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3
4 WHATCOM COUNTY COUNCIL
5 **Regular County Council**
6

7 May 11, 2010
8
9

10 **CALL TO ORDER**

11
12 Council Chair Sam Crawford called the meeting to order at 7:00 p.m. in the Council
13 Chambers, 311 Grand Avenue, Bellingham, Washington.
14

15
16 **ROLL CALL**

17
18 **Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann,
19 L. Ward Nelson and Carl Weimer

20 **Absent:** None
21
22

23 **FLAG SALUTE**

24
25
26 **ANNOUNCEMENTS** (7:04:48 PM)
27

28 From Committee of the Whole:
29

30 **1. CONSIDERATION OF APPEAL OF HEARING EXAMINER'S DECISION ON**
31 **ADMINISTRATIVE APPEAL NO. APL2009-0024, FILED BY DANIEL JOHNSON**
32 **(AB2010-114)**
33

34 *Nelson moved* to uphold the Hearing Examiner's decision.
35

36 The motion carried by the following vote:

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

38 **Nays:** None (0)
39

40 **2. UPDATE AND DISCUSSION REGARDING LUMMI ISLAND FERRY DOCK**
41 **NEGOTIATIONS (AB2010-018)**
42

43 *Weimer* stated he appreciates the ongoing negotiations with the Lummi Nation. He
44 hopes they're successful working out an agreement for the continued use of Gooseberry
45 Point for ferry service. To ensure they cover all the bases on behalf of the Lummi Island
46 residents, he *moved* to ask the administration to further explore possible ferry options with
47 the Port of Bellingham.
48

49 The motion carried by the following vote:

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

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

1 **MINUTES CONSENT** (7:06:14 PM)
2

3 ***Brenner moved*** to approve the nine Minutes Consent items.
4

5 The motion carried by the following vote:

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

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

- 9 1. **COMMITTEE OF THE WHOLE FOR MARCH 30, 2010**
10
11 2. **REGULAR COUNTY COUNCIL FOR MARCH 30, 2010**
12
13 3. **SPECIAL COMMITTEE OF THE WHOLE FOR APRIL 12, 2010**
14
15 4. **COMMITTEE OF THE WHOLE FOR APRIL 13, 2010**
16
17 5. **REGULAR COUNTY COUNCIL FOR APRIL 13, 2010**
18
19 6. **SPECIAL COMMITTEE OF THE WHOLE (4 P.M.) FOR APRIL 27, 2010**
20
21 7. **COMMITTEE OF THE WHOLE (6:45 P.M.) FOR APRIL 27, 2010**
22
23 8. **REGULAR COUNTY COUNCIL FOR APRIL 27, 2010**
24
25 9. **SPECIAL COMMITTEE OF THE WHOLE (1:00 P.M.) FOR APRIL 27, 2010**
26
27

28 **OPEN SESSION** (7:07:16 PM)
29

30 The following people spoke:

- 31 • Larry Helm, 2660 E. 41st Terrace, spoke on the Squalicum Ridge development
32 proposed on Squalicum Ridge.
- 33 • Yoshi Ravelle, 4026 Willowbrook Lane, Bellingham, spoke about kindness and
34 service being more important than money.
- 35 • Charles Law, Bellingham, spoke on E-Verify.
- 36 • Doris Ferm, 228 S. 42nd Street, Bellingham, spoke on E-Verify.
- 37 • Jeff McKay, 4693 Sucia Drive, spoke on E-Verify.
- 38 • Tore Slette, 4264 Squalicum Lake Road, spoke on the Squalicum Ridge
39 development.
- 40 • Bruce Diele, Bellingham, spoke on marijuana reform.
- 41 • Rosalinda Guillen, Community-to-Community Development Executive
42 Director, spoke on E-Verify.
- 43 • Maria Villalpando, Washington Community Action Network, Seattle, spoke on
44 E-Verify.
- 45 • Barbara Sternberger, Rural Avenue Neighborhood Association, spoke on jail
46 siting.
- 47 • Abe Jacobsen, 2314 Samish Way, spoke on contributions to councilmembers'
48 campaigns, fair wages for workers, and Council items AB2010-182 and 182A.
- 49 • Leonard Lindstrom, citizen, spoke on social problems.
- 50 • Lincoln Rudder, 8373 Semiahmoo Drive, spoke on the Lincoln Road
51 expansion.
- 52 • Patty Rudder, 8373 Semiahmoo Drive, spoke on the Lincoln Road expansion.

- 1 • (Clerk's Note: The speaker following Patty Rudder requested that his/her
- 2 testimony not be included in the minutes.)
- 3 • Erin Thompson, 3103 Coolidge Drive, Bellingham, spoke on E-Verify.
- 4 • Mary Nguyen, 4015 Eliza Avenue, Bellingham, spoke on E-Verify.
- 5 • Joaquin Martinez, citizen, spoke on E-Verify.
- 6 • Bob Wiesen, 3314 Douglas Road, spoke on the Farm Friends presentation and
- 7 E-Verify.
- 8 • Doralee Booth, 8188 Birch Bay Drive, spoke on the Lincoln Road expansion.
- 9 • Carol Sandvig, 8212 Birch Bay Drive, spoke on the Lincoln Road expansion.
- 10 • Dennis Sandvig, 8212 Birch Bay Drive, spoke on the Lincoln Road expansion.
- 11 • Claudia Hollod, 8240 Birch Bay Drive, spoke on the Lincoln Road expansion.
- 12 • Andeleja Tafoya, 2901 Bill McDonald Parkway, Bellingham, spoke on E-Verify.
- 13 • Greg Brown, Saddlestone Drive, spoke on E-Verify.
- 14 • Michael Gleason, Mosquito Lake Road, Deming, spoke on E-Verify.
- 15 • Michael McBride, 5419 Quail Run, Blaine, spoke on the Lincoln Road
- 16 expansion.
- 17 • Chet Dow, 5491 Woodfern Way, spoke on Whatcom County as a progressive
- 18 county, the Ethics Commission proceeding on Councilmember Nelson, and
- 19 campaign contributions.
- 20 • Eric Robison, 1814 Texas Street, Bellingham, spoke on E-Verify.
- 21 • Gregory Jillik, 920 – 22nd Street, Bellingham, spoke on E-Verify.
- 22
- 23

24 **PUBLIC HEARINGS** (8:12:26 PM)

25

26 **1. RESOLUTION VACATING A PORTION OF PORTAL WAY (AB2009-406A)**

27 (8:12:33 PM)

28

29 Crawford opened the public hearing and the following person spoke:

30

31 Mark Douglas, 1305 Broad Street, stated he is in favor of the vacation. He manages

32 Grandview Business Center, and works for the developer. There is an existing right-of-way

33 permit for connection to Public Utility District 1. The house to the north is already

34 encroaching on the right-of-way request. One reason for the vacation is to clean this all up,

35 and restore the original right-of-way line.

36

37 Hearing no one else, Crawford closed the public hearing. (8:14:49 PM)

38

39 ***Nelson moved*** to approve the resolution.

40

41 The motion carried by the following vote:

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

43 **Nays:** None (0)

44

45

46 **CONSENT AGENDA** (8:15:31 PM)

47

48 ***Mann*** reported for the Finance and Administrative Services Committee and ***moved***

49 to approve all ten Consent Agenda items.

50

51 Brenner withdrew items three and seven.

52

1 The motion to approve Consent Agenda items one, two, four through six, and eight
2 through ten carried by the following vote:

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

4 **Nays:** None (0)

- 5
6 1. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
7 **CONTRACT BETWEEN WHATCOM COUNTY AND ENGINEERING ECONOMICS,**
8 **INC. FOR THE COMMISSIONING AUTHORITY TO ATTAIN A SILVER**
9 **CERTIFICATION IN THE US GREEN BUILDING COUNCIL'S LEED PROGRAM**
10 **FOR THE EAST WHATCOM REGIONAL RESOURCE CENTER, IN THE AMOUNT**
11 **OF \$17,000 (AB2010-200)**
12
13 2. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
14 **AGREEMENT BETWEEN WHATCOM COUNTY AND OLYMPIC SECURITY, INC.**
15 **FOR THE PURPOSE OF PROVIDING SECURITY SERVICES, SECURITY**
16 **SCREENING, AND X-RAY SERVICES AT THE WHATCOM COUNTY**
17 **COURTHOUSE, IN THE AMOUNT OF \$125,000 (AB2010-201)**
18
19 3. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO**
20 **CONTRACT AMENDMENT #2 BETWEEN WHATCOM COUNTY AND VERTICAL,**
21 **INC. AUTHORIZING ADDITIONAL SERVICES FOR THE ALTERATIONS TO THE**
22 **CIVIC CENTER ANNEX, IN THE AMOUNT OF \$84,076.58 (AB2010-202)**
23

24 *Mann* reported for the Finance and Administrative Services Committee and *moved*
25 to approve the request.

26
27 Brenner stated she has concerns about the skin of the building, and that it will likely
28 leak and have to be repaired again. They're going to do the whole building. Make sure they
29 do what needs to be done to prevent future leaking before they put in parts that will have to
30 be redone.

31
32 The motion carried by the following vote:

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

34 **Nays:** Brenner (1)

- 35
36 4. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD**
37 **CONSTRUCTION CONTRACT BID #10-17 FOR 2010 HOT MIX ASPHALT**
38 **PRELEVEL AT MISCELLANEOUS LOCATIONS TO LOWEST BIDDER,**
39 **ASSOCIATED ASPHALT INC., OF FERNDALE, IN THE AMOUNT OF \$388,690**
40 **(AB2010-203)**
41
42 5. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
43 **CONTRACT BETWEEN WHATCOM COUNTY AND LOW BIDDER, LEN HONCOOP**
44 **GRAVEL, INC., TO INSTALL A STORMWATER BIOINFILTRATION SWALE IN**
45 **THE LAHTI DRIVE/BRITTON ROAD AREA, IN THE AMOUNT OF \$182,476.90**
46 **(AB2010-204)**
47
48 6. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
49 **DELEGATED LEASE BETWEEN WHATCOM COUNTY AND THE DEPARTMENT OF**
50 **NATURAL RESOURCES FOR LEASE OF 3373 MT. BAKER HIGHWAY FOR USE**
51 **AS A FIELD OFFICE (AB2010-205)**
52

1 **7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #10-35**
2 **FOR THE SUPPLY OF TWO REPLACEMENT SWEEPERS TO SOLE BIDDER,**
3 **CLYDE WEST INC., IN THE AMOUNT OF \$97,470.68 (AB2010-206) (8:18:02**
4 **PM)**
5

6 **Mann** reported for the Finance and Administrative Services Committee and **moved**
7 to approve the request.
8

9 Brenner stated the sweepers are not critical for emergencies. They are maintenance
10 equipment. The County should use the ones they have until they get to a point where the
11 cost-benefit ratio doesn't pan out. If the equipment stops working, contact for the work
12 until the County replaces the equipment. These are supposed to last a good long time.
13 This is not critical equipment at this time.
14

15 Mann stated these are budgeted items and a year overdue for replacement. Staff is
16 doing a good job maintaining the equipment, but they've heard from staff today that it's
17 time to replace the equipment now, before they aren't able to resell it.
18

19 Knutzen stated he agrees with Councilmember Brenner. He asked whether the
20 County needs to be in the street-sweeper business. He would like to know what it would
21 cost to contract the service. They are in a budget crunch, and have to meet certain
22 numbers.
23

24 Brenner stated the County doesn't put the equipment up for sale. It goes to auction.
25 The County doesn't usually get a lot of money for things that go to auction. It's not like
26 they are going to get much more money now than if they waited to sell it later, when it's
27 not working. That's not an issue here.
28

29 Crawford stated he is in favor of the motion. This is a planned purchase that has
30 been delayed. There is a lot of opportunity to contract County work. The County does a lot
31 of contracting. However, basic road maintenance and operations is funded from most of the
32 road taxes. Very little of the road tax goes to capital improvements. The County has over
33 1,000 miles of road to take care of. They must replace the equipment on a schedule that
34 allows the County to maintain the equipment and get the maximum life possible. This is a
35 wise purchase.
36

37 Knutzen stated he's seen maximum life on County vehicles. He knows contractors
38 who use them to haul gravel and do other things, and who brag about how long they last.
39

40 Brenner stated people in the private sector don't get rid of running equipment. The
41 County needs to change how it does business. She would have a different opinion if this
42 was for an emergency like flooding.
43

44 The motion carried by the following vote:

45 **Ayes:** Nelson, Crawford, Weimer, Mann and Kershner (5)

46 **Nays:** Brenner and Knutzen (2)
47

48 **8. RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO MAKE**
49 **APPLICATION FOR GRANT FUNDING ASSISTANCE THROUGH THE**
50 **WASHINGTON WILDLIFE AND RECREATION PROGRAM FOR THE PURCHASE**
51 **OF PROPERTY FOR FUTURE PARK PURPOSES IN THE CITY OF FERNDALE**
52 **(RIVERPLACE PARK) (AB2010-207)**
53

- 1 9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
2 CONTRACT BETWEEN WHATCOM COUNTY AND BANNER BANK FOR A LOAN
3 LOSS RESERVE FUND PROGRAM TO PROVIDE FINANCING SOLUTIONS FOR
4 PARTICIPATING ENERGY USERS, ALLOWING THEM TO OVERCOME THE
5 FIRST COST BARRIER AND PAY FOR ENERGY EFFICIENCY IMPROVEMENTS
6 OVER TIME, MATCHING ENERGY COST SAVINGS WITH LOAN PAYMENTS, IN
7 THE AMOUNT OF \$235,000 (AB2010-208)
8
- 9 10. REQUEST APPROVAL FOR ADDITIONAL FUNDING FOR THE CENTER FOR
10 ECONOMIC VITALITY ADMINISTERED THROUGH WESTERN WASHINGTON
11 UNIVERSITY TO SUPPORT BUSINESS RETENTION AND EXPANSION
12 ACTIVITIES THROUGH WHATCOM COUNTY, FUNDING THROUGH THE EDI
13 PROGRAM, PUBLIC UTILITY IMPROVEMENT FUND, IN THE AMOUNT OF
14 \$100,000 (AB2010-209)
15

16
17 **OTHER ITEMS**
18
19

- 20 1. ORDINANCE ESTABLISHING THE LINCOLN ROAD CONSTRUCTION FUND FOR
21 THE RECONSTRUCTION OF ROADWAY FROM SHINTAFFER ROAD TO
22 HARBORVIEW ROAD TO INCLUDE 12-FOOT LANES, 8-FOOT SHOULDERS,
23 STORM SEWERS, STORMWATER TREATMENT SWALES, AND LEFT TURN
24 LANES ON LINCOLN ROAD AND HARBORVIEW ROAD (AB2010-196) (8:24:54
25 PM)
26

27 *Mann* reported for the Finance and Administrative Services Committee and *moved*
28 to adopt the ordinance. However, he is against the ordinance. This expense is about one-
29 tenth of the road budget. The road counts were wrong by a factor of two. They were taken
30 around the Fourth of July holiday in the summer. Traffic is much lower in the winter. Don't
31 spend this much money on this road at this time.
32

33 Brenner stated safety is the biggest factor. She doesn't feel safe on the road. Also,
34 the project takes cars off of Birch Bay Drive. It will save the County money to move traffic
35 off that road. It would cost more than \$1.5 million that is the County share for the County
36 to do safety upgrades to the road.
37

38 Mann stated the one good argument is that the project will pull traffic off of Birch
39 Bay Drive. He hasn't seen any analysis that shows that.
40

41 Nelson stated this project has attached grant funding. He asked if Councilmember
42 Nelson has another project in mind for the grant funds.
43

44 Mann stated he doesn't. This is a shovel-ready project. The County wouldn't be able
45 to spend that grant money elsewhere. They would have to forgo it. He is not willing to
46 spend \$1.5 million just because \$2.4 million is attached to it. They rationalize that a lot in
47 their decision-making process. They got information from the Bike and Pedestrian
48 Committee, which mentioned certain bridges weren't safe and asked for added space for
49 pedestrians and bike lines. There could be a few distributed projects that would increase
50 safety throughout the county, as opposed to this one project.
51

52 Brenner stated the Bike and Pedestrian Committee letter also said it would rather
53 have sidewalks on Yew Street Road by the school. That is in the Yew Street Road project,

1 so she isn't sure what the committee knows. Road money should be spent on safety
2 factors. This is one of them. Also, years ago, there used to be much more traffic in the
3 summer than in the winter in Birch Bay. Now, there is a lot of traffic in the winter. People
4 are living full-time in the houses there.
5

6 Kershner asked if they would install a street light.
7

8 Joe Rutan, Public Works Department, stated there are no plans for street lights.
9 Birch Bay has a lighting district, could extend the boundaries, and come to the Council with
10 the proposal. Regarding the traffic count, he erroneously said the traffic count is 3,500
11 vehicles each way. It is actually 3,300, including both directions. They took the county
12 over ten days, and did not include the data from the Fourth of July. This project has been
13 on the six-year program since he started working here. It has been a high-priority, even
14 before the 2008 counts. They counted all the roads in the area. The Lincoln Road
15 Alternative Analysis study indicates how much traffic would come off Birch Bay Drive. He
16 can provide that study.
17

18 The motion carried by the following vote:

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

20 **Nays:** Mann (1)
21

- 22 **2. ORDINANCE FOR 2010 PROJECT BUDGET REQUEST NO. 3 FOR FUNDING**
23 **FROM THE LINCOLN ROAD CONSTRUCTION FUND FOR COMPLETION OF**
24 **PRELIMINARY ENGINEERING, RIGHT OF WAY ACQUISITION COSTS AND**
25 **CONSTRUCTION COSTS FOR THE LINCOLN ROAD PHASE I PROJECT IN THE**
26 **AMOUNT OF \$3,900,000 AND TO REQUEST AN APPROPRIATION FROM THE**
27 **ROAD FUND TO FUND A TRANSFER TO THE LINCOLN ROAD CONSTRUCTION**
28 **FUND IN THE AMOUNT OF \$1,500,000 (AB2010-196A) (8:36:05 PM)**
29

30 **Mann** reported for the Finance and Administrative Services Committee and **moved**
31 to adopt the ordinance. However, he does not approve of the project.
32

33 Kershner asked about funding.
34

35 Frank Abart, Public Works Department Director, stated this is a \$3.9 million project.
36 Of that total cost, \$2.4 million will come from grant funds, and \$1.5 million will come from
37 the road fund.
38

39 The motion carried by the following vote:

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

41 **Nays:** Mann (1)
42

- 43 **3. ORDINANCE LIMITING TOTAL ANNUAL REAL ESTATE PROPERTY TAX**
44 **INCREASES, INCLUDING THE USE OF BANKED CAPACITY, TO ONE PERCENT**
45 **PER YEAR UNLESS A NON-BINDING ADVISORY BALLOT MEASURE WITH ANY**
46 **PROPOSED ADDITIONAL INCREASES IS PLACED BEFORE WHATCOM COUNTY**
47 **VOTERS (AB2010-182) (8:38:57 PM)**
48

49 **Crawford moved** to adopt the ordinance.
50

51 Brenner stated they cannot make it binding, according to State law. Given the
52 economy, she won't even consider using banked capacity. She is in favor of asking the
53 public before tax increases of banked capacity.

1
2 *Mann moved* to amend the ordinance to add language, "**BE IT FURTHER**
3 **ORDAINED**, that any proposed individual project or budget item by any department, if
4 greater than 1% of the fund from which it is paid and which are funded by the County
5 Council-controlled funds, shall be put to a nonbinding advisory vote of the people of
6 Whatcom County, by means of a ballot measure to be voted upon in a countywide
7 November general election."

8
9 Brenner stated there is a difference between this and going above and beyond the
10 budget. The motion restricts them from not being able to move money around the current
11 budget. That is a different issue. She is against the amendment because it is money that is
12 already in the budget. It would cost much more to do all that. The motion has nothing to
13 do with tax increases. People expect the County to use the money budgeted.

14
15 Mann stated they've pointed out that they want to ask people if they think the
16 Council is doing a good job. This is another opportunity to allow the citizens to weigh in.

17
18 Brenner stated she's asking the citizens if they want the Council to significantly
19 increase taxes. That's different from asking the citizens if the County is doing a good job.

20
21 Nelson stated the people elected the Council to work within the budget. When they
22 want more money, they have to talk to the voters. It's their money. He is against the
23 amendment.

24
25 *Mann withdrew* his motion to amend. He *moved* to amend the ordinance to add
26 language, "**BE IT FURTHER ORDAINED**, that any proposed reduction in government
27 services greater than 1%, which are funded by the aforementioned County Council-
28 controlled funds, shall be put to a nonbinding advisory vote of the people of Whatcom
29 County by means of a ballot measure to be voted upon in a countywide general election."
30 This has to do with the overall budget, and how they operate it.

31
32 Crawford stated this ordinance is about a tax issue, not an expenditure or revenue
33 issue.

34
35 Mann stated he's not sure why those aren't related. They take people's money and
36 spend it.

37
38 Crawford stated there is a certain amount of money the County is taking. This
39 ordinance is not retroactive. It sets a baseline for where they are at today, which is the
40 amount they are taxing now. If they are going to take more than the annual increase of
41 one percent, the County should see if the people are in general agreement that it's
42 necessary. He doesn't make the connection with applying the same philosophy to cutting
43 expenditures.

44
45 Mann stated the connection is obvious. People depend on base level services. He
46 understands the logic of putting forward a vote to raise taxes above one percent to keep
47 those services. If the County needs to cut those services greater than one percent, the
48 public should be aware of it and have an opportunity to weigh in on it. The point isn't that
49 they shouldn't cut expenditures. If they can deliver the same services with fewer
50 expenditures, it's great. He's measuring it by services, not expenditures.

1 Knutzen stated a third-party service provider could provide nothing for the County's
2 money, because they will know that the funding will continue unless the County goes to the
3 voters.

4
5 Brenner stated there is a difference between entitlements or wants and basic public
6 services that are necessary. They wouldn't get a consensus on what those basic needs are,
7 versus what some people would like to have. It's up to the Council to decide that.

8
9 **Mann withdrew** his motion to amend. He **moved** to amend the ordinance to add
10 language, "**BE IT FURTHER ORDAINED**, that any proposed change in a land use
11 designation or zoning, if greater than 1% of the total Whatcom County land (not including
12 federal lands) shall be put to a non-binding advisory vote of the people."

13
14 Crawford stated he respects that Councilmember Mann has made an excellent point.

15
16 **Mann** stated it appears that this will fail, so he will **withdraw** his motion to amend.
17 He appreciates Councilmember Crawford allowing him to make his amendments.

18
19 Mann stated the councilmembers get good feedback on their voting. This is not
20 necessary. If it is necessary, other things are equally important, such as land use and
21 levels of service. Tax increases aren't the only thing that are worthy for getting feedback
22 from the public at-large. That is the point of his amendments.

23
24 Knutzen asked if the general population feels that they are over-taxed or over-
25 serviced by government.

26
27 Mann stated he thinks about 50-50 right now.

28
29 Brenner stated she actually agrees with Councilmember Mann's point, if it were
30 specifically about basic public services. They have gone out for votes on basic public
31 services, and the public has supported them.

32
33 Kershner stated they also have public processes in place that lead the Council
34 through decision-making on land use and other decisions. Decisions to increase taxes aren't
35 run through a committee or board that makes recommendations. There isn't a public
36 process for setting tax rates. It's unlikely she will vote to raise taxes more than one percent
37 at any time. It's a good thing to put in place to offer the public during the time when
38 they're taxes have increased 30 percent, without an opportunity to weigh in on the issue.

39
40 Weimer stated he is against both the ordinance and the resolution on this matter.
41 He doesn't understand how it will work. According to the County Charter and budget
42 process, the Executive and Council has to meet specific timelines. There is a disconnect in
43 the timeline. Another issue is that they all get elected to represent the public. If the public
44 doesn't like what the councilmembers do, they can not reelect them. He took credit for
45 raising the flood tax a couple of years ago, and he was still reelected. He's not clear that
46 there's a big public uproar that the public wants to vote on everything.

47
48 Crawford stated the administration can present parallel budgets to account for
49 different taxing levels.

50
51 Weimer stated the Council gives the administration general budget direction in June.
52 The Council doesn't hear much again until late August or September. Department heads

1 don't have to provide information to the administration until August. It's counter to the
2 Charter, and will cost more money for the administration to develop parallel budgets.

3
4 Brenner stated they don't have to put together two parallel budgets. The Council
5 already knows what it's in for this year. They can be as knowledgeable or naïve as they
6 want about what is coming.

7
8 Mann stated the County hasn't raised taxes at all under Executive Kremen's
9 leadership. He's been very frugal with tax money. The people have voted to tax
10 themselves for special issues. People in this county are willing to pay more for certain
11 services they want. This does provide more opportunity for that, but he's not sure it's the
12 best use of everyone's time to debate those things. It feels a bit like micromanaging, but
13 it's not the end of the world.

14
15 The motion carried by the following vote:

16 **Ayes:** Nelson, Crawford, Brenner, Knutzen and Kershner (5)

17 **Nays:** Mann and Weimer (2)

- 18
19 **4. RESOLUTION LIMITING TOTAL ANNUAL REAL ESTATE PROPERTY TAX**
20 **INCREASES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT,**
21 **INCLUDING THE USE OF BANKED CAPACITY, TO ONE PERCENT PER YEAR**
22 **UNLESS A NON-BINDING ADVISORY BALLOT MEASURE WITH ANY**
23 **PROPOSED ADDITIONAL INCREASES IS PLACED BEFORE WHATCOM COUNTY**
24 **VOTERS (AB2010-182A) (9:03:45 PM)**

25
26 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
27 *Board of Supervisors.)*

28
29 **Crawford moved** to approve the resolution.

30
31 The motion carried by the following vote:

32 **Ayes:** Nelson, Crawford, Brenner, Knutzen and Kershner (5)

33 **Nays:** Mann and Weimer (2)

- 34
35 **5. REQUEST CONFIRMATION OF COUNTY EXECUTIVE'S APPOINTMENT OF**
36 **CHRISTOPHER BROWN TO THE WHATCOM COUNTY VETERAN'S ADVISORY**
37 **BOARD (AB2010-211) (9:05:07 PM)**

38
39 **Nelson moved** to approve the request.

40
41 The motion carried by the following vote:

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

43 **Nays:** None (0)

- 44
45 **6. REQUEST CONFIRMATION OF COUNTY EXECUTIVE'S APPOINTMENT OF TODD**
46 **CHILDS TO THE DEVELOPMENTAL DISABILITIES BOARD (AB2010-212)**
47 **(9:05:32 PM)**

48
49 **Brenner moved** to approve the request.

50
51 The motion carried by the following vote:

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

53 **Nays:** None (0)

1
2 **7. RESOLUTION PROCLAIMING MAY 15, 2010, AS PEACE OFFICERS MEMORIAL**
3 **DAY (AB2010-198) (9:06:02 PM)**
4

5 Bill Elfo, Sheriff, stated they've lost nine police officers within Washington State and
6 138 officers across the country since the last Police Officers Memorial Day. He read the
7 proclamation.
8

9 **Crawford moved** to approve the resolution. He thanked the Sheriff for bringing this
10 forward.
11

12 The motion carried by the following vote:

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

14 **Nays:** None (0)
15
16
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18 **INTRODUCTION ITEMS (9:09:43 PM)**
19

20 **Nelson moved** to accept the Introduction Items.
21

22 The motion carried by the following vote:

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

24 **Nays:** None (0)
25

26 **1. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, TENTH**
27 **REQUEST, IN THE AMOUNT OF \$556,762 (AB2010-213)**
28

29 **2. ORDINANCE AMENDING THE WHATCOM COUNTY CODE, ON AN INTERIM**
30 **BASIS, TO ALLOW FOR A ONE-TIME, TWO YEAR ECONOMIC HARDSHIP**
31 **EXTENSION TO LAND USE PERMIT EXPIRATIONS (AB2010-180)**
32

33 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO CLARIFY**
34 **AND REVISE THE DEFINITION AND STANDARDS OF HOME OCCUPATIONS**
35 **(AB2010-047) (REVISED VERSION)**
36

37 **4. ORDINANCE AMENDING ORDINANCE 2009-071, THE OFFICIAL WHATCOM**
38 **COUNTY ZONING MAP, AND COUNTY COMPREHENSIVE PLAN AND MAPS, TO**
39 **IMPLEMENT CHANGES RELATED TO COMPLETION OF THE 10-YEAR REVIEW**
40 **OF THE URBAN GROWTH AREAS REQUIRED UNDER THE GROWTH**
41 **MANAGEMENT ACT, SPECIFICALLY THE URBAN GROWTH AREAS OF BIRCH**
42 **BAY, FERNDALE, NOOKSACK, AND SUMAS (AB2010-054C)**
43
44
45

46 **OTHER BUSINESS**
47

48 Kershner asked if there is action the Council should be taking regarding E-Verify.
49

50 Pete Kremen, County Executive, stated the administration is researching it.
51

52 Brenner stated she's spent many years in foreign countries. This country is
53 amazingly open to people from other places. It may scare people in other countries, and

1 she understands that feeling. She lived years in other countries where she always had to
2 carry her passport and was even put in jail when she forgot. In this country, they are much
3 more sensitive to that. They can't do racial profiling in this country. Some people believe
4 that's what happening, and feel very intimidated. E-Verify is one of many solutions they
5 should enact. The federal government should do it, but it isn't.

6
7 Crawford asked about parking space pay meters in front of the courthouse, and if the
8 City is going to start charging for parking in front of the courthouse.

9
10 Dewey Desler, Deputy Administrator, stated it's a city street.

11
12 Crawford stated the City granted the free 30-minute parking to begin with, and is
13 now going to charge for parking.

14
15
16
17 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

18
19 Weimer stated he will spend next week in Washington D.C.

20
21 Knutzen stated he was not able to attend the Sustainable Connections event, due to
22 PDC requirements.

23
24 Crawford stated they are allowed to attend. The PDC reporting threshold is \$50.
25 Councilmember Knutzen could have accepted the ticket, but would have had to report it.

26
27 Knutzen stated he was invited to do National Day of Prayer in Lynden, which he
28 attended.

29
30 Mann stated May 15 is also Pedal With Your Politician Day at the Farmer's Market, at
31 noon. He will attend the event, but will not be able to participate this year.

32
33 Brenner stated she was able to visit the industrial wind generators in Ellensburg, to
34 gain a better understanding of 300-foot wind turbines.

35
36
37
38 **OTHER BUSINESS**

39
40 **DISCUSSION REGARDING THE DRAFT PUBLIC PARTICIPATION PLAN FOR THE**
41 **PERIODIC REVIEW REQUIRED BY THE GROWTH MANAGEMENT ACT (RCW 36.70A)**
42 **(AB2010-210)**

43
44 Knutzen reported for the Planning and Development Committee.

45
46 David Stalheim, Planning and Development Services Department Director, stated
47 every jurisdiction must have a public participation program. The County didn't do this step
48 until last year. It's appropriate for the Planning Committee to forward it to the full Council.
49 Councilmember Kershner had some editorial suggestions. He would prefer to hold this for
50 two weeks and schedule it before the full Council at that time.

1 **ADJOURN**

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The meeting adjourned at 9:22 p.m.

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

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Dana Brown-Davis, Council Clerk

Sam Crawford, Council Chair