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WHATCOM COUNTY COUNCIL  
**Finance and Administrative Services Committee**  
PROPOSED 2007 and 2008 WHATCOM COUNTY BUDGET

October 19, 2006

Committee Chair Sam Crawford called the meeting to order at 9:20 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

L. Ward Nelson

Carl Weimer

Absent:

None

Also Present:

Seth Fleetwood

Barbara Brenner

Dan McShane

**DISCUSSION OF THE COUNTY EXECUTIVE'S 2007/2008 RECOMMENDED BUDGET (INTRODUCTION, JUVENILE COURT, SHERIFF AND JAIL, DISTRICT COURT, DISTRICT COURT PROBATION, SUPERIOR COURT, ASSESSOR, TREASURER, AUDITOR, PUBLIC WORKS DEPARTMENT, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, MISCELLANEOUS NON-DEPARTMENTAL, EXECUTIVE, COUNCIL AND HEARING EXAMINER) (AB2006-263B)**

Introduction

Dewey Desler, Deputy Administrator, gave a history of the budget process so far. They are going to spend down the fund balance in a planned way, for the first time in ten years. The general fund balance will go from \$22 million to \$13 million by the end of 2008.

Implement projects that are ready to go and that are the highest priority. There are some projects they would like to do, but the projects aren't ready to go yet. Hundreds of people have worked on this budget. He thanked them for their work.

Nelson stated projected revenues and actual revenues were about \$1.5 million off for 2006. Revenues are difficult to estimate. He asked if they have a better estimate this time. Desler stated they tried to make estimates based on the best information they have. Interest rates will flatten out, and they shouldn't expect a rise. They anticipate that the building boom will slow, as a result. They try to make their best, conservative estimate. The worst thing that will happen is that they will have more revenue to address the deficit.

The County may receive more revenue from heavy industrial applications at Cherry Point. If things they anticipate come to pass, they may receive about \$1 million more than estimated in 2008, 2009, and 2010. They will likely use the money to sustain current County activities.

Crawford asked if there is potential for additional revenue from the reopened sections of Intalco. Desler stated they must ask the Assessor.

1 Crawford asked if the potential revenue from the federal government for the 2010  
2 Olympics is included or speculative. Desler stated it is not included.

3  
4 Juvenile Court

5  
6 Dave Reynolds, Juvenile Court Administrator, stated there are no additional services  
7 requests (ASR's). Other departments are in greater need of additional staff and services at  
8 this time. He asks that current staffing levels remain the same.

9  
10 Crawford asked the reason for the decrease in detention population, bed days, and  
11 average length of stays. Reynolds stated juvenile arrests are down significantly.  
12 Demographics since 2000 show that the juvenile population is down by three percent and  
13 juvenile arrests are down 3 percent. They are really using the juvenile community justice  
14 center instead of detention.

15  
16 Brenner asked if they notice a difference due to drug court. Reynolds stated there  
17 are some differences, but not as much as they would like. They are making some changes.  
18 They are making changes for pre-adjudication drug court. The State requires a post-  
19 adjudication drug court, but there's no incentive for the person to participate because  
20 they've already been found guilty. There is more incentive for pre-adjudication to adjust  
21 the plea.

22  
23 Brenner asked if the guilty plea, after a certain amount of time and a clean record, is  
24 wiped from their record. Reynolds stated juveniles can apply to have the record sealed, but  
25 not destroyed.

26  
27 Brenner asked if it requires a change in State law to do pre-adjudication. Reynolds  
28 stated it does not. It would just require a local change. They are working with other  
29 departments to make that happen. They hope to have it done by the end of the year.

30  
31 There are increases in the civil side, commonly known as the Becca Bill, which is an  
32 under-funded mandate. They are going to ask the State to pay for that.

33  
34 Crawford asked if any juvenile cases go to Bellingham Municipal Court. Reynolds  
35 stated a few minor things go there.

36  
37 Brenner asked if there have been any attempts to amend the Becca Bill at the State  
38 level. It was never intended to be for things like truancy. She asked if his department or  
39 Prosecutor's Office makes them a lower priority. Reynolds stated they are a lower priority  
40 than any type of case. There is discussion every year about amending the bill.

41  
42 Brenner asked if it's clogging up the system. Reynolds stated it's not clogging up the  
43 system. They have been able to deal with it. It also has to do with the decrease in juvenile  
44 crime because those kids have to go before a judge when they start skipping school. There  
45 is a theory that it influences some of the kids to not get in trouble later.

46  
47 Nelson asked if they collect court fees. Reynolds stated they do. Fees are collected  
48 through Superior Court. Another source of revenue is detention parent pay. People are  
49 assessed \$100 for felonies and \$75 for misdemeanors.

50  
51 Nelson asked how much is collected. Reynolds stated he doesn't have that  
52 information.

1 Brenner asked if the litter crews are successful. Reynolds stated they are. They do  
2 generate revenue from that as well. It's a last resort for community service.  
3

4 Brenner stated people who come through the system could do a certain amount of  
5 community service hours with County officials to get a look at the system from a different  
6 perspective. Reynolds stated that could be a possibility for anyone who is willing to take on  
7 that responsibility.  
8

9 Weimer asked if the increases in wages are normal increases. Reynolds stated they  
10 are. They had four fewer positions than in 2000. There are other cost increases for things  
11 like supplies and contracts.  
12

### 13 Sheriff And Jail

14  
15 Bill Elfo, Sheriff, described the key elements of the plan for 2006 and 2007.  
16

17 Crawford stated they'd talked earlier about the need for 23 additional deputies. He'd  
18 like an update about how that need would be met and how that affects 2007 and 2008. Elfo  
19 stated he didn't intend to ask for 23 deputies for one year, but over several years. He has  
20 submitted to the Council a multi-year strategic plan. He described the contents in the plan.  
21

22 The budget request for 2007 and 2008 was for a multi-year plan to improve staffing  
23 levels up to recommended levels, to increase programs to increase efficiency, enhance  
24 training, and expand volunteer programs. Their focus is on crime prevention and career  
25 criminals, to reduce the numbers of crimes and new offenders entering the system. Reduce  
26 the size of four basic geographic patrol areas and increase the number of those patrol areas  
27 from four to seven, with seven deputies minimum per shift. Increase the number of traffic  
28 enforcement deputies by two. Better address career criminals, gangs, and criminal  
29 enterprises by the assignment of a deputy to focus on these issues full-time. The budget  
30 will not accomplish all of this, but will begin moving them into the direction. The Executive  
31 recommends six new deputies over the next two years and more after that, to move toward  
32 the recommended staffing level of 1.2 deputies per 1,000 population. If they receive the six  
33 deputies requested, they will assign a neighborhood deputy to Birch Bay, replicating the  
34 Kendall model. The additional deputies for 2007 and 2008 would increase their regular 24/7  
35 response time. For 2007 the three requested deputies would be two neighborhood deputies  
36 and one patrol deputy.  
37

38 Brenner stated she would like to increase the number of approved deputies per year  
39 to four. Elfo stated he had asked for five deputies for special programs such as traffic  
40 enforcement, neighborhood deputies, and proactive criminal deputy. He also asked for six  
41 general patrol deputies.  
42

43 Brenner asked how Whatcom County ranks in deputies per 1,000 capita. Elfo stated  
44 Whatcom County is number 28 of the 39 counties, based on the latest reports. Of the  
45 seven counties Whatcom County compares to, Whatcom County is number four. He  
46 calculated the number of deputies in three ways. There is a number of people with  
47 enforcement authority that do not provide a law enforcement function. If they remove  
48 those people and the administrators from the total number of deputies, the rate is about .96  
49 or .97 deputies per 1,000 capita.  
50

51 Crawford asked if 1.2 per 1,000 would put Whatcom County at the top. Elfo stated  
52 Whatcom County would not be anywhere near the top. Benton County has 1.45 deputies

1 per 1,000 capita. Thurston and Yakima counties would have less per capita than Whatcom  
2 County. They would need 16 deputies to get to 1.2 deputies per 1,000 capita today.

3  
4 Weimer stated the six deputies would go to Birch Bay, Sudden Valley, and general  
5 patrol in 2007. In 2008 the three deputies would be assigned to patrol.

6  
7 Elfo stated Whatcom County is unique to these six other counties because they are  
8 not border counties, don't have an area like Point Roberts, and they don't have resident  
9 deputies in remote areas.

10  
11 Brenner asked for information on how the County compares to the other counties per  
12 square mile in addition to per capita.

13  
14 Elfo stated one issue with the Sheriff's Office the next year is that, with increases in  
15 staff recently, they haven't had any support staff increases. There are three key people  
16 who have been here for decades, and all are eligible to retire over the next year. Those  
17 staff have institutional knowledge of the department and its systems. As they become  
18 eligible to retire, they must develop a means to keep up with the current workloads and  
19 transition for effective succession.

20  
21 Lack of capacity in the jail is the challenge. The best solution is to move as rapidly  
22 as possible to construct a new permanent jail. They are going to have to address this over  
23 a number of years. Capacity is 148. Lately, the population has been 285 or 290. They rent  
24 30 beds in Snohomish County. The interim jail will open soon, to address low level  
25 misdemeanor and chronic low-level felons. He hopes to take care of problems up front  
26 before these people go on to commit more serious crimes. Maximize the use of work crews.  
27 Bring more programs into the jail, such as Alcoholics Anonymous and Narcotics Anonymous  
28 meetings. Make good use of the mental health triage center. The interim jail is not  
29 designed to hold those with more serious offenses who require a higher level of security.  
30 They will get a few people out of the main jail, but it won't solve the overcrowding  
31 conditions.

32  
33 *(Clerk's Note: End of tape one, side A.)*

34  
35 Elfo continued to state that they can no longer allow early release without judicial  
36 review. That has had a significant impact to the population, but it is a better decision for  
37 the courts. A budget amount of \$200,000 for 2007 allows them to continue to rent those  
38 beds in Snohomish County. That will be for three more months. They have put together a  
39 Law and Justice Committee to look at options. The County may need to take on some  
40 additional liability risk, but that will happen anyway with an overcrowded jail.

41  
42 Crawford asked how many of the folks in the jail now will qualify for the interim jail.  
43 Elfo stated only 14 would qualify. They need to take some of the hardcore felons off the  
44 street.

45  
46 He will look closely at pre-trial supervised release. The problem is that the people  
47 may go out and commit a new crime during that release. They are considering eliminating  
48 federal detainees completely. They are considering a fast track system to get people  
49 sentenced and into programs more quickly. They are considering the impact if they go to a  
50 higher population in the current jail, in terms of staffing.

51  
52 Brenner asked if people who are fast-tracked belong in prison. Elfo stated some do,  
53 and some belong in outside programs. They are going to have 25 work release beds

1 available at Security Specialists Plus (SSP). If they don't identify a way to replace those 30  
2 beds in Snohomish County, they may have to ask for additional time there. He will do  
3 everything he can to not do that. Recognize that it will take funds from the new jail facility.  
4 If they give up those beds in Snohomish County, other counties are standing in line for  
5 those beds and Whatcom County may even lose that as an option.  
6

7 Desler stated the issue of additional jail capacity is that they always have more  
8 demand than they can deliver. Recently, the master facilities planning process was  
9 underway. They developed the interim jail facility plan and a plan to build the new jail in  
10 eight to ten years. That's what the public supported. They are now getting ready to open  
11 that interim facility. The court indicated it wanted to change the way the County released  
12 people from the jail. That left more people sitting in jail for longer periods of time. The  
13 administration supports the further analysis that will go on to consider the options. The  
14 pre-trial release programs have been successful in other areas.  
15

16 Crawford asked if it would be prudent to allocate for those beds for more than three  
17 months. Desler stated don't spend the money allocated for the new main jail.  
18

19 Elfo stated he will consider all the options, but he doesn't want to signal to  
20 Snohomish County that they are ready to vacate. Allócate the money, and do everything  
21 they can to not spend it. Also, don't spend the money allocated for the main jail.  
22

23 Nelson asked about annual bookings for 2004. Also, the administration said the  
24 master facility planning process was put on hold because of a lack of direction from the  
25 Council. They can't even think about building a jail until they know site location, type of  
26 jail, and associated facilities. Elfo stated he was told by the Executive's Office that the work  
27 is underway.  
28

29 Desler stated they are proposing to build on an external campus with Sheriff  
30 facilities. They've figured out a way to structure that over time with County finances.  
31

32 Nelson stated they have to have a process in place. The Council and administration  
33 decisions have to be uniform. The committee to look at immediate needs will be to just  
34 patch the problem. He urges the administration to move toward finalizing the site as soon  
35 as possible. He urged councilmembers to join that process. They all have political thoughts  
36 on what they need, but the people hurt will be their clients.  
37

38 He asked if pre-trial felons are in place for up to two years.  
39

40 Wendy Jones, Chief of Corrections, stated pre-trial felons in jail that long are usually  
41 for high profile cases that are very complex. That is common for those types of cases.  
42 They are multiple homicide, serious assault, and robbery cases.  
43

44 Elfo stated those people raise insanity or competence defenses. They must wait to  
45 go through that process, as well.  
46

47 Jones stated that is a small number of the population.  
48

49 Elfo stated that when they move through, and get released, they just get arrested  
50 again.  
51

52 Jones stated bookings in 2004 are about 5,700.  
53

1 Brenner stated the Council is ready to support the administration on jail location.  
2 Dangerous people go to prison. If they're not dangerous, put them in the interim jail at  
3 Bakerview. People doing drugs are more harm to themselves than anyone else. They are  
4 not a danger, per se. Those are the perfect candidates to be at Bakerview. Elfo stated the  
5 number of people on drug possession charges are about six or seven inmates, and usually  
6 they're out within 24 hours.

7  
8 Jones stated they are talking about folks with institutional behavior. Most of those  
9 people who are using are also selling and manufacturing. If you look just at the crime, also  
10 look at the number of other infractions.

11  
12 Elfo stated the State legislature balances their Department of Corrections budget on  
13 the backbone of the counties. When they're running low on money, they change the  
14 sentencing guidelines. They just transfer the problems. That's why one person has to  
15 commit auto theft eleven times before he or she can be sent to prison. The interim facility  
16 was meant to hold the people who aren't going to jail at all now.

17  
18 Brenner stated they have a crisis. The number one responsibility is to protect the  
19 safety of the community. They must approve those one-time ASR's for the amount needed  
20 to rent those beds in Snohomish County until they get done with the jail. They don't have  
21 any other choice. Fund them from the general fund, not the jail fund.

22  
23 Desler stated the \$200,000 is for 20 beds for six months. If they spend \$600,000 or  
24 \$700,000 on 30 beds for a year, for seven or eight years, it becomes millions of dollars that  
25 comes off the fund balance of the general fund.

26  
27 Brenner stated there is no bigger safety issue.

28  
29 Jones stated the additional services request was for 2007 only. She hopes they will  
30 be able to move more people out of the jail and into the work center. If they don't need the  
31 beds, they can return the balance of the fund to the general fund. She is concerned they  
32 will need the beds throughout 2007 or longer. She hopes they will figure out some way to  
33 not need those beds.

34  
35 Crawford stated the Attorney General has reassured him that the State is addressing  
36 the State prison facilities. Elfo stated a lot of that is because they've transferred the  
37 problems to the counties. He explained sentencing guidelines.

38  
39 Nelson stated the Council is responsible to help the administration define a location  
40 for the new jail.

41  
42 Weimer asked if there is a need for a deputy in Sudden Valley. Elfo stated there  
43 have been increases and more high profile crimes. Also, the basic response time to Sudden  
44 Valley is long. The deputy would also cover the Glenhaven area and the area at the south  
45 end of Lake Whatcom.

46  
47 Nelson asked if they differentiate call loads. They are considering instituting the  
48 internet to report crimes. Elfo stated they will want to follow up on things like burglaries.  
49 However, have a self-reporting, internet -based system for small things such as a mailbox  
50 vandal.

51  
52 Fleetwood asked if they track the calls that turn into an actual assistance or reports.  
53 Elfo stated they do.

1  
2 Crawford stated the What-Comm 911 Board approved request was for about  
3 \$60,000. There is additional capacity for two additional dispatchers, which will also assist  
4 with the triage process when people call.  
5

6 Fleetwood asked about gang activity. Elfo stated they are seeing the roots of gangs  
7 in the Paradise area. They don't want gang activity to take hold in the county. Another  
8 issue was the Bandito motorcycle organization. They are seeing more gang activity.  
9

10 *(Clerk's Note: The Committee took a six-minute break at 10:43 a.m.)*  
11

12 District Court and District Court Probation  
13

14 Bruce Van Glubt, District Court Administrator, stated it takes a partnership among  
15 the three branches of criminal justice system to be effective. Everything they do is to help  
16 the judges work effectively. Business at District Court is booming. Most business is  
17 generated by the State Patrol and Sheriff's Office. Some comes through Western  
18 Washington University (WWU) and the Liquor Control Board. He submitted information (*on*  
19 *file*) on court filings. He read the information.  
20

21 Crawford asked why traffic infractions have doubled. Van Glubt stated that from  
22 2001 to 2002, the Sheriff's Office received new deputies and the State Patrol got new  
23 troopers.  
24

25 Nelson stated the actual number of traffic infractions in 2002 is 11,597 according to  
26 the 2004 budget. Van Glubt stated he would double check his numbers.  
27

28 *(Clerk's Note: End of tape one, side B.)*  
29

30 Van Glubt read the handout on the revenue summary report. It is a guide of the  
31 staff's workload.  
32

33 Brenner asked if the revenue from fines goes to the State. Van Glubt stated about  
34 37 or 39 percent of everything they collect goes to the State, by statute. There are  
35 exceptions.  
36

37 He read from the handout on infraction cases filed in District Court. The most likely  
38 months for infractions are May to September. The weather is dryer and people drive faster.  
39

40 Crawford asked if there is an increase in September from increased enforcement in  
41 school zones. Van Glubt stated it could be.  
42

43 He explained night court, the mediation process, and the domestic violence court.  
44

45 Brenner asked if domestic violence court is both criminal and civil.  
46

47 Matt Elich, District Court Judge, stated they hear some civil protection order requests  
48 on Wednesday afternoon, but they're heard after the criminal calendar is over. The  
49 Wednesday afternoon domestic violence cases have been adjudicated. Other cases yet to  
50 be tried or pled are heard daily by District Court and the municipal courts.  
51

52 Van Glubt stated this domestic violence court is only for District Court, and doesn't  
53 include the municipal courts. He continued to describe the domestic violence court.

1  
2       Regarding the accuracy and quality of work in District Court, they do a tremendous  
3 amount of data processing. They complete eight audit reports monthly. To ensure they're  
4 serving the public and judges as well as they can, they monitor work regularly. They've  
5 been doing that for many years. It helps as the caseload grows.  
6

7       The request for two court clerks is a continuation of two positions that are already in  
8 place. The two receptionists they asked for are to facilitate customer service specifically.  
9 One position was approved. That position will answer the phone.  
10

11       Weimer asked about success and funding of a new mediation service for small  
12 claims. Van Glubt stated the legislature added a fee for civil and small claims filing. The  
13 money is collected by the County, but it goes directly to the Dispute Resolution Center. The  
14 increase in the use of mediators for small claims is provided at no additional cost, other  
15 than the filing add-on fee.  
16

17       Elich stated that about 25 to 30 percent of people who come in will agree to  
18 mediation. He explained the mediation process. It eliminates the need to have an  
19 additional judicial officer.  
20

21       Nelson asked the types of calls they receive. Van Glubt stated they don't report on  
22 the types of calls. They're mostly checks on court hearings, to ask process questions, or to  
23 ask legal advice, which the department can't provide. Those are the most time consuming  
24 calls.  
25

26       Nelson asked if any of that information is available on the website. Van Glubt stated  
27 their website is extensive. Many people can only absorb that information by talking to  
28 someone instead of reading it.  
29

30       Nelson asked if the supervisor's checklist is being done. Van Glubt stated it is.  
31 There are two supervisors in the office. The program has been disrupted since Spring due  
32 to staffing disruptions, but the program is in place. He explained the process.  
33

34       Nelson stated there is a significant amount of effort needed for public education,  
35 when employees are not as experienced. More experienced employees lower the workload.  
36 Get the people in training to get them up to speed. That will make answering public  
37 questions more efficient and the work impact will lessen.  
38

39       Elich stated the folks who work in the department are very qualified. Turnover is  
40 something they can't control internally.  
41

42       Brenner asked if mediation is binding. Elich stated that if one person doesn't abide  
43 by the contract, they are subject to further litigation. They don't see that happen very  
44 often. If they fail to reach an agreement, the court is still available for litigation.  
45

46       Van Glubt read the last handout regarding probation. The rate of increase in cases  
47 has leveled off. The caseload has been consistent.  
48

49       Nelson asked the philosophy behind probation. Van Glubt stated there are two  
50 goals. One is offender accountability. The other goal is victim safety. Everything they do  
51 addresses those two issues. Some would say that offender accountability by itself increases  
52 victim safety. He explained the probation process.  
53

1 Nelson asked if an objective of probation would be to prevent recidivism, and if that's  
2 measured. Elich stated they've been involved with the University of Washington on the  
3 domestic violence side to measure the effectiveness of the domestic violence unit. That will  
4 affect the recidivism rate.

5  
6 Van Glubt stated that study is specific to domestic violence in Whatcom County. The  
7 outcome will help them measure how to best help the domestic violence offenders.  
8 Treatment or supervision doesn't work without monitoring and conditions.

9  
10 Brenner asked why they wouldn't divert drug cases to drug court. Elich stated drug  
11 court is for Superior Court cases. The decision on the charge is made by the Prosecutor's  
12 Office. The reason they don't divert cases to drug court is because of the charge. The  
13 District Court could set up a drug court.

14  
15 Weimer asked how two more traffic deputies would affect their workload, and if there  
16 is communication when the different, but related, law and justice departments develop their  
17 budgets. Van Glubt stated there is communication. The Sheriff is free to ask for what he  
18 needs. He asks for what he needs. If Sheriff Elfo was given ten deputies and the positions  
19 were filled immediately, he would engage in discussions with the Executive and Finance  
20 Division. However, the current approved levels will allow his department to adjust. He  
21 wants to see the result to his department before asking for more money.

22  
23 Nelson stated evaluate the effectiveness of probation. Have a definition of what they  
24 anticipate from probation, which should be recidivism. Measuring the outcomes will help  
25 the Council determine the best programs and courses of action. Van Glubt stated that may  
26 be a difficult thing to do. How success is defined is complex. To do a real study, they would  
27 need some professional help. They spend a tremendous amount of time on data collection.

28  
29 There was discussion about how to study and compare probation results with other  
30 areas and jurisdictions.

31  
32 *(Clerk's Note: The Committee took a seven-minute break at 11:37 a.m.)*

33  
34 Superior Court

35  
36 N.F. Jackson, Superior Court Clerk, submitted information *(on file)*.

37  
38 Steven Mura, Superior Court Judge, stated the Executive's Office has not approved  
39 some ASR's that are essential. He is continuing to work with the administration. They are  
40 asking for six additional employees. They don't all have to be new hires. Shuffle things  
41 around to reduce that number to possibly two or three new employees. The judicial branch  
42 of the County government has one employee for six judicial officers. There are functions  
43 and duties they cannot meet. They are the only general court jurisdictions in the U.S. that  
44 doesn't have one staff to three judges. There is no receptionist, clerk, or anyone to answer  
45 phone calls. They are in violation of the State judicial ethics laws because they can't take  
46 ex parte communication. People call in and get a judge directly on the phone. They won't  
47 know that they've violated the ex parte rule about talking to one side until they've already  
48 heard their messages, and by then the violation has occurred. Then, they have to make a  
49 memorandum for record and notify the parties.

50  
51 They are asking for additional staff in the amount of \$441,000. They may be able to  
52 move some staff around and duties to reduce that amount. Now, the Prosecutor's Office  
53 has had the responsibility of scheduling motions.

1  
2 (Clerk's Note: End of tape two, side A.)  
3

4 Mura continued to state that it is a court function. The courts must set their own  
5 calendars and hold people to the schedules. The Prosecutor's Office has done that function  
6 in the past because the court hasn't had support staff. That is no longer acceptable.  
7 Whatcom County is the slowest county in Washington for getting criminal cases resolved. If  
8 they control their calendar, that statistic will improve. They can no longer function without  
9 staff.

10  
11 Get a fourth Superior Court judge. The last added was in 1976. The State wants to  
12 see the if the County will support a new judge before it approves of it.  
13

14 Desler stated the administration is continuing discussions with the judges. They  
15 have reorganized the court and the Clerk's Office. Many of the decisions about the justice  
16 system in the community relies on the strength, goodwill, and wisdom of the judges. They  
17 will continue to work with the judges. There is additional capacity necessary related to the  
18 support of the judges in a framework of a separate clerk and Superior Court Administrator.  
19

20 Nelson asked if calendar management can be done by one position for all three  
21 judges or one for each judge. Mura stated it's best to have one for each judge and one for  
22 the three commissioners. It's about more than calendaring. There are 20 to 30 motions  
23 every Friday on the motion calendar. Pleadings are submitted late or too early. There is no  
24 date on those pleadings to keep them organized. Now, he just throws them away because  
25 he has no time or ability to collate them. Those positions will also handle correspondence  
26 from the prisoners.  
27

28 Nelson asked how much time the judges spend on doing this administrative work.  
29 Mura stated Jackson spends six hours per week just on prison correspondence. He has  
30 voice mail a week old he hasn't gotten to. A lot of time is involved on the telephone.  
31

32 Nelson asked how a calendar clerk schedules the calendar. Mura stated the judicial  
33 assistant will take the phone calls and mail. The assistant, knowing the judge's calendar,  
34 will communicate with attorneys to schedule things. He now spends about two hours per  
35 day just on phone calls. He has to put in time with the correspondence. He spends about  
36 three hours now, but he doesn't respond to most of it. They need assistance with the Friday  
37 motion calendar. The assistant would also have to act as the bailiff. They are spending  
38 \$18,000 on bailiffs now.  
39

40 Nelson stated he would like to know good figures about the time spent on these  
41 administrative duties. Mura stated having staff won't delay the need for another judge.  
42 Now, they are scheduling civil cases out a year to 18 months. Having staff will avoid the  
43 need for judges to spend a couple of days per week doing administrative work. It's not the  
44 Prosecutor's job to determine when cases will be heard.  
45

46 Brenner asked if Judge Mura has talked to Prosecutor McEachran. Mura stated the  
47 Prosecutor knows he wants to take back those duties. The Prosecutor is currently  
48 scheduling juvenile hearings and criminal hearings in Superior Court. The time that a new  
49 assistant spends doing these functions will be less work for the Prosecutor's staff. He  
50 expects the Prosecutor's Office will be opposed to giving up their ability to set the calendar.  
51

1 Brenner stated it makes sense for the judges to set the docket. She asked if there  
2 will be a problem with the prosecutors needing continuances all the time if it's done. Mura  
3 stated they will ask, but they won't always be granted.  
4

5 Brenner asked if one assistant would make a difference. Mura stated there is too  
6 much work. Now, they are taking clerks from the Court Clerk's Office, which is another  
7 department.  
8

9 Nelson asked if the clerks are assigned by the Executive to the court. Mura stated  
10 they are statutorily required to maintain the County court record.  
11

12 Desler stated Judge Mura is correct. The Executive terminated the 1988 joint  
13 operating agreement to combine the Court Administrator and Clerk of the Court jobs. The  
14 judges agreed on how the Clerk's Office and the Superior Court would function. The  
15 requests are being made for additional capacity. Many operations of the justice system are  
16 asking for new staff. It's the Executive's job to decide how to meet the growing demand on  
17 the justice system. What they do with one part of the system has an impact on the other  
18 parts of the system. Over the years, they've tried to increase the court's efficiency with  
19 technology. If there are still impediments to the effective operations of the court, move  
20 people around within the current justice system to make adjustments. Instead, move  
21 people from the Court Clerk's office to Superior Court. They will engage the Prosecutor in  
22 that, also.  
23

24 Weimer asked if there will be more information on the \$440,000 ASR before the  
25 Council approves the budget. Mura stated they will get more information. Of the six staff  
26 they're requesting, one is not going to be a new hire. The person currently scheduling the  
27 calendar can be moved from the Clerk's Office. They want to meet with the Prosecutor and  
28 see if the court can get staff from the Prosecutor's Office. They will try to get some of the  
29 accounting functions outside of the court. With all that, they may be able to reduce the  
30 request to only two or three new hires and still meet the needs. The request for these staff  
31 was made last year. This isn't new.  
32

33 Weimer asked the reason for the drop in the cost of a calendar clerk. Jackson stated  
34 it is due to the one-time purchase of calendaring software. There may be alternatives.  
35

36 Weimer asked about the cost of the new judge in 2008, and if it includes a judicial  
37 assistant. Jackson stated the estimate is for half the salary of a judge, court reporter,  
38 judicial assistant, supplies, and construction of a courtroom. The courtroom will be about  
39 \$800,000 of the total \$1.2 million cost for a new judge. There will be additional clerk's staff  
40 needed to support the additional judge.  
41

42 Brenner stated it seems alarming to have Superior Court judges without an  
43 assistant. Desler stated they added a Superior Court administrator. The Executive  
44 approved 6.5 FTE's, including the administrator, which Mr. Jackson serves. Once the  
45 County hires a Superior Court Clerk, then Mr. Jackson will serve as the Superior Court  
46 Administrator.  
47

48 Jackson stated he was appointed as administrator in 1986. This is the only Superior  
49 Court without assistants in the United States.  
50

51 Nelson stated the Council will need more information and time to digest this  
52 information.  
53

1 Weimer asked about ASR's for drug court. He asked how to prioritize the additional  
2 money for drug court versus these other things. Mura stated that is a policy decision.  
3 There are differing views. The majority view is that drug court is essential. Counties aren't  
4 obligated to operate a drug court.

5  
6 Ira Uhrig, Superior Court Judge, stated it's not an expansion. It's getting them back  
7 up to the level where they were before they lost the case manager last year. The only  
8 additional money is for urinalysis (UA) collection. As the use of the court grows, they have  
9 to do more tests. The case manager position is the same before one was cut last year.

10  
11 The drug court is a program that saves money in the long term. Now that the court  
12 has been separated from the Clerk's Office, there is one person to manage the work of six  
13 judicial officers. This is just management of basic functions to keep a court going. The  
14 additional support needed whether or not there is a drug court.

15  
16 Brenner stated drug court creates a lot of positive ongoing benefits. She asked the  
17 harm of moving those clerks into the Superior Court department. Desler stated that is one  
18 option they will consider.

19  
20 Desler stated look at what they've done during the last few years. The cost of these  
21 additional clerks in 2007 is \$292,000 or more. Drug court was a grant funded program, but  
22 those grant funds have gone away. The County decided to sustain the program at a cost of  
23 \$370,000. Those chunks of money have to compete with a lot of other things in the  
24 community.

25  
26 Nelson asked about the opinions of those opposed to drug court. Mura stated it's a  
27 philosophical opinion. He has a problem treating people who come in on drug charges a  
28 different way. The drug scourge in the country will bankrupt government. If they are going  
29 to make use of drugs as a crime, then treat it as a crime. If it's a health issue, then treat it  
30 as a health issue. Don't bifurcate the cases so some people are treated as criminals and  
31 some people are treated through public health.

32  
33 Brenner asked why they can't treat all criminals the same way. Mura stated it is a  
34 federal issue. It's a federal crime. Mura stated some people go into prison, and some  
35 people go into drug treatment.

36  
37 Charles Snyder, Superior Court Judge, stated that original drug courts made a policy  
38 decision to not take violent offenders or people with sex offenses. Those people have been  
39 excluded from the beginning, in practically every drug court. They also don't take people  
40 with outstanding warrants in different jurisdictions. The chances of success are much lower  
41 and the risks are much higher. They also don't take dealers.

42  
43 Nelson stated they are spending over \$300,000 of County funds for drug court, but it  
44 would still have to be spent somehow. Snyder stated they'd be spending it on prosecuting  
45 and jailing people.

46  
47 Nelson stated that the \$300,000 is being used on these people in an alternate  
48 manner. The question is whether this expense is the most appropriate.

49  
50 Uhrig stated District Court is different from Superior Court statutorily. The District  
51 Court clerks are the employees of the District Court judges for all purposes except salary  
52 and benefits. Because of the separation of powers doctrine, they can't do that as easily in  
53 Superior Court because the clerks are part of the Executive branch of government. They

1 can't use a clerk from the Executive's branch to do a part of the court's job. They must  
2 respect the separation of powers doctrine. They all just want to work together. Most  
3 counties have a clerk bailiff position. In many counties, a recent law school graduate will  
4 take that position for a number of years. They are seeking nothing out of the ordinary. In  
5 fact, Whatcom County is the exception. They are the only general jurisdiction court judges  
6 in Washington, and possibly in the United States. District Court has three judicial officers, a  
7 court commissioner and two judges. One full-time calendar clerk does the criminal calendar  
8 and the civil infractions. There is also a civil clerk who calendars the civil cases. That totals  
9 one and one half calendar coordinators for District Court, for three judicial officers. Superior  
10 Court has six full-time judicial officers. They need a calendaring staff to maintain the  
11 calendar appropriately.  
12

13 *(Clerk's Note: The Committee took a one-hour break at 12:30 p.m. End of recording*  
14 *on tape two, side B.)*  
15

#### 16 Assessor

17

18 Keith Willnauer, Assessor, stated growth in the County directly impacts the  
19 Assessor's Office. Growth has increased dramatically. It's becoming more and more  
20 difficult to take care of daily responsibilities. Hold the line on FTE's. Focus efforts to  
21 streamline and enhance automation.  
22

23 There is a possibility of moving the Assessor's Office into a more sophisticated  
24 property tax administration technique, which is to revalue all properties annually. That  
25 couldn't be done without substantial expenditure and additional cost. The question is  
26 whether the additional cost is worth it. He is willing to discuss it. There is a plan in place to  
27 address it at any point that it may be considered.  
28

29 Crawford asked what kind of one-time and ongoing costs would be required.  
30 Willnauer stated staffing levels would be necessary at transition, but that need may fall  
31 away after three to five years. The cost would be \$200,000 to \$300,000 and two FTE's.  
32

33 The role of the Assessor's Office is to assure a continuing and stable form of revenue  
34 to support the operations of 70 taxing districts, including the County. At this point, there is  
35 no degradation to that task. No districts or revenue streams are being impacted by the  
36 current administration. However, taxpayers have a concern for a more efficient operating  
37 system. The County may be interested in a higher and better-functioning database and  
38 relationships of assessed valuation to market value. Taxpayers will enjoy better equity and  
39 predictability with their tax bill. It is a public relation issue.  
40

41 Brenner asked if the assessors go to each property. Willnauer stated the law  
42 requires a physical inspection of every property.  
43

44 The benefit of annual reevaluation is that they are only required to inspect one-sixth  
45 of the county, and are required to change valuations on 100 percent of the county. Instead  
46 of 30,000 reevaluation notices, they are talking about 106,000 notices.  
47

48 Brenner stated they only have to go to one-sixth instead of one-fourth. Willnauer  
49 stated that is correct. The goal of the Assessor's Office for the past ten years has been to  
50 move toward everything necessary to make the transition smooth and technically and  
51 procedurally capable.  
52

1 Brenner asked how many other counties do evaluations this way. Willnauer stated  
2 19 out of 39 counties still do evaluations this way. Out of the other 20, only 11 are valuing  
3 annually. The other nine are on a two- or three-year cycle. A number of the counties that  
4 have transitioned are the Puget Sound counties. Whatcom County is one of the larger  
5 counties that remains on a four-year cycle.  
6

7 He's not sure taxpayers are interested in the transition. He is concerned about a  
8 merry-go-round of valuation to get valuations equal. It may be difficult to sell publicly.  
9 Professionally, he supports the transition. Other counties had serious public policy  
10 problems.  
11

12 Crawford stated the perception would be that the taxes are going up, and that the  
13 County is raising taxes every year.  
14

15 Brenner stated she understood that the public wants the change, so they have only a  
16 small increase at a time. Willnauer stated that's what the assessors in other counties saw  
17 happening. It created an upheaval. It's been 20 years since there has been a transition,  
18 until Snohomish County transitioned recently.  
19

20 Nelson stated the Council would give the Assessor that direction if it wants, but it's  
21 not a goal or objective for the Assessor's Office. If they were going to do that, he would  
22 rather do that during a stable housing economy. Willnauer stated the best time to do it is  
23 when the market has been stable enough. The market is stable now. The right time may  
24 be in two years if the market stays stable. The transition isn't in this budget, but he wants  
25 to continue the dialogue about it.  
26

27 Weimer asked how new taxing districts affect the Assessor's Office. Willnauer stated  
28 there is minimal impact. The system is in place to support multiple districts. The office is  
29 more impacted by the amount of new construction, documents that need to be processed,  
30 use of Assessor's Office data, and public information and education.  
31

32 Within the budget, there is an ASR regarding automated data field collection.  
33 They've found that the cost-to-benefit associated with this technology is dynamic. It's a  
34 very important priority to his ASR's.  
35

36 Crawford asked if they can save money in the long run or if this is just added cost.  
37 Willnauer stated they will not have to reenter data into the system. They will be able to do  
38 away with one FTE over time. They will be able to do more in less time.  
39

40 Brenner stated that if it's all done in 2008, the numbers don't add up. She asked the  
41 reason for the funding difference. Willnauer stated instead of funding in 2007 and 2008,  
42 they will fund to begin in 2008 and continue in 2009.  
43

44 Desler stated the administration supports the ASR. All County departments want to  
45 move forward with technology upgrades. They can only move so fast. This project will go  
46 into the queue with other technology projects. The Information Technology Division staff  
47 has other commitments until then.  
48

49 Willnauer stated he doesn't disagree with the administration. Beginning in 2007 is  
50 aggressive. He is willing to take their place in the queue.  
51

52 The amount for the Local Infrastructure Financing Tool (LIFT) ASR is excessive. He  
53 would like to modify that ASR down to \$10,000.

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Treasurer

Barbara Cory, Treasurer, stated they didn't have very many requests this year. Things are going well in the Treasurer's Office. Technology helps them operate efficiently. Most issues have to do with the aging system. The administration recommends that they begin to upgrade the tax receivable collection system, which they've had since 1983. There are many different systems in the Treasurer's Office that have to be synchronized and must work together. The Internal Audit findings are due to the aging system. The new systems have some of those internal controls that the current system doesn't have.

One ASR is to send tax statements to property owners with mortgages. Currently, they do not send the homeowners a tax statement. They produce about 87,000 tax statements for 107,000 accounts. The mortgage companies use a tax service. They don't send statements. The owners don't see what their taxes are. Because mortgage companies often buy and sell the mortgages, her staff have to constantly update changes. They have to produce about 40,000 duplicate statements after they mail out the 87,000 statements. Other Treasurer's in the state have begun to send the tax statement to the owners. It's a positive change and good public policy. The mortgage company still gets the electronic tax role.

Crawford asked if the notice will say that the tax will be paid by the mortgage company. Cory stated it will. It's better policy to make the owners manage their own accounts rather than have the County manage it for them.

Nelson stated he's never found anyone with a mortgage who is interested in getting their tax statements. He asked if it's really important to spend County dollars this way. Cory stated it is important. State legislators are seeing that property tax is what everyone is talking about. They're worried about an initiative coming forward because people don't understand how property taxes work. It's good public policy to give them the information.

Nelson stated it's an ongoing expense of \$20,000.

Crawford stated they are talking about allowing folks to see more. Cory stated people can see the assessments online.

Brenner stated the mortgage companies pass through the charges.

Cory stated the other Treasurer's Office ASR is a request to remodel the cashier area. The area is so small that the cashier's don't have room to open the drawer. The administration recommends \$4,000 for the design. She asked if money for the actual change would be a supplemental budget request.

Desler stated the cost of the remodel depends on the design. They propose to come back to the County Council with a request.

Cory stated any new taxing or assessment districts impact her department. Each district is handled separately in her office.

Auditor

Shirley Forslof, Auditor, stated things are going well in the Auditor's Office. She supports the Executive's recommendation on her ASR's. The Recording Division is preparing

1 to get documents on the internet. It will redact the social security numbers so they are not  
2 on the internet. Whatcom County will be the first county in the State to do that. There  
3 have been a lot of requests for it. Most counties in the Puget Sound area have their  
4 documents on the internet.

5  
6 Crawford asked how far back into the past the documents will go. Forslof stated  
7 documents go back to 1992 to begin with.

8  
9 *(Clerk's Note: End of tape three, side A.)*

10  
11 Forslof continued to state that after that, they would look at what it will take to go  
12 further back than 1992. The question is how often those older documents will be  
13 researched. There is a point when it doesn't make sense something from 1930 on the  
14 internet.

15  
16 Crawford stated the Planning Department generally acknowledges lots-of-record  
17 back to the creation of zoning, which is 1972. That would be a good target date. Forslof  
18 stated the main cost is converting the documents from microfilm to images.

19  
20 She handed out information *(on file)* regarding the Elections Division and stated the  
21 decision to go to vote-by-mail was wise. Costs have risen substantially due to paper costs,  
22 assembly, and postage. Optical scans are more expensive than punch card ballots. Voter  
23 turnout has been ten to 15 percent greater.

24  
25 Brenner asked if they are saving with vote-by-mail. Forslof stated they are saving  
26 on the touch screen vote machines, their maintenance, and poll worker salaries.

27  
28 Brenner asked for written information on the cost differences.

29  
30 Crawford stated it's not about what they're saving from the previous voting method,  
31 but about what they would have spent in response to the new Help America Vote Act  
32 (HAVA) legislation.

33  
34 There was discussion about the costs of vote-by-mail versus the cost using the  
35 previous methods.

36  
37 Crawford asked if the estimates include capital costs. Forslof stated HAVA grants  
38 paid for the equipment and their maintenance. Different jurisdictions, except the State,  
39 pays for their own election costs.

40  
41 Brenner asked if the County has authority to ensure that there are fewer special  
42 elections. Forslof stated it does not. Election dates are set in State statute by the  
43 legislature.

44  
45 Brenner asked if it's more expensive for the district to hold a special election. Forslof  
46 stated it is, but they may believe the special election is in their best interest.

47  
48 Forslof stated the ASR for electronic recording has been put off until 2009. They  
49 don't know yet how that will develop. She will work with the Treasurer's Office on the  
50 electronic collection of excise tax. When that goes through, there will be an even greater  
51 push to do electronic recording. The State and some federal associations would like to be  
52 able to file and record documents electronically. Other counties have gone to electronic  
53 recording. Other counties in California have this system, which electronically verifies most

1 of the signatures. It would save time and processing to compare vote-by-mail ballot  
2 signatures. The system could compare a lot more points on a signature.

3  
4 One ASR request was for an FTE to service the Auditor, Assessor, and Treasurer  
5 systems. They need a staff person to assist them in managing that system.

6  
7 They need upgrades for internet deployment of documents and the AI-Redact. The  
8 persons recording the document will pay the extra fee on that document, which goes into  
9 the Auditor's operations and maintenance budget, to be used to record documents and  
10 make them accessible to the public.

11  
12 Public Works Department

13  
14 Jeff Monsen, Public Works Department Director, handed out information (*on file*) and  
15 stated he recommends reviewing the organization and how they present projects to the  
16 Council. They have begun project-based budgeting. Now, the Council won't see some of  
17 the budget matters associated with projects. Therefore, the focus of project-based  
18 budgeting is to become extremely detailed and transparent. He presented examples of how  
19 the information would change.

20  
21 The road fund balance is declining. To balance this budget requires \$16 million in  
22 borrowed money. Half of that is related to the ferry system. The other half is to deal with  
23 projects in the Birch Bay area. Borrow money to get the work accomplished. Pay those  
24 loans off with impact fees.

25  
26 Crawford asked if bonds is the mechanism they would use to pay those off. Monsen  
27 stated that is a discussion for early next year.

28  
29 In 2007, the dominant number of projects are entirely financed by local money. He  
30 read a list of projects that are funded locally. By early in the year, reconsider when they  
31 should borrow money.

32  
33 The Flood Control Zone District fund will begin funding projects that have been  
34 planned the last several years. Also, they are beginning to deal with stormwater issues.  
35 Dealing with increasing stormwater management issues may be done through a special  
36 purpose district to generate money to perform work. Three proposed stormwater special  
37 districts are in the handout. Reconsider how all the special districts work side-by-side for a  
38 common purpose. Be more focused on what they intend to use the money for so they  
39 recognize when gaps exist.

40  
41 Nelson asked how they plan to allocate the Swift Creek reserve funds. Monsen  
42 stated the information is regarding two different thoughts. One thought has to do with  
43 questions regarding Swift Creek. Second, they've historically said \$5 million of the flood  
44 fund balance is available as an emergency reserve in case of an actual flood.

45  
46 Nelson asked if there would be two reserve funds to consider. Monsen stated Swift  
47 Creek is a big unknown at this point. The plan is primarily perimeter control, not material  
48 management. They have not budgeted anything of significance for Swift Creek.

49  
50 Nelson asked if the budget planning includes administrative, engineering, and  
51 planning costs. Monsen stated it isn't budgeted for at any level. If it becomes a higher  
52 priority than something that has a budget, it will become budgeted because they've  
53 changed priorities. There is not enough capacity to do Swift Creek proactively in addition to

1 the other projects on the list. Once the stormwater special districts come on line, the  
2 majority of the money will go to increased and enhanced services. Some money will  
3 become available, so not as much money would be required from the flood fund balance for  
4 those kinds of activities.

5  
6 Nelson asked if they find themselves in conflict with resource funds that may be led  
7 by certain projects. Monsen stated financial management of future projects depends on  
8 outside money.

9  
10 Nelson stated the project will be based on available funding, regardless of the source  
11 of funding. Prioritization of those projects will be based on the capacity for completing the  
12 project. Monsen stated that is correct. Prioritization has been dominated by an outside  
13 funding source, until recently. They are beginning to transition how they think and act from  
14 a financial standpoint.

15  
16 Brenner asked if they can pay back monies to the flood fee that were not used for  
17 flood purposes if they enact a countywide stormwater fee with sub-districts. Monsen stated  
18 he doesn't know of a way to do that.

19  
20 Nelson stated the flood fee is for more than just flood work.

21  
22 *(Clerk's Note: End of tape three, side B.)*

23  
24 Brenner stated it wasn't originally.

25  
26 Monsen stated a fair amount of money was put into the watershed planning process.  
27 Because some of it exceeded 50 percent, it was originally referred to as a loan to account  
28 for the declared differences. They've evolved into a countywide flood tax with a lower  
29 collection rate. The creation of the subdistrict limits their ability to repay a loan. At this  
30 point, there isn't a revenue source that could generate money for the flood fund, other than  
31 the County general fund.

32  
33 Brenner asked for a legal opinion on that question. Expenses out of the fund were  
34 originally intended as a loan. Monsen stated he had in mind that the transfer would  
35 continue to a point where the expenses would be less than 50 percent. Therefore, some of  
36 the transfer would be returned.

37  
38 Brenner asked if they are going to get a recommendation from the administration  
39 regarding the countywide stormwater fee. Desler stated the administration will work with  
40 the Council on that matter.

41  
42 A series of things are in the budget to move the department forward. They are  
43 going to improve facilities for maintenance and operations (M&O) and other divisions. They  
44 are going to improve data and applications, including maintenance management. They are  
45 strengthening geographic information systems (GIS) applications and products. In the  
46 future, they will reengineer the permitting, subdivision, and short-plat application process in  
47 conjunction with Public Works. They aren't ready to recommend that work now. They will  
48 do a lot of work that has to do with concurrency. They will implement water resources  
49 projects. All that will lead to more work than is necessary around the analysis of a  
50 completely different Public Works Department than they had 15 or 20 years ago.

51  
52 There was discussion of upcoming changes to the structure and organization of the  
53 department.

1  
2 Brenner asked if Whatcom County enacted rules so that they have to have the higher  
3 level of oversight that it does. She asked if they need that much oversight, rather than  
4 getting some other things done. Monsen stated that is a philosophical debate.  
5

6 Crawford asked how Public Works can expedite the task to review subdivisions and  
7 short-plats for access issues. Monsen stated they have enough regulatory staff. The quality  
8 of the applications is declining, so the amount of effort that goes into trying to understand  
9 the projects consumes the majority of the time. Have applicants submitted better-quality  
10 plans. The County has historically set the bar for development standards, and then  
11 individually negotiations downward with the applicants. Instead, lower the bar on the  
12 development standards, and be firm with the applicants. Then the applications will be clear,  
13 and things will go on more quickly. Other organizational issues are very inefficient.  
14

15 Crawford stated there are two equipment non-approved ASR's, including one small  
16 backhoe that the County now rents all the time. The other is a tanker that holds oil for the  
17 chip seal crew. He asked if everyone in the administration agreed that it is still more cost  
18 effective to do things the way they have been currently. Desler stated they have.  
19

20 Mary Green, Public Works Department, stated she supports the purchase of an oil  
21 tanker. In the meantime, she found one they can rent to prove to the Council that they  
22 need to buy one. She can also rent a mini-excavator. She can prove that it's cheaper to  
23 buy a mini-excavator, but she had to prioritize the ASR's.  
24

25 Desler stated the Council used to not want to buy equipment. They're seeing a  
26 healthy mix of equipment ownership versus rental.  
27

28 Nelson stated there are other costs to equipment that has been purchased. They  
29 have to weigh all the costs.  
30

31 Brenner asked if they are cutting back on chip sealing. She heard from a former  
32 councilmember that they save money only on real windy and steep roads. It's not good for  
33 cars. Monsen stated they are not chip sealing less. However, they are beginning to use  
34 asphalt concrete instead of chip seal in residential subdivisions. Chip seal is the cheapest  
35 way to maintain a surface with lower speeds and volumes. Chip seals don't perform well on  
36 roads such as the Guide Meridian, Hannegan Road, and Northwest Road that have higher  
37 speeds and volumes.  
38

39 Weimer asked when the special districts will be created. Monsen stated presume  
40 that they will finish the assessment role for Birch Bay in early 2007, so they can begin to  
41 collect in 2008. The same timeline is possible for Lake Whatcom, depending on the detail  
42 and public process related to the stormwater plan.  
43

44 Brenner stated she would like to find out more about potential changes and  
45 integration.  
46

47 Nelson asked about page 429. The County doesn't have the resources to do  
48 anything.  
49

50 Bruce Roll, Public Works Department, stated this ASR is to deal with the general  
51 administration of the Joint Lake Whatcom program. It's not to implement the Lake  
52 Whatcom Management Plan.  
53

1 Nelson stated rephrase the ASR language, because that's what it states.  
2

3 Brenner asked if they know for sure that over half of the people in Whatcom County  
4 get their drinking water from Lake Whatcom. Roll stated around 87,000 people get their  
5 drinking water from Lake Whatcom. He doesn't know the accuracy of that number without  
6 talking to Bellingham and Water District 10.  
7

8 *(Clerk's Note: The committee took a five-minute break at 3:32 p.m.)*  
9

#### 10 Planning And Development Services Department

11  
12 Hal Hart, Planning and Development Services Department Director, submitted and  
13 read from his budget message *(on file)*. Also they will do wetland banking with existing  
14 staff. They will do forest issues and forest conversions with existing staff. Low impact  
15 development will be done with grants or existing staff as staff gets done with shorelines.  
16

17 Brenner stated there must be specific staff to shepherd people through the process  
18 in a timely way. The developer is not going to lose money through inclusionary zoning. The  
19 developer will factor that in. The cost goes back to the property owners. Set something up  
20 so it doesn't cause a problem for the property owners.  
21

22 Hart stated they will continue with Comprehensive Plan process and zoning docket.  
23

24 Crawford stated he is very opposed to putting the inclusionary zoning and affordable  
25 housing into a line item, ASR 2007-397, that is part of the code review and code scrub  
26 process. Keep the two items very separate. Don't tie funding for one effort with the other  
27 effort. It's a separate effort, so give it its own funding source.  
28

29 Fleetwood asked if it's too late to submit another ASR if the two issues must be split.  
30 He asked how staff would work on that zoning text amendment if there isn't money in the  
31 budget to assist in the process and it will have to be consultant driven. Hart stated they  
32 would hire an extra help position. They may use what the City produces. The City is  
33 looking at the same issue at about the same time.  
34

35 Fleetwood stated look at the issue as a joint effort. He asked how to put in some  
36 additional money.  
37

38 Crawford stated they would have to work with the administration.  
39

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

42 Crawford continued to state that his biggest concern is that it shouldn't drive the  
43 separate issue of the revision of Title 20 and Title 21. This issue could be processed more  
44 quickly. The Title 20 and Title 21 revision is a two year process, at minimum.  
45

46 McShane stated he doesn't share the same concern. His concern is going forward  
47 without first figuring out where the majority of the Council wants to go. He is leery of  
48 joining with the City in terms of where they locate affordable housing. Affordable housing  
49 should be developed close to urban services. They should have a meeting soon as a Council  
50 on what things they may think they want to see. He's comfortable with the budget item as  
51 it is, as a placeholder.  
52

53 Crawford stated he agrees with Councilmember McShane.

1  
2 Brenner stated they need to prioritize what they want to do with affordable housing.  
3

4 Weimer asked about the staffing level in terms of all the things that the Council  
5 wants the department to do. Hart stated there are many programs in the Comprehensive  
6 Plan.  
7

8 Crawford stated the department has received increases in FTE's in recent years.  
9 Hart stated they are trying to simplify the permit passage process so it will take fewer staff.  
10 More than ever, they are being asked to work on the zoning ordinance because the County  
11 is urbanizing. The special projects are multiplying across the county.  
12

13 Dennis Rhodes, Planning and Development Services Department, stated the permit  
14 center takes up 85 percent of the staff's workload. That means 15 percent of the rest of the  
15 staff are doing all these projects. They may be full and not have room for a lot of new  
16 people, but there aren't many people to do the work on these projects. More projects are  
17 coming up every day.  
18

19 McShane asked where the Futurewise project is. Hart stated it has been appealed.  
20 They are waiting for the appeal outcome. He's heard the appeal will be successful, so they  
21 expect to do the work. Until the appeal is done, they will use the Futurewise staff for other  
22 projects.  
23

24 McShane asked what they anticipate in terms of the Bellingham urban growth area  
25 (UGA) issue. It will drag on for awhile. Hart stated staff has a recommendation now on key  
26 pieces. The Planning Commission is going a different direction. The City wants 2,000  
27 additional acres to the north. The staff recommendation is to monitor that growth jointly  
28 with the City. That will influence the 2008/2009 County budget. The State mandated  
29 deadline for the UGA's is April.  
30

31 Nelson asked about legacy planning that will cost \$120,000, even though there is  
32 State and federal financing also. Hart stated Whatcom County is also a regional  
33 government. They work for people in the cities, also. Salmon recovery, Puget Sound work,  
34 and urban growth areas are regional issues for which the County must plan. Look at those  
35 big picture questions, get everyone in the room to discuss how to maintain quality of life,  
36 and see if there is something they can all agree on.  
37

38 Nelson stated they can't agree on UGA boundaries. They can't plan 100 years  
39 ahead. Desler stated this item came from a group of citizens in the community who asked  
40 for this larger effort. Initial efforts have begun. The question they've asked is where  
41 Whatcom County will grow over the next 50 to 100 years. The idea was to ask the State  
42 legislature, other jurisdictions, and foundation grants for financial support. The Executive  
43 said he would support this effort and put it in his proposed budget. That's why it's here.  
44

45 Hart stated Roger Van Dyken and the Concerned Christians of Lynden started this  
46 process two-years ago.  
47

48 Crawford asked why this hasn't come to the County Council, as the policy setting  
49 body of Whatcom County. This seems to have taken on a life of its own. The Council hasn't  
50 talked about this project, and now it's being asked to fund it. Desler stated it is a proposal  
51 from the Executive to the Council. It's the administration's to propose, and the Council's to  
52 dispose.  
53

1 Fleetwood asked if the State money has actually been appropriated. Desler stated it  
2 has not. There will be an effort to seek legislative appropriation during the next session.  
3 Before they purchase this kind of service there needs to be a request for proposals (RFP)  
4 and a selection process.

5  
6 Crawford asked who is promoting this plan. Hart stated Conservation Northwest's  
7 Seth Cool, Lisa McShane, and a few others put this forward.

8  
9 Brenner stated the County is facing some crises that it won't take care of. She's  
10 concerned about doing this at this point. The County can't make decisions for 100 years.  
11 The County has mandates of what it wants to protect. They must draw the line, and protect  
12 those things. She's not comfortable with another plan that is similar to what they've had.  
13 Hart stated they need a venue to work with the other cities. There needs to be a good  
14 discussion among all the councils.

15  
16 Brenner stated they don't need to spend \$60,000 per year to do that. Just set up  
17 meetings with the councils. Hart stated this could tee up that conversation. It would bring  
18 the focus on what growth does on a larger perspective to the natural systems.

19  
20 Miscellaneous Non-Departmental

21  
22 Desler stated the general fund-supported, non-department requests are included on  
23 pages one through four of the supplemental handout on non-departmental and convention  
24 center requests. He explained the handout (*on file*).

25  
26 Regarding the law enforcement officer and fire fighter (LEOFF) I equity transfer, the  
27 County is obligated to pay for the health and long-term care costs of all the retirees in the  
28 Sheriff's Office who were employed under the status of LEOFF I. They've estimated those  
29 costs to be \$7 million just for the medical portion. The County is obligated to pay for long-  
30 term care, which it hasn't yet calculated. The best way to approach this is to set aside \$3.5  
31 million in a separate fund, then appropriate about \$223,000 per year to pay for the ongoing  
32 health costs of all the retirees with that status. If that annual amount isn't enough to  
33 support those expenses, they would take money from the \$3.5 million fund. If it is more  
34 than enough, then the remainder will go into the fund. In late 2007 or in 2008, the County  
35 will begin to bond for major capital projects. They want to be sure that it can show the  
36 bond holders that Whatcom County is fiscally prudent that has properly documented its  
37 long-term liabilities. This is one way to do that.

38  
39 Carole MacDonald, 8174 Mt. Baker Highway, stated she would address the Mt. Baker  
40 Foothills Chamber of Commerce request. She is available for questions. Letters of support  
41 have been sent by the Mt. Baker Ski Area and Columbia Valley. Of the number of people  
42 who come to Whatcom County, 34 percent go to the Mt. Baker corridor and 35 percent go  
43 to the city. They must have a really good visitor center to inform people about the safety of  
44 the mountain, where to go, where to find accommodations, and how to see the rest of the  
45 county. She submitted information (*on file*).

46  
47 McShane asked if they've applied from any funding from the Mt. Baker/Snoqualmie  
48 Resource Advisory Council. They have funding for this type of project, to a certain degree.  
49 MacDonald stated she thought funding wasn't available for them. She will check again.  
50 They've acquired federal funding to do a feasibility study for a permanently located building  
51 on the Mt. Baker Highway. They are gearing up for that now. When this report is done,  
52 they will go for the second round of financing, which the County engineers will support.

1 That is to buy a piece of property and build a building. They hope to develop a park-and-  
2 ride with a bus that goes up to the ski area.

3  
4 There was discussion about the bathroom project in Glacier, the Ride 542 project, and  
5 an old resolution to protect Big Foot.

6  
7 Jessica Staten, Lydia Place Board President, stated funding is a big part of their  
8 budget for a critical area of programming, the therapeutic children's program. She  
9 described the program. They get funding from a variety of sources, including the United  
10 Way, City of Bellingham, and fundraising. They serve up to 18 individuals at a time. On  
11 average, they serve 30 or 40 individuals per year.

12  
13 Mary Jo Durburrow, Whatcom County Readiness to Learn Consortium, described her  
14 program.

15  
16 Nelson asked if an outcome of this program is to reduce the high school dropout  
17 rate. Durburrow stated it is. They are getting really good evaluations. The State has  
18 identified trends. The Whatcom consortium served more kids than any other consortium in  
19 the state. They can show a direct correlation between number of interventions and  
20 improvement in attendance, grades, and classroom behavior. Early intervention keeps kids  
21 in school.

22  
23 *(Clerk's Note: End of tape 4, side B.)*

24  
25 Derek Long, Sustainable Connections, stated he supports the request for the Green  
26 Building program and Food and Farming program. The Green Building program is about two  
27 and a half years old. He submitted information *(on file)*. He described the Green Building  
28 program and read from the handout.

29  
30 Jane Pemble, Friendly Visitor Program Program Director, stated per program is  
31 submitted by the Northwest Regional Council for the Interfaith Coalition of Whatcom  
32 County. She described the program.

33  
34 Nelson stated that the Northwest Regional Council sponsored this program a year  
35 ago, and then dropped it. The County administration took up the program. It's a  
36 worthwhile program. After the end of this year, he would like to know specific information  
37 about number of people served and effectiveness of the program. Pemble stated they were  
38 dropped due to budget cuts, not performance.

39  
40 Brenner stated this program is compatible with pandemic flu planning.

41  
42 Tom Dorr, Small Business Development Center, described his rural outreach program  
43 from the University to the business community.

44  
45 Crawford asked if the Economic Development Association (EDA) quit funding them in  
46 the amount of \$35,000. Dorr stated they stopped funding \$75,000. Everson and Nooksack  
47 have a small appropriation request.

48  
49 Lou *(Last name inaudible)*, 9999 Mt. Baker Highway, stated the current visitor's  
50 center is not very large. It is an opportunity for economic and development. Traffic has  
51 increased by 13 percent in the past year. More people are coming to visit and recreate.  
52 Support the Welcome Center. Also support Lydia Place and the Green Building project.

1 Sue Parrott, Commission Against Domestic Violence, stated the Council knows what  
2 they do and that they appreciate the Council's support. The City should match the same  
3 request of \$50,000. They are trying to get the other small cities to contribute something.  
4 They plan to submit another federal request.

5  
6 Jim Miller, Council of Governments (COG), thanked the Council for its ongoing  
7 support and described the components of his requests.

8  
9 McShane asked the role COG plays with connectivity between other transportation  
10 providers to Whatcom, Island, and Skagit county. People who use that system are  
11 impressed. Miller stated the COG set up the pilot program.

12  
13 Brenner stated the people from the Airporter contacted the COG about providing that  
14 service. They are an existing business that can provide those kinds of services. They  
15 should be considered as a provider. Support this existing business. Miller stated he agrees.  
16 If the private sector can step forward and make a program work financially, they should do  
17 it.

18  
19 Crawford stated Mr. Miller has been a good advocate for the jurisdictions in the  
20 county at the State and federal levels. He also gets the jurisdictions to come together and  
21 agree on issues.

22  
23 Ken Oplinger, Bellingham/Whatcom Chamber of Commerce and Industry, described  
24 his request for funding for the Ski to Sea Festival. He invited councilmembers to ride the  
25 Chamber's chase van during the race. They will be the only people who will get to see the  
26 first couple of exchanges during the entire race.

27  
28 John Cooper, Bellingham/Whatcom Tourism, submitted and read from his comments  
29 (*on file*).

30  
31 Brenner stated she is disappointed that the Sean Humphrey House didn't get  
32 funding. No one else in the state does what they do to provide home hospice care in a  
33 home facility.

34  
35 Nelson asked about Lake Whatcom watershed land acquisition. Desler stated there  
36 are a series of projects to acquire land in the watershed. They anticipate using other funds  
37 to assist with that effort. They have worked with the Lake Whatcom Advisory Committee.  
38 They have looked at a series of properties that will come before the Council for  
39 consideration. They have also worked on the possibility of doing a significant exchange of  
40 properties with (*inaudible*).

41  
42 Crawford asked if the request is \$330,000 out of the general fund for purchase of  
43 properties. Desler stated it includes legal costs and surveying costs.

44  
45 Nelson asked what properties are involved and who made these decisions. Desler  
46 stated it's a new project area that the Executive would like to talk about more extensively  
47 with the Council. The administration won't do things for which the Council doesn't approve.

48  
49 Nelson stated he would like more information.

50  
51 McShane stated this request is a placeholder for funding. Whether the property is  
52 purchased and exchanged is a matter of whether or not the Council would commit to doing

1 that. They are being up front about the cost ahead of time. The cost is for looking at some  
2 of these lands where conservation futures funds may not apply.

3  
4 Desler stated discuss this further in executive session because of land acquisition  
5 issues. He gave a history of County-owned lands managed by the State Department of  
6 Natural Resources (DNR). Bring those lands back to County ownership. The County has  
7 been trying to acquire property in the watershed over the last few years.

8  
9 Brenner stated they need to have more discussion about this.

10  
11 Council and Hearing Examiner

12  
13 Dana Brown-Davis, Clerk of the Council, stated the budget is status quo. The only  
14 ASR is a digital recording improvement to the sound system in 2007, adding video in 2008.

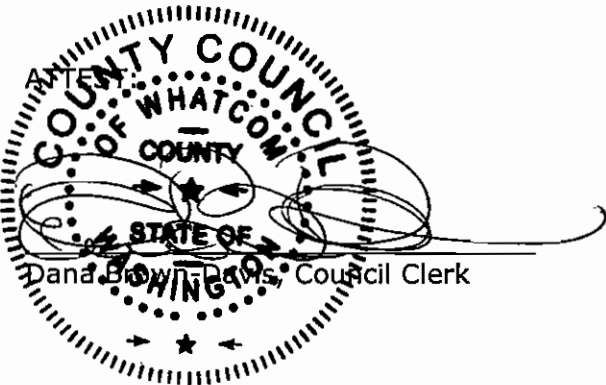
15  
16 Executive

17  
18 This item was not discussed.

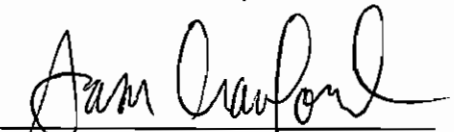
19  
20  
21 **ADJOURN**

22  
23 The meeting adjourned at 5:25 p.m.

24  
25   
26 \_\_\_\_\_  
27 Jill Nixon, Minutes Transcription



WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Sam Crawford, Committee Chair