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WHATCOM COUNTY COUNCIL
Committee Of The Whole

January 26, 2010

Council Chair Sam Crawford called the meeting to order at 5:45 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

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

Absent: None

Mann moved to go into executive session to discuss the first two agenda items.

The motion carried by the following vote:

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

Nays: None (0)

Absent: Nelson (1) (out of the room)

(Clerk's Note: The Committee came out of executive session at 6:35 p.m.)

1. **STRATEGY PLANNING DISCUSSION AND POSITIONS TO BE TAKEN REGARDING COLLECTIVE BARGAINING (AB2010-018) [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.140 (4)(a)]**
2. **UPDATE AND DISCUSSION REGARDING LUMMI ISLAND FERRY DOCK NEGOTIATIONS (AB2010-078) [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)]**
3. **DISCUSSION WITH THE COUNCIL'S PLANNING AND POLICY ANALYST REGARDING WORK ASSIGNMENTS (AB2010-017)**

Crawford asked if they are going to have an executive session regarding urban growth area (UGA) appeals.

Karen Frakes, Prosecutor's Office, stated that because *(inaudible)* it dovetails with this discussion. They can go into executive session during this meeting. It doesn't have to be advertised.

Crawford stated he would like a brief presentation from Council Policy Analyst Rebecca Craven on her position, how her position came to be, her current work program, and whether there is time in her schedule to work on other items.

Rebecca Craven, Council Policy Analyst, referenced and read from portions of her memo to the Council dated January 25, 2010 regarding assignments. She described the status of the 10-year UGA review.

Frakes described who can file objections and petitions for review of the UGA review.

Craven continued to describe the status of her current assignments. Councilmember Crawford talked to her about some of the items he would like her to do. The Public Works

1 Committee discussed today another item it would like her to work on. Those items include
2 removing the provisional zoning on the general commercial zone in an area at Blaine Road
3 and Alderson Road; working with Jon Hutchings on an analysis of the effect to the County to
4 complete the coordinated water resources integration project (CWRIP) list if the recent
5 Flood Control Zone District tax increase were repealed, and; possibly seeking an extension
6 on the reply deadline from the Hearings Board.
7

8 David Stalheim, Planning and Development Services Department Director, stated
9 another work item for Ms. Craven could include the department's draft work program.
10

11 Craven stated she has been expecting all of the objections and petitions on the UGA,
12 and the Council would respond by February 12, 2010. She assumes she would be buried
13 until mid-February.
14

15 Craven stated other items she has been asked to work on include the process issues
16 in terms of the docket versus settlement; whether she should be involved in the Caitac
17 issue, in terms of working with the Council and administration on what comes back to the
18 County; changing the Flood Control Zone District Code by inserting veto authority for the
19 Executive and making the Chair of the Council also the Chair of the Board of Supervisors;
20 writing a primer on the statutes and Charter requirements regarding franchise issues, and;
21 researching the issue of the Comcast franchise agreement and related policy issues.
22

23 Crawford asked for a suggestion for bumping something off Ms. Craven's work plan
24 to accommodate this list of items. Craven stated she can add all the items to her work
25 plan, as long as she doesn't have to work on them all right away.
26

27 Nelson stated he has concerns about where they're going on the onsite sewer system
28 (OSS) issue, in terms of what the State is asking and what the State is requiring. He would
29 like more information sooner rather than later.
30

31 Frakes stated Prosecuting Attorney Randy Watts has an opinion on the constitutional
32 matter.
33

34 Nelson stated he would like information on the legislative intent. There are
35 requirements from the State Department of Ecology that interpret the intent of the
36 legislature. He would like to know the intent versus the desire, so they can design a
37 program that accomplishes the intent. Second, he would like to know what the County is
38 legally responsible for.
39

40 Brenner stated have that discussion in the Natural Resources Committee in two
41 weeks.
42

43 Crawford stated that isn't an issue for Ms. Craven. He's spent a lot of time on the
44 phone with Mr. Watts about this issue. They probably have a good point that the
45 Washington Administrative Code (WAC) oversteps the intent. None of the other counties
46 have challenged it. A question is whether Whatcom County will approach the State in a test
47 of its constitutionality. Don't go beyond what the WAC says, and then they're in the same
48 situation as the other counties.
49

50 Brenner stated the County can request an opinion from the Attorney General.
51

52 Crawford stated Councilmember Brenner can work on that.
53

