

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

October 9, 2007

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
Dan McShane

Absent:
None

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

COUNCIL "CONSENT AGENDA" ITEM

1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN AMENDMENT TO THE CONTRACT WITH OLYMPIC SECURITY SERVICES, INC. TO PROVIDE SECURITY SCREENING SERVICES THROUGH DECEMBER 31, 2008 IN THE AMENDED AMOUNT OF \$120,000 FOR A TOTAL OF \$360,500 (AB2007-388)**

Nelson moved to recommend approval to the full Council.

Motion carried unanimously.

2. **WHATCOM COUNTY HOUSING ADVISORY BOARD REQUESTS COUNCIL APPROVAL OF RECOMMENDATIONS FOR FUNDING AND ENTERING INTO CONTRACTS FROM 2060 REPAIR & RETENTION RFP #07-77 IN THE AMOUNT OF \$115,000 (AB2007-389)**

This item was withdrawn from the agenda.

3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY HEALTH DEPARTMENT AND WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$1,398,638 (AB2007-390)**

McShane moved to recommend approval to the full Council.

Motion carried unanimously.

4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A JOINT FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND THE US DEPARTMENT OF THE INTERIOR/US GEOLOGICAL SURVEY FOR OPERATION AND MAINTENANCE OF TWO STREAM FLOW GAGING STATIONS AT BERTRAND CREEK IN THE AMOUNT OF \$42,000 (AB2007-370)**

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

2
3 **Motion carried unanimously.**

- 4
5 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO MODIFY THE**
6 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
7 **BELLINGHAM FOR THE WHAT-COMM COMMUNICATIONS CENTER TO EXTEND**
8 **THE AGREEMENT FOR AN ADDITIONAL FIVE-YEAR PERIOD (AB2007-391)**

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

11
12 Nelson stated he thanks the City for its cooperation and coordination with the
13 County.

14
15 Crawford stated significant issues must be resolved in this five year period, including
16 cost and inoperability issues.

17
18 **Motion carried unanimously.**

- 19
20 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
21 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**
22 **SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$611,378**
23 **(AB2007-392)**

24
25 Dewey Desler, Deputy Administrator, stated they are transitioning to the Humane
26 Society contract. The County will own all the equipment. The equipment will be in the
27 custody of the Humane Society, which will maintain and protect the equipment. The
28 Humane Society requests the ability to start hiring and training staff. The administration
29 developed a budget with the Humane Society for hiring and training staff and handling other
30 transition issues that will take place from now to the end of November. If the Humane
31 Society spends the money, it will get reimbursed. If not, it won't get reimbursed. This
32 Consent Agenda item will handle transition issues. Consent Agenda item ten authorizes the
33 award of bid for pickup trucks. Consent Agenda item seven will provide a lease between the
34 County and Humane Society. It is good business practice to formalize a lease agreement
35 for a County-owned facility. Consent Agenda item six covers the contract for services to the
36 end of 2008. It is also a reimbursable contract. The cost of service for 2008 is \$611,000.
37 This amount will be less some estimated fees and license income that would occur in this
38 program. The administration will need to request one other supplemental in 2007 of about
39 \$38,000 for expenses. In 2008, they estimate requesting a supplemental of about
40 \$116,000.

41
42 **Nelson moved** to recommend approval of Consent Agenda item six to the full
43 Council. He asked the amount of the supplemental. Desler stated the Council-approved
44 budget amount for 2008 is about \$395,000. The cost of the service for 2008 will now be
45 more than that. It will be \$216,000 more, minus about \$100,000 they hope to collect in
46 fees and license income. The estimated net additional cost for 2008 will be about \$116,000.

47
48 Nelson stated this has been a long, drawn out process, especially with the llamas.
49 Security Specialists Plus (SSP) worked as best as they could with the amount of funding the
50 County provided. He hopes the County will receive the "Cadillac" service with this amount
51 of money. Councilmember Caskey-Schreiber has worked diligently to get them the best
52 protection in the community for the animals. Given the services and amount of money the

1 County is paying, that is exactly what they should get. He hopes the community will get the
2 benefit of this and they can move forward.

3
4 Fleetwood asked about Consent Agenda item ten. He asked if they budgeted for the
5 trucks ahead of time, and if these would have gone to SSP. Desler stated SSP was
6 expected to purchase, maintain, own the vehicles. With this contract, the County will
7 purchase and maintain the vehicles. They would become part of the County fleet. The
8 County will pay for fuel and maintenance. The equipment, including the vehicles, was part
9 of a supplemental request approved during the last Council meeting.

10
11 McShane asked if the County purchased the building, and from which fund it was
12 paid. Desler stated the County purchased the building from the general fund.

13
14 There were modest corrections requested by the Humane Society legal counsel to
15 the contract. He submitted the changes (*on file*). Should the Humane Society handle more
16 than 1,500 animals in a year, the County will agree to negotiate a possible supplemental
17 budget to handle the additional costs. That is something the Humane Society requested.
18 He asked the Council to approve this contract as amended.

19
20 Crawford stated they are spending \$600,000 to handle 1,500 animals. That's \$400
21 per animal, which is ridiculous.

22
23 Brenner asked what kind of negotiation they are talking about. Desler stated the
24 administration submitted a copy of the contract to the Council for publishing last week.
25 After that, the Humane Society requested changes. He indicated the changes in the
26 substitute contract.

27
28 Nelson asked the definition of animals that are contained in the shelter facility. He
29 asked how the 1,500 is determined. Desler stated it is animals that have been turned in or
30 brought in by field staff and citizens.

31
32 Nelson asked if animals kept for an hour count towards the 1,500. Desler stated he
33 assumes they do.

34
35 Nelson asked how many are traditionally handled now.

36
37 Lori Daddio, Executive's Office, stated they traditionally handle between 1,200 and
38 1,350 animals per year. On the high end, it is 1,500. This budget was based on 1,500
39 animals for 12 months. That was the estimate from the Humane Society. They may not
40 need to add dollars. They will consider a supplemental request if the facility handles 1,500
41 animals, it appears that the remaining budget won't sustain the additional amount, and they
42 receive 150 animals above the 1,500. This is all done by reimbursement. If the Humane
43 Society doesn't spend the money, it won't get the money. The \$611,000 would be paid only
44 if the Humane Society doesn't collect \$1 in fees. They know that won't happen. This is a
45 total cost, whether or not the County puts forward the money on building maintenance,
46 vehicles, or anything else. This has everything to do with animal control.

47
48 Brenner stated she doesn't know why the cost is \$400 per animal, but the County
49 spent less than that with the other contractor, and it wasn't working. The Humane Society
50 has a good reputation. No one but the Humane Society can handle it.

51
52 She got an email about wild animals. If there is an injured wild animal, the Humane
53 Society will respond and hand the animal over to the facility. The Humane Society doesn't

1 handle healthy wild animals. They handle domestic animals. Desler stated that is noted on
2 page 13 of the contract.

3
4 Crawford asked if the Humane Society agreed to change some of its adoption
5 procedures. It used to be that Humane Society wouldn't adopt out cats if they were used
6 for mousers. People in the county have different needs for the animals.

7
8 Penny Cistero, Humane Society, stated they don't require that cats be strictly indoor
9 animals, but it's advised. They don't enforce it.

10
11 Crawford stated he wasn't allowed to take the cats. Cistero stated she can't speak to
12 what happened in the past. She can only tell them about the current policies.

13
14 Crawford asked the current policy on cats. Cistero stated they will look at each
15 situation and advise that it is in the animal's best interest to be kept indoors or outdoors
16 with supervised activities, because there are so many inherent dangers outside.

17
18 Crawford asked if someone would be able to adopt four or five cats that would live in
19 a barn. Cistero stated they would have to look at the situation. They don't adopt animals
20 out for utilitarian purposes. They adopt them out as companion animals.

21
22 Brenner stated cats are healthier if they're kept indoors.

23
24 Crawford stated he is voting against this. This is an outrageous amount of money.
25 This is not in the best interest of the majority of the people of Whatcom County in terms of
26 how this contract is negotiated and the expense. The cost is off the scale. It's
27 irresponsible.

28
29 McShane stated he is trying to understand the fee schedule. He asked for a
30 summary of whether this is similar to the fees they've had or if they are trying to move
31 things more toward full coverage. Some animals won't ever get out of the pound. Daddio
32 stated that if an animal is out running around loose and has a tag, and the Humane Society
33 picks it up and takes it to the facility, it will cost \$40 to get back a male altered dog with a
34 license. Without a license, the cost would be \$60. They will then license the animal before
35 it leaves. It is more expensive if the animal is unaltered.

36
37 McShane stated part of this is a public service. It's in the community interest to
38 manage animals that may not have been well managed by their owners. That is balanced
39 with trying to make up the cost. He asked if there is an overall philosophy. Daddio stated
40 these fees aren't that different from what SSP charges. In some cases, the fees are
41 reduced. The adoption fee has been raised because microchips are added. A majority of
42 the costs were dropped. SSP did not differentiate between a licensed and unlicensed
43 animals. The Humane Society does. Every animal that comes in, it is seen by a
44 veterinarian.

45
46 McShane asked if everyone is comfortable with the costs. Daddio stated the Humane
47 Society has a level of service it provides and a philosophy. The Humane Society didn't want
48 to waiver from that philosophy.

49
50 The animal control service contracts are different, so they can't be compared. One
51 was a fee-for-service and one was a reimbursable. They are totally different. The County
52 owns all the equipment. Any equipment purchased falls to the ownership of the County, so
53 the County can have whomever walk in to provide the service with all the equipment it

1 needs if the Humane Society decides to walk out. This is a one-time set up with the startup
2 costs. It's a lot of money, but the County will not be put into a situation where it will ever
3 have to buy this stuff again.
4

5 Caskey-Schreiber stated she agrees this is a lot of money. They are trying to curb
6 the need for this kind of service. They only way to do that is to work with a provider that
7 has a spay and neuter program, a strong adoption program, and a strong volunteer
8 program. A lot of this is public service and public education. The only way they will be able
9 to reduce the cost is to try to get the public to be responsible for their animals. This cost is
10 not that much compared to other counties. King County pays about \$500,000, but has so
11 many complaints that it just put together an animal advisory committee, which says their
12 shelters are in deplorable conditions. Clearly that amount isn't enough. Thurston County
13 spends about \$450,000 a year, with a population less than Whatcom County. Jefferson
14 County has a population of 27,000 spends \$205,000 per year. Kittitas County spent close
15 to \$570,000, and they have about 230,000 people. Whatcom County is in the ballpark.
16 Unfortunately, this is an expensive service. Until people are more responsible, they won't
17 get away from these costs if they want a quality, accountable service. She is getting tired
18 of getting calls and complaints about what should be happening out there. She hopes for
19 the best with this contract. She hopes to see a difference. Eventually, she would like to
20 have one face for animal services in the county and under one building. All costs will go
21 down somewhat.
22

23 Nelson stated the City of Bellingham pays \$200,000 for its population, with a much
24 smaller area. He asked if the City will use the County-owned space or a separate facility.
25 Desler stated the intention is not that the City will use the County facility. However, some
26 people in the City may end up at the Bakerview facility, and some people from the County
27 will end up at the airport location.
28

29 Daddio stated it's separated out. The Humane Society created an entire chart of
30 accounts specifically for the County. The County facility will only handle county situations.
31 They may take in an animal from someone from the city, but they will transfer it to the
32 main Humane Society facility. The County will not underwrite any costs of any other city. A
33 Total separate chart of accounts will be audited with every invoice. The fees will come off of
34 the expense invoice. The Humane Society has line items for every dollar spent. The
35 Humane Society can show where every penny goes.
36

37 Desler stated there will be a phone system that is tied with the County.
38

39 Nelson stated he urges Councilmember Crawford to move this forward to the full
40 Council. Councilmember Caskey-Schreiber worked diligently to move forward this contract
41 to raise the level of care in the community to this high level. It is a high end version of the
42 service, and was the only option forced upon the administration. The Council must support
43 that, and move this forward.
44

45 Brenner asked if the other counties cited have separate contracts with their cities.
46

47 Caskey-Schreiber stated they do.
48

49 Brenner stated more is involved than \$400 per animal. She asked how the cost
50 averages that way. She understands there are upfront costs. Daddio stated this budget
51 includes the County's maintenance expenses on the building. This budget is not just for
52 animal care. The cost includes vehicle expenses, building expenses, utilities, and
53 everything. The Humane Society will collect fees to offset the \$611,000.

1
2 Brenner asked the City's cost and the average fees that come in from the City's
3 contract. Cistero stated the City of Bellingham brings in close to \$100,000 of income from
4 fees. The City has a shared cost. There are four different contracts with the Humane
5 Society. It provides animal control for Bellingham, Blaine, Sumas, and Ferndale, in addition
6 to the Humane Society programs. The City of Bellingham's cost is a shared cost. The
7 County is a stand-alone facility. The cost of the facility will be the same no matter how
8 many animals they take in.
9

10 Brenner asked if the County can do that kind of partnership in the future. Cistero
11 stated the Humane Society is building a new facility in Ferndale to handle 6,000 animals a
12 year. That would house animals from all contracts, including the County.
13

14 ***Motion carried 2-1 with Crawford opposed.***

- 15
16 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A LEASE**
17 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**
18 **SOCIETY FOR THE FACILITY KNOWN AS 1661 BAKER CREEK PLACE FOR THE**
19 **PURPOSES OF PROVIDING ANIMAL CONTROL AND SHELTER SERVICES IN**
20 **THE AMOUNT OF \$10 PER YEAR (AB2007-393)**

21
22 *(Clerk's Note: See Consent Agenda item six for discussion of this item.)*
23

24 ***McShane moved*** to recommend approval to the full Council.
25

26 ***Motion carried 2-1 with Crawford opposed.***
27

- 28 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A START**
29 **UP AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**
30 **SOCIETY FOR TRANSITION COSTS FROM THE CURRENT ANIMAL CONTROL**
31 **PROVIDER TO CONTRACTOR IN THE AMOUNT OF \$100,449 (AB2007-394)**
32

33 *(Clerk's Note: See Consent Agenda item six for discussion of this item.)*
34

35 ***Crawford moved*** to recommend approval to the full Council.
36

37 ***Motion carried 2-1 with Crawford opposed.***
38

- 39 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-101**
40 **FOR TWO ¾ TON PICKUP TRUCKS WITH ANIMAL BOXES FOR USE BY THE**
41 **HUMANE SOCIETY TO LOW BIDDER SOUND FORD IN THE AMOUNT OF**
42 **\$104,390.83 (AB2007-396)**
43

44 *(Clerk's Note: See Consent Agenda item six for discussion of this item.)*
45

46 ***Nelson moved*** to recommend approval to the full Council.
47

48 ***Motion carried 2-1 with Crawford opposed.***
49

- 50 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-89**
51 **FOR WATER TREATMENT SYSTEM AT SAMISH PARK TO LOW BIDDER CALLEN**
52 **CONSTRUCTION IN THE AMOUNT OF \$40,324.80 (AB2007-395)**
53

1 **Crawford moved** to recommend approval to the full Council.
2

3 **Motion carried unanimously.**
4

5 **11. REQUEST AUTHORIZATION FOR THE COUNTY AND CITY ADMINISTRATIONS**
6 **TO DRAFT AN INTERLOCAL AGREEMENT ESTABLISHING A NEW JOINT**
7 **MANAGEMENT STRUCTURE FOR THE LAKE WHATCOM RESERVOIR AND**
8 **WATERSHED (AB2007-397)**
9

10 Dewey Desler, Deputy Administrator, stated that in September, the Executive and
11 Mayor Douglas discussed what they need to do to protect Lake Whatcom as a drinking
12 water reservoir. They've presented the possibility of developing an interlocal agreement
13 that would combine staff efforts and put increased emphasis on addressing key issues
14 related to the lake, planning, regulation compliance, education, and other new initiatives.
15 The administration asks the Council to encourage and authorize the administration to draft
16 an interlocal agreement with the City to develop a separate organization to focus on Lake
17 Whatcom.
18

19 Tim Douglas, City of Bellingham Mayor, stated protection and preservation of the
20 Lake Whatcom reservoir and its surrounding watershed are critical. They are the drinking
21 water source for a significant part of the total population. Much progress has been made,
22 through the goodwill efforts of the Bellingham City Council and its City administration and
23 the County Council and County administration. See if there is a way to develop a
24 cooperative and collaborative management structure to take them a further step ahead to
25 achieve what needs to be done for Lake Whatcom in the coming years.
26

27 This interlocal agreement will create a new unified management effort. The City and
28 County have both invested money in the lake. They will rely heavily on watershed residents
29 to be careful about how they manage their properties to minimize negative impacts on
30 water quality. Dissolved phosphorus is the biggest challenge, but there is not one solution
31 for it. They're making improvements, but they can't eliminate dissolved phosphorus without
32 the combined efforts of the citizens.
33

34 He proposes a unified management effort to create a directive for the lake and three
35 staff positions for education, compliance, and planning.
36

37 *(Clerk's Note: End of tape one, side A.)*
38

39 Douglas continued to state that the staff would also work with the community on
40 regulation compliance. The total cost estimate for the positions and program is about
41 \$500,000 per year. The City and County are putting money into these efforts separately.
42 The agreement is to split the cost 50-50. That doesn't mean they would each invest
43 \$250,000 of new dollars each from the County and City. They would look at how to use
44 resources already invested to get the best possible effects. The City Council unanimously
45 authorized the City to enter into discussions about this interlocal agreement. He asks the
46 County Council to do the same.
47

48 McShane asked if the idea is to have a placeholder, and then the staffing would be
49 hired, and then the interlocal agreement would be worked out after staffing is hired.
50 Douglas stated work out the interlocal agreement before they hire staff. They want to
51 define job descriptions and program requirements. They must decide whose employees
52 these will be.
53

1 McShane asked if there has been discussion for funding mechanisms for projects.
2 Douglas stated all those decisions will be whatever the two Councils figure out. The City
3 Council and County Council would provide policy and budget direction. The Mayor and
4 Executive would be responsible for strategy of the policy, and the staffs would carry out the
5 strategy.
6

7 Brenner stated it's a great idea for the City and County to work together on Lake
8 Whatcom. She won't agree to one issue, which is creating another director position. She's
9 not interested in that. The County just hired a water resource manager. The City and
10 County should each have their own staffs, which would then work together. Don't create
11 another directorship. They need more frontline people on the ground doing education,
12 enforcement, and grant writing, not another director. The County should create a natural
13 resources department. This proposal could be a segment of that.
14

15 Crawford asked if this would replace some of the current positions in both the City
16 and County. Desler stated there has been discussion of that. If the County Council desires
17 the administration to move forward, they have to get into those details and answer those
18 questions as they negotiate an interlocal agreement. They would have to outline a general
19 work program for staff. The memos include general principles.
20

21 Crawford asked if it is possible that the County's new water resources person could
22 be the director of this program. Desler stated there are many possibilities.
23

24 Fleetwood stated he is inclined to support this request. He would rather address
25 those questions up front. Otherwise they are authorizing something without specifics. He
26 will support the request, recognizing that they are just going to bring back a draft.
27

28 He asked if this will replace the Joint Lake Whatcom Management Committee.
29 Douglas stated the County and City have broadest jurisdiction and responsibility for many
30 things in the watershed. That doesn't mean the appropriate parties won't convene. The
31 policy guidance would come from the City Council and County Council together. He doesn't
32 know that the Joint Lake Management Committee has to be abolished. They have to figure
33 out how this would work best.
34

35 Crawford asked the role of Water District 10 in this structure. Douglas stated the
36 district will be consulted. The community needs a more unified management. Practices
37 haven't been consistent, even with written agreements. The water districts would continue
38 their responsibilities for services in their district. However, overall land use decisions and
39 practices would come from the two councils.
40

41 Weimer stated he supports this in general. He likes the idea of the City's advisory
42 committee being expanded to advise over the whole reservoir. It's a good move to remove
43 some of the junior districts from making governmental policy. However, he's not clear that
44 there is any difference from what exists now. The inter-jurisdictional coordinating team that
45 reports to the Executive and Mayor meet frequently. He asked if that team does right now
46 what this proposes to do. He asked if that doesn't work. Douglas stated that doesn't
47 necessarily work, but not because anyone is failing to do their jobs. There isn't unified
48 management. Each jurisdiction is making good efforts. There isn't a clear direction to
49 strengthen the effort.
50

51 Weimer stated he supports this in general. Any coordination and movement in the
52 reservoir that is better is a good idea. He likes the idea of the City's advisory committee
53 being expanded to advise over the entire reservoir. That is a good move. Also, it's good to

1 cut out the junior governmental districts from the policy decisions. He doesn't have any
2 problem with the water district dropping off the chart. He's not sure there is any difference
3 in the structure from what there is now. Now, there is an inter-jurisdictional coordinating
4 team that reports to the Executive and Mayor. That team meets frequently. He asked if
5 they are doing what this new structure would do, if that team structure has not worked, and
6 if that team has discussed this new structure. Douglas stated he doesn't think it works
7 entirely. There isn't any unified management. Good efforts are happening in each of the
8 two jurisdictions. There isn't a clear direction and accountability that would strengthen the
9 effort.

10
11 Weimer stated the only difference is that there would be one manager to coordinate
12 that team better. Douglas stated another change is that they would have to specify the
13 work program. By every implication, there is a clearer compliance responsibility than what
14 currently exists. It would provide a quicker response on compliance issues than either
15 jurisdiction can provide. It also provides coordinated planning efforts for land use
16 differences. Those issues would be far more focused under this structure.

17
18 Desler stated the County and City have worked together the last ten years. This is
19 an effort to take a major step forward to becoming more integrated and focused on Lake
20 Whatcom. Begin to hire and direct staff who will focus solely on the watershed. Their
21 actions will overlay other County and City functions, such as planning. This staff component
22 is the first step to integrate and combine administrative functions.

23
24 Weimer stated the County is trying to get its own departments to coordinate
25 watershed issues. He asked about adding this other component and who would do
26 enforcement. He asked if this new department will have enforcement powers. Desler
27 stated it's been discussed. It would have to be built into the interlocal agreement.

28
29 Weimer stated he would like to have answers to his questions.

30
31 Nelson stated questions for the City should include how this reflects upon the City's
32 stormwater taxes or whether this integration project does a better job coordinating funding
33 capacities. Forming another body to undertake this role is almost like the formation of a
34 district, but isn't going about the legal process to do that. The intention may be to help the
35 public understand that this is required. They must have a way to understand the financial
36 impacts to the community. The State is working on answers to the 303(d) listing. They
37 don't know yet what they must accomplish.

38
39 The roles and responsibilities of the junior districts are important and must be
40 included if they are going to work collaboratively. They are important in the rural areas.
41 He's not comfortable with not including them. Enforcement is a significant question. He
42 doesn't see how they can have legal authority, even through an interlocal agreement.
43 There isn't even an appeal mechanism.

44
45 Caskey-Schreiber stated she questions the timing of this. One administration is
46 going to change after the election. This is a good direction, but she questions the wisdom
47 of putting such a thing in motion when they are about to have a leadership change. She's
48 okay with entertaining the idea, as long as they are not financially committed. The
49 questions of the other councilmembers are good ones. She would like to know how this
50 affects them currently, including the processes that are in place and how this affects the
51 County in the long-term. Douglas stated he is asking for the County's authority to proceed
52 with an interlocal agreement. Many jurisdictions have found this method most effective.
53 The City Council provided direction to find a mechanism to bring the County and City into

1 closer coordination and cooperation in a management structure. Some of these questions
2 can be answered as they proceed. It will take time to put this together. The Council will
3 still have an opportunity to review this. There is no funding obligation until there is an
4 interlocal agreement.

5
6 Fleetwood asked if it's assumed they are giving final approval to the concept by
7 authorizing staff to proceed right now. Douglas stated they are giving approval to proceed
8 with fleshing out this concept in the form of an interlocal agreement.

9
10 Crawford asked if they are asking for formal action from the Council. Desler stated
11 the motion is in the memo in the Council packet.

12
13 Fleetwood asked if the interlocal agreement commits the County and City to each
14 others' policies related to water protection. This is very complicated.

15
16 Brenner stated she is not worried about the summary. She is worried that the
17 management model is already developed. She asked if that can be removed from the
18 motion.

19
20 **McShane moved** to recommend approval to the full Council. He likes the idea of a
21 specific management team. It's useful to have a group that's responsible. That may have
22 been what is missing. Over the last number of years, the councils operated independent
23 from each other. It would be better to work together if possible. A specific management
24 team is important because there are a variety of potential funding approaches that would
25 benefit from this mechanism and structure. Finally, it's not necessary to get concerned
26 about what the structure may look like right now. Ultimately, the County Council will decide
27 how much the County will support. The City will also make its decision separately. Half the
28 citizens of Whatcom County drink water from the lake. The County has an interest in
29 making an effort. He supports the general direction of this. He hopes there are many
30 updates to the Council throughout development of the interlocal agreement.

31
32 Nelson stated he will vote against the motion. This is premature. There isn't enough
33 information to move forward. More work needs to be done. He doesn't necessarily
34 disapprove. He has concerns about financing and funding. Mayor Douglas is able to work
35 with his staff. He also has concerns about worsening the coordination by eliminating a
36 taxing district. Now, don't move forward on a new mechanism without more details.

37
38 Brenner stated she never said there shouldn't be a structure. Structure is important.
39 She doesn't like that the Council has been handed this structure. They've already
40 developed the structure of this model, which she doesn't support. Don't have a model now,
41 and come back to the Council with more information so it can work out the model. This
42 feels like a done deal.

43
44 Crawford stated he will support it. They are really asking the administrations to
45 work together to draft something. The administration has the Council's concerns about the
46 structure. They are proposing this as a general outline. All of this will come back to the
47 County Council. The administrations know what works and doesn't work in terms of
48 coordination.

49
50 Caskey-Schreiber asked if this new management model would be a reduction in
51 current staff, and what happens to the staff designated to work on Lake Whatcom and
52 stormwater issues. Desler stated those are details to work out. He predicts more resources
53 will go to the protection efforts and regulatory issues around the lake than what is done

1 now. They've only discussed this in the past month. If the County Council approves this
2 request, he will take their concerns to heart. In crafting the interlocal agreement, he will
3 present these issues and ideas. The County Council spends more time on water issues than
4 any other. He will respect their concerns. There will be no fait accompli.

5
6 Douglas stated these questions illustrate why they need to coordinate more. They
7 must resolve these questions. That's the reason they should advance with this. Not all the
8 questions will be initially resolved. There must be action strategies over the next few years.
9 This is a chance to move forward.

10
11 Nelson asked how this would fix a current problem. Douglas stated the County and
12 City apply resources to Lake Whatcom watershed issues. There is no direct accountability
13 or single point of clear responsibility to move forward the entire effort. Much still needs to
14 be done to harmonize a variety of things, including financing issues. All of those would get
15 more time and attention under this unified structure.

16
17 Nelson stated this won't solve the problem. Instead of a unified structure, there will
18 be three separate divisions. There is no way that a City structure or County structure will
19 find answers within a third structure. There is no mechanism by which an interlocal
20 agreement would have the authority and power granted by the people over the two other
21 entities.

22
23 McShane asked if Councilmember Nelson's concern is with the water districts.

24
25 Nelson stated that is one concern. He is talking about three separate structures. He
26 understands that Mayor Douglas is concerned that there is no mechanism in place that is
27 answerable to a single source. In this structure, the single source is appointed by the
28 Mayor or the Councils. He asked if the power is given to that individual over the City and
29 County. He doesn't see the connection. The City and County are elected to serve the
30 public. This new proposed structure can't have jurisdiction that overrides the publicly
31 elected officials. There is a disconnect. Desler stated the Interlocal Cooperation Act, under
32 which this agreement would be built, is very flexible. Governments can transfer authority
33 and responsibility to another government to address a particular issue.

34
35 Nelson stated this establishes a separate entity with given powers that would have
36 the ability to do enforcement. That power isn't granted by the people. Desler stated he
37 doesn't anticipate having a separate entity. It would be a separate organizational unit. For
38 example, they operate the What-Comm effort through the City of Bellingham. The County
39 has assigned responsibility and authority to What-Comm. There is a separate organizational
40 unit, such as the Whatcom County Council of Governments, that is assigned certain
41 responsibilities regarding transportation planning. Those are two different models. They
42 are not talking about setting up a separate organizational government. They are talking
43 about a unit with a management focus and separate assignments, contained in one of the
44 two governments.

45
46 Nelson stated that Mayor Douglas's intent doesn't seem to match Mr. Desler's
47 description. Douglas stated they should match.

48
49 Nelson stated there needs to be a coordinated effort, but within a legal system that
50 makes sense to the public. What Mr. Desler describes is not much different from what they
51 currently have, other than getting rid of the junior districts and changing the name. They
52 already have in place a power to make this better. Much more needs to be fleshed out.
53 She commends the administration for trying to work on better communication and

1 collaboration. Douglas stated the City Council reached the same conclusion. It voted
2 unanimously. It also has questions, but there is an urgency to get something moving that
3 is a much more coordinated, unified thing.

4
5 Nelson asked the urgency. The State obviously isn't urgent.

6
7 Caskey-Schreiber asked about the current structure for communication between the
8 County's lead water staff person and the City's lead water staff person. She asked why the
9 administrations believe that is a system failure. She asked what is wrong with that model.
10 She agrees that the Joint Lake Management meetings are difficult. There are too many
11 people. They have a hard time agreeing on when to meet and what to talk about. There is
12 clearly a need for more communication. She asked why they need to create another level
13 of structure. Things in place can be fine-tuned. Douglas stated the approach they're talking
14 is to deal with the Lake Whatcom watershed and reservoir. It is due to the number of
15 people who use the lake as a drinking water reservoir. There isn't a concentrated, unified
16 approach to Lake Whatcom, which they absolutely need to have.

17
18 Caskey-Schreiber asked if the director would work for the City or County. Douglas
19 stated the director would report jointly to the two Executives and follow the policy set by
20 the two councils. They haven't decided under which jurisdiction the human resources
21 policies will apply.

22
23 Weimer stated it's a good idea to look at the structure. He would like to hear more
24 about how this group will deal with enforcement. If there are designated enforcement
25 powers, it should include all kinds of enforcement, including building permits. He asked if
26 this group would have veto power over one of the County departments about things they
27 think don't make sense.

28
29 He would like to know the structure and powers of the advisory committee. The
30 advisory committee should report to both councils.

31
32 McShane asked if the concerns raised are about the conduit of information from the
33 proposed structure to the County Council. That has been a problem in the past. A question
34 is how they make sure policy direction is really being managed. That is a lot of people
35 making policy.

36
37 *(Clerk's Note: End of tape one, side B.)*

38
39 ***Motion carried 2-1 with Nelson opposed.***

40
41
42 **OTHER BUSINESS**

43
44 Nelson submitted information *(on file)*. New technology, which may be useful to
45 Whatcom County in water resource protection, is being used to determine shoreline
46 attributes, water protection attributes, depths, and other information. The Public Works
47 Department just worked on stream gauge information. He would like to put a discussion of
48 this technology into the Public Works Committee for discussion with the committee, the
49 administration, and Councilmember McShane. It has a financial implication. He wants to
50 work with the administration and Finance Committee to see if this is a direction to go in the
51 future.
52

1 One of his frustrations is getting accurate information and the necessary data to help
2 with decision-making. People are concerned about that. This technology has been used by
3 the U.S. Geological Survey (USGS). It may apply in local critical areas to get more answers
4 and help the water resources staff and the Planning Department.
5

6 He requests that this item be discussed in the Public Works Committee first and then
7 the Finance Committee about the possibility of the County using this tool.
8

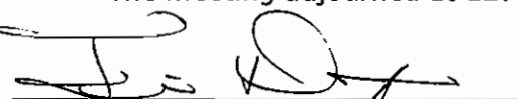
9 Weimer stated he supports the request. The USGS and people at Western
10 Washington University (WU) have put forward a proposal to the County about this. He's
11 been told that the County will get a discount if it moves quickly on this.
12

13 Dewey Desler, Deputy Administrator, stated this technology is new. The County was
14 approached last spring by retired academics. A team of staff talked about the potential
15 value to the County. The proposal costs about \$50,000 to \$60,000 for each of four years,
16 to get to the point of actually doing the analysis and gathering information over the entire
17 western part of Whatcom County. The administration may want to move ahead with this
18 with Council approval in a way to test the model and data in a couple of areas, such as
19 Bertrand Creek, North Lynden, and South Bellingham/Lake Whatcom. Review the data
20 results and if it will be useful. Also try and get additional grant funding for it. Today, the
21 administration is supposed to get another proposal to address that issue. They are not
22 advocating that the County buy the full program. Instead, analyze how the data would
23 work in a couple of key areas. If the technology prevents value in key areas, the
24 administration can come forward with another proposal for the entire western portion of
25 Whatcom County. This item is not budgeted.
26

27 Crawford stated Councilmember Nelson may speak to the Public Works Committee
28 chair about scheduling this item.
29
30

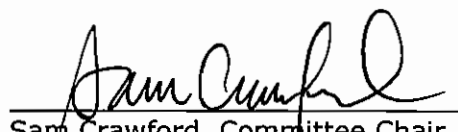
31 **ADJOURN**
32

33 The meeting adjourned at 12:45 p.m.
34

35 
36 _____
37 Jill Nixon, Minutes Transcription
38

39
40 ATTEST
41  COUNTY COUNCIL
42 OF WHATCOM COUNTY
43 STATE OF WASHINGTON
44 Dana Brown-Davis, Council Clerk
45
46

40 WHATCOM COUNTY COUNCIL
41 WHATCOM COUNTY, WASHINGTON

42 
43 _____
44 Sam Crawford, Committee Chair
45
46