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WHATCOM COUNTY COUNCIL  
**Regular County Council**

January 12, 2010

**CALL TO ORDER**

Council Chair Sam Crawford called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bob Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer  
**Absent:** None

**FLAG SALUTE**

**ANNOUNCEMENTS**

**1. ANNUAL REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2010-021)**

Crawford reported for the Committee of the Whole and announced the results of the Council reorganization.

Crawford reported for the Committee of the Whole and stated there was **discussion with Chief Civil Deputy Prosecutor Randall Watts regarding pending litigation (AB2010-018)** and an **update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)** in executive session.

**MINUTES CONSENT**

*Brenner moved* to approve the minutes.

The motion carried by the following vote:

**Ayes:** Kershner, Nelson, Crawford, Brenner, Weimer, and Knutzen (6)  
**Nays:** None (0)  
**Abstain:** Mann (1)

- 1. REGULAR COUNTY COUNCIL FOR NOVEMBER 10, 2009**
- 2. SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 24, 2009**
- 3. REGULAR COUNTY COUNCIL FOR NOVEMBER 24, 2009**
- 4. BOARD OF HEALTH FOR DECEMBER 1, 2009**
- 5. COMMITTEE OF THE WHOLE FOR DECEMBER 8, 2009**

1  
2 **OPEN SESSION**  
3

4 The following people spoke:

- 5 • Bruce Diele, Bellingham, spoke on social issues and Council minutes.
- 6 • Stewart Rich, 3811 Constitution Road, Lummi Island, spoke about the Lummi  
7 Island ferry.
- 8 • Mark Sexton 1253 Jamison Street, Lummi Island, spoke about the Lummi  
9 Island ferry.
- 10 • Emma Hurling, 3854 Centerview Road, Lummi Island, spoke about the Lummi  
11 Island ferry.
- 12 • Jim Dickinson, 209 West Shore Drive, Lummi Island, spoke about Lummi  
13 Island.
- 14 • *(Clerk's Note: The speaker following Mr. Dickinson requested that his/her*  
15 *name and comments not be transcribed.)*
- 16 • Jeff MacKay, Sucia Drive, spoke about actions taken at the December 8, 2009  
17 Council meeting.
- 18 • Jack Petree, 2295 Sunset, Bellingham, spoke about challenges to the 10-year  
19 review UGA.
- 20 • Bob Wiesen, 3314 Douglas Road, spoke about challenges to the 10-year  
21 review of UGA and withdrew his name from candidacy for the Planning  
22 Commission.
- 23 • Dennis Jones, 1487 Sudden Valley spoke about watersheds and new  
24 councilmembers.
- 25 • James Underwood, 1219 Beach Avenue, Lummi Island, spoke about Lummi  
26 Island issues.

27  
28  
29 **PUBLIC HEARINGS**  
30

31 **1. RESOLUTION REGARDING A PETITION FOR THE VACATION OF A PORTION**  
32 **OF EDWARDS DRIVE, FILED BY DAVID DUNCAN, ET AL (AB2009-260A)**  
33

34 Crawford opened the public hearing and, hearing no one, closed the public hearing.

35  
36 ***Nelson moved*** to approve the resolution.

37  
38 The motion carried by the following vote:

39 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

40 **Nays:** None (0)  
41

42  
43 **2. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS**  
44 **PROPERTY BY PUBLIC AUCTION PURSUANT TO WCC 1.10 (AB2009-475A)**  
45

46 Crawford opened the public hearing and, hearing no one, closed the public hearing.

47  
48 ***Nelson moved*** to approve the resolution.

49  
50 The motion carried by the following vote:

51 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

52 **Nays:** None (0)  
53

1 **3. ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE**  
2 **20.80.735 TO MODIFY THE DATES OF SEASONAL RESTRICTIONS ON**  
3 **CLEARING ACTIVITIES AND ISSUANCE OF DEVELOPMENT PERMITS WITHIN**  
4 **THE WATER RESOURCE SPECIAL MANAGEMENT AREAS (AB2009-314A)**  
5

6 Crawford opened the public hearing, and the following person spoke:  
7

8 Dennis Jones, 1487 Sudden Valley, Bellingham, submitted a handout (*on file*) and  
9 stated the October 2003 ordinance regarding land clearing in the Lake Whatcom watershed  
10 had a number of issues, including Title 20 and zoning. There was a moratorium on building  
11 in the Lake Whatcom watershed, limited to 35 houses, from 1993 to February 2003, until  
12 the addition of the sewer areas. One of those areas is at Gate 1 of Sudden Valley. It is a  
13 catch basin that is very effective and reasonably economical. He was against the  
14 moratorium because it was illegal, not because it wasn't necessary. The County came up  
15 with the policy of alternative means of the Lake Whatcom Management Plan and 21 goals.  
16 It was a positive plan, although not fully funded. That is the way they get things done. It  
17 includes property purchases, stormwater (*inaudible*), stewardship, and (*inaudible*).  
18

19 Crawford stated the purpose of this ordinance is to align the County's seasonal  
20 clearing dates with those of the City of Bellingham.  
21

22 Hearing no one else, Crawford closed the public hearing.  
23

24 Kershner asked where the City of Bellingham got their information to set their  
25 seasonal clearing dates.  
26

27 David Stalheim, Planning and Development Services Department Director, stated  
28 Whatcom County originally passed the first seasonal clearing restriction ordinance. This was  
29 the original date from the original ordinance. The date was amended by a month in 2005.  
30 This amends the ordinance back to the original dates.  
31

32 Crawford stated the original dates were October 1 through April 30. This new  
33 ordinance prohibits clearing in the month of May. He asked if that's what their proposing  
34 now. Stalheim stated the first restrictions were done in 2002. This date acknowledges that  
35 the month of September is much dryer. The dates are based on rainfall.  
36

37 Crawford stated the original ordinance began restrictions on October 1. Former  
38 Councilmember McShane proposed a restriction beginning September 1 to allow the  
39 groundcover time to take root and grow during the month of September, before the rainy  
40 season started October 1.  
41

42 Brenner asked the environmental reason to make the change. It doesn't seem  
43 adequate to change the ordinance just because Bellingham did. She has talked to people in  
44 the landscaping business who don't agree with the groundcover needing an extra month.  
45 She asked for some environmental reason to change the date. Stalheim stated they are  
46 moving the date back in the fall and allowing one more month in the fall. That was where  
47 the complaints were. People wanted to do land disturbing activities in September, because  
48 it's the driest month. A question may be what happens during the month of May. Rainfall  
49 and clearing issues in the watershed have been vetted by the Lake Whatcom technical staff.  
50 He could provide that information.  
51

52 Weimer stated the Joint Lake Whatcom Committee talked about this. There are two  
53 main reasons for this. First, align regulations so there is more consistency amongst

1 jurisdictions. Second, Bellingham looked at a lot of weather data for the past ten years  
2 when it passed its Silver Beach ordinance. The City came to the conclusion that September  
3 tends to be dry, and May wet. To protect the watershed, they need to make that one  
4 month switch on both ends of the season.  
5

6 Brenner stated add rain statistics as a WHEREAS statement in the permanent  
7 ordinance. Stalheim stated this is a renewal of an interim ordinance done six months ago.  
8 The permanent ordinance will be introduced at the Council's next meeting. The permanent  
9 ordinance can include that information.  
10

11 **Nelson** stated he recalled discussing that May is wet. He would like to see that data  
12 about the month of May.  
13

14 Knutzen stated they restrict permits to two weeks prior to October 1. He asked if  
15 September 15 would be the cutoff date in reality. Stalheim stated that is the cutoff date for  
16 issuing permits, not for allowing the work to happen in the watershed. There's no way  
17 someone can excavate a foundation and close the site in two weeks. They can continue the  
18 work to the date, but staff doesn't want to issue a permit they know would become an  
19 enforcement situation.  
20

21 Crawford stated he will support this only because it's already in place. If they were  
22 doing a permanent ordinance, he would want more evidence about rainfall and erosion.  
23

24 **Nelson moved** to adopt the ordinance.  
25

26 The motion carried by the following vote:

27 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

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

### 31 **CONSENT AGENDA**

32

33 **Nelson moved** to approve Consent Agenda items one through nine.  
34

35 **Knutzen moved** to hold Consent Agenda items one through five to the next  
36 meeting on January 26, Committee until the Finance and Administration Services  
37 Committee can meet to consider them.  
38

39 Dewey Desler, Deputy Administrator, stated there is no problem to hold these items  
40 over.  
41

42 The motion to hold Consent Agenda items one through five carried by the following  
43 vote:

44 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, and Knutzen (6)

45 **Nays:** Weimer (1)  
46

47 The motion to approve Consent Agenda items six through nine carried by the  
48 following vote:

49 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

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

### 52 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A** 53 **CONTRACT BETWEEN WHATCOM COUNTY AND BROWN AND CALDWELL**

1 ENVIRONMENTAL ENGINEERS & CONSULTANTS FOR LAKE WHATCOM  
2 PHOSPHORUS AND BACTERIA TMDL ASSISTANCE, IN THE AMOUNT OF  
3 \$329,204 (AB2010-035)  
4

5 2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN MOU  
6 BETWEEN WHATCOM COUNTY AND WASHINGTON STATE UNIVERSITY TO  
7 CONTINUE THE JOINT SHARING OF COSTS FOR A FACULTY POSITION FOR  
8 WHATCOM COUNTY EXTENSION, IN 2010 IN THE AMOUNT OF \$83,542  
9 (AB2010-036)  
10

11 3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
12 CONTRACT BETWEEN WHATCOM COUNTY AND SUSTAINABLE CONNECTIONS  
13 FOR PROVISION OF GREEN BUILDING AND RESOURCE CONSERVATION  
14 OUTREACH SERVICES IN 2010, IN THE AMOUNT OF \$20,000 (AB2010-037)  
15

16 4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
17 CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM FOOD BANK  
18 FOR THE COLLECTION, WAREHOUSING, AND DISTRIBUTION OF FOOD TO  
19 LOCAL FOOD BANKS, IN THE AMOUNT OF \$50,000 (AB2010-038)  
20

21 5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
22 CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM VOLUNTEER  
23 CENTER FOR THE PROVISION OF VOLUNTEER SERVICES, IN THE AMOUNT  
24 OF \$35,000 (AB2010-039)  
25

26 6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
27 RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND  
28 CHELSEA AND MARCOS GARCIA FOR THE LEASE OF 5305 NIELSEN AVE IN  
29 HOVANDER HOMESTEAD PARK, IN THE AMOUNT OF \$795 PER MONTH  
30 (AB2010-040)  
31

32 7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ACCEPT SUN  
33 LIFE STOP-LOSS POLICY FOR INSURANCE PROTECTION FOR THE SELF-  
34 INSURED MEDICAL PLAN IN 2010 (AB2010-041)  
35

36 8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE  
37 AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE  
38 SOCIETY FOR THE PURPOSES OF PROVIDING ANIMAL CONTROL AND  
39 SHELTER SERVICES AT 1661 BAKER CREEK PLACE, IN THE AMOUNT OF \$10  
40 PER ANNUM (AB2010-042)  
41

42 9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
43 CONTRACT BETWEEN WHATCOM COUNTY AND COMPU-TECH, INC. FOR THE  
44 COMPLETION OF WENET PHASE I DEVELOPMENT BY IMPLEMENTING THE  
45 WWU POLICE SERVICE POINT, IN THE AMOUNT OF \$74,300 (AB2010-043)  
46  
47

48 **OTHER ITEMS**  
49

50 1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S NEW  
51 APPOINTMENTS AND YEAR END RE-APPOINTMENTS TO THE BOARDS AND  
52 COMMITTEES (AB2010-044)  
53

1           **Nelson moved** to confirm the appointments.  
2

3           The motion carried by the following vote:

4           **Ayes:**         Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

5           **Nays:**         None (0)  
6

7   **2.     APPOINTMENTS TO FILL VACANCIES ON THE WHATCOM COUNTY PLANNING**  
8   **COMMISSION (AB2009-386B)**  
9

10 District 1

11           Knutzen voted for Jeff Rainey.

12           Kershner voted for Rainey.

13           Nelson voted for Theresa Sygitowicz.

14           Mann voted for Rainey.

15           Crawford voted for Rainey.

16           Weimer voted for Barbara Dykes.

17           Brenner voted for Jayne Uerling.

18           The Council appointed Jeff Rainey to Planning Commission District 1.

19           Brenner stated there is an abundance of qualified applicants.

20           Crawford stated they received an overwhelming 33 applications this year, which the  
21   Council appreciates.  
22

23 District 2

24           Kershner voted for Gary Honcoop.

25           Nelson voted for Mary Beth Teigrob.

26           Mann voted for Honcoop.

27           Crawford voted for Honcoop.

28           Weimer voted for Wendy Harris.

29           Brenner voted for John Friberg.

30           Knutzen voted for Honcoop.

31           The Council appointed Gary Honcoop to Planning Commission District 2.  
32

33 District 3

34           Nelson voted for Michelle Luke and Rod Erickson.  
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Mann voted for Erickson and Alan Friedlob.

Crawford voted for Erickson and Luke.

Weimer voted for Friedlob and Wyanne Lee.

Brenner voted for Friedlob and Luke.

Knutzen voted for Erickson and Luke.

Kershner voted for Erickson and Luke.

The Council appointed Rod Erickson and Michelle Luke to Planning Commission District 3.

**3. DISCUSSION RELATED TO THE COUNTY EXECUTIVE’S VETO OF ORDINANCE 2009-074 AND THE POSSIBLE AFFECT ON LEVY RATES (AB2009-435)**

Weimer stated he is concerned about levy rates being affected by the budget veto.

Keith Willnauer, County Assessor, stated the point Councilmember Weimer makes is well taken. In this instance, the budget ordinances had public hearings and were adopted. The ordinances served to set the upper limit of taxing authority. The role of the Assessor's Office is to administrate to the limitations of property tax. They go about the process of verifying what is the levy request from the taxing district, up to that limit. The Assessor's Office administrates for approximately 60 individual taxing districts. The County is one of those districts. In this case, a part of the budget was vetoed, but the ordinance was a supplemental budget ordinance, not the actual budget. The budget is still in place. The budget corresponds with the levy ordinances. The Assessor's Office receives an affidavit of levy from each district. The County has supplied the Assessor with the actual figures, which is anything up to the limit. The administration supplied the affidavit of levy and has a budget.

Weimer asked if they are basing the 2010 taxes on the levy ordinances that the Council passed that reduce the conservation futures fund and raise the general fund. Willnauer stated that's correct.

Weimer asked if the rest of the budget, the biennial review that has been vetoed, doesn't affect the Assessor setting the levy rate. He asked if they basically don't have a balanced budget at this point. There is an Introduction Item to deal with that at the next meeting, but now they've changed peoples' taxes in 2010 without the rest of the budget ordinance being in place to balance the budget. Willnauer stated that is an administrative question, but may be accurate.

Brenner asked if they can still bring back parts of the vetoed ordinance if they want, because it still falls within the levy rate. Willnauer stated they can't do that. There is a deadline for setting the budget and adopting the ordinances regarding the levy limitations.

Brenner asked about the budget amendments they get throughout the year. Willnauer stated those don't affect the property tax levy.

1 Brenner asked if parts of the supplemental that didn't pass can come back in a  
2 different form.

3  
4 Dewey Desler, Administrative Services Department, stated the veto of the ordinance  
5 results in spending less money. The budget expenditures are more than the actual tax  
6 levies. The County is using its reserves to cover the budget. Regarding supplemental  
7 budgets, the administration has not been submitted budget supplemental requests that call  
8 for spending more general fund money from the reserves. Once they've set the tax rates  
9 and revenue projections, the administration would ask to spend money out of the reserves.  
10 Over the last couple of years, the administration has not asked that.

11  
12 Brenner stated there was a supplemental budget request that got vetoed. She asked  
13 if none of those requests can come back to the Council during the year. Desler stated it  
14 doesn't mean that at all. The Executive will propose some modifications that will reflect  
15 many of those issues.

16  
17 Weimer stated that Council will want to look at this over the course of the year.  
18 According to State law, the County Charter, and the County Code, the biennial budget  
19 review is talked about specifically, in terms of giving the Council a second review of the  
20 budget. It's supposed to be dealt with as they would with any budget. That piece of the  
21 budget should be tied to the levies. They've passed the levies that have taxed people  
22 without attaching pieces of the budget that they also passed. It was slid into a  
23 supplemental rather than a second year budget for 2010. He understands they now have  
24 the money in there if they want to give the money to the Superior Court. Most of that is  
25 addressed in what is being introduced this evening.

26  
27 Pete Kremen, County Executive, stated the reason for the veto is because there has  
28 been an historical practice on the part of the Council over the last few years of spending  
29 more money than the County takes in. The Council and administration have been aware of  
30 this, and have been working to balance the budget with these additional expenditures  
31 approved by the Council that are above the recommended levels submitted or proposed by  
32 the administration. They have come to a point where the administration can no longer  
33 accept continued increases in spending, because the County is in a financial situation where  
34 they have a significant deficit in revenues. That is the rationale for the veto. They need to  
35 live within their financial means and still use the reserves so that we can glide into the  
36 recession without too many cuts to services. This doesn't have anything to do with levy lid  
37 lifts or spending more money here or there. They have come to a point where the Council,  
38 with good intentions and laudable objectives, has spent more money and filled prior budgets  
39 with one-time fixes from the reserves. It has not taken into consideration that those one-  
40 time fixes with one-time money continue to grow. They can no longer afford to operate in  
41 that manner.

42  
43 Brenner asked if Executive Kremen will bring to the Council in a supplemental budget  
44 request any of those things in the vetoed ordinance. Kremen stated he wants to work with  
45 the Council.

46  
47 They also have a situation where the administration, in working with other elected  
48 officials and department heads, have engaged in a budget stabilization project. He asked  
49 department heads about a year ago to cut budgets by 3.6 percent. Certain departments  
50 that do not provide mandated services have cut their budgets even more. He did not veto  
51 the ordinance lightly. There was great consideration and input from the community.  
52 Almost every single department and office within Whatcom County government complied  
53 with the budget cut. The ordinance that was vetoed had additional money for Superior

1 Court in the amount of \$250,000, which was on the backs of all the other departments that  
2 achieved the goals of the stabilization plan. It spent money the County doesn't have, it  
3 penalizes the various agencies, departments, and offices for achieving spending reductions,  
4 and it rewards the department that has not achieved those objectives.  
5

6 In running Whatcom County government, he must be fair and equitable with the  
7 entire organization. He's asking the Council to revisit this issue. Take these ideas and  
8 factors into consideration as they revisit the issue.  
9

10 Crawford stated they haven't reconciled the situation with Superior Court yet. He  
11 asked if there are ongoing discussions, and they're not in an intractable situation. Kremen  
12 stated the current Superior Court is not solely guilty. Historically, the Superior Court has  
13 spent more money than allocated every year. The current Superior Court staff has been  
14 working hard to cut spending. He must stand firm against awarding \$250,000 in excess of  
15 the Court's budget, when everyone has been willing to and successful with meeting his  
16 stabilization plan. The County's financial situation is still serious. They will be able to  
17 overcome the situation, but not by spending more money than they take it. He will work  
18 with the Superior Court. He is setting up a committee to work together to facilitate an  
19 outcome to produce a more efficient outcome as soon as possible.  
20

21 Mann asked how much money is in the reserve fund. Kremen stated he thought it  
22 was about \$10 million. It was \$22 million about three years ago. They cannot continue to  
23 run an organization on that money. They can only go down to about \$7 million and still  
24 operate Whatcom County government.  
25

26 Desler stated he hopes the reserve is at \$8.5 million by the end of 2009, once they  
27 settle all the expenditures and revenues. They anticipate having a little less than \$7 million  
28 by the end of 2010.  
29

30 Weimer stated he appreciates the comments from Executive Kremen. They do need  
31 to work together, which they didn't have the opportunity to do. There are statutory  
32 deadlines to pass the budget and levies by the end of November. The Council did its work  
33 and got that done just in time. The Council didn't hear any objections the night it passed  
34 those ordinances. In the middle of December, parts of it were vetoed, after their statutory  
35 deadline to work with anyone to come up with a fix. His concern is how they avoid that in  
36 the future, and whether they need to start the budget process earlier. The Council must  
37 maintain its budget authority, rather than losing it because it passed the deadline. Desler  
38 stated they have an opportunity to revisit it again in 2010. In 2009, the administration  
39 presented the supplementary budget information to the Council over the course of  
40 September and through to October 15. The budget wasn't passed until the last meeting in  
41 November. Usually it's passed the first meeting in November. Ultimately, it didn't come to  
42 the Executive's Office until well into December. The administration is willing to work with  
43 the Council over the course of the Spring and Summer. They must work together closely to  
44 accommodate those issues as they build the next budget.  
45

46 Charles Snyder, Superior Court Judge, stated they are more than willing to work with  
47 the Executive, Bar Association, and anyone necessary to see if they can find a resolution to  
48 this issue. However, it's something that needs to be done soon. Out of their budget, 84  
49 percent is spent on personnel or mandated legal expenditures they must do, but cannot  
50 accurately predict. They don't know how many cases and jury trials they will have. They  
51 need to get this resolved. As they stand, the 2010 budget amount is less than their actual  
52 cost to do business in 2009. They've reduced expenditures by about \$177,000 through the  
53 course of 2009. The Council is faced with the need to find a way to pay for mandatory,

1 legally-required services at the end of a budget year. He hopes they can get resolution  
2 soon, that can be adopted to resolve the issue for 2010, and then they can work together  
3 on the next biennium.  
4

5  
6 **INTRODUCTION ITEMS**  
7

8 ***Mann moved*** to accept the Introduction Items.  
9

10 The motion carried by the following vote:

11 **Ayes:** Kershner, Nelson, Crawford, Mann, Brenner, Weimer, and Knutzen (7)

12 **Nays:** None (0)  
13

- 14 1. **ORDINANCE REPEALING WHATCOM COUNTY CODE 2.125, UTILITIES  
15 PLANNING AND ADVISORY COMMITTEE (AB2010-045)**
- 16  
17 2. **ORDINANCE PROHIBITING THE ILLEGAL AND ILLICIT DISCHARGE OF  
18 HAZARDOUS MATERIALS AND NON-STORMWATER RUNOFF TO THE  
19 COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (AB2009-  
20 320D) (HEARING TO BE SCHEDULED)**
- 21  
22 3. **ORDINANCE AMENDING WCC TITLE 20.80.636, 20.80.734, AND 20.04.076  
23 REGARDING STORMWATER MANAGEMENT REQUIREMENTS, GENERAL  
24 REVIEW THRESHOLDS, AND NPDES PHASE II BOUNDARIES (AB2010-046)  
25 (HEARING TO BE SCHEDULED)**
- 26  
27 4. **ORDINANCE AMENDING THE WHATCOM COUNTY CODE, TITLE 20, TO  
28 CLARIFY AND REVISE THE DEFINITION AND STANDARDS OF HOME  
29 OCCUPATIONS (AB2010-047)**
- 30  
31 5. **ORDINANCE CLARIFYING AND REVISING THE DEFINITION AND STANDARDS  
32 OF ACCESSORY APARTMENTS AND SECOND COOKING FACILITIES WITHIN  
33 WHATCOM COUNTY'S ZONING CODE, TITLE 20 (AB2010-048)**
- 34  
35 6. **ORDINANCE CLARIFYING THE APPLICABILITY OF AGRICULTURAL  
36 PROTECTION OVERLAY (APO) BY INCLUDING THE AREA OF ADJOINING  
37 ROAD RIGHTS-OF-WAY IN THE CALCULATIONS OF PARCEL ACREAGE FOR  
38 APO ZONE (AB2010-049)**
- 39  
40 7. **REQUEST FOR PUBLIC HEARING, AS REQUIRED BY THE STATE AUDITORS  
41 OFFICE, ON THE RESULTS OF THE PERFORMANCE AUDIT REPORT (AB2010-  
42 050) (HEARING TO BE SCHEDULED)**
- 43  
44 8. **ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, FIFTH  
45 REQUEST, IN THE AMOUNT OF \$599,233 (AB2010-051)**  
46  
47

48 **OTHER BUSINESS**  
49

50 Knutzen stated he received a letter from a Flood Control Zone District Advisory  
51 Committee member regarding his resignation. He asked about the appointment process.  
52

1 Frank Abart, Public Works Director, stated the vacancy has to be appointed by the  
2 Flood Control Zone District Board of Supervisors. There is an application process.  
3

4 Brenner stated she's received emails about whether the appointed special district  
5 representatives actually represent the special districts. She asked if special district  
6 representatives have to be officers of the district they represent. She would like more  
7 information on who represents the special districts, and why. Abart stated Dan Gibson or  
8 Jon Hutchings will probably be helpful.  
9

10  
11 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
12

13 Weimer stated he's been in Washington D.C. all week, and he is glad to be back in  
14 Washington State, where government is much closer to the people.  
15

16 Knutzen stated he thanks all County staff for helping him learn, especially Council  
17 staff. He appreciates their accessibility and willingness to help him with any issue he may  
18 have.  
19

20 Mann stated he thanks all the Planning Commission applicants. There were amazing  
21 applicants and incredible resumes. He wished good luck to the newly-appointed members.  
22

23 Brenner stated there were more applications for Planning Commission than they've  
24 ever had. There was a diversity of people who applied.  
25

26 Kershner stated she thanks the Council staff for putting on a great Oath of Office  
27 Ceremony yesterday.  
28

29  
30 **ADJOURN**  
31

32 The meeting adjourned at 8:39 p.m.  
33  
34

35  
36 \_\_\_\_\_  
37 Jill Nixon, Minutes Transcription  
38

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

41 Please contact the Council Office to obtain an  
42 official, signed copy:  
43  
44 360-676-6690 or council@co.whatcom.wa.us  
45  
46