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1 WHATCOM COUNTY COUNCIL
2 **Regular County Council**
3

4 November 9, 2005
5
6

7 Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:00
8 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.
9

10 Present:

11 Barbara Brenner
12 Dan McShane
13 Sam Crawford
14 Seth Fleetwood
15 Sharon Roy
16 L. Ward Nelson
17

Absent:

None

18 **FLAG SALUTE**
19
20

21 **ANNOUNCEMENTS**
22

23 Caskey-Schreiber announced there was **discussion with Whatcom County**
24 **Public Works Director Jeff Monsen regarding two issues - potential**
25 **litigation and property purchase (AB2005-018)** in executive session during the
26 Committee of the Whole meeting.
27

28 ***Nelson moved*** to authorize County staff to bid on two properties located in
29 Marietta that are on the tax foreclosure list, with maximum bids no greater than
30 what was discussed in executive session.
31

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

34 Caskey-Schreiber announced there was also **discussion with Special**
35 **Deputy Prosecutors regarding pending litigation (AB2005-018)** in executive
36 session during the Committee of the Whole meeting.
37
38

39 **SPECIAL PRESENTATION**
40

41 **1. COUNTY FUND CASH BALANCE REPORT PRESENTED BY WHATCOM**
42 **COUNTY TREASURER BARBARA CORY (AB2005-017)**
43

44 Caskey-Schreiber stated this issue came out of a meeting of the Finance
45 Administrative Committee. She said it might be good information for the Council to
46 have a list of the cash balances on hand so it can make better decisions.

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1 Unfortunately, it came at a time that is politically charged. They plan to do these
2 updates regularly so everyone stays informed about where the County is financially.
3

4 Barbara Cory, County Treasurer, stated the Whatcom County Home Rule
5 Charter requires the Treasurer to submit regular reports to the Council on treasury
6 activities. These reports were provided as a part of the Administrative Finance
7 Committee meetings. At a recent meeting, Councilmember Caskey-Schreiber asked
8 her to make this presentation to the Council as a whole, and invited her to make
9 this presentation.

10
11 Key policy areas merit the Council's attention. The Administrative Finance
12 Committee is responsible for investment and debt policies. It authorizes and
13 reviews the investment decisions of the Treasurer. Over the years, this committee
14 has struggled with the issue of cash forecasting. After several years of receiving
15 declining fund balance prediction, her staff began monitoring cash balances so they
16 can make more informed investment decisions. They saw that fund balances have
17 been increasing, not declining as predicted.

18
19 Many revenues are cyclical, intermittent, or steady with huge variances. This
20 makes revenue forecasting and cash management a challenge. It also makes
21 budgeting decisions difficult. Budgeting tools are provided that have been helpful.
22 However, a better understanding of the County's cash balances will help round out
23 the context of the challenging budget decisions that the Council faces.

24
25 The information includes a summary report of cash balances for all County
26 funds. The current balance of all County funds as of September 30 is \$79 million.
27 She anticipates this balance to be \$95 million at the end of the year. The Treasurer
28 invests these reserves on behalf of the general fund. As of September 30, the
29 general fund interest earnings are just under \$2 million, making it one of the
30 largest single sources of County revenue. Interest rates are improving. In 2001,
31 the interest earnings were over \$3.3 million because of a favorable interest rate
32 environment.

33
34 Generally, most County funds are growing, as shown in the graphs in her
35 report. The general fund, road fund, and flood control fund cash balances are
36 shown after adjustments for the variable balances. In the most recent bond rating
37 by Standard and Poor, they note that the County's general fund balance is
38 increasing and growing. Their analysis suggests this is due, in part, to the growth
39 and diversification of the county. Standard and Poor also note that the County
40 historically budgets conservatively, understating revenues over expenditures by
41 approximately \$1.3 million on average. Rating agencies are happy to see a
42 growing fund balance. Standard and Poor upgraded the County's bond rating from
43 A to A+ in 2004, which saves the County taxpayers money if and when the County
44 issues debt.

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1 This is the information the Council needs to provide more comprehensive
2 fiscal planning and to ask tough questions, such as the appropriate level of taxation
3 for County citizens and the appropriate level of reserves, given the County's
4 planned capital projects and projected ongoing expenditures and revenues. These
5 are difficult questions the Council must answer for the County's financial health.
6

7 Due to the attention of this report, she may be expected to reveal huge fund
8 balance surprises and proof that the County doesn't need the money it is collecting.
9 That is not the intended purpose of consequence of this report. However, there is a
10 fiscal policy issue about accurately reporting revenue, expenditures, and fund
11 balances to the public. The Council must discuss and consider it. For example, the
12 final budget for 2004 indicates that the general fund for 2004 was going to spend
13 down \$3.4 million of fund balance. However, the Comprehensive Annual Financial
14 Report (CAFR) shows that the general fund actually gained \$2.7 million. This is a
15 variance of over \$6 million from the County's budget documents. The CAFR reports
16 from 1999 through 2004 showed a general fund spend down, but this only occurred
17 in 2001. If people haven't read the CAFR reports, they wouldn't know the County's
18 financial position is significantly different from what the budget indicates.
19

20 She asked how the citizens of the County can monitor the County's needs
21 and performance, given these kinds of variances. She asked the Council to:

- 22 1. Consider making reports accessible to the public on the website,
23 preferably monthly. The reports should indicate whether revenues and
24 expenditures are different than anticipated. The reports should be in a
25 simple format the public can easily read and understand. The citizens
26 will be able to monitor the County's needs and performance.
27
- 28 2. Adopt a fund balance policy for each County fund prior to or during the
29 next budget cycle. Establish and identify appropriate fund balance
30 levels for:
 - 31 • operating revenues, to provide additional funds for limited and
32 unexpected needs and cash flow requirements;
 - 33 • catastrophic or emergency reserves, to provide limited emergency
34 funds in the event of a manmade or natural disaster;
 - 35 • special reserves for self-insurance, required bond reserves, and
36 other similar requirements
 - 37 • capital project reserves, tied directly to the capital planning
38 process to facilitate the replacement or acquisition of capital
39 facilities and equipment.
40

41 A fund balance policy would help all elected officials and department heads
42 identify and justify the County's level of cash. The administration, specifically Pete
43 Kremen, has put the County in the best financial position it has ever been in since
44 she began working for Whatcom County in 1965. She supports transparent
45 budgeting and financial reporting to the citizens. It's difficult to understand the
46 County's financial report. They are all financial stewards of the public's money.

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1 They scrutinize the expenditures closely. They should be equally committed to
2 providing better information to the citizens, detailing how the County intends to use
3 the fund balances by identifying any monies for any specific projects, reserves, or
4 specific uses. The citizens would be better informed if and when the County needs
5 to ask for additional revenue in the future. She will work with the Council,
6 administration, and other elected officials to achieve this goal. She will prepare
7 similar reports to the Council periodically.
8

9 Nelson asked the reason the graphs in the report identify the beginning of
10 December and June. The fiscal year for the State is July 1. He asked why
11 Treasurer Cory chose those dates. Cory stated the County's fiscal year is January 1
12 to January 1. They started with December to get it on the chart, and showed what
13 the chart looks like six months later.
14

15 Crawford asked about designating reserves. It seems to be a catch-22
16 because the Council doesn't know where it might need the money. It's scary for
17 the Council to start designating particular areas. Something else might come up
18 that the Council didn't anticipate, and then the County wouldn't be able to touch
19 the money because it's designated for something else.
20

21 Cory stated they can always reevaluate how they've designated the money,
22 but at least the money is set aside for a catastrophe. If another need comes up
23 that is just as important, they would evaluate whether or not to use the funds for
24 the new need.
25

26 Crawford asked if Treasurer Cory is not talking about making a commitment
27 to the citizens that the County won't ever touch the money for anything else, and if
28 the idea is to just develop a concept and planning tool. He doesn't understand the
29 difference between that and a general reserve. Cory stated cash sitting in a fund
30 can be wasted away when they intended to save money for a particular project.
31

32 Crawford stated that's the opposite of what's happening. The County is not
33 wasting the reserves. It is accumulating reserves. Cory stated that's correct. It
34 would be nice for the public to know for what exactly the County is accumulating
35 the reserves. The fund balance reports makes it look like the County has a lot of
36 money. However, the County has many projects on which it intends to use those
37 monies. If the money was designated for those specific projects, it's better
38 information for the public.
39

40 McShane stated an important discussion for the Finance Administration
41 Committee is how to plan for investing that money while the County holds it. For
42 example, the Council budgeted \$5 million more than last year, which was carryover
43 for specific projects. Certain things come up that may prevent the money from
44 being expended the year it was budgeted. That money would need to be carried
45 over to the next year. The question is whether the money is being used in the best
46 way by just sitting there. There is a disconnect between what the Treasurer does in

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1 terms of investments versus what the administration is trying to do. Over a longer
2 term they may be able to get a better investment rate. Cory stated that if they
3 knew that specific monies go to specific projects, they could better monitor the cash
4 flow needs for that project, and they can invest funds over a longer term with
5 better interest. Not knowing exactly how the money is going to be used or spent,
6 they have to keep their investments in a shorter term.

7
8 Caskey-Schreiber stated this is the reason she decided to bring this issue
9 forward to the County Council. The County must capitalize on these increasing
10 interest rates. Try to make the citizens' money create more money. Treasurer
11 Cory does a fabulous job for the County.

12
13 Dewey Desler, Deputy Administrator, stated County government has a fairly
14 complicated budget. The County has hundreds of funding sources and very
15 constrained legislative requirements. The County is in a two-year biennial budget.
16 He's proud of the County's reports. Whatcom County gets national recognition for
17 the quality of its budgets and financial reports. He is open to ideas for
18 improvement. The budget and financial reports are online. The administration is
19 available to explain and describe what is going on.

20
21 He is not a member of the Finance Administration Committee. To give the
22 Council better information, he needed more time to prepare. This is the first time
23 the report on cash balances has ever been provided to the people in the county. He
24 hopes they are only clarifying the kinds of things that are going on.

25
26 Each of the many County funds have different requirements set by law. The
27 fund with the most attention is the general fund. He read his presentation on the
28 general fund (*on file*). Fifteen percent of the annual budget is kept as a base
29 reserve. It is also used as a reserve for unanticipated expenses. The most current,
30 updated revenue projections anticipate using \$400,000, not \$2.4 million, from
31 reserves for the 2005/2006 biennium. He continued to read the presentation on
32 general fund future issues.

33
34 He continued to read a description of other County funds, including the real
35 estate excise tax (REET) 1 fund, REET II fund, public utilities fund, administrative
36 services fund, equipment revolve and rental (ER&R) fund, road fund, and flood
37 fund.

38
39 Based on current patterns, they see a reduction in the fund balance every
40 year. The administration will make efforts to bring in more revenue and be careful
41 about expenses so the fund balance reduction may not happen. He continued to
42 read the presentation on revenues, additional service requests, and one-time
43 capital projects.

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1 The administration is making every effort to use resources to maintain core
2 services for the county. They want to maintain stable services with a long-range
3 perspective. They've done that, and will continue to do that in the future.

4
5 Caskey-Schreiber stated the councilmembers had a lengthy discussion on
6 this issue earlier in the day.

7
8 Nelson stated include this issue in with the strategic planning processes to
9 get everyone on the same page and use the funds optimally.

10
11 Brenner stated she likes the idea of periodically updating the County website
12 with information on what the County is doing, in layperson's terms. The County
13 doesn't do that as often as it could.

14
15 Caskey-Schreiber stated the County's budget is on the County website. It is
16 a well-done budget that is easy to follow.

17
18 Crawford stated the Assessor does a great job with a little tax booklet every
19 year. One idea is to create something like that for the budget.

20
21
22 **ADDENDUM:**

23 **2. RESOLUTION SUPPORTING PROFESSIONALLY TRAINED PUBLIC**
24 **POLICING AGENCIES AND OPPOSING ARMED MILITIA ENFORCING**
25 **AGAINST BORDER AND OTHER CRIMES (AB2005-431)**

26
27 **Brenner** stated she is very disturbed by a lot of fear that is happening in the
28 community. There are many new people in Whatcom County. The Council has
29 passed strong resolutions in the past about protecting civil rights and opposing
30 bigotry, racism, and malicious harassment. Many people have approached the
31 Council about their concerns about an armed militia on the border enforcing what
32 the public policing agencies enforce. There was agreement about who should do
33 what and how. She wrote a draft resolution to provide reassurance to the public.

34
35 *(Clerk's Note: End of tape one, side A.)*

36
37 **Brenner** read the resolution into the record.

38
39 **Caskey-Schreiber moved** to approve the resolution.

40
41 **Motion carried unanimously.**

42
43 **MINUTES CONSENT**

44
45 **Fleetwood moved** to approve the Minutes Consent items.

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1
2 *Motion carried unanimously.*
3

4 **1. COMMITTEE OF THE WHOLE FOR OCTOBER 11, 2005**

5
6 **2. REGULAR COUNTY COUNCIL FOR OCTOBER 11, 2005**

7
8 **3. SPECIAL COMMITTEE OF THE WHOLE (LETTER TO FCC) FOR OCTOBER**
9 **18, 2005**

10
11
12 **OPEN SESSION**
13

14 The following people spoke:

15
16 Sharon Monteiro, Bellingham, stated the City of Tucson City Council may
17 approve the same resolution the Bellingham City Council passed. Bellingham City
18 Council Member Barbara Ryan's personal information are listed on a national hate
19 group websites because she was a cosponsor of the resolution. This is not
20 unexpected in communities where the Minutemen set up operations. The City has
21 received mail in support of its resolution and also hate mail against the resolution.
22 The Minutemen are scheduled to monitor borders again in April and possibly in
23 February. The Washington leader of the Minutemen have referred to her as an
24 anarchist and a domestic terrorist. They are only trying to work within the system
25 to bring about change.

26
27 Lance Hillengass, 57 Beaver Lane, Sudden Valley, stated seven lots in
28 Sudden Valley are coming up for a foreclosure sale on November 18. He asked that
29 the Council bid on the lots and make the lots permanent green space. Sudden
30 Valley is not in the position to bid large dollar amounts for those lots. They will
31 have to spend money to maintain three lots in Sudden Valley and satisfy the bond
32 issue with Water District 10.

33
34 Crawford asked the market value. Hillengass stated market value has been
35 extremely volatile in Sudden Valley. He has not done any research on these seven
36 lots in particular.

37
38 McShane asked if the Sudden Valley Association is having a difficult time
39 meeting the total goal of density reduction because it is unable to bid on lots.
40 Hillengass stated the Sudden Valley Association is putting lots into the density
41 reduction program, but it's a financial stretch. Now, utility local improvement
42 district (ULID) lots are coming up that people are bidding on and developing.

43
44 Crawford asked if the lots can be redeemed by their owners until November
45 18. It's possible a number of the lots will be redeemed because of the high value of

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1 the lots, but they don't know for sure. He asked the administration to update the
2 Council on the status of what isn't redeemed.

3
4 McShane asked the cost of the ULID. Hillengass stated ULID's are going for
5 about \$5,500 each, bonded at approximately \$2,900 each.

6
7 Tim Paxton, 2120 Ellis, Clean Water Alliance, stated there is a new forest
8 practices application to clear 117 acres in the reservoir. When the current
9 landscape management plan was developed, the lake wasn't on the current 303(d)
10 list. The County is going to have to spend millions of dollars on stormwater. The
11 State Department of Natural Resources (DNR) clear cuts will release tons of
12 sediment phosphorus into the lake. Every time phosphorus gets into the lake, the
13 County will have to clean it up. The DNR isn't responsible for cleaning up it's
14 sediment load.

15
16 McShane stated the landscape plan was created after the lake was listed on
17 the 303(d) list. It was driven by desire to reduce phosphorus loading.

18
19 Paxton stated the lake reservoir condition is severely limited by phosphorus.
20 He asked the Council to revisit this information now that the State Department of
21 Ecology has new information about phosphorus loading in the lake. Take another
22 look at how DNR clear cutting will affect it.

23
24 Johnnie Granes, 4478 Northwest Drive, Bellingham, stated there is another
25 level funding for the court system and law enforcement. He has made a public
26 disclosure request. He sees a lot of abuse of power, politicization, and corruption in
27 the courts and by law enforcement. Have an efficient government that serves the
28 people well. He doesn't have the resources to come up with recommendations to
29 make it better.

30
31 Ian Morgan, 916 E. Maple, Bellingham, stated he has asked the Council to
32 approve the resolution opposing the Minutemen. He thanked the Council for
33 approving the resolution passed earlier this evening. He invited Councilmembers to
34 a showing of a documentary so they could get a better sense of what the
35 Minutemen are really about. It is an expose' of the anti-immigrant politics that
36 underlie the Minutemen project. Human rights activists and residents of border
37 communities shot the documentary to illustrate the story of border tensions from
38 the point of view of those affected, while also revealing the underlying motivations
39 of the vigilantes through interviews and footage of their nighttime patrols. The
40 documentary will be shown on Wednesday, November 16 at 7:00 p.m. at the
41 Western Washington University Communications Building, Room 105.

42
43 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he thanked the
44 administration for the finance presentation. A subcommittee of the Birch Bay
45 Steering Committee wants money for a study on the possibility of incorporation of
46 Birch Bay, in the amount of \$100,000 to \$120,000. They have people at either end

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1 of the bay who don't want to be part of Birch Bay incorporation. That's why they
2 need a study, so those people can make an informed decision.

3
4 Crawford asked if there is money for that from the State Department of
5 Community, Trade, and Economic Development (CTED).

6
7 Roy stated she didn't know.

8
9 Crawford stated it's a great idea.

10
11 Caskey-Schreiber stated the Council concurs that it's a great idea.

12
13 Charles Law, Bellingham, stated he is glad the Council passed the resolution.
14 In addition to being visual in law enforcement, citizens should also look out for
15 services and trust. Assist people in their quality of life. As long as there is
16 economic instability, there will be economic refugees. As a whole, they should
17 lobby lawmakers and businesses to solve the immigration problem. Demand that
18 the big box stores stabilize the economy in the county by paying a living wage and
19 providing decent health care. People should voluntarily contribute to the welfare of
20 the community and the country.

21
22 Mark Palmer, 5581 Everson Goshen Road, Bellingham, stated he lives just
23 north of Ten Mile Creek, where Everson Goshen Road goes through a series of
24 extreme valleys and peaks that severely limit a driver's vision. Entering and exiting
25 the driveways along this stretch of road is harrowing. Numerous school buses stop
26 at these driveways and experience the same hazard. The 50 mile per hour speed
27 limit exceeds the County's stopping sight distance requirements. The Engineering
28 Division concurred, which creates a liability issue for the County. The correct speed
29 limit is 40 miles per hour. All property owners and residents, except one, on
30 Everson Goshen Road, between Hemmi Road and East Smith Road, signed the
31 petition to change the speed limit. He asked the Council to respond to their
32 request. This issue is not just a matter of opinion. It is a matter of fact the Council
33 must act upon before a serious accident or fatality results.

34
35 Brenner asked Mr. Palmer to leave his address and phone number so she can
36 schedule the issue in the Public Works Committee.

37
38
39 **PUBLIC HEARINGS**

40
41 **1. RESOLUTION TO DISPOSE OF TAX-TITLE PROPERTY BY DEED TO THE**
42 **CITY OF BELLINGHAM FOR LAND LYING BENEATH CITY STREETS,**
43 **REQ. #2005-06 (AB2005-409A)**

44
45 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
46 public hearing.

1
2 ***Nelson moved*** to approve the resolution.
3

4 ***Motion carried unanimously.***
5

6 **2. RESOLUTION REGARDING APPLICATION FOR A COMMUNITY**
7 **DEVELOPMENT BLOCK GRANT (AB2005-412)**
8

9 *(Clerk's Note: The CDBG required handouts were included in the Council's*
10 *packet and available to the public at the public hearing.)*
11

12 Dewey Desler, Deputy Administrator, gave a staff report and stated the
13 County Executive would like to move forward with an application for the North Fork
14 Community Resource Center program. There is not an actual location set yet, but
15 he wants to put in an application to that process.
16

17 Caskey-Schreiber opened the public hearing and the following people spoke:
18

19 Rebecca Johnson, 2804 Iowa Drive, Interfaith Community Health Center
20 Operations Director, stated she supports the proposed resource center. She
21 described the Health Center's background and patient load. Interfaith Community
22 Health Center would consider offering its health clinic services at the center if the
23 resource center is built. They have identified staff who would be interested in
24 working at such a site.
25

26 Jan Hunter, Early Childhood Opportunities Northwest, which is the Head Start
27 program for the county. She definitely supports the North Fork center building. Of
28 the 18 families they serve, 16 live in the Kendall area. She described the purpose
29 of Childhood Opportunities Northwest. The employees of Childhood Opportunities
30 Northwest live in the Kendall area. If more space were available than is available
31 now at their Deming location, they would be able to serve more children from the
32 Kendall location.
33

34 Paul Schissler, Planning Consultant, stated he would like to thank the Council
35 for pursuing this application. This is an opportunity to increase services to a high-
36 need area. They were able to create similar facilities in Skagit County, and they
37 had a dramatic impact on thousands of families. Both are growing and need to
38 expand their services. It's an effective way to provide a single location for people
39 to receive a wide variety of services from many agencies that could be there either
40 full time or occasionally. Island County has created three such facilities. It's an
41 excellent idea. He's pleased the County has found money from it's own fund to
42 leverage State funds and compete for federal funds.
43

44 Hearing no one else, Caskey-Schreiber closed the public hearing.
45

46 ***McShane moved*** to approve the resolution.

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1
2 Caskey-Schreiber stated it's fantastic that they're pursuing this. The Kendall
3 Community Resource Board feels optimistic about it. She hopes they can keep it
4 going.

5
6 *Motion carried unanimously.*

7
8
9 **CONSENT AGENDA**

10
11 *Nelson* reported for the Finance and Administrative Services Committee and
12 *moved* to approve Consent Agenda items one through five.

13
14 *Motion carried unanimously.*

- 15
16 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
17 **AWARD OF BID #05-77 FOR CONSTRUCTION OF THE JAIL WORK**
18 **CENTER AND TRIAGE CENTER, TO LOW BIDDER, IMPERO**
19 **CONTRACTING, AS WELL AS ENTER INTO A CONTRACT WITH IMPERO**
20 **CONTRACTING FOR THIS WORK, IN THE AMOUNT OF \$7,467,285**
21 **PLUS THE COST OF BACKFILL REPLACEMENT AND WATER VAPOR**
22 **EMISSION CONTROL SYSTEM (AB2005-420)**

23
24 Crawford asked the date they anticipate ground breaking.

25
26 Dewey Desler, Deputy Administrator, stated next Monday they will release
27 the contractor to begin construction. They are to be done within 300 days. He
28 hopes it will be done sooner.

29
30 Crawford asked if there is incentive to get it done sooner. Desler stated their
31 good name. He's pleased they've gotten to this point. It's a big deal for the
32 community.

- 33
34 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
35 **CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC**
36 **COMMUNITY SERVICES RECOVERY CENTER TO PROVIDE FAMILY**
37 **SUBSTANCE ABUSE PREVENTION SERVICES, IN THE AMOUNT OF**
38 **\$20,000 (AB2005-421)**

- 39
40 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO THE**
41 **FIRST AMENDMENT TO AN INTERLOCAL JOINT MANAGEMENT**
42 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
43 **BELLINGHAM TO CLARIFY THE DUTIES AND RESPONSIBILITIES**
44 **REGARDING MAINTENANCE AND MONITORING OF THE ON-SITE DAM**
45 **ON THE PROPERTY COMMONLY REFERRED TO AS THE "ANDERSON**
46 **PROPERTY" (AB2005-422)**

1
2 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO
3 AMENDMENT #1 TO THE CONTRACT BETWEEN WHATCOM COUNTY
4 AND PACIFIC SOFTWARE ASSOCIATES TO PURCHASE AN UPGRADED
5 BACKUP SYSTEM FOR THE NEW I SERIES SERVER, IN THE AMOUNT OF
6 \$38,658.77 FOR A TOTAL CONTRACT AMOUNT OF \$359,443.39
7 (AB2005-423)
8

9 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
10 LEASE AGREEMENT BETWEEN THE WHATCOM COUNTY SHERIFF'S
11 OFFICE AND RON AND ANNE CRUTCHER TO SECURE OFFICE SPACE
12 FOR THE DRUG TASK FORCE, IN THE AMOUNT OF \$1,625 PER MONTH
13 (AB2005-424)
14

15
16 **OTHER ITEMS**

17
18 1. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,
19 ELEVENTH REQUEST, IN THE AMOUNT OF \$110,880 (AB2005-418)
20

21 *Nelson* reported for the Finance and Administrative Services Committee and
22 *moved* to adopt the ordinance.
23

24 *Motion carried unanimously.*
25

26 2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY
27 COMPREHENSIVE PLAN MAP AND THE WHATCOM COUNTY ZONING
28 MAP FOR APPROXIMATELY TWO ACRES WITHIN THE SOUTHERN UGA
29 BOUNDARY FOR LYNDEN (AB2005-084D)
30

31 *Fleetwood* reported for the Planning and Development Committee and
32 *moved* to forward to the concurrency hearing.
33

34 *Motion carried 6-1 with Crawford opposed.*
35

36 3. CONSIDERATION OF HEARING EXAMINER'S RECOMMENDED
37 APPROVAL OF A MAJOR PROJECT PERMIT, SHORELINE SUBSTANTIAL
38 DEVELOPMENT, AND SHORELINE CONDITIONAL USE APPLICATION
39 BY NORTHWEST PIPELINE CORPORATION FOR "CAPACITY
40 REPLACEMENT PROJECT" (AB2005-419)
41

42 *Fleetwood* reported for the Planning and Development Committee and
43 stated there is one amendment. He *moved* to amend Council packet page 85, "43.
44 Sediment barriers shall be in place when necessary throughout clearing and
45 construction..."
46

1 ***Motion to amend carried unanimously.***
2

3 ***Fleetwood moved*** to adopt the Hearing Examiner recommendations, as
4 amended, and to grant approval of the permits.
5

6 McShane stated he had a concern about the final environmental impact
7 statement. The applicant cleared up his concern about strain gauges on the Sumas
8 Pipeline.
9

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

12 **4. APPOINTMENT TO DRAINAGE DISTRICT #2 VACANCY, APPLICANT,**
13 **CURTIS MABERRY (AB2005-395)**
14

15 ***McShane moved*** to appoint Curtis Maberry.
16

17 ***Motion carried unanimously.***
18

19 **5. APPOINTMENT TO DRAINAGE IMPROVEMENT DISTRICT #15**
20 **VACANCY, APPLICANT, NICHOLAS SPOELSTRA (AB2005-396)**
21

22 ***McShane moved*** to appoint Nicholas Spoelstra.
23

24 ***Motion carried unanimously.***
25

26 **6. COUNCIL TO RESCIND A MOTION THAT APPROVED RESOLUTION**
27 **#2005-062 IN ORDER TO ACCEPT AND VOTE ON A SUBSTITUTE**
28 **RESOLUTION (AB2005-411)**
29

30 ***Brenner moved*** to rescind the vote to approve the resolution.
31

32 Caskey-Schreiber stated the motion is to approve the resolution as it is in the
33 Council packet, with a Nooksack Tribe representative and a business community
34 representative.
35

36 ***Motion to approve the resolution with two new representatives***
37 ***carried unanimously.***
38

39 ***Brenner moved*** to rescind the vote to approve the resolution, taken during
40 the Council's regular meeting on October 25, 2005.
41

42 ***Motion to rescind the vote carried unanimously.***
43

44
45 **INTRODUCTION ITEMS**
46

1 *Brenner moved* to accept the Introduction Items.

2
3 *Motion carried unanimously.*

- 4
5 1. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
6 **ORDINANCE, WCC TITLE 20, CHAPTER 20.71 – WATER RESOURCE**
7 **PROTECTION OVERLAY DISTRICT AND CHAPTER 20.97 –**
8 **DEFINITIONS TO PROVIDE ADDITIONAL REGULATORY PROTECTION**
9 **FOR THE LAKE WHATCOM AND LAKE SAMISH WATER RESOURCE**
10 **PROTECTION OVERLAY DISTRICTS (AB2005-425)**
11
12 2. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND**
13 **STATE PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE**
14 **YEAR OF 2006 PURSUANT TO HOME RULE CHARTER SECTION 6.10**
15 **(AB2005-426)**
16
17 3. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY**
18 **CONSERVATION FUTURES PURPOSES IN WHATCOM COUNTY,**
19 **WASHINGTON, FOR THE YEAR OF 2006 PURSUANT TO HOME RULE**
20 **CHARTER SECTION 6.10 (AB2005-427)**
21
22 4. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD**
23 **PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR OF**
24 **2006 PURSUANT TO HOME RULE CHARTER SECTION 6.10 (AB2005-**
25 **428)**
26
27 5. **RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM**
28 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR THE YEAR OF 2006**
29 **(AB2005-429) (COUNCIL ACTING AS THE GOVERNING BODY OF THE**
30 **WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT)**
31
32 6. **ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
33 **REQUEST #12, IN THE AMOUNT OF \$923,766 (AB2005-430)**
34
35

36 **OTHER BUSINESS** and **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

37
38 Brenner stated the Council isn't going to have another meeting before the
39 foreclosure sale.

40
41 Caskey-Schreiber stated the Council can talk about it during the Joint Lake
42 Management meeting.

43
44 Brenner stated she likes the idea of the County taking those off the roles.

45
46 Caskey-Schreiber stated the Council must discuss it in an executive session.

1
2 *(Clerk's Note: End of tape one, side B.)*
3

4 Crawford stated he believes the November 18 date is the deadline for the
5 owners to redeem the properties. The actual auction would occur at some date to
6 be set in the future.
7

8 Caskey-Schreiber stated the Council can schedule it in executive session for
9 discussion in two weeks.
10

11 Nelson stated things are happening in the mental health arena due to
12 legislative intent and administrative desires. The legislature wanted to make sure
13 things were done equally, so it passed a bill to require local regional support
14 networks (RSN's) to prepare requests for qualifications (RFQ) on how they would
15 make sure everyone receives adequate and fair service levels. Unfortunately, it's
16 gone through a process with State Department of Social and Health Services
17 (DSHS), and additional restrictions have been added. He has a letter from Senator
18 Hargrove, who is concerned about those additional requirements. Mr. Gary
19 Williams is the Whatcom County Health Department staff who works on mental
20 health and substance abuse.
21

22 Gary Williams, Human Services Division Manager, stated there is a potential
23 problem. The State issued an RFQ to all the RSN's in the state. The intention was
24 to prove that they're capable of managing the public process and can provide
25 effective treatment and services. This was done in reaction to an earlier attempt to
26 privatize the public mental health system and turn it over to private, for-profit
27 entities. The County Council passed a resolution this spring strongly opposing
28 eliminating counties and RSN's from having a role in the public mental health
29 arena. The concern of the North Sound RSN is that the RFQ has elements that
30 don't exist in the current contract. They're being expected to meet that new
31 requirement. For example, they are responsible for managing all the inpatient
32 costs, which have previously been handled by the medical service administration at
33 the State. That's being transferred to the RSN. At this point, the funding is being
34 kept at the state, but the cost is being shifted to the RSN's. That means the dollars
35 needed to cover the necessary billing and monitoring process comes out of direct
36 services. Other requirements that have been added include 100 percent review of
37 all treatment plans and intakes. That is not logical. Review can be done if there is
38 a concern about a treatment plan. However, reviewing 100 percent of the
39 treatment plans requires a huge staff commitment, and the cost must come out of
40 direct services. The State's RFQ doesn't allow the current RSN's to compete.
41 Should the North Sound RSN not get a fair review, it's a matter of great concern. It
42 may indicate a different motivation in how the RFQ was developed by the State.
43

44 Nelson stated he wanted to keep the Council informed of the situation. The
45 Council needs to see how the State responds to the letter about going beyond the

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 scope of the legislative intent. This is a multi-million dollar impact to services for
2 an element of the population that does not have a voice.
3

4 Brenner stated she would like to work with Councilmember Nelson and Mr.
5 Williams to write a letter to the State supporting the way it is and don't go any
6 further on this. Don't wait. Support what Senator Hargrove is trying to do. She's
7 concerned that the issue has gotten this far. Don't wait on this.
8

9 Crawford asked if Senator Brandland and Senator Spanel have been
10 contacted.
11

12 Nelson stated they are fully aware of it. The intent of the legislators was to
13 preserve the local RSN's that were fully meeting the letter of the law and providing
14 services to the communities. They also wanted to recognize areas in the state that
15 aren't meeting the needs of the communities. They wanted to give an opportunity
16 for other agencies and groups to help those areas in need. However, the RFQ and
17 proposal itself has gone beyond the scope. That is a problem. Once he has more
18 information from a meeting on November 10, he will be able to draft a letter that
19 makes sense.
20

21 Caskey-Schreiber stated the Council will have a draft letter to vote on at the
22 next meeting.
23

24 The Council concurred.
25

26 Karen Frakes, Senior Civil Deputy Prosecutor, stated the actual tax sale is
27 November 18. people have the right to redeem until 4:00 p.m. on November 17,
28 but a decision needs to be made before November 18 about whether or not the
29 County is going to bid on that property.
30

31 Caskey-Schreiber stated the Council will schedule an executive session next
32 week to discuss it.
33

34 Roy reported for the Natural Resources Committee and stated there was
35 **discussion regarding a recently received SEPA determination for the**
36 **proposed ordinance amending Whatcom County Code Title 11, Boating and**
37 **Swimming, to limit the use of limb-propelled flotation devices on the South**
38 **Fork of the Nooksack River from June 1 through October 31 (AB2005-**
39 **173A) during the Natural Resources Committee. This item will come to the Council**
40 **at the next meeting.**
41

42 Nelson stated he is attending a conference on health access issues, and he
43 will not be able to attend the joint meeting.
44

45
46 **ADJOURN**

