

# FOR MARCH 24, 2020 COUNTY COUNCIL MEETING

## PUBLIC COMMENT FOR PUBLIC HEARING ITEMS

1. AB2020-121 Resolution regarding support for a Community Development Block Grant funding application and review of current CDBG funding opportunities
2. AB2020-154 Resolution supporting a Community Development Block Grant (CDBG) Economic Opportunities grant application Written comments only

## Jennifer Schneider

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**From:** Council  
**Sent:** Thursday, March 19, 2020 11:58 AM  
**To:** NaDean Hanson; Kristi Felbinger; Jill Nixon; Jennifer Schneider  
**Subject:** FW: Proposed CDBG Economic Opportunity proposal  
**Attachments:** OC letter re CDBG EO grant 031920.pdf

**From:** Suzanne Mildner  
**Sent:** Thursday, March 19, 2020 11:52 AM  
**To:** Council <Council@co.whatcom.wa.us>  
**Cc:** Satpal Sidhu <SSidhu@co.whatcom.wa.us>; Tyler Schroeder <Tschroed@co.whatcom.wa.us>; Tawni Helms <THelms@co.whatcom.wa.us>; Paul Schissler <pauls@schissler.com>  
**Subject:** FW: Proposed CDBG Economic Opportunity proposal

Good Morning,  
Please add this email and the attached correspondence into the record for the public hearing scheduled on March 24, 2020, AB2020-121.  
Thank you,

*Suzanne,*

Suzanne Mildner  
Administrative Secretary/Grant Coordinator  
Whatcom County Executive Office  
(360) 778-5211

**From:** Greg Winter <greg\_winter@oppco.org>  
**Sent:** Thursday, March 19, 2020 10:33 AM  
**To:** Satpal Sidhu <SSidhu@co.whatcom.wa.us>; Tyler Schroeder <Tschroed@co.whatcom.wa.us>; Paul Schissler <PaulS@Schissler.com>; Suzanne Mildner <SMildner@co.whatcom.wa.us>  
**Subject:** Proposed CDBG Economic Opportunity proposal

Dear Satpal,

Thank you for your leadership during this challenging crisis. While I realize this opportunity may not be at the top of your agenda, I wanted to be sure to express Opportunity Council's support for the opportunity to secure a \$500,000 CDBG grant for the purpose of establishing a microenterprise loan program to promote more child care capacity in our community and to support farm- and food-based businesses ready to start up or expand. We stand ready to assist with this program, should the County be successful in securing this grant.

With gratitude,

Greg

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Greg Winter  
Executive Director

Opportunity Council  
(360) 734-5121 x346

We're recruiting for a Fund Development Manager!



Satpal Sidhu  
Whatcom County Executive  
215 Grand Avenue  
Bellingham, WA 98225

March 19 2020

Re: Community Development Block Grant Economic Opportunity proposal

Dear Mr. Sidhu:

Thanks for agreeing to support this opportunity to secure a \$500,000 Economic Opportunity grant award from the WA Community Development Block Grant program.

Opportunity Council is eager to help implement this CDBG project, and we are pleased that Whatcom County can submit an application that will provide a financial boost to qualified small businesses, specifically, (a) to new and existing home-based child care providers that help to address the child care crisis, and (b) to wholesale farm- and food-based businesses that are ready to expand.

This is a unique opportunity for the County to secure a \$500,000 pass-through grant for microenterprise assistance (MEA) activities. If Whatcom County agrees to be the CDBG Applicant, Opportunity Council (OC) has agreed to implement the project, to be reimbursed by the County with CDBG funds, based on performance.

There are a number of ways that OC can add significant value as a CDBG subrecipient:

- Over many years OC has partnered with Whatcom County as a CDBG subrecipient on important capital and public service programs. OC's capacity to serve as a reliable CDBG subrecipient can minimize the general administrative burden at the County.
- Child care center technical assistance that is ready to be tapped to add value to this project through our Quality Child Care Team.
- The OC's and Chamber of Commerce's proposed Center for Child Care Retention and Expansion (CCCRE) is designed to provide technical assistance and support to home-based child care microenterprises, many of whom will qualify for the proposed CDBG MEA project.
- OC's strong relationships with an array of organizations that can add value to this project with matching dollars and in-kind technical assistance. For example, OC can join with Whatcom County to ask the cities of Bellingham

#### Community Action

A Community Action Agency  
serving Whatcom, Island and  
San Juan Counties since 1965

Whatcom County  
1111 Cornwall Ave., Suite C  
Bellingham, WA 98225  
(360) 734-5121  
(800) 649-5121  
Fax (360) 671-0541

Island County  
1791 NE 1st Ave.  
P.O. Box 922  
Oak Harbor, WA 98277  
(360) 679-6577  
(800) 317-5427  
Fax (360) 679-2440

San Juan County  
(800) 649-5121

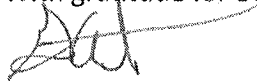
[www.opcco.org](http://www.opcco.org)

and Mount Vernon to pledge some amount of their annual CDBG for MEA activities because some of the microenterprise owners will want to locate in those cities.

I am pleased that Paul Schissler Associates has offered to help the County submit an application for this opportunity. Schissler was one of the architects of a recently completed, and highly successful, CDBG MEA project, and it will be great to have access to Schissler's expertise.

Please let me know how OC can be helpful as the County considers moving forward with this unique opportunity.

With gratitude for everyone's consideration,

A handwritten signature in black ink, appearing to read 'Greg Winter', with a long horizontal flourish extending to the right.

Greg Winter  
Executive Director

AB 2020-171, AB 2020-154

**Dana Brown-Davis**

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**From:** Council  
**Sent:** Tuesday, March 24, 2020 12:55 PM  
**To:** Carol Frazey; Tyler Byrd; Barry Buchanan; Todd Donovan; Rud Browne; Kathy Kershner; Ben Elenbaas; Dana Brown-Davis; Lisa Bruner; Cathy Halka  
**Subject:** FW: Whatcom County Population Limit

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**From:** WENDY HARRIS  
**Sent:** Tuesday, March 24, 2020 12:54:47 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Roe, Kaaren (COM); Barry Buchanan; Ben Elenbaas; Todd Donovan; Carol Frazey; Kathy Kershner; Rud Browne; Tyler Byrd; Council  
**Cc:** Suzanne Mildner; Wendy Harris  
**Subject:** RE: Whatcom County Population Limit

Dear Ms. Roe:

Thank you for fast response and attempt to respond. However, I remain confused. Your response appears at odds with the material we, the public, have been provided. That information treats the population as a prerequisite before you can qualify for a grant, where criteria come into play. That same information seems to be incorporated into the Washington State Department of Commerce information as well. The DOC website states in several places that "**Eligible applicants are non-entitlement cities and towns with less than 50,000 in population or counties with less than 200,000 in population.**" Please refer to the program website at [www.commerce.wa.gov/cdbg](http://www.commerce.wa.gov/cdbg) for additional information and to help clarify eligibility for Washington State CDBG grants. qualify based on criteria." <https://deptofcommerce.app.box.com/s/gvyhf402cuyzo2dwc5su8a9zb45ges7o> h <https://www.commerce.wa.gov/serving-communities/community-development-block-grants/cdbg-general-purpose-grants/>

Your answer fails to address this fact, which was the reason I was seeking your assistance. It does not appear accurate to treat population size the same as other criteria. Can you please address this fact specifically? Our council meeting starts in about an hour.

Thank you for your assistance.

Wendy Harris

On March 24, 2020 at 9:18 AM "Roe, Kaaren (COM)" <kaaren.roe@commerce.wa.gov> wrote:

Ms. Harris –

How is Whatcom County eligible to apply for a state Community Development Block Grant (CDBG) even though its population exceeds 200,000 in population? The short answer is that Whatcom County still meets the criteria established by the US Dept of Housing and Urban Development (HUD). As outlined in the attached notice, HUD has a formal process to establish when and how cities or counties are eligible to seek CDBG entitlement status and until then they are eligible to apply for state CDBG (non-

entitlement) grants. HUD considers the county population with and without the city of Bellingham to make its threshold determination.

Any CDBG funded activity must meet state and federal requirements, including NEPA.

For specific information on a proposed county application for CDBG funding should be directed to the county.

I hope this information is helpful.

*Kaaren*

**Kaaren Roe** | SECTION MANAGER

Community Development Block Grant (CDBG) | Washington State Department of Commerce | 360-725-3018

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**From:** WENDY HARRIS <w.harris2007@comcast.net>

**Sent:** Tuesday, March 24, 2020 4:38 AM

**To:** Roe, Kaaren (COM) <kaaren.roe@commerce.wa.gov>

**Cc:** county council <council@co.whatcom.wa.us>; Ben Elenbaas <BElenbaa@co.whatcom.wa.us>; Barry Buchanan <bbuchana@co.whatcom.wa.us>; Council Todd Donovan <tdonovan@co.whatcom.wa.us>; Tyler Byrd <tbyrd@co.whatcom.wa.us>; Rud Browne <RBrowne@co.whatcom.wa.us>; cfrazey@co.whatcom.wa.us; Kathy Kershner <KKershne@co.whatcom.wa.us>

**Subject:** Whatcom County Population Limit

**Importance:** High

Dear Ms. Roe:

**Can you please explain why the DOC is offering a CDBG grant to Whatcom County when it exceeds the maximum permitted population size of 200,000?** I found that very troubling when the county population is so easily verified and it has exceeded 200,000 for at least 10 years. Whatcom County, Washington's estimated population for 2019 was 221,650 with a growth rate of 2.35% in the past year according to the U.S. Census data. Whatcom County, Washington is the 9th largest county in Washington. If the law has changed in some way, please point this out to me with appropriate legal citations.

This matter is of some urgency as it is set for a public hearing tomorrow, Tuesday at 2 PM. We have already had one council member question this issue so the cat is out of the bag. We need to resolve this issue before a grant is awarded invalidly.

I also do not understand why we are trying to build more housing, services, and business in the rural area, which is contrary to the basic premise of the GMA? I am concerned that we have been given no concrete information other than "The primary activities will be connecting low to moderate income community members with services including early childhood education, food resources, and energy assistance programs." What does that mean? What is being done and where? Is the public not to know?

Nor do I understand why you would award the county with an intention to use it in the Eastern part of our county with its many environmental problems. It was my understanding that you sought areas without significant environmental problems so that time and money is not wasted during the NEPA/SEPA process. Here are issues that could arise during your grant process which could bog the grant project down:

1. **Columbia Valley has been in non-attainment under the Clean Air Act** for decades. At a community meeting held with NWCAA agency years ago, the community did not agree that all people are entitled to breathe clean air. I am aware of people who have moved away rather than fight the harassment and bullying that would follow. For my efforts to stop wood burning in the NW part of the county, I have been attacked and my life threatened. The county and NWCAA refuse to act. I am on high dose oxygen 24/7 and became very sick after moving to the County and will personally fight any efforts to grant more wood stoves in this area. No one should have to be told by a resident, "the firemen warned me about you and said it was your fault if you were sick because you should not have moved from the city to the County if you do not like wood smoke."

2. **Sumas Landslide.** Whatcom County has the largest source of natural asbestos in the nation and it slides down the mountain and fills the river so that it needs to be dredged frequently. The sediment is contaminated and left on the ground. In the past, it was given out freely and used through the county to build development. No records were ever kept. The EPA does not know what to do about this. Sometimes, the asbestos levels are so high, it looks like it has been snowing in Sumas. [https://response.epa.gov/site/site\\_profile.aspx?site\\_id=3639](https://response.epa.gov/site/site_profile.aspx?site_id=3639)



**3. Sumas Aquifer Nitrate Contamination.** The Northern half of the County is largely in the Sumas Aquifer. It has been determined that the ground water is contaminated with unsafe levels of nitrates from all the dairies and cows. This contaminates 30% of drinking wells in the area, and at times, water has quietly been brought in for residents. It has harmed fish and wildlife and millions of dollars of shellfish beds. The county attempted to sweep this under the rug and did nothing to address the problem, or even mention it, during its recent CAO update. <https://fortress.wa.gov/ecy/publications/documents/1610011.pdf>

4. Failure to develop baseline standards. The county can not track and monitor its ecosystem function because it has failed to develop any review and analysis of upland terrestrial animals. They should not be developing in rural areas until it does the work it was required to do as part of the CAO/BAS review. I am concerned we are developing more for people when we have not yet done anything to protect the biodiversity in that area. In fact, the Parks Department wants to exploit the area for outdoor recreation, including creating trails that ring entire lakes and are constructed under standards that stray from USDA guidelines.

Your office either needs to rescind the grant offer if it not appropriate, or to provide a valid explanation of why it is appropriate based on the law. In particular, insight into whether or not the 200,000 population threshold, reflected by DOC document many times over, is a bar would be helpful.

Sincerely, Wendy Harris

## Dana Brown-Davis

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**From:** Cathy Halka  
**Sent:** Tuesday, March 24, 2020 11:44 AM  
**To:** Barry Buchanan; Ben Elenbaas; Carol Frazey; Kathy Kershner; Rud Browne; Todd Donovan; Tyler Byrd  
**Cc:** Satpal Sidhu; Tyler Schroeder; Tawni Helms; Suzanne Mildner; Sandy Korthuis; Jed Holmes; David Brown; Dana Brown-Davis; Jennifer Schneider; Jill Nixon; Kristi Felbinger; Lisa Bruner; NaDean Hanson  
**Subject:** CDBG Handout  
**Attachments:** CDBG Handout AB2020-154.pdf

Councilmembers, \*\*\*Please do not reply all\*\*\*

Attached is a handout for the CDBG item - AB2020-154. This handout is also available on the Legislative Information Center: <https://whatcom.legistar.com/MeetingDetail.aspx?ID=734869&GUID=7A36DFEF-98C3-4C89-B4FD-FCC10E0762A9&Options=info&Search=>

Thanks,  
Cathy

## Federal Citizen Participation Requirements For Local Government Applicants to the State CDBG Program

### Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
  - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
  - (3) Furnish citizens information, including but not limited to:
    - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
    - (ii) The range of activities that may be undertaken with the CDBG funds;
    - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
    - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
  - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
  - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
  - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
  - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

## Dana Brown-Davis

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**From:** Suzanne Mildner  
**Sent:** Tuesday, March 24, 2020 8:20 AM  
**To:** Dana Brown-Davis  
**Cc:** Tyler Schroeder  
**Subject:** RE: Whatcom County Population Limit

Thanks Dana. I appreciate you sending this to me.

FYI – the issue of 200,000 population threshold has been asked and answered already. The county population figure does not include the population of Bellingham, which is its own CDBG “entitlement” jurisdiction, separate from the county. We have email correspondence from Ms. Kaaren Roe of WA State Department of Commerce on this question.

Feel free to share this information with councilmembers. And if you think it would be helpful for me to forward Ms. Roe’s email correspondence to them directly, let me know.

*Suzanne,*

Suzanne Mildner  
Administrative Secretary/Grant Coordinator  
Whatcom County Executive Office  
(360) 778-5211

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**From:** Dana Brown-Davis  
**Sent:** Tuesday, March 24, 2020 7:57 AM  
**To:** Suzanne Mildner <[SMildner@co.whatcom.wa.us](mailto:SMildner@co.whatcom.wa.us)>  
**Subject:** FW: Whatcom County Population Limit  
**Importance:** High

FYI. I thought you’d like to see this.

Dana

**From:** Council  
**Sent:** Tuesday, March 24, 2020 4:38 AM  
**To:** Carol Frazey <[CFrazey@co.whatcom.wa.us](mailto:CFrazey@co.whatcom.wa.us)>; Tyler Byrd <[TByrd@co.whatcom.wa.us](mailto:TByrd@co.whatcom.wa.us)>; Barry Buchanan <[BBuchana@co.whatcom.wa.us](mailto:BBuchana@co.whatcom.wa.us)>; Todd Donovan <[TDonovan@co.whatcom.wa.us](mailto:TDonovan@co.whatcom.wa.us)>; Rud Browne <[RBrowne@co.whatcom.wa.us](mailto:RBrowne@co.whatcom.wa.us)>; Kathy Kershner <[KKershne@co.whatcom.wa.us](mailto:KKershne@co.whatcom.wa.us)>; Ben Elenbaas <[BElenbaa@co.whatcom.wa.us](mailto:BElenbaa@co.whatcom.wa.us)>; Dana Brown-Davis <[DBrown@co.whatcom.wa.us](mailto:DBrown@co.whatcom.wa.us)>; Lisa Bruner <[LBruner@co.whatcom.wa.us](mailto:LBruner@co.whatcom.wa.us)>; Cathy Halka <[CHalka@co.whatcom.wa.us](mailto:CHalka@co.whatcom.wa.us)>  
**Subject:** FW: Whatcom County Population Limit  
**Importance:** High

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**From:** WENDY HARRIS  
**Sent:** Tuesday, March 24, 2020 4:38:02 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** [Kaaren.Roe@commerce.wa.gov](mailto:Kaaren.Roe@commerce.wa.gov)  
**Cc:** Council; Ben Elenbaas; Barry Buchanan; Todd Donovan; Tyler Byrd; Rud Browne; Carol Frazey; Kathy Kershner  
**Subject:** Whatcom County Population Limit

## Dana Brown-Davis

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**From:** Council  
**Sent:** Tuesday, March 24, 2020 8:57 AM  
**To:** Carol Frazey; Tyler Byrd; Barry Buchanan; Todd Donovan; Rud Browne; Kathy Kershner; Ben Elenbaas; Dana Brown-Davis; Lisa Bruner; Cathy Halka  
**Subject:** FW: Entitlement counties question  
**Attachments:** HUD Notice CPD 20-03 CDBG entitlement qualification.pdf

---

**From:** Roe, Kaaren (COM)  
**Sent:** Tuesday, March 24, 2020 8:57:15 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Suzanne Mildner; Council  
**Cc:** Dana Brown-Davis; Tyler Schroeder; w.harris2007@comcast.net  
**Subject:** RE: Entitlement counties question

Dear Suzanne and councilmembers,

I just saw the attached recent notice that lists Whatcom County in Attachment F, page 44 under the heading: LIST OF COUNTIES THAT MAY QUALIFY AS URBAN COUNTIES IF METROPOLITAN CITIES RELINQUISH THEIR STATUS. It hadn't been posted when I wrote my earlier response.

For more information on CDBG entitlement status qualification, please contact the HUD Region X office.

*Kaaren*

**Kaaren Roe** | SECTION MANAGER  
Community Development Block Grant (CDBG) | Washington State Department of Commerce | 360-725-3018

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**From:** Suzanne Mildner <SMildner@co.whatcom.wa.us>  
**Sent:** Tuesday, March 24, 2020 8:49 AM  
**To:** Council <Council@co.whatcom.wa.us>  
**Cc:** Dana Brown-Davis <DBrown@co.whatcom.wa.us>; Tyler Schroeder <Tschroed@co.whatcom.wa.us>; Roe, Kaaren (COM) <kaaren.roe@commerce.wa.gov>; w.harris2007@comcast.net  
**Subject:** FW: Entitlement counties question

Good Morning Councilmembers,

Please refer to the attached email string between this office and WA State Department of Commerce regarding the recently raised questions about Whatcom County's eligibility to participate in the State CDBG Grant Program based on population figures.

Thank you,

*Suzanne,*  
Suzanne Mildner

Administrative Secretary/Grant Coordinator  
Whatcom County Executive Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
(360) 778-5211  
[smildner@co.whatcom.wa.us](mailto:smildner@co.whatcom.wa.us)

*\*My incoming and outgoing email communication is subject to public disclosure\**

STATE	NAME	ENTITLEMENT	POP2018
TX	<b>Hays County</b>		<b>222,631</b>
TX		San Marcos city (pt.)	63,506
TX	<b>Jefferson County</b>		<b>255,001</b>
TX		Beaumont city	118,428
TX		Port Arthur city (pt.)	55,010
TX	<b>Lubbock County</b>		<b>307,412</b>
TX		Lubbock city	255,885
TX	<b>McLennan County</b>		<b>254,607</b>
TX		Waco city	138,183
TX	<b>Nueces County</b>		<b>362,265</b>
TX		Corpus Christi city (pt.)	326,554
TX	<b>Smith County</b>		<b>230,221</b>
TX		Tyler city	105,729
TX	<b>Webb County</b>		<b>275,910</b>
TX		Laredo city	261,639
UT	<b>Weber County</b>		<b>256,359</b>
UT		Ogden city	87,325
WA	<b>Benton County</b>		<b>201,877</b>
WA		Kennewick city	82,943
WA		Richland city	57,303
WA	<b>Whatcom County</b>		<b>225,685</b>
WA		Bellingham city	90,665
WA	<b>Yakima County</b>		<b>251,446</b>
WA		Yakima city	93,884
WI	<b>Brown County</b>		<b>263,378</b>
WI		Green Bay city	104,879