL SKI TO SEA FESTIVAL, IN THE AMOUNT OF \$29,000**
7 **(AB2005-039)**
8
- 9 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
10 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
11 **DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES TO SUPPORT**
12 **THE WHATCOM COUNTY COMMISSION AGAINST DOMESTIC**
13 **VIOLENCE, IN THE AMOUNT OF \$44,500 (AB2005-040)**
14
- 15 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
16 **CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM**
17 **WHATCOM COUNTY ECONOMIC DEVELOPMENT COUNCIL TO PROVIDE**
18 **ECONOMIC DEVELOPMENT PROGRAMMING AND ADMINISTRATIVE**
19 **SUPPORT TO WHATCOM COUNTY'S ECONOMIC DEVELOPMENT**
20 **INVESTMENTS (EDI) PROGRAM, IN THE AMOUNT OF \$90,000**
21 **(AB2005-041)**
22
- 23 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
24 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
25 **BELLINGHAM WHATCOM COUNTY CONVENTION AND VISITORS**
26 **BUREAU TO PROVIDE SERVICES TO PROMOTE TOURISM IN**
27 **WHATCOM COUNTY, IN THE AMOUNT OF \$85,000 (AB2005-042)**
28
- 29 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
31 **WASHINGTON STATE DEPARTMENT OF HEALTH FOR THE DELIVERY**
32 **OF PUBLIC HEALTH SERVICES IN WHATCOM COUNTY, IN THE**
33 **AMOUNT OF \$1,314,325 (AB2005-043)**
34
- 35 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **PROGRAM AGREEMENT AMENDMENT BETWEEN WHATCOM COUNTY**
37 **AND DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR THE**
38 **ADMINISTRATIVE MATCH FOR MEDICAID OUTREACH AND LINKAGE**
39 **PROGRAM, IN THE AMOUNT OF \$388,370 FOR A TOTAL AMENDED**
40 **AGREEMENT IN THE AMOUNT OF \$1,950,000 (AB2005-044)**
41
- 42 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
43 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
44 **AND WARREN PAGE, STARCK FOLLIS, DAVID NELSON, MARILYN**
45 **MCLEAN, ROBERT BUTLER, THOMAS FRYER, STEPHEN KOZER,**
46 **DOUGLAS HYLDAHL, AND MARY KAY LOVING FOR INDIGENT**

- 1 **CRIMINAL DEFENSE SERVICES WHEN THE PUBLIC DEFENDER HAS A**
2 **CONFLICT WITH A CLIENT (AB2005-045)**
3
- 4 **16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
6 **AND JANICE HOLMES FOR INDIGENT CRIMINAL DEFENSE SERVICES**
7 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT**
8 **(AB2005-046)**
9
- 10 **17. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
11 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
12 **AND DANIEL MCGREEVY AND PATRICK LACKIE FOR INDIGENT**
13 **CRIMINAL DEFENSE SERVICES WHEN THE PUBLIC DEFENDER HAS A**
14 **CONFLICT WITH A CLIENT (AB2005-047)**
15
- 16 **18. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
17 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
18 **AND JEFFREY LUSTICK FOR INDIGENT CRIMINAL DEFENSE SERVICES**
19 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT**
20 **(AB2005-048)**
21
- 22 **19. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
24 **AND ANDREW SUBIN FOR INDIGENT CRIMINAL DEFENSE SERVICES**
25 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT**
26 **(AB2005-049)**
27
- 28 **20. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
30 **AND CARL PAGAC FOR INDIGENT CRIMINAL DEFENSE SERVICES**
31 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT**
32 **(AB2005-050)**
33
- 34 **21. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
35 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
36 **AND SCOTT CHOATE FOR INDIGENT CRIMINAL DEFENSE SERVICES**
37 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT**
38 **(AB2005-051)**
39
- 40 **22. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
41 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
42 **AND MICHAEL BRODSKY FOR CONFLICT REPRESENTATION OF**
43 **INDIGENT PARENTS IN DEPENDENCY CASES (AB2005-052)**
44
- 45 **23. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
47 **AND MARGARET MAWSON, SCOTT MAWSON, PENNY HENDERSON,**

1 **JENNIFER TEPKER AND MARILYN MCLEAN FOR GUARDIAN AD LITEM**
2 **SERVICES FOR MINORS IN DEPENDENCY CASES (AB2005-053)**
3

4 **24. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
6 **AND CATHOLIC COMMUNITY SERVICES FOR SUPERVISED**
7 **VISITATION SERVICES FOR FAMILIES IN DOMESTIC RELATIONS**
8 **CASES (AB2005-054)**
9

10 **25. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
11 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
12 **AND WHATCOM DISPUTE RESOLUTION CENTER FOR DISPUTE**
13 **RESOLUTION SERVICES AND MANDATORY MEDIATION**
14 **ADMINISTRATION (AB2005-055)**
15

16 **26. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
17 **TWO-YEAR CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
18 **AND COLLEEN ROGERS, MARY ANN SHAFFER, JAN CARLSON AND**
19 **LAUGHLAN CLARK FOR GUARDIAN AD LITEM SERVICES FOR MINORS**
20 **IN DEPENDENCY CASES (AB2005-056)**
21

22 **27. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
23 **EXTENSION OF CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
24 **AND WASHINGTON STATE UNIVERSITY TO CONTINUE JOINTLY**
25 **SHARING COSTS FOR FACULTY POSITIONS IN COOPERATIVE**
26 **EXTENSION, IN THE AMOUNT OF \$75,690 (AB2005-057)**
27

28 **28. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
29 **EXTENSION OF CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY**
30 **AND WASHINGTON STATE UNIVERSITY TO CONTINUE THE**
31 **INTEGRATED PEST MANAGEMENT EDUCATION & RESEARCH PROJECT,**
32 **IN THE AMOUNT OF \$50,000 FOR 2005 AND \$50,000 FOR 2006, FOR**
33 **A TOTAL AMENDED CONTRACT IN THE AMOUNT OF \$157,000**
34 **(AB2005-058)**
35

36 **29. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
37 **98 FOR THE ANNUAL SUPPLY OF RIP-RAP ROCK TO THE**
38 **APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL**
39 **CIRCUMSTANCES OF THE PARTICULAR JOB, IN AN ANTICIPATED**
40 **AMOUNT OF MORE THAN \$35,000 (AB2005-059)**
41

42 **30. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
43 **99 FOR THE ANNUAL SUPPLY OF MINERAL AGGREGATES TO THE**
44 **APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL**
45 **CIRCUMSTANCES OF THE PARTICULAR JOB, IN AN ANTICIPATED**
46 **AMOUNT OF MORE THAN \$35,000 (AB2005-060)**
47

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1 **31. RESOLUTION ACCEPTING THE TREASURER’S LIST OF PROPERTY TAX**
2 **REFUNDS (AB2005-061)**

3
4 **Addendum:**

5 **32. REQUEST AUTHORIZATION TO ENTER INTO A CONTRACT WITH**
6 **MICHAEL BOBBINK FOR HEARING EXAMINER SERVICES FOR THE**
7 **YEAR 2005 (AB2004-414)**

8
9
10 **OTHER ITEMS**

11
12 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.108,**
13 **WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**
14 **(AB2004-452)**

15
16 *Crawford* reported for the Finance and Administrative Services Committee
17 and *moved* to adopt the ordinance. This allows the mayors of the small cities to
18 appoint a designee to join the membership of the commission on behalf of the
19 mayors.

20
21 *Motion carried 6-0 with Roy out of the room.*

22
23 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
24 **ZONING MAP ESTABLISHING TRANSFER OF DEVELOPMENT RIGHTS**
25 **SENDING AREAS AND AMENDING WHATCOM COUNTY ZONING**
26 **ORDINANCE (TITLE 20) CHAPTER 20.89 DENSITY TRANSFER**
27 **PROCEDURE (AB2004-453)**

28
29 *Fleetwood* reported for the Planning and Development Service Committee
30 and *moved* to adopt the ordinance.

31
32 Crawford stated Mr. Black, a local developer familiar to the County, is not a
33 fan of the receiving areas for Birch Bay. Mr. Black told him that these areas
34 designated for Birch Bay are a mess because there are a lot of critical areas and
35 wetlands.

36
37 Roy stated the receiving area is where they want more intense development.
38 The sending areas are the environmentally critical areas.

39
40 *Motion carried unanimously.*

41
42 **3. REPORT ON COMMITTEE DISCUSSION REGARDING AN ALTERNATE**
43 **EXHIBIT TO THE ORDINANCE PROPOSING AMENDMENTS TO THE**
44 **WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 6 AND 7**
45 **GOALS AND POLICIES RELATED TO THE CUSTER PROVISIONAL**
46 **GROWTH AREA (AB2004-396B)**

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1 **Fleetwood** reported for the Planning and Development Service Committee
2 and **moved** to schedule a hearing on the alternate exhibit A, the staff's
3 recommendation, beginning on Council packet page 545.
4

5 McShane referenced policy 6P-4. The Guide Meridian is a transportation
6 corridor. He's concerned it's a paradox to choke the corridor by putting in a lot of
7 industrial development around it. He had a hard time thinking of this policy in
8 terms of designated limited areas of more intense rural development (LAMIRD).
9

10 Sylvia Goodwin, Planning Division Manager, stated that's a good point. They
11 wouldn't want to surround all transportation corridors with commercial and
12 industrial development. The policy is broad enough to support the commercial and
13 industrial development where appropriate while not contributing to traffic
14 congestion.
15

16 McShane stated he's concerned about creating a bottleneck on the corridors.
17 They would harm truck traffic by putting a lot of commercial traffic on the corridor.
18

19 Nelson stated the purpose of this goal is to provide for safe, efficient
20 movement of commercial vehicles. This concern would be contrary to goal 6P.
21

22 McShane stated that the policy may contradict the goal.
23

24 Nelson stated the goal overrides the policy, so if the policy contradicts, the
25 goal will prevail.
26

27 **McShane moved** to amend policy 6P-4, "...and air facilities **as long as such**
28 **facilities do not reduce safe, efficient movement of vehicles in Whatcom County.**"
29

30 ***Motion to amend carried 6-1 with Crawford opposed.***
31

32 ***Motion to introduce as amended and schedule a public hearing***
33 ***carried unanimously.***
34

35 **4. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
36 **MICHAEL PASSO TO THE BICYCLE/PEDESTRIAN ADVISORY**
37 **COMMITTEE (AB2005-063)**
38

39 ***Brenner moved*** to confirm the appointment.
40

41 ***Motion carried unanimously.***
42

43 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENTS OF**
44 **MARIANNE ELGART AND RUSSELL SAPIENZA TO THE WHATCOM**
45 **COUNTY MENTAL HEALTH ADVISORY BOARD (AB2005-064)**
46

47 ***Brenner moved*** to confirm the appointments.

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

4 **6. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
5 **JON-PAUL SHANNAHAN TO THE MARINE RESOURCE COMMITTEE**
6 **(AB2005-065)**
7

8 ***Roy moved*** to confirm the appointment.
9

10 ***Motion carried unanimously.***
11

12 **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
13 **TODD REUTLINGER TO THE BELLINGHAM-WHATCOM COUNTY**
14 **COMMISSION AGAINST DOMESTIC VIOLENCE (AB2005-066)**
15

16 ***Brenner moved*** to confirm the appointment.
17

18 ***Motion carried unanimously.***
19

20 **8. APPROVAL OF VARIOUS SPECIAL "STANDING" COUNCIL MEETING**
21 **DATES FOR 2005 (AB2005-070)**
22

23 ***McShane moved*** to approve the dates.
24

25 Dana Brown-Davis, Clerk of the Council, stated the Lake Whatcom
26 Management Committee meeting time has changed to 6:30 p.m. to 8:30 p.m.
27

28 McShane accepted the time change as a friendly amendment.
29

30 ***Motion carried unanimously.***
31

32 *(Clerk's Note: Discussion continued, below.)*
33

34 **2004 COMPREHENSIVE PLAN AMENDMENTS**
35

36 **1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
37 **COMPREHENSIVE PLAN, CHAPTER 8, MINERAL RESOURCE LANDS**
38 **(AB2004-400)**
39

40 Roy reported for the Natural Resources Committee and stated the committee
41 recommends having a public hearing on the amended version at the next regular
42 Council meeting.
43

44 **8. APPROVAL OF VARIOUS SPECIAL "STANDING" COUNCIL MEETING**
45 **DATES FOR 2005 (AB2005-070)**
46

47 *(Clerk's Note: Discussion continued from above.)*

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1
2 Crawford asked if the Council would consider having its water resources work
3 session every other month instead of monthly. These meetings are generally
4 scheduled a few days before the Planning Unit meets so Dr. Roll has Council
5 direction for the Planning Unit meeting. However, he'd like to change that mindset.
6 The pressing subject matter has been reduced somewhat.
7

8 Brenner stated she is in favor of asking Dr. Roll to reduce the schedule, but
9 the Council should get his input before making that decision.
10

11 McShane stated they can keep these meeting times open for the Council. Dr.
12 Roll has cancelled several meetings that were not necessary, and will continue to
13 do so. There will be issues coming up, such as the results of the total maximum
14 daily load (TMDL) study, that will consume some time.
15

16 **INTRODUCTION ITEMS**

17
18 *Brenner moved* to accept the Introduction Items.
19

20
21 *Motion carried 6-1 with Nelson opposed.*
22

- 23 **1. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
24 **FIRST REQUEST (AB2005-067)**
- 25
26 **2. ORDINANCE PROPOSING AMENDMENTS TO THE WHATCOM COUNTY**
27 **COMPREHENSIVE PLAN, CHAPTER 6 AND 7 GOALS AND POLICIES**
28 **RELATED TO THE CUSTER PROVISIONAL GROWTH AREA (AB2004-**
29 **396B)**
- 30
31 **3. RESOLUTION AMENDING THE 2005 ANNUAL CONSTRUCTION**
32 **PROGRAM REGARDING REPLACEMENT OF THE LUMMI ISLAND FERRY**
33 **(AB2004-335B)**
- 34
35 **4. RESOLUTION AMENDING THE 2005-2011 SIX-YEAR**
36 **TRANSPORTATION IMPROVEMENT PROGRAM REGARDING THE**
37 **LUMMI ISLAND FERRY REPLACEMENT (AB2004-221A)**
- 38
39 **5. RESOLUTION REMOVING THE LAKE WHATCOM CONNECTOR FROM**
40 **THE WHATCOM COUNTY SIX YEAR ROAD PLAN (AB2005-068)**

41 **Addendum**

- 42
43 **6. ORDINANCE ADOPTING AMENDMENTS TO THE MINERAL RESOURCE**
44 **LANDS ELEMENT OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
45 **(AB2004-400) (AS REVISED BY THE COUNCIL'S NATURAL**
46 **RESOURCES COMMITTEE)**

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OTHER BUSINESS

Caskey-Schreiber appointed Councilmember McShane to her position on Economic Development Investment (EDI) Board.

McShane accepted the appointment.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no reports or other items.

ADJOURN

The meeting adjourned at 9:01 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on February 8, 2005.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair