

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
Finance and Administrative Services Committee

March 16, 2009

CALL TO ORDER

Committee Chair Ken Mann called the meeting to order at 11:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Kathy Kershner, Ken Mann and Carl Weimer.

Absent: None.

Also Present: Barbara Brenner, Sam Crawford, L. Ward Nelson and Bill Knutzen.

SPECIAL PRESENTATION

1. PRESENTATION BY TOM DORR, WESTERN WASHINGTON UNIVERSITY CENTER FOR ECONOMIC VITALITY (AB2010-117)

Tom Dorr, Western Washington University Center for Economic Vitality Director, submitted and read from a presentation (*on file*) regarding recent changes and projects at the Center.

Discussion included the number of businesses the Center worked with that didn't have to go out of business or declare bankruptcy; different reasons for business owners to close a business; how they collect statistics for the Center's projects; the return on investment (ROI) on the Center's own funding and program efforts; focus on existing businesses over startups; the differences between the Center for Economic Vitality and the Northwest Economic Council; partnering with the Northwest Economic Council (NEC); how the Port, Chamber, NEC, and the Center address each of the four aspects of economic development, including attraction, retention, expansion, and startups; improving coordination among the agencies; how Whatcom County compares to other jurisdictions in terms of its business environment; possibly changing the Center's name to Business Stabilization, Expansion, and Creation Center, and; the job-sharing program with the State Employment Department.

COUNCIL "CONSENT AGENDA" ITEMS

1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND ACS-ENTERPRISE SOLUTIONS FOR AN UPGRADE OF THE AUDITOR'S OFFICE RECORDING SYSTEM TO ALLOW FOR MAP IMAGES ON THE INTERNET, IN THE AMOUNT OF \$24,000 (AB2010-127)

Kershner moved to recommend approval to the full Council.

The motion carried by the following vote:

Ayes: Kershner, Weimer and Mann (3)

Nays: None (0)

- 1
2 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
3 **CONTRACT BETWEEN WHATCOM COUNTY AND CARLETTI ARCHITECTS FOR**
4 **THE FINAL DESIGN SERVICES FOR THE HOVANDER MAINTENANCE**
5 **FACILITY, IN THE AMOUNT OF \$53,025 (AB2010-128)**
6

7 *Kershner moved* to recommend approval to the full Council.

8
9 The following person answered questions:

- 10 • Mike McFarland, Parks and Recreation Department Director
11

12 Discussion included the bid and contract process; uses for the real estate excise tax
13 (REET) II; whether this is a necessity during the current economic crisis; other projects that
14 could use REET funds designated for this project; the need for a REET budget for the next
15 five to ten years, and; using the upcoming budget process to prioritize projects.
16

17 The motion carried by the following vote:

18 **Ayes:** Weimer, Kershner and Mann (3)

19 **Nays:** None (0)
20

- 21 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
22 **CONTRACT BETWEEN WHATCOM COUNTY AND FERNDALE SCHOOL**
23 **DISTRICT FOR THE PROVISION OF BEHAVIORAL HEALTH SERVICES WITHIN**
24 **THE DISTRICT, IN THE AMOUNT OF \$82,500 (AB2010-129)**
25

26 *Weimer moved* to recommend approval to the full Council.
27

28 The motion carried by the following vote:

29 **Ayes:** Weimer, Kershner and Mann (3)

30 **Nays:** None (0)
31

- 32 **4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
33 **CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM SCHOOL**
34 **DISTRICT FOR THE PROVISION OF BEHAVIORAL HEALTH SERVICES WITHIN**
35 **THE DISTRICT, IN THE AMOUNT OF \$82,500 (AB2010-130)**
36

37 *Weimer moved* to recommend approval to the full Council.
38

39 The following person answered questions:

- 40 • Anne Deacon, Health Department
41

42 Discussion included different amounts for each school district.
43

44 The motion carried by the following vote:

45 **Ayes:** Weimer, Kershner and Mann (3)

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

- 48 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
49 **CONTRACT BETWEEN WHATCOM COUNTY AND CANTRELL COUNSELING FOR**
50 **THE PROVISION OF MENTAL HEALTH TREATMENT SERVICES TO WHATCOM**
51 **COUNTY RESIDENTS WHO HAVE NO OTHER READILY AVAILABLE SOURCE**
52 **OF FUNDING (AB2010-131)**
53

1 **Weimer moved** to recommend approval to the full Council.

2
3 The following person answered questions:

- 4 • Anne Deacon, Health Department

5
6 Discussion included the maximum contract amount of \$15,000 and the staff available
7 to help clients with joining State assistance.

8
9 The motion carried by the following vote:

10 **Ayes:** Weimer, Kershner and Mann (3)

11 **Nays:** None (0)

- 12
13 **6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
14 **NOTICE OF GRANT AGREEMENT BETWEEN WHATCOM COUNTY,**
15 **WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND US FISH AND**
16 **WILDLIFE SERVICE FOR THE SOUTHERN PORTION OF LILY POINT MARINE**
17 **PARK (AB2010-132)**

18
19 **Weimer moved** to recommend approval to the full Council.

20
21 The motion carried by the following vote:

22 **Ayes:** Weimer, Kershner and Mann (3)

23 **Nays:** None (0)

- 24
25 **7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE**
26 **AGREEMENT BETWEEN WHATCOM COUNTY AND FREEDOM 2000 (DBA**
27 **CANDO RECYCLING AND DISPOSAL) FOR OPERATION OF THE POINT**
28 **ROBERTS LANDFILL FACILITY, IN THE AMOUNT OF \$750.00 PER MONTH**
29 **(AB2010-133)**

30
31 **Weimer moved** to recommend approval to the full Council.

32
33 The following person answered questions:

- 34 • Jon Hutchings, Public Works Department

35
36 Discussion included how the transition is going; whether the contractor is collecting
37 from all residents; whether the County requires garbage service of all residents, and;
38 potential negative outcomes from the negotiation.

39
40 The motion carried by the following vote:

41 **Ayes:** Kershner, Mann and Weimer (3)

42 **Nays:** None (0)

- 43
44 **8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
45 **INTERAGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND**
46 **WASHINGTON STATE PARKS AND RECREATION COMMISSION FOR**
47 **REIMBURSEMENT OF COSTS RELATED TO FEMA PROJECT ON FRAGRANCE**
48 **ROAD (LARRABEE STATE PARK), IN THE ESTIMATED AMOUNT OF**
49 **\$36,460.80 (AB2010-135)**

50
51 **Kershner moved** to recommend approval to the full Council.

52
53 The following person answered questions:

- Jeff Gollen, Public Works Department

Discussion included whether there are any different maintenance and operations requirements for this road; whether there are any strings attached to the agreement with the State, and; two other contracts that have not yet come forward.

The motion carried by the following vote:

Ayes: Kershner, Mann and Weimer (3)

Nays: None (0)

9. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE CITY OF BELLINGHAM FOR OPERATION OF THE LAKEWAY YARD WASTE FACILITY IN THE AMENDED AMOUNT OF \$55,000, FOR A TOTAL AMENDED AMOUNT OF \$185,000 (AB2010-136)**

Weimer moved to recommend approval to the full Council.

The following person answered questions:

- Jon Hutchings, Public Works Department

Discussion included the County's obligations beyond 2010.

The motion carried by the following vote:

Ayes: Kershner, Mann and Weimer (3)

Nays: None (0)

10. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO PURCHASE FROM VENDOR OM WORKSPACE THROUGH KCDA CONTRACT, ADDITIONAL CUBICLES AND MOVING SERVICES TO RELOCATE PUBLIC WORKS ENGINEERING WORKSTATIONS FROM UNITY STREET TO THE CIVIC CENTER BUILDING, IN THE AMOUNT OF \$39,385.95 (AB2010-137)**

Weimer moved to recommend approval to the full Council.

The motion carried by the following vote:

Ayes: Kershner, Mann and Weimer (3)

Nays: None (0)

11. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ACCEPT ALL BIDS FOR ANNUAL SUPPLY OF ROCK, GRAVEL AND SOIL FOR USE AS NEEDED FOR VARIOUS COUNTY MAINTENANCE PROJECTS, AND SELECT THE APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL CIRCUMSTANCES OF EACH PARTICULAR JOB, IN AN AMOUNT TO EXCEED \$35,000 (AB2010-138)**

Weimer moved to recommend approval to the full Council.

The following person answered questions:

- Frank Abart, Public Works Department Director

Discussion included the "amount to exceed" and capping the amount.

The motion carried by the following vote:

1 **Ayes:** Kershner, Mann and Weimer (3)

2 **Nays:** None (0)

3
4
5 **COMMITTEE DISCUSSION**

6
7 **1. DISCUSSION REGARDING PROPOSED AMENDMENTS TO WHATCOM COUNTY**
8 **CODE 2.02, COUNTY COUNCIL, AND 2.03, BOARDS AND COMMISSIONS**
9 **(AB2010-143)**

10
11 Mann stated his original intent was to clarify the language in the Code for various
12 appointment processes. People have identified issues with specific amendments. Have a
13 general conversation on certain topics. He asked if sitting councilmembers should be
14 appointed to an upcoming vacancy if their terms are going to expire anyway. He asked if
15 anyone has a problem with that.

16
17 Kershner asked for legal advice on discussions during today's Committee, given legal
18 complaints by Mr. Roth.

19
20 Mann stated he will take very general comments today, amend his proposed
21 changes, and then put it through the process. By then the issues with Mr. Roth should be
22 resolved.

23
24 Brenner stated the Council changes law all the time, and it doesn't affect what was in
25 place before. It shouldn't have an effect. Another option is to make changes, and then
26 approve them when the complaint is resolved.

27
28 Crawford stated the Ethics Commission looks for ethics violations, not at the law.
29 It's okay to work on this today. He appreciates Councilmember Mann's work on this issue.

30
31 Mann asked if they should acknowledge anyone who is not allowed to apply to a
32 Council vacancy.

33
34 Crawford stated they shouldn't make a list of all the people who they may think
35 shouldn't be on the Council. It's better to stick with the Charter, without redefining the
36 Charter for clarity. Delete 2.02.020(B) in its entirety. It's better to leave a decision on a
37 qualified voter up to the Councilmembers at the time of appointment.

38
39 Brenner stated it's a political decision, and has nothing to do with clarity.

40
41 Mann asked if councilmembers should be able to vote for themselves or other
42 nominees if nominated to fill a vacancy and is still a sitting councilmember.

43
44 Brenner stated they shouldn't be able to vote for themselves, but for others. They
45 still represent the constituents. That wouldn't be a clarification. It's an entire change. She
46 doesn't want to get to a point where less than a majority can make decisions.

47
48 Weimer stated discuss whether a sitting councilmember can apply for an open
49 position. The Code and Charter say the intent is to make the Council whole and full.
50 Appointing an existing councilmember just creates another vacancy.

1 Crawford stated he wrote language that was specific to the events in November or
2 December. If former Councilmember Kelly had resigned earlier, such as in July,
3 Councilmember Nelson would not have been eligible for nomination.

4
5 Brenner stated she will only support clarifications, not changes.

6
7 Mann asked about the option of saying that no sitting councilmember can be
8 appointed.

9
10 Brenner stated that is not clarifying the code. It's a restriction, which is a change.

11
12 Mann stated it's up to the Council to decide the most appropriate way to appoint
13 vacancies.

14
15 Brenner stated that if the intent is to change the code, she likes the language
16 Councilmember Crawford wrote about the 60 days. At some point, take this to the
17 Committee of the Whole and go through each item in the proposed change.

18
19 Mann asked if there should be a deadline for Planning Commission vacancy
20 applications.

21
22 Kershner stated there should be no deadline. Accept all applications, as the Council
23 does now in practice.

24
25 Weimer stated advertise a deadline one week ahead of the meeting, so all
26 applications are in the packet.

27
28 Brenner stated that would be simpler, but she doesn't approve of a deadline. Accept
29 applications up to the last minute. That allows for someone to apply last minute even if no
30 one has applied, especially for those boards that are difficult to fill.

31
32 Knutzen stated he agrees with Councilmember Brenner.

33
34 Mann stated he will change the proposal.

35
36 Weimer stated there may be a problem about the roll call vote of the entire County
37 Council regarding emergency ordinances if a councilmember is absent.

38
39 Crawford stated remove the word "entire."

40
41 Mann stated there is also a question of what kind of majority is necessary.

42
43 Crawford stated have a Committee of the Whole work session.

44
45
46 **OTHER BUSINESS**

47
48 There was no other business.

49
50
51 **ADJOURN**

52
53 The meeting adjourned at 12:35 p.m.

1
2

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

11
12
13

Dana Brown-Davis, Council Clerk

Ken Mann, Committee Chair