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1 always asked the right questions at the right time. He enjoyed working with her on
2 the Council.

3
4 McShane stated Councilmember Roy is the only person he asked to run for
5 office. He thanked the residents of Birch Bay in convincing Councilmember Roy to
6 run for office. They are a better county for it. Councilmember Roy has been able
7 to create a legacy. She is a great voice for the Birch Bay area.

8
9 Fleetwood stated he will miss Councilmember Roy very much.

10
11 Caskey-Schreiber stated Councilmember Roy is important to this County
12 Council. There is so much work that goes on behind the scenes of these meetings.
13 She is in integral part of that work. She has worked tirelessly over the years for
14 the County. Whatcom County can do no better than to have Councilmember Roy as
15 its representative.

16
17 Nelson thanked Councilmember Roy for serving the community.

18
19 Roy stated she is proud to be a part of this group. She has a special bond
20 with Councilmembers Fleetwood and Caskey-Schreiber because they campaigned
21 together. The rest of the councilmembers made them feel welcome. She is excited
22 about what they've accomplished over the years. She's excited about the future.
23 Everyone's' perspectives are different. The willingness to listen to each other and
24 move forward is significant. The administration is terrific. The office staff is
25 fantastic.

26
27
28 **MINUTES CONSENT**

29
30 *Fleetwood moved* to approve the Minutes Consent items.

31
32 *Motion carried unanimously.*

- 33
34 **1. COMMITTEE OF THE WHOLE FOR NOVEMBER 22, 2005**
35
36 **2. REGULAR COUNTY COUNCIL FOR NOVEMBER 22, 2005**
37

38
39 **OPEN SESSION**

40
41 The following people spoke:

42
43 Tim Paxton, 2120 Ellis Street, Bellingham, stated he wants to talk about the
44 Lake Whatcom Reservoir. The City of Bellingham will write a letter to Whatcom
45 County regarding the Sudden Valley provisional urban growth area (UGA). The
46 provision is that the future density of Sudden Valley is somehow constrained by the
47 interlocal agreement. The letter will point out that the Interlocal Cooperation Act

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1 does not allow interlocal agreements between a community association or non-
2 governmental unit and Whatcom County. The fact that it's illegal makes it a weak
3 method for constraining density and it's hard to have a third party constrain the
4 density of the future City of Sudden Valley. The City is hearing that Sudden Valley
5 wants to incorporate to have more control over its land use, which implies a higher
6 density. The City Council approved a resolution opposing incorporation of Sudden
7 Valley.

8
9 Chris Hatch, Flood Control Zone District Advisory Committee, stated he
10 recommends that the Council reappoint Fred Polinder, Art Anderson, and Ron
11 Bronsema, and appoint Tom Westergreen to the boards and commissions for which
12 they've applied. They are dedicated, hard workers.

13
14 Dennis Jones, 1487 Sudden Valley, stated he appreciates this Council going
15 through the process regarding Sudden Valley. He supported Sudden Valley going
16 through the process of finding out about becoming a city. Sudden Valley is a club.
17 Another option is to be a County parks district or a stormwater control district. He
18 thanked Councilmember Roy. Sudden Valley now has a plan for what it wants to
19 become.

20
21 John Graines, 4478 Northwest Drive, stated his subject concerns public
22 disclosure. The people in the courthouse have a blank check with little oversight
23 and review. Pay attention to what is going on. He read from the December 1
24 Whatcom Independent that says County government is fairly open. However, his
25 experience as a citizen is the opposite. His public information request has been
26 stonewalled. He submitted it three times. He questions whether there is a cover-
27 up. His constitutional and civil rights have been violated.

28
29 Brenner stated the Council hasn't received anything. It is a legislative body.
30 He asked if Mr. Graines submitted a request to the County Council. She doesn't
31 know what the concern is. Graines stated he doesn't know what more he can
32 provide. He provided everything to the Executive, which is the Council's staff.

33
34 Brenner stated the Executive is not the County Council's staff.

35
36 John Lesow, 317 Madrona Place, Point Roberts, stated he asks the Council to
37 consider two growth-related issues early in 2006. The first is a public hearing and
38 presentation on the logistical population model by Dr. McLaughlin, which was made
39 to the Bellingham City Council in August. It deserves a full hearing before the
40 County Council and County Planning Commission. He submitted copies of Dr.
41 McLaughlin's presentation to the City Council (*on file*). The second issue is a
42 building permit allocation program for the County modeled along the same program
43 presented by David Hunter to the Council in October. Both topics are controversial.
44 Now is the time to move on them. They have the political capital. Lower the 20-
45 year population projection to 34,000 and create a building permit allocation
46 program.

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1 Ian Morgan, 916 E. Maple, Bellingham, stated the Council's resolution
2 regarding vigilante activity at the border was not adequate. It did not mention the
3 Minutemen project. It was more in favor of their presence than opposed to it. He
4 submitted information from a Time magazine report about the Minutemen protest
5 of a day labor camp in Phoenix (*on file*). The Minutemen are moving from the
6 border to towns near the border. By not outwardly opposing them, they have an
7 opportunity to expand to monitor and harass day labor centers. He invited the
8 councilmembers to attend a Human Rights conference this Saturday to view a
9 movie, *On the Border: The Return of the Militias*.

10
11 Crawford stated that if the movie is available on DVD, it would be effective if
12 the Council had it. He would try to view it.

13
14 Dave Cahn, 1215 High Street, stated he opposes the Minutemen
15 organization. He read from the East Valley Tribune in Arizona (*on file*). It is a
16 racist organization. The legislation they are pushing for and their other activities
17 mostly affect poor people of color, whether they're from this country or other
18 countries.

19
20 Rosalinda Guillen, 1800 - 20th Street, Bellingham, stated she opposes the
21 Minutemen organization. It is a racist organization. She read the border
22 vigilantism resolution approved by Democratic National Committee. The resolution
23 was passed unanimously. She invited the councilmembers to attend the conference
24 on Saturday to learn about the history and development of the Minutemen group.

25
26 Dave Pros, 1466 Roy Road, stated he thanked the Council for protecting the
27 Lake Samish watershed. The definition of planning is a method of acting,
28 proceeding, or developing in advance. Planning is a specific project or definite goal,
29 such as a plan for the future. Create a committee to look ahead 100 years and plan
30 for how they would like the county to look. Create broad based blue ribbon panel
31 created to bring to the voters several land use plans. Know what the citizens of the
32 county would like to have happen. They are undergoing rapid changes. It's
33 difficult for people to have tremendous change happen quickly. Instead, have a
34 long range plan and a context within which they can make decisions. The County
35 should take the lead in this planning effort.

36
37 Nelson stated it would be very difficult to anticipate the technology and
38 inventions that will affect people in 100 years. He asked from where this 10-year
39 timeframe is coming. Pros stated that if they don't decide the direction, the future
40 will happen by chance. He agrees there will be many changes. The direction they
41 want to go will also change over time. A committee could bring forward three or
42 four options the people can vote on.

43
44
45 **PUBLIC HEARINGS**

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1 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 11,**
2 **BOATING AND SWIMMING, TO LIMIT THE USE OF LIMB-PROPELLED**
3 **FLOTATION DEVICES ON THE SOUTH FORK OF THE NOOKSACK RIVER**
4 **FROM JUNE 1 THROUGH OCTOBER 31 (AB2005-173A)**

5
6 Caskey-Schreiber opened the public hearing and the following people spoke:
7

8 John LaMonte, 6184 Saxon Road, Acme, stated there should be an eight-year
9 sunset date to see if the limit helps the salmon recover. Get a count of the Spring
10 Chinook that come up the river. He and the Acme store are the most affected by
11 the ordinance. Some of the people at his campground enjoy riding inner tubes on
12 the river, but he won't oppose the ordinance at this time.
13

14 Dennis Jones, 1487 Sudden Valley, stated he is formerly from Acme. There
15 are places at Stewart Mountain that would provide great public access for the public
16 to the river and to trails. The Council must decide whether this is about salmon or
17 public access to the river. Criteria must be set. Sudden Valley is very much like
18 Lynden. It is very closed and isolated. The residents are isolated and fearful. They
19 don't have a clue about the watershed. They have been propagandized by the
20 clean water lobby or the real estate lobby.
21

22 *(Clerk's Note: End of tape one, side A.)*
23

24 Jones continued to state they need to be included in the process. He
25 thanked the Council for including the people in the South Fork valley in this
26 process. Create a buffer zone between urban and rural areas.
27

28 Eric Jacoby, Acme, stated he thanks the Council for the ordinance. He has
29 been a resident of Acme for a long time. The Council recognizes that recreation is
30 and can be a consumptive use of natural resources. A recent State Department of
31 Natural Resources decision was to close off-road vehicle (ORV) use in the North
32 Fork area because of documented misuse of salmon habitat. This is a small step
33 that helps the environmental policy where all citizens and voters must carefully
34 consider the actions and consequences of their politics. Once everyone begins to
35 absorb their share of the pain of environmental regulations, there may be a push to
36 reexamine pseudo-science driven politics and focus on the real cause of the
37 problem. The citizens of Whatcom County have fallen for the notion of salmon
38 recovery. This ordinance will be a litmus test to see if they have political
39 commitment. He supports the ordinance.
40

41 Hearing no one else, Caskey-Schreiber closed the public hearing.
42

43 ***Brenner moved*** to adopt the ordinance. They got a letter from Alan
44 Chapman, who wanted to add some changes. She emailed him, but the email was
45 returned as undeliverable.
46

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1 Roy stated people should support this. Several citizens live along the river
2 and complained about activities. Also supporting it are the National Oceanic and
3 Atmospheric Association's Fisheries Division, the Lummi Nation wildlife biologist,
4 and others. There was a lot of data about the fish and the issue. There is a lot in
5 the record related to this issue. They are only closing a portion of the river. There
6 is a broad base of support for this. The Sheriff's Office will deputize officers from
7 the Department of Fish and Wildlife for enforcement.

8
9 Evaluation will happen naturally. They know how many fish return every
10 year. They have those statistics and will be able to see the impact. She can't
11 imagine how it won't work.

12
13 Nelson thanked Councilmember Roy for her hard work on this ordinance.
14 Enforcement will be very important. This is the best compromise.

15
16 Crawford stated this does not include the reference to 200 feet below the
17 bridge.

18
19 Fleetwood stated several other agencies all support the closure in this
20 proposal.

21
22 Caskey-Schreiber stated she is in favor of the ordinance. She understands
23 the unfortunate economic implications. However, the economic implications of
24 losing salmon as a species is enormous. If salmon is not there, other species will
25 leave, and so will tourism. Get more aggressive in their efforts, or the ecosystem
26 will be lost due to the loss of the salmon runs. She will do anything she can to
27 reverse the trend. She thanked Councilmember Roy for her work.

28
29 Brenner stated she thanked Councilmember Roy. She is in favor of the
30 ordinance. One person asked to make it an eight year period so they can tell.
31 There are a lot of variables affecting the fish run. This is just one part of one
32 variable out of many variables. She's not sure they are going to see an effect in
33 eight years from this little piece. There are many other pieces of the puzzle to
34 bringing back the salmon. Have an integrated approach, or they won't see any
35 restoration happen soon. She's grateful to anyone who worked on this. They are
36 taking the mini-steps. Eventually, all the steps will be connected, and that's when
37 they will see salmon restoration.

38
39 Roy stated recreational fishing could be an economic boom if they have a
40 sustainable salmon run. She thanked Senior Civil Deputy Prosecutor Royce
41 Buckingham for his hard work on the ordinance.

42
43 ***Motion carried unanimously.***

44
45 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE 10.34, FERRY**
46 **RATES, ADDING DEFINITIONS RELATED TO THE FERRY SYSTEM**
47 **(AB2005-443)**

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1
2 Caskey-Schreiber opened the public hearing and the following people spoke:

3
4 Michelle Luke, 3342 Sunrise Cove, Lummi Island, stated she reiterates the
5 comments from Fred Kinney and asks that the word "actual" be inserted in the
6 definitions as Mr. Kinney recommends in his letter.

7
8 Ken Richardson, Accounting Supervisor, stated he agrees with the proposed
9 amendment that Mr. Kinney suggested.

10
11 Hearing no one else, Caskey-Schreiber closed the public hearing.

12
13 ***Brenner moved*** to adopt the ordinance.

14
15 ***Brenner moved*** to amend section 10.34.005(B), "Operating Cost - All **actual**
16 daily running expenses and all **actual** regular and routine..." and section
17 10.34.005(D), "...in comparison to total **actual** operating costs..." Definitions are an
18 important place in which to put actual information. Put the actual information in
19 the definitions.

20
21 ***Motion to amend carried 6-1 with McShane opposed.***

22
23 ***Motion to adopt the ordinance as amended carried unanimously.***

24
25 **3. RESOLUTION ADOPTING THE WHATCOM COUNTY 2006 ANNUAL**
26 **ROAD CONSTRUCTION PROGRAM (AB2005-447)**

27
28 Caskey-Schreiber stated there is a substitute resolution.

29
30 Caskey-Schreiber opened the public hearing and the following people spoke:

31
32 Claudia Hollod, 8240 Birch Bay Drive, Blaine, stated she is in favor of the
33 resolution because the Birch Bay Lynden Road, the Blaine Road, and the Lincoln
34 Road is included. She's encouraged by Hal Hart's efforts to remedy Birch Bay's lack
35 of a concurrency ordinance and traffic impact fees. Because of the lack of traffic
36 impact fees on development in Birch Bay, Birch Bay is in real need of infrastructure.
37 Lincoln Road is a good start. It's a high priority. It's critical to the economic and
38 environmental vitality of the beach.

39
40 She asked if it's possible to consider installing a roundabout instead of a
41 signal and left turn lane at the intersection of Birch Bay Lynden Road and Blaine
42 Road. There is a lot of traffic at that corner.

43
44 Drayton Harbor should be left alone. Residents don't want Drayton Harbor
45 Road repaired for the use of Semiahmoo residents. When Semiahmoo was built,
46 Drayton Harbor Road was not to be used as a major thoroughfare. People who

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1 support rebuilding the road only want it as a short cut to their homes in
2 Semiahmoo. It's not good environmentally for the bay.

3
4 Hearing no one else, Caskey-Schreiber closed the public hearing.

5
6 Joe Rutan, County Road Engineer, stated the first option for the intersection
7 of Birch Bay Lynden Road and Blaine Road is a roundabout. They have preliminary
8 designs and right-of-way impacts. They will have to skew to road a bit. It's
9 something staff will seriously consider. It will be the same design and theme as
10 potential roundabouts at Lincoln Road at Harborview Road, at Shintaffer Road, and
11 at Blaine Road. Because of the railroad at Birch Bay Lynden Road and Portal Way,
12 they will have to stick with a regular signal.

13
14 During the Public Works Committee, he handed out a revised page regarding
15 the Whatcom Chief. The amount on page 283, item 22 should be \$750,000, not
16 \$200,000. It will add \$550,000 to the total at the bottom. He will provide a
17 corrected exhibit.

18
19 ***Brenner moved*** to approve the resolution.

20
21 Crawford stated they discussed the Drayton Harbor Road issue. The
22 improvements to that road do not preclude a decision that the road will be
23 maintained for vehicles. It may become a pedestrian path or bike path. The
24 improvements have to occur, regardless of how the road is used. The County
25 Council has not committed to that road at this time.

26
27 ***Motion carried unanimously.***

28
29 **4. RESOLUTION TO SELL SURPLUS PROPERTY BY AUCTION, REQ. #03-**
30 **05 (AB2005-390C)**

31
32 Caskey-Schreiber opened the public hearing and the following people spoke:

33
34 Jon Seymour, 4088 Mt. Baker Highway, stated he is an adjoining property
35 owner. There is a dispute over an easement map which takes away access to their
36 house. He has filed a claim with the County. Either direct the administration to
37 change the map or postpone until the issue can be resolved. Don't sell off the
38 property, because they will be selling a lawsuit. He invited the councilmembers to
39 come out and look at the property.

40
41 Royce Buckingham, Senior Civil Deputy Prosecutor, stated an executive
42 session should be called if there is a decision to postpone.

43
44 Hearing no one else, Caskey-Schreiber closed the public hearing.

45
46 ***Brenner moved*** to go into executive session to discuss pending litigation.

1 ***Motion carried unanimously.***

2
3 *(Clerk's Note: The Council was in executive session for five minutes.)*

4
5 ***McShane moved*** to approve the resolution.'

6
7 Brenner stated this is being sold as is.

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

10
11 **5. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
12 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
13 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
14 **LYNDEN/EVERSON SUBZONE (AB2005-450)**

15
16 *(Council acting as the Flood Control Zone District Board Of Supervisors.)*

17
18 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
19 public hearing.

20
21 ***Nelson moved*** to approve the resolution.

22
23 ***Motion carried unanimously.***

24
25 **6. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
26 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
27 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
28 **ACME/VAN ZANDT SUBZONE (AB2005-449)**

29
30 *(Council acting as the Flood Control Zone District Board Of Supervisors.)*

31
32 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
33 public hearing.

34
35 ***Nelson moved*** to approve the resolution.

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

38
39 **7. RESOLUTION BY THE GOVERNING BODY OF THE COUNTY-WIDE**
40 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) EXTENDING THE**
41 **CURRENT WCFCZD FUNDING MECHANISM AND LEVELS FOR THE**
42 **SUMAS/NOOKSACK/EVERSON SUBZONE (AB2005-448)**

43
44 *(Council acting as the Flood Control Zone District Board Of Supervisors.)*

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

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

4 *Motion carried unanimously.*
5

6 **8. ORDINANCE ADOPTING THE 2006 WHATCOM COUNTY UNIFIED FEE**
7 **SCHEDULE (AB2005-444)**
8

9 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
10 public hearing.
11

12 *Nelson moved* to adopt the ordinance.
13

14 Brenner asked about a \$240 permit fee for restaurants. Jeff Margolis told
15 her that the fee has jumped a lot each year.
16

17 Regina Delahunt, Health Department Director, stated the rates for 2006 are
18 the same. They increased the rate in 2005. She will check on the rate increase.
19 Before 2005, they haven't increased the rates in a few years.
20

21 *Motion carried unanimously.*
22
23

24 **CONSENT AGENDA**
25

26 *Nelson* reported for the Finance and Administrative Services Committee and
27 *moved* to approve Consent Agenda items one through 17.
28

29 McShane withdrew item six.
30

31 Brenner withdrew item four.
32

33 *Motion to approve Consent Agenda items one through three, five, and*
34 *seven through 17 carried unanimously.*
35

36 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM**
38 **WHATCOM COUNTY TOURISM TO PROVIDE SERVICES TO PROMOTE**
39 **TOURISM IN WHATCOM COUNTY, IN THE AMOUNT OF \$95,000**
40 **(AB2005-452)**
41

42 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
43 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM**
44 **VOLUNTEER CENTER TO PROVIDE VOLUNTEER SERVICES TO**
45 **MULTIPLE COUNTY OFFICES AND SERVICE LOCATIONS THROUGHOUT**
46 **THE COUNTY, THE COURTS, COUNTY LIBRARY, SENIOR CENTERS,**
47 **COUNTY PARKS, ETC., IN THE AMOUNT OF \$35,000 (AB2005-453)**

1
2 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
3 **CONTRACT BETWEEN WHATCOM COUNTY AND LAKEVIEW**
4 **TECHNOLOGY INC. TO PROVIDE SOFTWARE, IMPLEMENTATION AND**
5 **ASSOCIATED MAINTENANCE FOR THE NEW ISERIES MID-RANGE**
6 **COMPUTER SYSTEM, IN THE AMOUNT OF \$38,418 (AB2005-454)**
7

8 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
9 **CONTRACT BETWEEN WHATCOM COUNTY AND EVERTT E. BYERS AND**
10 **ASSOCIATES, INC. D/B/A BRAUN CONSULTING GROUP, FOR**
11 **NEGOTIATION OF EIGHT COLLECTIVE BARGAINING AGREEMENTS,**
12 **GRIEVANCE ARBITRATION, AND LABOR CONSULTATIONS AND SERVE**
13 **AS CHIEF SPOKESPERSON FOR THE COUNTY WITH ASSISTANCE**
14 **FROM A.S. HUMAN RESOURCES, FOR THE FULL RANGE OF**
15 **COLLECTIVE BARGAINING ACTIVITIES, IN THE AMOUNT OF \$152,436**
16 **OVER THREE YEARS (AB2005-455)**
17

18 Brenner stated she is against the request. Staff should be able to do this
19 work in-house. They attend the meetings anyway.
20

21 Nelson stated there may be other costs if staff does this work in-house. The
22 Human Resource Division is already doing a lot of work. This is the most prudent
23 use of County funds to have access to legal advice and to allow the Human
24 Resources Division to deal with it's regular issues.
25

26 Brenner stated the Human Resources Division should be able to deal with this
27 issue.
28

29 Caskey-Schreiber stated she agrees with Councilmember Brenner. For this
30 amount of money, the County may be able to hire a local attorney, even half time.
31

32 ***Nelson moved*** to approve the request.
33

34 ***Motion carried 5-2 with Brenner and Caskey-Schreiber opposed.***
35

36 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
37 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
38 **WHATCOM CONSERVATION DISTRICT TO PROVIDE COMMUNITY**
39 **OUTREACH AND EDUCATION REGARDING SMALL FARM BEST**
40 **MANAGEMENT PRACTICES TO SUPPORT THE WATER QUALITY**
41 **IMPROVEMENT EFFORTS IN THE SHELLFISH PROTECTION**
42 **DISTRICTS, IN THE AMOUNT OF \$30,345.96 (AB2005-456)**
43

44 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
45 **CONTRACT BETWEEN WHATCOM COUNTY AND WILSON**
46 **ENGINEERING, LLC TO PROVIDE THE NECESSARY ENGINEERING AND**
47 **PUBLIC OUTREACH SERVICES FOR DEVELOPMENT OF A FERRY**

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1 **PARKING LOT ON LUMMI ISLAND TO SUPPORT THE LUMMI ISLAND**
2 **FERRY SYSTEM, IN THE AMOUNT OF \$95,446 (AB2005-457)**

3
4 *Nelson moved* to approve the request.

5
6 McShane stated he won't vote against the contract, but he didn't support the
7 budget item. There is nothing wrong with the contract.

8
9 *Motion carried unanimously.*

10
11 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
12 **CONTRACT BETWEEN WHATCOM COUNTY AND INTERFAITH**
13 **COALITION TO PROVIDE 2060 REPAIR & REHABILITATION FUNDS TO**
14 **REPAIR WINDOWS, FLOORS AND ROOF AT THE DEEMER ROAD**
15 **PARTNERSHIP HOUSE, IN THE AMOUNT OF \$15,000 (AB2005-458)**

16
17 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
18 **LEASE BETWEEN WHATCOM COUNTY AND RICK REICH FOR HOUSING**
19 **FOR THE POINT ROBERTS RESIDENT DEPUTY, ON A MONTH-TO-**
20 **MONTH BASIS BEGINNING DECEMBER 1, 2005, IN THE AMOUNT OF**
21 **\$1,000 PER MONTH (AB2005-459)**

22
23 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
24 **LETTER OF UNDERSTANDING BETWEEN WHATCOM COUNTY AND**
25 **WASHINGTON STATE NURSES ASSOCIATION, AMENDING THE 2005-**
26 **2007 WASHINGTON STATE NURSES ASSOCIATION COLLECTIVE**
27 **BARGAINING AGREEMENT (AB2005-460)**

28
29 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
30 **CONTRACT AMENDMENT 1 BETWEEN WHATCOM COUNTY AND**
31 **DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES EXTENDING THE**
32 **ORIGINAL AGREEMENT THROUGH DECEMBER 31, 2006, IN THE**
33 **AMOUNT OF \$50,000, FOR A TOTAL CONTRACT AMOUNT OF \$94,500**
34 **(AB2005-461)**

35
36 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
37 **CONTRACT AMENDMENT 2 BETWEEN WHATCOM COUNTY AND**
38 **NORTHWEST HYDRAULIC CONSULTANTS, INC. FOR ON-CALL**
39 **HYDRAULIC MODELING ASSISTANCE EXTENDING THE COMPLETION**
40 **DATE OF THE ORIGINAL AGREEMENT TO DECEMBER 31, 2006, IN THE**
41 **AMOUNT OF \$75,000, FOR A TOTAL CONTRACT AMOUNT OF \$175,000**
42 **(AB2005-462)**

43
44 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
45 **CONTRACT AMENDMENT 2 BETWEEN WHATCOM COUNTY AND**
46 **BROWN AND CALDWELL FOR ON-CALL HYDRAULIC MODELING**
47 **ASSISTANCE EXTENDING THE COMPLETION DATE OF THE ORIGINAL**

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1 **AGREEMENT TO DECEMBER 31, 2006, IN THE AMOUNT OF \$75,000,**
2 **FOR A TOTAL CONTRACT AMOUNT OF \$175,000 (AB2005-463)**

3
4 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
5 **CONTRACT AMENDMENT 7 BETWEEN WHATCOM COUNTY AND**
6 **WASHINGTON STATE UNIVERSITY TO CONTINUE THE SHARING OF**
7 **COSTS FOR FACULTY POSITIONS IN THE COOPERATIVE EXTENSION**
8 **THROUGH DECEMBER 31, 2006, IN THE AMOUNT OF \$75,920.16, FOR**
9 **A TOTAL CONTRACT AMOUNT OF \$518,337.90 (AB2005-464)**

10
11 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
12 **AWARD OF BID #05-67 FOR A DIGITAL IMAGING SYSTEM FOR THE**
13 **JAIL TO SOLE BIDDER DYNAMIC IMAGING, IN AN AMOUNT NOT TO**
14 **EXCEED \$41,045 (AB2005-465)**

15
16 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
17 **AWARD OF BID #05-93 FOR A 4X4 BACKHOE WITH LOADER FOR**
18 **WHATCOM COUNTY PARKS AND RECREATION TO LOW BIDDER**
19 **FARMERS EQUIPMENT, IN THE AMOUNT OF \$65,857.37 (AB2005-**
20 **466)**

21
22 **16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
23 **PURCHASE FROM IBM OF CONSOLIDATED COMPUTER HARDWARE**
24 **THAT WILL INCORPORATE THREE TECHNOLOGY PROJECTS, IN THE**
25 **AMOUNT OF \$79,752.60 (AB2005-467)**

26
27 **17. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS THAT**
28 **ARE OVER A YEAR OLD AND HAVE NOT BEEN PRESENTED FOR**
29 **PAYMENT (TOTAL AMOUNT TO BE CANCELLED IS \$17,198.18)**
30 **(AB2005-468)**

31
32
33 **OTHER ITEMS**

34
35 **1. REPORT ON PRESENTATION REGARDING THE EAST ACME FARM**
36 **COMMUNITY RESTORATION PROJECT (AB2005-451)**

37
38 Roy reported for the Natural Resources Committee and stated the Salmon
39 Recovery Funding (SRF) Board will make a decision on funding the County's project
40 in January.

41
42 Brenner stated the County Executive will make the decision on this, not the
43 County Council, if the SRF Board chooses not to approve the grant. There is a
44 letter in the Council packet from Lummi Indian Business Council representative
45 Merle Jefferson, which said he hoped the County would honor its agreement. The
46 agreement is a landowner agreement that gives access to the grant sponsor, which
47 is the Lummi Nation. The County is not part of it.

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

4 Brenner continued to state that in the future, have interlocal agreements
5 with these grants so the County is involved and can make sure the community is
6 involved early on. Now, the County can allow something to go forward that is a
7 threat to the community or be perceived as the bad guys. The County was left out
8 of the loop. Do better in the future through something like an interlocal agreement.
9

10 **2. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
11 **REQUEST #13, IN THE AMOUNT OF \$189,631 (AB2005-445)**
12

13 *Nelson* reported for the Finance and Administrative Services Committee and
14 *moved* to adopt the ordinance.
15

16 *Motion carried unanimously.*
17

18 **3. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET,**
19 **REQUEST #1, IN THE AMOUNT OF \$11,832,558 (AB2005-446)**
20

21 *Nelson* reported for the Finance and Administrative Services Committee and
22 stated the committee recommends removing all references to "Futurewise"
23 regarding the two additional planners, and *moved* to adopt the ordinance as
24 recommended.
25

26 *Motion carried unanimously.*
27

28 **4. ORDINANCE ESTABLISHING A NEW WHATCOM COUNTY FERRY**
29 **SYSTEM FUND (AB2005-442)**
30

31 *Nelson* reported for the Finance and Administrative Services Committee and
32 *moved* to adopt the ordinance.
33

34 *Motion carried unanimously.*
35

36 **5. REPORT ON COMMITTEE DISCUSSION REGARDING THE FOLLOWING**
37 **ISSUES: THE FUTUREWISE DECISION, URBAN FRINGE SUBAREA**
38 **PLANNING, AND CONCURRENCY MANAGEMENT IN WHATCOM**
39 **COUNTY (AB2005-383 and 384)**
40

41 Futurewise Decision
42

43 Fleetwood reported for the Planning and Development Committee and stated
44 the committee received a report today. In 2006, the County will work on becoming
45 compliant.
46

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1 Urban Fringe Subarea Planning
2

3 Fleetwood reported for the Planning and Development Committee and stated
4 this is a work in progress. The Bellingham Planning Commission may make a
5 recommendation later this month on what to do with the five-year review areas. It
6 would come to the County for final decision sometime the first half of 2006.
7

8 Concurrency Management in Whatcom County
9

10 Fleetwood reported for the Planning and Development Committee and stated
11 the County is committed to establishing a concurrency ordinance, probably late in
12 the summer of 2006.
13

14 **6. YEAR END APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**
15 **IN PREPARATION FOR THE YEAR 2006 (AB2005-416)**
16

17 *Nelson moved* to appoint all the applicants by acclamation.
18

19 *Motion carried unanimously.*
20

21 **7. APPOINTMENTS ON FLOOD CONTROL ZONE ADVISORY COMMITTEES**
22 **AND SUB-ZONES (AB2005-416A)**
23

24 *(Council acting as the governing body of the County-wide Flood Control Zone*
25 *District)*
26

27 Flood Control Zone District Advisory Committee- Special Districts
28

29 Brenner nominated Art Anderson and Ron Bronsema and stated they and
30 Chris Hatch have been very helpful. They took time to work with the people in
31 Marietta when she worked on that project. They work with people outside of their
32 districts. They are the incumbents. Unless there is a strong reason to not appoint
33 them again, the Council should support the work they're doing.
34

35 McShane nominated Carnelia Foster. She is serving on the Flood Advisory
36 Committee currently.
37

38 Crawford voted for Anderson and Bronsema.
39

40 Caskey-Schreiber voted for Foster and Bronsema. Art Anderson has done a
41 great job. She like's Ms. Foster's work. Having a woman on any advisory
42 committee is a good thing.
43

44 Fleetwood voted for Foster and Bronsema.
45

46 Nelson voted for Anderson and Bronsema.
47

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1 Brenner voted for Anderson and Bronsema.

2

3 McShane voted for Foster and Bronsema.

4

5 Roy voted for Anderson and Bronsema.

6

7 Caskey-Schreiber stated Mr. Anderson and Mr. Bronsema are appointed.

8

9

10 Flood Control Zone District Advisory Committee-Impacted Cities

11

12 Brenner asked if Mr. Polinder serves on a flood sub-zone advisory committee.

13

14 Crawford stated Mr. Polinder serves on the Lynden/Everson subzone.

15

16 Brenner stated she nominates Bromley and Jaleen Pratt.

17

18 Crawford nominated Landcastle and Polinder.

19

20 Crawford voted for Bromley and Polinder.

21

22 Caskey-Schreiber nominated Bromley and Pratt. Mr. Polinder has done an
23 outstanding job. However, if mayors want to participate, they should honor that.

24

25 Fleetwood voted for Bromley and Landcastle.

26

27 Brenner voted for Bromley and Pratt.

28

29 Nelson voted for Bromley and Polinder.

30

31 McShane voted for Pratt and Landcastle.

32

33 Roy voted for Bromley and Pratt.

34

35 Caskey-Schreiber stated that Mr. Bromley and Ms. Pratt are appointed.

36

37 Flood Control Zone District Advisory Committee-Geographic Area

38

39 McShane nominated Boyle and Yoder.

40

41 Brenner nominated Westergreen.

42

43 Crawford voted for Boyle and Yoder.

44

45 Caskey-Schreiber voted for Boyle and Yoder.

46

47 Fleetwood voted for Boyle and Yoder.

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Nelson voted for Boyle and Westergreen.

Brenner voted for Boyle and Westergreen.

McShane voted for Boyle and Yoder.

Roy voted for Boyle and Yoder.

Caskey-Schreiber stated that Mr. Boyle and Mr. Yoder are appointed.

Flood Control Zone District Advisory Committee-Alternates

McShane moved to appoint Tom Westergreen by acclamation.

Motion carried unanimously.

Acme/VanZandt Flood Control Subzone Advisory Committee

Crawford nominated all applicants.

Crawford voted for Munsell, Rainey, and Strachilla.

Caskey-Schreiber voted for Smith, Munsell, and Rainey.

Fleetwood voted for Munsell, Rainey, and Strachilla.

Nelson voted for Munsell, Rainey, and Strachilla.

Brenner voted for Munsell, Rainey, and Strachilla.

McShane voted for Munsell, Rainey, and Smith.

Roy voted for Munsell, Rainey, and Strachilla.

Caskey-Schreiber stated Mr. Munsell, Mr. Rainey, and Mr. Strachilla are appointed.

Lynden/Everson Flood Control Subzone Advisory Committee

Nelson moved to appoint all applicants by acclamation.

Motion carried unanimously.

Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee

Nelson moved to appoint all applicants by acclamation.

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Motion carried unanimously.

8. APPROVAL OF THE COUNCIL'S "SPECIAL STANDING MEETINGS" SCHEDULE FOR 2006 (AB2005-474)

Nelson moved to approve the schedule.

Crawford moved to amend the schedule so the Water Resources Work Sessions are every other month, in February, April, June, September, and November.

Motion to amend failed 1-6 with Crawford in favor.

Motion carried unanimously.

9. CONFIRMATION OF THE COUNTY EXECUTIVE'S YEAR-END APPOINTMENTS AND REAPPOINTMENTS TO EXECUTIVE APPOINTED BOARDS AND COMMISSIONS, IN PREPARATION FOR 2006 (AB2005-469)

Brenner moved to confirm the appointments and reappointments.

Motion carried unanimously.

Nelson moved to confirm the appointment of Mary Ellen Shields to the Public Health Advisory Board and to appoint Troy Lautenbach to the Solid Waste Advisory Committee representing the Waste Recycling Industry.

Caskey-Schreiber stated the motion is also to confirm all the appointments put forward by the County Executive.

Motion carried unanimously.

10. RESOLUTION ADOPTING THE WHATCOM COUNTY 10-YEAR HOMELESS HOUSING PLAN (AB2005-470)

Nelson moved to approve the resolution.

Brenner stated she appreciates the State's desire to reduce homelessness by 50 percent by the year 2015. She doesn't know how they can think about doing that when they don't know how many more people will be here and be homeless in that time. She asked for wording that says they will do their best to meet that goal. The State has mandated this, but she's not sure the County has the authority to do this. She asked how the State can mandate something that is impossible to achieve.

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1 Gary Williams, Human Services Supervisor, stated the legislation requires 50
2 percent reduction statewide. Each county is to develop a plan. An annual point-in-
3 time count establishes the County's number, which is a measurement to
4 demonstrate the County's effectiveness to move toward a 50 percent reduction in
5 homelessness. That is the legislature's desired outcome.

6
7 The challenge is to craft programs and funding that can work to achieve this
8 result. The legislature is really looking for whether the County can develop
9 effective programs. The 50 percent reduction is a minimum. If they don't make it,
10 it's evidence that program isn't effective as it should be or they need more funding.
11 For the State, this is a performance-based model. The State wants to measure and
12 evaluate the County's effectiveness in moving toward that goal.

13
14 Crawford stated he agrees with Councilmember Brenner. The chronic
15 homelessness problem is multi-faceted. This mandate is ludicrous. Williams stated
16 the legislature originally proposed a 100 percent reduction.

17
18 Crawford stated he appreciates staff's hard work. He will support this fully.
19 He's concerned about unfunded mandates. The State legislature can't mandate a
20 reduction of homelessness effectively. He will support this because the County is
21 trying to comply with what the State legislature wants.

22
23 Brenner proposed another Whereas statement that says, "Whereas, the
24 Whatcom County Council does not know whether it is possible to reduce
25 homelessness by 50 percent by the year 2015."

26
27 Nelson stated the counties need to send that message to the State. Also
28 include another Resolved statement, "Now, therefore, be it resolved that the
29 Whatcom County Council agrees to adopt this as a goal."

30
31 Roy stated as long as they say it's a goal, it is implied that the goal is
32 something they may not reach. Although she agrees philosophically with
33 Councilmember Brenner, it makes the Council sound incompetent to say the Council
34 doesn't know if it's possible.

35
36 Brenner **stated** it's very important that language is in there. This kind of
37 money is outrageous. The State is not going to give the County the millions it will
38 take to do this. She **moved** to amend to add language, "Whereas, the Whatcom
39 County Council does not know whether it is possible to reduce homelessness by 50
40 percent by the year 2015."

41
42 ***Motion to amend carried 4-3 with McShane, Roy, and Caskey-
43 Schreiber opposed.***

44
45 ***Nelson moved*** to amend to add, "Now, therefore, be it resolved that the
46 Whatcom County Council agrees to adopt this as a goal."

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1 ***Motion carried 6-1 with McShane opposed.***
2

3 Brenner stated several places in the draft plan talk about problems that
4 create homelessness, including substance abuse and mental health issues.
5 Substance abuse is a subset of a mental health issue. Don't perpetuate the notion
6 that it is a separate issue. Williams stated this is a work in progress. They know
7 they will need to modify the plan. Phase two is for staff to bring to Council a
8 modified version of the plan within about six months. This plan meets the State's
9 requirement to pass a plan. He looks forward to modifying it.

10
11 ***Brenner moved*** to amend item 4.a on Council packet page 440, plan page
12 eight, "*Homeless substance abusers. Mental health, and including* substance abuse
13 service providers, suggest..." Any substance abuse service provider is a mental
14 health provider.

15
16 Nelson stated that's not true. The two providers have different training.
17

18 Roy stated the providers get specialized training. Professionally, they don't
19 view drug and alcohol counseling as a subset of mental health because of their
20 professional identity and training. She won't support the motion because they
21 aren't asking the professionals. They have different training.
22

23 Brenner stated there is no way someone with an ongoing substance abuse
24 problem doesn't have a mental health issue. It's a symptom of mental health
25 issues.

26
27 Nelson stated they have a problem within the treatment regimen and how
28 they deal with classes of citizens that cross these barriers. The funding mechanism
29 is ineffective when they treat one condition and not another. He understands
30 Councilmember Brenner's concern. Mr. Williams will come back with a draft that
31 addresses it in its treatment rate region. He agrees with Councilmember Brenner.
32 Universities and training programs need to train people who can deal with both
33 substance abuse and mental health. That's why there is a separation.
34

35 ***Motion failed 1-6 with Brenner in favor.***
36

37 Brenner stated she will support the resolution because good people are trying
38 to make something good happen, but she's very upset about this. They keep
39 adding to the stigma.
40

41 McShane stated item ten on plan page ten is about developing the
42 community will and needs to be emphasized. Williams stated he hopes to come to
43 the Council mid-year with a more detailed plan.
44

45 McShane stated he sees the problem daily as he walks to work. Frequently,
46 his company finds homeless camps. It's a significant problem in this climate. Just
47 being in the position of homelessness could lead to mental illness.

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1
2 Roy stated she agrees that there is always a mental health issue when there
3 is substance abuse. She simply objected to lumping the treatment providers
4 together because the providers don't see themselves together. They need to treat
5 people with the constellation of services.
6

7 Brenner stated that trying to add the numbers was confusing. She asked for
8 an estimate of what this plan may cost the County annually between now and
9 2015. Williams stated the funding associated with Bill 2163 is about \$335,000 per
10 year for the County. The County will leverage other resources. The plan talks
11 about a much larger community need for which the County doesn't have funding.
12 It's not expected that the County will come up with those dollars. The County will
13 develop a plan with existing resources and various funding to address the issue
14 collaboratively and strategically. Focus these dollars to the population needs.
15

16 Brenner asked if this commits the County to spend millions on this annually.
17 Williams stated it does not.
18

19 *(Clerk's Note: The Council took a final vote to approve this resolution as*
20 *amended at it's special Committee of the Whole meeting on December 13, 2005.)*
21

22 **11. RESOLUTION ESTABLISHING AN OFFICIAL POLICY FOR MEETING THE**
23 **PUBLIC RECORDS REQUIREMENT OF RCW 42.17.260(3) (AB2005-**
24 **473)**
25

26 *McShane moved* to approve the resolution.
27

28 *Motion carried unanimously.*
29
30

31 **OTHER BUSINESS**
32

33 **ADDENDUM:**

34 **1. APPROVAL OF CONTRACT WITH MICHAEL BOBBINK FOR 2006**
35 **HEARING EXAMINER SERVICES (AB2005-476)**
36

37 *Nelson moved* to approve the contract.
38

39 *Motion carried unanimously.*
40
41

42 **INTRODUCTION ITEMS**
43

44 *Nelson moved* to accept the Introduction Items.
45

46 *Motion carried unanimously.*
47

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- 1 **1. ORDINANCE ADOPTING ONE-TENTH OF ONE-PERCENT SALES AND**
2 **USE TAX FOR THE PURPOSE OF FUNDING COUNTYWIDE EMERGENCY**
3 **MEDICAL SERVICES AND AS REQUIRED BY LAW (AB2005-471)**
4
5 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.40, TAX ON**
6 **BINGO, RAFFLES, PUNCHBOARDS AND PULL TABS (AB2005-472)**
7

8
9 **OTHER BUSINESS and REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

10
11 Caskey-Schreiber stated she is scheduling a special Committee of the Whole
12 meeting on Tuesday, December 13 at 1 p.m. to discuss pending litigation.
13

14 Brenner stated the County has an affidavit of non-conforming use, which
15 applies to someone who has some land or a house that is grandfathered in. She is
16 working with someone now who is on disability and is having to do this thing.
17 There is a fee of over \$300 for someone to prove he is telling the truth. Consider
18 allowing a fee waiver for an affidavit of non-conforming use based on income. Fees
19 are important for certain things, but not to make people prove they are telling the
20 truth. She will schedule it in the Planning Committee at a later date.
21

22
23 **ADJOURN**

24
25 The meeting adjourned at 9:20 p.m.
26
27

28
29 _____
30 Jill Nixon, Minutes Transcription

31 The Council approved these minutes on January 17, 2006.
32

33 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

34
35
36
37
38 _____
39 Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair