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WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

December 9, 2008

Committee Chair L. Ward Nelson called the meeting to order at 11:08 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Sam Crawford
Bob Kelly

Absent:

None

Also Present:

Barbara Brenner
Laurie Caskey-Schreiber
Carl Weimer
Seth Fleetwood

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING THE 2008 WHATCOM COUNTY BUDGET, THIRTEENTH REQUEST, IN THE AMOUNT OF \$679,145 (AB2008-403)

Nelson asked about the gun rack.

Jeff Parks, Sheriff's Office, stated the \$50,000 is a pool of money that has been donated to the Sheriff's Office for equipment needs. Out of those funds, they are purchasing gun racks for \$20,000 plus additional hardware for other vehicles. All the vehicles will get them. He described the design. They have found equipment that will be secure.

Brenner asked about an additional \$450,000 for the equipment rental and revolve (ER&R) fund.

Eric Schlehuder, Public Works Department, stated the amount is due to a combination of additional ferry fuel costs, dry dock contract, and repairs and maintenance. Most of these are internal expenditures and recovery.

Crawford asked to be able to recognize the family who donated the funds to the Sheriff's Office at some point during a future Council meeting.

Nelson moved to recommend approval to the full Council.

Motion carried unanimously.

2. PROPOSED TECHNICAL AMENDMENT FOR RESOLUTION NO. 2008-077 (2009-2010 UNREPRESENTED RESOLUTION), SECTION 4.2, TO BE EFFECTIVE JANUARY 1, 2009 (AB2008-361B)

Crawford moved to recommend approval to the full Council.

Brenner stated she doesn't understand this. She asked for an explanation.

1
2 Crawford stated there is a glitch in the current resolution that allows employees to
3 go to a salary step higher than their managers. This resolution fixes that glitch. The
4 formula is complicated.
5

6 Dewey Desler, Deputy Administrator, stated the memo from Wendy Wefer-Clinton
7 provides the best summary. They have clarified how to do promotions and recognition in
8 the pay system without overstepping others.
9

10 Wendy Wefer-Clinton, Administrative Services Department, stated this language tries
11 to contain an employee's ability to leapfrog over other employees who were hired sooner.
12 She went over the language in depth with legal counsel. They don't want people who were
13 hired more recently to leapfrog over employees hired before them, just because of how they
14 set up the matrices. The language is very complicated because they had five different
15 scenarios they had to deal with. They also had to deal with four unions impacted by this
16 language.
17

18 ***Motion carried unanimously.***
19

20 **3. ORDINANCE AMENDING WCC SECTION 6.04, ANIMAL CONTROL, INCLUDING**
21 **THE ADDITION OF NEW KENNEL LICENSES (AB2008-410)**
22

23 ***Crawford moved*** to recommend approval to the full Council. He asked who worked
24 on this.
25

26 Dewey Desler, Deputy Administrator, stated the ordinance was developed with the
27 Humane Society Director and one of his staff. The administration proposes that the Council
28 introduce the item tonight, and discuss it after the hearing in two weeks.
29

30 ***Crawford withdrew*** his motion.
31

32 Nelson stated he would hold this item in committee to the next Committee meeting.
33 He would like to find out how this is to be enforced in a rural area.
34

35 ***The Committee concurred.***
36

37 **4. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
38 **BETWEEN WHATCOM COUNTY AND JONES & STOKES ASSOCIATES, INC. FOR**
39 **THE SECOND PHASE OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
40 **UPDATE AS REQUIRED BY THE WASHINGTON STATE GROWTH MANAGEMENT**
41 **ACT, IN THE AMOUNT OF \$299,993 (AB2008-411)**
42

43 ***Crawford moved*** to recommend approval to the full Council. He asked if they
44 planned for this. He asked how Director Stalheim feels this process is going so far, and if
45 they're getting their money's worth.
46

47 David Stalheim, Planning and Development Services Director, stated the Council
48 approved an additional services request in next year's budget. There are funds additional to
49 this. They will look at the rural element for review of the limited areas of more intense rural
50 development (LAMIRD).
51

52 The scope of work in this phase focuses on necessary technical work. Council packet
53 pages 91 and 92 include the cost estimates that identify the services. They are focused on

1 capital facilities plans, urban growth area analysis of all the areas, preparing an
2 environmental impact statement, and on transportation plan analysis. These are specific
3 technical disciplines that staff don't have the time or expertise to work on. They identified
4 this consultant resource so they can get to the June deadline.
5

6 Crawford asked if this is all new work. Stalheim stated it is. They have rescheduled
7 the contractor's existing scope of work. They reallocated some of the process away from
8 public participation and toward technical work, for example. He doesn't anticipate a lot of
9 public involvement during this initial phase. During the next phase, they will have plenty of
10 attendance at public meetings, because the public will start seeing the ramifications of the
11 different options.
12

13 Nelson asked about the no action alternative. Stalheim stated they would use the
14 existing plans and population projections for the county. It is not a no growth plan, but a
15 no action alternative, which means the County will take no action to change the existing
16 plan and development regulations.
17

18 Nelson stated one scenario is growth that is less than they currently have. Stalheim
19 stated that could be a scenario. They are still talking about the alternatives they will study
20 in the environmental impact statement (EIS).
21

22 Nelson asked if they will look at the viability of economic impacts to any of these
23 regional or local plans. Stalheim stated they received input during the process about the
24 costs of growth. Therefore, the contractor will do some analysis of that issue in the EIS.
25

26 Nelson stated they should also look at economic impacts, such as a job-based
27 economy. Stalheim stated they can look at that. They have looked mostly at the cost of
28 public facilities and services.
29

30 Nelson stated they must also look at private sector and tax revenues for local
31 communities.
32

33 Brenner asked if this is the consultant that is doing the Growth Management
34 Coordinating Council (GMCC). Stalheim stated the consultant is Jones and Stokes. The
35 sub-consultant prepared background materials for the GMCC.
36

37 Brenner stated she doesn't like what's going on. That consultant at the last GMCC
38 meeting said it wasn't necessary to look at vacancy and occupancy rates. The consultant
39 was very book-learned, but doesn't seem to understand trends specific to Whatcom County.
40 She's concerned about that.
41

42 Caskey-Schreiber stated there are many consultants. She asked what staff is
43 working on, how this all ties together, and whether they are helping the schools develop
44 their capital facilities plans. Stalheim stated the school impact fee is scheduled for a
45 Planning Commission public hearing soon. It will come to the Council in January.
46

47 For Growth Management, there are two areas where the County is out of compliance
48 with the Hearings Board, and two tasks to resolve that. The first is the review of the urban
49 growth areas. The Council said it would have that done by June 30, 2009. That work was
50 scoped separately.
51

52 The second task is the rural element, which doesn't have a deadline. Another firm is
53 working on the rural element. They advertised for consultant firms at the same time. They

1 had hoped to have one firm to do both tasks, but that didn't occur. Therefore, the County
2 staff most coordinate those efforts.

3
4 Caskey-Schreiber asked if they all understand the timing. Stalheim stated there is
5 no deadline for the rural element, which is the LAMIRD issue. The Planning Commission
6 agenda is planned through June, and includes both items. They will get through the
7 Planning Commission and to the Council by June. Now, there is a third noncompliance
8 issue, which is a technical remand of the Bellingham case. Now the County has three
9 issues. He plans to have it all done and to the Council by June 1, 2009.

10
11 Brenner stated the councilmembers are receiving information that is written only for
12 professionals to understand. In addition, the timeframe is shoved on them. She wants
13 time to read and understand this material.

14
15 Nelson asked if the Council will receive a final product the Council and public can
16 understand.

17
18 Brenner stated she's not pleased with the consultant's work.

19
20 Crawford stated Ms. Craven is available to the Council to explain things.

21
22 ***Motion carried unanimously.***

23
24 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AMENDMENT**
25 **#5 TO THE INTERLOCAL AGREEMENT WITH LUMMI INDIAN BUSINESS**
26 **COUNCIL FOR IMPROVEMENTS TO LUMMI SHORE ROAD AND LUMMI VIEW**
27 **DRIVE IN THE AMOUNT OF \$50,000 (AB2008-412)**

28
29 ***Crawford moved*** to recommend approval to the full Council.

30
31 ***Motion carried unanimously.***

32
33 **6. APPROVAL OF THE PORT OF BELLINGHAM'S REQUEST FOR EDI FUNDING IN**
34 **THE AMOUNT OF \$600,000 IN SUPPORT OF THE NW TERRAQUARIUM**
35 **PROJECT, IN THE FORM OF A GRANT TO BE PAID IN TWO INSTALLMENTS OF**
36 **\$300,000 EACH (AB2008-413)**

37
38 ***Nelson moved*** to recommend approval to the full Council, and stated he has
39 problems with this project, however. The Economic Development Investment (EDI) fund
40 money is intended for infrastructure support for local communities. It's partly being used
41 for the Kendall Regional Center, which makes more sense in an economic downturn than
42 this project. He asked why the community should take on this expenditure now.

43
44 Weimer stated the EDI Board recommended this project. The proposal may bring
45 more jobs and excitement to the waterfront than anything else they've heard about. This is
46 the first step. One issue at the EDI Board is that this money is supposed to be used only for
47 public facilities. This is a private entity. The Port was supposed to provide information on
48 how that would be addressed.

49
50 Dodd Snodgrass, Port of Bellingham, stated there are two options for using the
51 public funds. The Port can be the project sponsor and let all the consulting contracts and
52 complete the work. The other option is for the Port to enter into an agreement with the
53 Northwest Discovery Project. The Port opts to enter into an agreement with Northwest

1 Discovery Project. That option allows the Port to have a binding agreement with the
2 organization. Ultimately, the Port will be accountable for expending the funds following the
3 procurement process and accounting requirements that Northwest Discovery Project would
4 follow. The use of public funds would be by a public entity. The Port would have an
5 interlocal agreement.
6

7 Nelson stated it is essentially a pass-through. Snodgrass stated the Northwest
8 Discovery Project was originally deemed not an eligible entity to apply for the funds, so the
9 Port agreed to sponsor the project. The use of funds for planning, feasibility, and pre-
10 construction are allowed.
11

12 Nelson asked why the Port wouldn't do the entire project. Snodgrass stated there is
13 a letter of intent between the Port and Northwest Discovery Project. At some point, a
14 facility could be constructed on the waterfront and be a keystone activity. There was no
15 negotiation about any rent or lease. They're not at that point, yet. This is a proof of
16 concept process.
17

18 Weimer stated the EDI money has to be spent on a facility that is ultimately a
19 publicly-owned facility. Passing money through the Port doesn't meet that requirement. He
20 is not sure of the legal issues. Also, the County designated a little over \$1 million from the
21 EDI funds to the City of Bellingham for waterfront redevelopment a year ago. The City feels
22 strong enough about this project to contribute \$300,000 out of that pot of money.
23

24 Caskey-Schreiber stated the \$600,000 will move the project along. She supports the
25 project. It would benefit the entire County by offering education programs and tourism
26 enhancement of the waterfront. The project has a wide range of support. The project
27 vision is realistic and sustainable.
28

29 Nelson stated the rent is nine percent of the fair market value at the site. It has a
30 50-year term, with an option for an additional 30-year term. The benefit is to the Port.
31 Snodgrass stated that is an example of a potential lease that could be executed. It's not
32 executed now. It is a letter of intent. The terms could change.
33

34 Fleetwood asked why the administration hasn't given a legal opinion on the legal
35 question about whether or not it ultimately has to be a public space.
36

37 Dewey Desler, Deputy Administrator, stated the law requires this to be a public
38 facility. The Port indicated on its application that this would ultimately be a Port building.
39 They are walking into the project, even though it's primarily with the Northwest Discovery
40 Group, which will be a legal subcontractor of the Port. The Port will own the building. The
41 project meets that legal test.
42

43 Councilmember Weimer had asked him a question about other data information. The
44 administration hasn't seen some of that. It needs to come forward. The application
45 presented to the advisory board comes before the County Council, the County Council
46 accepts the application, and then the administration works on a contract and budget
47 materials for further Council consideration.
48

49 Brenner stated she voted to grant that \$1 million from the EDI funds to the City of
50 Bellingham for waterfront redevelopment a year ago. This is a noble idea. It's not the right
51 time to do it now. EDI money will be even more crucial to some of the most essential kinds
52 of things the County must do in the next few years. The project information gives a lot of
53 background about other places that have done well. However, they've never been in the

1 place they're in economically. Plenty of people are struggling. They need to show they are
2 using monies for the most essential services at this time. It isn't the right time to work on
3 anything like this.
4

5 Crawford referenced Council packet page 137, the fund balance by year. He asked if
6 the balance for 2008 as of September 30, 2008 is negative. Desler stated they have about
7 \$5 million to allocate. Of that amount, about \$4.8 million is set aside for County facilities.
8 Forty percent of this money is designed for County public facilities. Sixty percent went into
9 the EDI program. Of that 60 percent, one-third is grant funds and two-thirds is loan funds.
10 They dramatically over-expended the grant funds. They under-expended the loan funds.
11 As of September 30, 2008, they have about \$500,000. They continue to add money to that
12 fund monthly. If they updated the balance through September, they would have another
13 \$300,000 or \$400,000 total in the EDI program amounts.
14

15 Brad Bennett, Administrative Services Department, stated the amount shown as
16 (\$2,260,792.25) on Council packet page 137 represents revenues over expenditures.
17

18 Desler stated they've taken out the money that's already been committed. They
19 don't want to over-commit the fund. They've committed to capital projects, but not
20 expended the money.
21

22 Crawford stated it seems that this fund has millions of dollars. Desler stated the
23 County portion has millions. The EDI portion has about \$600,000 or \$700,000.
24

25 Nelson asked from which fund the County funded the City portion. Desler stated the
26 County set the City funding aside. \$2.4 million in total has been set aside. Of that total,
27 the County committed \$1.1 million to the waterfront project. The committee recommends
28 that those funds be for capital construction projects. The City of Bellingham's original
29 application asked for planning money. The County Council decided its contribution would be
30 for capital projects. The recommendation of the EDI Board today is to counter that
31 decision, and it recommends that this request come out of that \$1.1 million that was set
32 aside.
33

34 Crawford stated Mr. Desler and Executive Kremen, as EDI Board members, voted to
35 oppose the recommendation. He asked for an explanation of their opposition. Desler stated
36 they've declined to support the project. Many other projects have a higher priority and
37 would meet the community's needs better than this. They agree with Councilmember
38 Brenner's comments.
39

40 Weimer stated the original \$1.1 million was for bricks and mortar. The committee
41 changed that opinion to allow this planning, because this is targeted planning to advance to
42 the bricks and mortar stage of this project.
43

44 Nelson asked if this could be a loan. Desler stated that's up to the Port.
45

46 Nelson stated this is a great project, but the process of putting the project together
47 will cost a lot of money. He would like to see a commitment from the primary beneficiaries,
48 which are the City of Bellingham and the Port of Bellingham, and perhaps Western
49 Washington University. Snodgrass stated the Port Commission sponsored the application as
50 a grant. Those are the terms before the County Council now.
51

52 **Nelson** stated he would like to see more work on this to develop it into a cost-
53 sharing process for the planning effort. He shares Councilmember Brenner's concerns. He's

1 not sure this is the right time to take this to the public. All parties should commit from the
2 beginning. Monies were intended for brick and mortar to redevelop the old Georgia-Pacific
3 (GP) site. He **amended the motion and moved** to send it back to the Economic
4 Development Investment (EDI) Board to consider a cost-share and for better ways of
5 funding so all parties are involved.
6

7 Fleetwood stated he's inclined to support the proposal as presented. There must be
8 some assurance that the County grant will result in project completion. He read the list of
9 deliverables for this money.

10
11 *(Clerk's Note: End of tape one, side A.)*
12

13 Fleetwood asked if there will be one report or separate studies. The last deliverable
14 is a funding plan. That goes to his concern about an assurance that this grant will result in
15 project completion. He asked what assurances can be given at this time that funding will be
16 available to actually build the project.
17

18 Crawford stated there is no assurance.
19

20 Snodgrass stated the EDI Board offered two grants of \$300,000 each, based on
21 commitments for the Northwest Discovery Project group to raise private and other sources
22 of funds. Those funds need to be raised. That is one litmus test.
23

24 Bob Goodwin, Northwest Discovery Project Executive Director, stated they've also
25 raised money through private efforts and other grants. They've been given grants over the
26 last several years from British Petroleum (BP), the Lummi Nation, the Bullitt Foundation,
27 and the Allen Foundation. They've been raising money, but until now they haven't been
28 confident enough in funding to move forward with a project. They are working on raising
29 big money now from private sources. They know this kind of a project will only be done
30 with private money. The kind of money required to build a facility of this size is enormous.
31 However, to reach the point where they are ready to start breaking ground, they need local,
32 State, and federal public support. They have State and federal support from many State
33 and federal legislators. In Washington D.C., Representative Rick Larson has an earmark in
34 this year's federal budget. It's all triggered by local support. The terms the EDI Board
35 suggested were an initial \$300,000. The Northwest Discovery Project Group would then
36 have to raise another \$300,000, at least half of which would have to be private money,
37 before the County would release the second half of the EDI grant funds.
38

39 Phase one of the project will cost between \$1.2 million and \$1.5 million. If they can
40 get all the money at the beginning of the phase and do everything concurrently, they will be
41 able to save money. About \$400,000 of that phase one money will go to outside consulting
42 groups. The rest of the money will be spent immediately in this community. They will hire
43 staff locally to move the project forward. Infrastructure must be developed.
44

45 Caskey-Schreiber stated that if councilmembers don't want to vote for this item now,
46 let it come forward to the full Council. The rural areas have already spoken. The small
47 town mayors support this project.
48

49 Nelson stated not all the small town mayors were there. Dan Pike was the only one.
50 He is the one who has something to gain. He asked how the project moves forward with
51 \$1.5 million in funding when this \$300,000 is to determine if the project is even viable.
52 Goodwin stated this is not a feasibility study. This is a study that will enable them to move
53 forward with construction. Ultimately, the study will determine the sustainable size of the

1 facility based upon the location, population within 100 miles, field studies, and computer
2 models. Phase one will also produce all the pre-architectural work that needs to be done in
3 terms of site analysis. By the end of this phase, the architects and engineers will be able to
4 get to work on the facility design, so they can get permits and begin construction.
5

6 Kelly stated he supports the project. The project won't happen unless the County
7 Council approves this request. Goodwin stated that's the key. This approval will enable the
8 project to happen. It will be at least five years to get this project built. They have private
9 commitments already from local businesses, including Bellingham Cold Storage, Dawson
10 Construction, Ryzex Corporation, and other private entities.
11

12 Nelson stated he would like to support the project. However, he needs to see a
13 better commitment from the Port of Bellingham and City of Bellingham in terms of loan
14 repayment to the EDI fund, which is really for bricks and mortar construction.
15

16 Fleetwood stated it's easy to say this should be a loan. When the councilmembers
17 were consulted privately by the proponents, it was made clear that a loan wasn't realistic or
18 feasible. Goodwin stated they have no cash flow to service a loan at this point. They have
19 donations, and the cost of moving forward with pre-construction work requires those
20 donations to be dedicated. A number of these facilities all over the country do very well for
21 their regions. One of the best examples is the aquarium in Charleston, South Carolina.
22

23 ***Nelson withdrew his motion.*** He's sorry to hear they don't want a loan, because
24 he would like to support this project.
25

26 Caskey-Schreiber asked why the County wouldn't get involved in one of the biggest
27 tourism promotion projects out there. Tourism is key to the county's economy. The more
28 tourism draws they have, the better off they are. Monterey Bay aquarium is a destination.
29 This will benefit more than just Bellingham. People will come from all regions of the State
30 to go to these things. There is a huge educational value for children. They live in a
31 sensitive area where people should know about the ecosystems and how people affect
32 them.
33

34 Crawford stated there is no assurance that this project will be built. The Council is
35 the steward of these dollars. No one on the Council is opposed to this project. However, he
36 is concerned about putting half a million dollars into the planning stage of a project that will
37 cost over \$10 million, most of which must be privately raised. As a steward of the public
38 money, he's not sure he should do that. They need to proceed cautiously rather than roll
39 the dice to try to entice private investment. The roller coaster of the recent economy shows
40 them how fragile these kinds of ambitious investments can be. They have to get on the
41 other side of the economic downturn before these foundations will open up to the level of
42 the ten or twenty million dollars it will take to build this facility. Their investments have
43 been hurt just as bad as everyone else's. They must exercise fiscal restraint and be careful
44 about where they put these dollars. That's prudent and sound financial stewardship.
45

46 Fleetwood stated he asked for assurance so the proponents may put information on
47 the record that would assuage their concern about risk. They didn't get a specific answer to
48 that. He asked if it's likely that this project will be completed. Goodwin stated it is likely.
49 They've devoted so much time and spent so much energy and work recruiting people. The
50 chief executive officer (CEO) of one of the largest companies in the United States is coming
51 here to talk to them about the project. He has access to people with vast amounts of
52 money. He's not necessarily counting on foundations. Individuals in the country have great
53 resources and can afford to contribute to these sorts of things.

1
2 Brenner stated there are also many people in the community who are financially
3 hurting. Those really rich people should get together and fund the entire project. She
4 asked how many wonderful amenities this Council is going to fund while so many people
5 can't afford to put food on their table.
6

7 Nelson asked if the earmark of \$750,000 from U.S. Representative Rick Larson and
8 Senator Patty Murray is assured. Goodwin stated they don't know about that funding yet.
9 If approved, that funding won't come forward for a year, so it would apply to phase two.
10

11 Nelson asked if they are assured of getting the rest of the funding for phase one
12 from private sources. Goodwin stated he thinks they can get that funding.
13

14 *Kelly moved* to recommend approval to the full Council.
15

16 *Motion failed 1-2 with Kelly in favor.*
17

- 18 **7. REQUEST APPROVAL FOR THE EXECUTIVE TO SIGN THE WASHINGTON**
19 **STATE CAPITAL FACILITIES GRANT CONTRACT FOR THE INITIAL DESIGN**
20 **AND CONSTRUCTION PHASE OF THE EAST WHATCOM REGIONAL RESOURCE**
21 **CENTER PROJECT IN THE AMOUNT OF \$1,723,750 (AB2008-414)**
22

23 *Crawford moved* to recommend approval to the full Council.
24

25 *Motion carried unanimously.*
26

- 27 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
28 **CONTRACT BETWEEN WHATCOM COUNTY AND SEATTLE CITY LIGHT FOR**
29 **IMPACT PAYMENTS RELATED TO THEIR POWER PLANTS AND DAM LOCATED**
30 **IN WHATCOM COUNTY (AB2008-415)**
31

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

34 *Motion carried unanimously.*
35
36

37 **COUNCIL "CONSENT AGENDA" ITEMS**
38

- 39 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
40 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND**
41 **MAINTENANCE FUNDS AND ENTER INTO A CONTRACT BETWEEN WHATCOM**
42 **COUNTY AND WOMENCARE SHELTER, PROVIDING FUNDING FOR**
43 **OPERATIONAL EXPENSES IN THE AMOUNT OF \$18,512 (AB2008-416)**
44

45 Nelson asked about impacts to 2060 funds and policies about how these monies are
46 allocated. Some of the projects have to be sustainable. This could be used for one-time
47 repairs.
48

49 Dewey Desler, Deputy Administrator, stated there is a formula for determining how
50 the funds are used. A portion is assigned to capital projects and operations. They will have
51 to watch the impacts to the revenue source. There is a drop in recording revenue, but they
52 haven't analyzed it yet. They will watch it carefully. Now, there is enough funds to support
53 these commitments.

1
2 Gail deHoog, Health Department, stated she agrees with Mr. Desler.
3

4 Kelly asked how this fits into the long-term budget. DeHoog stated they put out a
5 request for proposal. They have projected revenue each year, on which they base the
6 request for proposal.
7

8 Crawford stated this money comes from a fee from recorded documents. An
9 advisory board has already vetted these requests. Given the downturn in real estate
10 transactions, they can estimate that 2060 funds probably won't be as high as they have
11 been in the past. He asked if the advisory board is considering that. DeHoog state it is.
12

13 ***Crawford moved*** to recommend approval to the full Council.
14

15 ***Motion carried unanimously.***
16

- 17 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
18 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND**
19 **MAINTENANCE FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
20 **COUNTY AND NORTHWEST YOUTH SERVICES, PROVIDING FUNDING FOR**
21 **OPERATIONAL COSTS IN THE AMOUNT OF \$25,981 (AB2008-417)**
22

23 ***Crawford moved*** to recommend approval to the full Council.
24

25 ***Motion carried unanimously.***
26

- 27 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
28 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND**
29 **MAINTENANCE FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
30 **COUNTY AND SEAN HUMPHREY HOUSE, PROVIDING FUNDING FOR**
31 **OPERATIONAL COSTS IN THE AMOUNT OF \$10,000 (AB2008-418)**
32

33 ***Crawford moved*** to recommend approval to the full Council.
34

35 ***Motion carried unanimously.***
36

- 37 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
38 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
39 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
40 **COUNTY AND WHATCOM COUNSELING AND PSYCHIATRIC CLINIC,**
41 **PROVIDING FUNDING FOR LEAD PAINT ASSESSMENT, EXTERIOR PAINTING,**
42 **AND INSULATION INSTALLATION IN THE AMOUNT OF \$9,957.40 (AB2008-**
43 **419)**
44

45 ***Crawford moved*** to recommend approval to the full Council.
46

47 ***Motion carried unanimously.***
48

- 49 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
50 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
51 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
52 **COUNTY AND OPPORTUNITY COUNCIL, PROVIDING FUNDING FOR**
53 **EMERGENCY HOME REPAIRS IN THE AMOUNT OF \$50,000 (AB2008-420)**

1
2 **Crawford moved** to recommend approval to the full Council.
3

4 **Motion carried unanimously.**
5

- 6 6. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
7 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
8 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
9 **COUNTY AND LYDIA PLACE, PROVIDING FUNDING FOR WINDOW**
10 **REPLACEMENTS IN THE AMOUNT OF \$18,115.28 (AB2008-421)**
11

12 **Crawford moved** to recommend approval to the full Council.
13

14 **Motion carried unanimously.**
15

- 16 7. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
17 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
18 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
19 **COUNTY AND INTERFAITH COALITION, PROVIDING FUNDING FOR ENERGY**
20 **EFFICIENCY UPGRADES AT THE GARDEN STREET HOUSE IN THE AMOUNT OF**
21 **\$6,220 (AB2008-422)**
22

23 **Kelly moved** to recommend approval to the full Council.
24

25 **Motion carried unanimously.**
26

- 27 8. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
28 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
29 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
30 **COUNTY AND SEAN HUMPHREY HOUSE, PROVIDING FUNDING FOR A NEW**
31 **ROOF IN THE AMOUNT OF \$10,348 (AB2008-423)**
32

33 **Kelly moved** to recommend approval to the full Council.
34

35 **Motion carried unanimously.**
36

- 37 9. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
38 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND**
39 **RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM**
40 **COUNTY AND INTERFAITH COALITION, PROVIDING FUNDING FOR RENT**
41 **AND UTILITY EXPENSES AT THE EMERGENCY SHELTER APARTMENT IN**
42 **FERNDALDE IN THE AMOUNT OF \$3,935 (AB2008-424)**
43

44 **Kelly moved** to recommend approval to the full Council.
45

46 **Motion carried unanimously.**
47

- 48 10. **REQUEST APPROVAL OF A RENEWAL OF THE PHYSICIAN'S SERVICES**
49 **AGREEMENT (ADDENDUM #2) BETWEEN WHATCOM COUNTY AND DR.**
50 **STUART ANDREWS THAT PROVIDES PHYSICIAN'S SERVICES IN THE**
51 **WHATCOM COUNTY JAIL AND WORK CENTER, IN AN AMOUNT NOT TO**
52 **EXCEED \$68,220 (AB2008-425)**
53

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

2
3 **Motion carried unanimously.**

- 4
5 **11. REQUEST APPROVAL OF A RENEWAL OF THE WHATCOM COUNTY JAIL**
6 **PHARMACY AGREEMENT (ADDENDUM #2) BETWEEN WHATCOM COUNTY**
7 **AND HOAGLAND PHARMACY FOR PROVISION OF MEDICATIONS FOR JAIL**
8 **INMATES (AB2008-426)**

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

11
12 **Motion carried unanimously.**

- 13
14 **12. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
15 **BETWEEN WHATCOM COUNTY AND HANDEL INFORMATION TECHNOLOGIES,**
16 **INC. FOR THE JUVENILE OFFENDER CASE MANAGEMENT SYSTEM**
17 **MAINTENANCE CONTRACT, IN THE AMOUNT OF \$18,000 (AB2008-427)**

18
19 **Crawford moved** to recommend approval to the full Council.

20
21 **Motion carried unanimously.**

- 22
23 **13. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER IN TO AN AMENDMENT**
24 **TO THE MEMORANDUM OF AGREEMENT BETWEEN WHATCOM COUNTY AND**
25 **THE WSU COOPERATIVE EXTENSION PROGRAM TO JOINTLY SHARE COSTS**
26 **FOR FACULTY POSITIONS, IN THE AMENDED AMOUNT OF \$82,542 (AB2008-**
27 **428)**

28
29 **Nelson moved** to recommend approval to the full Council.

30
31 **Motion carried unanimously.**

- 32
33 **14. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A RENEWAL OF**
34 **THE INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY**
35 **OF BELLINGHAM TO OPERATE THE LAKEWAY YARDWASTE COLLECTION**
36 **FACILITY, IN THE AMOUNT OF \$240,000 (AB2008-429)**

37
38 Nelson asked if this went through the Solid Waste Executive Committee. He asked if
39 they discussed the contract in light of the changing economic conditions and impacts to the
40 solid waste fund.

41
42 Frank Abart, Public Works Department Director, stated it did go to the Executive
43 Committee. There was no specific discussions related to these items. The solid waste fund
44 balance is shrinking considerably. They will probably have problems in a few years. The
45 Executive Committee wanted to keep the budget process moving forward, so they approved
46 it for 2009 and 2010, but would reevaluate the 2010 budget and beyond in 2009. If they
47 want to balance that budget, they will review every line item in the budget. They will
48 probably make a recommendation for changes in 2009.

49
50 Nelson he's interested in looking at alternative methods for processing waste
51 materials in Whatcom County. Use solid waste funds to reduce the waste stream through
52 recycling and processing recyclables.

1 Dewey Desler, Deputy Administrator, stated there has been discussion recently at
2 the administration. They are spending more from the solid waste fund than they are taking
3 in. They will have to correct that. Mr. Abart will work with a number of people to examine
4 how to sustain some of these programs and how to respond to these challenges.
5

6 Kelly asked how the budget will be changed. Abart stated the Solid Waste Executive
7 Committee makes recommendations to the County Council. The County Council and
8 Executive Committee must agree on how to expend solid waste funds. If not, it goes to
9 independent arbitration.
10

11 ***Kelly moved*** to recommend approval to the full Council.
12

13 ***Motion carried unanimously.***
14

- 15 **15. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A JOINT**
16 **FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND THE US**
17 **DEPARTMENT OF THE INTERIOR/US GEOLOGICAL SURVEY FOR CONTINUED**
18 **OPERATION AND MAINTENANCE OF TWO STREAM FLOW GAGING STATIONS**
19 **AT BERTRAND CREEK, IN THE AMOUNT OF \$19,440 (AB2008-430)**
20

21 ***Kelly moved*** to recommend approval to the full Council.
22

23 Nelson asked if this is a change in the contract regarding cost-sharing.
24

25 Frank Abart, Public Works Department Director, stated these are already built and
26 installed. This is a maintenance and operations agreement. The County pays 50 percent of
27 the cost. The Bertrand Watershed Improvement District pays the other 50 percent.
28

29 ***Motion carried unanimously.***
30

- 31 **16. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
32 **BETWEEN WHATCOM COUNTY AND NORSTAN COMMUNICATIONS, INC. FOR**
33 **COMPREHENSIVE SERVICE PLAN FOR ERICSSON MX ONE TELEPHONE AND**
34 **VOICEMAIL SYSTEMS, IN THE AMOUNT OF \$135,240 (AB2008-431)**
35

36 ***Nelson moved*** to recommend approval to the full Council.
37

38 ***Motion carried unanimously.***
39

- 40 **17. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
41 **BETWEEN WHATCOM COUNTY AND HOME PORT LEARNING CENTER FOR**
42 **EDUCATIONAL SERVICES FOR YOUTH UNDER THE SUPERVISION OF THE**
43 **WHATCOM COUNTY JUVENILE COURT, IN THE AMOUNT OF \$72,000**
44 **(AB2008-432)**
45

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

48 ***Motion carried unanimously.***
49

- 50 **18. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A RENTAL**
51 **AGREEMENT WITH SEATTLE CITY LIGHT FOR NEWHALEM RESIDENT DEPUTY**
52 **HOUSING, IN THE AMOUNT OF \$600 PER MONTH (AB2008-433)**
53

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

2
3 **Motion carried unanimously.**

- 4
5 **19. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A MAINTENANCE**
6 **AGREEMENT BETWEEN WHATCOM COUNTY AND IDENTIX, INC FOR**
7 **FINGERPRINTING MACHINES IN THE JAIL AND WORK CENTER, IN AN**
8 **AMOUNT NOT TO EXCEED \$29,989.96 (AB2008-434)**

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

11
12 **Motion carried unanimously.**

- 13
14 **20. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL**
15 **CONTRACT BETWEEN WHATCOM COUNTY AND CRIMINAL INDIGENT**
16 **DEFENSE FOR REPRESENTATION OF CLIENTS WITH WHOM THE WHATCOM**
17 **COUNTY PUBLIC DEFENDER'S OFFICE HAS A CONFLICT OF INTEREST**
18 **(AB2008-435)**

19
20 **Crawford moved** to recommend approval to the full Council.

21
22 **Motion carried unanimously.**

- 23
24 **21. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL**
25 **CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY**
26 **SERVICES TO PROVIDE FOR SUPERVISED VISITATION BY PARENTS; TO**
27 **INCLUDE PART TIME STAFF RECRUITMENT, TRAINING AND MANAGEMENT**
28 **OF VOLUNTEER VISITATION SUPERVISORS IN THE AMOUNT OF \$20,704**
29 **(AB2008-436)**

30
31 **Kelly moved** to recommend approval to the full Council.

32
33 **Motion carried unanimously.**

- 34
35 **22. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL**
36 **CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM DISPUTE**
37 **RESOLUTION CENTER TO PROVIDE FOR THE ADMINISTRATION OF THE**
38 **COURT'S MANDATORY FAMILY LAW MEDIATION PROGRAM, IN THE AMOUNT**
39 **OF \$20,000 (AB2008-437)**

40
41 **Crawford moved** to recommend approval to the full Council.

42
43 **Motion carried unanimously.**

- 44
45 **23. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN OPERATING**
46 **AGREEMENT BETWEEN WHATCOM COUNTY AND ARAMARK CORRECTIONAL**
47 **SERVICES, LLC, FOR THE PROVISION OF COMMISSARY SERVICES FOR THE**
48 **WHATCOM COUNTY JAIL INMATES (AB2008-438)**

49
50 **Nelson moved** to recommend approval to the full Council.

51
52 **Motion carried unanimously.**

- 1 24. **REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN OPERATING**
2 **AGREEMENT BETWEEN WHATCOM COUNTY AND ARAMARK CORRECTIONAL**
3 **SERVICES, LLC, FOR THE PROVISION OF FOOD SERVICES FOR THE**
4 **WHATCOM COUNTY JAIL INMATES, STAFF, AND VISITORS (AB2008-439)**

5
6 *Kelly moved* to recommend approval to the full Council.

7
8 *Motion carried unanimously.*

- 9
10 25. **REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
11 **BETWEEN WHATCOM COUNTY AND RE SOURCES FOR CLASSROOM**
12 **EDUCATION OF CHILDREN TO PROMOTE WASTE REDUCTION AND**
13 **RECYCLING EFFORTS, IN THE AMOUNT OF \$55,000 PER YEAR (AB2008-440)**

14
15 *Nelson moved* to recommend approval to the full Council.

16
17 *Motion carried unanimously.*

- 18
19 26. **REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-91 AND TO**
20 **ENTER INTO A CONTRACT WITH LOW BIDDER EBENAL GENERAL FOR**
21 **COMPLETION OF THE INSTALLATION OF A MODULAR BUILDING AT THE**
22 **CENTRAL SHOP, IN THE AMOUNT OF \$160,432 (AB2008-441)**

23
24 Brenner asked how much is spent already.

25
26 Mike Russell, Administrative Services Department, stated they purchased the
27 portable about a year ago. Now, they are hooking up the water, sewer, and electrical.
28 That's what this contract is for. They have to install a pump station next to the portable. It
29 pumps around the entire campus to the back of the campus, and into a second pump
30 station that goes into the Ferndale sewer system. The pump stations are expensive.

31
32 *Nelson moved* to recommend approval to the full Council.

33
34 *Motion carried unanimously.*

- 35
36 27. **REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-95 TO BIDDER**
37 **DIEHL FORD FOR THE PURCHASE OF FOURTEEN FULL-SIZE POLICE PURSUIT**
38 **VEHICLES, IN THE AMOUNT OF \$389,422.89 (AB2008-442)**

39
40 *Crawford moved* to recommend approval to the full Council.

41
42 *Motion carried unanimously.*

- 43
44 28. **REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-98 AND TO**
45 **ENTER INTO A CONTRACT WITH LOW BIDDER EBENAL GENERAL FOR THE**
46 **DEMOLITION OF 401 GRAND AVENUE, IN THE AMOUNT OF \$79,132**
47 **(AB2008-443)**

48
49 *Nelson moved* to recommend approval to the full Council.

50
51 *Motion carried unanimously.*

52
53 Crawford asked what this location will be used for.

1
2 Dewey Desler, Deputy Administrator, stated it will be used for parking.
3

- 4 **29. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
5 **PURCHASE OF THE ANNUAL 2009 SUPPLY OF SNOW AND ICE CONTROL**
6 **PRODUCTS UTILIZING WASHINGTON STATE CONTRACT, IN THE AMOUNT OF**
7 **APPROXIMATELY \$35,000 (AB2008-444)**
8

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

11 *Motion carried unanimously.*
12

- 13 **30. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
14 **PURCHASE OF THE ANNUAL 2009 SUPPLY OF WATERBORNE TRAFFIC LINE**
15 **PAINT USING AN INTERLOCAL AGREEMENT WITH PIERCE COUNTY AND**
16 **VENDOR PERVO PAINT PRODUCTS, IN THE AMOUNT OF APPROXIMATELY**
17 **\$450,000 (AB2008-445)**
18

19 *Crawford moved* to recommend approval to the full Council.
20

21 *Motion carried unanimously.*
22

- 23 **31. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO FINALIZE AN**
24 **APPLICATION WITH SUN LIFE ASSURANCE COMPANY FOR EXCESS (STOP-**
25 **LOSS) MEDICAL PLAN COVERAGE IN 2009, IN THE AMOUNT OF \$112,436**
26 **(AB2008-446)**
27

28 *Kelly moved* to recommend approval to the full Council.
29

30 *Motion carried unanimously.*
31

- 32 **32. REQUEST APPROVAL FOR THE EXECUTIVE TO PURCHASE SOFTWARE**
33 **LICENSE TO UPGRADE THE NETWORK AND OFFICE SOFTWARE THROUGH A**
34 **WASHINGTON STATE DEPARTMENT OF INFORMATION TECHNOLOGY**
35 **CONTRACT WITH VENDOR MICROSOFT, IN THE AMOUNT OF \$211,174.99**
36 **(AB2008-447)**
37

38 *Crawford moved* to recommend approval to the full Council. He asked how the
39 license works, and if they are using Windows for Home.
40

41 Dewey Desler, Deputy Administrator, stated they are not using Windows for Home.
42

43 Brenner asked at what point the network will be upgraded. She has had problems
44 getting her emails.
45

46 *Motion carried unanimously.*
47

- 48 **33. REQUEST APPROVAL OF ADDENDUM #2 TO THE JAIL NURSING AGREEMENT,**
49 **CONTRACT #200610030 (AB2008-451)**
50

51 *Nelson moved* to recommend approval to the full Council.
52

53 *Motion carried unanimously.*

- 1
2 **34. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
3 **BETWEEN WHATCOM COUNTY AND THE OPPORTUNITY COUNCIL FOR**
4 **WHATCOM COUNTY HOMELESS SERVICE CENTER ADMINISTRATIVE**
5 **SERVICES (AB2008-452)**
6

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

9 *Motion carried unanimously.*
10

- 11 **35. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
12 **PURCHASE OF UHF PORTABLE RADIOS FOR THE SHERIFF'S DEPARTMENT**
13 **UTILIZING THE WASHINGTON STATE CONTRACT, IN THE AMOUNT OF**
14 **\$54,546.10 (AB2008-454)**
15

16 *Kelly moved* to recommend approval to the full Council.
17

18 *Motion carried unanimously.*
19
20

21 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**
22

- 23 **8A. RESOLUTION AUTHORIZING THE EXECUTIVE TO TRANSFER UNEXPENDED**
24 **GENERAL FUND BUDGET AUTHORITY TO SUPERIOR COURT (AB2008-455)**
25

26 Nelson stated it seems like they make changes each year, and receive letters about
27 under-funding Superior Court. They end up having to do supplemental budget requests.
28

29 Chuck Snyder, Superior Court Judge, stated there are certain things in the Superior
30 Court budget that they can't accurately predict. Those things depend on the caseload,
31 which is driven by things outside the County government. The Superior Court must respond
32 to things that come up. They never know how many jury trials they will have. There has
33 been a huge increase in mental commitment hearings because of changes in Medicare
34 funding. The department has tried to estimate it's budget for two years as best it can. For
35 many years, they've gone over budget and had to request a supplemental budget for things
36 that are required.
37

38 Brenner stated this will also include stop-gap money for the guardian ad litem
39 program.
40

41 *(Clerk's Note: End of tape one, side B.)*
42

43 Nelson asked if the budget is under-funded simply because they can't predict the
44 number of cases that will come to the County.
45

46 Dewey Desler, Deputy Administrator, stated he respects Judge Snyder's comments.
47 Other parts of the justice system and all the courts are in the same position. The issue is
48 also about trying to manage the budget and expenditures during the course of the year.
49

50 There have been budget shortfalls in six of the last seven years. When working with
51 the court, the administration will come to the Council with supplemental budget requests.
52 They must help the courts understand the gravity of the financial situation. There have
53 been no supplemental budget requests this last year unless revenue was attached. With

1 the court budget, the County will be out of balance by approximately \$150,000. They must
2 figure out a solution.

3
4 Snyder stated the items on which they are over budget include the pro tempore
5 commissioners. There are six full-time judicial officers in Whatcom County Superior Court.
6 According to the caseloads, they should have 6.8 full-time judicial officers. They use pro
7 tempore commissioners to cover that additional .8 staff time they don't have. Those are
8 the mental hearings that now come up every day. They are the only court that deals with
9 dependencies and mental commitment hearings. This year, they have made adjustments to
10 pro tempore judges and guardians ad litem to keep costs down. They are monitoring
11 expenditures as closely as they can. The reality is that they have to hear cases as they
12 come in.

13
14 Nelson stated he understands unexpected expenditures. They should be able to
15 estimate a budget much better. This is a large amount of money. Snyder stated that the
16 amount the court says it needs for its budget isn't often the amount that is approved. The
17 court is often asked to reduce its budget. The budgeted cost of the guardian ad litem
18 service is based on a 2006 number. They must be realistic about costs. They are obligated
19 by State law to provide these services. The Judges have sworn an oath to uphold the law of
20 the State of Washington. They can't voluntarily decide to which cases they will assign
21 guardians ad litem to meet a budget target. They have to do what the law says.

22
23 Crawford stated that Judge Snyder is saying that when the court needs something,
24 the Council has no choice but to provide it, unlike any other function of County government.
25 Snyder stated they have a legal obligation to provide these services. They can't raise
26 revenue for these services. They are an independent, third branch of government that
27 depends upon the Council to provide funding. They can't raise money, tax, or find sources
28 of income. The Superior Court is a State court, not a County department. They are
29 obligated to do these things.

30
31 Crawford stated other departments figure out many ways to cut back. Snyder stated
32 they have developed great efficiencies. If they can't fund these services, they will start
33 laying off staff. When they don't have people to manage courtrooms, they won't hear
34 certain cases. They will have to begin to prioritize the cases they hear.

35
36 Kelly stated the courts should do that. There are a number of other State mandates
37 that this County as a government is not addressing because of budget cuts. The courts
38 should begin to prioritize. Snyder stated these things have to be done. When they are
39 done, they will cut other things if they have to, which will affect their ability to do other
40 kinds of cases that they are obligated to do. Some folks won't have their cases heard
41 because they don't have the money to hear them.

42
43 Nelson asked if Executive Kremen supports this resolution, in light of the budget
44 shortfall. Desler stated he does.

45
46 Crawford stated it seems like this is making a mockery of the budget process by
47 saying this budget shortfall will continue to happen over and over. Snyder stated they
48 would do everything possible to keep all other costs in line or reduce them. They have held
49 the line on certain services. The court will come to the Council if it sees something coming
50 up.

51
52 Brenner asked how soon they will have the court appointed special advocates (CASA)
53 program. Snyder stated they are working on it. The first group of eight CASA volunteers

1 have graduated. They are training another group. In three to five years, they may have
2 enough CASA volunteers to fully replace the paid guardians ad litem. It takes awhile to
3 recruit these folks.
4

5 Nelson asked if N.F. Jackson would be able to present mid-year reports to this
6 Finance Committee.
7

8 N.F. Jackson, Superior Court Clerk, stated they have committed to the administration
9 to provide updates quarterly. The budget for guardian ad litem services and conflict
10 attorneys is at a level projected during the summer of 2006. They started trying to get
11 those contracts for those services at that time. They still don't have a 2009 guardian ad
12 litem contract. They don't know what the amount will be.
13

14 The administration is working diligently and creatively with Superior Court to come
15 up with cost containment measures. Good work is in progress to avoid a repeat of this
16 situation every year. He's not sure if it's doable, but they're trying hard.
17

18 Crawford asked what would happen if the Council does not approve this request.
19 Desler stated there would be staff layoffs. They cannot make expenditures beyond a certain
20 amount, according to State law. If they do, the obligation rests with the officials making
21 those decisions. If they also pay the bill, even though it exceeds the budget according to
22 the law, those people who approved those things, the Executive's Office, are subject to
23 quadruple damages. That's why they want to avoid that circumstance and need the
24 Council's authorization to transfer unused budget authority. If they had had better
25 estimates and earlier notice of problems, they could have put it through the budget process.
26 They will do a very careful review of expenditures and revenues monthly.
27

28 **Nelson moved** to recommend approval to the full Council.
29

30 Crawford asked what damages for which the County would be liable. Desler stated
31 they can't slow expenditures down by the end of the year to accommodate what's gone on.
32 They aren't able to write checks beyond the \$5,238,000 they have in those two budgets. If
33 they do, there would be contractors who demand to be paid and would have a cause of
34 action against the County.
35

36 Dave McEachran, Prosecutor, stated the statute says that if they expend more
37 monies than allocated, those expenditures are liabilities not of the County, but of the
38 specific individuals who incurred those debts. If the County doesn't change the budget, but
39 goes ahead with payment, whoever pays the debt is personally liable for an amount four
40 times the debt. A court of competent jurisdiction could allow that, but the Superior Court
41 couldn't do that without going through a process of lawsuit against the County.
42

43 Nelson asked if the County is liable if it doesn't pay for the mandated services.
44 McEachran stated it depends on the court's interpretation.
45

46 Nelson stated he hopes they all work closer so this doesn't happen again.
47

48 **Motion carried unanimously.**
49

50
51 **OTHER BUSINESS**
52

53 There was no other business.

1
2
3
4
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18

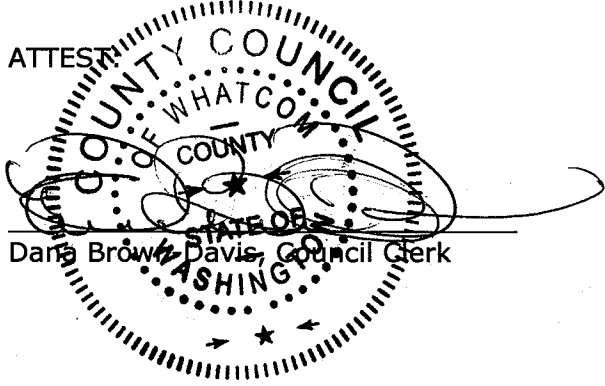
ADJOURN

The meeting adjourned at 1:09 p.m.



Jill Nixon, Minutes Transcription

ATTEST



Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



L. Ward Nelson, Committee Chair