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WHATCOM COUNTY COUNCIL  
Finance and Administrative Services Committee

April 11, 2006

Committee Chair Sam Crawford called the meeting to order at 11:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:  
L. Ward Nelson  
Carl Weimer

Absent:  
None

Also Present:  
None

**COUNCIL "CONSENT AGENDA" ITEM**

1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-04 AND ENTER INTO A CONTRACT WITH LOW BIDDER WESTERN ROOFING COMPANY, INC., FOR ROOF REPAIRS AT THE COURTHOUSE, HEALTH DEPARTMENT AND THE FOREST STREET ANNEX, IN THE AMOUNT OF \$140,724.88 (AB2006-173)**

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

*Motion carried unanimously.*

2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL COOPERATIVE ACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) TO PROVIDE FOR THE AOC GRANTING FEDERAL FUNDS PROVIDED THROUGH THE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT UNDER THE FEDERAL STOP VIOLENCE AGAINST WOMEN OFFICE GRANT (AB2006-174)**

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

*Motion carried unanimously.*

3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A SUB-RECIPIENT AGREEMENT BETWEEN WHATCOM COUNTY AND DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES TO PROVIDE ON-CALL ADVOCATES FOR ALL VICTIMS APPLYING FOR PROTECTION, IN THE AMOUNT OF \$15,750 (FUNDED BY STOP GRANT) (AB2006-175)**

*Weimer moved* to recommend approval to the full Council.

*Motion carried unanimously.*

4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A COOPERATIVE SERVICE AGREEMENT BETWEEN WHATCOM COUNTY AND THE U.S. DEPARTMENT OF AGRICULTURE TO CONDUCT WILDLIFE DAMAGE MANAGEMENT ACTIVITIES TO CONTROL STARLING AND PIGEON**

1 **POPULATIONS WITHIN WHATCOM COUNTY, IN THE AMOUNT OF \$15,009**  
2 **(AB2006-176)**

3  
4 *Nelson moved* to recommend approval to the full Council.

5  
6 *Motion carried unanimously.*

- 7  
8 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**  
9 **AGREEMENT AMENDMENT #1 BETWEEN WHATCOM COUNTY AND LUMMI**  
10 **COMMERCIAL COMPANY TO EXTEND THE PARKING LOT LEASE TO COINCIDE**  
11 **WITH THE TIDELANDS LEASE AGREEMENT EXPIRATION IN 2009, IN THE**  
12 **AMOUNT OF \$36,592 OVER THREE YEARS, AS WELL AS INCLUDING UP TO**  
13 **\$50,000 IN ADDITIONAL SITE IMPROVEMENTS AND PLANNING ASSISTANCE**  
14 **AT GOOSEBERRY POINT, IN PARTNERSHIP WITH THE LUMMI COMMERCIAL**  
15 **COMPANY (AB2006-177)**

16  
17 *Crawford moved* to recommend approval to the full Council. He asked what this  
18 does in relationship to the Lummi meeting when the Council talked about the possibility of  
19 moving the dock. He asked if that move would not occur until after 2009.

20  
21 Ken Richardson, Accounting Supervisor, stated they are starting feasibility study on  
22 whether they should move the existing dock. If the County receives permission, it is ten  
23 years away from making it happen. A new dock location is independent from the new ferry.  
24 The department is doing the work to the docks to accommodate the new ferry without  
25 regard of the possibility of moving the dock. To meet the schedules they are on, the County  
26 won't rebuild the dock, but will reinforce the existing dock to accommodate the bigger boat.

27  
28 *Motion carried unanimously.*

- 29  
30 **6. RESOLUTION ORDERING THE CANCELLATION OF CHECKS MORE THAN TWO**  
31 **YEARS OLD (AB2006-179)**

32  
33 *Weimer moved* to recommend approval to the full Council.

34  
35 *Motion carried unanimously.*

36  
37  
38 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

- 39  
40 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, SIXTH**  
41 **REQUEST, IN THE AMOUNT OF \$1,152,377 (AB2006-169)**

42  
43 Dewey Desler, Deputy Administrator, stated one key item is the purchase of the  
44 animal control facility for the County. He read the list of other items in the request.

45  
46 As they move into project budgeting, another set of projects are proposed in the  
47 next agenda item. One major item includes the laser fiche project. The Council  
48 appropriated funding last year for this project. The project continues from 2005, which  
49 began in Superior Court. Also, there is a request to fund an Economic Development  
50 Investment (EDI) loan and grant for a project in Sumas.

51  
52 The County has contracted with Rustand Inc. for a number of years for animal  
53 control services. Rustand Inc. provided notice that it is not going to renew its contract,  
54 which expires in June. The administration researched the possibilities for continuing the

1 service. No one has a facility to meet the standards. Leasing isn't reasonable. Buying the  
2 existing facility and finding a provider is the administration's proposal. The County will  
3 purchase the facility and all equipment. Over the last few weeks, the administration has  
4 sought proposals for qualified firms to provide the service as early as June or July. As a  
5 result, the County received one proposal from the Humane Society. The administration is  
6 negotiating with the Humane Society now. When negotiation is closed, the administration  
7 will bring forward a proposal.

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

10  
11 Nelson asked about the current contract for animal control. Desler stated the  
12 amount is about \$360,000. In addition, the contractor keeps all the fee revenue that comes  
13 from licensing and other fees.

14  
15 Nelson asked the reason the Rustands gave for not continuing the contract. Desler  
16 stated the contractor chose not to continue the service. The contractor had some concerns  
17 about the County advisory board being too critical. In the past, years ago, the board was  
18 critical of the quality of the facility. At the time, the administration engaged an independent  
19 consultant to evaluate the facility. The consultant approved the facility with flying colors.  
20 The consultant was an expert from the Humane Society of Seattle. He was pleased with the  
21 consultant's report. The County's position has never been critical of that operation. The  
22 advisory board and its members change. The board is not critical today.

23  
24 Nelson asked if the County is going to purchase a building that had been previously  
25 criticized. He asked if the new contract for the service would be in excess of \$360,000.  
26 Desler stated he hoped it would not cost that much.

27  
28 Nelson asked if the administration talked to the Rustand's about putting in a bid for  
29 the contractor service only. Desler stated the administration went through the bid process.  
30 The Rustands did not submit a proposal. The administration has had meetings with the  
31 Rustands. The business relationship is positive. The Executive talked to Greg Rustand  
32 about the purchase price. The administration met with the Rustands about this and how to  
33 transition the service to a potential new provider.

34  
35 Nelson stated the whole process smelled from the beginning. Councilmembers  
36 jumped on a bandwagon that was malicious and unfounded, in terms of complaints that  
37 came forward from the public. The Council has a legitimate contract with a reputable  
38 company that has been providing services for ten years. When he first was on the Council,  
39 the most frequent phone calls he received were from citizens in the rural areas complaining  
40 about animal control problems. Since Security Specialists Plus (SSP) took over from the  
41 Humane Society, the County has had perfect service. He has not had one phone call except  
42 for one group that worked with the Humane Society to vilify a company that has been doing  
43 a good job. The outside consultant found the Rustand's were in compliance with the laws of  
44 the State and for the protection of the animals.

45  
46 Crawford stated the contractor met the standards of the American Humane Society.

47  
48 Nelson stated it did. To continue the harassment of these people and the  
49 administration, including forming an advisory committee to continue the harassment, is a  
50 poor precedent for the County Council to allow. It is not a way to do business and provide  
51 protection to the citizens. Now, the Rustand's don't want to deal with the County, for which  
52 he can't blame them. Now, the County has to buy a building, which may not be  
53 appropriate, because there isn't any other facility. The County will own the building and still  
54 have to contract for that amount or more for the same service. The Council owes the

1 Rustand's an apology for everything they've gone through. He is frustrated with this  
2 process. He doesn't blame any contractor not wanting to continue when they have been  
3 harassed and harangued. Now, the County will have to spend more taxpayer dollars to get  
4 the same service. This process was political from beginning to end. Find better ways to  
5 work with contractors positively when the County is trying to provide a service and save  
6 taxpayer dollars. His biggest worry is that they are going to put the citizens of the  
7 community at risk.

8  
9 Crawford asked the number of jobs lost by the ending of the contract. Desler stated  
10 there are two animal control officers and about three staff. The administration wants to  
11 facilitate that those employees be maintained.

12  
13 Crawford stated there has to be a wealth of experience and knowledge by the  
14 existing employees. They should be transferred in some way. Desler stated he heard that  
15 some have gone to work for the Humane Society already.

16  
17 The administration doesn't think this is a political issue. The administration has tried  
18 to follow good practice in contracting with private operations. It has tried to resolve  
19 problems with the community that feels passionately about animal control issues. That's  
20 the reason for the advisory board, which initially included the Rustands, their veterinarian,  
21 and their animal control officers, as well as representatives from the Humane Society and  
22 community advocates. There was an active dialog and even some arguments. Since, the  
23 discussions have become quiet and staid. Now there is a concern about a lack of  
24 participation on the board.

25  
26 Years ago, the County contracted with the Humane Society for this service. There  
27 were problems with the management and operations. The County issued a request for  
28 proposals (RFP), and received two proposals. The administration recommended the  
29 Humane Society, but the Council decided to use SSP. The administration has had a positive  
30 relationship with SSP since. Nothing prevented SSP from submitting a proposal in this  
31 round. He asked the contractor to please continue providing the service. The contractor  
32 was not interested. At the time, the contractor was not even interested in selling the  
33 building.

34  
35 Nelson stated he understands the situation the administration was put into. The  
36 Council, in a close vote, jumped from one operation, which was not doing a good job, to  
37 another operator. The contractor provided the facility and a very good service. He no  
38 longer receives any phone calls about animal control services. He is very pleased with the  
39 Council's decisions. The Council and administration may have disagreed, but they must  
40 make very good, sound decisions to change something that isn't working right. He asked  
41 what went on during the advisory process and the contract negotiations. He asked what it  
42 would take to negotiate and have someone in there as competition. If there is no  
43 competition, he will be back on the phone with angry constituents. He is not happy with  
44 having to buy this building and find a new contractor for services.

45  
46 Weimer asked if the administration looked into the cost of running this service itself.  
47 Desler stated it did not.

48  
49 Weimer stated the Humane Society is in the process of finding a new facility. He  
50 asked if this building would be sold to the Humane Society if it takes over the service.  
51 Desler stated it would not. This building would give the County the ability to use a private  
52 sector operation in a building the County owns. The County would hire the management  
53 and service. There are specific requirements for animal control facility siting. It's very

1 difficult. In the future, if the County has to modify the provider, it would retain the building  
2 and go out for the service or make it a County program.  
3

4 In the future, the Humane Society would like to provide service countywide. They  
5 are trying to develop a facility to work countywide. They are years from that goal. If that  
6 happens, the administration will consider a centralized, countywide service. If that  
7 happens, the County can modify or sell the building.  
8

9 Crawford asked how much of the cost is real estate and how much is equipment.  
10 Desler stated the cost of the real estate and building is approximately \$640,000.  
11

12 Crawford stated he suspects that an animal control facility has some heavy  
13 maintenance requirements. He hopes that the new contractor be a good steward in terms  
14 of maintenance of the building. Mr. Rustand had a vested interest in making sure the  
15 building was well taken care of. Desler stated that is a challenge. The administration must  
16 always be mindful of protecting the County's assets. The administration would do that  
17 through the contract.  
18

19 Nelson asked why the Humane Society isn't buying the building. Desler stated the  
20 administration did not ask for that. No one has the financial capacity to do that.  
21

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

24 **2. ORDINANCE REGARDING PROJECT BUDGET AMENDMENT NO. 2 OF THE 2006**  
25 **BUDGET IN THE AMOUNT OF \$594,688 (AB2006-170)**  
26

27 *(Clerk's Note: See the above item for discussion of this item.)*  
28

29 ***Crawford moved*** to recommend approval to the full Council.  
30

31 ***Motion carried unanimously.***  
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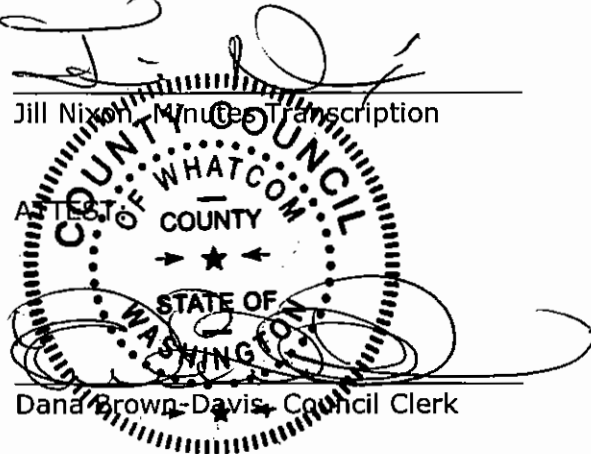
34 **OTHER BUSINESS**  
35

36 There was no other business.  
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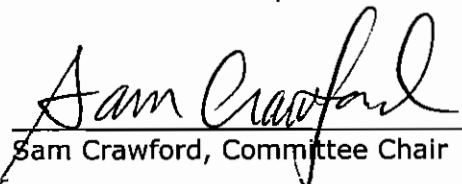
39 **ADJOURN**  
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41 The meeting adjourned at 11:33 a.m.  
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45 Jill Nixon, Minutes Transcription  
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Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Sam Crawford, Committee Chair