

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.
COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

WHATCOM COUNTY COUNCIL

AGENDA FOR MAY 19, 2020

ON-LINE MEETING:

COMMITTEE OF THE WHOLE – EXECUTIVE SESSION (12:00 P.M.)

COUNCIL (1 P.M.)

COMMITTEE AGENDA

COMMITTEE OF THE WHOLE – EXECUTIVE SESSION
12:00 p.m. Tuesday, May 19, 2020
Virtual Meeting

Call To Order

Roll Call

Committee Discussion

1. AB2020-215 Update on negotiations and planning strategy discussion regarding collective bargaining [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140(4)(a)]
Page 1

Other Business

Adjournment

COUNCIL AGENDA

REGULAR COUNCIL MEETING
1 p.m. Tuesday, May 19, 2020
Virtual Meeting

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

Councilmembers will participate in this meeting remotely through an online web-based meeting platform. Councilmembers will NOT be present in the Courthouse for this meeting. Per Washington State Proclamation, in-person attendance at meetings is prohibited at this time. The public is invited to email written comments to the Council at council@co.whatcom.wa.us. A live stream of the meeting will be available for viewing through the Council's Legislative Information Center.

EXECUTIVE REPORT

OTHER ITEMS

1. AB2020-219 Discussion and update on strategies and other items related to COVID-19
Council and Health Board
Page 2
2. AB2020-194 Ordinance amending the 2020 Whatcom County Budget, request no. 12, in the amount of \$77,641
Pages 3 - 7
3. AB2020-195 Ordinance amending the 2020 Whatcom County Budget, request no. 7, in the amount of \$250,000 (Supersedes Ord. No. 2020-008)
Pages 8 - 12
4. AB2020-196 Ordinance amending the 2020 Whatcom County Budget, request no. 8, in the amount of \$1,155,821 (Supersedes Ord. No. 2020-012)
Pages 13 - 16

5. AB2020-197 Ordinance establishing the COVID-19 Emergency Response Fund and establishing a budget for the COVID-19 Emergency Response Fund (Supersedes Ord. No. 2020-016)
Pages 17 - 19
6. AB2020-198 Ordinance amending the 2020 Whatcom County Budget, Request No. 10, in the amount of \$3,000,000 (Supersedes Ord. No. 2020-018)
Pages 20 - 22
7. AB2020-199 Ordinance amending the 2020 Whatcom County Budget, request no. 11, in the amount of \$154,946 (Supersedes Ord. No. 2020-020)
Pages 23 - 25
8. AB2020-200 Ordinance authorizing an interfund loan to finance cash flow for COVID-19 emergency response (replaces Ord. No. 2020-015 and Ord. No. 2020-017)
Pages 26 - 27
9. AB2020-212 Request authorization for the County Executive to enter into a contract between Whatcom County and the US Forest Service to provide Work Crew Services for Forestry projects in the amount of \$191,548.00
Pages 28 - 52
10. AB2020-216 Resolution regarding support for a General Purposes Community Development Block Grant funding application for Opportunity Council's housing rehabilitation program
Pages 53 - 57
11. AB2020-203 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Blaine to remove Yakima County Jail and add Kittitas County Jail as a Correctional Facility utilized by Whatcom County
Pages 58 - 66
12. AB2020-204 Ordinance (interim) establishing a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic
Pages 67 - 75
13. AB2020-218 Resolution establishing a process for the development of a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic
Pages 76 - 81

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. AB2020-213 Ordinance authorizing installation of stop signs on Truck Road
Pages 82 - 85
2. AB2020-217 Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
Pages 86 - 90

REPORTS, OTHER ITEMS, AND COUNCIL MEMBER UPDATES

ADJOURN



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-215**

File ID:	AB2020-215	Version:	1	Status:	Agenda Ready
File Created:	05/08/2020	Entered by:	ALandry@co.whatcom.wa.us		
Department:	County Executive's Office	File Type:	Discussion		
Assigned to:	Council Committee of the Whole-Executive Session			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: alandry@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Update on negotiations and planning strategy discussion regarding collective bargaining
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140(4)(a)]

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

N/A

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-219

File ID:	AB2020-219	Version:	1	Status:	Agenda Ready
File Created:	05/13/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Discussion		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Discussion and update on strategies and other items related to COVID-19

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion and update on strategies and other items related to COVID-19

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-194

File ID:	AB2020-194	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 12, in the amount of \$77,641

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #12 requests funding from the General Fund:

1. To appropriate \$47,016 in Parks to fund Lookout Mountain Road failure A&E from FEMA grant proceeds.
2. To appropriate \$30,625 in Parks to fund Point Whitehorn Stairway A&E from FEMA grant proceeds.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance, Supporting Documentation-Summary Schedule, Supporting Documentation-Requests

**ORDINANCE NO.
AMENDMENT NO. 12 OF THE 2020 BUDGET**

WHEREAS, the 2019-2020 budget was adopted November 20, 2018; and,

WHEREAS, changing circumstances require modifications to the approved 2019-2020 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding the following additional amounts to the 2020 budget included therein:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Parks	<u>77,641</u>	<u>(77,641)</u>	<u>-</u>
Total Supplemental	<u>77,641</u>	<u>(77,641)</u>	<u>-</u>

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by email/CQ/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

WHATCOM COUNTY				
Summary of the 2020 Supplemental Budget Ordinance No. 12				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Parks	To fund Lookout Mountain Road failure A&E from FEMA grant proceeds.	47,016	(47,016)	-
Parks	To fund Point Whitehorn Stairway A&E from FEMA grant proceeds.	30,625	(30,625)	-
Total General Fund		77,641	(77,641)	-
Total Supplemental		77,641	(77,641)	-

Supplemental Budget Request

Status: Pending

Parks & Recreation

Suppl ID # 3057 Fund 1 Cost Center 6352 Originator: Christ Thomsen

Year 2 2020

Add'l FTE

Priority 1

Name of Request: Lookout Mountain Road Failure A&E - FEMA 08-4615

X  Department Head Signature (Required on Hard Copy Submission) 4-22-20 Date

Costs:	Object	Object Description	Amount Requested
	4333.8310	FEMA	(\$40,299)
	4334.0181	FEMA Military	(\$6,717)
	6630	Professional Services	\$47,016
	Request Total		\$0

1a. Description of request:

This request provides budgeting and spending authority for the use of FEMA funds in the sum of \$47,016 for Architecture and Engineering to develop plans, specifications, and engineering estimate for the repair of the LM-2000 and LM-2100 roads in the Lookout Mountain Forest Preserve.

1b. Primary customers:

The citizens of Whatcom County, the over 32,000 annual trail uses of Lookout Mountain Forest Preserve, Department staff who use the roads for management activities, EMS, and leaseholders.

2. Problem to be solved:

During the winter of 2018/2019, a winter storm, incident 18-4615, caused a slope failure between the LM-2000 and LM-2100 roads within the Lookout Mountain Forest Preserve. The slide caused substantial damage to the LM-2100 road and lesser damage to the LM-2000 road. Portions of the LM-2100 road failed (approximately 70-feet of the roadway was lost). The slide materials were deposited on the LM-2000 road causing damage to culverts, a lateral ditch, and road surface. The Department took immediate action to stabilize the slide area and clear the LM-2000 road. Today, the slide area is minimally active, the LM-2100 road remains impassable to motor vehicles, and continues to degrade. The slide and road failure are eligible for FEMA funds because the incident occurred as part of the larger storm event. On March 13, 2020, the County received funding for this project from FEMA for Architecture and Engineering work develop plans, specifications, and engineering estimate for repairs. This budget supplemental provides budgetary expenditure authority to encumber these funds and proceed with A&E.

The LM-2000 is a critical road as it is a mainline road that provides access for land managers, communications leaseholders, EMS and other across a large portion of Lookout Mountain Forest Preserve. The LM-2100 road provides valuable access for land managers and recreationists.

3a. Options / Advantages:

Both roads are important to the management of Lookout Mountain Forest Preserve. With this in mind, two options were considered.

1) Do nothing in response to the slope failure. This precludes the continued use of the LM-2400 because the failure caused the loss of approximately 70-feet of the roadway. At the worst point, the loss included the full-width of the roadway. The LM-2000 remains open and useable at this time but is at risk of additional damage or complete loss should the slope fail again.

2) Effect repairs to stabilize the slope and restore the roads. This options repairs both roads and provides for ongoing use of the LM-2000 and LM-2100 roads.

Supplemental Budget Request

Status: Pending

Parks & Recreation

Suppl ID # 3058 **Fund** 1 **Cost Center** 6370 **Originator:** Christ Thomsen

Year 2 2020 Add'l FTE **Priority** 1

Name of Request: Point Whitethorn Stairway - FEMA 08-4615

X  4-22-20
Department Head Signature (Required on Hard Copy Submission) **Date**

Costs:	Object	Object Description	Amount Requested
	4333.8310	FEMA	(\$26,250)
	4334.0181	FEMA Military	(\$4,375)
	6630	Professional Services	\$30,625
	Request Total		\$0

1a. Description of request:

This request provides budgeting and spending authority for the use of FEMA funds in the sum of \$30,631 for Architecture and Engineering to develop plans, specifications, and engineering estimate for the repair or replacement of the high-bank stairway at Point Whitehorn Marine Reserve.

The high-bank stairway provides public access from the highlands of the reserve to the saltwater shoreline and tidelands. This was a key element for acquisition of the property for park purposes.

1b. Primary customers:

The citizens of Whatcom County and the over 28,000 annual visitors to Point Whitehorn Marine Reserve.

2. Problem to be solved:

During the winter of 2018/2019, a winter storm, incident 18-4615, the Department experienced a slope failure within the Point Whitehorn Marine Reserve which affected the high-bank stairway that provides access from the highlands of the park to the Puget Sound Shoreline. The slope failure undermined the stairway, causing damage to the stairway and creating the potential for stairway failure. The stairway received repairs, was determined to be safe for public use, and was reopened to the public. Because of the potential for failure, the stairway was eligible to receive FEMA funding for Architecture and Engineering work to develop plans, specifications, and engineering estimate for repairs or replacement. A winter storm in 2020, incident 20-0256, contributed to further degradation of the slope and stairway making it unsafe for use. The stairway is closed to public use as a result. On March 13, 2020, the County received funding for this project from FEMA for Architecture and Engineering work to develop plans, specifications, and engineering estimate for repairs. This budget supplemental provides budgetary expenditure authority to encumber these funds to proceed with A&E work.

3a. Options / Advantages:

Two options were evaluated.

- 1) Remove the existing stairway and close access to the shoreline. This option reduces services by eliminating shoreline and tideland access within Point Whitehorn Marine Reserve.
- 2) Repair or replace the existing stairway in a way that provides safe and reliable access to the shoreline. This option provides continuation of services by maintaining shoreline and tidelands access within the Point Whitehorn Marine Reserve.

Shoreline access is a primary draw of visitors to Point Whitehorn Marine Reserve and was an important element of its acquisition. Continued provision of shoreline access via a high-bank stairway is a critical



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-195**

File ID:	AB2020-195	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 7, in the amount of \$250,000
(Supersedes Ord. No. 2020-008)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #7 requests funding from the General Fund:

1. To appropriate \$250,000 in Non Departmental to fund COVID-19 response.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Memo, Proposed Ordinance, Supporting Documentation



MEMORANDUM

TO: Whatcom County Council

FROM: Tyler Schroeder, Deputy Executive

DATE: April 27, 2020

SUBJECT: Emergency Ordinances replaced with Permanent Ordinances

Requested Action:

The County Executive is requesting adoption of six budget ordinances developed to replace and rescind the COVID-19 Emergency Ordinances recently adopted by Council. This is necessary because Emergency Ordinances expire on the sixty-first day following the date they became law.

Background and Purpose:

The Administration has been working with Council to respond to the COVID-19 Emergency. To effectively respond to this emergency several budget adjustments were made to ensure adequate cash flow was available to fund it. These adjustments were adopted as Emergency Ordinances for the immediate preservation of the public peace, health, safety and support of the county government. As Emergency Ordinances they expire on the sixty-first day following the date on which the ordinance became law as defined in WCC 2.02.135. As the emergency endures we must now adopt the replacement of these Emergency Ordinances as Permanent Ordinances.

<u>Agenda Bill No.</u>	<u>Action</u>	<u>Adopted Emergency Ordinances</u>
AB2020-195	Supersedes	Ord. 2020-008 (appropriates \$250k to COVID19 response)
AB2020-196	Supersedes	Ord. 2020-012 (increases emergency funding by \$1,155,821- GF \$250k and Homeless Housing \$905,821)
AB2020-197	Supersedes	Ord. 2020-016 (establishes COVID-19 Fund with \$1,750,000)
AB2020-198	Supersedes	Ord. 2020-018 (increases COVID-19 Fund by \$3,000,000)
AB2020-199	Supersedes	Ord. 2020-020 (appropriates Dept. Commerce Grant, \$154,946)
AB2020-200	Supersedes	Ord. 2020-015 and 2020-017 (\$4M interfund loan)

Funding Amount and Source:

General Fund, Public Utilities Improvement Fund (EDI) and Department of Commerce Grants. It is anticipated that costs and expenses related to the COVID-19 response will be reimbursed through FEMA.

PROPOSED BY: Executive
INTRODUCTION DATE: 5/05/2020

**ORDINANCE NO.
AMENDMENT NO. 7 OF THE 2020 BUDGET**

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-008 amending the 2020 Whatcom County budget in the amount of \$250,000; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinance as it expires on the sixty-first day following the date it became law.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020 Whatcom County Budget Ordinance No. 2018-064 is hereby amended by adding the following additional amounts to the 2020 budget included therein:

Fund	Expenditures	Revenues	Net Effect
General Fund - Non Departmental	<u>250,000</u>	<u>-</u>	<u>250,000</u>
Total Supplemental	<u>250,000</u>	<u>-</u>	<u>250,000</u>

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance supersedes Ordinance No. 2020-008.

ADOPTED this ____ day of _____, 2020.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by email/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3035 : **Fund 1** **Cost Center 4903** **Originator: T. Helms**

Year 1 2019 Add'l FTE Priority 1

Name of Request: COVID-19 Emergency Response

X		3/16/2020 Date
Department Head Signature (Required on Hard Copy Submission)		

Costs:	Object	Object Description	Amount Requested
	6120	Extra Help	\$50,000
	6140	Overtime	\$50,000
	6320	Office & Op Supplies	\$75,000
	6610	Contractual Services	\$75,000
	Request Total		\$250,000

1a. Description of request:

As per Whatcom County Code 2.02.135 Emergency Ordinances, the County Executive is requesting an emergency budget ordinance for the immediate preservation of the public health and safety of the county government and its existing institutions.

1b. Primary customers:

All Whatcom County Residents and Employees of Whatcom County

2. Problem to be solved:

The Whatcom County Health Department is responsible for management of COVID-19 in all of Whatcom County and is the Operational Incident Commander for COVID-19. As per the Whatcom County Comprehensive Emergency Management Plan, the activation level for Whatcom County has been raised to Level 2 by the Whatcom County Sheriff's Office.

Initial protective measures are described as consistent and frequent facility environment cleaning, particularly in public spaces, frequent hand washing and the use of hand sanitizers. Protective measures will escalate with an increasing probability that the COVID-19 virus is confirmed in Whatcom County. Employee absences may result in the need for unbudgeted overtime and extra help, technology expenses may increase, and other expenses may be required. To ensure adequate budget authority for preparing for this emergency response the Executive is requesting budget authority in the amount of \$150,000 from the General Fund Balance to ensure timely and efficient preparation for this likely public health emergency.

3a. Options / Advantages:

Timing is of great importance to ensure adequate and appropriate preparation is not limited by insufficient budget authority.

3b. Cost savings:

Capturing expenses related to COVID-19 response into a single cost center will assist our efforts to track the cost of preparing and responding to the COVID-19 virus while supporting our efforts to seek Federal emergency reimbursement should the opportunity arise.

4a. Outcomes:

Departments will have the necessary budget support needed to prepare for the possibility the COVID-19 virus is confirmed in Whatcom County.

4b. Measures:

Departments will have taken the necessary steps outlined by the Health Department and the CDC to limit

Non-Departmental

Suppl ID # 3035 **Fund 1** **Cost Center 4903** **Originator: T. Helms**

the spread of the COVID-19 virus that has not yet been confirmed in Whatcom County.

5a. Other Departments/Agencies:

When necessary, departments can seek funding support through the Executive Office for expenses related to the preparing for the potential spread of the COVID-19 virus.

5b. Name the person in charge of implementation and what they are responsible for:

Health Dept. - John Wolpers
Facilities - Rob Ney

6. Funding Source:

General Fund



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-196

File ID:	AB2020-196	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 8, in the amount of \$1,155,821 (Supersedes Ord. No. 2020-012)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requests funding from the General Fund:

1. To appropriate \$250,000 in General Fund to fund COVID-19 response.

From the Homeless Housing Fund:

2. To appropriate \$905,821 in Health to fund COVID-19 Outbreak Emergency Housing project from grant proceeds.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance, Supporting Document

**ORDINANCE NO.
AMENDMENT NO. 8 OF THE 2020 BUDGET**

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-012 amending the 2020 Whatcom County budget in the amount of \$1,155,821; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinance as it expires on the sixty-first day following the date it became law.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding an additional \$1,155,821 to the 2020 budget as presented herein:

Fund	Expenditures	Revenues	Net Effect
General Fund - Non Departmental	<u>250,000</u>	<u>-</u>	<u>250,000</u>
Homeless Housing Fund - Health	<u>905,821</u>	<u>(905,821)</u>	<u>-</u>
Total Supplemental	<u>1,155,821</u>	<u>(905,821)</u>	<u>250,000</u>

BE IT FURTHER ORDAINED by the Whatcom County Council that the County Executive is authorized to transfer appropriation authority out of the COVID-19 Emergency Response cost center in Non Departmental to other funds and departments as necessary to cover COVID-19 expenditures being incurred therein.

BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance supersedes Ordinance No. 2020-012.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by phone/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

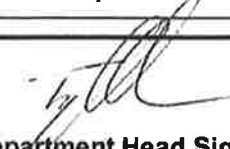
Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3039 Fund 1 Cost Center ~~4000~~ 4903 Originator: T. Helms

Year 1 2019 Add'l FTE Priority 1

Name of Request: COVID-19 Emergency Response	
X  Department Head Signature (Required on Hard Copy Submission)	3/12/2020 Date

Costs:	Object	Object Description	Amount Requested
	6320	Office & Op Supplies	\$125,000
	6610	Contractual Services	\$125,000
	Request Total		\$250,000

1a. Description of request:

Emergency funding for COVID-19 Response as per the Whatcom County Proclamation of Emergency. Because an emergency exists Whatcom County departments are authorized to enter into contracts and incur obligation necessary to combat such emergency situations to protect the health and safety of persons.

1b. Primary customers:

Whatcom County citizens

2. Problem to be solved:

The response to COVID-19 is emergent and time-sensitive; every opportunity to acquire the tools and resources to effectively respond to the crisis is a priority. The impending crisis requires further efforts be taken to expand operations and planning actions to reduce the threat of life and public health.

3a. Options / Advantages:

There is no other option.

3b. Cost savings:

N/A

4a. Outcomes:

Resources will be acquired as needed to respond to the COVID-19 crisis.

4b. Measures:

Whatcom County will acquire the resources necessary to respond to this crisis.

5a. Other Departments/Agencies:

All Departments

5b. Name the person in charge of implementation and what they are responsible for:

Health Department - John Wolpers
 Sheriff's Office/DEM - John Gargett

6. Funding Source:

General Fund

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3044

Fund 122

Cost Center

Originator: Kathleen Roy

Year 2 2020

Add'l FTE

Priority 1

Name of Request: State Emergency Housing Funds for Covid-19

X

Kathleen Roy

3/17/20

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0421	Commerce Grant	(\$905,821)
	6610	Contractual Services	\$905,821
	Request Total		\$0

1a. Description of request:

We are requesting expenditure authority of new funding from the Washington State Department of Commerce for the purposes of providing emergency housing options necessary to respond to the COVID-19 outbreak as related to public health needs. These dollars are available for use through September 30, 2020.

1b. Primary customers:

People experiencing homelessness or otherwise in need of quarantine or isolation housing due to the COVID-19 outbreak.

2. Problem to be solved:

People who are homeless and in need of quarantine or isolation due to the COVID-19 outbreak currently have no safe housing options.

3a. Options / Advantages:

These additional funds will support an expansion of housing/shelter options which will promote individual as well as public health interests.

3b. Cost savings:

These funds are from the state and will not impact local funds. Cost savings will occur as people receive adequate housing when in need of isolation or quarantine, and negative impacts to public health are mitigated.

4a. Outcomes:

Increased housing/shelter opportunities to provide for safe and secure isolation or quarantine.

4b. Measures:

Number of additional housing/shelter options and services provided to support the expansion

5a. Other Departments/Agencies:

We will work closely with the city of Bellingham.

5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:

Washington State Department of Commerce's COVID-19 Outbreak Emergency Housing Grant



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-197

File ID:	AB2020-197	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance establishing the COVID-19 Emergency Response Fund and establishing a budget for the COVID-19 Emergency Response Fund (Supersedes Ord. No. 2020-016)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requesting authorization to establish a new special revenue fund titled "COVID-19 Emergency Response Fund" and appropriate \$1,750,000 in the fund.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance, Attachment A

ORDINANCE NO.

**ESTABLISHING THE COVID-19 EMERGENCY RESPONSE FUND AND
ESTABLISHING A BUDGET FOR THE COVID-19 EMERGENCY RESPONSE FUND**

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-016 establishing the COVID-19 Emergency Response Fund and establishing a budget for the COVID-19 Emergency Response Fund; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinance as it expires on the sixty-first day following the date it became law.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new special revenue fund is hereby established titled the "COVID-19 Emergency Response Fund",

BE IT FURTHER ORDAINED, that the fund is approved with an initial budget of \$1,750,000 as presented in Attachment A.

BE IT FURTHER ORDAINED, by the Whatcom County Council that this ordinance supersedes Ordinance No. 2020-016.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by phone/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive
Date: _____

Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3046

Fund

Cost Center

Originator: M Caldwell

Year 2 2020

Add'l FTE

Priority 1

Name of Request: COVID-19 Emergency Response Fund budget

<p>X  (initial)</p> <p>Department Head Signature (Required on Hard Copy Submission)</p>	<p>4/2/2020</p> <p>Date</p>
--	------------------------------------

Costs:	Object	Object Description	Amount Requested
	2241	Interfund Loans Payable	(\$1,000,000)
	4337.1001	City of Bham Support	(\$500,000)
	6610	Contractual Services	\$1,750,000
	8301.4530	Op Trf In - Non-Departmental	(\$250,000)
	Request Total		\$0

1a. Description of request:

Funding will be used to provide supplies and contracts needed to address life safety issues in response to the COVID-19 coronavirus emergency in Whatcom County.

1b. Primary customers:

Citizens of Whatcom County

2. Problem to be solved:

Whatcom County needs to be able to take adequate actions to stem the tide of COVID-19 in order to protect our citizens.

3a. Options / Advantages:

There are no other options.

3b. Cost savings:

Funding from the federal government in the form of FEMA assistance is eventually expected to offset 75% of the costs.

4a. Outcomes:

Whatcom County will be successful in limiting the spread of COVID-19 countywide as soon as possible.

4b. Measures:

Decrease in the number and eventual elimination of new cases

5a. Other Departments/Agencies:

Unified Command, City of Bellingham, State Military Department, Health Department, Emergency Management

5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:

Temporary Interfund Loan from EDI Fund, General Fund and City of Bellingham contributions. The current EDI Cash balance is \$15,021,000.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-198

File ID:	AB2020-198	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, Request No. 10, in the amount of \$3,000,000 (Supersedes Ord. No. 2020-018)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requests funding in the COVID-19 Emergency Response Fund:

1. To appropriate \$3,000,000 to fund COVID-19 response activities.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance, Supporting Documentation

PROPOSED BY: Executive
INTRODUCTION DATE: 05/05/20

ORDINANCE NO.
AMENDING THE WHATCOM COUNTY 2020 BUDGET, REQUEST NO. 10. IN THE AMOUNT OF
\$3,000,000

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-018 amending the 2020 Whatcom County budget in the amount of \$3,000,000; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinance as it expires on the sixty-first day following the date it became law.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding the following additional amounts to the 2020 budget included therein:

Fund	Expenditures	Revenues	Net Effect
COVID-19 Emergency Response Fund	<u>3,000,000</u>	-	<u>3,000,000</u>
Total Supplemental	<u>3,000,000</u>	-	<u>3,000,000</u>

BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance supersedes Ordinance No. 2020-008.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by phone/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

Supplemental Budget Request

Status: Pending

Council

Suppl ID # 3053 **Fund** 134 **Cost Center** 134100 **Originator:** Donovan/Buchanan

Expenditure Type: One-Time **Year** 2020 **Add'l FTE** **Add'l Space** **Priority** 1

Name of Request: Increase Funding for COVID-19 Response

X

Department Head Signature (Required on Hard Copy Submission) **Date**

Costs:	<i>Object</i>	<i>Object Description</i>	<i>Amount Requested</i>
	2241	Interfund Loans Payable	(\$3,000,000)
	6610	Contractual Services	\$3,000,000
	Request Total		\$0

1a. Description of request:

Increase amount available needed to provide an adequate response to the COVID-19 emergency.

1b. Primary customers:

Citizens of Whatcom County

2. Problem to be solved:

The County Executive has issued a Proclamation of Emergency to combat the spread of the COVID-19 virus. The spread of the virus presents a continuing threat to the health and safety of the citizens of Whatcom County. The County has established the COVID-19 Emergency Response Fund to track restricted and committed revenues in response to the COVID-19 outbreak. Adequate cash flow and budget authority is needed in the COVID-19 Emergency Response Fund to fund the County's response due to the processing time required to receive expected local, state, and federal FEMA assistance and reimbursements.

3a. Options / Advantages:

Other options do not provide the efficiency and effectiveness needed to respond to this emergency.

3b. Cost savings:

It is expected that local, state and federal FEMA assistance and reimbursements will provide funding for the fund's expenditures.

4a. Outcomes:

Upon signature adequate resources will be available to fund emergency response as needed.

4b. Measures:

5a. Other Departments/Agencies:

Public Utilities Improvement Fund (EDI) will provide a temporary loan for cashflow. The Treasurer will be authorized to provide the interfund loan.

Unified Command, Finance, Executive's Office.

5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:

Temporary Loan from Public Utilities Improvement Fund to be repaid from federal, state and local reimbursements.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-199

File ID:	AB2020-199	Version:	1	Status:	Introduced
File Created:	04/23/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 11, in the amount of \$154,946 (Supersedes Ord. No. 2020-020)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requests funding from the General Fund:

1. To appropriate \$154,946 in Non Departmental to fund COVID-19 related urgent housing needs through Opportunity Council Public Services program.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance, Supporting Documentation - Suppl #11

ORDINANCE NO.

AMENDMENT NO. 11 OF THE 2020 BUDGET

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-020 amending the Whatcom County budget in the amount of \$154,946; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinance as it expires on the sixty-first day following the date it became law.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding an additional \$154,946 to the 2020 budget as presented herein:

Fund	Expenditures	Revenues	Net Effect
General Fund - Non Departmental	<u>154,946</u>	<u>(154,946)</u>	<u>-</u>
Total Supplemental	<u>154,946</u>	<u>(154,946)</u>	<u>-</u>

BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance supersedes Ordinance No. 2020-020.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by phone/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

Supplemental Budget Request

Status: Pending

Executive

Suppl ID # 3052 Fund 1 Cost Center 4288 Originator: Suzanne Mildner

Year 2 2020 Add'l FTE Priority 1

Name of Request: *OppCo Public Services CDBG-emergency amend*

X		4/8/2020
Department Head Signature (Required on Hard Copy Submission)		Date

Costs:	Object	Object Description	Amount Requested
	4333 1422	HUD-CDBG	(\$154,946)
	6610	Contractual Services	\$154,946
	Request Total		\$0

1a. Description of request:

This request is for emergency COVID-19 funding from the Washington State Department of Commerce, to be distributed equally to 3 counties including Whatcom, Island and San Juan by way of subrecipient agreement with our community action agency, Opportunity Council.

1b. Primary customers:

Low- and moderate-income residents of Whatcom, Island and San Juan Counties

2. Problem to be solved:

Washington State Department of Commerce is utilizing current CDBG Public Services grant contracts with Washington Counties as a vehicle to allocate emergency funding from HUD for the COVID-19 emergency response at the local level. Whatcom's current contract may be amended to add additional funding in the amount of \$154,946 for this purpose. The funds will pass through to the grant subrecipient Opportunity Council, and will be used for short term housing assistance in the tri-county areas of Whatcom, Island and San Juan counties.

3a. Options / Advantages:

This contract amendment will allow for a swift response to urgent housing needs of many of our low- to moderate-income citizens in the tri-county area.

3b. Cost savings:

N/a

4a. Outcomes:

This emergency funding will provide one-time or short-term (no more than 3 month) emergency payments (including rent) on behalf of individuals or families, to prevent loss of housing due to the COVID-19 public health emergency.

4b. Measures:

Opportunity Council will serve income-qualified individuals and families and will provide reports as required under the State contract.

5a. Other Departments/Agencies:

Opportunity Council and 3 community resource centers in San Juan County.

5b. Name the person in charge of implementation and what they are responsible for:

Sheri Emerson, Associate Director of Opportunity Council, is responsible for overseeing program services.

6. Funding Source:

Federal grant funding from HUD through the Washington State Dept. of Commerce's CDBG Program.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-200

File ID:	AB2020-200	Version:	1	Status:	Introduced
File Created:	04/24/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance authorizing an interfund loan to finance cash flow for COVID-19 emergency response (replaces Ord. No. 2020-015 and Ord. No. 2020-017)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance requests authorization for a \$4 million interfund loan from the Pubic Utilities Improvement (EDI) Fund to the COVID-19 Emergency Response Fund to finance cash flow needs.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance

ORDINANCE NO.
AN ORDINANCE AUTHORIZING AN INTERFUND LOAN TO FINANCE CASH FLOW FOR COVID-19 EMERGENCY RESPONSE

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-015 authorizing an interfund loan for \$1,000,000; and,

WHEREAS, the Whatcom County Council adopted Emergency Ordinance No. 2020-017 authorizing an additional interfund loan for \$3,000,000; and,

WHEREAS, it is necessary to adopt a permanent ordinance to replace the emergency ordinances as they expire on the sixty-first day following the date they became law,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Treasurer is hereby authorized to make an interfund loan from the Public Utilities Improvement Fund to the COVID-19 Emergency Response Fund providing adequate cash flow for expanded COVID-19 response.

BE IT FURTHER ORDAINED that the loan shall not exceed \$4,000,000 and shall be for a term not exceeding eighteen months.

BE IT FURTHER ORDAINED that one-half percent interest shall be charged on the loan.

BE IT FINALLY ORDAINED by the Whatcom County Council that this ordinance replaces Ordinance No. 2020-015 and Ordinance No. 2020-017.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by email/KF/MC
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-212

File ID:	AB2020-212	Version:	1	Status:	Agenda Ready
File Created:	05/05/2020	Entered by:	LReid@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Contract		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: LReid@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into a contract between Whatcom County and the US Forest Service to provide Work Crew Services for Forestry projects in the amount of \$191,548.00

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachment

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Staff Memo, Contract

WHATCOM COUNTY
SHERIFF'S OFFICE

BILL ELFO
SHERIFF



PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4078
(360) 778-6600

MEMORANDUM

TO: Satpal Sidhu, County Executive
FROM: Bill Elfo, Sheriff *Bill Elfo*
RE: Forestry Work Crew Agreement
DATE: March 27, 2020

Enclosed are two originals of an Agreement between the U.S. Forest Service and Whatcom County for your review and signature.

- **Background and Purpose**

Whatcom County has provided Jail Work Crews to the U.S. Forestry Service since 2003 to accomplish projects benefiting Forestry Service Programs, which in turn benefits Whatcom County offenders by providing opportunities to learn appropriate work skills. This is a new Agreement that will replace the previous Agreement once its Title II Grant funds have been used up.

- **Funding Amount and Source**

This is revenue generating for the County and comes from Title II Grant funds from the North Mt. Baker – Snoqualmie Resource Advisory Committee. The amount received by the County will not exceed \$191,548.00. These funds will be used for things such as: to purchase a Bobcat, to rent excavators, boom lifts and back hoes, to cover the Work Crew Leader's hourly wage plus 30% fringe benefits, to purchase fuel for machinery, a monthly truck rental from Public Works, to purchase necessary tools and equipment, to repair tools and equipment, to pay Crew Leader's monthly cell phone bill and to pay L&I for the Work Crew offenders. It should be noted that the Work Crew Offenders will not be operating the heavy duty equipment, that job will be done by the Work Crew Leader.

- **Differences from Previous Contract**

This is a new Agreement that will last through April 1, 2025.

Please contact Laurie Reid at extension 6506, if you have any questions or concerns regarding the terms of this agreement.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No. _____

Originating Department:	Sheriff's Office								
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Corrections/Alternative Programs								
Contract or Grant Administrator:	Laurie Reid								
Contractor's / Agency Name:	US Forest Service								
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____									
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____									
Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)									
Is this a grant agreement? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): <u>20-PA-11060500-009</u> CFDA#: _____									
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): _____									
Is this contract the result of a RFP or Bid process? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Contract Cost Center: _____									
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.									
If YES, indicate exclusion(s) below: <table style="width:100%; border:none;"> <tr> <td><input type="checkbox"/> Professional services agreement for certified/licensed professional.</td> <td><input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</td> </tr> <tr> <td><input type="checkbox"/> Contract work is for less than \$100,000.</td> <td><input type="checkbox"/> Work related subcontract less than \$25,000.</td> </tr> <tr> <td><input type="checkbox"/> Contract work is for less than 120 days.</td> <td><input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</td> </tr> <tr> <td><input checked="" type="checkbox"/> Interlocal Agreement (between Governments).</td> <td></td> </tr> </table>		<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).	<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Work related subcontract less than \$25,000.	<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	<input checked="" type="checkbox"/> Interlocal Agreement (between Governments).	
<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).								
<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Work related subcontract less than \$25,000.								
<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.								
<input checked="" type="checkbox"/> Interlocal Agreement (between Governments).									
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>191,548.00 (Revenue)</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	Council approval required for; all property leases, contracts or bid awards exceeding \$40,000 , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when: <ol style="list-style-type: none"> 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County. 								
Summary of Scope: _____									
Whatcom County provides Jail Work Crews to the US Forestry Service for the purpose of improving the National Forest System lands and providing job training for inmates.									
Term of Contract: 5 years	Expiration Date: 04/01/25								

Contract Routing:	1. Prepared by: <u>LR</u> 2. Attorney signoff: _____ <i>✓ via email</i> 3. AS Finance reviewed: _____ <i>blm</i> 4. IT reviewed (if IT related): _____ 5. Contractor signed: _____ 6. Submitted to Exec.: _____ 7. Council approved (if necessary): _____ 8. Executive signed: _____ 9. Original to Council: _____	Date: <u>03/27/2020</u> Date: <u>3-30-20</u> Date: <u>5/1/20</u> Date: _____ Date: _____ Date: _____ Date: _____ Date: _____
-------------------	--	---



FS Agreement No. 20-PA-11060500-009

Cooperator Agreement No. _____

PARTICIPATING AGREEMENT
Between
WHATCOM COUNTY
And The
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
MT. BAKER-SNOQUALMIE NATIONAL FOREST

This PARTICIPATING AGREEMENT is hereby entered into by and between Whatcom County, hereinafter referred to as “the County,” and the United States Department of Agriculture (USDA), Forest Service, Mt. Baker-Snoqualmie National Forest, hereinafter referred to as the “U.S. Forest Service,” under the authority: Secure Rural Schools and Community Self-Determination Act of 2000. Public Law 106-393, 16 U.S.C. 500, as reauthorized and amended.

Background: The U.S. Forest Service first entered into an agreement with Whatcom County to support the County’s job training program in 2003. Since that time, the Whatcom County Offender Forestry Work Crew program, while working in partnership with the U. S. Forest Service, has provided pre-screened minimum-security offenders an opportunity to develop skills while working in lieu of full incarceration. Led by experienced crew leaders, crewmembers have contributed to the improvement of ecosystems, the maintenance of existing forest infrastructure, and restoration of National Forest System (NFS) lands and watersheds in Whatcom and Skagit Counties.

Title: **Whatcom County Offender Forestry Work Crew**

I. PURPOSE:

The purpose of this agreement is to document the cooperation between the parties to accomplish projects benefiting U.S. Forest Service programs, and thereby the public, and to provide a work environment; that is, to host the County's existing development and job training programs for offenders. The County desires to place selected eligible offenders in appropriate work situations to perform work for public benefit while providing opportunities for participating offenders to learn work skills and develop appropriate work habits. These training activities will aid the offenders in successfully re-entering society with practical skills and a viable work ethic. This will be accomplished in accordance with the following provisions and the hereby incorporated Financial Plan, attached as Attachment A.



II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The U.S. Forest Service is responsible for the protection, development, and improvement of National Forest System lands and has wide ranging resource management responsibilities in furtherance of their mission in "caring for the land and serving the people".

The County believes that participating with the U.S. Forest Service in this mission is a means of providing healthful, wholesome, and educational outdoor activity, and valuable vocational training for offenders classified by the County as minimum to medium security.

It is because of this mutual interest that the U.S. Forest Service and County desire to cooperate in implementing a program that provides job training for offenders while improving resources on public lands in Washington State.

In consideration of the above premises, the parties agree as follows:

III. THE COUNTY SHALL:

- A. LEGAL AUTHORITY. The County shall have the legal authority to enter into this agreement, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.
- B. Assume responsibility for the selection of offenders in accordance with County rules and regulations and within the limits and responsibilities established by this Agreement to accomplish projects offered by the U.S. Forest Service.
- C. Assume responsibility for the custody and security of work crew participants.
- D. Provide one (1) fulltime County Work Crew Supervisor for offenders assigned to projects to fully supervise and control the daily activities of offenders. The designated work crew supervisor shall provide offenders with all work instructions including safety instructions, necessary safety equipment, rain gear and any other support needed to perform the assigned work safely and efficiently.

The designated work crew supervisor shall also:

- (a) Coordinate all equipment scheduling, use and maintenance and
 - (b) Maintain a monthly crew log that documents daily: what project(s) were worked on, project location(s), how many workers were involved, total number of hours worked that day and a brief evaluation of job performance.
- E. Submit a completed monthly crew log with each monthly invoice, including a grand total of the number of hours worked during that billing period.



- F. Provide the basic needs of offenders during project performance, including, but not limited to:
- (1) Standard safety equipment, such as hard hats, boots, goggles, field clothing, and gloves appropriate to the season and to the job to be performed.
 - (2) Meals at the work site(s).
 - (3) Transportation for the offenders to and from the work site(s).
- G. Communicate with the U.S. Forest Service Technical Supervisor as necessary with respect to security, supervision of offenders, prohibited conduct, and other subjects determined necessary by mutual agreement between the U.S. Forest Service and County.
- H. Provide customary hand tools necessary for work projects. Specialized tools provided by the U.S. Forest Service will be returned at the end of the project in like condition, allowing for normal wear and tear.
- I. In the event of the illness or injury of a work crew participant, the participant shall receive appropriate first aid or medical treatment. As soon as is possible, County shall notify the U.S. Forest Service by phone of all major illness or injury of County participants.
- J. Provide Worker's Compensation coverage for offenders working on supervised crews.
- K. Provide an offender work crew consisting of low risk, minimum-security offenders the opportunity to work within National Forest System (NFS) lands and/or on projects off NFS lands that benefit the National Forest. This work includes, but is not limited to:
1. Road, trail and infrastructure maintenance or obliteration
 2. Soil productivity improvements
 3. Watershed restoration and maintenance
 4. Restoration, maintenance and improvement of wildlife and fish habitats
 5. Control of noxious plant species
 6. Litter and bulk material disposal

IV. THE U.S. FOREST SERVICE SHALL:

- A. PAYMENT/REIMBURSEMENT. The U.S. Forest Service shall reimburse the County for the U.S. Forest Service's share of actual expenses incurred, not to exceed **\$191,548.00**, as shown in the Financial Plan. In order to approve a Request for Reimbursement, the U.S. Forest Service shall review such requests to ensure payments for reimbursement are in compliance and otherwise consistent with the terms of the agreement. The U.S. Forest Service shall make payment upon receipt of the County's **monthly** invoice. Each invoice from the County shall display the total



project costs for the billing period, separated by U.S. Forest Service and the County's share. In-kind contributions must be displayed as a separate line item and must not be included in the total project costs available for reimbursement. The final invoice must display the County's full match towards the project, as shown in the financial plan, and be submitted no later than 90 days from the expiration date.

Each invoice must include, at a minimum:

1. The County's name, address, and telephone number
2. U.S. Forest Service agreement number
3. Invoice date
4. Performance dates of the work completed (start & end)
5. Total invoice amount for the billing period, separated by the U.S. Forest Service and The County share with in-kind contributions displayed as a separate line item
6. Display all costs, both cumulative and for the billing period, by separate cost element as shown on the financial plan
7. Cumulative amount of U.S. Forest Service payments to date
8. Statement that the invoice is a request for payment by "reimbursement"
9. If using SF-270, a signature is required
10. Invoice Number, if applicable

The invoice must be forwarded to:

EMAIL: SM.FS.ASC_GA@USDA.GOV

FAX: 877-687-4894

POSTAL: USDA Forest Service
Albuquerque Service Center
Payments – Grants & Agreements
101B Sun Ave NE
Albuquerque, NM 87109

Send a copy to: Nikolai Ferrell
Email: nikolai.ferrell@usda.gov

- B. Provide the necessary technical assistance to ensure projects are completed according to U.S. Forest Service requirements. Therefore, the U.S. Forest Service agrees to provide the necessary technical training and instruction to the work crew officer for work performance.
- C. Assure that a properly trained and qualified Technical Supervisor is available at the work site(s) at mutually agreed to times to provide technical guidance and training concerning the specific work items.



- D. Provide County with specialized tools and equipment necessary to accomplish projects, and required materials adequate for project completion. Adequate training will be provided to ensure the safe operation of all tools and equipment. All tools, equipment, and unused materials provided remain the property of the U.S. Forest Service.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Project Contact	Cooperator Financial Contact
Lieutenant Caleb Erickson Whatcom County Sheriff's Office 2030 Division St. Bellingham, WA 98226 Telephone: 360-778-6455 FAX: 360-778-6451 Email: cerickson@co.whatcom.wa.us	Laurie Reid Whatcom County Sheriff's Office 311 Grand Ave Bellingham, WA 98225 Telephone: 360-778-6506 FAX: 360-778-6502 Email: lreid@co.whatcom.wa.us

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Nikolai Ferrell Natural Resource Specialist - Recreation Mt. Baker Ranger District 810 State Route 20 Sedro-Woolley, WA 98284 Telephone: 360-854-2610 Email: nikolai.ferrell@usda.gov	Amy Verellen Grants Management Specialist Okanogan-Wenatchee National Forest 215 Melody Lane Wenatchee, WA 98801 Telephone: 509-664-9231 Email: amy.verellen@usda.gov

- B. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the County are sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the agreement.

To the County, at the address shown in the agreement or such other address designated within the agreement.



Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- C. PARTICIPATION IN SIMILAR ACTIVITIES. This agreement in no way restricts the U.S. Forest Service or the County from participating in similar activities with other public or private agencies, organizations, and individuals.
- D. ENDORSEMENT. Any of the County's contributions made under this agreement do not by direct reference or implication convey U.S. Forest Service endorsement of the County's products or activities.
- E. USE OF U.S. FOREST SERVICE INSIGNIA. In order for the County to use the U.S. Forest Service Insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications (Washington Office). A written request will be submitted by the U.S. Forest Service to the Office of Communications Assistant Director, Visual Information and Publishing Services, prior to use of the insignia. The U.S. Forest Service will notify the the County when permission is granted.
- F. NON-FEDERAL STATUS FOR COOPERATOR PARTICIPANT. The County agree(s) that any of the County's employees, volunteers, and program participants shall not be deemed to be Federal employees for any purposes including Chapter 171 of Title 28, United States Code (Federal Tort Claims Act) and Chapter 81 of Title 5, United States Code (OWCP), as the County hereby willingly agree(s) to assume these responsibilities.

Further, the County shall provide any necessary training to the County's employees, volunteers, and program participants to ensure that such personnel are capable of performing tasks to be completed. The County shall also supervise and direct the work of its employees, volunteers, and participants performing under this agreement.

- G. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- H. NONDISCRIMINATION. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program



information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

- I. ELIGIBLE WORKERS. The County shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). The County shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract awarded under this agreement.

- II. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). The County shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or agreement term(s). For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.

- III. STANDARDS FOR FINANCIAL MANAGEMENT.
 1. **Financial Reporting**

The County shall provide complete, accurate, and current financial disclosures of the project or program in accordance with any financial reporting requirements, as set forth in the financial provisions.

 2. **Accounting Records**

The County shall continuously maintain and update records identifying the source and use of funds. The records shall contain information pertaining to the



agreement, authorizations, obligations, unobligated balances, assets, outlays, and income.

3. Internal Control

The County shall maintain effective control over and accountability for all U.S. Forest Service funds, real property, and personal property assets. The County shall keep effective internal controls to ensure that all United States Federal funds received are separately and properly allocated to the activities described in the agreement and used solely for authorized purposes.

4. Source Documentation

The County shall support all accounting records with source documentation. These documentations include, but are not limited to, cancelled checks, paid bills, payrolls, contract and contract documents. These documents must be made available to the U.S. Forest Service upon request.

- L. LIMITATION OF FUNDS. U.S. Forest Service funds in the amount of **\$191,548.00** are currently available for performance of this agreement through **April 1, 2025**. The U.S. Forest Service's obligation for performance of this agreement beyond this date is contingent upon the availability of appropriated funds from which payment can be made. There is no legal liability on the part of the U.S. Forest Service for any payment may arise for performance under this agreement beyond this amount until the County receives notice of availability to be confirmed in a written modification by the U.S. Forest Service.

M. INDIRECT COST RATES- PARTNERSHIP

Indirect costs are approved for reimbursement or as a cost-share requirement and have an effective period applicable to the term of this agreement.

1. If the County has never received or does not currently have a negotiated indirect cost rate, they are eligible for a de minimis indirect cost rate up to 10 percent of modified total direct costs (MTDC). MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and contracts up to the first \$25,000 of each contract.
2. For rates greater than 10 percent and less than 25 percent, the County shall maintain documentation to support the rate. Documentation may include, but is not limited to, accounting records, audit results, cost allocation plan, letter of indirect cost rate approval from an independent accounting firm, or other Federal agency approved rate notice applicable to agreements.
3. For a rate greater than 25 percent, the U.S. Forest Service may require that request a federally approved rate from the County's cognizant audit agency no later than 3 months after the effective date of the agreement. The County will



be reimbursed for indirect costs or allowed to cost-share at the rate reflected in the agreement until the rate is formalized in the negotiated indirect cost rate (NICRA) at which time, reimbursements for prior indirect costs or cost-sharing may be subject to adjustment.

4. Failure to provide adequate documentation supporting the indirect cost rate, if requested, could result in disallowed costs and repayment to the U.S. Forest Service.
- N. OVERPAYMENT. Any funds paid to the County in excess of the amount entitled under the terms and conditions of this agreement constitute a debt to the Federal Government. The following must also be considered as a debt or debts owed by the County to the U.S. Forest Service:

- Any interest or other investment income earned on advances of agreement funds; or
- Any royalties or other special classes of program income which, under the provisions of the agreement, are required to be returned;

If this debt is not paid according to the terms of the bill for collection issued for the overpayment, the U.S. Forest Service may reduce the debt by:

1. Making an administrative offset against other requests for reimbursement.
2. Withholding advance payments otherwise due to the County.
3. Taking other action permitted by statute (31 U.S.C. 3716 and 7 CFR, Part 3, Subpart B).

Except as otherwise provided by law, the U.S. Forest Service may charge interest on an overdue debt.

- O. AGREEMENT CLOSE-OUT. Within 90 days after expiration or notice of termination The County shall close out the agreement.

Any unobligated balance of cash advanced to the County must be immediately refunded to the U.S. Forest Service, including any interest earned in accordance with 7CFR3016.21/2CFR 215.22.

Within a maximum of 90 days following the date of expiration or termination of this agreement, all financial performance and related reports required by the terms of the agreement must be submitted to the U.S. Forest Service by the County.

If this agreement is closed out without audit, the U.S. Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.



P. PROGRAM MONITORING AND PROGRAM PERFORMANCE REPORTS.

The parties to this agreement shall monitor the performance of the agreement activities to ensure that performance goals are being achieved.

Performance reports must contain information on the following:

- A comparison of actual accomplishments to the goals established for the period. Wherever the output of the project can be readily expressed in numbers, a computation of the cost per unit of output, if applicable.
- Reason(s) for delay if established goals were not met.
- Additional pertinent information.

The County shall submit semi-annual performance reports to the U.S. Forest Service Program Manager. These reports are due 30 days after the reporting period. The final performance report must be submitted either with the County's final payment request, or separately, but not later than 90 days from the expiration date of the agreement.

Q. RETENTION AND ACCESS REQUIREMENTS FOR RECORDS. The County shall retain all records pertinent to this agreement for a period of no less than 3 years from the expiration or termination date. As used in this provision, records includes books, documents, accounting procedures and practice, and other data, regardless of the type or format. The County shall provide access and the right to examine all records related to this agreement to the U.S. Forest Service, Inspector General, or Comptroller General or their authorized representative. The rights of access in this section must not be limited to the required retention period but must last as long as the records are kept.

If any litigation, claim, negotiation, audit, or other action involving the records has been started before the end of the 3-year period, the records must be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later.

Records for nonexpendable property acquired in whole or in part, with Federal funds must be retained for 3 years after its final disposition.

R. FREEDOM OF INFORMATION ACT (FOIA). Public access to grant or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 215.36.

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2008 Farm Bill).



- S. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperatives, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- T. PURCHASE AND MANAGEMENT OF EQUIPMENT. U.S. Forest Service funds may be used by the County to purchase equipment necessary to accomplish activities described in this agreement. The available funding is displayed in the financial plan. Title to the equipment rests with the U.S. Forest Service, but may be transferred to the County on completion of the project, if appropriate. Equipment is defined as having a fair market value of \$5,000.00 or more per unit and a useful life of over one year.

The County may seek reimbursement for allowable project costs such as operational and maintenance costs of equipment. The County may not charge for any replacement costs or management fees paid to a revolving fund for the replacement of asset(s)/capital equipment purchased with Forest Service funds. Purchased equipment assets are excluded from the U.S. Forest Service's WCF capitalization (a fleet/equipment replacement program). Assets shall be used only for the purpose of this Agreement, unless otherwise provided herein or approved by the U.S. Forest Service in writing.

The County shall be responsible for any loss or damage to assets which results from the negligence of the County or which results from the failure on the part of the County to maintain and administer that asset in accordance with sound management practices.

Assets purchased by the County with U.S. Forest Service funds shall remain in the possession of the County for the duration of the project. When the County discontinues use of the asset(s) for the purpose for which it was funded, the County will return the asset(s) to the U.S. Forest Service.

- U. PROPERTY IMPROVEMENTS. Improvements placed by The County on National Forest System land at the direction or with the approval of the U.S. Forest Service becomes property of the United States. These improvements are subject to the same regulations and administration of the U.S. Forest Service as would other national forest improvements of a similar nature. No part of this agreement entitles the County to any interest in the improvements, other than the right to use them under applicable U.S. Forest Service Regulations.



- V. CONTRACT REQUIREMENTS. Any contract under this agreement must be awarded following the County's established procurement procedures, to ensure free and open competition, and avoid any conflict of interest (or appearance of conflict). The County shall maintain cost and price analysis documentation for potential U.S. Forest Service review. The County is encouraged to utilize small businesses, minority-owned firms, and women's business enterprises.
- W. GOVERNMENT-FURNISHED PROPERTY. The County may only use U.S. Forest Service property furnished under this agreement for performing tasks assigned in this agreement. The County shall not modify, cannibalize, or make alterations to U.S. Forest Service property. A separate document, Form AD-107, must be completed to document the loan of U.S. Forest Service property. The U.S. Forest Service shall retain title to all U.S. Forest Service-furnished property. Title to U.S. Forest Service property must not be affected by its incorporation into or attachment to any property not owned by the U.S. Forest Service, nor must the property become a fixture or lose its identity as personal property by being attached to any real property.

Liability for Government Property.

1. Unless otherwise provided for in the agreement, the County shall not be liable for loss, damage, destruction, or theft to the Government property furnished or acquired under this contract, except when any one of the following applies:
 - a. The risk is covered by insurance or the County is/are otherwise reimbursed (to the extent of such insurance or reimbursement).
 - b. The loss, damage, destruction, or theft is the result of willful misconduct or lack of good faith on the part of the County's managerial personnel. The County's managerial personnel, in this provision, means the County's directors, officers, managers, superintendents, or equivalent representatives who have supervision or direction of all or substantially all of the County's business; all or substantially all of the County's operation at any one plant or separate location; or a separate and complete major industrial operation.
2. The County shall take all reasonable actions necessary to protect the Government property from further loss, damage, destruction, or theft. The County shall separate the damaged and undamaged Government property, place all the affected Government property in the best possible order, and take such other action as the Property Administrator directs.
3. The County shall do nothing to prejudice the Government's rights to recover against third parties for any loss, damage, destruction, or theft of Government property.
4. Upon the request of the Grants Management Specialist, the County shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation, including the prosecution of suit and the execution of agreements of assignment in favor of the Government in obtaining recovery.



- X. OFFSETS, CLAIMS AND RIGHTS. Any and all activities entered into or approved by this agreement will create and support afforestation/ reforestation efforts within the National Forest System without generating carbon credits. The U.S. Forest Service does not make claims of permanence or any guarantees of carbon sequestration on lands reforested or afforested through partner assistance. The U.S. Forest Service will provide for long-term management of reforested and afforested lands, according to applicable Federal statute, regulations and forest plans.
- Y. TRAINING, EVALUATION, AND CERTIFICATION OF SAWYERS. Any of the cooperator's employees, and any participants and volunteers engaged on behalf of the cooperator and Forest Service, who will use chain saws or crosscut saws on National Forest System lands to conduct the program of work contained in this agreement must be trained, evaluated, and certified in accordance with Forest Service Manual 2358 and Forest Service Handbook 6709.11, section 22.48b. The cooperator is responsible for providing this training, evaluation, and certification, unless the Forest Service and the cooperator determine it is not in the best interest of the partnership. In these circumstances, the Forest Service, upon request and based on availability of Agency funding and personnel, may assist with developing and conducting training, evaluation, and certification of the cooperator's employees, and any volunteers and participants engaged on behalf of the cooperator and the Forest Service, who will use chain saws or cross cut saws on National Forest System lands.
- Z. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. The County shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this agreement.
- AA. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. The County shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free voice (866) 632-9992, TDD (800) 877-8339, or voice relay (866) 377-8642.
USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:



"This institution is an equal opportunity provider."

BB. REMEDIES FOR COMPLIANCE RELATED ISSUES. If the County materially fail(s) to comply with any term of the agreement, whether stated in a Federal statute or regulation, an assurance, or the agreement, the U.S. Forest Service may take one or more of the following actions:

1. Temporarily withhold cash payments pending correction of the deficiency by the County or more severe enforcement action by the U.S. Forest Service;
2. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the current agreement for the County's program;
4. Withhold further awards for the program, or
5. Take other remedies that may be legally available, including debarment procedures under 2 CFR part 417.

CC. TERMINATION BY MUTUAL AGREEMENT. This agreement may be terminated, in whole or part, as follows:

1. When the U.S. Forest Service and the County agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.
2. By 30 days written notification by the County to the U.S. Forest Service setting forth the reasons for termination, effective date, and in the case of partial termination, the portion to be terminated. If the U.S. Forest Service decides that the remaining portion of the agreement will not accomplish the purposes for which the agreement was made, the U.S. Forest Service may terminate the agreement in its entirety.

Upon termination of an agreement, the County shall not incur any new obligations for the terminated portion of the agreement after the effective date, and shall cancel as many outstanding obligations as possible. The U.S. Forest Service shall allow full credit to the County for the U.S. Forest Service share of obligations that cannot be cancelled and were properly incurred by the County up to the effective date of the termination. Excess funds must be refunded within 60 days after the effective date of termination.

DD. ALTERNATE DISPUTE RESOLUTION – PARTNERSHIP AGREEMENT. In the event of any issue of controversy under this agreement, the parties may pursue Alternate Dispute Resolution procedures to voluntarily resolve those issues. These



procedures may include, but are not limited to conciliation, facilitation, mediation, and fact finding.

EE. DEBARMENT AND SUSPENSION. The County shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the Federal Government according to the terms of 2 CFR Part 180. Additionally, should the County or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

FF. PROHIBITION AGAINST INTERNAL CONFIDENTIAL AGREEMENTS:

All non federal government entities working on this agreement will adhere to the below provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, relating to reporting fraud, waste and abuse to authorities:

- (a) The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- (b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.
- (c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- (d) If the Government determines that the recipient is not in compliance with this award provision, it:
 - (1) Will prohibit the recipient's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
 - (2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.



GG. MODIFICATIONS. Modifications within the scope of this agreement must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. The U.S. Forest Service is not obligated to fund any changes not properly approved in advance.

HH. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of the last signature and is effective through **April 1, 2025** at which time it will expire. The expiration date is the final date for completion of all work activities under this agreement.

II. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement. In Witness Whereof, the parties hereto have executed this agreement as of the last date written below.

up *Bill Elfo* *3.30.2020*

BILL ELFO, Sheriff Date
Whatcom County Sheriff's Office

SATPAL SINGH SIDHU, Whatcom County Executive Date
Whatcom County Sheriff's Office

Brandon Waldron
Approved by email BW/LR *3.30.2020*

Prosecuting Attorney Date
Whatcom County Sheriff's Office

JAMIE KINGSBURY, Forest Supervisor Date
U.S. Forest Service, Mt. Baker-Snoqualmie National Forest

The authority and format of this agreement (20-PA-11060500-009) have been reviewed and approved for signature.

AMY VERELLEN Digitally signed by AMY VERELLEN
Date: 2020.03.16 14:39:42 -07'00'

AMY D. VERELLEN Date
U.S. Forest Service Grants Management Specialist

Attachment: A – Financial Plan



Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

Attachment: **A**

USFS Agreement No.: **20-PA-11060500-009**
Cooperator Agreement No.:

Mod. No.:

Note: This Financial Plan may be used when:
(1) No program income is expected and
(2) The Cooperator is not giving cash to the FS and
(3) There is no other Federal funding

Agreements Financial Plan (Short Form)

Note: All columns may not be used. Use depends on source and type of contribution(s).

Financial Plan Matrix:

COST ELEMENTS	FOREST SERVICE CONTRIBUTIONS			COOPERATOR CONTRIBUTIONS		(e) Total
	(a) Noncash	(b) Cash to Cooperator	(c) Noncash	(d) In-Kind	(e) Total	
Direct Costs						
Salaries/Labor	\$11,487.60	\$111,850.80	\$23,398.90	\$316,603.50		\$463,340.80
Travel	\$1,350.00	\$31,125.00	\$0.00	\$0.00		\$32,475.00
Equipment	\$0.00	\$20,000.00	\$0.00	\$0.00		\$20,000.00
Supplies/Materials	\$0.00	\$6,225.00	\$0.00	\$0.00		\$6,225.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
Other	\$0.00	\$22,347.20	\$5,000.00	\$0.00		\$27,347.20
Other						\$0.00
Subtotal	\$12,837.60	\$191,548.00	\$28,398.90	\$316,603.50		\$549,388.00
Coop Indirect Costs		\$0.00	\$0.00			\$0.00
FS Overhead Costs	\$1,540.51					\$1,540.51
Total	\$14,378.11	\$191,548.00	\$28,398.90	\$316,603.50		\$550,928.51
Total Project Value:						

Matching Costs Determination	
Total Forest Service Share = (a+b) ÷ (e) = (f)	(f) 37.38%
Total Cooperator Share (c+d) ÷ (e) = (g)	(g) 62.62%
Total (f+g) = (h)	(h) 100.00%

WORKSHEET FOR

FS Non-Cash Contribution Cost Analysis, Column (a)

Salaries/Labor

Standard Calculation				
Job Description		Cost/Day	# of Days	Total
FS Liason between FS coworkers and Whatcom County Crew Supervisor		\$382.92	30.00	\$11,487.60

Total Salaries/Labor	\$11,487.60
-----------------------------	--------------------

Travel

Standard Calculation				
Travel Expense	Employees	Cost/Day	# of Days	Total
Standard Truck (Vehicle #5136)		\$45.00	30.00	\$1,350.00

Total Travel	\$1,350.00
---------------------	-------------------

Subtotal Direct Costs	\$12,837.60
------------------------------	--------------------

Forest Service Overhead Costs

Current Overhead Rate	Subtotal Direct Costs	Total
12.00%	\$12,837.60	\$1,540.51
Total FS Overhead Costs		\$1,540.51

TOTAL COST	\$14,378.11
-------------------	--------------------

WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis, Column (b)

Salaries/Labor

Standard Calculation				
Job Description	# of Days	Cost/day		Total
Work Crew Supervisor (10 hours/day@ \$33.40/hr)	249.00	\$334.00		\$83,166.00
Fringe Benefits (30%)	249.00	\$100.20		\$24,949.80
Crew L&I (5 member crew @\$3/day)	249.00	\$15.00		\$3,735.00
Total Salaries/Labor				\$111,850.80

Travel

Standard Calculation				
Travel Expense	Employees	# of days	Cost/day	Total
Crew transport truck & trailer:				
Truck rental per day		249.00	\$60.00	\$14,940.00
Fuel and maintenance		249.00	\$65.00	\$16,185.00
Total Travel				\$31,125.00

Equipment

Standard Calculation				
Piece of Equipment	# of Units	Cost/month	# of months	Total
Equipment purchase - Bobcat MT85 Mini Track Loader				\$20,000.00
Total Equipment				\$20,000.00

Supplies/Materials

Standard Calculation				
Supplies/Materials	# of days	Cost/day		Total
Equipment fuel	249.00	\$20.00		\$4,980.00
Replacement tools and supplies (such as hand tools, mower and trimmer blades, trimmer line, gloves, safety gear, etc.)	249.00	\$5.00		\$1,245.00
Total Supplies/Materials				\$6,225.00

Other Expenses

Standard Calculation				
Item	# of days	Cost/day		Total
Equipment rental - Mini excavator, backhoe, brusher, excavator, boom lift, etc.	100.00	\$150.00		\$15,000.00
Repair of tools and equipment	249.00	\$22.70		\$5,652.30
Cell Phone	249.00	\$5.00		\$1,245.00
Miscellaneous expenses (portable outhouse waste disposal, hand sanitizer, etc.)				\$449.90
Total Other				\$22,347.20

Subtotal Direct Costs

\$191,548.00

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs		Total
	\$191,548.00		\$0.00
Total Coop. Indirect Costs			\$0.00

TOTAL COST

\$191,548.00

WORKSHEET FOR

Cooperator Non-Cash Contribution Cost Analysis, Column (c)

Salaries/Labor

Standard Calculation

Job Description	Cost/Day	# of Days	Total
Admin Lieutenant (8 hours/day@\$51.63/hr)	\$413.04	10.00	\$4,130.40
Fringe Benefits (30%)	\$123.91	10.00	\$1,239.10
Program Sgt. (8 hours/day@\$44.93/hr)	\$359.44	20.00	\$7,188.80
Fringe Benefits (30%)	\$107.83	20.00	\$2,156.60
Work Crew Supervisor Training and administrative days (10 hours/day@\$33.40/hr)	\$334.00	20.00	\$6,680.00
Fringe Benefits (30%)	\$100.20	20.00	\$2,004.00

Total Salaries/Labor	\$23,398.90
-----------------------------	--------------------

Other Expenses

Standard Calculation

Item	# of Units	Cost/Unit	Total
Trailer/Truck maintenance and repairs	1.00	\$5,000.00	\$5,000.00

Total Other	\$5,000.00
--------------------	-------------------

Subtotal Direct Costs

\$28,398.90

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs		Total
	\$28,398.90		\$0.00

Total Coop. Indirect Costs	\$0.00
-----------------------------------	---------------

TOTAL COST

\$28,398.90

WORKSHEET FOR

Cooperator In-Kind Contribution Cost Analysis, Column (d)

Salaries/Labor

Standard Calculation

Job Description	Cost/Day	# of Days	Total
-----------------	----------	-----------	-------

Work Crew Value (5 crewmembers @
\$25.43/hr/crewmember X 10 hour work day =
\$1,271.50/day)

\$1,271.50

249

\$316,603.50

Crewmembers receive no compensation
from the County; \$25.43/hour = current
Independent Sector hourly rate for the value
of a volunteer hour

Total Salaries/Labor

\$316,603.50

Subtotal Direct Costs	\$316,603.50
------------------------------	---------------------

TOTAL COST	\$316,603.50
-------------------	---------------------



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-216**

File ID:	AB2020-216	Version:	1	Status:	Agenda Ready
File Created:	05/08/2020	Entered by:	SMildner@co.whatcom.wa.us		
Department:	County Executive's Office	File Type:	Resolution		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: smildner@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution regarding support for a General Purposes Community Development Block Grant funding application for Opportunity Council's housing rehabilitation program

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached memorandum and support request from Opportunity Council

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Executive Memo to Council, Opportunity Council Memo to Exec 5.8.2020, Proposed Resolution



MEMORANDUM

To: Whatcom County Council Members
From: Suzanne Mildner, Grant Coordinator *SM*
Through: Satpal Sidhu, County Executive
Subject: Opportunity Council – CDBG Grant for Housing Rehab Program
Date: May 8, 2020

We have been contacted by the Opportunity Council (OC) regarding acting as the lead agency to apply for a grant from Washington State Department of Commerce. This is a General Purposes Grant for \$500,000, which will support their Housing Rehabilitation Program for the benefit of persons with low and moderate incomes in the Whatcom, Island, and San Juan County areas.

Through a subrecipient agreement with the County, OC will administer this grant and will oversee the distribution of services.

Executive Sidhu is supporting this partnership and the submission of the grant application and recommending to the Council that he be authorized to sign and submit the application to the Washington State Department of Commerce. The attached Resolution and Certifications of Compliance are a requirement of the grant program, and we request your approval and adoption of same.

Please contact Suzanne at extension 5211 should you have any questions.

Thank you.

Memorandum

Date: May 8, 2020
To: Satpal Sidhu, Whatcom County Executive
From: Greg Winter, Opportunity Council Executive Director
Re: Community Development Block Grant funding for home repairs in three counties

Opportunity Council respectfully requests Whatcom County's assistance and support for a grant application for a \$500,000 Community Development Block Grant (CDBG) from the Washington Department of Commerce for Opportunity Council's ongoing Home Repair Program.

If awarded these WA CDBG funds, Opportunity Council will use the funding over a three-year period to provide deferred loans and grants for the costs of health and safety repairs for approximately 30 homeowners with low-income living in Whatcom, Island and San Juan Counties who cannot otherwise afford the cost of home repairs.

The Opportunity Council's role is to work with homeowners to confirm their income eligibility and then to develop the scope of work for the repairs, to solicit bids from private contractors, to coordinate the construction project, and to ensure quality in accordance with good practices and established guidelines of the funding.

The Opportunity Council has successfully delivered this Home Repair Program in the past and is currently finishing up a three-year project funded by a WA CDBG awarded in 2017 for similar purposes. These funds help ensure preservation and durability of homes and the health and safety of families in our community.

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.oppco.org

Thank you for consideration of this request.

PROPOSED BY: Executive

INTRODUCTION DATE: 5/19/2020

RESOLUTION NO. _____

APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, Whatcom County is authorized to apply to the state Department of Commerce for a Community Development Block Grant (CDBG); and

WHEREAS, Whatcom County has identified a community development and housing priority need for which to seek CDBG funding; and

WHEREAS, it is necessary that certain conditions be met to receive CDBG funds;

NOW, THEREFORE, be it resolved that Whatcom County authorizes submission of this CDBG application to the state Department of Commerce to request \$500,000 to fund housing rehabilitation activities in coordination with the Opportunity Council, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided and will provide opportunities for citizen participation that satisfy the CDBG requirements of 24 CFR 570.486;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Has established or will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Has adopted or will adopt a policy(s) to reduce greenhouse gas emissions in accordance with RCW 70.235.070 and certifies this project will adhere to this policy(s);

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act; and will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended; and

Whatcom County designates Satpal Sidhu, County Executive, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whatcom County's participation in the Washington State CDBG Program.

APPROVED this _____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-203

File ID:	AB2020-203	Version:	1	Status:	Agenda Ready
File Created:	04/28/2020	Entered by:	LReid@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Interlocal		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: LReid@co.whatcom.wa.us <mailto:LReid@co.whatcom.wa.us>

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Blaine to remove Yakima County Jail and add Kittitas County Jail as a Correctional Facility utilized by Whatcom County

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachment

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Staff Memo, Proposed Amendment

**WHATCOM COUNTY
SHERIFF'S OFFICE**

**BILL ELFO
SHERIFF**



*PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4078
(360) 778-6600*

MEMORANDUM

TO: Satpaul Sidhu, County Executive
FROM: Bill Elfo, Sheriff
RE: Jail Facility Use Agreement with Whatcom County Cities
DATE: April 28, 2020

Enclosed is an Amendment to the Jail Use Agreement with the City of Blaine.

▪ **Background and Purpose**

Whatcom County provides Correctional Facility Services to surrounding Whatcom County Cities. This Amendment adds Kittitas County as one of the Correctional Facilities.

▪ **Funding Amount and Source**

The amount will vary and will come from the City of Blaine's budget.

▪ **Differences from Previous Contract**

This Amendment removes Yakima County Jail and adds Kittitas County Jail as a Correctional Facility utilized by Whatcom County Jail.

If you have any questions, please contact Chief Wendy Jones at ext. 6505.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201807006-1

Originating Department:	Sheriff
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Corrections/In Custody
Contract or Grant Administrator:	Wendy Jones
Contractor's / Agency Name:	City of Blaine
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201807006</u>	
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____ Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>118000</u>	
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>Varies</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	Council approval required for; all property leases, contracts or bid awards exceeding \$40,000 , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when : 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
Summary of Scope: _____	
Whatcom County provides Correctional Facility Services to City inmates lawfully committed to custody. This Amendment adds Kittitas County Jail as one of the Correctional Facilities.	
Term of Contract: 6 months <u>2 years</u> Expiration Date: 06/30/2020 <u>12.31.2021</u>	

Contract Routing:	1. Prepared by: <u>LR</u> 2. Attorney signoff: _____ 3. AS Finance reviewed: <u>Bennett</u> 4. IT reviewed (if IT related): _____ 5. Contractor signed: _____ 6. Submitted to Exec.: _____ 7. Council approved (if necessary): _____ 8. Executive signed: _____ 9. Original to Council: _____	Date: <u>12/10/19</u> Date: <u>12/12/19</u> Date: <u>1/14/19</u> Date: _____ Date: _____ Date: _____ Date: _____ Date: _____
-------------------	---	---

**INTERLOCAL JAIL FACILITY USE AGREEMENT FOR
CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE
CITY OF BLAINE**

2020 AMENDMENT ONE

RECITALS

- A. Whatcom County has an existing Jail Use Agreement (JUA) with all Cities within the physical confines of Whatcom County. The agreement specifies the conditions under which Whatcom County will book and hold misdemeanor and gross misdemeanor offenders from those Cities.
- B. Due to a significant construction project at the downtown Whatcom County Jail, bed space at this facility will be reduced by approximately 48 beds starting the 1st quarter of 2020, increasing the need for alternate housing facilities.
- C. In response to the conditions specified in the JUA, the Cities and the County had previously made arrangements to house overflow offenders in the Yakima County Jail.
- D. The Yakima County Jail arrangement is no longer tenable, and an alternative solution has been presented to the Cities which is more fully explained in this amendment.
- E. Whatcom County has entered into an agreement with Kittitas County Corrections to hold offenders who are booked, and are, or would be, held in one of the Whatcom County Corrections facilities under the conditions specified in the original JUA.
- F. Whatcom County is willing to book and coordinate housing for all booked and held City offenders who fall under the original JUA, including housing at the Kittitas County Jail, if the individual City government agrees to participate in this arrangement and enter into this Agreement.

AGREEMENT

1.0 Purpose of Agreement: This amendment modifies sections 4.3 and 4.4 of the current JUA, and an extension of the JUA (if it is extended), to address the circumstances set forth above. The term of this amendment shall be a two year period beginning January 1, 2020 and continuing through December 31, 2021, after which time the amendment shall no longer be in effect, unless

specifically extended by mutual agreement **PROVIDED** that nothing in this amendment precludes the County or the City from terminating the amended agreement under the process described in the original JUA (Section 8).

2.0 Modification: Whatcom County has entered into an agreement with the Kittitas County Jail (KCJ) to hold offenders from Whatcom County. The agreement includes offenders being housed in the Whatcom County Jail on City Court charges.

Under the Whatcom County agreement with KCJ, offenders who are being held in custody will be transported by Whatcom County to the KCJ in Ellensburg, WA. The offenders will also be transported by Whatcom County back to Whatcom County for release or for essential Court hearings. It is anticipated that there will be two (2) transports a week to the KCJ. The KCJ contract provides for alternative transportation in the event of an unanticipated release.

In the event an offender is unexpectedly released from custody, and it will be longer than 24 hours for a transport to be available, KCJ has agreed to take the offender to the Greyhound bus station and purchase a ticket to Bellingham for the offender. The cost of the ticket will be reimbursed to KCJ, and included as a separate charge to the City/Cities with jurisdiction over the specific offender on their Whatcom County Jail Services billing.

Individual Cities may elect to enter into their own housing agreement with KCJ. In that event, the original conditions of the JUA would be maintained; Whatcom County would not perform the duties outlined within this document and the individual City would assume the responsibility for transporting and tracking their offenders.

3.0 Process: For all Cities electing to participate in this program, and enter into this Amended Agreement, Whatcom County Corrections would be the coordinator of the KCJ housing and transport. Decisions about which offenders will be moved to KCJ will be made by Whatcom County Corrections and determined by a combination of the following considerations:

- A.** Ability to be housed at the Work Center.
- B.** Conviction Status (all offenders considered for KCJ will be post-1st appearance).
- C.** Offense level (Felony versus Misdemeanor)
- D.** Classification.

- E.** Institutional behavior.
- F.** Medical/Behavioral Health issues.
- G.** DOC Status.
- H.** Gender
- I.** Future court dates
- J.** Any other significant factor(s) related to the offender and housing.

3.1 Transportation: Whatcom County Transport teams will make two (2) trips to KCJ a week. Each Transport trip will deliver offenders to KCJ for housing, and pick up offenders who have scheduled release dates or are scheduled for Court. The specific days of the week for the transports have not yet been determined, but it is anticipated that they will be spread out over the week. Notification to participating Cities will be made as soon as the schedule is set.

Each City will designate an individual or individuals who will be the central point of contact for essential Court appearances for that City, The liaisons for each participating City will work out the details for communicating Court dates and other Court business with the County Transport team. Notice will be given to each participating City on who the County Transport Coordinator will be no later than the first week of January.

It is anticipated that this process will be based on the current system of notification between the Cities and the Transport team for Court appearances.

3.2 Access to Courts and visiting: KCJ is in the process of installing a new video court/visiting system and they anticipate this will be available to County and Cities for Court hearings, attorney access, and visits from family and friends at the first of 2020. Whatcom County is not responsible to the Cities for the quality or arrangements of this anticipated technology and access.

4.0 Finance: Offenders booked into the Whatcom County Jail and who are housed at KCJ will remain on the Whatcom County Jail Roster, with a notation on the roster designating that they are housed at KCJ. This will be similar to the current process that identifies offenders who are housed at the Work Center.

Once a quarter, Whatcom County will be billed by KCJ for all offenders originating from the Whatcom County Jail, including offenders being held for participating Cities. Whatcom County will, in turn, bill the participating Cities at the Whatcom County per diem rate, under the same process as outlined in the JUA. This will allow Whatcom County to off-set the costs that are not included in the KCJ per diem but are included in the Whatcom County Jail per diem such as transportation to and from KCJ and routine medications. If it is necessary to

arrange transportation back from KCJ via bus for offenders being released from custody, that charge will be included for reimbursement from the City. In the event that extraordinary medical costs are incurred by a City offender, those charges will be paid and included in the City billing as described in the JUA.

The KCJ cost schedule includes:

Basic \$66.50 per diem for general population offenders, This per diem does not include medications or transportation for local services such as doctor or dental appointments in Ellensburg, or health care services provided outside of the facility. Charges for health care provided outside of the KCJ will be charged back to the City as outlined in the original JUA.

High Maintenance offenders needing additional care and/or single cell housing: \$133.00 per diem, with the additional charges for medication, outside services and transportation. Charges for health care provided outside of KCJ will be charged back to the City as outlined in the original JUA. KCJ also reserved the right to require that the offender be returned to Whatcom County if they are determined to be inappropriate for KCJ.

If a City chooses not to participate in this agreement, they would continue their process for alternative housing for their offenders as described in the original JUA.

5.0: Alternatives: Whatcom County Cities are encouraged to have an additional facility contract available for offenders with acute medical and/or behavioral health needs that make them inappropriate for KCJ and possibly the Whatcom County Jail. The SCORE facility, located in Burien Washington, may have the resources to manage high maintenance offenders and the Cities may want to consider SCORE as a backup facility in addition to others the City may be aware of.

6.0: Summary: The existing JUA is the governing document for jail services, and nothing in this amendment is intended to deviate from those conditions other than as set forth in this Amendment. This amendment serves as an option for the local Cities to facilitate moving their offenders out of the Downtown Jail into housing at another facility for the reasons outlined in the JUA.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-204

File ID:	AB2020-204	Version:	1	Status:	Introduced
File Created:	04/28/2020	Entered by:			
Department:		File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: RBrowne@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance (interim) establishing a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance (interim) establishing a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/05/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance for 5.5 Intro

4 ORDINANCE NO. _____
5

6 ESTABLISHING AN COVID-19 INTERIM ECONOMIC RECOVERY PLAN
7 TO RESPOND TO THE ECONOMIC CRISIS WITHIN WHATCOM COUNTY
8 CAUSED BY THE COVID-19 PANDEMIC
9

10 **WHEREAS**, the COVID-19 pandemic has caused significant hardship to our local
11 economy which in turn has led to substantial unemployment; and
12

13 **WHEREAS**, in previous localized emergencies Whatcom County has been able to rely
14 upon the financial resources of the State and Federal governments to recover, however as
15 COVID-19 is a global problem future State and Federal government funding is uncertain as
16 it is being stretched to the limit; and
17

18 **WHEREAS**, the Whatcom County agencies and departments have done an excellent
19 job at reducing the rate of new infections from COVID-19, managing the increased demand
20 for social services, procuring supplies of essential Personal Protective Equipment, and will
21 continue to have to devote considerable resources to these needs for the foreseeable
22 future; and
23

24 **WHEREAS**, additional resources now need to be identified and dedicated to the
25 challenge of leading the community onwards to economic recovery; and
26

27 **WHEREAS**, the County, the City of Bellingham and the Port of Bellingham have an
28 established Regional Economic Partnership (REP) agreement where the Port serves as the
29 state-designated Associate Development Organization (ADO) responsible for promoting and
30 encouraging economic growth within Whatcom County; and
31

32 **WHEREAS**, the purpose and goals of the REP and ADO include:
33

- 34 • To retain and attract livable wage jobs and to assist businesses,
35 entrepreneurs, and other local organizations to thrive,
- 36 • To partner to create a thriving community for all,
- 37 • To provide expertise in financing, planning, and technology to help start,
38 develop, or grow business,
- 39 • Promote Whatcom County as a great place to live, work and do business.
- 40 • Connect businesses with economic development services and skilled
41 workforce resources,
- 42 • To help enhance and grow cross border trade opportunities with Canada,
- 43 • Work collaboratively with our local and regional partners to create a vibrant
44 community of higher education learning, prosperous agricultural lands, high
45 tech businesses, marine manufacturing, and local food processing.

46
47 **WHEREAS**, Local government officials, businesses, non-profits and the community
48 need an COVID-19 interim economic recovery plan to be developed and available as rapidly
49 as possible. With the understanding it will be replaced by a long-term, detailed strategy
50 once State and Federal recovery funding has been defined and secured; and
51

1 **WHEREAS**, while the County does not have any significant untapped local financial
2 resources, the county is blessed with considerable human capital and economic acumen
3 within our community which can be drawn on to assist the ADO in the immediate
4 development of COVID-19 Interim Economic Recovery Plan (CIERP).
5

6 **NOW, THEREFORE, BE IT ORDAINED**, that as a condition of, and subject to, the
7 ADO accepting the \$50,000 funding proposed later in this document the Whatcom County
8 Council hereby directs:
9

- 10 1. The ADO shall be appointed as the primary lead agency responsible for the research
11 and development of an Interim Economic Recovery Plan as outlined in Exhibit A; and
12
- 13 2. As time is of the essence the ADO shall immediately form a panel of experts drawn
14 from the local community to augment and complement the existing ADO staff; and
15
- 16 3. The ADO shall assume county wide responsibility for messaging and communications
17 to the press and community for all things related to the CIERP and economic
18 recovery; and
19
- 20 4. The ADO shall report any new information which could have a moderate or material
21 impact on the county's economic recovery to Incident Command, the County Council,
22 County Executive, Port of Bellingham, the Mayors, Tribal Chairs and Health
23 Department within 24 hours of receipt; and
24
- 25 5. To provide updates, at least weekly, to the community on the status of economic
26 recovery efforts. The reports will be factual, and strive to contain the right balance of
27 hard truth and optimism.
28

29 **BE IT FURTHER ORDAINED**, the Whatcom County Council acting as the Whatcom
30 County Health Board hereby directs that the following policies shall immediately apply to the
31 Whatcom County Health Department:
32

- 33 1. The Health Department shall add the strategies outlined in Exhibit B to its existing
34 plans in support of the County's economic recovery; and
35
- 36 2. The Health Department shall support the efforts of the ADO to produce the CIERP as
37 rapidly as practical; and
38
- 39 3. The Health Department shall maintain responsibility for messaging and
40 communications, through the Incident Command Joint Information Center, to the
41 press and community related to the health and social service aspects related to the
42 COVID-19 crisis; and
43
- 44 4. The Health Department shall report any new information which could have a
45 moderate or material impact on the county's economic recovery to Incident
46 Command, the County Council, County Executive, Port of Bellingham, the Mayors,
47 Tribal Chairs and ADO within 24 hours of receipt; and
48
- 49 5. The Health Department shall provide updates to the ADO, at least weekly, on the
50 status of the Health Departments contributions to the economic recovery efforts, to
51 be included in ADO's weekly reports to the community.

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

BE IT FURTHER ORDAINED, to help reduce the future costs to the County of responding to COVID-19 strategies 2(a) and 2(b) in Exhibit B shall be added to Incident Command's existing plans, and

BE IT FURTHER ORDAINED, the Whatcom County Council requests that an emergency allocation of \$50,000 from the Whatcom County Public Utilities Improvement Fund (EDI Fund) be transferred to ADO to support the efforts outlined in this Ordinance, and

BE IT FINALLY ORDAINED, these directives shall be re-evaluated no later than September 15th, 2020 at which time the Council may extend, modify or terminate them.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Satpal Singh Sidhu, County Executive

() Approved () Denied

Date Signed: _____

1 **EXHIBIT A**

2 ADO Deliverables

3
4 The goal will be to use a panel of experts recruited by the ADO to develop a comprehensive
5 picture of the County’s economic recovery needs and a plan to address them.

6
7 To provide recommendations to policy makers in our cities and county as to what actions
8 our community can take, consistent with the Governors orders, which will have the greatest
9 positive impact, with the least amount of resources in the shortest amount of time.

10
11 It will be up to policy makers to choose which recommendations to adopt.

12
13 The deliverables will include, but not limited to:

- 14
15 1. **Immediate response** - the ADO shall work with the Health Department and the
16 member organizations of Team Whatcom to develop and promote through action and
17 example a program along the theme of “Whatcom Cares for Your Safety”. The
18 purpose is to improve consumer confidence by rapidly positioning our community as
19 regional leaders/active partners in disease transmission prevention and safe social
20 activities.
21
22 2. **Impact analysis** (within 30 days) - Through extensive outreach establish and
23 quantify the sectors of the economy affected:
24 a. Businesses expected to see a return of demand and thus recover in due
25 course e.g. Auto repairs?
26 b. Businesses likely to recover with limited assistance e.g. breweries and
27 specialty manufacturing?
28 c. Sectors likely to find recovery challenging e.g. restaurants, retail, donor
29 funded non-profits and higher education?
30

31 As some impact analysis has been done, the focus may be more on ensuring we
32 have identified all key sectors and the critical inter-relationships between them.
33

- 34 3. **Local actions available** – Local government finances are also under considerable
35 stress and can’t be relied upon to provide funds to improve the business climate.
36 Therefore, the focus on locally sourced assistance should be in the form of human
37 capital drawn from within our community. Some examples of how this could be used
38 may be:
39 a. Mentorship matching
40 b. Business management education
41 c. Cash flow management
42 d. Encourage local collaboration
43 e. Promotion of “buy local” policies
44 f. Resource sharing
45 g. Resiliency training
46 h. Local medical supply manufacturing and reuse technologies
47
48
49
50

1 The Expert Panel
2

3 It is proposed that this group comprise of 9-13 volunteers. Ideally at least half of which will
4 have previously successfully led their respective organizations through one or more
5 significant economic downturns, ideally as the CEO/CFO. The panel will be augmented by
6 senior managers, a representative from the EOC with a business background, and
7 employees of the Port of Bellingham acting under state statute in its role as the County's
8 Associate Development Office.
9

10 This group will be augmented with representatives from different sectors who will be sought
11 out to contribute to their respective industries. If practical the team will collaborate and
12 leverage resources with similar groups in Skagit, San Juan and maybe Island Counties to
13 build a more regional response.
14

15 Commitment & Governance guidelines
16

- 17 • Meetings will be held online (i.e. GoToMeeting). It is suggested the initial meeting be
18 two hours long and additional meetings will be 1 hour. It is suggested that meetings
19 will initially be held three times per week at times that do not conflict with other
20 regularly scheduled COVID-19 such as 11am, 1pm or 4pm Monday, Wednesday, and
21 Fridays. The frequency will change over time as the group sees fit
22
- 23 • Members of the group will be expected to participate in a least two out of every three
24 meetings
25
- 26 • Members may be added or removed by a 2/3rds majority vote
27
- 28 • A chair and vice chair shall be appointed at the first meeting
29
- 30 • Meetings shall be governed by Roberts Rules as necessary
31
- 32 • If decisions are not unanimous minority reports can be included upon request
33

34 Additional principals
35

36 Recognizing that uncertainty causes businesses to conserve cash, and delay rehiring, while
37 certainty and optimism bring business investment and job growth, the team will seek ways
38 to increase local employers' confidence in the future.
39

40 Recognizing that every adversity in life provides opportunity, the team shall look for ways
41 this disaster can be leveraged to make our economy and community stronger and more
42 resilient in the future.
43
44
45
46
47
48
49
50

1 **EXHIBIT B**

2 Health Department deliverables

3
4 The Health Department's critical role in helping our economy recover shall grow to include:

5
6 Disease prevention education and enforcement as businesses reopen, and
7
8 Establishing and promoting best practices to reduce the County government's
9 contribution to the cost of providing Personal Protective Equipment (PPE) to third parties

- 10
11 1. **Whatcom Cares for Your Safety** - the Health Department shall immediately work
12 for the ADO, and the member organizations of Team Whatcom to develop and
13 promote through action and example, a program along the theme of, "*Whatcom*
14 *Cares for Your Safety*". The purpose is to improve consumer confidence by rapidly
15 positioning our community as regional leaders/active partners in disease
16 transmission prevention and safe social activities.
17
18 a. To support the ADO in the effort to position Whatcom County as a community
19 that cares for the safety of its residents and visitors, to be seen as a safer
20 place to visit, stay, and eat out than many other areas.
21
22 b. To support the ADO in providing local businesses with the tools to remind
23 residents and tourists that Whatcom's abundant outdoor recreation
24 opportunities are an inherently safer "post-COVID" social activity than say
25 sitting in a crowded stadium or theme park.
26
27 c. To support the ADO in helping local residents and businesses feel confident
28 remaining and spending their money within Whatcom is as safe, if not safer,
29 than going to other places where the disease prevention policies may be
30 viewed as weaker.
31
32 d. To develop, or contract with an existing supplier of training tools, to provide a
33 COVID-19 safety training and certification program for individuals similar in
34 concept to the WA State's Food Worker Card.
35
36 e. To conduct inspections, award "COVID-19 Safety Inspection Ratings" and
37 publish the results online, similar to what Health Departments in other
38 jurisdictions have been issuing to restaurants for years, and are posted with
39 pride on storefront windows (a mock up is provided for example purposes as
40 Exhibit C).
41
42 f. To carry out periodic audits and enforcement of these safety rules.
43
44 g. As the above will require additional resources beyond what the Health
45 Department staff has available, the Department is encouraged to utilize
46 furloughed local government workers and volunteers as much as practical.
47
48
49
50
51

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

2. **Reducing the County's contribution to future PPE costs** – recognizing WA State and Whatcom County have already spent considerable amounts of money to acquire and distribute PPE to assist health care organizations to respond to the COVID-19 crisis, moreover this rate of expenditure cannot be maintained, therefore the Health Department shall support Incident Command in enacting the following policies which:

a. Ensure organizations requesting additional supplies of PPE only draw upon Incident Command's limited inventory for as long as they continue to have no other viable options, this shall include written statement substantially similar to:

"By ordering Personal Protective Equipment and/or other supplies through Whatcom Incident Command you agree to reimburse Whatcom County for any portion of our actual cost which is not reimbursed by FEMA or others. Furthermore, you understand Whatcom County may not know the cost of the supplies at the time you order them, and the actual cost incurred by Whatcom County to acquire the items you are requesting may prove to be considerably higher than the price you normally pay your commercial suppliers."

b. Follow the example set by the State government, PeaceHealth and other parties' to develop strategies to reuse N95 masks, and looking for other ways to apply this approach to all PPE where practical. Including but not limited to face shields, gowns, Tyvek clothing, single use stethoscopes etc. This process will include establishing a means to collect, sterilize, verify, repack and redistribute. To ensure an adequate supply of dirty items are received for cleaning there should be a policy of exchanging like for like in the same quantities, less an appropriate allowance for those too damaged or soiled to be reused.

EXHIBIT C

(This is provided for illustrative purposes only; the final design may be considerably different)

We Care for Your Safety



This business has received an

A+

Safety evaluation from Whatcom County
COVID-19 safe workplaces team





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-218

File ID:	AB2020-218	Version:	1	Status:	Agenda Ready
File Created:	05/13/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Resolution		
Assigned to:	Council			Final Action:	
Agenda Date:	05/19/2020			Enactment #:	

Primary Contact Email: TDonovan@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution establishing a process for the development of a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution establishing a process for the development of a COVID-19 interim economic recovery plan to respond to the economic crisis within Whatcom County caused by the COVID-19 pandemic

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Proposed Resolution

RESOLUTION NO. _____

ESTABLISHING A PROCESS FOR THE DEVELOPMENT OF A COVID-19 INTERIM ECONOMIC RECOVERY PLAN TO RESPOND TO THE ECONOMIC CRISIS WITHIN WHATCOM COUNTY CAUSED BY THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has caused significant hardship to our local economy which in turn has led to substantial unemployment, and

WHEREAS, in previous localized emergencies Whatcom County has been able to rely upon the financial resources of the State and Federal governments to recover, however as COVID-19 is a global problem future State and Federal government funding is uncertain as it is being stretched to the limit, and

WHEREAS, the Whatcom County agencies and departments have done an excellent job at reducing the rate of new infections from COVID-19, managing the increased demand for social services, procuring supplies of essential Personal Protective Equipment, and will continue to have to devote considerable resources to these needs for the foreseeable future, and

WHEREAS, additional resources now need to be identified and dedicated to the challenge of leading the community onwards to economic recovery, and

WHEREAS, the County, the City of Bellingham and the Port of Bellingham have an established Regional Economic Partnership (REP) agreement where the Port serves as the state-designated Associate Development Organization (ADO) responsible for promoting and encouraging economic growth within Whatcom County, and

WHEREAS, the purpose and goals of the REP and ADO include:

- Retain and attract livable wage jobs and to assist businesses, entrepreneurs, and other local organizations to thrive
- Partner to create a thriving community for all
- Provide expertise in financing, planning, and technology to help start, develop, or grow business
- Promote Whatcom County as a great place to live, work and do business-
- Connect businesses with economic development services and skilled workforce resources
- Help enhance and grow cross border trade opportunities with Canada,
- Work collaboratively with our local and regional partners to create a vibrant community of higher education learning, prosperous agricultural lands, high tech businesses, marine manufacturing, and local food processing

WHEREAS, local government officials, businesses, non-profits and the community need a COVID-19 interim economic recovery plan to be developed and available as rapidly as possible, to be replaced by a long-term, detailed strategy once State and Federal recovery funding has been defined and secured, and

WHEREAS, while the County does not have any significant untapped local financial resources, the county is blessed with considerable human capital and economic acumen within our community, which can be drawn on to assist the ADO in the immediate development of a COVID-19 Interim Economic Recovery Plan (CIERP).

1 **NOW, THEREFORE, BE IT RESOLVED:**

- 2
- 3 1. The ADO should be appointed as the primary lead agency responsible for the research and
 - 4 development of an COVID-19 Interim Economic Recovery Plan as outlined in Exhibit A, and
 - 5
 - 6 2. As time is of the essence, the ADO shall immediately form a panel of experts (Exhibit A)
 - 7 drawn from the local community to augment and complement the existing ADO staff, and
 - 8
 - 9 3. The ADO should report any new information which could have a moderate or material
 - 10 impact on the county's economic recovery to Incident Command, the County Council,
 - 11 County Executive, Port of Bellingham, the Mayors, Tribal Chairs and Health Department, and
 - 12
 - 13 3. The ADO should provide updates, ideally every week, to the community on the status of
 - 14 economic recovery efforts, and
 - 15
 - 16 4. If technical resources and analysis are required to assist in the development of the CIERP in
 - 17 excess of resources available to the ADO, the ADO may provide Whatcom County Council a
 - 18 detailed request of funds for that purpose, not to exceed \$50,000.
 - 19

20 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Whatcom County Council acting
21 as the Whatcom County Health Board that the Whatcom County Health Department is encouraged
22 to do the following:

- 23
- 24 1. Add the strategies outlined in Exhibit B to its existing plans in support of the County's
- 25 economic recovery, and
- 26
- 27 2. Support the efforts of the ADO to produce the CIERP as rapidly as practical, and
- 28
- 29 3. Maintain responsibility for messaging and communications, through the Incident Command
- 30 Joint Information Center, to the press and community related to the health and social
- 31 service aspects related to the COVID-19 crisis, and
- 32
- 33 4. Report any new information which could have a moderate or material impact on the
- 34 county's economic recovery to Incident Command, the County Council, County Executive,
- 35 Port of Bellingham, the Mayors, Tribal Chairs and ADO, and
- 36
- 37 5. Provide updates to the ADO, ideally every week, on the status of the Health Department's
- 38 contributions to the economic recovery efforts, to be included in ADO's weekly reports to
- 39 the community.
- 40

41 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, to help reduce the future costs to the
42 County of responding to COVID-19 strategies 2(a) and 2(b) in Exhibit B should be added to
43 Incident Command's existing plans.

44 **ADOPTED** this _____ day of _____, 2020.

45

46

47

48 ATTEST:

49

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

50 _____

51 Dana Brown-Davis, Clerk of the Council

52

Barry Buchanan, Council Chair

53

54 APPROVED AS TO FORM:

55

56 _____

57

58 Civil Deputy Prosecutor

59

60

61

62

63

1
2
3 **EXHIBIT A**
4

5 ADO Deliverables:
6

7 The goal will be to use a panel of experts recruited by the ADO to develop a comprehensive picture
8 of the County's economic recovery needs and a plan to address them.
9

10 The ADO will provide recommendations to policy makers in our cities and county as to what actions
11 our community can take, consistent with the Governor's orders that will have the greatest positive
12 impact with the least amount of resources in the shortest amount of time.
13

14 The recommendations from the ADO and its Expert Panel will be advisory only and it will be up to
15 policy makers to decide what action to take.
16

17 The deliverables should include, but are not limited to:
18

- 19 1. **Immediate response** - the ADO is encouraged to work with the Health Department and
20 the member organizations of Team Whatcom to develop a program to promote safe
21 reopening of businesses. The purpose is to improve consumer confidence by rapidly
22 positioning our community as regional leaders/active partners in disease transmission
23 prevention and safe social activities.
24
- 25 2. **Impact analysis** (within 30 days) - Through extensive outreach, establish and quantify the
26 sectors of the economy affected:
27 a. Businesses expected to see a return of demand and thus recover in due course (e.g.
28 Auto repairs)
29 b. Businesses likely to recover with limited assistance (e.g. breweries and specialty
30 manufacturing)
31 c. Sectors likely to find recovery challenging (e.g. restaurants, retail, donor funded
32 non-profits and higher education)
33

34 As some impact analysis has been done, the focus may be more on ensuring all key
35 sectors are identified, including the critical inter-relationships between them.
36

- 37 3. **Local actions available** – Local government finances are also under considerable stress
38 and can't be relied upon to provide funds to improve the business climate. Therefore, the
39 focus on locally sourced assistance should be in the form of human capital drawn from
40 within our community. Some examples of how this could be used may be:
41 a. Mentorship matching
42 b. Business management education
43 c. Cash flow management
44 d. Local collaboration
45 e. Promotion of "buy local" policies
46 f. Resource sharing
47 g. Resiliency training
48 h. Local medical supply manufacturing and reuse technologies
49
50
51
52

1 The Expert Panel:
2

3 It is proposed that this could comprise of 9-13 volunteers. The panel should reflect the diversity of
4 the County, including diversity of race / ethnicity, gender, and economic background. Ideally, it
5 should include individuals who have previously successfully led their respective organizations
6 through an economic downturn, and also include senior managers of for-profit and non-profit
7 organizations, representation from organized labor, service sector workers, sole proprietor
8 businesses, a representative from the EOC with a business background, and employees of the Port
9 of Bellingham acting under state statute in its role as the County's Associate Development Office.

10
11 This group could be augmented with representatives from different sectors who will be sought out
12 to contribute to their respective industries. If practical, the team could collaborate and leverage
13 resources with similar groups in Skagit, San Juan and maybe Island Counties to build a more
14 regional response.

15
16 Commitment & Governance guidelines:

- 17
- 18 • Meetings should be held online in compliance with the requirements of chapter 42.30 RCW,
19 the Open Public Meetings Act, or in-person when permitted under state rules.
- 20
- 21 • Members of the group are encouraged to participate in a least two out of every three
22 meetings
- 23
- 24 • Members may be added or removed by a 2/3rds majority vote of the Expert Panel
- 25
- 26 • A chair and vice chair should be appointed at the first meeting
- 27
- 28 • Meetings shall be governed by Roberts Rules of Order as necessary
- 29
- 30 • If decisions are not unanimous, minority reports can be included upon request
- 31

32 Additional principals:

33
34 Recognizing that uncertainty causes businesses to conserve cash and delay rehiring, while certainty
35 and optimism bring business investment and job growth, the team should seek ways to increase
36 local employers' and employees' confidence in the future.

37
38 Recognizing that every adversity in life provides opportunity, the team should look for ways this
39 disaster can be leveraged to make our economy and community stronger and more resilient in the
40 future.

41

EXHIBIT B

Health Department deliverables:

The Health Department's critical role in helping our economy recover should include:

- Disease prevention education and enforcement as businesses reopen
- Establishing and promoting best practices to reduce the County government's contribution to the cost of providing Personal Protective Equipment (PPE) to third parties
- Developing a program to provide information to businesses regarding best practices for preventing COVID-19 transmission



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-213**

File ID:	AB2020-213	Version:	1	Status:	Agenda Ready
File Created:	05/05/2020	Entered by:	RMcconne@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:			
Agenda Date:	05/19/2020	Enactment #:			

Primary Contact Email: sdraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance authorizing installation of stop signs on Truck Road

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Memo, Proposed Ordinance, 2020 FEMA Exhibit



Memorandum

To: The Honorable Satpal Sidhu, Whatcom County Executive and
The Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director

From: James P. Karcher, P.E., County Engineer

Date: May 6, 2020

Re: **Truck Road - Flood Damage from Milepost 1.60 to Milepost 1.65;
Emergency Ordinance for Installation of Stop Signs**

Requested Action

Public Works respectfully requests that the County Council adopt the proposed emergency ordinance to install temporary stop signs associated with a single-lane configuration on Truck Road from approximately milepost 1.60 to milepost 1.65. The temporary signs & single-lane configuration will remain until road repairs to address the adjacent hazard are completed.

Background and Purpose

Due to severe weather in January and February of 2020, there was significant erosion to a portion of Truck Road's fill slope adjacent to the Nooksack River, requiring a one-lane roadway from milepost 1.60 to milepost 1.65. The loss of the roadway section, during a severe weather event labeled the "Super Bowl Flood", occurred during the time period from late January through early February 2020. On January 29, 2020, Whatcom County issued a "Proclamation of Emergency", and submitted the damage site to FEMA for funding. The exact schedule for repairs to Truck Road is currently unknown, but is anticipated to occur after FEMA funding is authorized and design/permitting work proceeds into 2021. These temporary stop signs will be removed at the completion of the repair work.

Information

This ordinance will allow for the temporary installation of stop signs and is necessary to comply with RCW 46.61.200 and 47.36.110 to install traffic control signs.

Please contact Mike Donahue at extension 6250 with any questions regarding this ordinance.

ORDINANCE NO. _____

TEMPORARY INSTALLATION OF STOP SIGNS ON TRUCK ROAD

WHEREAS, in compliance with RCW 46.61.200 and 47.36.110, it is found necessary and expedient to install traffic control signs on certain County Roads; and

WHEREAS, due to the severe weather commonly called the Super Bowl Flood”, which Whatcom County issued a “Proclamation of Emergency” on January 29, 2020, there was erosion to a portion of Truck Road, and it was determined that a one-way road is needed on Truck Road, from milepost 1.60 to milepost 1.65 with stop control at each end; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that temporary stop signs be installed on Truck Road at both ends of the erosion area, located within Section 33, Township 39 North, Range 5 East, W.M.; and

BE IT FURTHER ORDAINED that when the repairs to Truck Road are completed, the temporary stop signs will be removed; and

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Sr Deputy Prosecuting Attorney,
Civil Division

Satpal Sidhu, Executive

Date: _____



EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210

TRUCK RD. FLOOD DAMAGE SITE Mile Post 1.60 to 1.65

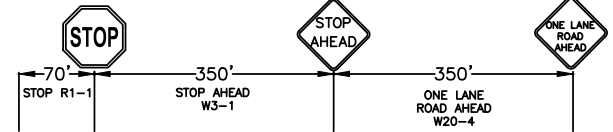
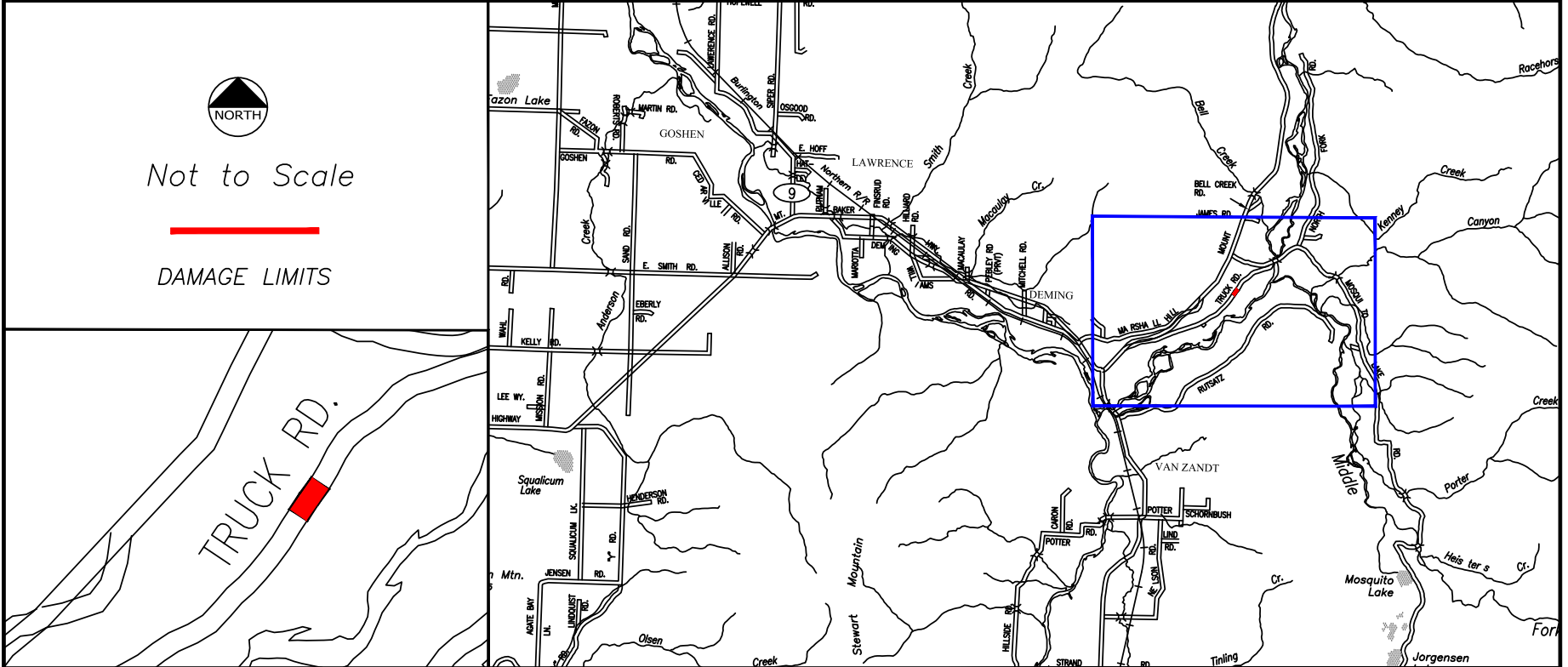
DATE of DAMAGE: January-February 2020

SHEET: **1 OF 1**



Not to Scale

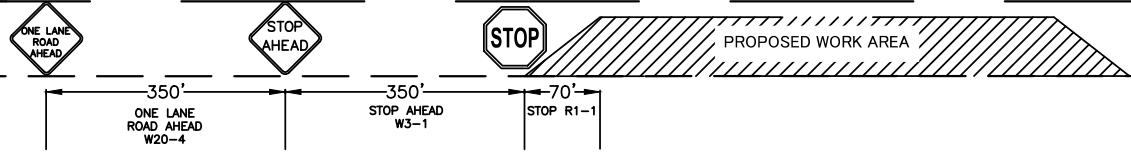
DAMAGE LIMITS



0.7 MILES TO DEAL RD.

TRUCK ROAD

0.6 MILES TO MOSQUITO LAKE RD.





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-217**

File ID:	AB2020-217	Version:	1	Status:	Agenda Ready
File Created:	05/12/2020	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:			
Agenda Date:	05/19/2020	Enactment #:			

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
--------------	---------------------	----------------	-----------------

Attachments: Proposed Ordinance

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
54
55
56
57

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND PERMITS FOR NEW OR EXPANDED FACILITIES IN THE CHERRY POINT URBAN GROWTH AREA THE PRIMARY PURPOSE OF WHICH WOULD BE THE SHIPMENT OF UNREFINED FOSSIL FUELS NOT TO BE PROCESSED AT CHERRY POINT

WHEREAS, on July 12, 2016, the County received a letter from Chairman Ballew of the Lummi Business Council which included the statement that they "hope that the amendments to the Comprehensive Plan not unfairly impact the current employers within Cherry Point."; and

WHEREAS, the Whatcom County Council previously adopted Title 20 zoning code which regulates land use within unincorporated areas of Whatcom County; and

WHEREAS, the Council adopted the Whatcom County Comprehensive Plan on May 20, 1997, which contains goals, objectives and policies regarding land use compatibility and environmental considerations; and

WHEREAS, the Council recently updated the Whatcom County Comprehensive Plan as required by Revised Code of Washington 36.70A; and

WHEREAS, during the Comprehensive Plan review process the Council received many individual public comments on fossil fuel transshipment, transport, and transfer from Cherry Point related to the protection of the health of Whatcom County's environment, economy, and residents; and

WHEREAS, the County recognizes that the existing refineries have for decades been significant shippers of refined fossil fuels such as jet fuel and calcined coke used in manufacture of aluminum while providing substantial local employment; and

WHEREAS, the refining of fossil fuels at Cherry Point provides high wage jobs which could be lost if the existing refineries were converted to crude oil export facilities; and

WHEREAS, multiple trains carrying crude oil from the Bakken formation moving through the United States and Canada have derailed and exploded causing damage to property and the environment, one derailment caused significant fatalities, which is the reason regulations must be improved; and

WHEREAS, a unit train carrying Bakken crude traveling through Mosier, Oregon, on June 3, 2016, derailed and exploded causing damage to property and the Columbia River, demonstrating that recently adopted state and federal policies and corporate investment intended to reduce the risks associated with oil by rail have proven insufficient to protect communities along the rail corridor; and

WHEREAS, the Washington State Department of Natural Resources has designated waters adjacent to the Cherry Point Urban Growth Area as an aquatic reserve to ensure long-term protection of this unique aquatic environment; and

WHEREAS, the United States recently lifted a ban on the export of crude oil from the country, increasing pressure on deep water ports such as Cherry Point to develop into crude export terminals; and

1 **WHEREAS**, existing refineries at Cherry Point have recently increased their ability to
2 accept crude oil by rail by constructing new rail offloading facilities to serve the refineries;
3 and
4

5 **WHEREAS**, existing and proposed pipeline facilities have increased, or proposed to
6 increase, their capacity to move crude oil, diluted bitumen, and natural gas to Cherry Point;
7 and
8

9 **WHEREAS**, Title 20 currently does not explicitly prohibit transshipment, transport,
10 and transfer of unrefined fossil fuels and construction of infrastructure to facilitate
11 expanded shipment of unrefined fossil fuels not to be processed at Cherry Point; and
12

13 **WHEREAS**, according to the June 27, 2016, Land Capacity Analysis report produced
14 by Planning and Development Services, Cherry Point contains only 1,072.6 acres of
15 developable land that is zoned Heavy Impact Industrial (HII) for the purposes of “supplying
16 a reasonable amount of land, commensurate with demand, for the location and grouping of
17 heavy impact industrial uses” and to “minimize the scope of impacts generated within the
18 HII District and to provide protection for nonindustrial districts situated outside thereof...”
19 (WCC 20.68.010); and
20

21 **WHEREAS**, expansion of existing facilities for purposes of shipping unrefined fossil
22 fuels not to be processed or consumed at Cherry Point will increase the transport of
23 dangerous fuels through our community and increase the risk of possible derailment, spills,
24 explosions, and the fallout will pose a serious threat to the community; and
25

26 **WHEREAS**, pursuant to the Washington State Constitution, the general police
27 powers granted to counties empower and authorize Whatcom County to adopt land use
28 controls to provide for the regulation of land uses within the County and to provide that
29 such uses shall be consistent with applicable law; and
30

31 **WHEREAS**, on August 9, 2016, the Council adopted Ordinance 2016-031, an
32 emergency ordinance imposing a sixty day moratorium on the filing, acceptance, and
33 processing of new applications for conversion of land or water, new building or structure
34 permits, or other County permits or authorizations in the Cherry Point Urban Growth Area
35 for new or expanded facilities whose purpose is to facilitate the increased shipment of
36 unrefined fossil fuels not to be processed or consumed at Cherry Point; and
37

38 **WHEREAS**, the Council adopted interim measures on September 27, 2016
39 (Ordinance 2016-039), March 21, 2017 (Ordinance 2017-011), September 26, 2017
40 (Ordinance 2017-049), February 27, 2018 (Ordinance 2018-007), August 8, 2018
41 (Ordinance 2018-044), January 29, 2019 (Ordinance 2019-010), July 9, 2019 (Ordinance
42 2019-049), and December 3, 2019 (Ordinance 2019-083), prohibiting the filing, acceptance,
43 and processing of new applications for conversion of land or water, new building or structure
44 permits, or other County permits or authorizations in the Cherry Point Urban Growth Area
45 for new or expanded facilities whose purpose is to facilitate the increased shipment of
46 unrefined fossil fuels not to be processed or consumed at Cherry Point, unless the
47 applications:
48

- 49 1. Were filed and complete prior to the effective date of the ordinance and vested
50 pursuant to Washington statutes;
- 51
- 52 2. Were for building permits for remodels, maintenance, or repairs of existing
53 structures where no increased capacity for shipping unrefined fossil fuels not to be
54 processed or consumed at Cherry Point would result; or
55
- 56 3. Were necessary to protect health and safety of the community; and
57

1 **WHEREAS**, these interim measures were necessary to allow time for the Council to
2 work with staff and Cascadia Law Group to develop proposed amendments to the
3 Comprehensive Plan and zoning code to address risks to public health, safety, and the
4 environment associated with under-regulated expansion of fossil fuel facilities at Cherry
5 Point; and
6

7 **WHEREAS**, on August 8, 2019, the Council approved Resolution 2019-037,
8 forwarding proposed Cherry Point Urban Growth Area Comprehensive Plan and zoning code
9 amendments to the Whatcom County Planning Commission for review and recommendation;
10 and
11

12 **WHEREAS**, on September 12, 2020, the Planning Commission hosted a town hall
13 meeting to provide the public an opportunity to speak on the Council's proposed
14 amendments; and
15

16 **WHEREAS**, on September 26, October 10, October 24, November 14, and December
17 12, 2019, and January 16, January 30, and February 27, 2020, the Planning Commission
18 held work sessions to discuss the Council's proposed amendments and formulate
19 recommendations; and
20

21 **WHEREAS**, it was anticipated that the Planning Commission would return
22 recommended findings and conclusions to the Council in early 2020; and
23

24 **WHEREAS**, due to the COVID-19 pandemic and issuance of a stay-at-home order
25 by the Washington State Governor, the Planning Commission was required to cancel all
26 scheduled meetings until further notice; and
27

28 **WHEREAS**, the Planning Commission needs additional time to hold meetings and
29 prepare its recommendations; and
30

31 **WHEREAS**, the Council finds that extending the moratorium imposed by Ordinance
32 2019-083 is necessary to allow adequate time for the Planning Commission to complete its
33 work; and
34

35 **WHEREAS**, the Council further finds that extending the moratorium imposed by
36 Ordinance 2019-083 is necessary for the protection of public health and safety; and
37

38 **WHEREAS**, the Whatcom County Council is scheduled to hold a public hearing on
39 this issue on _____, or a later date; and
40

41 **WHEREAS**, the County Council fully recognizes the limits to its authority over
42 transportation of certain goods imposed by federal statutes and the US Constitution, and
43 finds that this action is within its authority;
44

45 **NOW, THEREFORE, BE IT ORDAINED** that the Whatcom County Council adopts
46 the above "WHEREAS" recitals as findings of fact in support of its action as required by RCW
47 36.70A.390
48

49 **BE IT FURTHER ORDAINED** by the Whatcom County Council that an interim
50 moratorium is hereby imposed prohibiting the filing, acceptance, and processing of new
51 applications for conversion of land or water, new building or structure permits, or other
52 County permits or authorizations in the Cherry Point Urban Growth Area for new or
53 expanded facilities whose purpose is to facilitate the increased shipment of unrefined fossil
54 fuels not to be processed or consumed at Cherry Point, unless the applications:
55

- 56 1. Were filed and complete prior to the effective date of this ordinance and vested
57 pursuant to Washington statutes;
58

- 1 2. Are for building permits for remodels, maintenance, or repairs of existing
2 structures where no increased capacity for shipping unrefined fossil fuels not to be
3 processed or consumed at Cherry Point will result; or
4
5 3. Are necessary to protect health and safety of the community.
6

7 **BE IT FURTHER ORDAINED** by the Whatcom County Council that this interim
8 ordinance shall be effective for not longer than six months following its effective date, but
9 may be renewed for one or more six-month periods if subsequent public hearings are held
10 and findings of fact are made prior to each renewal.
11

12 **BE IT FURTHER ORDAINED** that if a section, subsection, paragraph, sentence,
13 clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by
14 any court of competent jurisdiction; such decision shall not affect the validity of the
15 remaining portions of this ordinance, and if the provisions of this ordinance are found to be
16 inconsistent with other provisions of the Whatcom County Code, this ordinance shall control.
17

18 **BE IT FURTHER ORDAINED** that for the purpose of this ordinance the definition of
19 "unrefined fossil fuel" includes but is not limited to all forms of crude oil whether stabilized
20 or not; raw bitumen, diluted bitumen, or syncrude; coal; methane propane, butane, and
21 other "natural gas" in liquid or gaseous formats excluding those that are the byproduct of
22 refinery processes in the Cherry Point UGA; and condensate.
23

24 **BE IT FINALLY ORDAINED** that for the purpose of this ordinance, the definition of
25 "facility" includes but is not limited to piers, wharfs, buildings, tank farms, pipelines, rail
26 loading and offloading facilities, road spurs, or any other such physical infrastructure
27 intended to receive, transfer, or store unrefined fossil fuels;
28

29 **APPROVED** this _____ day of _____, 2020.
30

31 **ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

32 _____
33
34 Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

35
36
37 **APPROVED AS TO FORM:**

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

38 _____
39
40
41
42 Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____