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WHATCOM COUNTY COUNCIL
Regular County Council

December 8, 2009

Council Chair Seth Fleetwood called the meeting to order at 7:11 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Laurie Caskey-Schreiber, Seth Fleetwood, L. Ward Nelson and Carl Weimer

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Fleetwood announced there was **discussion with Chief Civil Deputy Prosecutor Randy Watts regarding pending litigation (AB2009-018)** in executive session during the Committee of the Whole meeting.

SPECIAL PRESENTATIONS

1. SPECIAL PRESENTATION BY THE COUNTY EXECUTIVE TO CHUCK ANTHOLT, AGRICULTURAL ADVISORY COMMITTEE AND ROD ERICKSON, PURCHASE OF DEVELOPMENT RIGHTS OVERSIGHT COMMITTEE, FOR THEIR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY (AB2009-017)

Pete Kremen, County Executive, read his comments into the record regarding Mr. Chuck Antholt's many contributions to Whatcom County and its agriculture, and presented him with a plaque.

Chuck Antholt, Agricultural Advisory Committee, thanked the Executive and urged continued support for the purchase of development rights (PDR) program and other tools to protect agriculture.

Kremen presented Rod Erickson with a plaque and read comments into the record about his accomplishments.

Rod Erickson, Purchase of Development Rights (PDR) Oversight Committee, thanked the Executive and County Council and urged continued support of the agricultural community for future generations.

Brenner read and presented plaques of appreciation to outgoing Councilmembers Fleetwood, Nelson, and Caskey-Schreiber.

MINUTES CONSENT

1 **Weimer moved** to approve the Minutes Consent items.
2

3 Bruce Deile, Bellingham, stated there is an error in the minutes of November 10.
4 The minutes don't represent what he said. He suggested amending the minutes:
5

6 "Bruce Deile, citizen, stated there ~~are involuntary requirements of~~
7 ~~inebriated homeless people in Alaska, but no priority for drunken drivers is~~
8 **involuntary commitment of homeless inebriants in Anchorage, Alaska, but no**
9 **priority for repeat drunken drivers.** Prior to the Olympics, officials are trying
10 to remove homeless people out of the area for aesthetics. **If there is a**
11 **crackdown on trespassing, prior to the Olympics, then homeless people may**
12 **be moved out of the area to improve aesthetics.** A proposed camp is really
13 an internment camp. **If there is a crackdown on trespassing, then the**
14 **proposed camp is no longer voluntary, but becomes compulsory.** They need
15 single occupancy housing. A more conservative Council just elected won't do
16 that."
17

18 Fleetwood withdrew the minutes of the November 10, 2009 Regular Council meeting
19 to review and amend if needed.
20

21 The motion to approve items one and two carried by the following vote:

22 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)

23 **Nays:** None (0)
24

25 **1. SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 10, 2009**

26 **2. COMMITTEE OF THE WHOLE FOR NOVEMBER 10, 2009**

27 **3. REGULAR COUNTY COUNCIL FOR NOVEMBER 10, 2009**
28
29

30
31 **OPEN SESSION**
32

33
34 Andy Ackames, Racine Street, stated local temperatures have been below freezing
35 lately. There are 1,328 homeless in the community. Twenty percent of those are children.
36 The Bellingham Friends of the Homeless attempts to educate lawmakers that the County is
37 complicit in allowing 264 children to sleep without a home tonight.
38

39 Bruce Deile, Homeless in Bellingham, stated, he is following up on what he just
40 spoke about, that is to show that when minutes are not correct, it shows up on a Google
41 search of his name. He's spoken in Colorado Springs before, under public comment, and all
42 that stuff comes up under his name when someone does a Google search. When he's
43 contacted people for roommate situations, or to rent a room, or even for employment
44 purposes, people do a Google search of your name and all that stuff comes up. Back in
45 Colorado Springs, they completely just messed up his comments. Minutes not done in an
46 orderly fashion, after he speaks under public comment, you don't know when minutes are
47 going to be up for approval, so unless you really pay attention and are here every time to
48 see if it comes up for approval after you've spoken, it could be several weeks to months
49 after you've spoken that these come up for approval. So, if you don't come back and to say
50 that isn't what he said, then all this stuff comes up under your name under a Google search,
51 and people think this guy didn't make any sense. He did make sense. What they put down
52 made him illogical. So if the Council could consider doing this in a more orderly fashion so
53 the public is aware when the minutes are going to be up for approval, so they can be looked

1 at. (*Inaudible*) meant to be too particular and make a production about it, but just so it can
2 be correct and have a correct representation of what a person is saying. One more point is
3 that these have already been approved and he wasn't aware of it, but there's another
4 comment about Alcoholics Anonymous (AA) when he spoke. What came up in the minutes
5 was saying that when people are, he doesn't think he can do this under three minutes, but
6 when people are required court-ordered AA, when it's required for people, it said in the
7 minutes that no choice was given. What he said was that the way they're getting around
8 the fact that it's unconstitutional is that they're given a choice. You can either go to AA or
9 go to one of these secular programs. But say if you're in a town that doesn't have any
10 secular programs available, you're stuck with going to an Alcoholics Anonymous meeting,
11 which is unconstitutional, because the Supreme Court ruled that it's religious. They've
12 gotten around that by (*inaudible*). And so it's a willingness to happen unconstitutionally.
13 That was never reflected correctly in the minutes. That's another example. I hope the
14 Council would consider that.

15
16 (*Clerk's Note: The speaker following Mr. Deile requested that his/her testimony not*
17 *be included in the minutes.*)
18

19 Mike Kaufman, 1620 Huntley Road, stated he thanks the Councilmembers who are
20 leaving for their service to the community. They make sacrifices to families and careers.
21 He is in favor of appointing Dan McShane to the Council vacancy. He did run for that seat.
22 He put his face out there and his money on the line. He's not looking for an easy way in.
23 Last, he made a comment about medical insurance last time he spoke. There have been
24 comments from some of the homeless people and from Councilmember Brenner. Medical
25 insurance may have extremely good programs. As an individual, he competes against the
26 money the County buys for medical insurance. The medical insurance that people have are
27 at the expense of people who are out in the cold. Medical is a major part of humanity, and
28 they need to get their heads around it. The County Council government can help them do
29 that.
30

31 Chet Dow, 5491 Woodfern Way, Bellingham, stated he thanks councilmembers who
32 are leaving for what they do and the service they provide. Many Whatcom County citizens
33 are concerned about an apparent lack of transparency surrounding procedure for filling the
34 vacant council seat. Little exists in the way of written guidance to consistently assist
35 Council in evaluating and choosing a candidate to fill this important position. The electorate
36 normally has weeks to accomplish the task. Of even greater concern is fair and consistent
37 procedures for nominating and voting on a prospective councilmember have not been
38 established. If they have, it's not easy for the public to find out what they are. Therefore,
39 procedures can't be explained to the public. Under the unusual circumstances set in motion
40 after one a.m. on November 25, the vague language "as Council deems appropriate" found
41 in County Charter Section 4.50 needs to be publicly addressed with details specific to filling
42 Mr. Kelly's position and setting forth an explicit, understandable process. This needs to
43 happen before Council convenes proceedings to discuss filling the vacant seat this evening.
44 This is like a personnel matter. It's incomprehensible how 24 people can apply, have a
45 deadline, and have the Council do all this and potentially take a vote this evening. He
46 hopes they give more consideration than that to a position that will affect such important
47 things as the condition of the County budget or ongoing debates and discussion about land
48 use issues.
49

50 Yoshi Ravelle, 4026 Willowbrook Lane, Bellingham, stated everyone is a member of
51 the same family. No matter how much they disagree, they owe each other the basic
52 respect of being members of the same family. He hopes they can get better at that in the
53 future. He will try.

1
2 Bruce MacCormack, Northwest Economic Council Chairman, stated he will speak on
3 Consent Agenda item 24 regarding the **contract with Northwest Economic Council for**
4 **assistance with the oversight of the Economic Development Investment (EDI)**
5 **fund and expanded outreach to the business community (AB2009-482)**. He
6 thanked the outgoing councilmembers for all they've done for this community. The
7 dedication and long hours are greatly appreciated. He supports the contract. Support their
8 endeavors to continue the countywide economic plan and the accelerator initiative, which
9 will create many jobs in this region. Representatives of three other agencies, including
10 Sustainable Connections, Technology Alliance Group, and the Bellingham Angels are here to
11 support this request. This represents a milestone. Heretofore, agencies who have had to
12 compete for dwindling funds in the past can now come together for a common purpose for
13 the benefit of the community as a whole. They are entering into a new era of cooperation
14 and harmony to create job opportunities for early stage and startup companies, and
15 together help rebuild their economy. This is the first time that four agencies have come
16 together in unison and harmony to ask for a common purpose. He's very proud of that. His
17 colleagues will speak mainly to the accelerator project, but will also be deeply involved in
18 the economic planning process, incorporating their special subject matter expertise and
19 valuable experience, to make this a meaningful, countywide document. Embrace the spirit
20 of this important accord by supporting this request that is essential to the success of their
21 plans.
22

23 Ron Bronsema, Flood Control Zone District Advisory Committee Chair, stated he
24 alerts the Council to the inequity looming on the Advisory Committee. They've recently lost
25 four members. They have two open positions. Now, Sumas Mayor Bromley and he are the
26 only representatives of the north county left. All the other representatives are from
27 Bellingham or the south fork. Appoint people to the two open positions who are from the
28 lower stem of the Nooksack, from the confluence of the forks to Marietta. They need that
29 knowledge on the advisory committee. He needs help. He thanks the councilmembers for
30 their service.
31

32 Paul Grey, Technology Alliance Group (TAG) Board Member, Bellingham, stated he
33 supports the **contract with Northwest Economic Council for assistance with the**
34 **oversight of the Economic Development Investment (EDI) fund and expanded**
35 **outreach to the business community (AB2009-482)**. He thanked Chuck Antholt and
36 Rod Erickson for their work over the years on behalf of agriculture and county farmers.
37 Every community wants good, clean technology industry, but wishing for it won't make it
38 happen. They need to put definitive programs in place to make the area attractive and easy
39 for the next technology companies to start and grow their businesses within the boundaries
40 of Whatcom County. Create a fertile ecosystem that encourages new tech startups and
41 faster expansion of existing technology companies. Ninety-eight percent of companies that
42 start within a community will stay in the community. It's important to encourage new
43 startups here. TAG created two online directories to assist in advancing technology
44 economic development, including the technology directory and a research and development
45 (R&D) directory. In terms of definitive programs, TAG supports business accelerators,
46 entrepreneurial training programs, and active networking functions as ways to create the
47 ecosystem that will drive the most attractive job creation and retention within the
48 community.
49

50 John Lesow, Point Roberts, stated he thanks the councilmembers for their service.
51 He asks why Bob Wiesen wants to rejoin the Planning Commission. Bob Wiesen has told the
52 Council that the Whatcom County Planning Commission is the worst in the history of
53 Whatcom County. At the last meeting, Bob Wiesen accused the Planning Commission of

1 being disrespectful to citizens. Of course those statements aren't true. The rumor that the
2 County is downzoning 19,000 acres to rural, one unit per ten acres (R10A) is also not true.
3 Repeating untruths often enough can sometimes be accepted as facts, and sometimes
4 people start believing. Sometimes rumors can influence elections. One of the shames of
5 the last election cycle was the demagoguing of land use issues in Whatcom County. Bob
6 Wiesen and others have been very active in bringing legal actions against Whatcom County,
7 in support of their positions. In the defense of these actions, it's the taxpayers who pay the
8 County's legal bills. More and more, land use policy in Whatcom County is being made by
9 courts and hearings boards. The Planning Commission and County Council are just way
10 stations, where developers get their tickets punched on the way to the real power, the
11 hearings boards and courts. He asked how much of his own personal fortune Bob Wiesen
12 has spent on his expensive lawyers, or if it's all done pro bono with land developers footing
13 the expense. In his 17 years in Whatcom County, he's spent thousands of dollars on legal
14 challenges and defenses brought on by the actions or inactions of County government.
15 During that time, he's had five Whatcom County lawyers representing his interests. He's
16 paid every one of them in full. He doesn't owe anyone a dime. Any person who is an active
17 litigant against Whatcom County in matters relating directly to land use policy should not be
18 considered for appointment to the County Planning Commission. It makes a mockery of the
19 idea of impartiality and probably violates the appearance of fairness statutes of the State of
20 Washington, which they are supposed to abide by. He is willing to litigate that point if
21 necessary.
22

23 Derek Long, Sustainable Connections Executive Director, stated he supports the
24 **contract with Northwest Economic Council for assistance with the oversight of the**
25 **Economic Development Investment (EDI) fund and expanded outreach to the**
26 **business community (AB2009-482)**. The qualities that have made Whatcom County
27 attractive and know for sustainable business practices and living are the same qualities that
28 attract entrepreneurs and employees of high-tech and growth companies. It's smart for
29 Whatcom County to invest part of it's economic development funds in attracting these
30 companies. They typically go after growth markets and have higher wages. Whatcom
31 County doesn't perform very well regarding wages. This strategy can help remedy that.
32 With a little bit of work and collaboration, these companies can become sustainable. The
33 business accelerator is challenging, but compelling. There is potential for good value from
34 this investment. He likes the talent that Bruce MacCormack brings with him to develop this
35 concept. Clearly the organization is under new leadership. There are a lot of new
36 possibilities with this new leadership. Support the request.
37

38 Dennis Jones, Sudden Valley, stated Stanford women's soccer beat UCLA. Anson
39 Dorrance, a 20-time NCAA Division 1 champion, is someone worth modeling oneself after.
40 When picking a new councilmember, he agrees with Mr. Lesow that they have to tell the
41 truth. It's clearly spelled out and everyone knows. No matter how many times they try to
42 create that fear, it's still there. When making the decision, look ahead 10 years and look
43 back 10 years. He supports Dan McShane for the vacant Council seat. Don't take the easy
44 way out.
45

46 Caskey-Schreiber thanked Mr. Jones for being so engaged in the community. He
47 does an outstanding job representing Sudden Valley.
48

49 Shawn Kemp, Bellingham Angels Group Steering Committee Member, stated he
50 supports the **contract with Northwest Economic Council for assistance with the**
51 **oversight of the Economic Development Investment (EDI) fund and expanded**
52 **outreach to the business community (AB2009-482)**. He's seen over a hundred
53 companies come through his screening process. Many are not from the Bellingham area.

1 Many of the group members would like to see more coming out of the area of Whatcom
2 County. Those who come from Whatcom County are well-received. Also, this area is
3 uniquely positioned to take the lead around clean technology, green initiatives, and high-
4 tech. They see this a lot through Sustainable Connections, which has been winning awards
5 nationwide, and through their membership. The number one area where they want to see
6 investment opportunities arising is in the green technology space and high-technology
7 areas. The base of retired professionals they can draw from and they fund is high. They
8 would like to see more of that happening in a consolidated manner across the initiatives
9 described in the accelerator activities. New markets in high-tech in service and e-commerce
10 is uniquely positioned. A couple of startups from this area are doing really well at
11 generating high-wage jobs and increasing economic areas around here. The Bellingham
12 Angel Group has had a good track record with investment in those local companies. Of over
13 100 different companies that come through each year, there are about six from this area
14 that meet the criteria the investors want to see. The accelerator initiatives will increase that
15 pipeline, so money doesn't fund activities in Vancouver, Seattle, or Portland, but in
16 Whatcom County.

17
18 Bob Wiesen, 3314 Douglas Road, stated he is an applicant for the vacant County
19 Council position. His application included a letter of recommendation from Sylvia Goodwin
20 when he left the Planning Commission. He tried hard while on the Planning Commission to
21 respect the people coming before the commission and to solve problems. One of his
22 important factors is good jobs, affordable housing, reasonable regulation, and profitable
23 farmers. The previous Planning Commission when he served often received comments
24 about how they listen to people. They need time to figure out how to balance some of these
25 issues. (*Inaudible*) Figure out ways to not be so adversarial and try to help people through
26 problems. The staff and Planning Commission have created an adversarial condition among
27 the population. (*Inaudible*) They should respect that they're making it harder for them.
28 This is the worst Planning Commission he's ever seen. That's unfortunate. He's spent a lot
29 of money going to seminars. He probably knows a lot more about the Growth Management
30 Act than John Lesow. There are 14 goals in the Act, and Whatcom County is only looking at
31 a few of them. They give British Petroleum (BP) a rough time about adding a co-generation
32 plant, and the result is that they lose the tax base and don't get the good jobs.

33
34 Marion Beddill, 2700 Old Fairhaven Parkway, Bellingham, stated she supports Hue
35 Beattie, Robyn Dupre, Dan McShane, or Paul Schissler for the vacant Council position.

36
37 Patrick Alesse, 4825 Alderson Road, Blaine, stated that if he were a Planning
38 Commission, it should address a pending development adjacent to Blaine. He's passed the
39 development for over 30 years, and the guy would like some consideration. It would fit. He
40 submitted and read from a handout (*on file*) regarding his support for Dan McShane for
41 County Council.

42
43 Hue Beattie, 2104 McKenzie, stated he submitted an application for the vacant
44 County Council position. In his precinct, Dan McShane got 85 percent of the vote. He
45 added up the percentage in various precincts. In Council District 1, Dan McShane got 62
46 percent of the vote. In the rural parts of District 1, Dan McShane got 53 percent of the
47 vote. Dan McShane won in Council District 1, even though he wasn't running for that
48 particular seat. His application says that it would be an honor to fill Bob Kelly's turn in the
49 event the Council doesn't pick Dan McShane.

50
51 Craig Parkinson, 119 Grand Avenue, Suite D, Bellingham, stated he represents
52 Harbor Shores LLC and requests the Council to reconsider the urban growth area (UGA)
53 ordinance adopted November 24, specifically the plat of Harbor Shores north to the Blaine

1 City limits. A 35-acre area has already been subdivided to an urban density. All the parcels
2 within the plat of Harbor Shores may be built upon regardless of UGA designation. It's a
3 question of how to sewer the existing lots. It has been Harbor Shores plan to service the
4 area with public sewer, and it has spent a significant amount of time and money on this
5 plan. Insufficient consideration was granted to the specific environmental concerns of this
6 area. The benefit to keeping this area in the UGA is the avoidance of the construction of
7 over 50 new drain fields in a very small area adjacent to sensitive Drayton Harbor. In
8 addition, not constructing the drain fields equates to two full acres less of land disturbance
9 needed to construct them, with a portion of that being in critical areas. Another benefit is
10 that the covenants recorded with the plat in 1965 require that existing homes connect to
11 public sewer when it becomes available. There are about six homes in the plat now that will
12 be required to hook to public sewer. Removing Harbor Shores from the UGA jeopardizes
13 the construction of public sewer, but doesn't negate the actual home construction to urban
14 density in this area. Keeping this area in the UGA makes sense, because it's already
15 developed to urban density and County permits have already been issued for sewer
16 construction. Taking it out of the UGA will result in more needless process later or a
17 potential lost opportunity to prevent construction of new or removal of existing drain fields
18 in this sensitive area. Consideration would be appreciated.

19
20 Brenner asked if any councilmember can make a motion to reconsider this item.

21
22 Karen Frakes, Prosecutor's Office, stated it's a rule of order question. It wouldn't be
23 a motion to reconsider technically. It would be a motion to rescind, which could be made by
24 anyone.

25
26 Ron Reimer, 6595 Northwest Road, stated he will speak about new zoning
27 enforcement with a \$1,000 per day penalty. In reading it, it looks like County staff now
28 wishes to make these violations that have to do with land, such as buffer intrusions, and
29 turn it into a criminal matter, with penalties of \$1,000 per day and up to a year in jail. If
30 they want to go to that extent, they should get a search warrant and go through the
31 criminal process. It seems absurd that they can write an article that says nine out of ten
32 people don't cause a problem, but they need to bring out a huge hammer for the ten
33 percent of people who do. Don't rule on this. Give it more time so people can understand it
34 more closely. It's not meant to go from a civil to criminal matter. That's the direction the
35 County staff is asking to go.

36
37 Dan McShane, 1451 Grant Street, Bellingham, submitted an aerial photograph of
38 Harbor Shores LLC. When it comes to planning issues, let the land speak. In this case, the
39 land has spoken toward urbanizing a number of years ago. That is not a good scenario for
40 Drayton Harbor. He thanked Councilmember Caskey-Schreiber for the tremendous job
41 she's done on the Council. A lot of attention is given to land use issues in this County.
42 However, Councilmember Nelson's attention to health issues will be sorely missed. Certain
43 things in Whatcom County wouldn't be the way they are without Councilmember Fleetwood.

44
45 David Hunter, 819 Mason Street, stated the Council has a lot of well-qualified people
46 to consider for the County Council vacancy, including a lot of well-qualified people from the
47 Planning Commission. He's hopeful that four people on the County Council are ready and
48 willing to support Dan McShane for that position. Regardless of whether or not he runs for
49 office again, and regardless of whether he represents the same political position. Recognize
50 that he is thoughtful, careful, and open to discussion. That's necessary for being a
51 Councilmember. He's been on that worst Planning Commission for eight years. He's found
52 it to be exciting and interesting from his first day, when Bob Wiesen was the Chair. He
53 enjoyed Mr. Wiesen's presence. It was a fun place to be. He wouldn't trade the experience.

1
2 Jayne Uerling, 3245 Mosquito Lake Road, stated she thanks outgoing
3 councilmembers and will miss them. They have stood firm to their values and beliefs.
4 That's what makes the Council work. Even with their differences and hard decisions, the
5 Council has contributed much. She looks forward to the new councilmembers also. A large
6 percentage of this County is without full telecommunications ability. Commercial retail is
7 pushing to go totally online and on the net. They have a vast majority of the population
8 that don't have access to this technology. The Recovery Act has placed billions of dollars
9 into it, specifically for regions such as those in this county that lack the ability to get on the
10 internet. Look closely at the population not being served, the cost, and whether they can
11 access any of the Recovery Act funds. Move toward getting all of Whatcom County in the
12 21st Century.

13
14 Joan Casey, Bellingham, stated she lives in District 1. She has known and worked
15 with Dan McShane for 15 years. Select Dan McShane for the vacant Council seat. He is
16 familiar with all the issues, and has the values she holds dear. She thanked all the
17 councilmembers for their work for Whatcom County. She expects to see outgoing
18 councilmembers in the future.

19
20 Skip Jansen, 2024 Northshore Drive, stated an error has been made by taking
21 Harbor Shores LLC out of the UGA. It's been in his family since 1965. It's already
22 developed to urban density. It's common sense that a mistake has been made by taking
23 this 20-acre parcel out of the UGA, and adding an undeveloped 300 or 400 acres in the
24 Blaine area. Talk to Planning Director Stalheim, who is well-informed on the issue.

25
26 Wyburn Bannerman, 3455 Klukun Road, Ferndale, stated Mr. McShane has been in
27 County politics for many years. Recently, people in Whatcom County decided they didn't
28 need him or his agenda any longer, and elected a relative newcomer. There is no reason
29 why they should bring him back in through the back door. Consider someone else.

30
31 Uerling stated that as a resident of District 1, and she would like someone from
32 District 1 to fill the seat.

33
34 Don Hansey, 907 41st, Bellingham, stated he is an applicant for the vacant County
35 Council seat. He filled out the application and got it in on time. After that, he found out
36 that they asked for a resume. He prepared the information and described his political
37 experience. He understands the County Charter and ordinances. He can step forward and
38 deal with issues fairly and reasonably. If appointed, he would not seek election. He would
39 spend all his time, effort, experience, and undivided attention to represent the County so
40 that someone that the voters can choose can be appointed. There are a lot of good
41 candidates the voters can choose.

42
43 Doug Pullar, 5541 Guide Meridian, stated consider all applicants for the Council
44 vacancy, not just one person. There are others who are qualified.

45
46 Jim Dickinson, 2094 West Shore Drive, Lummi Island, stated everyone is looking at
47 hard times coming. They aren't going to get any better soon. Begin to think about what
48 they're supposed to be doing with their governmental agencies. Many things will have to be
49 discarded if they are going to survive at all. With that in mind, appoint someone to the
50 Council vacancy that is not aligned with anybody. He would consider Mr. Hansey, because
51 he really wasn't aligned with anybody. Otherwise, appoint someone new that they haven't
52 seen before. He likes Doug Starcher and Chris Ungern, because he knows them both. Stay

1 away from the old politics-as-usual that has been going on in this county. It won't be the
2 status quo they've been used to.
3

4 Pat Hammill, 1717 Edgewater Lane, Bellingham, stated she would speak regarding
5 the County Council vacancy. The Planning Commission caused much divisiveness. It put
6 fear into the hearts of landowners by their constant throwing around of ten-acre zoning.
7 She was at the meetings every time it came up. They kept saying ten-acre zoning. Don't
8 go that way. They've had enough vicious fighting. They must come together somehow.
9 The people from the Planning Commission didn't bring anyone together.
10

11 OTHER ITEMS

12 **12. NOMINATIONS AND POSSIBLE APPOINTMENT TO FILL THE DISTRICT 1, 13 POSITION B, VACANCY ON THE WHATCOM COUNTY COUNCIL (AB2009-456)**

14 Fleetwood read the authority they are required to follow. Their actions are governed
15 by the County Home Rule Charter, Whatcom County Code, and State statutes. Some
16 members of the public have suggested that the appointment should not be made until the
17 recently-elected Councilmembers have been seated in January. The Code requires the
18 Executive to make the appointment if the vacancy remains unfilled for a period of 30 days
19 because of the Council's inability to make the appointment. Those 30 days will expire
20 before the new Council is seated. Deferring this decision to the new Council is not
21 permitted under the Code. The Council may meet in executive session to evaluate
22 candidate qualifications, but an interview and final action shall be in an open meeting. The
23 Council must determine tonight the voting process. They received applications from 24
24 individuals. He thanked each applicant.
25

26 The existing rules require them to nominate in an open, regular meeting, convene as
27 Committee of the Whole to consider the nominations and discuss process, and reconvene as
28 the Council to vote on the appointment.
29

30 Brenner stated the County Council can change the Code whenever it wants. None of
31 that is in the Charter. She didn't have time to call most of the applicants once the
32 applications arrived. There is one important question she must ask the candidates. She
33 won't give anyone a leg up in the election. It's very important to not give anyone an
34 advantage in an election. The way the resignation happened wasn't fair to the Council or
35 public. There was no emergency or death in the family. Nothing required a resignation
36 announcement at one a.m. She would like to postpone this appointment for a special
37 meeting to be determined, because she hasn't been able to contact some of these people.
38 She moved to make nominations now, but postpone the vote for a meeting to be announced
39 at a later date.
40

41 The motion failed by the following vote:

42 **Ayes:** Nelson and Brenner (2)

43 **Nays:** Crawford, Caskey-Schreiber, Weimer and Fleetwood (4)

44 Weimer nominated all 24 candidates who applied.
45

46 Crawford nominated Ward Nelson.
47

48 Nelson stated he appreciated the nomination, but it would only be until the election.
49
50
51
52
53

1 (Clerk's Note: Chair Fleetwood recessed the Council meeting at 8:25 p.m. and called
2 to order a special Committee of the Whole meeting to discuss nominations and/or process.)
3

4 Fleetwood read the appointment process steps into the record:

- 5 1. Having received nominations the Council will vote on applicants.
- 6 2. Each councilmember shall indicate, by roll call vote, applicants whom they
7 could support for appointment. The Clerk shall call the roll of each applicant
8 nominated.
- 9 3. Should only one applicant of all the people nominated win four or more votes,
10 through this first round of votes, they shall be the appointee.
- 11 4. Should more than one applicant win four votes, in this first round, the Clerk
12 shall call roll from this newly limited field of applicants that won four votes,
13 and Councilmembers shall, again, indicate their preference. Should only one
14 applicant win majority support he or she shall be the appointee.
- 15 5. Should no applicant win four votes in the first round of roll call votes we shall
16 select those applicants who won three votes and remove from consideration
17 those who failed to win three votes. We will then, again, indicate our
18 preference, by roll call vote, from this narrowed field to see if any applicant
19 wins a majority vote.
- 20 6. Should no applicant win majority support by this time, any Councilmember
21 shall have the opportunity to indicate their intention to change a vote and
22 move to vote on a given applicant for reconsideration. Should that applicant
23 win majority support he or she shall be the appointee. Should multiple
24 Councilmembers indicate an intention to change a previous vote all such
25 applicants shall be voted on simultaneously with each Councilmember having
26 one vote to avoid the prospect that the first person moved might win four
27 votes to the detriment of another who by happenstance might be second in
28 line.
- 29 7. Should no appointment be made through this process, the chair will entertain
30 a motion to declare the Council unable to make the appointment.
31

32 Brenner stated she didn't get a chance to ask her question to all the applicants, so
33 she can't support as many applicants as she possibly could.
34

35 **Caskey-Schreiber moved** to approve the appointment process steps.
36

37 **Crawford suggested friendly amendments:**

- 38 • Item 3, 5, and 6, "...win ~~four~~ a majority of votes..."
- 39 • Item 4, "Should more than one applicant win ~~four~~ tie with a majority of
40 votes..."

41 **The Council concurred** with the friendly amendments.
42

43
44 Crawford stated he questions Item 5 and taking a second round of votes from the
45 pool of people who may have won three votes, but not gotten the majority of votes. He
46 asked why they are doing this.
47

48 Fleetwood stated it's another round and another opportunity to try and find a
49 majority. If they can't find four, they will take the people who got three votes. If they can't
50 get someone with three votes, they'll consider whether anyone wants to change their vote.
51 If they don't have four votes after that, they have to call a stalemate in the process and
52 turn it over to Executive Kremen.
53

1 Crawford stated that if the appointment goes to Executive Kremen, he is bound to
2 appoint someone by or on the 30th day. He asked if this process infers that the Council
3 won't get another chance to make an appointment if they don't make it tonight, even
4 though it has another few weeks.
5

6 **Fleetwood suggested a friendly amendment** to delete item seven. If they don't
7 get a majority, he will entertain a motion to declare the Council unable to make the
8 appointment, or anyone can move to elongate the process.
9

10 Crawford stated it would be wise to make that motion.
11

12 **Caskey-Schreiber accepted** the friendly amendment.
13

14 Weimer stated he has a process question for the clerk or attorney. He's trying to
15 wrap his head around Mr. Nelson's name, and whether there's a conflict of interest in
16 voting, with his name on here. He asked if he gets two votes on the Council if they appoint
17 him this evening, for the rest of the month. He asked how this should work.
18

19 Fleetwood stated the question is addressed to their lawyer.
20

21 Karen Frakes, Prosecutor's Office, stated that as far as Mr. Nelson being able to vote
22 for himself, that isn't appropriate, because he has a financial interest in the outcome,
23 obviously.
24

25 Brenner asked what happens if they don't find four votes for anyone, and it goes to
26 the Executive, and he appoints someone who resigns after the next Council takes office.
27 She asked if they would do this again. Frakes stated they would.
28

29 Crawford stated he doesn't understand that question, if someone resigns.
30

31 Brenner stated the Executive has a deadline to appoint someone. This thing was
32 kind of timed to do something a certain way, that isn't in the best interest of the public. He
33 could appoint someone who would fill the spot until the next Council is in place.
34

35 Crawford asked if it's okay for Executive Kremen to appoint Ward Nelson, even
36 though Ward Nelson will fill his term until January 12. Frakes stated Councilmember Nelson
37 doesn't get two votes on the Council.
38

39 Crawford asked if they don't see a problem with Ward Nelson being the appointee if
40 the Executive doesn't see a problem, and it's just that Councilmember Nelson can't vote for
41 himself. Frakes stated that's right.
42

43 Crawford stated he has a number of questions on the appointment process, starting
44 with item six. He asked the intent of item six.
45

46 Fleetwood stated that if there is a scenario that if two councilmembers reconsidered
47 their votes in order to appoint someone, the person who reconsidered first would have an
48 advantage. He tried to eliminate that potential advantage.
49

50 Crawford suggested a friendly amendment to eliminate process Item 5. It is not
51 appropriate. They each have a vote. If they see an opportunity to block someone else,
52 they need to be able to exercise that opportunity. Go through process Item 3, and end the
53 process there. If they cannot get someone with four votes after the first roll call, they are

1 complicating things by trying to revote on those with three votes. If they can't reach a
2 majority vote on one person after going through the first roll call, they are in a log jam.
3 Don't use the results of that vote to try and winnow this down any further.

4
5 Fleetwood stated the additional procedure was in response to concerns from a lot of
6 people that they don't cut off voting too soon, and demonstrate that they're trying.
7 However, he understands that it's probably a deadlock if they can't appoint someone in the
8 first round.

9
10 Brenner stated she respects how difficult it was to develop this process, so postpone
11 it so they can all give their suggestions.

12
13 **Crawford amended his suggestion for a friendly amendment, and suggested**
14 that they eliminate process points four through six, in addition to eliminating point seven.

15
16 **Caskey-Schreiber accepted** the friendly amendment.

17
18 Fleetwood stated they have to go through step four, in the event more than one
19 person got four votes. He restated the motion to go through process steps one through
20 four, vote one round, and see if they can get majority support.

21
22 Brenner stated she doesn't agree that everyone has their minds made up. She didn't
23 get to talk to some of the people. There are people she can't support because she didn't
24 get to talk to them.

25
26 The motion to approve the process as amended carried by the following vote:

27 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (5)

28 **Nays:** Brenner (1)

29
30 Fleetwood asked if they want to discuss nominations.

31
32 Unidentified speaker stated it is a violation of Mr. Nelson's civil rights if he cannot
33 vote for himself, according to the U.S. Constitution.

34
35 Crawford stated they got some information, including a legal opinion, on one of the
36 applicant's residency. That person is still on the list. He asked if that person is eligible.

37
38 Dana Brown-Davis, Clerk of the Council, responded to questions (*inaudible*).

39
40 (*Clerk's Note: Chair Fleetwood adjourned the Committee of the Whole meeting and*
41 *reconvened the Council meeting to vote on the nominations.*)

42
43 Weimer removed his nomination of John Kole because of the legal opinion that he is
44 not a resident of District 1.

45
46 Brenner nominated John Kole. His house is in District 1.

47
48 The Clerk took the following roll call votes:
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HUE BEATTIE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

ROBYN DUPRE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

DAVID FRANKLIN						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X		
No	X	X			X	X

BILL GORMAN						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes						
No	X	X	X	X	X	X

OLIVER GRAH						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

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DON HANSEY						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X	X	
No	X	X				X

LARRY HELM						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X		X	
No	X	X		X		X

DAVID HUNTER						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

LARRY JACOBY						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes						
No	X	X	X	X	X	X

KRIS KEYES-HALTERMAN						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X	X	
No	X	X				X

JOHN KOLE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X			
No	X	X		X	X	X

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GARY LYSNE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X	X	
No	X	X				X

JEAN MELIOUS						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

LESLIE MCROBERTS						
	Fleetwood	Weimer	Nelson-abstained	Crawford	Brenner	Caskey-Schreiber
Yes				X		
No	X	X			X	X

DAN MCSHANE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

DAVE PROS						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes						
No	X	X	X	X	X	X

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LARRY QUINLIVAN						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X		
No	X	X			X	X

PAUL SCHISLER						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

ORPHALEE SMITH						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X		
No	X	X			X	X

DOUG STARCHER						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes					X	
No	X	X	X	X		X

HILARY CULVERWELL						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes	X	X				X
No			X	X	X	

THERESA SYGITOWICZ						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X		
No	X	X			X	X

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ROBERT THORNDIKE						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes				X		
No	X	X	X		X	X

KRISTIAN UNGERN						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes			X	X		
No	X	X			X	X

WARD NELSON						
	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Yes				X	X	
No	X	X				X

Crawford moved that Council is unable to make the decision and should move the appointment to the County Executive.

Fleetwood stated that if any councilmembers are inclined to reconsider any vote, now is the time to indicate that.

Brenner stated she might be inclined to reconsider if she had time to talk to some of these people.

Nelson stated he's disappointed in how this whole process occurred. It's unfortunate they had to go through this. He agrees with Councilmember Brenner that they should have had time for people to provide input and for the councilmembers to sit down with some of these people.

Brenner stated it's a disservice to the public and Council. Half the councilmembers aren't going to be here. It's not fair.

The motion to declare the council unable to make the appointment carried by the following vote:

- Ayes:** Nelson, Crawford, Caskey-Schreiber and Fleetwood (4)
- Nays:** Weimer and Brenner (2)

(Clerk's Note: The Council took a break from 9:19 p.m. to 9:40 p.m.)

1
2 **PUBLIC HEARINGS**
3

4 **1. RESOLUTION ADOPTING A 2010 BUDGET FOR THE BIRCH BAY WATERSHED**
5 **AND AQUATIC RESOURCES MANAGEMENT DISTRICT (AB2009-451)**
6

7 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
8 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*
9 *of the meeting.)*

10 Weimer opened the public hearing and, hearing no one, closed the public hearing.

11 **Caskey-Schreiber moved** to approve the resolution.

12 Brenner asked about non-profits policies.

13 Kraig Olason, Public Works Department, stated this is actually a fee with exemptions
14 for seniors only.

15 Brenner stated it smells like a tax. She asked if there is a low impact part of the
16 development. Olason stated a supplemental will come later to fund capital projects.

17 Nelson asked if any of these projects will have matching funding or water resource
18 funding from the county. Olason stated all the money will come from the BBWARM District.

19 The motion carried by the following vote:

20 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Brenner, Weimer and Fleetwood (6)

21 **Nays:** None (0)
22

23 **CONSENT AGENDA**
24

25 **Crawford** reported for the Finance and Administrative Services Committee and
26 **moved** to approve Consent Agenda items one through 40.

27 The motion carried by the following vote:

28 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Brenner, Weimer and Fleetwood (6)

29 **Nays:** None (0)
30

31 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
32 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM**
33 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR THE 2009-2010 MARIETTA**
34 **ACQUISITION PROJECT (AB2009-459)**
35

36 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
37 *Board of Supervisors.)*
38

39 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT**
40 **AGREEMENT WITH THE WASHINGTON STATE MILITARY DEPARTMENT AND**
41 **EXECUTE PURCHASE AGREEMENTS AND CONSTRUCTION CONTRACTS FOR**
42 **PROJECT IMPLEMENTATION FOR A HAZARD MITIGATION GRANT PROGRAM**
43 **FOR ACQUISITION OF FLOOD DAMAGED PROPERTIES IN MARIETTA, IN THE**
44 **AMOUNT OF \$343,090 (AB2009-460)**
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3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT RENEWAL BETWEEN WHATCOM COUNTY AND BURLINGTON ENVIRONMENTAL LLC TO OPERATE THE MODERATE RISK WASTE FACILITY (DISPOSAL OF TOXICS) AT 3505 AIRPORT DRIVE, IN THE AMOUNT OF \$1,125,000 (AB2009-461)
 4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM ALLIANCE FOR HEALTHCARE ACCESS FOR HEALTH INSURANCE AND CARE CONNECTION SERVICES, IN THE AMOUNT OF \$50,000 (AB2009-462)
 5. REQUEST APPROVAL AND AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT FOR EXTENSION OF THE TERM OF SERVICES WITH REISNER DISTRIBUTOR, INC., IN THE AMOUNT OF \$400,000 (CONTRACT AMOUNT AMENDED TO \$800,000) FOR THE PURPOSES OF PROVIDING A CARD LOCK FUELING SYSTEM FOR FLEET VEHICLES (CONTRACT TO BE EXTENDED FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2011) (AB2009-463)
 6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WELLMAN & ZUCK CONSTRUCTION LLC FOR THE "DEMOLITION OF ELEVEN BUILDINGS AT BAY HORIZON PARK" AND EXTENSION OF THE CONTRACT FROM NOVEMBER 17, 2009, TO DECEMBER 31, 2009, IN THE AMENDED AMOUNT OF \$39,339.25 (FOR A TOTAL CONTRACT AMOUNT OF \$266,066.28 (AB2009-464)
 7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY SERVICES RECOVERY CENTER FOR THE PROVISION OF SUBSTANCE ABUSE EVALUATION AND SERVICES UNDER THE CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$30,000 (AB2009-465)
 8. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONSULTANT AGREEMENT BETWEEN WHATCOM COUNTY AND DAVID EVANS & ASSOCIATES FOR THE FINAL DESIGN PHASE TO REPLACE THE POTTER ROAD S. FORK BRIDGE #148, CRP #998027, IN THE AMOUNT OF \$533,343 (AB2009-466)
 9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SOLE SOURCE VENDOR ACS ENTERPRISE SOLUTIONS FOR SOFTWARE DEVELOPMENT SERVICES RELATED TO THE ASSESSOR/TREASURER SYSTEM, IN THE AMOUNT OF \$22,800 (AB2009-467)
 10. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND WILSON ENGINEERING LLC FOR THE LAKE SAMISH COMPREHENSIVE STORMWATER PLAN, IN THE AMOUNT OF \$109,946 (AB2009-468)

- 1 11. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
2 CONTRACT FOR CONSULTANT SERVICES BETWEEN WHATCOM COUNTY AND
3 ANCHOR QEA, LLC IN SUPPORT OF RIPARIAN CONDITION AND FUNCTION
4 ASSESSMENT INCLUDING GIS SERVICES AND PRODUCTS FOR COASTAL
5 AREAS FROM POINT WHITEHORN NORTH TO THE CANADIAN BORDER, IN
6 THE AMOUNT OF \$29,997 (AB2009-469)
7
- 8 12. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN
9 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY, CITY OF
10 BELLINGHAM AND LAKE WHATCOM WATER AND SEWER DISTRICT FOR COST
11 SHARING FOR TASKS RELATED TO THE EXISTING LAKE WHATCOM
12 TRIBUTARY MONITORING PROJECT BETWEEN THE COUNTY, CITY AND
13 DISTRICT, IN THE AMOUNT OF \$349,514 (AB2009-470)
14
- 15 13. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-82
16 AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND LOW
17 BIDDER, AWARD CONSTRUCTION, INC. FOR INSTALLATION OF TWO
18 BIODIESEL TANKS AND WIRELESS CAMERA CONVERSION AT CENTRAL
19 SHOP, IN THE AMOUNT OF \$150,791.13 (AB2009-471)
20
- 21 14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
22 PURCHASE OF THE ANNUAL 2010 SUPPLY OF GUARDRAIL FROM VENDOR,
23 CORAL SALES, UTILIZING WASHINGTON STATE CONTRACT, IN THE AMOUNT
24 OF APPROXIMATELY \$50,000 (AB2009-472)
25
- 26 15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
27 PURCHASE OF RADIOS AND RELATED EQUIPMENT FOR THE SHERIFF'S
28 VEHICLES FROM VENDORS, MOTOROLA AND DAY WIRELESS, UTILIZING
29 WASHINGTON STATE CONTRACT, IN THE AMOUNT OF APPROXIMATELY
30 \$60,000 (AB2009-473)
31
- 32 16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
33 PURCHASE OF AUTOBODY REPAIR SERVICES IN 2010 FROM VENDOR CEI
34 GROUP WITH GITT'S AUTOBODY OF FERNDAL, UTILIZING WASHINGTON
35 STATE CONTRACT, IN THE AMOUNT OF APPROXIMATELY \$35,000 (AB2009-
36 474)
37
- 38 17. RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY BY PUBLIC
39 AUCTION AND THE SETTING OF A DATE FOR PUBLIC HEARING (AB2009-
40 475)
41
- 42 18. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
43 CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND
44 PSYCHIATRIC CLINIC FOR JAIL MENTAL HEALTH PROFESSIONAL SERVICES,
45 IN THE AMOUNT OF \$104,618 (AB2009-476)
46
- 47 19. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
48 CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND
49 PSYCHIATRIC CLINIC FOR MENTAL HEALTH PEER SUPPORT SERVICES, IN
50 THE AMOUNT OF \$75,000 (AB2009-477)
51
- 52 20. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
53 CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND

1 PSYCHIATRIC CLINIC FOR SHELTER PLUS CARE HOUSING IMPLEMENTATION
2 SERVICES, IN THE AMENDED AMOUNT OF \$54,431 FOR A TOTAL CONTRACT
3 AMOUNT OF \$95,254.20 (AB2009-478)
4

5 21. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE
6 ALLOCATION OF 2060 LOW INCOME HOUSING REPAIR AND RETENTION
7 FUNDING AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND
8 SEAN HUMPHREY HOUSE FOR FLOORING REPLACEMENT AT THE HOUSE, IN
9 THE AMOUNT OF \$9,018 (AB2009-479)
10

11 22. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE
12 ALLOCATION OF 2060 LOW INCOME HOUSING REPAIR AND RETENTION
13 FUNDING AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND
14 SUN COMMUNITY SERVICES FOR NEW APPLIANCES AND INTERIOR
15 PAINTING AT SUN HOUSE, IN THE AMOUNT OF \$3,060 (AB2009-480)
16

17 23. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
18 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND GENEVA
19 CONSULTING FOR CONTINUED PHASE IV IMPLEMENTATION OF THE WRIA 1
20 WATERSHED MANAGEMENT PROGRAM, IN THE AMENDED AMOUNT OF
21 \$37,500 FOR A TOTAL CONTRACT AMOUNT OF \$63,900 (AB2009-481)
22

23 24. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
24 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE
25 NORTHWEST ECONOMIC COUNCIL FOR ASSISTANCE WITH THE OVERSIGHT
26 OF THE EDI FUND AND EXPANDED OUTREACH TO THE BUSINESS
27 COMMUNITY, IN THE AMENDED AMOUNT OF \$100,000, FOR A TOTAL
28 CONTRACT OF ~~\$140,500~~ 145,000 (AB2009-482)
29

30 25. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
31 CONTRACT BETWEEN WHATCOM COUNTY AND SUN COMMUNITY SERVICES
32 FOR EMERGENCY SHELTER SERVICES AT SUN HOUSE AND TRANSITIONAL
33 HOUSING SERVICES AT GLADSTONE HOUSE, IN THE AMOUNT OF \$127,000
34 (AB2009-483)
35

36 26. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
37 CONTRACT BETWEEN WHATCOM COUNTY AND OPPORTUNITY COUNCIL FOR
38 WHATCOM COUNTY SERVICE CENTER ADMINISTRATIVE SERVICES, IN THE
39 AMOUNT OF \$586,501 (AB2009-484)
40

41 27. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE
42 ALLOCATION OF 2060 LOW INCOME HOUSING REPAIR AND RETENTION
43 FUNDING AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND
44 YWCA FOR REPLACEMENT OF A WALKWAY AND STAIRS AT LARRABEE
45 RESIDENCE, IN THE AMOUNT OF \$5,632 (AB2009-485)
46

47 28. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE
48 ALLOCATION OF 2060 LOW INCOME HOUSING REPAIR AND RETENTION
49 FUNDING AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND
50 OPPORTUNITY COUNCIL FOR EMERGENCY HOME REPAIRS, IN THE AMOUNT
51 OF \$65,000 (AB2009-486)
52

- 1 29. RESOLUTION ORDERING THE CANCELLATION OF UNCOLLECTABLE
2 ACCOUNTS RECEIVABLE FOR PARKING VIOLATIONS MORE THAN A YEAR
3 OLD (AB2009-487)
4
- 5 30. RESOLUTION ORDERING THE CANCELLATION OF UNREDEEMED WARRANTS
6 MORE THAN A YEAR OLD (AB2009-488)
7
- 8 31. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
9 CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM CENTER FOR
10 EARLY LEARNING TO PROVIDE PARENT-TO-PARENT SUPPORT
11 COORDINATION, EVENTS, AND ACTIVITIES FOR FAMILIES OF CHILDREN
12 WITH DEVELOPMENTAL DISABILITIES AND DELAYS, IN THE AMOUNT OF
13 \$34,429 (AB2009-489)
14
- 15 32. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
16 CONTRACT BETWEEN WHATCOM COUNTY AND PIONEER HUMAN SERVICES
17 FOR JAIL RE-ENTRY SPECIALIST SERVICES, IN THE AMOUNT OF \$106,000
18 (AB2009-490)
19
- 20 33. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
21 CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM
22 CHAMBER OF COMMERCE AND INDUSTRY FOR ADVERTISING AND
23 PROMOTION OF THE SKI TO SEA FESTIVAL, IN THE AMOUNT OF \$29,000
24 (AB2009-491)
25
- 26 34. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
27 CONTRACT BETWEEN WHATCOM COUNTY AND THE MT. BAKER FOOTHILLS
28 CHAMBER OF COMMERCE FOR FUNDING TO PROMOTE TOURISM, IN THE
29 AMOUNT OF \$62,000 (AB2009-492)
30
- 31 35. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
32 CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM
33 COUNTY TOURISM TO PROVIDE SERVICES TO PROMOTE TOURISM IN
34 WHATCOM COUNTY, IN THE AMOUNT OF \$165,600 (AB2009-493)
35
- 36 36. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
37 CONTRACT WITH RON WRIGHT & ASSOCIATES/ARCHITECTS, PS, FOR
38 ARCHITECTURAL DESIGN SERVICES FOR THE MENTAL HEALTH TRIAGE
39 CENTER AT THE WHATCOM COUNTY JAIL WORK CENTER, IN THE AMOUNT
40 \$30,120 (AB2009-496)
41
- 42 37. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO CHANGE
43 VENDORS FROM IKON TO COPIERS NORTHWEST FOR THE COUNTY'S SUPPLY
44 OF CANON COPIERS (AB2009-497)
45
- 46 38. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
47 CONTRACT WITH K-ENGINEERS, INC. FOR ELECTRICAL ENGINEERING
48 SERVICES FOR THE COMPUTER ROOM UPS AND GENERATOR, IN THE
49 AMOUNT OF \$22,500 (AB2009-498)
50
- 51 39. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
52 CONTRACT WITH AMX INTERNATIONAL FOR J.D. EDWARDS SYSTEM
53 SUPPORT, IN THE AMOUNT OF \$35,000 (AB2009-499)

1
2 **40. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO**
3 **CONTRACT ADDENDUM #3 WITH WHATCOM COUNSELING AND**
4 **PSYCHIATRIC CLINIC FOR JAIL PSYCHIATRIC SERVICES (AB2009-500)**
5
6

7 **OTHER ITEMS**
8

9 **1. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET,**
10 **THIRTEENTH REQUEST, IN THE AMOUNT OF \$594,099 (AB2009-448)**
11

12 *Crawford* reported for the Finance and Administrative Services Committee and
13 *moved* to adopt the ordinance.
14

15 The motion carried by the following vote:

16 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Brenner, Weimer and Fleetwood (6)

17 **Nays:** None (0)
18

19 **2. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, FOURTH**
20 **REQUEST, IN THE AMOUNT OF \$6,247,026 (AB2009-449)**
21

22 *Crawford* reported for the Finance and Administrative Services Committee and
23 *moved* to adopt the substitute ordinance. He *moved* to approve the committee
24 recommendation to amend the ordinance to remove \$100,000 for the ACP#9, Haxton Way
25 project, pending their discussion with the Lummi Nation regarding the status of the
26 Gooseberry Point landing.
27

28 The motion to amend carried by the following vote:

29 **Ayes:** Nelson, Crawford, Brenner, and Fleetwood (4)

30 **Nays:** Caskey-Schreiber and Weimer (2)
31

32 Crawford stated they're not prepared to cut the funding unequivocally. It's a matter
33 of getting an update on the status of the ferry in January.
34

35 *Fleetwood* stated he had intended to vote no on the motion to amend.
36

37 Brenner stated Councilmember Fleetwood has to make a motion to reconsider the
38 motion to amend.
39

40 *Fleetwood moved* to reconsider motion to amend.
41

42 The motion to reconsider failed by the following vote:

43 **Ayes:** Caskey-Schreiber and Fleetwood (2)

44 **Nays:** Nelson, Crawford, Brenner, Weimer (4)
45

46 Crawford stated Councilmember Fleetwood obviously did not intend to vote yes on
47 the motion to amend.
48

49 *Nelson moved* to reconsider the motion to amend.
50

51 The motion to reconsider the motion to amend carried by the following vote:

52 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (5)

53 **Nays:** Brenner (1)

1
2 Nelson stated that when the Council allocated funding, they assumed they had a
3 ferry agreement. The Tribe stated the traffic was attributable to the ferry. Their request for
4 funding was to offset the impacts of the traffic that was occurring. Now, the situation is
5 changing. The taxpayers should at least understand how the money is being spent
6 regarding their traffic impacts.
7

8 Fleetwood stated the Tribe also had general safety concerns.
9

10 Caskey-Schreiber stated they hope to continue the ferry agreement for five years.
11 It's good to stay on good terms with the Tribe. This is a busy County road with safety
12 concerns. The Tribe will apply for federal funding to help the project. It's a good
13 investment for a widely used road. The ferry will be there longer than they think.
14

15 Brenner stated they had a good relationship with the Lummi Nation. They had a
16 ferry lease. They're saying it's not valid. If the County is going to negotiate with them, it
17 must have something to negotiate with. The Lummi Nation must want to work with the
18 County. The County didn't back out of anything. She would like to see a list of projects the
19 County is working on with the Lummi Nation.
20

21 The motion to amend failed by the following vote:

22 **Ayes:** Nelson, Crawford and Brenner (3)

23 **Nays:** Caskey-Schreiber, Fleetwood and Weimer (3)
24

25 The motion to adopt the substitute version of the ordinance carried by the following
26 vote:

27 **Ayes:** Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (5)

28 **Nays:** Brenner (1)
29

30 **3. ORDINANCE REQUESTING THE REPEAL OF WCC 6.04.050, SECTIONS A & F,**
31 **THAT ALLOW FOR THE PURCHASE OF A MULTI-DOG LICENSE (AB2009-450)**
32

33 **Crawford** reported for the Finance and Administrative Services Committee and
34 **moved** to adopt the ordinance.
35

36 Brenner stated she would like information on the numbers regarding of multi-dog
37 licenses and the associated specific problems. Problems are already covered with existing
38 laws about abuse, cruelty, and neglect. She's interested in working with the Humane
39 Society to figure out other ways to bring in money. The economy is bad. They are charging
40 people who are doing a fine job taking care of dogs. It's not right if a majority are not a
41 problem. If they adopt this ordinance, people are going to either stop adopting dogs or stop
42 licensing their dogs. They will create a problem bigger than the problem they're trying to
43 solve. This is not an issue of whether or not she loves the Humane Society. They could
44 increase the fee for having multiple dogs.
45

46 Crawford stated 24 kennel licenses were purchased in 2008. The total number of
47 animals listed on each kennel license was 250 animals.
48

49 Dewey Desler, Deputy Administrator, stated the total number of all dogs on all
50 kennel licenses is 250 dogs.
51

52 Crawford stated a kennel license is \$65. He is going to change his vote and vote no
53 on this. He's having a hard time understanding how this will raise \$10,000 for the Humane

1 Society. A guy who has 35 dogs is not going to get an individual license for each of those
2 dogs.
3

4 Nelson stated they need to find a funding mechanism that makes sense. It's not
5 appropriate to use a fee mechanism on people who are doing a good job. If people aren't
6 doing their job right and are violating the law, there are mechanisms to deal with that. Find
7 a way to help people be good stewards of animals.
8

9 The motion to amend failed by the following vote:

10 **Ayes:** Caskey-Schreiber, Fleetwood and Weimer (3)

11 **Nays:** Nelson, Crawford and Brenner (3)
12

13 *(Clerk's Note: Discussion continued after Other Items number five.)*
14

15 **4. REQUEST RATIFICATION OF DECEMBER 8, 2009 – DECEMBER 31, 2011**
16 **DEPUTY SHERIFF'S GUILD COLLECTIVE BARGAINING AGREEMENT (AB2009-**
17 **457)**

18 **Crawford** reported for the Finance and Administrative Services Committee and
19 **moved** to approve the request.
20

21 The motion carried by the following vote:

22 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

23 **Nays:** None (0)
24

25 **5. RESOLUTION AMENDING RESOLUTION 2008-077 (THE 2009 – 2010**
26 **UNREPRESENTED RESOLUTION) TO BE EFFECTIVE JANUARY 1, 2010**
27 **(AB2009-458)**
28

29 **Crawford** reported for the Finance and Administrative Services Committee and
30 **moved** to approve the resolution.
31

32 The motion carried by the following vote:

33 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

34 **Nays:** None (0)
35

36 **3. ORDINANCE REQUESTING THE REPEAL OF WCC 6.04.050, SECTIONS A & F,**
37 **THAT ALLOW FOR THE PURCHASE OF A MULTI-DOG LICENSE (AB2009-450)**
38

39 **Brenner moved** to set up a committee with the Humane Society and people who
40 use the kennel license to review ways to come up with a better way to enforce against those
41 who are not obeying the law or a small increase in the fee. Possibly discuss it in the Public
42 Works Committee. She would like to be a part of the committee. Begin looking at this
43 issue and see if they can find common ground.
44

45 **Crawford** stated he is against the motion. It's not necessary to formalize that in any
46 way. He agreed that the issue needs to be addressed further. It's not a Public Works
47 Committee issue. It's a finance issue. The Finance Committee will have to deal with it next
48 year. He recommends that Councilmember Brenner continue to work on it.
49

50 The motion to form a committee failed by the following vote:

51 **Ayes:** Nelson, Fleetwood and Brenner (3)

52 **Nays:** Caskey-Schreiber, Crawford and Weimer (3)
53

1
2 **6. RESOLUTION APPROVING THE SALE OF AN EASEMENT BY WHATCOM**
3 **COUNTY TO BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY**
4 **(AB2009-494)**
5

6 **Brenner** reported for the Public Works and Safety Committee and **moved** to
7 approve the resolution.
8

9 The motion carried by the following vote:

10 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

11 **Nays:** None (0)
12

13 ~~**7. CONSIDERATION OF HEARING EXAMINER'S RECOMMENDED APPROVAL OF**~~
14 ~~**DEVELOPMENT AGREEMENT PREPARED BY BIRCH BAY BIBLE COMMUNITY**~~
15 ~~**CHURCH AND WHATCOM COUNTY PLANNING & DEVELOPMENT SERVICES, IN**~~
16 ~~**CONSULTATION WITH THE WASHINGTON STATE DEPARTMENT OF ECOLOGY**~~
17 ~~**AND THE U.S. ARMY CORPS OF ENGINEERS RELATED TO CUP2007-0003**~~
18 ~~**(AB2009-454)**~~ **RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT**
19 **BETWEEN WHATCOM COUNTY AND BIRCH BAY BIBLE COMMUNITY CHURCH**
20 **AS RECOMMENDED BY THE HEARING EXAMINER (AB2009-454)**
21

22 **Caskey-Schreiber** reported for the Planning and Development Committee and
23 **moved** to approve the resolution.
24

25 The motion carried by the following vote:

26 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

27 **Nays:** None (0)
28

29 **8. ORDINANCE AMENDING WCC 20.94, "ENFORCEMENT & PENALTIES" TO**
30 **CEASE ISSUING CITATIONS AND INSTEAD ISSUE ADMINISTRATIVE CIVIL**
31 **PENALTIES (AB2009-447)**
32

33 **Caskey-Schreiber** reported for the Planning and Development Committee and
34 **moved** to adopt the ordinance.
35

36 Nelson asked if they discussed whether the monetary amount is legal. He asked how
37 they compare with other jurisdictions.
38

39 Karen Frakes, Prosecutor's Office, stated the monetary amount is not a legal
40 problem.
41

42 Brenner asked where the word "criminal" came from. She didn't see it in the
43 changes. Someone said it during open session.
44

45 David Stalheim, Planning and Development Services Director, stated it's a civil
46 penalty and civil offense.
47

48 **Caskey-Schreiber moved** to approve the committee recommendation to amend
49 the fifth Whereas statement, "...text amendment will **better** protect public health..."
50

51 The motion to amend carried by the following vote:

52 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

53 **Nays:** None (0)

1
2 **Caskey-Schreiber moved** to correct a scrivener's error in finding number 7, "The
3 text amendment with **will** provide..."
4

5 The motion to correct the scrivener's error carried by the following vote:

6 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

7 **Nays:** None (0)
8

9 The motion to adopt as amended carried by the following vote:

10 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

11 **Nays:** None (0)
12

13 **9. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENTS**
14 **AND YEAR END RE-APPOINTMENTS TO BOARDS, COMMISSIONS AND**
15 **COMMITTEES (AB2009-495)**
16

17 **Weimer moved** to confirm all appointments, including substitute information
18 received earlier.
19

20 The motion to confirm the appointments carried by the following vote:

21 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

22 **Nays:** None (0)
23

24 **10. COUNCIL APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND**
25 **COMMITTEES IN PREPARATION FOR THE YEAR 2010 (AB2009-386)**
26

27 **Brenner moved** to postpone this item and let the new Council appoint people after
28 they take office.
29

30 Dana Brown-Davis, Clerk of the Council, stated the Board of Equalization has to be
31 appointed now because hearings are scheduled.
32

33 **Brenner amended her motion** to exclude the Board of Equalization.
34

35 The motion to postpone the appointments failed by the following vote:

36 **Ayes:** Brenner and Nelson, (2)

37 **Nays:** Crawford, Caskey-Schreiber, Weimer and Fleetwood (4)
38
39

40 Address and Road Name Appeals Board
41

42 **Crawford moved** to appoint Gary Bannerman by acclamation.
43

44 The motion carried by the following vote:

45 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

46 **Nays:** None (0)
47

48 Board of Equalization – District 3
49

50 Fleetwood nominated all applicants for all Board of Equalization positions.
51

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Emily Weaver	X	X	X	X	X	X
Russell Whidbee						

The Council appointed Emily Weaver.

Board of Equalization – Alternates

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Carolyn Dwyer	X	X		X	X	
Russell Whidbee	X	X		X	X	X
Jene Pascu			X			
Susan Proccdesser						
Joel Tarrida			X			X

The Council appointed Carolyn Dwyer and Russell Whidbee.

Drayton Harbor Shellfish Protection District

Fleetwood nominated all applicants.

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Gary Bannerman						X
Michale Jay Douma	X				X	
David Haggith	X	X	X			X
Mark Harting			X	X	X	X
David Thomson		X	X	X	X	
Sharon Tjoelker	X	X		X		

The Council appointed David Haggith, Mark Harting, and David Thomson.

1 Horticultural Pest and Disease Board

2
3 **Fleetwood moved** to appoint Jayne Uerling by acclamation.

4
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

7 **Nays:** None (0)

8
9 Law and Justice Council

10
11 Fleetwood nominated all applicants.

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Brian Eugene Hobi	X	X			X	X
Linda Lancaster						
Bruce Lierman			X	X		

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21
22 The Council appointed Brian Eugene Hobi.

23
24
25 Open Space Advisory Board

26
27 **Nelson moved** to appoint all four applicants to the four vacant positions, by acclamation.

28
29 The motion carried by the following vote:

30
31 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

32
33 **Nays:** None (0)

34
35 Portage Bay Shellfish Protection District

36
37 **Brenner moved** to appoint the two applicants to the two vacant positions, by acclamation.

38
39 The motion carried by the following vote:

40
41 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

42
43 **Nays:** None (0)

44 Surface Mining Advisory Committee

45
46 **Crawford moved** to appoint James Carr and James Essig to the Surface Mining positions and Jason Vanderveen to the material user or citizen position, by acclamation.

47
48 The motion carried by the following vote:

49
50 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

51
52 **Nays:** None (0)

1 Brenner stated Jason Vanderveen applied for the material user position. The citizen
2 position is a different position. He's the only applicant for the citizen position. If they work
3 these right, they can probably fill all vacancies with all applicants.

4
5 **Crawford moved** to reconsider the vote.

6
7 The motion to reconsider carried by the following vote:

8 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

9 **Nays:** None (0)

10
11 **Crawford moved** to appoint James Carr and James Essig to the surface mining
12 industry representative positions, Jason Vanderveen to the material user position, and Chris
13 Hatch to the citizen position, by acclamation.

14
15 The motion carried by the following vote:

16 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

17 **Nays:** None (0)

18
19 Fleetwood nominated Charles Doug Hooks Jr. and Aubrey Stargell to the forestry
20 position.

21
22

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Doug Hooks Jr.	X	X				
Aubrey Stargell			X	X	X	X

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30
31 The Council appointed Aubrey Stargell to the forestry position.

32
33 Utilities Planning and Advisory Committee

34
35 David Stalheim, Planning and Development Services Committee, stated this
36 committee hasn't met for two years. He would like to bring forward an ordinance to repeal
37 this committee.

38
39 **Fleetwood moved** to hold this appointment in Council to the January 26, 2010
40 meeting.

41
42 Crawford asked if Councilmember Weimer anticipates reconvening this committee in
43 2010. This committee has been in the middle of huge controversies in the past.

44
45 Weimer stated the committee was mainly empowered to look at new pipelines
46 coming through. He doesn't know of any new pipelines in 2010. However, this includes
47 electric utilities. It's a good idea to be able to form this committee when necessary. It's not
48 necessary to keep the committee active if there's nothing to talk about.

49
50 Caskey-Schreiber stated the federal government now has authority to site these
51 kinds of things. The County is now powerless. She questions the necessity of this
52 committee.

1 Brenner stated this committee can encompass all utilities, including Comcast. Keep
2 it in effect. The Council has had many complaints about a lack of or inadequate computer
3 service.
4

5 The motion to hold in Council until January 26, 2010 carried by the following vote:

6 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

7 **Nays:** None (0)
8

9 **11. YEAR END APPOINTMENTS TO FILL VACANCIES ON THE WHATCOM COUNTY**
10 **FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE (AB2009-386A)**

11
12 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
13 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*
14 *of the meeting.)*
15

16 Brenner stated she would like to know whether special district position applicants still
17 are a part of those special districts before voting.
18

19 Fleetwood stated that if they don't live where they're supposed to, there is a process
20 to remove them from the committee. Err in favor of assuming they're accurate, and
21 address the issue later.
22

23 Weimer stated the individuals in question have been on the committee for a long
24 time. He talked to Jon Hutchings, and they're within the district.
25

26 Brenner asked if Jon Hutchings vouches that they are in the district.
27

28 Fleetwood stated Mr. Hutchings indicated that they are in the district.
29

30 Flood Control Zone District Advisory Committee – Geographic Area
31

32 Fleetwood nominated all applicants.
33

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Alan Soicher	X	X				X
Dale Blok		X				
JeffDeJong	X					
Marien Hansen						
Jeff Rainey			X	X		
Linday Smit	X					
Robert trachila						
Ron Polinder		X				X
Richard Maricle					X	
Mary Raines						X
Jude Sande			X	X	X	
Tom Westergreen			X	X	X	

1
2
3 **Crawford moved** to appoint Alan Soicher, Jude Sande, and Tom Westergreen to the
4 three vacancies.
5

6 The motion carried by the following vote:

7 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

8 **Nays:** None (0)
9

10 Flood Control Zone District Advisory Committee – Special Districts
11

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Ron Bronsema	X	X		X	X	X
Robert Knudsen	X	X				X
Robert Strachila			X	X		
Roger Bajima			X		X	

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24
25 The Council appointed Ron Bronsema.

26
27 **Crawford moved** to appoint Ron Bronsema and Robert Knudsen. They are the top
28 two vote-getters.
29

30 Brenner stated she prefers to re-vote. Some of them may change their votes.
31

32 The motion carried by the following vote:

33 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

34 **Nays:** None (0)
35

36 Flood Control Zone District Advisory Committee – Impacted Cities
37

38 **Brenner moved** to nominate Robert Bromley by acclamation.
39

40 The motion carried by the following vote:

41 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

42 **Nays:** None (0)
43

44 Caskey-Schreiber asked what defines a representative of an impacted city, and
45 whether they can appoint one of the alternates to the Flood Control Zone District Advisory
46 Committee.
47

48 Jon Hutchings, Public Works Department, stated it is the mayor or his or her
49 appointee.
50

51
52 Flood Control Zone District Advisory Committee – Alternate Positions
53

1 **Nelson moved** to nominate Scott Bedlington by acclamation.

2
3 The motion carried by the following vote:

4 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

5 **Nays:** None (0)

6
7 Acme/VanZandt Flood Control Subzone

8
9 Fleetwood nominated all applicants.

10
11

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
Ian Smith	X	X		X		X
Jim Strachila	X	X	X	X	X	X
Eric Jacoby			X		X	
Thomas Smith						X
Theresa Sygitowicz	X		X	X	X	

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25
26 The Council appointed Jim Strachila, Ian Smith, and Theresa Sygitowicz.

27
28 Lynden/Everson Flood Control Subzone

29
30 Fleetwood nominated all applicants.

31
32

	Fleetwood	Weimer	Nelson	Crawford	Brenner	Caskey-Schreiber
John Courtney	X	X	X	X	X	X
Darryl Groves	X	X	X		X	X
Nathan Kleindel	X		X	X	X	X
Lloyd Winterberg		X		X		

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44
45 The Council appointed John Courtney, Darryl Groves, and Nathan Kleindel.

46
47
48
49
50
51 Sumas/Everson/Nooksack Flood Control Subzone

52
53 **Nelson moved** to nominate Barry Hooford by acclamation.

1
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

4 **Nays:** None (0)
5

6 **13. RESOLUTION APPROVING RECOMMENDATIONS ON SEVEN APPLICATIONS**
7 **FOR CLASSIFICATION, RECLASSIFICATION, OR AMENDING EXISTING**
8 **APPLICATIONS FOR OPEN SPACE CURRENT USE ASSESSMENTS FOR LANDS**
9 **LOCATED WITHIN THE CITY OF BELLINGHAM (AB2009-455)**

10
11 *Fleetwood* reported for the Special Council meeting and *moved* to approve the
12 resolution as the Special Council recommended. The Council recommends not approving
13 the Clark and Bridgeview Ventures, LLC applications.
14

15 The motion to approve the resolution as approved by the Special Council carried by
16 the following vote:

17 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber and Fleetwood (5)

18 **Nays:** Weimer (1)
19
20
21

22 **INTRODUCTION ITEMS**

23
24 *Nelson moved* to accept the Introduction Items, including the addendum.
25

26 The motion carried by the following vote:

27 **Ayes:** Brenner, Nelson, Crawford, Caskey-Schreiber, Weimer and Fleetwood (6)

28 **Nays:** None (0)
29

- 30 **1. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS**
31 **PROPERTY BY PUBLIC AUCTION PURSUANT TO WCC 1.10 (AB2009-475A)**
32
33 **2. ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE**
34 **20.80.735 TO MODIFY THE DATES OF SEASONAL RESTRICTIONS ON**
35 **CLEARING ACTIVITIES AND ISSUANCE OF DEVELOPMENT PERMITS WITHIN**
36 **THE WATER RESOURCE SPECIAL MANAGEMENT AREAS (AB2009-314A)**
37
38
39

40 **OTHER BUSINESS**

41
42 **ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20, THE OFFICIAL**
43 **WHATCOM COUNTY ZONING MAP, AND THE WHATCOM COUNTY COMPREHENSIVE**
44 **PLAN AND MAPS, TO IMPLEMENT CHANGES RELATING TO COMPLETION OF THE 10**
45 **YEAR REVIEW OF THE URBAN GROWTH AREAS REQUIRED UNDER THE GROWTH**
46 **MANAGEMENT ACT (AB2009-052G)**
47

48 Caskey-Schreiber asked how to change the ordinance to allow someone to stay in
49 the urban growth area (UGA).
50

51 Fleetwood stated they've been told they would first have to approve a motion to
52 rescind the ordinance adopted November 24 and then adopt the amended ordinance, with a
53 provision amending one particular location. He asked whether or not that's advisable.

1
2 Weimer stated it's a good idea to try to get this area into the UGA somehow, but he's
3 concerned about rescinding the UGA ordinance. He's not sure they can get it back in place
4 without four votes.

5
6 Nelson asked if they could rescind the motion and table to the next Council meeting.

7
8 Brenner stated she would support it.

9
10 Fleetwood stated the only condition by which he would agree to this fix is if there is a
11 clean, brief, concise way to deal with this, without opening up further discussions. The
12 ordinance as amended would go back to him for signatures. They would be behind the
13 deadline by only two weeks. He asked if they could do that from a process perspective.

14
15 David Stalheim, Planning and Development Services Department Director, stated the
16 process is up to the clerk and legal counsel. They would have to rescind the ordinance and
17 put the motion back on the table. He presented a very limited amendment of that main
18 motion that would amend two maps for the Blaine urban growth area. It would add the
19 property shown in yellow on his map. It would amend the zoning map to put the urban
20 zoning back in place. He has very specific language to make that change. The motion
21 would be to amend Chapter 2, Land Use Map UGA-2, on page 2-36 to include the area
22 outlined in yellow and amend Exhibit C, the official zoning map UGA2-A to have the area
23 zoned as urban residential, four units per acre (UR4).

24
25 Brenner stated she thought it passed. She voted for the final document based on it
26 being included.

27
28 Crawford stated he supports reconsidering this. He asked if they can come back
29 again and make more changes in January. He asked where this process ends. Stalheim
30 stated the Executive hasn't signed the ordinance. At some point when it's signed, the
31 ordinance goes into effect. They are limited to annual amendments to the Comprehensive
32 Plan. This isn't in the annual amendment cycle because it's court-ordered to be done by a
33 deadline. The only way to do new stuff is to docket it and put through the process in 2011.

34
35 Crawford stated his empathy and sympathy is with these folks, and he would support
36 this. He asked why the Yew Street folks weren't here tonight. They are making an
37 exception. He asked the difference.

38
39 Brenner stated it's a smaller area. Blaine is in support. Bellingham was fine with the
40 Yew Street area as urban reserve.

41
42 Crawford stated that's not true according to the Bellingham Mayor. He asked if folks
43 from other areas implore the Executive to not sign this and fix a few other things.

44
45 Fleetwood stated this is too fraught with peril. He has too many questions.

46
47 Stalheim stated the Executive, when presented with the ordinance, has ten business
48 days from when he receives it to sign the ordinance.

49
50 **Brenner moved** to rescind the UGA ordinance to reconsider the inclusion of the
51 UGA.

52
53 The motion failed by the following vote:

1 **Ayes:** Brenner and Crawford (2)
2 **Nays:** Nelson, Caskey-Schreiber, Weimer and Fleetwood (4)
3
4

5 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
6

7 Crawford stated the Northwest Business Club will have a presentation on the
8 reconveyance by Mike McFarland. He encourages all to attend.
9

10 Brenner asked the councilmembers to reconsider the vote to rescind and amend the
11 **Ordinance amending Whatcom County Code Title 20, the Official Whatcom County**
12 **Zoning Map, and the Whatcom County Comprehensive Plan and Maps, to**
13 **Implement Changes Relating to Completion of the 10 Year Review of the Urban**
14 **Growth Areas Required Under the Growth Management Act (AB2009-052G).** It's
15 minor. It's already urban density. This is the only time they can reconsider the vote. They
16 can't do it after tonight. If not, it will be two more years. There is a lot of cost to two more
17 years. They can start building on these lots with septic. There's no way they don't want
18 that on sewer. They are small lots right on Drayton Harbor. It won't create any problems
19 at all. She asked if the Planning Department recommended this area for the UGA. Stalheim
20 stated this area was not originally recommended by the City or Executive. It didn't come
21 out of the conversations until late in the process. If they were more aware of the
22 background, it probably would have had a different recommendation. It's in the current
23 UGA, so they have the ability in terms of process to make the change. The Executive is
24 favorable to considering this proposal.
25

26 Nelson stated it's not the councilmembers' individual land, money or government.
27

28 Caskey-Schreiber stated it is their government. She thanks everyone, especially
29 County staff and Council staff. The councilmembers are committed to this job, which makes
30 it a pleasure.
31

32 **ADJOURN**
33

34 The meeting adjourned at 11:34 p.m.
35
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37 _____
38 Jill Nixon, Minutes Transcription
39

40 The Council approved these minutes on February 9, 2010.
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