

WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

January 17, 2006

Committee Chair L. Ward Nelson called the meeting to order at 11:03 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:
Sam Crawford

Absent:
None

Also Present:
Barbara Brenner
Carl Weimer
Laurie Caskey-Schreiber
Dan McShane
Seth Fleetwood

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.40, TAX ON BINGO, RAFFLES, PUNCHBOARDS AND PULL TABS (AB2005-472)

Barbara Cory, Treasurer, stated this ordinance is in response to a change in State law to require the business owners to report semi-annually. It was confusing to the bingo operators.

Nelson moved to recommend approval to the full Council.

Motion carried unanimously.

2. REQUEST CONFIRMATION OF THE ECONOMIC DEVELOPMENT INVESTMENT BOARD'S FUNDING RECOMMENDATIONS (AB2006-054)

Nelson moved to recommend approval to the full Council.

Caskey-Schreiber stated information on Council packet page 11 questions the legality of the Public Utility District (PUD) loan. She asked whether that question was resolved.

Dewey Desler, Deputy Administrator, stated the administration presents the recommendations and asks the Council to approve the recommendation before developing contracts and going through a detailed review. They have not yet finished looking at that question.

Caskey-Schreiber asked if this is the first retroactive funding for which the County has received an application. Desler stated it is.

Caskey-Schreiber stated she is against it. It sets a bad precedent to have projects completed before coming to the Council with a funding request.

Nelson asked for information from the City of Sumas presentation.

David Davidson, consultant for City of Sumas, showed aerial slides of Sumas. There are 13 empty buildings on Cherry Street in downtown Sumas. It has been difficult to get people to invest in the retail sector. There has been a big drop in the number of retail jobs and the amount of City revenue. The growth in the industrial area did bring in some property tax revenue to offset that loss.

Brenner asked if the numbers for 2001 were before or after 9/11. Davidson stated the numbers are for the full year.

The City can build an amenity to help main street businesses. Examples of community amenities are the Blaine boardwalk and the Lynden Judson Plaza facility. The City of Sumas would like to host a softball tournament as its amenity. The City hopes to buy 17 acres to expand the existing park with play fields. Access would be from Hovar Road. This is not a new idea. They have worked on it since 1999. The urgency now has to do with the Highway 9 realignment project. The project is out to bid now. The State Department of Transportation (DOT) will start work on the project this summer. The current park access is going away. The north end of the field ends up being an informal parking area, but that is where the highway will go. They need to figure out how to accommodate parking at the park.

No new ball field has been built in 20 years, despite the population growth. It's a priority. The plan is to build two ball fields and some parking, with room for another ball field, a soccer field, and more parking. There will be a trail connection between the existing park and new park. This facility will be in the middle of the future residential areas, as it is next to the urban growth area.

The site is flat with no wetlands.

Twelve organizations have endorsed this project, including a couple of cities and the school district. Overall, the budget for the project is \$1.5 million from a variety of sources.

Crawford asked if that is just for the land purchase. Davidson stated the land purchase is \$450,000. The rest is for three fields, parking, and bridge.

Desler stated the \$350,000 would be used for water and sewer extensions for this portion of development.

Nelson asked if the City has done an analysis of the demand for a baseball tournament. Davidson stated it researched the use when it did the Parks element of the Comprehensive Plan. There is a demand. All the current facilities are maxed out currently.

Nelson stated recreational sports is helpful to local communities. He doesn't know how it will help generate retail dollars, but it's a positive step forward.

The second item is the Whatcom County Public Utility District (PUD) grant for the Grandview water system expansion. He has some concerns. He asked if the PUD already paid for this project. Desler stated the project is organized by the PUD and a local improvement district (LID). They obtained interim financing. They were going to arrange more long term financing. They are seeking financial assistance from the County to pay for a portion of it so future costs will be lower.

1 Nelson stated that if the project is already complete, it wouldn't need a feasibility
2 study. Desler stated the information might refer to an earlier feasibility study at the
3 beginning of the project.
4

5 McShane stated the PUD came up with a plan. The engineering and cost of
6 extending the water line under Interstate 5 was a glitch in the plan, which is part of the
7 Ferndale urban growth area. The costs were very high. It put the project on hold. The
8 property owner was not excited about paying for it.
9

10 He voted against it primarily because this is in Ferndale's urban growth area. There
11 is no sewer out there. The best thing to happen out there in terms of economic
12 development is for the City of Ferndale to provide water service and a sewer system.
13 Without it, the number of jobs associated with development of those properties will be
14 limited. They will end up creating only warehouse space. It would be much better to not
15 preempt the cost associated with the City of Ferndale and property owners who want a
16 sewer line, which would generate better jobs and make the properties more attractive for
17 economic development that will benefit the community locally.
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19 Nelson asked if the PUD didn't do the sewer.
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21 McShane stated there is no sewer. It would have to be septic, which would be
22 challenging due to shallow groundwater.
23

24 Nelson asked if there was any discussion on the wages and various projections for
25 increased tax benefits.
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27 McShane stated no details were presented that he recalls. It is somewhat
28 speculative. They discussed the sewer issue. There seems to be a company considering
29 locating in that area, but they need sewer service.
30

31 Brenner stated don't do anything until there are discussions with the City of
32 Ferndale. She asked if the City has weighed in on this. Desler state the City of Ferndale
33 has not.
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35 Caskey-Schreiber asked why they didn't take this out for a bond issue before they
36 did the project. Desler stated he couldn't answer. The County wasn't associated with the
37 original project.
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39 Crawford asked if the project is complete. Desler stated that is his understanding.
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41 Crawford stated the Revised Code of Washington (RCW) says the sales tax rebate
42 can only be used for new projects. This project is already built. He asked if the PUD had to
43 guarantee payment for the project to build this project. Desler stated the LID and property
44 owners are the ones who are standing behind the project cost. An Economic Development
45 Investment (EDI) Board loan or grant would reduce the financing costs to the landowners as
46 a part of the LID.
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48 Crawford stated they did not know if the EDI Board loan and grant would be granted.
49 Desler stated that is correct.
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51 Crawford stated this is a perfect EDI project, but he agrees that this is not a new
52 project, and its qualification is questionable. He would support any project like this, but it
53 must be a new project.

Brenner stated another issue is about jurisdictions and agencies working together. The PUD should have approached the City of Ferndale before it did this.

Nelson stated the Council expressed a desire to facilitate economic development in Whatcom County. There is a desire to develop sites that are set up and ready to go. The PUD has attempted to do this, but without working with the jurisdictions. He asked if the funding is for building the water system under the freeway.

Crawford stated that project is done, according to the information in the Council packet.

McShane stated they have not put the pipe under the freeway. Part of the project has been done. By doing this, they would be in a better position to expand the project. It's convoluted and complicated. There is no pipe running to some of those properties. This loan would allow them to possibly expand to some of those acres. He is concerned about the gray area and whether this is the kind of ready land and economic development they want. This project won't develop other than as distribution centers because there is no sewer. Few jobs will develop.

Nelson asked the potential for sewer from the City and water from the PUD.

McShane stated it reduces it. Then, the properties won't be interested if developed as distribution centers. If only one property is interested in sewer, that property owner has to bear the entire cost. If they can distribute the costs of sewer over all the properties out there, it is a much better scenario.

29 Brenner stated that before considering something like this, request that the PUD
30 contact the City of Ferndale to see if the City is interested. She would be inclined to support
31 it only if the City is interested.

32 ***Crawford moved*** to amend the motion and to remove the second portion of the
33 request regarding the Grandview water extension project.

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35 ***Motion to amend carried unanimously.***

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37 ***Motion to recommend approval as amended carried unanimously.***

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40 **COUNCIL "CONSENT AGENDA" ITEM**

- 41
42 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-98 TO**
43 **LOW BIDDER, COLACURCIO BROTHERS, INC., FOR ALTERATIONS TO THE**
44 **HEALTH DEPARTMENT AT GIRARD STREET, IN THE AMOUNT OF \$387,172.50**
45 **(AB2006-031)**

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47 ***Crawford moved*** to recommend approval to the full Council.

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49 ***Motion carried unanimously.***

- 50
51 **2. REQUEST APPROVAL OF THE HOUSING FOR LOW INCOME PEOPLE**
52 **ADVISORY COMMITTEE'S RECOMMENDATIONS FOR FUNDING REPAIR AND**

RETENTION RFP #05-79, IN THE AMOUNT OF \$130,000, AND OPERATIONS RFP #05-75, IN THE AMOUNT OF \$211,759 (AB2006-032)

Nelson moved to recommend approval to the full Council.

Motion carried unanimously.

Crawford stated that although there is an increase in the funding request, the County will get reimbursed.

3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM FOR THE LAKE WHATCOM WATERSHED ON-SITE SEWAGE SYSTEM ("OSS") MANAGEMENT PROGRAM, IN THE AMOUNT OF \$186,368 (AB2006-033)

Nelson asked if this is or is not a new contract.

Jeff Hegedus, Environmental Health Supervisor, stated this has been going on since 1995.

Nelson moved to recommend approval to the full Council.

Weimer asked how this coincides with the new onsite sewage system (OSS) that they are looking at throughout the rest of the county. Hegedus stated this is a separate project. The adoption of the new OSS code will also take place in the Lake Whatcom watershed. This contract is for one dedicated fulltime equivalent (FTE) employee to implement this code in the watershed. As they adopt the new State code, the question is what they will do with the Lake Whatcom OSS requirements. That issue is in subcommittee right now.

Weimer asked if this is enough to fund the increase in cost that may result from increased State requirements. Hegedus stated the new State OSS code requires extra planning and management in sensitive areas, such as the Lake Whatcom watershed. The County has until July 1, 2007 to submit those extra stringent management plans. This contract is eligible to do that work.

Nelson stated the contract is limited by its funding capacity.

Motion carried unanimously.

4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND SKAGIT COUNTY FOR THE SKAGIT COUNTY SHERIFF'S DEPARTMENT USE OF THE PLANTATION RIFLE RANGE, IN THE AMOUNT OF \$7,370.25 (AB2006-034)

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AMENDMENT #3 TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM

COUNTY AND THE CITY OF SUMAS CONCERNING ANNEXATION OF 9.54 ACRES (AB2006-035)

Nelson moved to recommend approval to the full Council.

Motion carried unanimously.

6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AMENDMENT #1 TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF EVERSON CONCERNING ANNEXATION OF 47 ACRES (AB2006-036)

Crawford moved to recommend approval to the full Council.

Nelson asked if area one is the larger area.

Rollin Harper, City of Everson planning consultant, stated it is the smaller area. Area two is 40 acres with a proposed industrial connector road running through it. It is the southern most area.

Nelson asked if any County roads are in these areas. Harper stated there are no County roads in this area.

Caskey-Schreiber asked if area two is in conflict with their Comprehensive Plan. She asked if this should be fixed first before moving toward annexation.

Kraig Olason, Senior Planner, stated they decided to retain the current Comprehensive Plan designations instead of changing to residential. They decided to keep it light industrial. Through the interlocal agreement, they try to make a decision before 45 days are up. This is the one meeting that fits in that timeframe. In the event there was an issue, they could initiate a Boundary Review Board (BRB) request for a hearing.

Caskey-Schreiber asked if the urban residential, four units per acre (UR-4) density will be adopted. Harper stated the City of Everson adopted a cluster subdivision ordinance to allow lot averaging and to reduce lot sizes. Actions are being taken to increase density. In consideration of the residential single family zoning, plus the residential multi-use zoning, plus the residential allowed above commercial, the density meets the four units per gross acre. All the projected densities in the build out meets that density.

Caskey-Schreiber asked if there is a way to condition the interlocal agreement to mandate that density. Olason stated they have talked about updating the interlocal agreement. The County is trying to work more closely with the cities. Next year, the County has to do urban growth area analysis with the cities. Part of annexation is judging whether it's timely, which isn't easy. One test is to see how well the cities are meeting the densities, and metering out the population allocation over the land base. He is trying to get more information on the projects to the Council as the information comes forward.

Caskey-Schreiber stated she is worried this will set a precedent. Harper stated the ten year review of the urban growth area (UGA's) will happen this year and next year. That is the most appropriate time to hold the cities to account.

Nelson asked if the City looked at the economic impact for Everson in regards to density restrictions. Harper stated lots in Everson went for \$30,000 a few years ago. Now,

they are going for over \$100,000. Affordability is going by the wayside. There are also people interested in building smaller lots and dwellings. The older housing stock tends to be more affordable.

Brenner asked if Everson and Nooksack have ever talked about joining to save on services. Harper stated it has been discussed for a number of years.

Brenner stated it sounds like they are going to end up with the amount of infill that is predicted for Everson, and this won't prevent that infill. Harper stated the Comprehensive Plan analysis reaches that conclusion. There is still room for Everson to do more. County encouragement is really good.

Motion carried unanimously.

7. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND GEOTEST SERVICES, INC., FOR SAMPLE COLLECTION, INSPECTION, AND TESTING OF CONCRETE, ASPHALT, AGGREGATES, AND OTHER CONSTRUCTION MATERIALS TO ENSURE COMPLIANCE WITH SPECIFICATIONS ON COUNTY PUBLIC WORKS PROJECTS, AS WELL AS GEOTECHNICAL EXPERTISE IF REQUIRED, IN AN AMOUNT NOT TO EXCEED \$20,000 (AB2006-037)**

Crawford moved to recommend approval to the full Council.

Nelson stated the motion also is to recommend approval on Consent Agenda item 17 at the same time.

Motion carried unanimously.

17. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AGREEMENT SUPPLEMENTAL #1 TO THE AGREEMENT BETWEEN WHATCOM COUNTY AND GEOTEST SERVICES, INC. TO COVER UNANTICIPATED PROJECT MATERIAL TESTING COSTS INCURRED IN 2005, IN THE AMOUNT OF \$1,800, FOR A TOTAL CONTRACT AMOUNT OF \$16,800 (AB2006-047)**

See Consent Agenda item seven.

9. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND HANDEL INFORMATION TECHNOLOGIES FOR ANNUAL MAINTENANCE OF THE JUVENILE OFFENDER CASE MANAGEMENT SYSTEM, RITE TRACK, IN THE AMOUNT OF \$18,000 (AB2006-039)**

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

8. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM CHAMBER OF COMMERCE AND INDUSTRY FOR ADVERTISING AND PROMOTION OF THE ANNUAL SKI TO SEA FESTIVAL, IN THE AMOUNT OF \$29,000 (AB2006-038)**

Nelson moved to recommend approval to the full Council.

Caskey-Schreiber stated she is against this item. Two years ago, Mr. Oplinger said he would no longer accept public dollars, as the Chamber became more of a political action organization. Last year, Mr. Oplinger said he would not target individual campaigns. During the most recent election, the Chamber was a very active political action committee (PAC) that was very involved in local races. It is a clear ethical violation to give taxpayer dollars to an entity that actively campaigns.

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

Brenner stated she is willing to support the money if the Chamber signs an agreement to dissolve the PAC. The Chamber was extremely active as a political action committee. Don't use public dollars for that.

Crawford stated he would support the request. He's content with the language on Council packet page 308 that the Council added at budget time, which he read into the record. Receipts must be submitted to keep a separation of the expenditure. At the end of this contract period, the Ski-to-Sea festival would have to be spun off into a separate organization. Based on the past decision to support this as well as seeking reimbursement for direct expenses, he will support the request.

Nelson stated he will support the request. The language has enough protection for citizen tax dollars. The Ski-to-Sea festival is bigger than politics. It has economic impacts throughout Whatcom County. It brings recognition to the community. If the Chamber is willing to do the work to promote the festival while meeting the contract stipulations, for which the County monitors, the councilmembers don't have to worry about their political careers being put into jeopardy because of advertising for Ski-to-Sea.

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Brenner stated it's not about personal careers. If the Chamber has the money for Ski-to-Sea from the County, it will have more money to spend on their PAC. If the Chamber doesn't have Ski-to-Sea money from the County, it will dissolve the PAC or put the money into Ski-to-Sea. Find someone else to do the Ski-to-Sea festival.

Crawford stated the PAC has separate fundraising. They don't take Chamber of Commerce money for the PAC. The Chamber gets its operating funds from dues. The Chamber has a PAC that goes out and does fundraising. The PAC is a separate entity. The Chamber doesn't take money from operating funds and put it into a PAC.

Brenner stated there is less pressure to go to its members for more money when there is a contract with the County to do something.

Nelson stated people have different reasons for supporting a PAC and supporting Ski-to-Sea.

Brenner stated they are generally joined.

Nelson stated that if the councilmembers are that uncomfortable with it, they should find other agencies or groups that may do this task. It's too important to drop it.

Crawford stated the Ski-to-Sea festival is owned by Chamber of Commerce. The County doesn't have the option to find someone else to do it.

1 ***Motion carried unanimously.***
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- 3 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
4 **CONTRACT BETWEEN WHATCOM COUNTY AND BENNETT ENGINEERING, LLC,**
5 **FOR MONITORING SERVICES FOR BOTH CEDARVILLE AND Y ROAD**
6 **LANDFILLS, IN THE AMOUNT OF \$79,386 (AB2006-040)**
7

8 ***Nelson moved*** to recommend approval to the full Council. He asked how much
9 longer this goes on.

10 McShane stated the State requirement is 20 years.

11 Nelson stated they are 10 or 12 years into it.

12 ***Motion carried unanimously.***
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- 14 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
15 **RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND**
16 **EDWARD VAJDA FOR THE HOUSE LOCATED AT 5305 NIELSEN AVENUE,**
17 **FERNDALE, FOR \$850 PER MONTH FROM DECEMBER 20, 2005 TO DECEMBER**
18 **19, 2006 (AB2006-041)**
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20 ***Nelson moved*** to recommend approval to the full Council.
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22 ***Motion carried unanimously.***
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- 24 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A RENTAL**
25 **AGREEMENT BETWEEN WHATCOM COUNTY AND BAKER CREEK STORAGE,**
26 **LLC FOR AUDITOR/ELECTION STORAGE SPACE, IN THE AMOUNT OF \$1,275**
27 **(\$35 SECURITY DEPOSIT; \$95 PER MONTH FOR JANUARY AND FEBRUARY;**
28 **\$105 PER MONTH FOR THE REMAINDER OF THE YEAR) (AB2006-042)**
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30 ***Nelson moved*** to recommend approval to the full Council.
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32 ***Motion carried unanimously.***
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- 34 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**
35 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE OF**
36 **WASHINGTON DEPARTMENT OF ECOLOGY FOR IMPLEMENTATION OF**
37 **ACTIVITIES IDENTIFIED IN THE LOCAL SOLID WASTE MANAGEMENT PLAN,**
38 **IN THE AMOUNT OF \$523,005 (\$392,254 FROM THE DEPARTMENT OF**
39 **ECOLOGY AND \$130,751 FROM WHATCOM COUNTY) (AB2006-043)**
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41 ***Nelson moved*** to recommend approval to the full Council.
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43 Brenner stated there are items listed that are accounted twice. The same thing is
44 shown several places. Also, some of the items aren't the best way to do things.
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46 Nelson stated that if there is an issue, go through the Solid Waste Executive
47 Committee.
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1 Brenner referenced Council packet page 358 and asked if the projects are within the
2 category costs. The total of the projects add up to more than the amount listed for the total
3 category cost.

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5 Nelson asked if there are matching grants.

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7 Penni Lemperes, Solid Waste Specialist, stated the County gets dollars from the
8 State. The County is required to have a 25 percent match, but the County actually has
9 more than that.

10
11 Brenner asked if the project amounts shown is the County's contribution, and the
12 total category cost shown is the County's amount plus the State's amount. Lemperes stated
13 that is correct. Project costs are sometimes split out by percentages into different
14 categories.

15
16 Brenner asked the amount the County is paying.

17
18 Bruce Roll, Assistant Director, stated the State Department of Ecology funds a
19 portion of all the projects and programs that the Solid Waste Division is doing. This grant
20 allows the County to maximize its amount. The funding doesn't necessarily fund every
21 project 100 percent in every category.

22
23 Nelson asked for the information to be presented more clearly. Roll stated they
24 would have to go through each of the items in the Solid Waste Division budget.

25
26 Nelson stated the Council is committing to a contract total of \$523,000, with the
27 County paying only \$130,751. Roll stated this represents a portion of all the projects. It
28 doesn't pay 100 percent of all the projects.

29
30 Brenner stated she doesn't agree with the solid waste solutions newsletter. No one
31 has noticed it. It looks like junk mail. Instead, do something that grabs the eye of the
32 public. There is a lot of important information people need to have. It doesn't have an
33 effect. She asked if the solid waste solutions newsletter funds is listed in several places
34 because the costs are split up in the categories. Lemperes stated it is.

35
36 Roll stated there is a revamp of the Comprehensive Plan, which sets the framework
37 for the types of programs the County wants to make available to the community. There is a
38 draft that the advisory committee is working through. In addition, staff is creating an
39 annual work plan to review and gather input from the Solid Waste Advisory Committee that
40 describes what they intend to do.

41
42 Brenner stated she brought up her concerns about the newsletter last year. She
43 asked if her concerns were brought to the Solid Waste Advisory Committee. Roll stated he
44 doesn't recall having that discussion.

45
46 Nelson asked Councilmember Brenner to create a letter of concerns on which the
47 committee can vote.

48
49 Brenner referenced Council packet page 361 regarding household hazardous waste.
50 It talks about an outcome statement that 57 additional tons will be collected over the two
51 years. She asked how that was calculated and how those five items in the plan would add
52 up to \$716,000. She continued to question the costs.

Nelson stated other people bring in materials that are unrelated to this plan.

Lemperes stated these are the things the facility does above and beyond the daily collection.

Nelson asked if this work plan outlines how they will get 57 additional tons over the amount they get now. Lemperes stated it does, along with the daily operation of the facility.

Brenner stated the information could be written more clearly.

Weimer stated this process is to get matching money from the Department of Ecology. These activities are examples, but they are not set in stone because they are developing the Solid Waste Management Plan. They are projects they've done the last couple of years, but are not set in stone for the future.

Lemperes stated she disagrees with the characterization of the Solid Solutions Newsletter. Staff receives thousands of requests for more information because of the newsletter.

Motion carried unanimously.

- 14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY FOR THE REIMBURSEMENT OF \$100,000 OF THE COUNTY'S COSTS FOR ALTERNATIVES ANALYSIS FOR THE LOWER NOOKSACK RIVER (AB2006-044)**

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

- 15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO ADDENDUM #5 TO THE WHATCOM COUNTY JAIL PHARMACY AGREEMENT BETWEEN WHATCOM COUNTY AND HOAGLAND'S PHARMACY, EXTENDING THE AGREEMENT THROUGH DECEMBER 31, 2006, IN AN AMOUNT BASED UPON COSTS OF MEDICATIONS IN 2006, BUT ESTIMATED TO BE \$198,778 (AB2006-045)**

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

- 16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT AMENDMENT #4 TO THE CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING & PSYCHIATRIC CLINIC, EXTENDING THE TERM 3 MONTHS, IN THE AMOUNT OF \$20,000, FOR A TOTAL CONTRACT AMOUNT OF \$205,122 (AB2006-046)**

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

1 **18. RESOLUTION ACCEPTING THE TREASURER'S LIST OF PETITIONS FOR**
2 **PROPERTY TAX REFUNDS (AB2006-048)**

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4 *Nelson moved* to recommend approval to the full Council.

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6 *Motion carried unanimously.*

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8 **19. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY TO WHATCOM**
9 **COUNTY PUBLIC WORKS, RIVER AND FLOOD DIVISION BY NEGOTIATION,**
10 **REQ. #2006-01 (AB2006-049)**

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12 *Crawford moved* to recommend approval to the full Council.

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14 *Motion carried unanimously.*

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16 **20. RESOLUTION TO SET A HEARING TO SELL TAX-TITLE PROPERTY BY**
17 **NEGOTIATION, REQ. #2006-02 (AB2006-050)**

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19 *Nelson moved* to recommend approval to the full Council.

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21 *Motion carried unanimously.*

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23 **21. RESOLUTION TO SET A HEARING TO SELL SURPLUS PROPERTY, REQ.**
24 **#PW2006-01 (AB2006-051)**

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26 *Crawford moved* to recommend approval to the full Council.

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28 *Motion carried unanimously.*

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30 **22. REQUEST TO APPROVE 1.0 FTE DEPUTY I, PUBLIC DEFENDER IN PLACE OF**
31 **SOCIAL SERVICES COORDINATOR (AB2006-052)**

32
33 Nelson stated the Council approved this during the budget process after much
34 convincing by staff. Now they want to eliminate the position and create more public
35 defenders.

36
37 Jon Ostlund, Public Defender, stated they added one Deputy I position this year
38 under the federal grant on the fast track program. That was the only one added in 2005
39 and 2006. There were two requests for the 2005/2006 budget. One was an attorney, and
40 one was a social worker. At that time, he didn't anticipate a 20 percent increase in felony
41 filings. The social worker position is necessary, but it is most urgent to constitutionally get
42 the job done, which requires an attorney now. He is requesting to substitute an attorney
43 position instead of the social worker position.

44
45 Brenner asked why they wouldn't request a Deputy I on top of the social services
46 worker. Ostlund stated it is a money issue. He didn't want to ask for a supplemental
47 budget. If the State steps up to fund a significant portion of public defense throughout the
48 state, he may make the request at that time. There are two legislative bills to fund public
49 defenders.

50
51 Brenner asked if they expect to get any help from the federal government for border
52 counties. Ostlund stated he doesn't know about that. As far as staffing goes, he looks at
53 what is absolutely necessary at the time. All county government operates without a surplus

of employees and staff. When he comes to the Council for a budget, he tries to forecast what needs to be done. Now, he is asking for what is absolutely necessary.

Crawford stated that in 2004, when discussing the 2005/2006 budget, the public defender requested two Deputy II public defenders and two Deputy I public defenders. The administration approved one Deputy II public defender and two Deputy I public defenders. He explained the reasons given in 2004 for funding the social services position. He asked if the reality now is that they have to address the attorney overload. Ostlund stated he has to deal with the situation at hand. The situation now is that they incurred a 20 percent increase in felonies in 2005. He has to provide representation for those people. He agrees with his arguments presented in 2004. Keeping families out of the system is a goal, but he must also respond to what is happening. He would be happy with both, but he understands the financial status of the County. The positions authorized in the 2005/2006 budget were upgrades to fulltime equivalent (FTE) employees from already-existing temporary positions.

Crawford asked if the attorneys going on maternity leave will come back. Ostlund stated he hopes they will.

Crawford moved to recommend approval to the full Council.

Nelson stated this is a backdoor approach for getting more FTE positions. He recognizes the need, but he doesn't have the information to support it. A compelling argument was made for a social services worker, not this FTE. He has trouble with the idea of converting one FTE, approved based on a healthy debate, to another FTE. It's not an appropriate way of doing budgeting or addressing concerns and needs in the department.

Desler stated the administration is constantly faced with the need for more. Usually, the administration asks department managers and department heads to use existing resources assigned by Council in other ways to handle the problem. The Public Defender's Office is following that procedure at this point. They have no ability to control these demands, to which they need to respond. They need more resources, and this is the resource they are using.

Nelson stated in the future, he will not be inclined to listen to staff's recommendations. Ostlund stated this was their first experience with two-year budgeting. He would have prioritized an attorney first, because of the constitutional and ethical duties.

Nelson stated they have to identify specific needs when considering staff loads.

Brenner stated she believes there is more of a need to address this problem, and Mr. Ostlund is addressing the need. There is a bottleneck of legal cases. They've talked about budgeting for more prosecuting attorneys. The other side needs to be represented.

Motion carried unanimously.

23. REQUEST AUTHORIZATION TO ENTER INTO AN AMENDMENT TO THE CONTRACT WITH BRICKLIN NEWMAN DOLD, LLP FOR LEGAL REPRESENTATION WITH RESPECT TO DEFENDING CHALLENGES TO TWO WHATCOM COUNTY ORDINANCES REGULATING "MUSHROOM SUBSTRATE" PRODUCTION (AB2005-105C)

Crawford moved to recommend approval to the full Council.

Nelson stated they have to decide if this is the way the Council wants to go. They need to have another discussion in executive session. He would rather refer this item to the full Council.

Crawford withdrew his motion.

Nelson moved to forward to the Council without a recommendation.

Motion carried unanimously.

OTHER BUSINESS

Crawford stated the Council received a letter from Skagit County asking for financial support for a timber lobbyist. Skagit County has been footing the bill for this lobbyist for all timber counties to get their payment in lieu of taxes (PILT) money. Skagit County feels its time to share the cost. The contract cost for Whatcom County is \$2,000, if they get agreement from the 17 counties that get Secure Schools funding and PILT funding. Whatcom County receives much more than that from those two funding sources.

Nelson asked the purpose of the lobbyist.

Crawford stated the effect of a lobbyist is subject to anecdotal evidence. However, Skagit County Commissioner Munks would like them to believe this lobbyist was instrumental in getting the PILT funds put back on the table recently.

29 McShane stated the lobbyist works on more than PILT. It is also the Secure Schools
30 Fund Act. He lobbied for that bill in Washington D.C. His view of that bill was different from
31 some of the timber counties in Washington State, including Skagit County. His view
32 prevailed. It was critical to require the resource advisory committees, which were set up.
33 The Washington State Association of Counties (WSAC) took a different position. He's not
34 sure their lobbying was that effective. He is going to be back in Washington D.C. in late
35 February and will talk to local legislators and senators about the Secure Schools Fund Act.
36 He can bring up PILT. There are other issues that forest counties lobby on that may be
37 contrary to Whatcom County's views. Skagit County has gotten funding from other forest
38 counties to join a lawsuit against the Lake Whatcom Landscape Plan. He doesn't trust
39 Skagit County's approach to Whatcom County, other than maximizing its profits.

39 Crawford stated this is not a WSAC position. It is Skagit County's idea to go to the
40 timber counties to get participation, because Skagit County believes the WSAC timber
41 counties receive a benefit from the lobbyist. This is a Skagit County effort. He does not
42 propose that Whatcom County spend this money. He asked Mr. Munks to detail Whatcom
43 County's share of the cost and the accomplishments of the lobbyist.

44
45 Nelson stated he would have to see the agendas and know how the agendas are
46 created.

47
48 *(Clerk's Note: End of tape one, side B.)*

49
50 Nelson continued to state he would need to know how differences of opinion would
51 be worked out.

52

1 Crawford stated PILT is not tied to forestry mechanism at all. It is tied simply to
2 national forest.

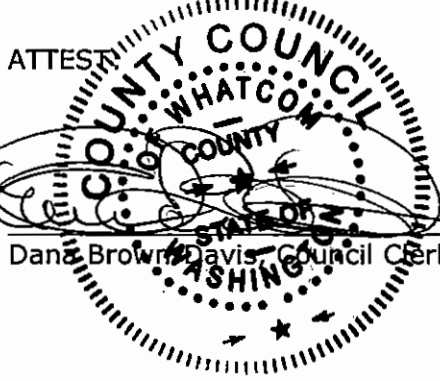
3
4 Dewey Desler, Deputy Administrator, stated the administration will recommend
5 extending drug court, which will take some money. It has a social services element.
6

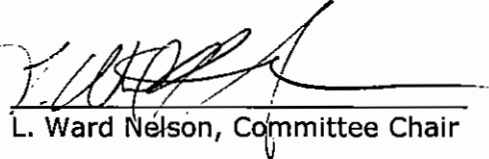
7 Also, the administration will propose to spend additional funds to acquire additional
8 space for public defender's Office.
9

10
11 **ADJOURN**
12

13 The meeting adjourned at 12:39 p.m.

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15
16
17 Jill Nixon, Minutes Transcription
18

19
20 ATTEST
21 
22
23
24
25
26 Dan Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

L. Ward Nelson, Committee Chair