

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

WHATCOM COUNTY COUNCIL
Regular County Council

February 9, 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, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer
Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Crawford announced that there was **discussion with the Council's Planning and Policy Analyst regarding work assignments (AB2010-017)** in the Committee of the Whole meeting.

AUTHORIZATION OF NEGOTIATED PAYMENT FOR LUMMI ISLAND FERRY SERVICE TO GOOSEBERRY POINT, PER SIGNED INTERIM AGREEMENT BETWEEN WHATCOM COUNTY AND THE LUMMI INDIAN BUSINESS COUNCIL (AB2010-078)

Crawford reported for the Committee of the Whole.

Weimer moved to approve the initial payment to the Lummi Nation for ferry operations at Gooseberry Point.

The motion carried by the following vote:

Ayes: Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

MINUTES CONSENT

Brenner moved to approve the Minutes Consent items, including the substitute pages.

The motion carried by the following vote:

Ayes: Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

1. **SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 3, 2009**
2. **REGULAR COUNTY COUNCIL FOR DECEMBER 8, 2009**

- 1
2 **3. COMMITTEE OF THE WHOLE FOR JANUARY 12, 2010**
3
4 **4. REGULAR COUNTY COUNCIL FOR JANUARY 12, 2010**
5
6 **5. SURFACE WATER WORK SESSION FOR JANUARY 19, 2010**
7

8
9 **OPEN SESSION**

10
11 The following people spoke:

- 12 • Larry Helm, 2660 E. 41st Terrace, spoke on the issue of rescinding the
13 stormwater tax.
14 • Laura DeRose, Interfaith Coalition, spoke about the Friendly Visitors Program.
15 • Leonard Lindstrom, citizen, spoke on educational issues.
16 • Dennis Jones, 1487 Sudden Valley, spoke on the Lake Whatcom Management
17 Plan, taxes, the Executive's budget and a correction in the minutes regarding
18 his support of property tax
19 • *(Clerk's Note: The speaker following Mr. Jones requested that his/her*
20 *testimony not be included in the minutes.)*
21

22
23 **CONSENT AGENDA**

24
25 **Mann** reported for the Finance and Administrative Services Committee and **moved**
26 to approve Consent Agenda items one through eight.

27
28 Crawford withdrew item two.

29
30 Brenner withdrew item six.

31
32 The motion to approve Consent Agenda items one, three through five, seven, and
33 eight carried by the following vote:

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

35 **Nays:** None (0)
36

- 37 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
38 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND**
39 **PACIFIC SURVEYING & ENGINEERING, INC. TO PROVIDE ALTERNATIVE**
40 **ANALYSIS AND DESIGN OF LEVEE IMPROVEMENTS TO REDUCE THE RISK**
41 **ASSOCIATED WITH SWIFT CREEK DUE TO FLOODING, IN THE AMOUNT OF**
42 **\$160,000 (AB2010-086)**
43

44 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
45 *Board of Supervisors.)*
46

- 47 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
48 **CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST REGIONAL**
49 **COUNCIL TO PROVIDE FUNDING FOR THE LONELINESS AND ISOLATION**
50 **PROGRAM, IN THE AMOUNT OF \$20,000 (AB2010-087)**
51

52 **Mann** reported for the Finance and Administrative Services Committee and **moved**
53 to approve the request.

1
2 Crawford stated this is a great program, and is worthy of continuation, but the
3 County budget is taking in less money than it is spending. They are considering employee
4 layoffs. The outlook isn't good. It's time to cutback on a number of these programs.
5

6 Brenner stated this is the exact time for the County to participate in this program.
7 The amount is small. The program is a bridge between what they used to be able to
8 provide and what they can provide now. It's a public health issue and criminal justice issue.
9 The elderly have few places to turn. They are one of the most vulnerable groups.
10

11 Mann stated he supports the motion also. He was a volunteer for this program. It is
12 a much needed program. They receive good value from the program. People depend on
13 the program to receive their only human interaction during their lives.
14

15 Weimer stated he is also in favor of the request for the same reasons. These people
16 have lived in the county for a long time. For whatever reason, they live alone now. In
17 many instances, the volunteers find the program participants in dire straits. It's a health
18 and safety issue, not just a loneliness issue. The community contributes funds for half the
19 program. The cost is small. If the Council needs to cut funds later in the year, it can find
20 better things to cut than this program.
21

22 The motion carried by the following vote:

23 **Ayes:** Nelson, Brenner, Weimer, Knutzen, Mann and Kershner (6)

24 **Nays:** Crawford (1)
25

26 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
27 **CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST REGIONAL**
28 **COUNCIL TO PROVIDE FUNDING FOR THE BOUNDARY REVIEW BOARD, IN**
29 **THE AMOUNT OF \$18,000 (AB2010-088)**
30

31 **4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
32 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND**
33 **PSYCHIATRIC CLINIC FOR MENTAL HEALTH TREATMENT SERVICES, IN AN**
34 **AMOUNT THAT IS VARIABLE DEPENDING ON NUMBER OF SERVICES**
35 **PROVIDED AND AUTHORIZATION BY THE HEALTH DEPARTMENT (AB2010-**
36 **089)**
37

38 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT**
39 **AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE**
40 **DEPARTMENT OF ECOLOGY TO PROVIDE FUNDING FOR SOLID WASTE**
41 **COMPLIANCE MANAGEMENT AND LITTERING AND ILLEGAL DUMPING**
42 **ENFORCEMENT SERVICES, IN AN AMOUNT NOT TO EXCEED \$75,994 PER**
43 **YEAR FOR A TWO YEAR TERM (AB2010-090)**
44

45 **6. REQUEST APPROVAL FOR THE WHATCOM COUNTY PARKS AND RECREATION**
46 **DEPARTMENT TO DEMOLISH A DERELICT BARN AT DITTRICH PARK**
47 **(AB2010-091)**
48

49 *Mann* reported for the Finance and Administrative Services Committee and *moved*
50 to approve the request.
51

1 Brenner stated she is against the request. The barn doesn't need to be torn down.
2 It's a neat old barn, and it should stay. If necessary, put a fence around it to keep people
3 from going there. She can think of better uses for the money.

4
5 The motion carried by the following vote:

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

7 **Nays:** Brenner (1)

8
9 **7. RESOLUTION ORDERING THE CANCELLATION OF CHECKS MORE THAN TWO**
10 **YEARS OLD (AB2010-092)**

11
12 **8. REQUEST RATIFICATION OF MEMORANDUM OF UNDERSTANDING TO**
13 **ADDRESS 2011 QUICK SETTLEMENT – EXTENSION AND AMENDMENT OF THE**
14 **COLLECTIVE BARGAINING AGREEMENT FOR THE SHERIFF'S CORRECTIONS**
15 **DEPUTIES (AB2010-093)**

16
17
18 **OTHER ITEMS**

19
20 **1. RESOLUTION APPROVING THE SOUTH FORK REGIONAL PARK CONCEPTUAL**
21 **PLAN (AB2010-056)**

22
23 *(Clerk's Note: This item was withdrawn from the agenda.)*

24
25 **2. ORDINANCE AMENDING WCC TITLE 20 TO MODIFY THE DATES OF**
26 **SEASONAL RESTRICTIONS ON CLEARING ACTIVITIES FROM SEPTEMBER 1ST**
27 **THROUGH APRIL 30TH TO OCTOBER 1ST THROUGH MAY 31ST AND**
28 **IMPOSING A DEADLINE ON THE ISSUANCE OF DEVELOPMENT PERMITS TO**
29 **TWO WEEKS PRIOR TO THE SEASONAL CLOSURE DATE IN THE WATER**
30 **RESOURCE SPECIAL MANAGEMENT AREAS (AB2010-075)**

31
32 *Weimer* reported for the Natural Resources Committee and *moved* to adopt the
33 ordinance.

34
35 *Crawford moved* to amend the ordinance to make the restriction dates from
36 October 1 to April 30. There is nothing sacred about prohibiting clearing for a certain
37 number of months. Rainfall is just slightly greater in May than the other months, but not by
38 much. This would create a more flexible building window for landowners. He has as much
39 or more confidence in the restrictions and regulations they put on sediment and erosion
40 control than other folks. It's implemented effectively. Any violations are strongly enforced
41 in this county. They can do a responsible job of taking care of Lake Whatcom, while
42 allowing an additional month for this activity.

43
44 Brenner stated she will support the amendment. She took a class for becoming a
45 certified sediment erosion control inspector, to see what is involved. She was very
46 impressed with what people are taught in that class. They aren't having the problems they
47 used to have. The difference in the precipitation amount in those two months is negligible.

48
49 Weimer stated he is against the amendment. In committee, they heard there isn't
50 much difference in precipitation, but the difference with May is that the ground is already
51 very saturated from the winter and spring months. Staff even provided photos of runoff
52 problems due to that saturation. Water does drain much, and plants aren't growing enough

1 to uptake the water. Another reason for the ordinance as it is, is to align dates with the
2 City.
3

4 Mann stated he agrees with Councilmember Weimer. The saturation of the soils is
5 the big issue. That's the reason for changing the dates. Science shows they should do
6 something to protect the drinking water source, so they should do that. Runoff and
7 saturated soils is significant. He won't support the amendment.
8

9 Brenner stated she didn't see any science. She saw pictures and the precipitation
10 chart. She is a master gardener. May is a very good month for growth for all kinds of
11 vegetation. That one month won't make or break it.
12

13 The motion to amend carried by the following vote:

14 **Ayes:** Crawford, Brenner, Knutzen and Kershner (4)

15 **Nays:** Mann, Weimer and Nelson (3)
16

17 Weimer stated he will vote against the ordinance as amended. They've extended the
18 clearing season within the watershed, which is the drinking water source. The County is
19 under a total maximum daily load (TMDL) study order to deal with phosphorus loading in
20 the Lake Whatcom watershed. Today, they saw rain totals for May that were higher than in
21 September. They saw pictures of saturated ground. Reports in the last couple of years
22 have been of enforcement activity on these activities. It's better in the Lake Whatcom
23 watershed than it is in other parts of the county, but it's still not perfect. There are lots of
24 pictures of places where best management practices weren't followed. When Lake Whatcom
25 water quality continues to be impaired and the County is under federal and State orders to
26 clean it up, increasing clearing in the watershed goes in the wrong direction.
27

28 Crawford stated he is in favor of the ordinance. They have very stringent sediment
29 and erosion control measures. They are not fail proof, but they are also not fail proof in the
30 months they are approving. He has a lot of confidence in those measures. He is skeptical
31 that construction-related land clearing is a significant contributor to the overall phosphorus
32 picture in Lake Whatcom. He doesn't deny that there may be some moments of failure on
33 individual projects. Given the existing regulations and controls and compared to natural
34 events that occur, roads, and stormwater runoff in Hillsdale and Geneva, the County is
35 taking a responsible approach to phosphorus reduction.
36

37 Mann stated this change is irresponsible. This is the drinking water source. Don't
38 expand the amount of time for clearing activities. If they had noticed that significant of a
39 change, the County would have had a lot more people here to talk about it and express a
40 concern. Construction sites generate much more sediment and runoff than a site that's
41 been developed and established. He's worked in this field. He frequently sees failing
42 sediment control measures all around the county. He doesn't have the confidence that
43 those controls are in place and effective at all times. He's not willing to take a chance with
44 the reservoir. Don't increase the length of allowed clearing time in the watershed.
45

46 Nelson stated he agrees with the argument of saturation in May, but saying the
47 ordinance is drastic and draconian, and not voting for it, is far-reaching. No one knows the
48 impact of one month over another. The Council voted to allow clearing in September
49 because there wasn't enough evidence before when it was in place. If they feel that
50 strongly about protecting the watershed, impose a moratorium throughout the year, or only
51 in July and August. It's a political statement to vote against the ordinance for one month,
52 not a justification. He was willing to not allow clearing in May as a protection. However, he

1 doesn't understand voting against the entire ordinance because it is a change. They are
2 already changing it by allowing September.

3
4 Brenner stated there was some hype about it being irresponsible, but she doesn't
5 know enough one way or another. It is the watershed. She is going to change her mind,
6 because it's the only place she's ever voted for a downzone to begin with. She doesn't think
7 it's significant, but there could be some kind of a chance.

8
9 Mann stated the entire ordinance revolves around the dates. If Councilmember
10 Nelson is willing to vote against the dates once, he should be willing to vote against it again.

11
12 Crawford stated this ordinance went through the Planning Commission. Adding a
13 month for clearing changes the nature of the ordinance, and the Council would need to hold
14 this for a public hearing.

15
16 ***Brenner moved*** to reconsider the motion to amend.

17
18 The motion to reconsider carried by the following vote:

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

20 **Nays:** None (0)

21
22 ***Crawford moved*** to amend the ordinance to make the restriction dates from
23 October 1 to April 30.

24
25 Nelson stated he won't vote for the amendment, but this has gone through three
26 changes at the Council already. He's willing to add another month to see how it works. If
27 May is a good month, get some data and information that demonstrates that May is a good
28 month. None of the councilmembers have significant information to make a change at this
29 time.

30
31 Kershner stated phosphorus in Lake Whatcom does not affect the drinking water
32 quality. The drinking water is in the top 99 percent of the nation. Phosphorus affects the
33 lake, not the drinking water.

34
35 Crawford stated the pictures that staff submitted could have been taken in August.
36 There was a deluge in July this year. It's very anecdotal. They are not basing the decision
37 on science, but on a gut feeling.

38
39 The motion to amend failed by the following vote:

40 **Ayes:** Crawford, Knutzen and Kershner (3)

41 **Nays:** Mann, Brenner, Weimer and Nelson (4)

42
43 The motion to adopt the ordinance as the Planning Commission recommended
44 carried by the following vote:

45 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen and Mann (6)

46 **Nays:** Kershner (1)

47
48 **3. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, SIXTH**
49 **REQUEST, IN THE MOUNT OF \$25,000 (AB2010-077)**

50
51 ***Mann*** reported for the Finance and Administrative Services Committee and ***moved***
52 to adopt the ordinance
53

1 The motion carried by the following vote:

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

3 **Nays:** None (0)

4
5 **4. ORDINANCE AMENDING THE WHATCOM COUNTY CODE, TITLE 20, TO**
6 **CLARIFY AND REVISE THE DEFINITION AND STANDARDS OF HOME**
7 **OCCUPATIONS (AB2010-047)**

8
9 Knutzen reported for the Planning and Development Committee and stated this item
10 is held in committee for two weeks.

11
12 **5. ORDINANCE CLARIFYING AND REVISING THE DEFINITION AND STANDARDS**
13 **OF ACCESSORY APARTMENTS AND SECOND COOKING FACILITIES WITHIN**
14 **WHATCOM COUNTY'S ZONING CODE, TITLE 20 (AB2010-048)**

15
16 *Knutzen* reported for the Planning and Development Committee and *moved* to
17 approve the substitute version as approved by the Planning Committee.

18
19 Karen Frakes, Prosecutor's Office, stated any change, not just a substantive change,
20 from the Planning Commission recommendation would require a public hearing.

21
22 *Knutzen amended his motion and moved* to hold a public hearing on the
23 substitute version, revised by the Planning Committee.

24
25 The motion carried by the following vote:

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

27 **Nays:** None (0)

28
29 **6. ORDINANCE CLARIFYING THE APPLICABILITY OF AGRICULTURAL**
30 **PROTECTION OVERLAY (APO) BY INCLUDING THE AREA OF ADJOINING**
31 **ROAD RIGHTS-OF-WAY IN THE CALCULATIONS OF PARCEL ACREAGE FOR**
32 **APO ZONE (AB2010-049)**

33
34 *Knutzen* reported for the Planning and Development Committee and *moved* to hold
35 a public hearing on the substitute version, amended by the Planning Committee.

36
37 The motion carried by the following vote:

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

39 **Nays:** None (0)

40
41 **7. NOMINATION AND POSSIBLE APPOINTMENT TO FILL A VACANCY ON THE**
42 **BIRCH BAY SHELLFISH PROTECTION DISTRICT – APPLICANT: LEROY SMITH**
43 **(AB2010-082)**

44
45 *Nelson moved* to suspend the rules, nominate this evening, and appoint the
46 position this evening.

47
48 The motion carried by the following vote:

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

50 **Nays:** None (0)

51
52 *Nelson moved* to appoint Leroy Smith by acclamation.
53

1 The motion carried by the following vote:

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

3 **Nays:** None (0)

4
5 **8. ORDINANCE REGARDING ESTABLISHMENT OF A POINT ROBERTS**
6 **COMMUNITY ADVISORY COMMITTEE (AB2010-076)**

7
8 **Nelson moved** to adopt the ordinance. He asked about the possibility of emergency
9 medical services (EMS) in Point Roberts. He asked if this committee could discuss that
10 possibility.

11
12 Frank Abart, Public Works Department Director, stated the committee could discuss
13 the possibility of EMS in Point Roberts. The committee is structured to discuss any kind of
14 community issue. It's not focused only on transportation, health, or law enforcement.

15
16 Nelson stated this advisory committee is a good idea. He appreciates the
17 administration bringing this forward. Abart stated he is the staff person bringing it forward
18 because he knows the first few meetings of the advisory committee will be focused on how
19 they want to spend the fuel tax collected in 2011 and 2012. The administration hasn't yet
20 determined who from the County staff will facilitate the meetings. If the advisory
21 committee informs his department in advance about any road-related discussions, he can
22 provide staff support.

23
24 Crawford stated he will support the ordinance, but has concerns about the
25 appointments. These folks are appointed, not elected. He doesn't know how they will
26 ensure a broad sector representation. He's willing to try it to see how it works.

27
28 The motion carried by the following vote:

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

30 **Nays:** None (0)

31
32 **9. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
33 **RICHARD MAY TO THE WHATCOM COUNTY APPEALS BOARD (AB2010-094)**

34
35 **Nelson moved** to confirm the request.

36
37 The motion carried by the following vote:

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

39 **Nays:** None (0)

40
41 **10. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
42 **JEREMY BROWN AND LAURIE CASKEY-SCHREIBER, AND THE**
43 **REAPPOINTMENT OF WENDY STEFFENSEN, TO THE WHATCOM COUNTY**
44 **MARINE RESOURCE ADVISORY COMMITTEE (AB2010-095)**

45
46 **Brenner moved** to confirm the request.

47
48 The motion carried by the following vote:

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

50 **Nays:** None (0)

51
52 **11. RESOLUTION OPPOSING THE MODEL TOXICS CONTROL ACT TAX INCREASE**
53 **(AB2010-085A)**

1
2 **Nelson moved** to approve the resolution.
3

4 Crawford explained the history of the issue.
5

6 Nelson expressed concerns about supplanting language. Dollars don't end up where
7 intended. This is just a mechanism to generate general fund money for the State. There is
8 a State and local element to this tax. According to the State budget office, the forecast is
9 for \$53.7 million for the State and \$60.6 for local government. However, they plan to put
10 the money in the general fund and replace that with bonds or borrowed money, which is
11 even worse.
12

13 Brenner stated the State legislature also allowed mental health tax funds collected to
14 supplant other issues. The State is being less subtle here than it was with the mental
15 health funds. The State Department of Ecology passed a low-impact development manual
16 to allow homeowners to do many of their own retrofits and implement other ideas to reduce
17 or eliminate stormwater runoff. Whatcom County doesn't have local legislation to support
18 that manual by reference. It should, because the County will receive a bigger benefit from
19 that than by throwing money into the State's general fund. The State is moving this
20 through quickly. There should be more discussion about it.
21

22 Nelson stated this has a 500 percent increase by the Department of Revenue since
23 the program began. It's growing enormously on the backs of major industries in the
24 community. He understands they need a mechanism to offset assumed pollution loads, but
25 there are many sources of pollution loads. It's better for the local communities to be able to
26 deal with that. That's one reason they included the block grant funding proposal. The
27 County isn't getting a return on what the public has paid into this. It is just going into the
28 State's general fund to fund other programs. He's concerned that the State legislature is
29 going to these other processes to raise tax monies for the general fund, when the citizens
30 have restricted the amount of taxes that can be collected. It's time to say that's enough.
31 The State should fix its problems in Olympia by fixing the tax system or code. Start putting
32 the money back to local communities through block grants, but not with strings attached.
33 Empower the local governments to get the jobs done. They aren't getting things done at
34 the local level because the County isn't getting the money.
35

36 Knutzen stated he is in favor of the resolution. With the recent loss of Boeing, the
37 State should begin to realize its errors. Instead of making these refineries feel like a
38 necessary evil, the County needs to welcome and support the refining industry. The
39 refineries supply jobs and revenue to the school districts. They are very involved in the
40 community, and are good neighbors and good stewards.
41

42 Crawford stated he is in favor of the resolution and agrees with Councilmember
43 Knutzen. This is a pro-jobs and pro-economic development resolution for Whatcom County.
44

45 Weimer stated he is against the resolution. He has problems with the bill and
46 supplanting funds, and appreciates Councilmember Nelson's suggestions. The Model Toxics
47 Control Act is a good thing. Making things that pollute their waters pay for the cleanup
48 makes sense, but a lot of this money has been funneled to other things. He can't support
49 the entire resolution. With everything going on at the legislature, this is the only issue that
50 this Council has been interested in getting involved with so far. Most of this resolution was
51 written by a lobbyist for big oil. The Council hasn't heard the other side. The Coastal
52 Caucus of the Washington Association of Counties (WSAC), of which Whatcom County is a
53 member, has endorsed a letter to the State legislature that is the opposite of this resolution.

1 They see the need for money for stormwater cleanup. It's an unfunded mandate from the
2 State right now. This is one way for some State legislators to provide some money, if they
3 don't use it all to supplant other things. It's interesting to pass something written by a
4 lobbyist for the local refineries, without hearing the other side. The cost to the refineries
5 will be passed on to the consumers, and won't hurt jobs much or at all. The \$224 million
6 per year the industry pays now is a drop in the bucket, compared to what the industries
7 makes. The local refinery processes 225,000 barrels of crude oil per day, which amounts to
8 over \$4 billion per year, just from that one refinery. He doesn't want to harm the refineries
9 because they do many good things. However, the chemicals targeted are much of the
10 problem with water. They hear often about the problems in Puget Sound. It is a top
11 priority of the Governor. He applauds the legislature for trying to find a way to address it.
12

13 Kershner stated she supports the resolution because the money will be siphoned to
14 the State's general fund for the next four years. Taxpayers don't want to be told that the
15 money is going for something that it's not. It's dishonest and unfair to the taxpayers. If
16 Olympia needs more money, it should come out with a tax increase instead of trying to slip
17 it in under the notion that they are cleaning up water.
18

19 Brenner stated they haven't heard the other side of the issue because the legislature
20 has rushed this through. The resolution addresses that fast progression. The money is
21 being diverted for other uses. That alone should give them a reason to pause.
22

23 Nelson stated this is an example of a bad way to raise revenue. This was a tax
24 imposed by the public for certain purposes.
25

26 Weimer stated it's not particularly dishonest. He doesn't like the way it's being done.
27 He supports the Model Toxics Control Act, and would love to see it funded more quickly.
28 However, the bill is clear that the State will use this money in the general fund for the next
29 few years. The State is short several billion dollars. The State isn't trying to be dishonest.
30 The press releases for this are clear. The State is trying to fill the revenue hole. Also, this
31 is not being particularly rushed. It passed through the State House last year. The original
32 bill was introduced in January. The current bill showed up in the last few days, but is the
33 same thing to a great extent.
34

35 Brenner stated the bill did just show up, and it's not the original bill. It's not the
36 County's job to fill a hole in Olympia's budget. Just because the State says what it is doing
37 doesn't mean it isn't dishonest.
38

39 Mann suggested amending the first whereas statement, "Whereas, the Whatcom
40 County Council is opposed to **supplanting** the intent of any citizen's initiative ~~being~~
41 ~~supplanted~~ from its intended purpose; and"
42

43 Pete Kremen, County Executive, suggested using the word "circumvent" rather than
44 "supplant." One usually supplants money. The intent is that the Council doesn't want the
45 legislature to circumvent what the voters have already passed.
46

47 **Brenner suggested a friendly amendment** to amend the first whereas statement,
48 "Whereas, the Whatcom County Council is opposed to **the supplanting of taxes collected by**
49 **citizen initiative** ~~the intent of any citizen's initiative being supplanted from its intended~~
50 ~~purpose; and."~~
51

52 **Nelson accepted** the friendly amendment.
53

1 Weimer asked if this concern about supplanting funds supplied by citizen initiatives
2 applies to the conservation futures fund. The County has been using conservation futures
3 funds this year to supplant other things.

4
5 Brenner stated the County reduced collection.

6
7 The motion to approve the friendly amendment carried by the following vote:

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

9 **Nays:** None (0)

10
11 Crawford stated the Council should send this letter to all the 40th District
12 Representatives, 42nd District Representatives, Senators, and the Governor. Forward a copy
13 to WSAC.

14
15 Kremen stated this vehicle to raise funds is unfair. It raises the funds at the expense
16 of two out of 39 counties in Washington State, including Whatcom County. Whatcom
17 County is at least 60 percent of the tax. The county's major refinery indicated it's \$400
18 million proposed project at Cherry Point, which will employ about 2,000 people during
19 construction and generate \$400,000 annually after construction, will not be done.

20
21 The motion to approve the resolution as amended carried by the following vote:

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

23 **Nays:** Weimer (1)

24
25
26 **INTRODUCTION ITEMS**

27
28 ***Brenner moved*** to accept the introduction items. The changes to the onsite septic
29 system (OSS) ordinance were clarifications. The Health Department cleaned it up better
30 than it was. No changes were significant.

31
32 The motion carried by the following vote:

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

34 **Nays:** None (0)

- 35
36 1. **ORDINANCE AMENDING THE WHATCOM COUNTY 2010 PROJECT BUDGET,
37 FIRST REQUEST, IN THE AMOUNT OF \$1,464,253 (AB2010-096)**
- 38
39 2. **ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, SEVENTH
40 REQUEST, IN THE AMOUNT OF \$1,985,140 (AB2010-097)**
- 41
42 3. **ORDINANCE AMENDING WHATCOM COUNTY CODE 24.05, ON-SITE SEWAGE
43 SYSTEM (OSS) REGULATIONS, TO ALLOW FOR SELF EVALUATION OF OSS BY
44 HOMEOWNERS (THIS ORDINANCE IS A REVISED VERSION OF THE
45 ORDINANCE PREVIOUSLY INTRODUCED ON JANUARY 26, 2010) (AB2010-
46 135A) (COUNCIL ACTING AS THE WHATCOM COUNTY HEALTH BOARD)**
- 47
48 4. **ORDINANCE REPEALING ORDINANCE #2004-049 AND AMENDING THE
49 OFFICIAL WHATCOM COUNTY ZONING MAP FOR AN AREA OF BIRCH BAY
50 (AB2010-102)**
- 51

1 5. **ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**
2 **NEW APPLICATION FOR DIVISIONS OF LAND RESULTING IN LOTS SMALLER**
3 **THAN FIVE ACRES WITHIN THE LAKE WHATCOM WATERSHED (AB2010-101)**
4
5

6 **OTHER BUSINESS**
7

8 **CONTINUED DISCUSSION RELATED TO EMS PARAMEDIC TRAINING COSTS**
9 **PROPOSED FOR 2010 (AB2010-100)**
10

11 Mann reported for the Finance and Administrative Services Committee. They would
12 like the various entities in Whatcom County to work together to get paramedics trained and
13 continue the excellent service they enjoy in Whatcom County, and keep the service unified.
14
15

16 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
17

18 Nelson stated Theresa Sygitowicz dropped off a meeting notice they should be aware
19 of.
20

21 Brenner read the notice from Ms. Sygitowicz regarding the Saxon Reach river project
22 meeting notice.
23
24

25 **ADJOURN**
26

27 The meeting adjourned at 8:24 p.m.
28
29

30 _____
31 Jill Nixon, Minutes Transcription
32

33 The Council approved these minutes on March 16, 2010.
34
35

36 Please contact the Council Office to obtain an
37 official, signed copy:
38
39 360-676-6690 or council@co.whatcom.wa.us
40
41