

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

**COMBINED
AGENDA PACKET FOR
JANUARY 14, 2020**

**INCLUDES INFORMATION
FOR THE FOLLOWING MEETINGS:**

SPECIAL COMMITTEE OF THE WHOLE (9:30 A.M.)

NATURAL RESOURCES COMMITTEE (10 A.M.)

**FINANCE AND ADMINISTRATIVE SERVICE COMMITTEE (11 A.M.)
(PLEASE NOTE: MEETING MAY BEGIN EARLIER/LATER THAN 11 A.M.)**

PUBLIC WORKS AND HEALTH COMMITTEE (1 P.M.)

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE (1:05 P.M.)

PLANNING AND DEVELOPMENT COMMITTEE (1:10 P.M.)

SPECIAL COMMITTEE OF THE WHOLE (1:15 P.M.)

COUNCIL (7 P.M.)

UPCOMING MEETINGS AND EVENTS:

**JANUARY 20, 2020
HOLIDAY – OFFICE CLOSED**

**JANUARY 21, 2020
10:30 – WATER WORK SESSION
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET**

UPCOMING SPECIAL EVENT:

**JANUARY 13, 2020
OATH OF OFFICE CEREMONY FOR
NEWLY ELECTED AND RE-ELECTED COUNTY OFFICIALS
12:15 P.M., WHATCOM COUNTY COUNCIL CHAMBERS
311 GRAND AVENUE, BELLINGHAM**

COMMITTEE AGENDAS

SPECIAL COMMITTEE OF THE WHOLE
9:30 a.m. Tuesday, January 14, 2020
Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Special Order of Business

1. AB2020-004 Reorganization of the Whatcom County Council for 2020
Pages 1 - 12

Other Business

Adjournment

NATURAL RESOURCES COMMITTEE
10:00 a.m. Tuesday, January 14, 2020
Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Special Order of Business

1. AB2020-029 Selection of Committee Chair
Page 13

Committee Discussion and Recommendation to Council

1. AB2020-007 Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase of Development Rights administrator and Whatcom County executive to proceed with the acquisition of agricultural conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn Applications
Pages 14 - 20

Other Business

Adjournment

FINANCE AND ADMINISTRATION COMMITTEE
11:00 a.m. Tuesday, January 14, 2020
(PLEASE NOTE: MEETING MAY BEGIN EARLIER/LATER THAN 11 A.M.)
Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

County Executive's Report

Special Order of Business

1. AB2020-030 Selection of Committee Chair
Page 21

Committee Discussion and Recommendation to Council

1. AB2020-010 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas to govern the administration of surcharge funds generated as a result of substitute house bill 1406 and RCW 82.14.540
Pages 22 - 35
2. AB2020-019 Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and Washington State Department of Social and Health Services for community based solutions for improving the ease of access to services and resources, in the amount of \$70,000
Pages 36 - 59
3. AB2020-005 Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and the State of Washington Office of the Secretary of State for the county's share of the costs of the VoteWA system in the amount of \$56,709 through June 30, 2025.
Pages 60 - 66

Other Business

Adjournment

PUBLIC WORKS AND HEALTH COMMITTEE

1:00 p.m. Tuesday, January 14, 2020

Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Special Order of Business

1. AB2020-031 Selection of Committee Chair
Page 67

Other Business

Adjournment

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

1:05 p.m. Tuesday, January 14, 2020

Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Special Order of Business

1. AB2020-032 Selection of Committee Chair
Page 68

Other Business

Adjournment

PLANNING AND DEVELOPMENT COMMITTEE
1:10 p.m. Tuesday, January 14, 2020
Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Special Order of Business

1. AB2020-033 Selection of Committee Chair
Page 69

Other Business

Adjournment

SPECIAL COMMITTEE OF THE WHOLE
1:15 p.m. Tuesday, January 14, 2020
Council Chambers, 311 Grand Avenue

Call To Order

Roll Call

Committee Discussion

1. AB2020-027 Discussion regarding Whatcom County public health, safety, and justice needs assessment
Pages 70 - 87
2. AB2019-600 Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation
Pages 88 - 90

Other Business

Adjournment

COUNCIL AGENDA

REGULAR COUNCIL MEETING

7 p.m. Tuesday, January 14, 2020

Council Chambers, 311 Grand Avenue

CALL TO ORDER

FLAG SALUTE

ROLL CALL

ANNOUNCEMENTS

If you will be handing out paperwork to councilmembers, please give one copy to the clerk for our office files. Thank you.

MINUTES CONSENT

1. MIN2020-001 Regular County Council for November 19, 2019 **Pages 91 - 114**
2. MIN2020-002 Special Committee of the Whole for November 19, 2019 **Pages 115 - 121**
3. MIN2020-003 Committee of the Whole - Executive Session for December 3, 2019 **Pages 122 - 125**
4. MIN2020-004 Regular County Council for December 3, 2019 **Pages 126 - 149**
5. MIN2020-006 Regular County Council for September 24, 2019 – REVISED **Pages 150 - 163**

SPECIAL PRESENTATION

1. AB2020-023 County Executive Satpal Singh Sidhu will present remarks to Council on the commencement of his term as County Executive
Page 164

PUBLIC HEARINGS

Audience members who wish to address the council during a public hearing are asked to sign up at the back of the room before the meeting begins. The council chair will ask those who have signed up to form a line at the podium. Each speaker should state his or her name for the record and optionally include city of residence. Speakers will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

1. AB2019-480 Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation
Pages 165 - 170
2. AB2019-614 Ordinance amending Whatcom County Code 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021
Pages 171 - 175

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and optionally include city of residence. Speakers will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

OTHER ITEMS

(From Council Natural Resources Committee)

1. AB2020-007 Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase of Development Rights administrator and Whatcom County executive to proceed with the acquisition of agricultural conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn Applications
Pages 14 - 20

(From Council Finance and Administrative Services Committee)

2. AB2020-010 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas to govern the administration of surcharge funds generated as a result of substitute house bill 1406 and RCW 82.14.540
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Pages 60 - 66

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2019-627 Appointment to fill a vacancy on the Board of Equalization - Applicant(s): John Bruton
Pages 176 - 178
2. AB2020-011 Appointment to fill vacancies on the Climate Impact Advisory Committee - Applicants: William Harman, Katherine Kissinger, Kaylee Galloway, Erika Nuernberg, Stevan Harrell, Philip Thomson, David Kershner, Tim Miller, Cynthia Mitchell
Pages 179 - 216
3. AB2020-012 Appointment to fill vacancies on Drayton Harbor Shellfish Protection District - Applicant (s) George Kaas
Pages 217 - 219
4. AB2020-013 Appointment to fill vacancies on the Horticulture Pest and Disease Board - Applicant(s): Brett Pehl
Pages 220 - 222

5. AB2020-014 Appointments to fill vacancies on the Incarceration Prevention and Reduction Task Force - Applicants: Stephen Gockley, Greg Winter, Arlene Feld
Pages 223 - 230
6. AB2020-015 Appointment to fill vacancy on the Whatcom County Planning Commission - Applicant(s): Jim Hansen, Francis David Fitzgerald, Alvin Scott Van Dalen, Kathy Stanford, Jeff Chalfant, Towhee Wean
Pages 231 - 250
7. AB2020-016 Appointment to fill vacancies on the Solid Waste Advisory Committee - Applicant(s): Larry McCarter, Rodd Pemble
Pages 251 - 259
8. AB2020-017 Appointment to fill vacancies on the Countywide Flood Control Zone District Advisory Committee - Applicant(s): Dale Buys, Ron Bronsema, Kyle Christensen, Holly O'Neil (Council acting as the Flood Control Zone District Board of Supervisors)
Pages 260 - 267
9. AB2020-018 Appointment to fill vacancies on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee - Applicant(s): Ed Bosscher
Pages 268 - 270
10. AB2020-021 Appointment to fill vacancies on Lynden/Everson Flood Control Subzone District Advisory Committee - Applicant(s): Sherman Polinder (Council Acting as the Flood Control Zone District Board of Supervisors)
Pages 271 - 273
11. AB2020-025 Appointment to fill vacancies on Stakeholder Advisory Committee for Public Health, Safety, and Justice Facility Needs Assessment - applicants: Heather Flaherty, Arlene Feld, Joy Gilfilen
Pages 274 - 283
12. AB2020-028 Appointments to fill vacancies on the Birch Bay Watershed and Aquatic Resources management Advisory Committee Applicant: Donald Brown
Pages 284 - 286

SPECIAL ORDER OF BUSINESS

1. AB2020-026 Approval of special standing Council meeting dates (Health Board and Water Work Sessions)
Pages 287 - 288

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. AB2020-020 Ordinance amending the 2020 Whatcom County Budget, request no. 3, in the amount of \$1,586,506
Pages 289 - 307

2. AB2020-001 Resolution approving Whatcom County Parks & Recreation's proposed lease of the Ostrom Conservation Site to the Nooksack Valley School District to maintain and operate the property as an outdoor education program and public site
 Pages 308 - 321

COMMITTEE 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: AB2020-004

File ID:	AB2020-004	Version:	1	Status:	Agenda Ready
File Created:	12/17/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to: Council Special Committee of the Whole

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Reorganization of the Whatcom County Council for 2020

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Reorganization of the Whatcom County Council for 2020, including selection of officers and Council committee/board assignments.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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2020 WHATCOM COUNTY COUNCIL COMMITTEE AND BOARD PREFERENCES

Indicate your preferences with a check mark ("√" OR "X")

County Council Committee Assignments	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Ben Elenbaas	Carol Frazey	Kathy Kershner
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		√					
Council Vice-Chairperson			√	√			
Executive Pro-Tempore (<i>Can not be on COG</i>)	√		√		√		
Standing Committees							
Criminal Justice and Public Safety		√	√		√	√	√
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>	√	√	√			√	
Planning & Development	√		√		√		√
Public Works and Health						√	
Natural Resources				√	√		
Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group							
Other Committee Assignments							
Behavioral Health Advisory Committee							√
Bellingham International Airport Advisory				√	√		
Bellingham Regional Chamber of Commerce			√				
Business and Commerce Advisory Committee (non-voting)	√		√				√
Council of Governments (COG) Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)						√	√
Council of Governments (COG) Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)							
Developmental Disabilities Board				√			√
Drayton Harbor & Portage Bay Shellfish Protection Districts				√	√		
EMS Oversight Board Representative		√	√		√		
EMS Oversight Board Alternate Representative							
Flood Control Zone Committee (Ex Officio)	√				√		
Incarceration Prevention and Reduction Task Force (And Appoint one alternate)	√	√	√				√
Intergovernmental Tribal Relations Committee (Appt. TWO)					√	√	
LEOFF Board		√					
Reserve Officers Board of Trustees - (Appoint TWO)			√			√	
Local Emergency Planning Committee (LEPC)			√		√		√
Lummi Island Ferry Advisory Committee - Appoint ONE non-voting attendee				√	√		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee				√	√		
North Sound Behavioral Health Exec. Committee	√						√
Northwest Clean Air Agency				√	√		√
Northwest Regional Council (NWRC)						√	√
Opportunity Council	√	√					√
Public Defense Advisory							
Public Health Advisory Board		√					
Solid Waste Advisory						√	
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)	√				√		√
WSAC <i>Optional Alternate</i> Board Member (Res2019-008)							√
WSAC Legislative Steering Committee	√						
WHAT-COMM/Prospect Communications (911) Administrative Board (Chair of Finance Committee)							
Whatcom Transportation Authority					√		

WHATCOM COUNTY COUNCIL MEMBERS

2020

Rud Browne District 1 Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
Todd Donovan District 2 Term expires January 2022	(360) 483-8474 TDonovan@co.whatcom.wa.us
Tyler Byrd District 3 Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
Kathy Kershner District 4 Term expires January 2024	(360) 220-7535 KKershne@co.whatcom.wa.us
Ben Elenbaas District 5 Term expires January 2024	(425) 395-4833 BElenbaa@co.whatcom.wa.us
Barry Buchanan At-Large A Term expires January 2022	(360) 224-4330 BBuchana@co.whatcom.wa.us
Carol Frazey At-Large B Term expires January 2024	(360) 778-5024 CFrazey@whatcomcounty.us

MAIL TO ALL COUNCIL MEMBERS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

WHATCOM COUNTY COUNCIL
311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010

council@co.whatcom.wa.us

2020 WHATCOM COUNTY COUNCIL COMMITTEES

Criminal Justice and Public Safety Committee
Council Meeting – Tuesdays

Finance and Administrative Services Committee
Council Meeting - Tuesdays

Natural Resources Committee
Council Meeting - Tuesdays

Planning and Development Committee
Council Meeting - Tuesdays

Public Works and Health Committee
Council Meeting - Tuesdays

Behavioral Health Advisory Committee

Meets quarterly on the last Monday of every third month– (January 27, April 27, July 27, and October 26, 2020) from 3:30 p.m. to 5 p.m. (meetings held the County Courthouse, Conference room 514)

Purpose: To fund a county wide infrastructure for behavioral health programs and services, emphasizing expansion or new development, which will benefit citizens who are impacted by mental illness and chemical dependency. The goal is to promote their resilience and their recovery from mental illness and chemical dependency, and to reduce their need to utilize costly and less effective interventions of emergency services and the criminal justice system.

Bellingham International Airport Advisory Committee (BIAAC)

Meets every other month (may change to fewer for 2020)– 2nd Thursday at 5 p.m. starting on January 16, 2020 (Meetings to be held at the Aircraft Rescue Firefighting “ARFF” Building)

Purpose: The BIAAC will serve as a non-technical advisory committee to the Commission of the Port of Bellingham for the purpose of providing input from the community about the airport. The members of the committee serve to provide the community perspective to the Commission about airport operations, development, community partnerships, services and impacts.

Bellingham Regional Chamber of Commerce

Meets approximately nine times a year on the 2nd Thursday of the month (excluding May, August, and December) from 3:30pm-5:30pm. In addition to the nine meetings, there are usually a summer and winter social. Contact Guy Occhiogrosso at guy@bellingham.com for meeting information.

Purpose: This is a non-voting ex-officio position on the Board of Directors for the Bellingham Regional Chamber of Commerce. The mission of the Chamber is to provide a unified business voice to promote a healthy community economy

Business and Commerce Advisory Committee (non-voting member)
Meets monthly. Meeting information is on the County's Boards and Commissions website <https://wa-whatcomcounty.civicplus.com/2889/Business-and-Commerce-Advisory-Committee>

Purpose: The committee will advise the Whatcom County Council on issues, including regulations and policies that could impact local businesses, industry, or economic development. The committee will report directly to the County Council as necessary to carry out the following functions: Review and provide recommendations on comprehensive plans, regulations, economic development efforts and on proposals which directly impact business and economic conditions in Whatcom County. Assist the county and provide recommendations on efforts to improve business conditions, environment and infrastructure. Assist and develop recommendations for comprehensive economic development efforts of Associate Development Organizations (ADO) and other issues impacting business in Whatcom County. Develop recommendations and strategies for ensuring the county applies a client-focused approach to support businesses with regulations, permitting, and planning.

Developmental Disabilities Board

Meets every other month – 4th Monday at 4:30 p.m. starting January 27, 2020). May meeting occurs on the third Monday. (Meetings are typically held at Community Health Education Center, 3333 Squalicum Parkway. Please contact jillee@co.whatcom.wa.us to verify meeting dates and location.

Purpose: The Board shall serve in an advisory capacity to the Health Department. The Board plans and coordinates services for individuals with developmental disabilities. Members shall include but not be limited to representatives of public, private, or voluntary agencies, representatives of local government units and citizens knowledgeable about developmental disabilities.

Drayton Harbor and Portage Bay Shellfish Protection District Advisory Committees (meet together)

Meets Quarterly on the last Wednesday of January, April, July, and October from 3 p.m. to 5:30 p.m. at the Planning and Development Services conference room (location may change to Public Works at the Civic Center for 2020)

****The Birch Bay Shellfish Protection District is not currently meeting and was dissolved in 2019.**

Purpose: Members must be property owners that reside within the Shellfish Protection District or have a direct interest from one of the following groups: Commercial Shell fishing, Agriculture, Ports, Fish Processing, Recreational Boating, Blaine City Council, or Drayton Harbor Management Committee. The board's duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Drayton Harbor watershed and the Portage Bay Watershed.

EMS (Emergency Medical Services) Oversight Board

Meets Quarterly on the second Wednesday of the month from 2:00 – 3:00 p.m. (Anticipated meeting dates are March 11, June 10, Sept. 9 and Dec. 9, 2020) in Conference Room 514

Purpose: The Board shall with the active advise and participation of the Technical Advisory Board, make recommendations to the Whatcom County and the Cities and Fire Districts of Whatcom County regarding administration, operations, levels of service, and EMS budgets and financial reporting. The Board will be the primary organization responsible for framing the ongoing vision of an integrated and coordinated EMS system. The Board will meet at least four meetings per year (quarterly) to review the status of emergency medical services in Whatcom County and to develop recommendations.

Flood Control Zone Advisory Committee

Meets every month – 2nd Thursday at 7 p.m. (meetings held at the Civic Center Building - Garden level Conference Room UNLESS OTHERWISE NOTED)

Purpose: Committee assists and makes recommendations to the Flood Control Zone District Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed and the other watersheds within Whatcom County. Serves as an Ex-Officio member (non-voting).

Incarceration Prevention and Reduction Task Force

Meets every other month. Currently the meeting location is at the Courthouse Fifth Floor Conference Room 513/514, 311 Grand Avenue, Bellingham Meeting information can be found at <http://wa-whatcomcounty.civicplus.com/2188/Task-Force-Meeting-Information>

Purpose: The purpose of the Incarceration Prevention and Reduction Task Force is to continually review Whatcom County's criminal justice and behavioral health programs and make specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency, and minimize jail utilization by pretrial defendants who can safely be released.

Intergovernmental Tribal Relations Committee

Meets on an as-needed basis

This committee consists of two County Councilmembers along with an unspecified number of tribal delegates serving on an as-needed basis as a liaison committee between the Whatcom County Council and either or both of the two Native American governments in Whatcom County. Meetings are not regularly scheduled, but can be requested by either or both tribal governments, or by the County Council. Committee members shall merely act in a representative capacity, and all final decisions on behalf of Whatcom

County shall be made by vote of the entire County Council as provided in the Whatcom County Charter.

LEOFF Board

Meets Monthly - 2nd Wednesday at 9 a.m.

(Meetings held in County Executive Conference Room)

Purpose: Per RCW 41.26 Whatcom County administers the Whatcom County Law Enforcement Officers' and Firefighters' Plan (LEOFF) 1 Disability Board. This board has jurisdiction over the police and fire agencies in Whatcom County, excluding the City of Bellingham Police and Fire Departments. The Leoff Board reviews and approves all eligible disability and medical claims submitted by Leoff 1 members. The Rules and Procedures that govern their actions follow State Retirement System laws.

Local Emergency Planning Committee (LEPC)

Meets Quarterly – 1st meeting is tentatively set for January 28, 2020 from 1:30-3:30 p.m. at the *Whatcom Unified Emergency Coordination Center, 3888 Sound Way, Bellingham*. Subsequent meetings are on April 28, September 22 and November 24.

Purpose: The LEPC was created in 1987 to fulfill local hazardous materials responsibilities designated by congress in the Superfund Amendment Reauthorization Act (SARA) Title III. The State of Washington implemented the congressional mandate with the adoption of WAC 118.

Also known as the Emergency Planning and Community Right-to-Know Act (EPCRA), the legislation requires LEPCs to develop a local hazardous materials response plan and to maintain public files that show chemical inventories of facilities regulated by the Act. The Whatcom County Sheriff's Office Division of Emergency Management and the City of Bellingham Office of Emergency Management facilitate the activities of the LEPC. The Chair of the Committee is elected annually.

It was the legislative intent of the Act that LEPCs be composed of a broad cross-section of the community including: state and local elected officials, response organizations, health officials, community groups, environmental organizations, and regulated businesses and industries.

Lummi Island Ferry Advisory Committee (LIFAC)

Work Sessions and Meetings are generally held at the Lummi Island Fire Hall on the second Wednesday of each month at 6 p.m. Meeting dates are subject to change with appropriate notice. Once each quarter a meeting is held in Bellingham at the 2nd Floor conference room in the PW Civic Center building to make it easier for non-island citizens to attend.

One councilmember will be a designated, non-voting attendee as per the 1/28/2014 Public Works Committee Meeting. Need two alternates.

Purpose: The Committee provides review and recommendations to the Whatcom County Council and Executive on issues that affect the ongoing

operations and infrastructure of ferry service to Lummi Island. The committee also provides a forum for those who depend upon Lummi Island ferry service to voice their ideas and concerns about the ferry service.

Marine Resource Committee

Meets Monthly – 1st Thursday of the month from 5pm-7pm.

(meetings held at the Civic Center Building - Garden level Conference Room unless otherwise noted)

Purpose: The Whatcom County marine resource committee will address local marine issues and recommend remedial action to local authorities. The committee will build local awareness of issues, and gather support for remedies consistent with the benchmarks for performance as established in the August 20, 1998 report to the conveners by the Murray-Metcalf northwest straits citizens' advisory commission.

North Sound Behavioral Health Administrative Services Organization Board of Directors

Meets Monthly - 2nd Thursdays starting at 12 p.m. - Governance & Operations Committee (12-1:30 p.m.), Regular Board of Directors Meeting (1:30-3 p.m.) *(meetings held at 301 Valley Mall Way, Suite 110 in Mt. Vernon)*

Purpose: North Sound Behavioral Health Administrative Services Organization oversees Crisis Services (mental health and substance use disorder) for the non-Medicaid system.

Mission Statement of NSBHO

Empowering individuals and families to improve their health and well-being.

Vision of the North Sound BHO

A system of care that is shaped by the voices of our communities, and people using behavioral health services. The people who work in this system are competent, compassionate, and empowering and supportive of personal health and wellness.

Northwest Clean Air Agency

Meets Monthly - 2nd Thursday at 1:30 p.m. (will not meet January and July) *(meetings held in Mount Vernon office – 1600 S. 2nd St.)*

Purpose: The Northwest Clean Air Agency's seven member Board of Directors establishes policies and oversees agency operations. The Board is comprised of a representative from each of the three counties, a representative from each of the three largest cities -- Bellingham, Mount Vernon and Oak Harbor -- and a Member-at-Large selected by the other six members.

Northwest Regional Council

Meets three times a year – Thursdays at 10 a.m. generally in April, July or August, and December *(meetings held at Skagit County Commissioner's Hearing Room in Mount Vernon)*

Purpose: The Northwest Regional Council (NWRC) has been serving the people of Island, San Juan, Skagit and Whatcom Counties since 1971. They are governed by a board of directors that is composed of two elected officials from each member county. Efforts are concentrated in funding and/or providing community-based programs to help elders, people with disabilities,

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and people living with behavioral health disorders live in their own homes and communities for as long as possible, postponing or eliminating the need for institutional care.

Opportunity Council (OC)

Meets Monthly – 4th Thursday at 4 p.m. (November & December are generally combined into one meeting, and the board does not generally meet in July)

Purpose: The Opportunity Council (OC) creates innovative, collaborative solutions and partnerships to meet the needs of disadvantaged person in our communities. Development and Executive staff provide technical assistance, planning, strategic development, financial and organizational direction, leadership on agency-wide systems, and the political and institutional relationships vital to the future of the agency and communities.

The OC plays a key role in the development and ongoing operations of many local, state and national groups that improve the lives of low-income, homeless and disadvantaged persons.

Public Defense Advisory Committee

Meets once per year

Purpose: The Committee shall submit its observation of the public defender system to the Executive and the County Council not less than annually.

Public Health Advisory Board

Meets January 9th, then the 1st Thursday of every other month at 7 a.m. Meetings are held at the Health Department Administrative Conference Room, 509 Girard Street

Purpose: The Board shall serve in an advisory capacity to the Health Board and the Health Department Director on all issues related to the County Health Department and its programs. Members are residents of the county, and appointed by the Executive, subject to the County Council confirmation; except that one member is appointed by County Council for a term of one calendar year.

Reserve Officers Board of Trustees

Meets: Thursday, September 18, 2020 at 3:00 PM in the Sheriff's Office conference room. Special meetings may also be called as needed during the year.

Purpose: A municipality that adopts appropriate legislation extending the relief provisions of this chapter to its reserve officers shall create a reserve officer board of trustees to administer this chapter composed as follows: (1) A county reserve officer board of trustees shall consist of the following five members: (a) **Two members of the county legislative authority** and the county auditor, or their designees; (b) the sheriff; and (c) one reserve officer who is elected by reserve officers of the county for an annual one-year term.

Solid Waste Advisory Committee

Meets Quarterly – 4th Thursday of the first month of each quarter unless otherwise notified (2020 dates are January 23, April 23, July

23 and October 22) from 5:30-7:00 p.m. (meetings held in the downstairs Garden Room at the Civic Center, at 322 North Commercial St., Bellingham.)

(Solid Waste Advisory Committee cont...)

Purpose: As per RCW 70.95 and WCC 2.78, the Solid Waste Advisory Committee is established to be comprised of a county-wide group of representatives of citizens, public interest groups, business, the waste management industry, and local elected public officials to provide for coordination and information exchange between the groups about solid waste issues and to provide ongoing public input and advice to Whatcom County on solid waste management issues to prevent land, air, and water pollution and conserve the natural, economic, and energy resources.

Whatcom Council of Governments (WCOG)

Note: The councilmember chosen to be the Executive Pro-Tempore may not serve as the representative on this board since that person may have to fill in for the Executive in his role with WCOG.

Meets every other month – typically 2nd Wednesday at 3:30 p.m.

(Two representatives from County Council – Both will serve on the Council Board and one of the two will also serve on the Executive Committee & Transportation Policy Board, *neither can be the County's Executive Pro-Tempore*) First meeting scheduled January 15, 2020. (meetings held at 314 E. Champion)

Purpose: Whatcom Council of Governments is a body of representatives, mostly elected officials that act together in reviewing and solving regional issues. They are supported by a small staff. Much of the work accomplished relates to transportation issues of every kind.

The Washington State Governor has reposed special trust in the WCOG by designating it as both the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Organization (RTPO). Local elected officials make decisions about roads and other transportation topics as members of this organization.

WSAC Board Member as Alternate

(Washington State Association of Counties Board of Directors)

Meets generally four times each year (usually February, May, September, and November)

For 2020:

Date	Day	Tentative Time(s)	Location
February 5, 2020	Wednesday	1:00 p.m. – 5:00 p.m.	Washington Counties Building Thurston County Olympia
May 6, 2020	Wednesday	5:00 p.m. – 8:00 p.m.	Alderbrook Mason County Union, Washington
Planning Meeting May 7, 2020 May 8, 2020	Thursday Friday	9:00 a.m. – 5:00 p.m. 8:00 a.m. – Noon	
September 17, 2020	Thursday	8:30 a.m. – Noon	Hal Holmes Center Kittitas County Ellensburg, Washington
November 16, 2020	Monday	Noon – 3:00 p.m.	WSAC Annual County Leaders Conference Hyatt Regency King County Renton, Washington

Purpose: The Washington State Association of Counties' Board of Directors is charged with the "general supervision over the affairs of the Association..."

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8\@BCL@200E70E7\@BCL@200E70E7.doc

WSAC bylaws provide for the following representation on the WSAC Board of Directors: *"(e) One representative and an alternate, who is an Active Member, from each county of 180,000 population or greater."* The Association bylaws will be provided to the appointed alternate.

WSAC Legislative Steering Committee

(Washington State Association of Counties)

Meeting dates for 2020 include January 9, January 23, February 6, and February 20.

Contact Lynn Fiorillo-Lowe at L.Fiorillo-Lowe@wsac.org for full schedule

For 2019:

2020 LSC CALENDAR OF EVENTS	
Session Begins – Monday, January 13	
LSC Meeting – Thursday, January 9 8:00 am – 1:00 pm WSAC Downstairs Conference Room Details: Coffee/Cont. Breakfast Lunch Provided	LSC Meeting – Thursday, February 6 8:00 am – 1:00 pm Washington Room - Pritchard Building Details: Coffee/Cont. Breakfast Lunch Provided
LSC Webinar – Friday, January 17 1:30 pm – 3:30 pm – Info/TBA WSAC Upstairs Conference Room	LSC Webinar – Friday, February 14 1:30 pm – 3:30 pm – Info/TBA WSAC Upstairs Conference Room
LSC Meeting, Thursday, January 23 8:00 am – 1:00 pm Washington Room – Pritchard Building Details: Coffee/Cont. Breakfast Lunch Provided	LSC Roundtable – Wednesday, February 19 6:00 pm – 8:00 pm WSAC Downstairs Conference Room
LSC Webinar – Friday, January 31 1:30 pm – 3:30 pm – Info/TBA WSAC Upstairs Conference Room	LSC Meeting – Thursday, February 20 8:00 am – 1:00 pm Washington Room – Pritchard Building Details: Coffee/Cont. Breakfast Lunch Provided
LSC Reception – Wednesday, February 5 6:00 pm – 8:00 pm Water Street Café 610 Water Street SW – Olympia	LSC Webinar – Friday, February 28 1:30 pm – 3:30 pm WSAC Upstairs Conference Room
	LSC Roundtable – Wednesday, March 4 6:00 pm – 8:00 pm WSAC Downstairs Conference Room
	LSC Meeting, Thursday, March 5 8:00 am – 1:00 pm Washington Room – Pritchard Building Details: Coffee/Cont. Breakfast Lunch Provided

Purpose: The Legislative Steering Committee is responsible to prepare and recommended a proposed legislative program for consideration of the membership at the Annual Meeting.

The Legislative Steering Committee shall monitor events of each legislative session and shall be empowered to adopt policy relating to legislation, executive branch policies and operation, and the activities of other organizations and associations.

WHAT-COMM/Prospect Communications (911) Administrative Board (*The Chair of the Finance Committee is the representative for this board*) Meets 3 times per year, on the last Thursday of January, May and September, 1-3pm (location to be announced) and special meetings may occur as needed.

Purpose: The Board is authorized to establish broad policy guidelines for the operation of the What-Comm and Prospect Communication Centers; authorize the financial contributions of the participating user groups; approve new agencies who wish to join; serve as final resolution for policy disputes; and locate and lease facilities for the Centers.

Members include 9 voting members; the Whatcom County Executive; the Whatcom County Sheriff; the City of Bellingham Mayor; the Chairperson of the County Council Finance Committee; the Chairperson of the Bellingham City Council Public Safety Committee; the City of Bellingham Police Chief,

one elected mayor or council person to represent the general authority law enforcement agencies of the various county cities, to be selected by the mayors of those cities; one elected fire commissioner to represent all of the rural fire districts, chosen by them; and one Fire Chief from the Whatcom County Fire Chief's Association, to be chosen by them. The City of Bellingham Fire Chief serves as a non-voting member.

Whatcom Transportation Authority (WTA)

Meets Monthly - 3rd Thursday at 8 a.m. in the County Council Chambers

Executive Committee

Meets Monthly - 2nd Thursday at 8 a.m. (*will not meet in January*) at 4011 Bakerview Spur in Bellingham

Purpose: The Board concurs and approves all matters pertaining to the running of the WTA. Any item over \$100,000 must be brought to the Board for approval. In addition, the board member attends the Executive Committee meeting ***listed above***. The Board discusses the following: route changes; services offered to the public, service planning; major personnel issues; labor negotiation issues; fiscal issues; funding issues; capital expenditures; major purchases; grants and contracts.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-029

File ID:	AB2020-029	Version:	1	Status:	Agenda Ready
File Created:	01/08/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to: Council Natural Resources Committee

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Selection of Committee Chair

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-007

File ID:	AB2020-007	Version:	1	Status:	Agenda Ready
File Created:	12/19/2019	Entered by:	RSnijder@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Resolution		

Assigned to: Council Natural Resources Committee
Agenda Date: 01/14/2020

Final Action:
Enactment #:

Primary Contact Email: rsnijder@whatcomcounty.us

TITLE FOR AGENDA ITEM:

Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase of Development Rights administrator and Whatcom County executive to proceed with the acquisition of agricultural conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn Applications

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

PDR Program update, please see attached staff memo for full summary.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: Honorable Whatcom County Councilmembers
Honorable Satpal Sidhu, Whatcom County Executive

THROUGH: Mark Personius, Director, PDS *MP*

FROM: Becky Snijder van Wissenkerke, PDR Program Administrator *BLS*

DATE: December 18, 2019

SUBJECT: Presentation of the Purchase of Development Rights Program and request for approval to proceed with acquisition of four conservation easements

Whatcom County PDR Program staff would like to update Council with an overview of current applications to the Purchase of Development Rights (PDR) Program including a request for approval to purchase easements on four projects.

The PDR Program continues to experience ongoing success both in terms of applications received and funding secured. In 2019, Whatcom County purchased one agricultural conservation easement protecting 65 acres. Furthermore, three additional conservation easements were approved for purchase, totaling 172 acres. One such easement will be the first forestry conservation easement purchased through the PDR Program, protecting 84 acres of working forestlands.

Whatcom County has also been awarded \$1,300,000 through the NRCS Regional Conservation Partnership Program (RCPP) to coordinate with the Whatcom Conservation District, Whatcom Land Trust, and AgWaterBoard to enact agricultural conservation easements in priority areas within Whatcom County. This award serves as secured funding that allows Whatcom County to more effectively work with agricultural community partners to prioritize and protect prime agricultural lands. Partners will review the first round of applications for this specific award in the spring of 2020.

PDR Program staff wants to provide a program update and request approval to proceed with acquisition of appraisal services for the Hirsch Korn application and to enter into a Purchase and Sale Agreement to acquire development rights and agriculture conservation easements on the Roper, McLeod, TeVelde, and Hirsch Korn application parcels.

The Roper application is located in Anderson Creek watershed, off of East Smith Rd. This application will result in the elimination of 4 development rights and effectively protect 26 acres of working farmland.

The McLeod application is located in Wiser Lake/Cougar Creek watershed, off of East Wiser Lake Rd. This application will result in the elimination of 7 development rights and effectively protect 16 acres of working farmland.

The TeVelde application is located in Fishtrap Creek watershed, off of Bender Rd. This application will result in the elimination of 1 development right and effectively protect 19 acres of working farmland.

The Hirschhorn application is located in Anderson Creek watershed, off of Mt Baker Highway. This application will result in the elimination of 1 development right and effectively protect 13 acres of working farmland.

Thank you for receiving this program update and considering the above referenced request.

Request Summary

PDR Program Staff requests approval of the ranked list recommended by the PDR Oversight Committee, approval for the Administrator to proceed with the acquisition of title search and appraisal services for the Hirschhorn application pursuant to the process outlined in the PDR Guidelines, and approval to authorize the Executive to enter into a Purchase and Sale Agreement to acquire agriculture conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn applications, provided appraisal is completed, conservation easement is drafted which meets the PDR Program guidelines, landowners have agreed to the offer price and conservation easement conditions, and budget authority has been adopted by Whatcom County Council.

Please contact PDR Program Administrator, Becky Snijder van Wissenkerke, at (360)778-5956 with any questions.

SPONSORED BY: _____
PROPOSED BY: _____ Planning
INTRODUCTION DATE: _____

RESOLUTION # _____

**AFFIRMING THE PDR OVERSIGHT COMMITTEE RANKING AND AUTHORIZING
WHATCOM COUNTY PURCHASE OF DEVELOPMENT RIGHTS ADMINISTRATOR
AND WHATCOM COUNTY EXECUTIVE TO PROCEED WITH THE ACQUISITION
OF AGRICULTURAL CONSERVATION EASEMENTS ON THE ROPER, MCLEOD,
TEVELDE, AND HIRSCHKORN APPLICATIONS**

WHEREAS, Whatcom County government recognizes agriculture and forestry as major contributors to the local economy and a high quality of life for Whatcom County citizens; and

WHEREAS, The Growth Management Act and the County Comprehensive Plan support the retention of agricultural and forestry lands of long term commercial significance and encourage the use of innovative techniques to do so; and

WHEREAS, Ordinance #92-002 enacted a property tax levy known as the Conservation Futures Tax as authorized by RCW 84.34.230 to provide a funding source to assist in acquiring “open space land, farm and agricultural land, and timber land, and a significant Conservation Futures fund balance is available for additional farm land protection efforts”; and

WHEREAS, Ordinance #2002-054 adopted Whatcom County Code Title 3.25A that authorized the creation of a Purchase of Development Rights (PDR) program that offers voluntary farm agreements that include the purchase of agricultural conservation easements on farmable land within Whatcom County; and

WHEREAS, Ordinance #2002-054 and WCC 3.25A established a Purchase of Development Rights Oversight Committee to provide review and assistance to the PDR Administrator; and

WHEREAS, The Whatcom County Council adopted the PDR Guidelines Document through Resolution #2002-040 which includes specific direction for program administration and conservation easement acquisitions; and

WHEREAS, Ordinance #2018-065 amended Whatcom County Code Title 3.25A to direct the PDR Program to also offer voluntary agreements to purchase forestry and ecological conservations easements on working forestlands and important ecosystem areas within Whatcom County; and

WHEREAS, Council, pursuant to PDR Guidelines Document, must affirm or modify the properties as submitted by the PDR Oversight Committee; and

WHEREAS, Council has reviewed the application ranking and background materials at a public meeting, with input by County staff and PDR Oversight Committee members; and

WHEREAS, Council has determined the ranking in accordance with their policy priorities and the requirements of Title 3.25A and the PDR Guidelines Document; and

WHEREAS, The Washington State Recreation and Conservation Office has approved matching funds to support acquisition of the agricultural conservation easements on the Roper, McLeod, and TeVelde projects; and

WHEREAS, The Sustainable Whatcom Fund of the Whatcom Community Foundation has provided matching funds to support acquisition of the agricultural conservation easement on the Hirschhorn project; and

WHEREAS, The Purchase of Development Oversight Rights Committee met on December 13, 2019 to develop a ranking of active applications received to date and forwarded that ranking to Council; and

WHEREAS, The Purchase of Development Rights Oversight Committee considered the ranked list of active applications and recommended at their December 13, 2019 meeting that County Council authorize the PDR Program Administrator and County Executive to proceed with the title search and appraisal of the value of development rights on the Hirschhorn application and proceed with the acquisition of agricultural conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn applications.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that:

1. The PDR Oversight Committee and Administrator proceed with the acquisition of title search and appraisal services of the Hirschhorn application pursuant to the process outlined in the PDR Guidelines Document.
2. The PDR Oversight Committee and Administrator proceed with the acquisition of four (4) conservation easements on the Roper, McLeod, TeVelde, and Hirschhorn applications pursuant to the process outlined in the PDR Guidelines Document.
3. The Executive is authorized to enter into a Purchase and Sale Agreement for the Roper, McLeod, TeVelde, and Hirschhorn properties, provided:
 - a. Appraisals are completed and conservation easements are drafted which meet the requirements of the Whatcom County Purchase of Development Rights program, and
 - b. Landowners have agreed to the offer price and conservation easement conditions, and
 - c. Budget authority has been adopted by the Whatcom County Council.

4. Expenditures of Conservation Futures Funds, within budget authority, are authorized to cover expenses associated with purchase of conservation easement, including title search and insurance, appraisal services, easement monitoring and enforcement fees.

APPROVED this _____ day of _____, 2020

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Chairperson

APPROVED as to form:

Civil Deputy Prosecutor

Active PDR Project List - January 2020

	Rank	Property/Applicant	Acres	# of DRs	Zone	Final Score	Total Estimated Cost	Cost per DR	Cost per Acre	50% Match Funding Secured	50% Match Funding Secured/Approved
ACE	1	Lakeland Farms	322.68	8	AG	78.22	\$1,600,000	\$200,000	\$4,958	Application to NRCS RCPP	Conservation Futures Fund
ACE	2	Roper	26.75	4	R5	66.11	\$195,000	\$48,750	\$7,290	RCO Farmland Award, grant not signed	Conservation Futures Fund
ACE	3	McLeod	16.59	7	R2	65.49	\$400,000	\$57,143	\$24,111	RCO Farmland Award, grant not signed	Conservation Futures Fund
ACE	4	Bishop	47.24	8	R5	65.28	\$300,000	\$37,500	\$6,351	Application to NRCS RCPP	Conservation Futures Fund
ACE	5	Hirchkorn	13.91	1	R5	59.49	85,000	\$85,000	\$6,111	Whatcom Community Foundation	Conservation Futures Fund
ACE/ECE	6	VanderVeen	61.55	5	R10/AG	56.68	\$200,000	\$40,000	\$3,249	To be determined	Conservation Futures Fund
ECE	7	Newell	20.2	3	R5	55.46	\$100,000	\$33,333	\$4,950	To be determined	Conservation Futures Fund
ACE	8	VanderWerff	19.77	3	R5	52.56	\$100,000	\$33,333	\$5,058	Application to NRCS RCPP funding	Conservation Futures Fund
ACE	9	TeVelde	19.6	1	AG	51.6	\$120,000	\$120,000	\$6,122	RCO Farmland Award, grant not signed	Conservation Futures Fund
ACE	10	Rethlefsen	48.86	8	R5	49.79	\$300,000	\$37,500	\$6,140	Application to NRCS RCPP	Conservation Futures Fund
FCE	11	Kiera-Duffy	113	6	R5, RF	44.12	\$500,000	\$83,333	\$4,425	Application to RCO	Conservation Futures Fund



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-030

File ID:	AB2020-030	Version:	1	Status:	Agenda Ready
File Created:	01/08/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to:	Council Finance and Administrative Services Committee	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Selection of Committee Chair

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-010

File ID:	AB2020-010	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JThomson@co.whatcom.wa.us		
Department:	Health Department	File Type:	Interlocal		

Assigned to:	Council Finance and Administrative Services Committee	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas to govern the administration of surcharge funds generated as a result of substitute house bill 1406 and RCW 82.14.540

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments.


HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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MEMORANDUM

TO: County Executive

FROM: Regina A. Delahunt, Director 

RE: Whatcom County and the Cities of Whatcom County – Interlocal Agreement Amendment for Administering Funds as a Result of RCW 36.22.178 and RCW 82.14.540

DATE: December 17, 2019

Enclosed are eight (8) originals of an amended Interlocal Agreement between Whatcom County and Contractor for your review and signature.

▪ **Background and Purpose**

This amended agreement is entered into between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas. This agreement addresses the use of funds created through the surcharge for each document recorded in the Whatcom County Auditor's office and the imposition of a local sales and use tax for affordable and supportive housing.

The purpose of this amendment is to incorporate language pursuant to the recent sales tax option provided by Substitute House Bill 1406 from the 2019 state legislative session, codified in RCW 82.14.540. This option allows the county to retain an additional percentage (.0146%) of the state's portion of the local sales tax and dedicate it to local affordable and supportive housing. County Code, Chapter 3.45, establishes the fund for these tax monies as well as the county's obligations in administration of the funds.

This amendment supersedes the previous Interlocal Agreements dated January 5, 2004 and June 21, 2010 (Whatcom County contracts 200402021 and 200402021-1).

Please contact Kathleen Roy at extension #6007 if you have any questions regarding this agreement.

Encl.



WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

200402021 - 2

Originating Department:		85 Health	
Division/Program: (i.e. Dept. Division and Program)		8550 Human Services / 855040 Housing	
Contract or Grant Administrator:		Kathleen Roy	
Contractor's / Agency Name:		Whatcom County and the Cities of Whatcom County	
Is this a New Contract? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If not, is this an Amendment or Renewal to an Existing Contract? If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>200402021</u>	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		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 type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Contract Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input type="checkbox"/>		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 work is for less than 120 days. <input type="checkbox"/> Interlocal Agreement (between Governments).			
Contract Amount:(sum of original contract amount and any prior amendments):		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: This Interlocal Agreement governs the administration of surcharge funds generated as a result of RCW 36.22.178 and RCW 82.14.540.			
Term of Contract:	Last Signature	Expiration Date:	Until terminated by parties

Contract Routing:	1. Prepared by: <u>JT</u> 2. Attorney signoff: _____ 3. AS Finance reviewed: _____ 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>12/17/19</u> Date: <u>12-18-19</u> Date: <u>12/23/19</u> Date: _____ Date: _____ Date: _____ Date: _____ Date: _____
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**Interlocal Cooperation Agreement Amendment
Between Whatcom County and the Cities of Whatcom County
For The Purpose Of Administering Funds Generated As A Result Of
RCW 36.22.178 and RCW 82.14.540**

This agreement is entered into between Whatcom County and the Cities of Bellingham, Blaine, Ferndale, Lynden, Everson, Nooksack, and Sumas for the purpose of creating an Interlocal Cooperation Agreement. This Agreement addresses the use of funds created from the surcharge for each document recorded in the County Auditor's office to fund housing programs, pursuant to RCW 36.22.178, and through a tax credit against a portion of the state's share of local sales and use tax pursuant to RCW 82.14.540. This agreement amends and supersedes the original Interlocal Agreement dated January 5, 2004 and designated as Whatcom County contract number 200402021, and the Interlocal Agreement Amendment dated June 21, 2010 and designated as Whatcom County contract number 200402021-1.

WHEREAS, the Washington State Legislature passed Substitute House Bill 2060 during the 57th Legislative Session and Governor Locke signed the bill on April 2, 2002, and said statute has been amended multiple times by state legislature since then; and

WHEREAS, this bill authorizes a surcharge on documents recorded through the County Auditor's office for the purpose of providing funds for housing programs for income eligible persons defined in RCW 36.22.178; and

WHEREAS, the Washington State Legislature passed Substitute House Bill 1406 during the 2019 Regular Session, and the Governor signed into law; and

WHEREAS, this bill authorizes the governing body of a county to impose a local sales and use tax for affordable and for supportive housing to income eligible persons defined in RCW 82.14.540; and

WHEREAS, housing affordability has become a significant problem for a large portion of the population in Whatcom County; and

WHEREAS, funding to support the operation of shelters serving the homeless, building operations, maintenance, and rehabilitation of housing facilities/programs, construction or acquisition of affordable housing and rental assistance is critical to providing an array of housing opportunities for residents,

NOW THEREFORE, in consideration of the mutual housing benefits for income eligible persons and those experiencing homelessness throughout Whatcom County, the above partners agree as follows:

- A. The purpose of this Agreement shall be to provide for the administration and expenditure of revenue generated from the recording surcharge authorized under the provisions of RCW 36.22.178 and the tax credit under the provisions of RCW 82.14.540.
- B. That portion of the revenue generated from the surcharge and tax credit that is to be retained by Whatcom County and used for local income eligible housing and emergency shelter needs within Whatcom County shall be collected by Whatcom County. Those funds will be held in designated funds by the Whatcom County Treasurer, to be drawn upon as provided in County policy, for the purposes specified in this agreement.

- C. Permissible uses of these particular funds are defined in RCW 36.22.178 and RCW 82.14.540.
- D. The Whatcom County Housing Advisory Committee (WCHAC), previously established with this original agreement and staffed by the Whatcom County Health Department, will advise the county on the strategic priorities for use of funds generated by above noted RCWs. Additionally WCHAC will provide guidance for reasonably equitable distribution of funds throughout all cities and the county that reflects consideration of other fund sources that support affordable and supportive housing, where the revenue is generated, and the broader continuum of housing needs for the entire county.
- E. Membership of the WCHAC will be established in committee by-laws and include, but is not limited to no less than two representatives of the city of Bellingham, no less than two positions representing the small cities, two positions representing the county, and other representatives of housing and related services. Membership shall constitute no less than nine members and no more than 15 members.
- F. Whatcom County will facilitate a county-wide housing plan by collating the various cities' and county housing plans and then identifying common goals.
- G. The WCHAC will approve and submit an annual report of activities generated by the housing plan that will include housing priorities, strategies, funding sources and accomplishments of the entire county.
- H. The expenditure of all funds will be subject to audit by the State Auditor or other authorized entity. Whatcom County reserves the right to review, monitor, or audit the use of these funds as deemed necessary, as required by county policies. Such activities may occur with or without notice. The County reserves the right to recover any ineligible costs identified. All recipients of funding under this agreement shall remain accountable for all funds. Funds will be disbursed in a manner that is consistent with County practices.
- I. For the purposes of RCW.39.34.030 (4)(a), the Whatcom County Executive is designated as the administrator responsible for overseeing and administering the joint or cooperative undertaking contemplated by this agreement. No property shall be acquired by the parties to this agreement by reason of this joint or cooperative undertaking.
- J. This agreement shall commence on the date of the last party affixing its signature hereto and shall run indefinitely unless the parties agree in writing to terminate the agreement. In the event of termination, not less than ninety (90) days written notice will be provided to the parties to this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of ____, 2020.

Accepted for City of Bellingham

see attached signature Attested by: _____
Mayor Kelli Linville page

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

On this 12th day of Dec., 2019 before me personally appeared Kelli Linville, to me known to be the Mayor of Bellingham and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Tracy Lewis NOTARY
PUBLIC in and for the State of Washington, residing at
Bellingham. My commission expires
10/20/22.

DATED this 12th day of December, 2019, for the CITY OF BELLINGHAM.



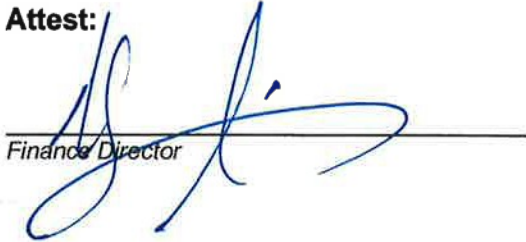
Mayor

Departmental Approval:



Department Head

Attest:



Finance Director

Approved as to Form:



Office of the City Attorney

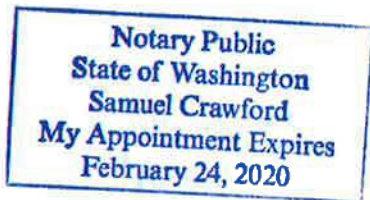
Accepted for City of Blaine

Michael Jones
Michael Jones, City Manager

Attested by: Kurt Stepp

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this 11 day of November 2019, before me personally appeared Michael Jones, to me known to be the City Manager of Blaine and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Samuel Crawford NOTARY
PUBLIC in and for the State of Washington, residing at
Bellingham, WA. My commission expires
2/24/2020.

Accepted for City of Ferndale

Mayor Jon Mutchler

Attested by: Susan E. Duncan

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this 31 day of October, 2019, before me personally appeared Jon Mutchler, to me known to be the Mayor of Ferndale and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Susan E. Duncan NOTARY
PUBLIC in and for the State of Washington, residing at
Ferndale. My commission expires
04/30/2021.

Accepted for City of Lynden

Scott Korthuis

Mayor Scott Korthuis

Attested by:

Mike Martin

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this 3 day of December 2019, before me personally appeared Scott Korthuis, to me known to be the Mayor of Lynden and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Pamela D. Brown NOTARY

PUBLIC in and for the State of Washington, residing at

Whatcom Co.. My commission expires
9-4-2021.

Accepted for City of Everson

Mayor John Perry

Attested by:

Melanie Dickinson

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this 12 day of November, 2019, before me personally appeared John Perry, to me known to be the Mayor of Everson and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.




Melanie Dickinson

NOTARY

PUBLIC in and for the State of Washington, residing at
Lynden WA. My commission expires
07/16/2022.

Accepted for City of Nooksack

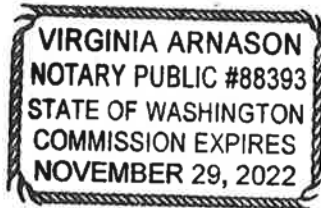


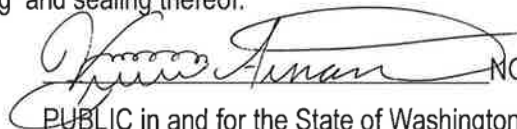
Mayor James S. Ackerman

Attested by: 

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this 3rd day of December, 2019, before me personally appeared James S. Ackerman, to me known to be the Mayor of Nooksack and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



 NOTARY
PUBLIC in and for the State of Washington, residing at
Nooksack. My commission expires
11-29-2022.

Accepted for City of Sumas

Kyle Christensen
Mayor Kyle Christensen

Attested by:

[Signature]

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

On this 16th day of Dec, 2019, before me personally appeared Kyle Christensen, to me known to be the Mayor of Sumas and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



[Signature]

NOTARY

PUBLIC in and for the State of Washington, residing at

Sumas, WA. My commission expires
02/14/2021.

WHATCOM COUNTY

SATPAL SIDHU
County Executive

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

On this _____ day of _____, 2020, before me personally
appeared Jack Louws, to me known to be the Executive of Whatcom County and who executed the
above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham.

My Commission expires: _____

APPROVED AS TO FORM



Royce Buckingham, Deputy Prosecuting Attorney

12-18-19

Date



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-019

File ID:	AB2020-019	Version:	1	Status:	Agenda Ready
File Created:	12/31/2019	Entered by:	JThomson@co.whatcom.wa.us		
Department:	Health Department	File Type:	Interlocal		

Assigned to:	Council Finance and Administrative Services Committee	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and Washington State Department of Social and Health Services for community based solutions for improving the ease of access to services and resources, in the amount of \$70,000

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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
RECEIVED

DEC 26 2019

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**

MEMORANDUM

TO: County Executive

FROM: Regina A. Delahunt, Director 

RE: Washington State Department of Social and Health Services (DSHS) – Building Community Resilience Grant

DATE: December 13, 2019

Enclosed is one (1) original of a contract between Whatcom County and Washington State DSHS for your review and signature.

▪ **Background and Purpose**

Generations Forward is a community collaborative focused on improving the well-being of all children in Whatcom County for which the Health Department provides backbone support. Generations Forward was approached in the spring of 2019 to partner with DSHS and the Economic Security Administration, as part of the Governor's Poverty Reduction Plan, to participate in a year-long learning process to test out community-based solutions to improving the ease of access to services and resources. This partnership will provide financial and technical resources to support the facilitation of community-driven solutions to barriers that stand in the way of Whatcom County children and families accessing the services and resources they need, when they need it. This includes, but is not limited to, housing, childcare, behavioral support, healthcare, and living-wage jobs.

▪ **Funding Amount and Source**

This contract provides \$70,000 in funding between 01/01/2020 – 09/30/2020. These funds are included in the 2020 budget. Council approval is required per RCW 39.34.030(2) for agreements between public agencies.

Please contact Kathleen Roy at extension #6007 if you have any questions regarding this agreement.

Encl.



WHATCOM COUNTY CONTRACT INFORMATION SHEET				Whatcom County Contract No. _____	
Originating Department:			85 Health		
Division/Program: (i.e. Dept. Division and Program)			8530 Community Health / 853020 Healthy Children & Families		
Contract or Grant Administrator:			Kathleen Roy		
Contractor's / Agency Name:			WA State DSHS		
Is this a New Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		If not, is this an Amendment or Renewal to an Existing Contract? If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		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="checkbox"/> No <input type="checkbox"/>		If yes, grantor agency contract number(s):		2036-63137 CFDA#: N/A	
Is this contract grant funded? Yes <input type="checkbox"/> No <input type="checkbox"/>		If yes, Whatcom County grant contract number(s):		_____	
Is this contract the result of a RFP or Bid process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If yes, RFP and Bid number(s):		Contract Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		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 work is for less than 120 days. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.					
Contract Amount: (sum of original contract amount and any prior amendments):			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 :		
\$ 70,000			1. Exercising an option contained in a contract previously approved by the council.		
This Amendment Amount:			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.		
Total Amended Amount:			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: This agreement provides funding for facilitation of health and human services delivery that are person centered, equity-focused, and serve whole families in ways that are customized to the unique needs and strengths of the community.					
Term of Contract:		9 months		Expiration Date: 09/30/2020	
Contract Routing:		1. Prepared by: JT		Date: 12/13/2019	
		2. Attorney signoff:		Date: 12-17-19	
		3. AS Finance reviewed:		Date: 12/20/19	
		4. IT reviewed (if IT related):		Date: _____	
		5. Contractor signed:		Date: _____	
		6. Submitted to Exec.:		Date: _____	
		7. Council approved (if necessary):		Date: _____	
		8. Executive signed:		Date: _____	
		9. Original to Council:		Date: _____	

 <p>Washington State Department of Social & Health Services</p> <p>Transforming lives</p>	<h2>SERVICES CONTRACT</h2> <h3>Building Community Resilience</h3>	DSHS Contract Number: 2036-63137 Resulting From Procurement Number:
This Contract is between the state of Washington Department of Social and Health Services (DSHS) and the Contractor identified below, and is governed by chapter 39.26 RCW.		Program Contract Number: Contractor Contract Number:
CONTRACTOR NAME Whatcom County		CONTRACTOR doing business as (DBA)
CONTRACTOR ADDRESS 509 Girard Street Bellingham, WA 98225-4005		WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI) 371-010-246 DSHS INDEX NUMBER 1241
CONTRACTOR CONTACT Judy Ziels	CONTRACTOR TELEPHONE (360) 778-6130	CONTRACTOR FAX (360) 778-6001 CONTRACTOR E-MAIL ADDRESS jziels@co.whatcom.wa.us
DSHS ADMINISTRATION Economic Services Administration	DSHS DIVISION Office of the Assistant Secretary	DSHS CONTRACT CODE 3900PC-36
DSHS CONTACT NAME AND TITLE Lindsay Tracy Chief		DSHS CONTACT ADDRESS 724 Quince Street SE Olympia, WA 98504
DSHS CONTACT TELEPHONE (720)346-8774	DSHS CONTACT FAX Click here to enter text.	DSHS CONTACT E-MAIL ADDRESS tracylm@dsHS.wa.gov
IS THE CONTRACTOR A SUBRECIPIENT FOR PURPOSES OF THIS CONTRACT? No		CFDA NUMBER(S)
CONTRACT START DATE 01/01/2020	CONTRACT END DATE 09/30/2020	CONTRACT MAXIMUM AMOUNT \$70,000.00
EXHIBITS. The following Exhibits are attached and are incorporated into this Contract by reference: <input type="checkbox"/> Exhibits (specify): No Data Security Exhibit <input checked="" type="checkbox"/> No Exhibits.		
The terms and conditions of this Contract are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise, regarding the subject matter of this Contract. The parties signing below represent that they have read and understand this Contract, and have the authority to execute this Contract. This Contract shall be binding on DSHS only upon signature by DSHS.		
CONTRACTOR SIGNATURE 	PRINTED NAME AND TITLE Kathleen Roy, Assistant Director	DATE SIGNED 12/13/19
DSHS SIGNATURE	PRINTED NAME AND TITLE Julia M. Weese, Contracts Risk Manager Department of Social and Health Services Economic Services Administration (ESA)	DATE SIGNED

PROGRAM APPROVAL


Kathleen Roy, Assistant Director

12/13/19
Date

WHATCOM COUNTY

SATPAL SIDHU
County Executive

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

On this _____ day of _____, 2020, before me personally appeared Satpal Sidhu, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham.

My Commission expires: _____

APPROVED AS TO FORM:


Royce Buckingham, Prosecuting Attorney

12-17-19
Date

DSHS General Terms and Conditions

1. **Definitions.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
- a. "Central Contracts and Legal Services" means the DSHS central headquarters contracting office, or successor section or office.
 - b. "Confidential Information" or "Data" means information that is exempt from disclosure to the public or other unauthorized persons under RCW 42.56 or other federal or state laws. Confidential Information includes, but is not limited to, Personal Information.
 - c. "Contract" or "Agreement" means the entire written agreement between DSHS and the Contractor, including any Exhibits, documents, or materials incorporated by reference. The parties may execute this contract in multiple counterparts, each of which is deemed an original and all of which constitute only one agreement. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
 - d. "CCLS Chief" means the manager, or successor, of Central Contracts and Legal Services or successor section or office.
 - e. "Contractor" means the individual or entity performing services pursuant to this Contract and includes the Contractor's owners, members, officers, directors, partners, employees, and/or agents, unless otherwise stated in this Contract. For purposes of any permitted Subcontract, "Contractor" includes any Subcontractor and its owners, members, officers, directors, partners, employees, and/or agents.
 - f. "Debarment" means an action taken by a Federal agency or official to exclude a person or business entity from participating in transactions involving certain federal funds.
 - g. "DSHS" or the "Department" means the state of Washington Department of Social and Health Services and its employees and authorized agents.
 - h. "Encrypt" means to encode Confidential Information into a format that can only be read by those possessing a "key," a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 256 bits for symmetric keys, or 2048 bits for asymmetric keys. When a symmetric key is used, the Advanced Encryption Standard (AES) must be used if available.
 - i. "Personal Information" means information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, Social Security Numbers, driver license numbers, other identifying numbers, and any financial identifiers.
 - j. "Physically Secure" means that access is restricted through physical means to authorized individuals only.
 - k. "Program Agreement" means an agreement between the Contractor and DSHS containing special terms and conditions, including a statement of work to be performed by the Contractor and payment to be made by DSHS.
 - l. "RCW" means the Revised Code of Washington. All references in this Contract to RCW chapters or sections shall include any successor, amended, or replacement statute. Pertinent RCW chapters can be accessed at <http://apps.leg.wa.gov/rcw/>.

DSHS General Terms and Conditions

- m. "Regulation" means any federal, state, or local regulation, rule, or ordinance.
 - n. "Secured Area" means an area to which only authorized representatives of the entity possessing the Confidential Information have access. Secured Areas may include buildings, rooms or locked storage containers (such as a filing cabinet) within a room, as long as access to the Confidential Information is not available to unauthorized personnel.
 - o. "Subcontract" means any separate agreement or contract between the Contractor and an individual or entity ("Subcontractor") to perform all or a portion of the duties and obligations that the Contractor is obligated to perform pursuant to this Contract.
 - p. "Tracking" means a record keeping system that identifies when the sender begins delivery of Confidential Information to the authorized and intended recipient, and when the sender receives confirmation of delivery from the authorized and intended recipient of Confidential Information.
 - q. "Trusted Systems" include only the following methods of physical delivery: (1) hand-delivery by a person authorized to have access to the Confidential Information with written acknowledgement of receipt; (2) United States Postal Service ("USPS") first class mail, or USPS delivery services that include Tracking, such as Certified Mail, Express Mail or Registered Mail; (3) commercial delivery services (e.g. FedEx, UPS, DHL) which offer tracking and receipt confirmation; and (4) the Washington State Campus mail system. For electronic transmission, the Washington State Governmental Network (SGN) is a Trusted System for communications within that Network.
 - r. "WAC" means the Washington Administrative Code. All references in this Contract to WAC chapters or sections shall include any successor, amended, or replacement regulation. Pertinent WAC chapters or sections can be accessed at <http://apps.leg.wa.gov/wac/>.
2. **Amendment.** This Contract may only be modified by a written amendment signed by both parties. Only personnel authorized to bind each of the parties may sign an amendment.
3. **Assignment.** The Contractor shall not assign this Contract or any Program Agreement to a third party without the prior written consent of DSHS.
4. **Billing Limitations.**
- a. DSHS shall pay the Contractor only for authorized services provided in accordance with this Contract.
 - b. DSHS shall not pay any claims for payment for services submitted more than twelve (12) months after the calendar month in which the services were performed.
 - c. The Contractor shall not bill and DSHS shall not pay for services performed under this Contract, if the Contractor has charged or will charge another agency of the state of Washington or any other party for the same services.
5. **Compliance with Applicable Law.** At all times during the term of this Contract, the Contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to, nondiscrimination laws and regulations.
6. **Confidentiality.**
- a. The Contractor shall not use, publish, transfer, sell or otherwise disclose any Confidential

DSHS General Terms and Conditions

Information gained by reason of this Contract for any purpose that is not directly connected with Contractor's performance of the services contemplated hereunder, except:

- (1) as provided by law; or,
 - (2) in the case of Personal Information, with the prior written consent of the person or personal representative of the person who is the subject of the Personal Information.
- b. The Contractor shall protect and maintain all Confidential Information gained by reason of this Contract against unauthorized use, access, disclosure, modification or loss. This duty requires the Contractor to employ reasonable security measures, which include restricting access to the Confidential Information by:
- (1) Allowing access only to staff that have an authorized business requirement to view the Confidential Information.
 - (2) Physically Securing any computers, documents, or other media containing the Confidential Information.
 - (3) Ensure the security of Confidential Information transmitted via fax (facsimile) by:
 - (a) Verifying the recipient phone number to prevent accidental transmittal of Confidential Information to unauthorized persons.
 - (b) Communicating with the intended recipient before transmission to ensure that the fax will be received only by an authorized person.
 - (c) Verifying after transmittal that the fax was received by the intended recipient.
 - (4) When transporting six (6) or more records containing Confidential Information, outside a Secured Area, do one or more of the following as appropriate:
 - (a) Use a Trusted System.
 - (b) Encrypt the Confidential Information, including:
 - i. Encrypting email and/or email attachments which contain the Confidential Information.
 - ii. Encrypting Confidential Information when it is stored on portable devices or media, including but not limited to laptop computers and flash memory devices.
- Note: If the DSHS Data Security Requirements Exhibit is attached to this contract, this item, 6.b.(4), is superseded by the language contained in the Exhibit.**
- (5) Send paper documents containing Confidential Information via a Trusted System.
 - (6) Following the requirements of the DSHS Data Security Requirements Exhibit, if attached to this contract.
- c. Upon request by DSHS, at the end of the Contract term, or when no longer needed, Confidential Information shall be returned to DSHS or Contractor shall certify in writing that they employed a DSHS approved method to destroy the information. Contractor may obtain information regarding approved destruction methods from the DSHS contact identified on the cover page of this Contract.

DSHS General Terms and Conditions

- d. Paper documents with Confidential Information may be recycled through a contracted firm, provided the contract with the recycler specifies that the confidentiality of information will be protected, and the information destroyed through the recycling process. Paper documents containing Confidential Information requiring special handling (e.g. protected health information) must be destroyed on-site through shredding, pulping, or incineration.
 - e. Notification of Compromise or Potential Compromise. The compromise or potential compromise of Confidential Information must be reported to the DSHS Contact designated on the contract within one (1) business day of discovery. Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.
7. **Debarment Certification.** The Contractor, by signature to this Contract, certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from participating in transactions (Debarred). The Contractor also agrees to include the above requirement in any and all Subcontracts into which it enters. The Contractor shall immediately notify DSHS if, during the term of this Contract, Contractor becomes Debarred. DSHS may immediately terminate this Contract by providing Contractor written notice if Contractor becomes Debarred during the term hereof.
8. **Governing Law and Venue.** This Contract shall be construed and interpreted in accordance with the laws of the state of Washington and the venue of any action brought hereunder shall be in Superior Court for Thurston County.
9. **Independent Contractor.** The parties intend that an independent contractor relationship will be created by this Contract. The Contractor and his or her employees or agents performing under this Contract are not employees or agents of the Department. The Contractor, his or her employees, or agents performing under this Contract will not hold himself/herself out as, nor claim to be, an officer or employee of the Department by reason hereof, nor will the Contractor, his or her employees, or agent make any claim of right, privilege or benefit that would accrue to such officer or employee.
10. **Inspection.** The Contractor shall, at no cost, provide DSHS and the Office of the State Auditor with reasonable access to Contractor's place of business, Contractor's records, and DSHS client records, wherever located. These inspection rights are intended to allow DSHS and the Office of the State Auditor to monitor, audit, and evaluate the Contractor's performance and compliance with applicable laws, regulations, and these Contract terms. These inspection rights shall survive for six (6) years following this Contract's termination or expiration.
11. **Maintenance of Records.** The Contractor shall maintain records relating to this Contract and the performance of the services described herein. The records include, but are not limited to, accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. All records and other material relevant to this Contract shall be retained for six (6) years after expiration or termination of this Contract.
- Without agreeing that litigation or claims are legally authorized, if any litigation, claim, or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.
12. **Order of Precedence.** In the event of any inconsistency or conflict between the General Terms and Conditions and the Special Terms and Conditions of this Contract or any Program Agreement, the inconsistency or conflict shall be resolved by giving precedence to these General Terms and Conditions. Terms or conditions that are more restrictive, specific, or particular than those contained in the General Terms and Conditions shall not be construed as being inconsistent or in conflict.

DSHS General Terms and Conditions

13. **Severability.** If any term or condition of this Contract is held invalid by any court, the remainder of the Contract remains valid and in full force and effect.
14. **Survivability.** The terms and conditions contained in this Contract or any Program Agreement which, by their sense and context, are intended to survive the expiration or termination of the particular agreement shall survive. Surviving terms include, but are not limited to: Billing Limitations; Confidentiality, Disputes; Indemnification and Hold Harmless, Inspection, Maintenance of Records, Notice of Overpayment, Ownership of Material, Termination for Default, Termination Procedure, and Treatment of Property.

15. **Contract Renegotiation, Suspension, or Termination Due to Change in Funding.**

If the funds DSHS relied upon to establish this Contract or Program Agreement are withdrawn, reduced or limited, or if additional or modified conditions are placed on such funding, after the effective date of this contract but prior to the normal completion of this Contract or Program Agreement:

- a. At DSHS's discretion, the Contract or Program Agreement may be renegotiated under the revised funding conditions.
 - b. At DSHS's discretion, DSHS may give notice to Contractor to suspend performance when DSHS determines that there is reasonable likelihood that the funding insufficiency may be resolved in a timeframe that would allow Contractor's performance to be resumed prior to the normal completion date of this contract.
 - (1) During the period of suspension of performance, each party will inform the other of any conditions that may reasonably affect the potential for resumption of performance.
 - (2) When DSHS determines that the funding insufficiency is resolved, it will give Contractor written notice to resume performance. Upon the receipt of this notice, Contractor will provide written notice to DSHS informing DSHS whether it can resume performance and, if so, the date of resumption. For purposes of this subsection, "written notice" may include email.
 - (3) If the Contractor's proposed resumption date is not acceptable to DSHS and an acceptable date cannot be negotiated, DSHS may terminate the contract by giving written notice to Contractor. The parties agree that the Contract will be terminated retroactive to the date of the notice of suspension. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the retroactive date of termination.
 - c. DSHS may immediately terminate this Contract by providing written notice to the Contractor. The termination shall be effective on the date specified in the termination notice. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the effective date of termination. No penalty shall accrue to DSHS in the event the termination option in this section is exercised.
16. **Waiver.** Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Contract. Only the CCLS Chief or designee has the authority to waive any term or condition of this Contract on behalf of DSHS.

Additional General Terms and Conditions – Professional Service Contracts:

DSHS General Terms and Conditions

17. **Advance Payment.** DSHS shall not make any payments in advance or anticipation of the delivery of services to be provided pursuant to this Contract.
18. **Construction.** The language in this Contract shall be interpreted as to its fair meaning and not strictly for or against any party. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Contract.
19. **Indemnification and Hold Harmless.**
- a. The Contractor shall be responsible for and shall indemnify, defend, and hold DSHS harmless from any and all claims, costs, charges, penalties, demands, losses, liabilities, damages, judgments, or fines, of whatsoever kind of nature, arising out of or relating to a) the Contractor's or any Subcontractor's performance or failure to perform this Contract, or b) the acts or omissions of the Contractor or any Subcontractor.
 - b. The Contractor's duty to indemnify, defend, and hold DSHS harmless from any and all claims, costs, charges, penalties, demands, losses, liabilities, damages, judgments, or fines shall include DSHS' personnel-related costs, reasonable attorney's fees, court costs, and all related expenses.
 - c. The Contractor waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the State and its agencies, officials, agents, or employees.
 - d. Nothing in this term shall be construed as a modification or limitation on the Contractor's obligation to procure insurance in accordance with this Contract or the scope of said insurance.
20. **Industrial Insurance Coverage.** The Contractor shall comply with the provisions of Title 51 RCW, Industrial Insurance. If the Contractor fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees, as may be required by law, Agency may collect from the Contractor the full amount payable to the Industrial Insurance accident fund. The Agency may deduct the amount owed by the Contractor to the accident fund from the amount payable to the Contractor by the Agency under this contract, and transmit the deducted amount to the Department of Labor and Industries, (L&I) Division of Insurance Services. This provision does not waive any of L&I's rights to collect from the Contractor.
21. **Notice of Overpayment.** If the Contractor receives a vendor overpayment notice or a letter communicating the existence of an overpayment from DSHS, the Contractor may protest the overpayment determination by requesting an adjudicative proceeding. The Contractor's request for an adjudicative proceeding must:
- a. Be *received* by the Office of Financial Recovery (OFR) at Post Office Box 9501, Olympia, Washington 98507-9501, within twenty-eight (28) calendar days of service of the notice;
 - b. Be sent by certified mail (return receipt) or other manner that proves OFR received the request;
 - c. Include a statement as to why the Contractor thinks the notice is incorrect; and
 - d. Include a copy of the overpayment notice.

Timely and complete requests will be scheduled for a formal hearing by the Office of Administrative Hearings. The Contractor may be offered a pre-hearing or alternative dispute resolution conference in an attempt to resolve the overpayment dispute prior to the hearing.

DSHS General Terms and Conditions

Failure to provide OFR with a written request for a hearing within twenty-eight (28) days of service of a vendor overpayment notice or other overpayment letter will result in an overpayment debt against the Contractor. DSHS may charge the Contractor interest and any costs associated with the collection of this overpayment. DSHS may collect an overpayment debt through lien, foreclosure, seizure and sale of the Contractor's real or personal property; order to withhold and deliver; or any other collection action available to DSHS to satisfy the overpayment debt.

- 22. DES Filing Requirement.** Under RCW 39.26, sole source contracts and amendments must be filed with the State of Washington Department of Enterprise Services (DES). If this Contract is one that must be filed, it shall not be effective nor shall work commence or payment be made until the tenth (10th) working day following the date of filing subject to DES approval. In the event DES fails to approve the Contract or any amendment hereto, the Contract or amendment shall be null and void.
- 23. Subcontracting.** Except as otherwise provided in this Contract, the Contractor shall not Subcontract any of the contracted services without the prior written approval of DSHS. Contractor is responsible to ensure that all terms, conditions, assurances and certifications set forth in this Contract are included in any and all Subcontracts. Any failure of Contractor or its Subcontractors to perform the obligations of this Contract shall not discharge the Contractor from its obligations hereunder or diminish DSHS' rights or remedies available under this Contract.
- 24. Subrecipients.**
- a. General. If the Contractor is a subrecipient of federal awards as defined by 2 CFR Part 200 and this Agreement, the Contractor shall:
- (1) Maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity;
 - (2) Maintain internal controls that provide reasonable assurance that the Contractor is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs;
 - (3) Prepare appropriate financial statements, including a schedule of expenditures of federal awards;
 - (4) Incorporate 2 CFR Part 200, Subpart F audit requirements into all agreements between the Contractor and its Subcontractors who are subrecipients;
 - (5) Comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation; and
 - (6) Comply with the Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39. (Go to <https://ojp.gov/about/offices/ocr.htm> for additional information and access to the aforementioned Federal laws and regulations.)
- b. Single Audit Act Compliance. If the Contractor is a subrecipient and expends \$750,000 or more in

DSHS General Terms and Conditions

federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:

- (1) Submit to the DSHS contact person the data collection form and reporting package specified in 2 CFR Part 200, Subpart F, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor;
 - (2) Follow-up and develop corrective action for all audit findings; in accordance with 2 CFR Part 200, Subpart F; prepare a "Summary Schedule of Prior Audit Findings" reporting the status of all audit findings included in the prior audit's schedule of findings and questioned costs.
- c. Overpayments. If it is determined by DSHS, or during the course of a required audit, that the Contractor has been paid unallowable costs under this or any Program Agreement, DSHS may require the Contractor to reimburse DSHS in accordance with 2 CFR Part 200.

25. Termination for Convenience. DSHS may terminate this Contract in whole or in part when it is in the best interest of DSHS by giving the Contractor at least thirty (30) calendar days' written notice.

26. Termination for Default. The CCLS Chief may immediately terminate this Contract for default, in whole or in part, by written notice to the Contractor if DSHS has a reasonable basis to believe that the Contractor has:

- a. Failed to meet or maintain any requirement for contracting with DSHS;
- b. Failed to protect the health or safety of any DSHS client;
- c. Failed to perform under, or otherwise breached, any term or condition of this Contract; and/or
- d. Violated any applicable law or regulation.
- e. If it is later determined that the Contractor was not in default, the termination shall be considered a termination for convenience.

27. Termination or Expiration Procedure. The following terms and conditions apply upon Contract termination or expiration:

- a. The Contractor shall cease to perform any services required by this Contract as of the effective date of termination or expiration.
- b. If the Contract is terminated, the Contractor shall comply with all instructions contained in the termination notice.
- c. The Contractor shall immediately deliver to the DSHS contact named on page one of this Contract, or to his or her successor, all DSHS property in the Contractor's possession. The Contractor grants DSHS the right to enter upon the Contractor's premises for the sole purpose of recovering any DSHS property that the Contractor fails to return within ten (10) calendar days of the effective date of termination or expiration of this Contract. Upon failure to return DSHS property within ten (10) calendar days, the Contractor shall be charged with all reasonable costs of recovery, including transportation.
- d. DSHS shall be liable only for payment required under the terms of this Contract for service

DSHS General Terms and Conditions

rendered up to the effective date of termination or expiration.

- e. DSHS may withhold a sum from the final payment to the Contractor that DSHS determines necessary to protect DSHS against loss or additional liability.
- f. The rights and remedies provided to DSHS in this Section are in addition to any other rights and remedies provided at law, in equity, and/or under this Contract, including consequential and incidental damages.

28. Treatment of Property. All property purchased or furnished by DSHS for use by the Contractor during this Contract term shall remain with DSHS. Title to all property purchased or furnished by the Contractor for which the Contractor is entitled to reimbursement by DSHS under this Contract shall pass to and vest in DSHS. The Contractor shall protect, maintain, and insure all DSHS property in its possession against loss or damage and shall return DSHS property to DSHS upon Contract termination or expiration.

29. Taxes.

- a. Where required by statute or regulation, Contractor shall pay for and maintain in current status all taxes that are necessary for Contract performance. DSHS will pay sales or use taxes, if any, imposed on the services and materials acquired hereunder. Contractor must pay all other taxes including without limitation Washington Business and Occupation Tax, other taxes based on Contractor's income or gross receipts, or personal property taxes levied or assessed on Contractor's personal property. DSHS, as an agency of Washington State government, is exempt from property tax.
- b. Contractor shall complete registration with the Washington State Department of Revenue and be responsible for payment of all taxes due on payments made under this Contract in accordance with the requirements of Title 82 RCW and Title 458 WAC. Out-of-state Contractors must contact the Department of Revenue to determine whether they meet criteria to register and establish an account with the Department of Revenue. Refer to WAC 458-20-101 (Tax registration and tax reporting) and call the Department of Revenue at 800-647-7706 for additional information. When out-of-state Contractors are not required to collect and remit sales tax, DSHS shall be responsible for paying use tax, if applicable, directly to the Department of Revenue.
- c. All payments accrued on account of payroll taxes, unemployment contributions, any other taxes, insurance, or other expenses for Contractor or Contractor's staff shall be Contractor's sole responsibility.

HIPAA Compliance

Preamble: This section of the Contract is the Business Associate Agreement as required by HIPAA.

30. Definitions.

- a. "Business Associate," as used in this Contract, means the "Contractor" and generally has the same meaning as the term "business associate" at 45 CFR 160.103. Any reference to Business Associate in this Contract includes Business Associate's employees, agents, officers, Subcontractors, third party contractors, volunteers, or directors.

DSHS General Terms and Conditions

- b. "Business Associate Agreement" means this HIPAA Compliance section of the Contract and includes the Business Associate provisions required by the U.S. Department of Health and Human Services, Office for Civil Rights.
- c. "Breach" means the acquisition, access, use, or disclosure of Protected Health Information in a manner not permitted under the HIPAA Privacy Rule which compromises the security or privacy of the Protected Health Information, with the exclusions and exceptions listed in 45 CFR 164.402.
- d. "Covered Entity" means DSHS, a Covered Entity as defined at 45 CFR 160.103, in its conduct of covered functions by its health care components.
- e. "Designated Record Set" means a group of records maintained by or for a Covered Entity, that is: the medical and billing records about Individuals maintained by or for a covered health care provider; the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or Used in whole or part by or for the Covered Entity to make decisions about Individuals.
- f. "Electronic Protected Health Information (EPHI)" means Protected Health Information that is transmitted by electronic media or maintained in any medium described in the definition of electronic media at 45 CFR 160.103.
- g. "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, as modified by the American Recovery and Reinvestment Act of 2009 ("ARRA"), Sec. 13400 – 13424, H.R. 1 (2009) (HITECH Act).
- h. "HIPAA Rules" means the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Parts 160 and Part 164.
- i. "Individual(s)" means the person(s) who is the subject of PHI and includes a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).
- j. "Minimum Necessary" means the least amount of PHI necessary to accomplish the purpose for which the PHI is needed.
- k. "Protected Health Information (PHI)" means individually identifiable health information created, received, maintained or transmitted by Business Associate on behalf of a health care component of the Covered Entity that relates to the provision of health care to an Individual; the past, present, or future physical or mental health or condition of an Individual; or the past, present, or future payment for provision of health care to an Individual. 45 CFR 160.103. PHI includes demographic information that identifies the Individual or about which there is reasonable basis to believe can be used to identify the Individual. 45 CFR 160.103. PHI is information transmitted or held in any form or medium and includes EPHI. 45 CFR 160.103. PHI does not include education records covered by the Family Educational Rights and Privacy Act, as amended, 20 USCA 1232g(a)(4)(B)(iv) or employment records held by a Covered Entity in its role as employer.
- l. "Security Incident" means the attempted or successful unauthorized access, use, disclosure, modification or destruction of information or interference with system operations in an information system.
- m. "Subcontractor" as used in this HIPAA Compliance section of the Contract (in addition to its definition in the General Terms and Conditions) means a Business Associate that creates, receives, maintains, or transmits Protected Health Information on behalf of another Business Associate.

DSHS General Terms and Conditions

- n. "Use" includes the sharing, employment, application, utilization, examination, or analysis, of PHI within an entity that maintains such information.

- 31. **Compliance.** Business Associate shall perform all Contract duties, activities and tasks in compliance with HIPAA, the HIPAA Rules, and all attendant regulations as promulgated by the U.S. Department of Health and Human Services, Office of Civil Rights.
- 32. **Use and Disclosure of PHI.** Business Associate is limited to the following permitted and required uses or disclosures of PHI:
 - a. **Duty to Protect PHI.** Business Associate shall protect PHI from, and shall use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 (Security Standards for the Protection of Electronic Protected Health Information) with respect to EPHI, to prevent the unauthorized Use or disclosure of PHI other than as provided for in this Contract or as required by law, for as long as the PHI is within its possession and control, even after the termination or expiration of this Contract.
 - b. **Minimum Necessary Standard.** Business Associate shall apply the HIPAA Minimum Necessary standard to any Use or disclosure of PHI necessary to achieve the purposes of this Contract. See 45 CFR 164.514 (d)(2) through (d)(5).
 - c. **Disclosure as Part of the Provision of Services.** Business Associate shall only Use or disclose PHI as necessary to perform the services specified in this Contract or as required by law, and shall not Use or disclose such PHI in any manner that would violate Subpart E of 45 CFR Part 164 (Privacy of Individually Identifiable Health Information) if done by Covered Entity, except for the specific uses and disclosures set forth below.
 - d. **Use for Proper Management and Administration.** Business Associate may Use PHI for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.
 - e. **Disclosure for Proper Management and Administration.** Business Associate may disclose PHI for the proper management and administration of Business Associate or to carry out the legal responsibilities of the Business Associate, provided the disclosures are required by law, or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that the information will remain confidential and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been Breached.
 - f. **Impermissible Use or Disclosure of PHI.** Business Associate shall report to DSHS in writing all Uses or disclosures of PHI not provided for by this Contract within one (1) business day of becoming aware of the unauthorized Use or disclosure of PHI, including Breaches of unsecured PHI as required at 45 CFR 164.410 (Notification by a Business Associate), as well as any Security Incident of which it becomes aware. Upon request by DSHS, Business Associate shall mitigate, to the extent practicable, any harmful effect resulting from the impermissible Use or disclosure.
 - g. **Failure to Cure.** If DSHS learns of a pattern or practice of the Business Associate that constitutes a violation of the Business Associate's obligations under the terms of this Contract and reasonable steps by DSHS do not end the violation, DSHS shall terminate this Contract, if feasible. In addition, If Business Associate learns of a pattern or practice of its Subcontractors that constitutes a violation of the Business Associate's obligations under the terms of their contract and reasonable steps by the Business Associate do not end the violation, Business Associate shall terminate the

DSHS General Terms and Conditions

Subcontract, if feasible.

- h. Termination for Cause. Business Associate authorizes immediate termination of this Contract by DSHS, if DSHS determines that Business Associate has violated a material term of this Business Associate Agreement. DSHS may, at its sole option, offer Business Associate an opportunity to cure a violation of this Business Associate Agreement before exercising a termination for cause.
- i. Consent to Audit. Business Associate shall give reasonable access to PHI, its internal practices, records, books, documents, electronic data and/or all other business information received from, or created or received by Business Associate on behalf of DSHS, to the Secretary of DHHS and/or to DSHS for use in determining compliance with HIPAA privacy requirements.
- j. Obligations of Business Associate Upon Expiration or Termination. Upon expiration or termination of this Contract for any reason, with respect to PHI received from DSHS, or created, maintained, or received by Business Associate, or any Subcontractors, on behalf of DSHS, Business Associate shall:
 - (1) Retain only that PHI which is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;
 - (2) Return to DSHS or destroy the remaining PHI that the Business Associate or any Subcontractors still maintain in any form;
 - (3) Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 (Security Standards for the Protection of Electronic Protected Health Information) with respect to Electronic Protected Health Information to prevent Use or disclosure of the PHI, other than as provided for in this Section, for as long as Business Associate or any Subcontractors retain the PHI;
 - (4) Not Use or disclose the PHI retained by Business Associate or any Subcontractors other than for the purposes for which such PHI was retained and subject to the same conditions set out in the "Use and Disclosure of PHI" section of this Contract which applied prior to termination; and
 - (5) Return to DSHS or destroy the PHI retained by Business Associate, or any Subcontractors, when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal responsibilities.
- k. Survival. The obligations of the Business Associate under this section shall survive the termination or expiration of this Contract.

33. Individual Rights.

a. Accounting of Disclosures.

- (1) Business Associate shall document all disclosures, except those disclosures that are exempt under 45 CFR 164.528, of PHI and information related to such disclosures.
- (2) Within ten (10) business days of a request from DSHS, Business Associate shall make available to DSHS the information in Business Associate's possession that is necessary for DSHS to respond in a timely manner to a request for an accounting of disclosures of PHI by the Business Associate. See 45 CFR 164.504(e)(2)(ii)(G) and 164.528(b)(1).

DSHS General Terms and Conditions

- (3) At the request of DSHS or in response to a request made directly to the Business Associate by an Individual, Business Associate shall respond, in a timely manner and in accordance with HIPAA and the HIPAA Rules, to requests by Individuals for an accounting of disclosures of PHI.
- (4) Business Associate record keeping procedures shall be sufficient to respond to a request for an accounting under this section for the six (6) years prior to the date on which the accounting was requested.

b. Access

- (1) Business Associate shall make available PHI that it holds that is part of a Designated Record Set when requested by DSHS or the Individual as necessary to satisfy DSHS's obligations under 45 CFR 164.524 (Access of Individuals to Protected Health Information).
- (2) When the request is made by the Individual to the Business Associate or if DSHS asks the Business Associate to respond to a request, the Business Associate shall comply with requirements in 45 CFR 164.524 (Access of Individuals to Protected Health Information) on form, time and manner of access. When the request is made by DSHS, the Business Associate shall provide the records to DSHS within ten (10) business days.

c. Amendment.

- (1) If DSHS amends, in whole or in part, a record or PHI contained in an Individual's Designated Record Set and DSHS has previously provided the PHI or record that is the subject of the amendment to Business Associate, then DSHS will inform Business Associate of the amendment pursuant to 45 CFR 164.526(c)(3) (Amendment of Protected Health Information).
- (2) Business Associate shall make any amendments to PHI in a Designated Record Set as directed by DSHS or as necessary to satisfy DSHS's obligations under 45 CFR 164.526 (Amendment of Protected Health Information).

- 34. Subcontracts and other Third Party Agreements.** In accordance with 45 CFR 164.502(e)(1)(ii), 164.504(e)(1)(i), and 164.308(b)(2), Business Associate shall ensure that any agents, Subcontractors, independent contractors or other third parties that create, receive, maintain, or transmit PHI on Business Associate's behalf, enter into a written contract that contains the same terms, restrictions, requirements, and conditions as the HIPAA compliance provisions in this Contract with respect to such PHI. The same provisions must also be included in any contracts by a Business Associate's Subcontractor with its own business associates as required by 45 CFR 164.314(a)(2)(b) and 164.504(e)(5).
- 35. Obligations.** To the extent the Business Associate is to carry out one or more of DSHS's obligation(s) under Subpart E of 45 CFR Part 164 (Privacy of Individually Identifiable Health Information), Business Associate shall comply with all requirements that would apply to DSHS in the performance of such obligation(s).
- 36. Liability.** Within ten (10) business days, Business Associate must notify DSHS of any complaint, enforcement or compliance action initiated by the Office for Civil Rights based on an allegation of violation of the HIPAA Rules and must inform DSHS of the outcome of that action. Business Associate bears all responsibility for any penalties, fines or sanctions imposed against the Business Associate for violations of the HIPAA Rules and for any imposed against its Subcontractors or agents for which it is found liable.

DSHS General Terms and Conditions

37. Breach Notification.

- a. In the event of a Breach of unsecured PHI or disclosure that compromises the privacy or security of PHI obtained from DSHS or involving DSHS clients, Business Associate will take all measures required by state or federal law.
- b. Business Associate will notify DSHS within one (1) business day by telephone and in writing of any acquisition, access, Use or disclosure of PHI not allowed by the provisions of this Contract or not authorized by HIPAA Rules or required by law of which it becomes aware which potentially compromises the security or privacy of the Protected Health Information as defined in 45 CFR 164.402 (Definitions).
- c. Business Associate will notify the DSHS Contact shown on the cover page of this Contract within one (1) business day by telephone or e-mail of any potential Breach of security or privacy of PHI by the Business Associate or its Subcontractors or agents. Business Associate will follow telephone or e-mail notification with a faxed or other written explanation of the Breach, to include the following: date and time of the Breach, date Breach was discovered, location and nature of the PHI, type of Breach, origination and destination of PHI, Business Associate unit and personnel associated with the Breach, detailed description of the Breach, anticipated mitigation steps, and the name, address, telephone number, fax number, and e-mail of the individual who is responsible as the primary point of contact. Business Associate will address communications to the DSHS Contact. Business Associate will coordinate and cooperate with DSHS to provide a copy of its investigation and other information requested by DSHS, including advance copies of any notifications required for DSHS review before disseminating and verification of the dates notifications were sent.
- d. If DSHS determines that Business Associate or its Subcontractor(s) or agent(s) is responsible for a Breach of unsecured PHI:
 - (1) requiring notification of Individuals under 45 CFR § 164.404 (Notification to Individuals), Business Associate bears the responsibility and costs for notifying the affected Individuals and receiving and responding to those Individuals' questions or requests for additional information;
 - (2) requiring notification of the media under 45 CFR § 164.406 (Notification to the media), Business Associate bears the responsibility and costs for notifying the media and receiving and responding to media questions or requests for additional information;
 - (3) requiring notification of the U.S. Department of Health and Human Services Secretary under 45 CFR § 164.408 (Notification to the Secretary), Business Associate bears the responsibility and costs for notifying the Secretary and receiving and responding to the Secretary's questions or requests for additional information; and
 - (4) DSHS will take appropriate remedial measures up to termination of this Contract.

38. Miscellaneous Provisions.

- a. Regulatory References. A reference in this Contract to a section in the HIPAA Rules means the section as in effect or amended.
- b. Interpretation. Any ambiguity in this Contract shall be interpreted to permit compliance with the HIPAA Rules.

Special Terms and Conditions

1. **Definitions Specific to Special Terms.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
 - a. "2GEN" means advancing research, development, and integration of whole-family approaches to policy, programs, and practice in health and human services.
 - b. "ACES" means Adverse Childhood Experiences.
 - c. "BCR" means Building Community Resilience.
 - d. "ESA" means Economic Services Administration, an administration of DSHS.
 - e. "TCM" means Transforming Case Management, a multi-year effort with the goal to build effective, standardized case management practices and a social service delivery model that supports DSHS|ESA's larger 2025 goal to reduce poverty by half in a way that eliminated disparities.
2. **Purpose.** The purpose of this Contract is facilitate health and human service delivery that are person-centered, equity-focused, and serve whole families in ways that are customized to the unique needs and strengths of the community.
3. **Statement of Work.** The Contractor shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

The Contractor shall:

- a. Serve as an initial peer learning network to support future collaboration with communities throughout the state.
- b. Conduct a region specific 'laboratory on poverty reduction' in WA state that will yield prototypes of health and human service delivery that are person-centered, equity-focused, and serve whole families in ways that are customized to the unique needs and strengths of the community.
 - (1) Form a core team of at least five community members to support planning and coordination of the work;
 - (2) Engage people experiencing economic hardship in the resilience and design work;
 - (3) Ensure that race is centered in the work by incorporating racial equity analyses and tools;
 - (4) Core team participates in at least three facilitated meetings (in-person or by phone) with Building Community Resilience;
 - (5) Support peer learning across the NextGen | Building Community Resilience partnership;
 - (6) Findings from the 'Labs' will be used to inform how public (e.g. state and local government) and private (e.g., philanthropy, non-profit) resources are invested, DSHS's policy and program development, and community advocacy efforts.
- c. Leverage the strengths of their community and the stakeholders to inform the work, which will support DSHS|ESA's TCM efforts seeking to modernize ESA's case management system.

Special Terms and Conditions

d. Metrics/outcomes:

- (1) Identify technical assistance needs for 2019-2020
- (2) Create shared goals and strategic plan for each cross-sector collaborative
- (3) Expand staff & community application of the "Pair of ACEs" framework in resilience-building efforts
- (4) Engage local leaders across sectors in equity discussions & strategies
- (5) Expand trauma-informed practice within organizations and/or across sector partners
- (6) Engage families/community in coalition building, peer-to-peer learning, & program development
- (7) Develop policy recommendations to support long-term financial sustainability and/or cross-sector collaboration with local, state and federal stakeholders
- (8) Develop a unifying agenda for policies supporting trauma-informed practice, equity and resilience; engage local, state and federal policymakers in resilience agenda
- (9) Data collection & monitoring of network collaboration, pilots, & interventions (via the BCR Data Dashboard)

e. Reporting:

- (1) No later than 10 days from the start date of the contract, the Contractor shall submit a proposal of what the funds will be used for to support this work to the DSHS contract contact, Lindsay Tracy.
- (2) Quarterly email updates to Lindsay Tracy on how the work is moving forward to reduce disparities – aligned with the Governor's poverty reduction efforts.
- (3) No later than April 15th, the Contractor will complete a summary report of what they have done to date to support this program, and a summary of the work that will be performed in the last 6 months of the contract and submit to the DSHS contract contact, Lindsay Tracy.
- (4) Monthly check-ins with BCR with emails to Lindsay Tracy that they transpired.
- (5) Attendance at national BCR convening in Portland in Nov 2019.

4. Consideration. Total consideration payable to Contractor for satisfactory performance of the work under this Contract is up to a maximum of \$70,000, including any and all expenses, and shall be based on the following:

- a. Upon submission and approval of the report listed in Section 1– Statement of Work, e.- Reporting #1, the Contractor shall be paid \$52,500.
- b. Upon submission and approval of the report listed in Section 1-Section of Work, e.- Reporting #3, the Contractor shall be paid \$17,500.

Special Terms and Conditions

5. Billing and Payment.

- a. Submit properly completed invoices that describe and document a description of the work performed, activities accomplished, the progress of the project, and fees no more often than quarterly. Submit an invoice for approval to:

Tyshawn Cordon, Administrative Assistant
DSHS, Economic Services Administration
PO Box 45445
724 Quince St SE
Olympia, WA 98504-5445

- b. Payment. Payment shall be considered timely if made by DSHS within thirty (30) days after receipt and acceptance by ESA Accounting of a properly approved and completed invoice. Payment shall be sent to the address designated by the Contractor. DSHS may, at its sole discretion, withhold payment claimed by the Contractor for services rendered if Contractor fails to satisfactorily comply with any term or condition of this Contract.

6. Insurance.

The Contractor shall at all times comply with the following insurance requirements.

a. General Liability Insurance

The Contractor shall maintain Commercial General Liability Insurance or Business Liability Insurance, including coverage for bodily injury, property damage, and contractual liability, with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The policy shall include liability arising out of the parties' performance under this Contract, including but not limited to premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The State of Washington, Department of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees of the state, shall be named as additional insureds.

In lieu of general liability insurance mentioned above, if the contractor is a sole proprietor with less than three contracts, the contractor may choose one of the following three general liability policies but only if attached to a professional liability policy, and if selected the policy shall be maintained for the life of the contract:

Supplemental Liability Insurance, including coverage for bodily injury and property damage that will cover the contractor wherever the service is performed with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The State of Washington, Department of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees shall be named as additional insureds.

or

Workplace Liability Insurance, including coverage for bodily injury and property damage that provides coverage wherever the service is performed with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The State of Washington, Department of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees of the state, shall be named as additional insureds.

or

Special Terms and Conditions

Premises Liability Insurance and provide services only at their recognized place of business, including coverage for bodily injury, property damage with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The State of Washington, Department of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees of the state, shall be named as additional insured.

b. Business Automobile Liability Insurance

The Contractor shall maintain a Business Automobile Policy on all vehicles used to transport clients, including vehicles hired by the Contractor or owned by the Contractor's employees, volunteers or others, with the following minimum limits: \$1,000,000 per accident combined single limit. The Contractor's carrier shall provide DSHS with a waiver of subrogation or name DSHS as an additional insured.

c. Professional Liability Insurance (PL)

The Contractor shall maintain Professional Liability Insurance or Errors & Omissions insurance, including coverage for losses caused by errors and omissions, with the following minimum limits: Each Occurrence - \$1,000,000; Aggregate - \$2,000,000.

d. Worker's Compensation

The Contractor shall comply with all applicable Worker's Compensation, occupational disease, and occupational health and safety laws and regulations. The State of Washington and DSHS shall not be held responsible for claims filed for Worker's Compensation under RCW 51 by the Contractor or its employees under such laws and regulations.

e. Employees and Volunteers

Insurance required of the Contractor under the Contract shall include coverage for the acts and omissions of the Contractor's employees and volunteers. In addition, the Contractor shall ensure that all employees and volunteers who use vehicles to transport clients or deliver services have personal automobile insurance and current driver's licenses.

f. Subcontractors

The Contractor shall ensure that all subcontractors have and maintain insurance with the same types and limits of coverage as required of the Contractor under the Contract.

g. Separation of Insureds

All insurance policies shall include coverage for cross liability and contain a "Separation of Insureds" provision.

h. Insurers

The Contractor shall obtain insurance from insurance companies identified as an admitted insurer/carrier in the State of Washington, with a Best's Reports' rating of B++, Class VII, or better. Surplus Lines insurance companies will have a rating of A-, Class VII, or better.

i. Evidence of Coverage

The Contractor shall, upon request by DSHS, submit a copy of the Certificate of Insurance, policy,

Special Terms and Conditions

and additional insured endorsement for each coverage required of the Contractor under this Contract. The Certificate of Insurance shall identify the Washington State Department of Social and Health Services as the Certificate Holder. A duly authorized representative of each insurer, showing compliance with the insurance requirements specified in this Contract, shall execute each Certificate of Insurance.

The Contractor shall maintain copies of Certificates of Insurance, policies, and additional insured endorsements for each subcontractor as evidence that each subcontractor maintains insurance as required by the Contract.

j. Material Changes

The insurer shall give the DSHS point of contact listed on page one of this Contract 45 days advance written notice of cancellation or non-renewal. If cancellation is due to non-payment of premium, the insurer shall give DSHS 10 days advance written notice of cancellation.

k. General

By requiring insurance, the State of Washington and DSHS do not represent that the coverage and limits specified will be adequate to protect the Contractor. Such coverage and limits shall not be construed to relieve the Contractor from liability in excess of the required coverage and limits and shall not limit the Contractor's liability under the indemnities and reimbursements granted to the State and DSHS in this Contract. All insurance provided in compliance with this Contract shall be primary as to any other insurance or self-insurance programs afforded to or maintained by the State.

l. Waiver

The Contractor waives all rights, claims and causes of action against the State of Washington and DSHS for the recovery of damages to the extent said damages are covered by insurance maintained by Contractor.

m. Liability Cap

Any limitation of liability or liability cap set forth in this Contract shall not preclude DSHS from claiming under any insurance maintained by the Contractor pursuant to this Contract, up to the policy limits.

7. Disputes.

Any dispute arising from this Contract shall be resolved by good faith negotiations between the parties. Either party may submit a request for resolution of a Contract dispute (rates set by law, regulation or DSHS policy are not disputable). The requesting party shall submit a written statement identifying the issue(s) in dispute and the relative positions of the parties. A request for a dispute resolution must include the party's name, address, and Agreement number, and be mailed to the address listed below within 30 calendar days after the party could reasonably be expected to have knowledge of the issue in dispute.

DSHS/ESA Finance and Financial Recovery
Attn: Contracts and Purchasing Unit
PO Box 45445
Olympia, WA 98504-5445



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-005

File ID:	AB2020-005	Version:	1	Status:	Agenda Ready
File Created:	12/18/2019	Entered by:	DAdelste@co.whatcom.wa.us		
Department:	Auditor's Office	File Type:	Contract		

Assigned to:	Council Finance and Administrative Services Committee	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and the State of Washington Office of the Secretary of State for the county's share of the costs of the VoteWA system in the amount of \$56,709 through June 30, 2025.

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and the State of Washington, Office of the Secretary of State for the county's share of the costs of the VoteWA system in the amount of \$56,709 through June 30, 2025.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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MEMORANDUM

TO: Jack Louws, County Executive

FROM: Debbie Adelstein, County Auditor

RE: Intergovernmental Agreement – Secretary of State
- VoteWA Maintenance and Support Costs

DATE: December 18, 2019

Enclosed are two (2) originals of Office of Secretary of State Interlocal Agreement re VoteWA Maintenance and Support Costs for your review and signature.

▪ **Background and Purpose**

When the new statewide voter registration database (VoteWA) was proposed it was intended that the county jurisdictions would pay a proportional share for vendor maintenance and support costs. The new system has now been implemented and the attached contract proposes how that will be handled. Whatcom County's share through June 30, 2025 is \$56,709 (\$11,342 per year).

▪ **Funding Amount and Source**

The funding for this contract has already been incorporated into 2020 budget.

The State has sent us the attached contract and we recommend your approval. Please contact Diana Bradrick, Chief Deputy Auditor, at extension 5130 if you have any questions or concerns regarding the terms of this agreement.

Encl.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF WASHINGTON
OFFICE OF THE SECRETARY OF STATE
AND
WHATCOM COUNTY AUDITOR'S OFFICE
FOR VOTEWA MAINTENANCE AND SUPPORT COSTS**

This intergovernmental agreement ("Agreement") is entered into by the Washington State Office of the Secretary of State ("OSOS") and the Whatcom County Auditor's Office ("County").

WHEREAS, Chapter 39.34.080 RCW authorizes governmental entities to enter into agreements for the joint and cooperative exercise of their respective authorities; and

WHEREAS, the OSOS and thirty-nine (39) Washington State Counties have collaborated together in order to modernize, streamline, and improve the elections process through the development and implementation of a statewide modern Elections Management Project (EMP) for Washington State, known as VoteWA; and

WHEREAS, upon final acceptance and implementation of the VoteWA system, the OSOS and 39 Washington State Counties have agreed to share the costs equally for vendor maintenance and support costs of the VoteWA system.

NOW, THEREFORE, in consideration of the mutual benefits to be derived, the parties agree as follows:

1. PURPOSE

This Agreement identifies the OSOS and County's obligations and duties for the annual vendor maintenance and support costs of the VoteWA system.

2. PERIOD OF PERFORMANCE

The period of performance under this Agreement will be from the date of the execution (the "Effective Date") with no end date.

3. DUTIES

The parties will perform the following duties for the annual vendor maintenance and support costs for the VoteWA system.

A. OSOS will:

1. Invoice the County each year directly for one-half, or fifty percent (50%) of the annual cost of vendor maintenance and support for the VoteWA system. Annual vendor maintenance cost and support through June 30, 2025 is \$696,456.00. OSOS

will have the option to extend maintenance and support services beyond June 30, 2025. Annual fees for maintenance and support services June 30, 2025 will be subject to an annual increase of no more than 5%, excluding fee adjustments for ballot download fees.

2. Calculate the cost of the VoteWA System maintenance and support for each County based upon the following formula:

$$\frac{\text{Registered Voters in county for prior year general election } 146,700}{\text{Total Registered Voters in the state for prior year's general election } 4,504,003} \times (\text{Maintenance costs } \times 0.5) .03257 \times 696,456$$

$$22,683 \times .5 = 11,341.78 \text{ per yr}$$

$$5 \text{ yr cost} = \$56,709$$

Example:

Registered voters in County for prior year general election = 1,000

Total registered voters in the State for prior year's general election = 1,000,000

Maintenance cost = \$50,000.00

$$1,000/1,000,000 \times (\$50,000.00 \times 0.5) =$$

$$.001 \times \$25,000.00 = \$25.00$$

3. Prorate the first year of maintenance and support based upon when the VoteWA system is fully operational.

B. County will:

1. Within 30 days of receipt of the annual invoice for VoteWA maintenance and support, issue payments to the OSOS through warrant or electronic transfer.
2. Notify OSOS of any contact information changes affecting this Agreement within 30 days.

4. AGREEMENT MANAGEMENT

The following individuals are responsible for the management of this agreement:

- A. **OSOS:** Shannon Cortez
Deputy Director of Elections
Office of the Secretary of State
PO Box 40229
Olympia, Washington 98504
shannon.cortez@sos.wa.gov
360-902-4169

- B. **County:** Whatcom County Auditor's Office
 Diana Bradrick, Auditor
 311 Grand Ave. Suite 103
 Bellingham, WA 98225
DBradric@co.whatcom.wa.us
 360-778-5105

6. WAIVER

Waiver of any default may only be in writing and shall not be deemed a waiver of any subsequent default. Waiver of breach of any provision of the Agreement shall not be deemed a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such in writing, signed by the parties to this Agreement, and attached to the original Agreement.

7. DISPUTES

If a bona fide dispute arises between OSOS and County, both parties will make a good faith effort to resolve the dispute pursuant to negotiation. If the parties fail to resolve the dispute through negotiation, the parties may choose a mutually acceptable Alternate Dispute Resolution method. Such an Alternative Dispute Resolution process shall precede any action in a court of law.

8. TERMINATION

Either party may terminate this Agreement by providing written notice a minimum of 90 days prior to the termination date. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

9. SAVINGS

In the event funding from state, or other sources is withdrawn, reduced, or limited in any way after the effective date of the Contract and prior to normal completion, OSOS may terminate the contract, without the 90 day notice requirement, subject to renegotiation under those new funding limitations and conditions.

10. INDEPENDENT PARTIES; INDEMNIFICATION

It is understood that, in entering into and performing under this Agreement, neither party is an employee or agent of the other party. Each party to this Agreement shall be responsible for its own acts and/or omissions and those of its officers, employees, and agents. Each party shall indemnify the other party for any negligent acts or willful misconduct committed by its employees, officers, or agents. OSOS' indemnity obligations under this Agreement shall apply to the extent permitted by the laws of the State of Washington.

11. ENTIRE UNDERSTANDING

This Agreement sets forth the entire understanding of the parties and may be modified only by written instrument duly executed by each party.

12. GOVERNING LAW

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

13. HEADINGS

The headings of the various sections of this Agreement have been inserted for convenience and reference only and shall not be deemed part of this Agreement.

The persons signing below warrant that they have the authority to execute this Agreement.

OFFICE OF THE SECRETARY OF STATE

WHATCOM COUNTY

Mark Neary
Assistant Secretary of State

Jack Louws
County Executive

Date

Recommending Approval:

Diana Bradrick
In-coming Whatcom County Auditor

Approved as to Form:

Elizabeth Gallery _____ Date _____
Civil Deputy Prosecuting Attorney

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No. _____

Originating Department:	Auditor
Division/Program: (i.e. Dept. Division and Program)	Election
Contract or Grant Administrator:	Diana Bradrick
Contractor's / Agency Name:	Office of Secretary of State

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes ☒ No ☐ If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____

Does contract require Council Approval? Yes ☒ No ☐ 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 ☐ No ☒ If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded? Yes ☐ No ☒ If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
Yes ☐ No ☒ If yes, RFP and Bid number(s): _____ Cost Center: _____

Is this agreement excluded from E-Verify? No ☒ Yes ☐ 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 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):
\$ 56,709

This Amendment Amount:
\$ _____

Total Amended Amount:
\$ 56,709

Summary of Scope:

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.

Whatcom County's proportional share of maintenance and support costs for the VoteWA (statewide voter registration system) through 6/30/25.

Term of Contract:	Expiration Date: ongoing
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Contract Routing:	1. Prepared by: D Adelstein	Date: 12/18/2019
	2. Attorney signoff: _____	Date: _____
	3. AS Finance reviewed: _____	Date: _____
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-031

File ID:	AB2020-031	Version:	1	Status:	Agenda Ready
File Created:	01/08/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to: Council Public Works & Health Committee

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Selection of Committee Chair

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-032

File ID:	AB2020-032	Version:	1	Status:	Agenda Ready
File Created:	01/08/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to: Council Criminal Justice and Public Safety Committee

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Selection of Committee Chair

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-033

File ID:	AB2020-033	Version:	1	Status:	Agenda Ready
File Created:	01/08/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to: Council Planning and Development Committee

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Selection of Committee Chair

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-027

File ID:	AB2020-027	Version:	1	Status:	Agenda Ready
File Created:	01/07/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Discussion		

Assigned to:	Council Special Committee of the Whole	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Discussion regarding Whatcom County public health, safety, and justice needs assessment

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion regarding Whatcom County public health, safety, and justice needs assessment

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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WHATCOM COUNTY COUNCIL

MEMO: Whatcom Public Health, Safety, and Justice Initiative

To: Whatcom County Council Members
From: Barry Buchanan, Whatcom County Council Criminal Justice and Safety Committee Chair
CC: Whatcom Community Members
Date: August 7, 2019
Re: Whatcom Public Health, Safety, and Justice Initiative

Whatcom County has an opportunity to plan for a criminal justice system that is built to address the root causes of incarceration and designed with rehabilitation as the goal.

With much focus, energy, collaboration, and innovation, Whatcom County has been able to reduce incarceration by 15% over the last 12 months (Sheriff's report). Incarceration reduction, diversion, and prevention have remained priorities in the community's conversation and agenda. With the failure of two jail ballot measures (2015 and 2017), the County conducted a listening tour in 2018, holding 7 sessions across the county and asking voters and community members what they'd like to see happen and why they did or did not support the jail ballot measures.

Rich and diverse input was received. The following themes emerged as consistent feedback:

- Prioritization of diversion and treatment for addiction and mental health is essential. The community wants to move away from criminalization of addiction and behavioral health issues as much as possible.
- There is a desire for a smaller jail than previously proposed, preferably located downtown.

While nationally and locally we are seeing innovations in our criminal justice system and realizing returns on diversion and alternatives with reduced recidivism, reduced cost to the criminal justice system, and improved rehabilitation, there remains a need to address the downtown Whatcom County jail facility. It is no secret that the jail designed in the 80's is not set up for the treatments and services available in the 2010's and 2020's. It is also no secret that the current facility poses safety concerns for both those who are incarcerated and those who work inside the jail, including our officers, our treatment providers, and our jail staff. Based on the realities of the facility, the responsibilities the county has for public safety, and honoring the values of the community, this memo is humbly and respectfully submitted to Whatcom County Council with the following outline as a workplan for council moving forward on these issues:

THROUGHOUT ALL PHASES

Community Engagement

Community engagement will be a major priority throughout the planning for this initiative. We will host focused forums, listening sessions, and create mechanisms for community input and feedback on the

needs-assessments, location options, and facility designs. Significant community outreach will be conducted to ensure voices and values from across Whatcom County are represented, heard, and incorporated into the planning for the future of public health, public safety, and criminal justice in our community.

This workplan builds on feedback from the Jail Listening Tour and incorporates the Incarceration Planning Principles. The work also supports and builds on principles from Resolutions 2015-047 regarding the Stepping Up Initiative; Resolution 2019-030 regarding reducing incarceration of young adults; Resolution 2016-072 regarding Incarceration Planning Principles; Resolution 2015-310 regarding a Healthy Planning approach; and Resolution 2019-197 regarding commitment to Whatcom County's Young Children and their families.

PHASE ONE

Needs Assessments: Proceed with a Request for Proposal (RFP) to hire a planner to conduct a comprehensive analysis of local criminal justice policy; public safety needs; behavioral health needs; and facility needs.

Behavioral Health + Public Safety

This needs assessment should evaluate our behavioral health system and current criminal justice and jail needs; including considerations of any additional behavioral health facility needs; financial commitments; jail location and size; diversion programs; and bail and prosecution reforms; and legal requirements and obligations. An established, impartial expert is essential to this analysis. The needs assessment should address the following:

- Asset Mapping: where our current resources are and outcomes of investments of Criminal Justice Fund, Behavioral Health Fund, and other relevant county funds.
- Gap analysis of services and needs in the community and an understanding of how the community is utilizing the services that already exist. This analysis should start with our behavioral health services.
- Answering the question, based on community input, policy, and diversion, alternatives, treatment options, and requirements of law, who should be in jail?
- Projections for possible and probable population of divertible offenders.
- What services would be needed to further reduce incarceration, including Pre-Arrest, Post-Arrest, Re-Entry, Housing, and service delivery capacity for providers and community-based treatments?

Facility Needs

- Based on the behavioral health and public safety needs assessment and taking into account future growth projections, what behavioral health facilities beyond the construction and operation of the recently approved 32 bed crisis stabilization facility are needed to further our investment in prevention, treatment, rehabilitation and alternatives to jail?
- Based on the behavioral health and public safety needs assessment, what size jail facility do we need as we plan for future growth in Whatcom County while considering investments in prevention and diversion?
- What design elements within a jail facility would be needed, based on the local incarcerated population and their needs?
- How many beds and cells within a new facility will need to be minimal security and how many will need to be hardened for higher risk offenders?

PHASE TWO

Facility Design and Alternative Analysis: Provide the community with analysis of at least two serious options for location, size, and design.

This should include analysis of potential reuse of the current downtown jail property/facility; construction of a new building downtown; construction of a new building at Irongate; and other feasible locations that are discovered through the assessment. Along with location, the analysis should outline both construction capital and ongoing operational costs including transportation costs; and should illustrate the pros and cons of each option as they relate to ongoing expenses, design capabilities, and environmental impact.

PHASE THREE

Whatcom Public Health, Safety, and Justice Initiative

Based on the needs assessments and community feedback, the last phase will be working toward the creation of a Whatcom Public Health, Safety, and Justice Initiative and will examine feasible financing strategies, including but not limited to philanthropic and grant support; social impact bonds; current county budget operational support; a ballot measure for a sales tax or a property tax; and/or other means of financing the services and facilities identified within this process.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-432

File ID:	AB2019-432	Version:	1	Status:	Approved as Amended
File Created:	07/31/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Resolution		
Assigned to:	Council Criminal Justice and Public Safety Committee				Final Action: 08/07/2019
Agenda Date:	08/07/2019	Enactment #: RES 2019-036			

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

TITLE FOR AGENDA ITEM:

Resolution adopting a statement of public health, safety, and justice facility planning principles for Whatcom County

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution adopting a statement of public health, safety, and justice facility planning principles for Whatcom County.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
08/07/2019	Council Criminal Justice and Public Safety Committee	RECOMMENDED FOR APPROVAL	
08/07/2019	Council	APPROVED AS AMENDED	
Notes: Vote: 7-0, Resolution 2019-036			

Attachments: Memo, Proposed Resolution for August 7, Agenda Bill Master Report

**ADOPTING A STATEMENT OF PUBLIC HEALTH, SAFETY, AND JUSTICE
FACILITY PLANNING PRINCIPLES FOR WHATCOM COUNTY**

WHEREAS, Whatcom County and its municipalities and Tribes desire to coordinate, contribute, and cooperate in enhancing public safety, and in particular our communities' behavioral health and criminal justice systems; and

WHEREAS, the County Council is taking leadership on the issue and would like to engage the community and other legislative bodies to guide future behavioral health and public safety/justice facility planning, and will seek constructive engagement with the public and other elected officials throughout the county; and

WHEREAS, all parties believe there is a need for an improved County jail, and that voters will approve a proposal that addresses the communities' full range of needs and values with a combined public health and public safety initiative that focuses on reducing our need for jail by funding treatments options first, and is built with community input.


NOW THEREFORE BE IT RESOLVED, that the Whatcom County Council updates the principles established in Resolution 2016-008 and adopts the attached Statement of Incarceration Prevention and Reduction, Behavioral Health, Criminal Justice, and Public Safety/Justice Facility Planning Principles.

BE IT FURTHER RESOLVED, that due to a large number of other infrastructure investments that the County needs to make, the life and safety issues in the existing jail facility and the ever escalating costs of such investments, the Whatcom County Council intends to begin the process of developing a proposal for the voters, with our community values used as guidance, as soon as possible.

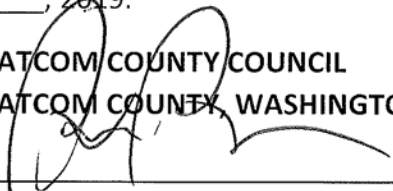
BE IT FINALLY RESOLVED, that the Whatcom County Council asks the other legislative authorities that have a stake in our shared behavioral health and criminal justice system to, as soon as possible, also adopt this Statement of Incarceration Prevention and Reduction, Behavioral Health, Criminal Justice, and Public Safety/Justice Facility Planning Principles, or similar statements that make clear how incarceration prevention, criminal justice, and public safety/justice planning needs to proceed.

APPROVED this 7th day of August, 2019.

ATTEST:


Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Rud Browne, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

Principles of Public Health, Safety, and Justice Facility Planning

The Whatcom County Council would like to establish guiding principles for public health, safety, and justice facility planning, and requests the participation of the Lummi Nation, Nooksack Tribe, and all the Cities of Whatcom County.

We believe our communities are united in our commitment to public safety, justice, fiscal responsibility, harm reduction, healing, and prevention as public priorities.

We should strive for conditions where the cycle of incarceration is broken rather than perpetuated. With continued support and focus on mental health and substance abuse treatment and diversion rather than incarceration, we see an opportunity to continue to improve our criminal justice system and reduce incarceration. An increased focus on diversion and jail alternatives by diverting, where safe and appropriate, individuals who are charged with crimes into programs that allow them to stay with their families, like electronic home monitoring.

We, as a community, are fortunate that the Incarceration Prevention and Reduction Task Force (IPRTF) has researched and recommended many of these improvements. The Task Force includes a broad range of participants including representatives from organizations involved in criminal justice and law enforcement, policy makers, service providers, members of the public, and consumers of services throughout Whatcom County.

The IPRTF has shown support and leadership on many accomplishments that take a more holistic view of criminal justice and behavioral health issues including:

- Pretrial Services Unit in Whatcom County Superior Court, and
- Crisis Stabilization Facility (in process) to allow for increased diversion opportunities for those with behavioral health issues, and
- Ground-level Response and Coordinated Engagement (GRACE) program to reduce unnecessary incarceration, and
- Information and Needs Data exchange committee to increase the consistency and transparency of criminal justice data, and
- Law Enforcement Assisted Diversion (LEAD) program
- Sherriff's Office Behavioral Health Diversion Program

We also know that there are multiple deficiencies with the downtown public safety (jail) facility that include life-safety issues.

The cost of addressing the most significant issues are too high to continue into the future and the need for an appropriately sized replacement facility continues to be the most burdensome and needed capital issue that we face.

We continue to engage the constituents of Whatcom County to gather input that started with the Whatcom County Criminal Justice and Public Safety Committee's Listening Tour. During that tour many participants agreed that there needs to be a public safety and justice facility for people who are violent and at risk of harming others and that the facility needs to be a safe and humane place for the corrections staff and those individuals who are housed there. People have also voiced that it's critical to prioritize treatment over punishment. We also heard strong support for a smaller jail located in downtown Bellingham.

Therefore, in order to guide the public process and County administrative plans and actions in the future, we do hereby put forward the following set of Incarceration Prevention and Reduction, Criminal Justice, Behavioral Health and Public Safety/Justice Facility Planning Principles for our communities:

1. The people of Whatcom County, the Lummi Nation, the Nooksack Tribe, and the Cities are best served by a shared public safety (jail) facility or a combination of shared facilities, and by a coordinated and integrated response to behavioral health issues that can reduce the use of the criminal justice system at a lower cost.
2. The following are inextricably linked: responsible stewardship of public funds, ensuring public safety, and providing adequate countywide behavioral health services.

3. The IPRTF's specific recommendations have influenced the direction of our future crisis stabilization facility, pre-booking and pre-trial diversions, jail alternatives, and behavioral health programming, and others outlined above and in the annual reports published by the IPRTF.
4. We will continue to commit funding towards community-based preventive services. We need post-release support to maximize successful re-entry and minimize recidivism. These actions now can hold down recurring criminal justice costs in the future.
5. We will continue to look towards behavioral health facilities beyond the construction and operation of the recent 32 bed crisis stabilization facility, further our investment in prevention, treatment, rehabilitation and alternatives to jail.
6. Departments will provide data to decision-makers and the public, including relevant demographic, statistical, and jail usage information. Data collection will be enhanced in an open and transparent way by working with the INDEX committee of the IPRTF.
7. The size of jail facilities should be based on a comprehensive analysis of treatment, diversion and local criminal justice policies and the requirements of law. While accurate measures of current incarceration rates adjusted for future population growth are important, we also must equally consider national, state, and local trends towards improvements in prevention, alternatives, behavioral health, and re-entry support.
8. We will locate any new jail facility where it can work best for all of our partners, the public, and related businesses (attorneys, bail bonds, etc.). We should re-analyze an option of locating the facility at a downtown Bellingham location.
9. We consider the Irongate minimum security facility as a valuable piece of the criminal justice continuum. This facility could be retained for certain existing jail populations and programs, or expanded to include crisis triage operations, a re-entry support facility, a behavioral health facility, or medical facility.
10. We will apportion construction and operating costs separately and fairly among jail users based on actual use or best estimates of actual future use.
11. We will continue to work with the County Prosecutor's Office, the District Court, Superior Court, and Lummi Tribal Court leadership to reduce the current use of bail and on probation procedures, as well as broader criminal justice issues that affect the size of the jail population but which are not under County legislative control.
12. We will issue an RFP for a Behavioral Health/Criminal Justice Planner. While the work of our IPRTF and community groups remains valid and vital, it is essential to hire a professional Criminal Justice/Behavioral Health Planner to evaluate the additional aspects of our system and our jail needs. Considerations such as financial commitments, jail location and size, diversion programs, and bail and prosecution reforms must be examined and reported on by an established, impartial expert.
13. We recognize the need to provide a safer, more secure, and healthier environment for those who work, visit, and are incarcerated within the public safety/justice facility; therefore, we will work to have a funding proposal on the ballot with a goal of no later than November 2020.
14. We commit to a transparent process of planning with opportunity for community input to the best of our ability every step of the way.



MEMORANDUM

TO: Whatcom County Council Members

FROM: Councilmember Barry Buchanan, Whatcom County Executive's Office, Whatcom County Sheriff, and Whatcom County Health Department

RE: Whatcom County Public Health, Safety, and Justice Initiative

DATE: August 28, 2019

On August 7, 2019, Whatcom County Council approved Resolution 2019-036, which identifies a work plan for the Whatcom Public Health, Safety, and Justice Initiative. The resolution identifies a need to plan for a criminal justice system that is built to address the root causes of incarceration and designed with rehabilitation as the goal. It identifies key elements to complete a behavioral health and criminal justice needs assessment and design concepts for a new facility, all with broad participation from the public.

County staff further developed the ideas of the Resolution in a document included as Exhibit A, which identifies specific tasks for a needs assessment, conceptual design work, and a robust public outreach effort to incorporate the community's vision for criminal justice and behavioral health services.

Councilmember Buchanan, the Whatcom County Executive's Office, the Whatcom County Sheriff, and the Whatcom County Health Department would like to engage the Council in a discussion of next steps to complete the defined tasks in Exhibit A, including contracting for professional services.

EXHIBIT A

Whatcom County Public Health, Safety and Justice Initiative

BACKGROUND

Whatcom County has an opportunity to plan for a criminal justice system that is built to address the root causes of incarceration and designed with rehabilitation as a goal. Considerations such as financial commitments, jail location and size, diversion programs, behavioral health services provided inside the jail and in the broader community, and bail and prosecution reforms must be examined. The underlying project is envisioned to be a multi-phased needs assessment for Whatcom County's criminal justice policy, public safety, and facility needs that incorporate community based preventative services for behavioral and mental health treatment, rehabilitation, and alternatives to jail. The needs assessment will include robust public outreach efforts and incorporate the community's vision for Whatcom County criminal justice and behavioral health services.

History:

The Whatcom County Sheriff's Office currently operates two jail facilities: a Main Jail facility within the Public Safety Building in downtown Bellingham, opened in 1984, and an interim minimum security facility (known as the Work Center), which opened at a remote site in 2006. Both facilities house male and female, pre-trial and post-conviction, and misdemeanor and felony offenders. The Main Jail is a full service facility that provides incarceration services for 11 court systems and is the entry point for most arrestees. It holds all higher classification offenders, all pre-arraignment offenders, and all special needs offenders, as well as a mix of general population offenders. It was originally designed for 148 offenders and there has been extensive retrofitting and remodeling to this facility to provide additional offender bed space. The Work Center currently holds minimum and low-medium security offenders, work release offenders and in-custody work crews as well as the staff offices and processing space for the entire alternative to full incarceration programs (Jail Alts) supervised by the Sheriff's Office. The Work Center was built for 148 offenders, with 2 additional short term high security beds. The Work Center averages 130 minimum or low-medium custody and alternative corrections inmates daily. The Work Center also provides additional capacity as an interim solution for crowding at the Main Jail. A recent report by Design2Last (2016) indicated that the minor shifting of functions between the Main Jail and the Work Center will not result in significant relief from crowding in the Main Jail. The Work Center was intended to be a short term solution while the County began the planning process for a new jail facility that would bring all corrections functions back to a single site.

Jail populations are declining as an apparent result of a combination of jail population control measures and the effects of pre-trial judicial decisions on bail or release, including a District Court pre-trial Electronic Home Monitoring (EHD) program, which is facilitated by the Sheriff's office EHD staff and various cities' use of private vendors to monitor pre-trial offenders. The average daily population (ADP) in the Main Jail downtown decreased from 230 in 2015 to approximately 193 in mid-year 2019. There is evidence of this same trend at the Work Center whose ADP reduced from 106 in 2015 to 79 in 2019 and for the Jail's post-conviction EHD program, which moved from 22 to 12 during the same time span. Due to lack of space in the current facilities, Whatcom County and the local municipalities are currently sending eligible offenders to the Yakima County Jail for housing. A combined total of 19 people per day are being housed at the Yakima County Jail for the local court systems. The Whatcom County Corrections system is currently overseeing approximately 316 offenders per day as of mid-year 2019.

The Main Jail facility, located in the Public Safety Building, is crowded and has deteriorating infrastructure requiring major investments. Issues include, but are not limited to, failures of the security electronics, insufficient video surveillance, outdated locking mechanisms, failing plumbing (both fresh water and waste), and some structural concerns created as part of remodeling for more housing space.

It is a 1970's-era linear design jail with poor lines of sight and no ADA qualified housing areas, and is operated on an indirect supervision model. The County has remodeled and retrofitted almost all of the original program, office, and storage space in this facility to provide offender housing.

The Main Jail was recently evaluated (Design2Last, 2016) for needed repairs to keep the jail open for 5-7 years. The report identified 18 significant building deficiencies requiring over \$10 million in repair costs. The Main Jail building also does not have a smoke evacuation system, which would cost an additional \$4 million to install. Due to the hollow core concrete slab construction of the building, it would not be feasible without significant cost and risks to the building's structural integrity, and would require relocation of all inmates and workers during the work. The estimated future costs of maintenance over the next 20 years are \$27 million. These estimated costs cover ongoing maintenance of an existing facility, which does not currently have space for needed behavioral health services.

The County provides jail behavioral health services and re-entry services. Services are provided by a local non-profit in the form of a coordinated team. The team responds to an average of 336 non-urgent referrals per month within 24 hours with a focus on delivering crisis services and providing symptom stabilization. The lack of confidential space at the Main Jail results in nearly one third of all behavioral health services being conducted by phone as opposed to "in person". The lack of dedicated space at the Main Jail often causes corrections staff to consume available space for immediate health and safety issues. This leaves behavioral health services with no dedicated space for follow up services, limiting the behavioral health team to providing crisis services and symptom stabilization.

Achievements:

With much focus, energy, collaboration, and innovation, Whatcom County has been able to reduce incarceration by 15% over the last 12 months (Sheriff's report). Incarceration reduction, diversion, and prevention have remained priorities in the community's conversation and agenda. With the failure of two jail ballot measures (2015 and 2017), the County conducted a listening tour in 2018, holding 7 sessions across the County and asking community members what they'd like to see happen and why they did or did not support the jail ballot measures. The consistent feedback reflected a desire to prioritize diversion and treatment for substance use disorders and mental health and a preference for a smaller jail than previously proposed, preferably located downtown.

Whatcom County, the Cities of Whatcom County, and the community have continued to show support and leadership on efforts to take a more holistic view of criminal justice and behavioral health issues in the last few years. This has been brought to the forefront with ongoing work and achievements of the Incarceration Prevention and Reduction Task Force (IPRTF), made up of a broad range of participants including representatives from organizations involved in criminal justice and law enforcement, policy makers, service providers, members of the public and consumers of the services throughout Whatcom County. The accomplishments related to improving the systems around criminal justice and behavioral health in the last few years include, but are not limited to:

- Pretrial Services Unit in Whatcom County Superior Court
- Crisis Stabilization Facility (in process) to allow for increased diversion opportunities for those with behavioral health issues
- Ground-level Response and Coordinated Engagement (GRACE) program to reduce unnecessary incarceration
- Information and Needs Data exchange committee to increase the consistency and transparency of criminal justice data
- Law Enforcement Assisted Diversion (LEAD) program (in process),
- Sheriff's Office Behavioral Health Diversion Program

- Bellingham Police Department, Behavioral Health Officer
- Recovery Housing for people with behavioral health disorders in the Justice system

Desired Outcomes:

Whatcom County has recognized the need for a new jail facility to provide a safer, more secure, and healthier environment for those who work, visit and are incarcerated within the public safety/justice facility and intends to have a funding proposal no later than November 2020. The funding proposal should factor in costs for diversion, alternatives and treatment for substance use disorders and mental health, and future growth projections. A facility design and alternative analysis should include at least two serious community-supported options for location, size and design of a new justice center. A needs assessment will analyze existing behavioral health programs and identify gaps in funding and programs offered. The final report will document a robust community engagement effort and quality feedback from the public that informs the needs assessment, location options, and facility designs.

PROPOSED DESCRIPTION OF SERVICES:

The services to be provided will include, but not be limited to:

Phase One: Develop a Behavioral Health and Public Safety Needs Assessment

The needs assessment should evaluate Whatcom County's behavioral health services both within the jail and available to the broader community, current criminal justice system and programs, and current and future incarceration needs and projections. The scope of work for the needs assessment component will include, but not be limited to, the following items:

1. The consultant will work with the Technical Advisory Committee to identify any data requirements. The consultant will analyze and assess the data currently being collected and data gaps which may exist. This work will be done in consultation with the Incarceration Prevention and Reduction Task Force's (IPRTF) Information Needs and Data Exchange subcommittee.
2. The consultant will review existing data, information and reports that have been developed on this subject, including but not limited to the following:
 - a. IPRTF's Report and information_
<http://www.co.whatcom.wa.us/2052/Incarceration-Prevention-and-Reduction-T>
 - b. Vera Institute Final Report_
<http://www.co.whatcom.wa.us/DocumentCenter/View/31476>
 - c. Behavioral Health Program Reports and Information
<http://wa-whatcomcounty.civicplus.com/668/Behavioral-Mental-Health>
 - d. DLR Group's 2013 Pre-Design and Needs Report_
<http://whatcomcounty.us/DocumentCenter/View/1014/Needs-Assessment---Predesign-Report-PDF>
 - e. Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building) and Work Center (Design2Last, 2016)
 - f. Whatcom County Jail Planning Task Force Report and Recommendations (2012)
 - g. A review of National Commission on Correctional Health Care (NCCHC) "Standards for Health Services in Jails" and "Standards for Mental Health Services in Correctional Facilities," where applicable
 - h. A review of the NCCHC's most recent audit of the Whatcom County Jail
 - i. Whatcom County Adult Corrections Facilities and Sheriff's Headquarters Master Plan and Requirement Analysis (Omni-Group, Inc. and HDR Engineering), 2010

- j. Site Evaluation Report, Whatcom County Adult Correction Facilities and Sheriff's Headquarters, HDR Engineering, 2010
 - k. Washington State Sentencing Requirements
 - l. Review of report from the Whatcom County Jail Listening Tour and Whatcom County Resolution 2019-036 statement of public health, safety, and justice facility planning principles and the resolutions that are referred to within
 - m. Whatcom County Behavioral Health Facility Planning Report: Envisioning a New Substance Use Disorder Continuum of Care, 2016: <http://www.co.whatcom.wa.us/DocumentCenter/View/38757/The-Whatcom-County-Behavioral-Health-Facility-Plan>
 - n. Whatcom County Annual BH Fund Report (2017): <http://www.co.whatcom.wa.us/DocumentCenter/View/35843/2017-Whatcom-County-Annual-BH-Fund-Report>
 - o. Behavioral Health Program Report, 2014
 - p. Whatcom County Jail Behavioral Health Data, 2015
3. The Main Jail provides services to 11 court systems. The consultant will collect data and statistics on jail usage from all jail users and identify where other users of the jail can rely more on alternative solutions to reduce incarceration.
 4. The consultant will include a Financial Asset Mapping section in the needs assessment that includes a review of Whatcom County and the Cities' current sources of funding and how the funding is used. The consultant will evaluate gaps in funding for existing programs and/or gaps in programs offered.
 5. The consultant should include in the needs assessment an examination of the various factors contributing to the current correctional center population. This study should examine county population growth trends, crime trends, changes in laws, practices within the behavioral health and criminal justice system, alternative and diversion programs, and other factors and requirements of law that have or will affect the number of pretrial defendants and sentenced offenders who are detained in the County jail and the lengths of their stays. The section will provide a framework for community dialogue about answering the question, "Who should be legally required to be in jail?"
 6. The consultant will document the recommendations of the Incarceration Prevention and Reduction Task Force (IPRTF) to divert pre-trial and sentenced individuals to alternatives programs that will further reduce incarceration as well as recommend services that would further reduce incarceration rates, including but not limited to pre-arrest, post-arrest, re-entry, housing, and service delivery capacity for providers and community-based treatments.
 7. The consultant will provide an overview of evidence-based behavioral health service practices within a jail facility.
 8. The consultant will include in the needs assessment a study of the inmate population, including demographics by race, ethnicity, gender, medical conditions, and disabilities, in order to describe the jail population and provide information useful for developing design specifications about the types and number of bed spaces that will be needed to accommodate inmates in the County Jail. This should include
 - a. Estimated number of total beds, with 5 year incremental estimates, needed for a 25-year planning period
 - b. Housing space requirements, including specialized housing for people with acute behavioral health needs, utilizing national guidelines
 - c. Detailed inmate population profile to be used in determining types and allocations for offender housing
 - d. Estimations of the specific housing allocations (Including but not limited to: Maximum security single cells, multi-cell housing, dormitory, medical/mental health, acute mental health, substance withdrawal medication assisted treatment, medical isolation with negative pressure, intake, behavior modification and behavior management, and ADA/special needs)

- e. Identification and evaluation of potential changes in judicial, prosecutorial and corrections policies that may impact jail populations and length of stay
- f. Identification and evaluation of potential changes in law enforcement and corrections policies that may impact offender bookings
- g. County population trends, with emphasis on an analysis of the specific demographics that may have a disproportionate impact on the jail population
- h. Infrastructure space (both internal and external) needed to support offender housing.
- i. Impacts of jail alternatives and/or diversion programs on offender population growth, to include programs not currently utilized by Whatcom County but which have proven successful in other jurisdictions of a similar size
- j. Potential impacts of criminal justice system and behavioral health initiatives/best practices on jail population
- k. Potential impacts of this facility and its location on all components of the criminal justice system such as jail operations, including behavioral health and medical services, law enforcement, the Courts, Prosecutor, and Criminal Defense Bar, including the ability to provide medical and behavioral health services
- l. Potential impacts of state laws and policies, including funding which can impact services provisions for large percentages of inmate populations

Phase Two: Alternatives and Designs

The report should be based on the findings of the Behavioral Health and Public Safety Needs Assessment and include innovative recommendations on behavioral health and jail facilities and programs. The scope of work for the needs report should include, but not be limited to, the following items:

1. A summary of recommended programmatic needs prioritizing reduced incarceration, diversion and in jail treatment for behavioral health services and medication assisted treatment, and comprehensive services for post-release.
2. Recommendations of additional behavioral health services and associated facility space, beyond the construction and operation of the recently approved 32 bed crisis stabilization facility are needed to further the community's investment in prevention, treatment, rehabilitation and alternatives to jail.
 - a. Summarize and document the findings from the 2016 facilities plan, which analyzes stand-alone behavioral health facilities and behavioral health services or programs that are currently not provided in the jail facility but should be provided in the future.
3. Recommendations of a replacement jail including developing design specifications about the types and number of bed spaces that will be needed to accommodate inmates in the County jail as we plan for future growth in Whatcom County while considering the continued investments in prevention and diversion programs. The recommendations should include, but not be limited to, the following:
 - a. The consultant should assist the County in assembling a list of options that will include at least two alternatives for jail construction including location, size and design, including
 - b. Potential reuse of the current downtown jail property/facility;
 - c. Construction of a new innovative, multipurpose building that is integrated into the community and provides access to comprehensive criminal justice and behavioral health services, both in jail and upon release from jail
 - d. Recommendations for confidential office space for outsourced services, especially for critical behavioral health services
 - e. Recommendations for proposed locations, which may include downtown Bellingham (preferred by listening tour attendees), Irongate, or other feasible locations discovered through the needs assessment
 - f. Improvements or expansions to maximize the continued use of the Jail Work Center, including behavioral health and medical services at 2030 Division Street, Bellingham

- g. New Sheriff's Office space either co-located or separately located to recommended sites
- 4. Analysis of capital costs and ongoing operational costs of the recommending facilities, and should illustrate the pros and cons of each option as they relate to ongoing expenses and design capabilities. Operational costs should consider transportation costs, where applicable.
- 5. Examine feasible financing strategies, including but not limited to philanthropic and grant support, social impact bonds, current County operational support, a ballot measure for a sales tax or a property tax, and/or other means of financing the services and facilities identified through this process.
- 6. Preliminary analysis on site considerations including environmental impacts and surrounding land uses of recommended sites.

Phase Three: Develop Conceptual Design:

Based on the needs assessment and facility needs report, development of a conceptual design, anticipated staffing levels, including anticipating staffing for behavioral health and medical services, operational budget. This should include:

- 1. The conceptual design should include at a minimum:
 - a. Evaluation of building designs as they apply to Whatcom County and the requirements of the local jurisdiction in which the building may be located.
 - b. Evaluation of single building vs. campus design with linked detention structures and the impacts of each on essential behavioral health and medical services.
 - c. Evaluation of a separate Sheriff's Office Headquarters building vs a Headquarters connected to the detention facility.
 - d. Evaluation of separate and distinct space for behavioral health services, including office spaces for staffing. Flexible space which could accommodate either contracted staffing or hired staff to provide the services is preferred.
 - e. Evaluation of incorporation of agency-wide operational and support functions into a consolidated main facility to include, but not be limited to:
 - i. Property impound and storage,
 - ii. Evidence impound and storage,
 - iii. Training and briefing rooms,
 - iv. Employee ancillary support facilities, including those necessary to implement robust behavioral health services (lockers, changing rooms, activity and break spaces, etc.),
 - v. Equipment storage,
 - vi. Interview and meeting rooms, and
 - vii. Offices
 - f. Estimated square footage, including separate and distinct footprint for behavioral health and medical services.
 - g. Building(s) orientation.
 - h. Traffic.
 - i. Access points.
 - j. Compatibility or conflicts with adjoining uses, including access to post-release services such as employment and housing services.
 - k. Impact of technology on design and operations.
 - l. Ability to gain LEED Silver certification.
 - m. Development of cost estimates for design and construction to a level sufficient to assist in decision making.
 - n. Consideration for location, site orientation, and design for valuable integration into the community and access to post-release services.

2. Estimation of anticipated staffing levels as they relate to items listed in the Conceptual Design section. To include at minimum:
 - a. Custody staff,
 - b. Sheriff's Office staff (e.g. administration, custody, programs, support, etc.),
 - c. Ancillary Criminal Justice staff (e.g., attorneys, paralegals, court clerks),
 - d. Ancillary County staff.(e.g., maintenance, finance),
 - e. Contract staff for outsourced services such as food service and medical, and
 - f. Anticipated growth over a 25 year planning period.
3. Creation of an estimated Operational Budget. Given the anticipated facility size, location, utility expenses, design and staffing formulas, develop annual operations budget estimate with anticipated growth over a 25-year planning period.

Phase Four: Public Engagement

A critical element of completing the needs assessment is reaching out to community stakeholders at all phases of the project in order to build awareness about the study, understand public preferences, and utilize feedback to guide the direction of the final report. The public outreach process should develop champions in the community to support the final report recommendations. The project team's target audience includes local government agencies, advocacy groups and non-profits, residents, and business owners. Whenever possible, the team should seek opportunities to meet people at convenient times and locations, going beyond a traditional community meeting, and provide avenues through which stakeholders can actively obtain information about the project, provide feedback, and ask questions.

To provide a consistent source of information to the public for this project, the consultant team will rely on a County project manager to distribute information about the project to the public and stakeholders. The County project manager will also be the point of contact for questions and comments from the public and stakeholders. The consultant team will develop all communications material for the project including draft and final deliverables, meeting presentations, and meeting agendas, including all materials appropriate for distribution via the web. The County project manager and County staff on the Technical Advisory Committee will approve all materials prior to distribution.

The consultant team will work with the County at the beginning of the project to refine and confirm a Public Engagement Plan (PEP). The overall objectives of the PEP are to reach a broad range of stakeholders to engage them in a comprehensive discussion about their criminal justice and behavioral health priorities for the community. The Public Engagement Plan (PEP) will include guidelines about target audiences and tools for communication.

1. **Target Audience:** The consultant team will work with the following groups to provide project information, solicit feedback, and cultivate champions for the project:
 - a. Technical Advisory Committee (TAC): A core group of 4-5 County staff members will serve on the TAC. Their main role will be to provide information to facilitate the work of the consultant team (such as data, previous plans, etc.) and review all materials prior making them public. The TAC will meet every two weeks throughout the project, or as needed to prepare adequately for project tasks and approve materials prior to distribution.
 - b. Stakeholder Advisory Committee (SAC): The SAC will be made up of 10-20 members including criminal justice and behavioral health professionals, elected officials, non-profit agencies, advocates, and other key stakeholders as identified by County. The SAC will provide key direction on the development of the study and meet approximately four (4) times over the course of the project.

- c. Boards and Commissions: Board and commission members will be informed about project progress, asked for feedback and direction, and engaged in the distribution of information to their communities. The consultant team will work with the following Whatcom County boards and committees:
 - Incarceration Prevention and Reduction Task Force
 - Behavioral Health Advisory Committee
 - Public Health Advisory Board
 - d. County Council: Project updates will be provided to the County Council. The consultant team will present to the County Council at 3 key milestones of the project to provide updates on project progress and solicit feedback and direction.
 - Results of the Needs Assessment
 - Review of preliminary recommendations
 - Draft findings and report
 - e. Bellingham City Council and Small City Partnership
The consultant team will coordinate with the Bellingham City Council and the Small City Partnership to solicit feedback early in the process and after a draft report is developed. The effort will include approximately 3 meetings.
 - f. Public: The consultant team will coordinate with the County project manager to distribute information to the public and solicit feedback through a variety of tools and techniques.
2. **Communications Tools**: The consultant team will use a variety of outreach tools, including but not limited to the following:
- a. Outreach Materials: The consultant team and the County will work collaboratively on all outreach materials. The consultant team will generate designs and provide materials. The County will review all materials prior to public distribution. All materials should have a consistent graphic design. Outreach materials will include:
 - Project webpage content, including FAQs, (hosted by the County)
 - Project fact sheet
 - Outreach Packet: social media, newsletter blurbs with images for outreach
 - Email blast content (distributed by the County)
 - Survey/Project informational outreach postcard
 - Survey Results Summary Sheet
 - Public Outreach Summary Report
 - Press releases
 - Presentations for stakeholder meetings
 - b. 1-on-1 Interviews: The consultant team will conduct 1-on-1 interviews with elected officials and other key community leaders to solicit feedback on the project and the community's criminal justice and behavioral health needs. In addition, the consultant will interview current providers of medical, mental health and substance use disorder services. The consultant will conduct approximately twelve (12) 1-on-1 interviews.
 - c. Online Survey: The consultant team will develop an online survey to build awareness of the study and understand priorities related criminal justice and behavioral health needs in our community. The online survey will be hosted by the consultant team and advertised by the County. The County, Board members, SAC members, and other stakeholder agencies will promote the project and survey through social media platforms (Facebook, Twitter) and newsletters. The survey will run for 3-4 weeks. A summary document of survey responses will be posted on the project webpage and included as a chapter in the final report.
 - d. Email Sign Up and Email Blasts: An email contact list will be developed for this project. The consultant team will provide the County email address sign ups from all the events and presentations, and draft email blasts for the County to distribute at key intervals in the project.

- e. Public Events: Public events will take place at three key points in the project. At these events, the consultant team will present on the progress of the plan and provide a variety of interactive ways to gather feedback from attendees. To the extent possible, public events should be held in coordination with other community events. The PEP should prioritize going to where people are (large community events), rather than holding special project specific events and asking the public to attend.
 - Phase 1: Outreach for the project and existing conditions overview/feedback
 - Phase 2: Update on recommendations (programs and draft designs)
 - Phase 3: Presentation and feedback on draft report (recommendations)
3. Evaluation of Efforts: Specific techniques will be evaluated by the consultant team at key intervals. For example, the consultant will review survey response numbers and emails in the project contact list and identify additional outreach methods to increase numbers if needed. The consultant will also review feedback received on the survey and at public events, and evaluate how respondent demographics compare to those of the county as a whole. In addition, the project team will document overall outreach success in numbers of people reached through the process and various outreach elements. A summary chapter on public engagement will be provided as part of the final report.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-600

File ID:	AB2019-600	Version:	2	Status:	Introduced
File Created:	11/18/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		

Assigned to: Council Special Committee of the Whole

Final Action:

Agenda Date: 01/14/2020

Enactment #:

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

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The ordinance will amend the Code to adjust the no-wake zone to the east of the W. Lake Samish Bridge, to a point 1000 feet from the bridge, running parallel to the bridge.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
11/19/2019	Council	INTRODUCED	Council Special Committee of the Whole

PROPOSED BY: DONOVAN
INTRODUCTION DATE: NOVEMBER 19, 2019

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE CHAPTER 11.16 TO PROTECT LAKE SAMISH
SHORELINE PROPERTIES AND LAKE SAMISH WATER RECREATION**

WHEREAS, the Whatcom County Council recognizes the need to balance potential damage to personal property and the safety needs of non-motorized water recreation with motorized water recreation; and

WHEREAS, the Whatcom County Code currently recognizes the need to protect public health, safety, and property with regulations on the speed of vessels, and with regulations on the manner and distance that vessels operate from the shore; and

WHEREAS, the Whatcom County Council recognizes that its previous change (in July of 2019) to the Lake Samish no wake zone created an area larger than needed to protect public health, safety, and property;

NOW BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 11.16 shall be amended to include the following (as outlined in Exhibit A to this ordinance):

- The no wake zone shall be adjusted to the east of the W. Lake Samish Drive Bridge, to a point 1000 feet from the bridge, running parallel to the bridge.

APPROVED this _____ day of _____, 2019.

ATTEST:

WASHINGTON

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,**

Dana Brown Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

Exhibit A

11.16.030 Speed regulations.

A. Speed Limits. No vessel shall exceed the following speeds, except as provided in Chapter [11.36](#) WCC:

~~8. Within Lake Samish the area between County Bridge No. 107 (bridge located south of, and adjacent to, Lake Samish Park) and the North-South line of 122° 24' 00" West shall be designated as a "no-wake" zone.~~

8. Within Lake Samish the area between county bridge No. 107 (bridge located south of, and adjacent to, Lake Samish Park) and a North-South line 1000 feet from the bridge, running parallel to the bridge, shall be designated as a "no-wake" zone.



Whatcom County

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

Agenda Bill Master Report

File Number: MIN2020-001

File ID:	MIN2020-001	Version:	1	Status:	Agenda Ready
File Created:	12/11/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Minutes Consent		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Regular County Council for November 19, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County Council

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



Minutes - Draft Minutes

DA REVISED 11.18.2019 (SEE AGENDA REVISION NOTICES IN "MEETING DETA

Tuesday, November 19, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: 6 - Barbara Brenner, Rud Browne, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: 1 - Barry Buchanan

FLAG SALUTE

ANNOUNCEMENTS

Report from Committee of the Whole

**AB2019-584 Discussion of pending litigation with Civil Deputy Prosecutor
Chris Quinn - Swift
Creek Consent Decree**

Donovan reported on a discussion from Committee of the Whole (COUNCIL ACTING AS THE COUNCIL). He *moved* to approve Whatcom County's entry into the Consent Decree regarding Sumas Mountain Landslide (also referred to as the Swift Creek Consent Decree) and to authorize the County Executive to sign the Decree on behalf of Whatcom County.

The motion was seconded.

The motion carried by the following Vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, Sidhu

Nay: 0

Absent: 1 - Buchanan

Browne reported on a second discussion from Committee of the Whole (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL DISTRICT BOARD OF SUPERVISORS)

Frazey moved to approve the Whatcom County Flood Control Zone District's entry into the Consent Decree regarding Sumas Mountain Landslide (also referred to as the Swift Creek Consent Decree) and to authorize the County Executive to sign the Decree on behalf of the Whatcom County Flood Control Zone District.

The motion was seconded.

The motion carried by the following Vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, Sidhu

Nay: 0

Absent: 1 - Buchanan

PUBLIC HEARINGS

1. [AB2019-542](#) Ordinance authorizing the levy of taxes for countywide emergency medical purposes for 2020

Browne opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved and Brenner seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-075

2. [AB2019-543](#) Ordinance authorizing the levy of taxes for Conservation Futures purposes for 2020

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner clarified that the ordinance does not raise taxes.

Donovan moved and Brenner seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-076

3. [AB2019-544](#) Ordinance authorizing the 2020 property tax levy for county road purposes

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-077

4. [AB2019-545](#) Resolution authorizing the Board of Supervisors of the Whatcom County Flood Control Zone District (WCFCZD) to impose an ad valorem property tax levy of up to fifty cents per thousand dollars of assessed value upon real property within the district in 2020

Browne opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved and Brenner seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-055

5. [AB2019-546](#) Ordinance limiting the 2020 General Fund property tax levy

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion was seconded.

Donovan reported on a motion in Special Committee of the Whole to hold the item to December 3, 2019.

Councilmembers talked about their discussion in Special Committee of the Whole and a motion to recommend imposing a one percent property tax.

Donovan stated he would like to discuss the language of this ordinance and a proposed new ordinance that he would like to introduce tonight.

Brenner's motion that the Ordinance Requiring a Public Hearing be ADOPTED failed by the following vote:

Aye: 2 - Brenner, and Byrd

Nay: 4 - Browne, Donovan, Frazey, and Sidhu

Absent: 1 - Buchanan

6. [AB2019-547](#) Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County Washington for the year of 2020

Browne opened the public hearing, and hearing no one, closed the public hearing.

Byrd moved and Brenner seconded that the Ordinance Requiring a Public

Hearing be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-078

7. [AB2019-551](#) Resolution adopting 2020 budget for the Point Roberts Transportation Benefit District

Browne opened the public hearing, and the following people spoke:

Louise Cassidy spoke about the disparities between the garden contract and the garbage contract

Allison Calder spoke about the interest from the Point Roberts tax fund

Hearing no one else, Browne closed the public hearing.

Brenner moved to hold the item. The motion was seconded.

Tyler Schroeder, County Executive's Office, stated this is just a budget item and is not connected to the contracts for roadside maintenance or gardening.

Brenner withdrew her motion and moved to approve the resolution. The motion was seconded.

The motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-056

8. [AB2019-557](#) Resolution adopting the 2020 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

Browne opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-057

9. [AB2019-565](#) Ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$19,206,192
- Councilmembers and Tyler Schroeder discussed which version they are voting on. The total amount on the title should be \$19,206,192.00 to reflect amendments that were made.

Browne opened the public hearing, and hearing no one, closed the public hearing.

Frazey moved that the ORDINANCE be adopted. The motion was seconded.

Councilmembers and Schroeder continued to discuss the budget total after a scrivener's error correction in the REET II fund, and amendments recommended in Special Committee of the Whole, and the amounts being transferred from Health for the mental health and developmental disability funds.

Frazey withdrew her motion.

Byrd moved and Frazey seconded that the Ordinance be HELD IN COUNCIL so that the total could be correctly labeled and the changes made. The motion to hold carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

10. [AB2019-568](#) Resolution authorizing the County Executive to enter into a twenty year communications tower lease agreement with Crown Castle GT for leased space on park property at Lookout Mountain

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Frazey seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-058

11. [AB2019-285](#) Ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects do double duty by also providing apprentices with job

training hours to meet the requirements necessary to become the next generation of skilled trades persons

Browne opened the public hearing, and the following people spoke:

The following people spoke in favor of the ordinance:

Scott Ostlund
Ian Coates
Kevin King
Hannah Holt
Lisa Marx
Teresa Jones
Burton Nims
Tiffany Huff
Paul Galovan
Trevor Smith
Robert Johnson
Bob Gay
Eddy Ury
Abe Jacobson
Lane Mcelvoy
Michelle Stelovich
Rod Roth
Stacy Martin
Chris Hensel
Greg Roessel
Joseph Berg
Luis Saragon
Tammy (last name inaudible)

The following people spoke against the ordinance:

Frank Imhof
Todd Kunzman
Lance Calloway
Jeff Ten Pas
Jacquelyn Styrna
Tom Bajema
Pete Dawson

Hearing no one else, Browne closed the public hearing.

Donovan moved that the ordinance be adopted. The motion was seconded.

Byrd moved to hold. The motion was seconded.

Councilmembers discussed the motion to hold, how apprenticeships might be affected by fluctuation in the economy, hearing about staff or legal concerns, hearing the perspective of open shop laborers, and the financial impact to the County.

Tyler Schroeder answered a question about addressing costs and administrative concerns.

Donovan moved to call the question. The motion was seconded.

The motion to call the question carried by the following vote:

Aye: 4 - Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 1 - Brenner

Abstain: 1 - Byrd

Absent: 1 - Buchanan

The motion to hold failed by the following vote:

Aye: 4 - Byrd, Brenner

Nay: 2 - Browne, Byrd, Donovan, Frazey, and Sidhu

Absent: 1 - Buchanan

Browne spoke about his experience with an apprenticeship program.

The motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 4 - Browne, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

Enactment No: ORD 2019-079

OPEN SESSION (20 MINUTES)

Browne opened the open session and the following people spoke about garbage in Point Roberts:

Annette Madden

Ken Calder

Allison Calder

Louise Cassidy

Heidi Baxter

The following people spoke about **AB2019-480 Ordinance amending Whatcom**

County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

and

AB2019-600 Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation

Eric McHenry

Laurie Henley

Janet Monks

Becky O'Brien-Wilson

James Wilson

Mark Walker

Mary Walker

Paul Joostens

Rich Deveau

The following people spoke about other issues:

Bob Gay spoke about Cherry Point and the process of the Planning Commission.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Sidhu reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through eight.

Browne asked that item 3 be voted on separately.

Sidhu amended his motion and *moved* to approve Consent Agenda items one through two and four through eight.

Councilmembers voted on those items (see votes on individual items below).

Sidhu moved to approve Consent Agenda item number three.

Councilmembers voted on this item (see vote on item three below).

1. [AB2019-582](#) Resolution to set public hearing to sell tax-title property by public auction

Sidhu moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

Enactment No: RES 2019-059

2. [AB2019-587](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

Sidhu moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

Enactment No: RES 2019-060

3. [AB2019-589](#) Resolution ordering the cancellation of accounts receivable more than four years old
Browne stated he would like to discuss item 3 further with the Executive's Office and *moved* to hold the item.

Councilmembers discussed the process of cancelling accounts receivable.

The motion that the Resolution be HELD IN COUNCIL carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

4. [AB2019-574](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to add funding for a behavioral health consultant, in the amount of \$17,800 for a total amended contract amount of \$130,028

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

5. [AB2019-577](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to provide emergency management services, in the amount of \$200,000

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

6. [AB2019-585](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pioneer Human Services to provide substance use disorder assessments and post-assessment treatment coordination to inmates released from the Whatcom County Jail in an estimated amount of \$60,000 for a total estimated amended contract amount of \$91,500

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

7. [AB2019-594](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Healthcare Management Administrators, Inc. (HMA) to provide administrative and claims processing services for the self-insured medical program

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

8. [AB2019-595](#) Request approval for the County Executive to authorize the purchase of a replacement dump truck, dump body, hook lift sander, and plow; using Washington

State Contract #01513 and #01117. The total cost of these purchases is \$281,677.87

Sidhu moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-580](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the U.S. Department of Interior Geological Survey Joint Funding Agreement for Stream Gaging (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

2. [AB2019-581](#) Request authorization for the County Executive to enter into an Interlocal Agreement between the U.S. Department of Interior Geological Survey and the Whatcom County Flood Control Zone District (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

3. [AB2019-552](#) Ordinance amending the 2019 Whatcom County budget, request no. 14, in the amount of \$72,853

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-080

4. [AB2019-553](#) Ordinance amending the project budget for the Lummi Nation Ferry Lease Fund, Request No. 2

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-081

5. [AB2019-562](#) Ordinance amending the Project Budget for the Criminal Justice Integrated Case Management Systems Fund, Request No. 1

Sidhu reported for the Finance and Administrative Services Committee and stated that the Ordinance was HELD IN COMMITTEE.

6. [AB2019-564](#) Ordinance amending the Project Budget for the Lake Whatcom Park Trail Development Fund, Request No. 1

Councilmembers discussed the impacts and contributions of trail development in the Lake Whatcom watershed.

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 4 - Browne, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

Enactment No: ORD 2019-082

7. [AB2019-550](#) Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and the Lake Whatcom Water & Sewer District for a

follow-up investigation, in the amount of \$40,000.00

Sidhu reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

8. [AB2019-593](#) Resolution adopting a salary schedule and policies for unrepresented Whatcom County Employees, effective January 1, 2020 through December 31, 2020

Sidhu reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED.

Brenner stated this does not include Council salaries.

The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-061

(No Committee Assignment)

9. [AB2019-576](#) Request approval of updated Strategic Plan to End Homelessness in Whatcom County

Brenner moved and Sidhu seconded that the REQUEST be APPROVED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

INTRODUCTION ITEMS

Donovan moved to introduced items 1-4 and 6-7.

Byrd suggested a friendly amendment to not include 7.

Donovan accepted the friendly amendment and moved to introduce items 1-4 and 6

(see votes on individual items below).

Donovan moved to introduce item 7 (AB2019-600) **Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation.** The motion was seconded.

Byrd stated he would like to introduce AB2019-480 on December 3rd and then have a public hearing for January 14.

Donovan stated he would like to Introduce AB2019-600 and then schedule for Special Committee of the Whole on January 14.

Councilmembers discussed how they would like to schedule both AB2019-480 and AB2019-600 regarding Lake Samish, and how to determine the distance lines establishing the no-wake zone.

Donovan restated and amended his motion and moved to introduce Item 7 (AB2019-600) and schedule it for Special Committee of the Whole on January 14, 2019. The motion was seconded (see vote on item 7 below).

1. [AB2019-590](#) Ordinance amending the 2019 Whatcom County Budget, request no. 15, in the amount of \$49,400

Donovan moved that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

2. [AB2019-591](#) Ordinance amending the 2020 Whatcom County Budget, request no. 2, in the amount of \$343,000

Donovan moved that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

3. [AB2019-592](#) Ordinance establishing the Prox Lock Control Panel Replacement Fund and establishing a project based budget for the Prox Lock Control Panel Replacement Project

Donovan moved that the Ordinance be INTRODUCED. The motion carried

by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

4. [AB2019-597](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

Donovan moved that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

5. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

This agenda item was WITHDRAWN.

AB2019-480 to be scheduled for introduction at a later date.

6. [AB2019-583](#) Resolution to sell tax-title property by public auction

Donovan moved that the Resolution Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

7. [AB2019-600](#) Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation

Donovan moved and Frazey seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 4 - Browne, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

9. [AB2019-607](#) Ordinance limiting the 2020 General Fund tax levy

Donovan moved to introduce **AB2019-607 Ordinance limiting the 2020 General Fund tax levy**. The motion was seconded.

Browne stated this ordinance is different from the (AB2019-546) Ordinance limiting the 2020 General Fund tax levy in that it does not have one section of text that is included in AB2019-546.

Tyler Schroeder answered questions about how the proposed ordinances relate to (AB2019-547) the Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County Washington for the year of 2020.

The motion that the Ordinance be INTRODUCED carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

8. [AB2019-606](#) Ordinance limiting 2020 property tax levy

Donovan moved to introduce **AB2019-606 Ordinance limiting 2020 property tax levy - Donovan** with the modification of the “Now therefore be it ordained and established” paragraph.

Councilmembers, Tyler Schroeder, and Karen Frakes from the Prosecuting Attorney's Office, discussed the proposed amendment, the effects of inflation and population growth, controlling spending, combining the Parks Department in the Public Works Department, and the wording of the motion.

After discussion, **Donovan withdrew** his motion and **moved** to introduce AB2019-606 with the following amendment to replace the last paragraph of the ordinance:

~~BE IT THEREFORE RESOLVED That Whatcom County adopt a budget that includes the 1% allowable increase in property tax revenues for the General Fund.~~

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the County General levy shall be limited to the amount of the 2019 taxes, increased for the addition of new construction and improvements to property and any increases in the value of state assessed property. A property tax increase in addition to the amount resulting from the addition of new construction and improvements to property and any tax increases in the value of state-assessed property is hereby authorized for the 2020 levy in the amount equal to the 2019 amount plus \$300,000.00, which is a percentage increase

of no more than 1%.

Donovan's motion that the Ordinance be INTRODUCED AS AMENDED FOR PUBLIC HEARING carried by the following vote:

Aye: 4 - Browne, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole - Executive Session

AB2019-588 Discussion of pending litigation with Civil Deputy Prosecutor George Roche - Adams v. Whatcom County, et al.

Donovan reported on having met in executive session and having been advised of the nature of the lawsuit, the allegations contained therein, and pursuant to Whatcom County Code 2.56.

and *moved* that the council affirmatively finds the following:

- A. The employees were acting in a matter in which the county had an interest;
- B. The employees were acting in the discharge of a duty imposed or authorized by law;
- C. The employees acted in good faith.

The officers, officials, agents or employees will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded.

The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

AB2019-588 was reported on and a MOTION WAS APPROVED.

There were no other Councilmember updates

ADJOURN

The meeting adjourned at 12:23 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Kristi Felbinger, Minutes Transcription



Whatcom County

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

Agenda Bill Master Report

File Number: MIN2020-002

File ID:	MIN2020-002	Version:	1	Status:	Agenda Ready
File Created:	12/11/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Minutes Consent		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Special Committee of the Whole for November 19, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County Council Special Committee of the Whole

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



Committee Minutes - Draft Minutes

Tuesday, November 19, 2019

1:30 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Rud Browne called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Roll Call

Present: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey and Satpal Sidhu

Absent: None

Committee Discussion

1. [AB2019-575](#) Winter weather shelter updates from the Health Department and other providers
Buchanan gave an update and the following people presented (on file) and/or answered questions:

Ann Beck, Health Department
Tara Sundin, City of Bellingham
Mike Parker, Opportunity Council
Emerson McCuin, Northwest Youth Services
Jack Louws, County Executive
Tyler Schroeder, Executive's Office

Presenters spoke and answered questions about the various shelter options and partner organizations for different cold weather conditions, guiding assumptions established to determine whether severe weather shelters need to be opened and how that information should be made public, training and coordination of volunteers, whether County personnel or law enforcement officers need to be onsite at the shelters, strategies for getting information out to those who need to know when and where shelters are open, the City of Bellingham's role in winter shelters, coordination between the Opportunity Council winter shelter and other shelters and services using an intake system, statistics of housing challenges in Whatcom County, Northwest Youth Service's Ground Floor day program and other services, the ages of the youth they generally have in the program, expanding the hours of the program, and resources and funding needs for the youth shelter operations and programs.

This agenda item was DISCUSSED.

2. [AB2019-596](#) Discussion regarding a proposed ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$18,918,279

Buchanan moved to recommend to the full Council to appropriate \$125,000 in General Fund dollars to Northwest Youth Services for expanding the hours for the Ground Floor Program for 2020. The motion was seconded.

Brenner stated she would like to see the funding connected to specific purposes and that money would be allocated from other sources besides the General Fund.

Donovan suggested a friendly amendment to impose a one percent property tax increase to help fund the appropriation.

The friendly amendment was ***not accepted***.

The following people answered questions:

Tyler Schroeder, Executive's Office

Jack Louws, County Executive

They discussed using money appropriated in the General Fund and other restricted funds for the project to install storage lockers, whether the 2020 ending fund balance would stay within the 15 percent minimum threshold of expenses if General Funds are used for the \$125,000, whether other funds that are general fund-based dollars can be transferred back into the general fund, the County not wanting to spend the excess fund balance because of the concern of the "structural gap" of General Fund revenue not keeping up with inflation and population growth, and whether the last two jail proposals included using the County's banked capacity.

The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Buchanan moved to recommend to the full Council to appropriate \$15,000 to Northwest Youth Services for the services and supplies needed to operate the youth winter shelter. The motion was seconded.

Councilmembers discussed possible sources of funds to cover the appropriation.

Buchanan amended his motion to recommend to the full Council to appropriate an amount not to exceed \$30,000 to Northwest Youth Services for the services and supplies needed to operate the youth winter shelter. The motion was seconded.

The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

The discussion continued with the following people:

Regina Delahunt, Health Department Director

Jack Louws, County Executive

Tyler Schroeder, Executive's Office
Marianne Caldwell, Administrative Services Department

Councilmembers and staff discussed the origin of the millage fund dollars for developmental disabilities and mental health and why they are proposed to be moved from Health back to the General Fund instead of staying as a special, dedicated fund, why the two respective amounts were created and moved separately into the General Fund, whether all the special taxes included on the property tax bill are in their own individual funds, how the public can discern what property tax money is dedicated for, what percentage of the developmental disabilities fund is already contracted out, and how much time it takes from an accounting perspective to keep the funds separate.

Donovan moved to recommend to the full Council to keep the developmental disabilities and mental health millage budgets in their respective dedicated funds. The motion was seconded.

The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Discussion continued about budgeting decisions for the Behavioral Health Fund to reduce some contracts in the community, how to get those contracts funded again, and how it gets communicated to the Council when budget items and contractual services get limited or cut from the budget.

Donovan moved to recommend to the full Council to approve a one percent property tax increase to be added to the General Fund. The motion was seconded.

The discussion continued with the following people:

Tyler Schroeder, Executive's Office
Keith Wilnauer, County Assessor

Councilmembers and staff discussed and answered questions about increases in living and housing expenses, how to fund FTE increases, the impact of a one percent property tax increase to a property owner's property tax bill and how much revenue that would generate, what the average tax increase was to individual property owners over the last three years, upcoming increases to tax payers as a result of the McCleary decision and an increased State education levy, and how much the average tax bill will go up next year.

Donovan withdrew his motion.

Donovan moved to recommend to the full Council to hold **AB2019-546 Ordinance limiting the 2020 General Fund property tax levy**. The motion was seconded.

Councilmembers discussed whether holding it until December third would be too late, and why this ordinance is titled the way it is.

The motion carried by the following vote:

Aye: - Donovan, Frazey, Sidhu, Browne

Nay: - Brenner, Byrd

Out of the Room: 1 - Buchanan

The discussion continued with the following people:

Wendy Jones, Sheriff's Office

Keith Wilnauer, County Assessor

Jack Louws, County Executive

Councilmembers and staff discussed the proposed funding for the Crisis Negotiating Team training, how difficult it is for deputies to get that training now and how much difference it would make if there was one more FTE; the supplemental budget request on packet page 188 regarding High Value Appeal Defense - Professional Services, why the requested amount of \$60,000 is for 2020 and not for 2019, and the reason for the Petrogas appeal; and whether the budget item for a contract for a needs assessment for the jail would be under this biennium update.

This agenda item was DISCUSSED.

Other Business

Adjournment

The meeting adjourned at 4:57 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Kristi Felbinger, Minutes Transcription



Whatcom County

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

Agenda Bill Master Report

File Number: MIN2020-003

File ID:	MIN2020-003	Version:	1	Status:	Agenda Ready
File Created:	12/11/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Minutes Consent		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Committee of the Whole - Executive Session for December 3, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County Council Committee of the Whole-Executive Session

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



Committee Minutes - Draft Minutes

**Tuesday, December 3, 2019
1:30 PM
Council Conference Room**

COUNCILMEMBERS

CLERK OF THE COUNCIL

Call To Order

Council Chair Rud Browne called the meeting to order at 1:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

Roll Call

Present: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Satpal Sidhu and Carol Frazey

Absent: None

Committee Discussion

Attorney Present: Dan Swedlow

Browne stated that discussion of agenda items one through two may take place in executive session pursuant to RCW 42.30.140(4)(a). Executive session will conclude no later than 2:25 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Buchanan moved to go into executive session until no later than 2:25 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, Sidhu

Nay: 0

Out of the Room: 1 - Brenner

1. [AB2019-603](#) Discussion regarding a potential property acquisition for the Flood Control Zone District [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

This agenda item was DISCUSSED.

2. [AB2019-628](#) 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)]

This agenda item was DISCUSSED.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 2:08 p.m.



Whatcom County

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

Agenda Bill Master Report

File Number: MIN2020-004

File ID:	MIN2020-004	Version:	1	Status:	Agenda Ready
File Created:	12/11/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Minutes Consent		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Regular County Council for December 3, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, December 3, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Councilmembers recognized the following people for their service, all of whom are leaving their positions in the coming year:

Satpal Sidhu - for his service as a councilmember and his new position as the County Executive

Debbie Adelstein - for her service as the County Auditor

Jack Louws - for his service as the County Executive for the last eight years

Keith Willnauer - for his service as the County Assessor

Dave McEachran - for his service as the Whatcom County Prosecuting Attorney for 46 years and his work on a recent high profile case that began during his time at the County

Barbara Brenner - for her 28 years of service as a Whatcom County Councilmember

Brenner was presented with a print of a painting she created that will be permanently hung on the Chambers wall.

People, including former Council Chair, Carl Weimer, Current Councilmembers, Brenner's son Wes, and citizen Bob VanWeerdhuizen honored Brenner and spoke about her time as a public servant.

MINUTES CONSENT

Brenner moved to accept the minutes consent items. The motion was seconded (see votes on individual items below).

1. [MIN2019-118](#) Committee of the Whole AM for November 6, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [MIN2019-119](#) Committee of the Whole PM for November 6, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [MIN2019-120](#) Special Committee of the Whole for November 6, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [MIN2019-121](#) Regular County Council for November 6, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [MIN2019-122](#) Surface Water Work Session for November 12, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [MIN2019-123](#) Special Council Meeting (Kendall) for October 29, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [MIN2019-126](#) Committee of the Whole - Executive Session for November 19, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2019-583](#) Resolution to sell tax-title property by public auction

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Buchanan seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-062

2. [AB2019-597](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

Browne opened the public hearing, and the following people spoke in favor of the Ordinance:

Jacob Pederson

Mike Sennett

Alex Ramel

Abe Jacobson

Catherine Dexter

Michael Chiavario

David Kershner

Eddy Ury

Ron Colson

Warren Sheay

Paula Rotundi

Jean Carmean submitted a handout (on file)

Nick Engelfried
Marian Beddill
Rainbow Medicine-Walker
Rena Priest
Candice Wilson

The following people spoke in opposition to the Ordinance:

Andrew Gamble
Pam Brady
Greg Erickson
Jeff Ten Pas
Hannah Holt
Trevor Smith
Charles Bailey
Luis Aragon
Joseph Marriott
Miguel Edmondson
Lance Calloway
Jamie Reilly
Chet Dow
Fidencio Velasco
Larry Rupcich
Jacquelyn Styrna
Miguel Perry
Max Perry
Scott Ostlund
Carole Perry
Lane McElvoy
Rick Stumph
Andronetta Douglass

Patrick Alesse spoke about the moratorium and thanked Barbara Brenner for her service.

Hearing no one else, Browne closed the public hearing.

Donovan moved and Buchanan seconded that the ordinance be ADOPTED.

Councilmembers discussed keeping the refining in Whatcom County, addressing fears about jobs leaving the County, understanding the messages that both sides of the issue are trying to convey, how long the Planning Commission and the Council have been working on the ordinance, and why the process has taken a long time.

Donovan's motion that the Ordinance be ADOPTED carried by the following

vote:

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: ORD 2019-083

3. [AB2019-606](#) Ordinance limiting 2020 property tax levy

Councilmembers discussed the fact that if this ordinance were to be considered, **AB2019-547 Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County Washington for the year of 2020**, would need to be repealed and reintroduced in another special meeting in December.

Tyler Schroeder, Executive's Office, gave a staff report and explained the process for considering this ordinance. **AB2019-607 Ordinance limiting the 2020 General Fund tax levy** is the ordinance that is consistent with the passage of **AB2019-547** because **AB2019-547** refers to a zero percent (0%) tax increase. Thus **AB2019-606** (this ordinance which refers to a one percent [1%] tax increase) can not be considered without rescinding **AB2019-547** first.

Schroeder and Brad Bennett, Administrative Services Department, discussed the implications of adopting **AB2019-607** which would bank the one percent (1%) according to Washington State law which recognizes that if a jurisdiction does not take a one percent (1%) property tax increase the ability to do so in the future is added to its banked capacity. Since Whatcom County has not taken a tax increase in several years there is a build-up of banked capacity and the County therefore has the right to levy a tax up to a maximum of six percent (6%) in the future if it so considers.

Bennett answered questions about the highest allowable banked levy amount, the advantages of banking capacity, and whether the County can use property tax money from the general fund for a capital project in the future.

The following people answered questions about the process of rescinding the motion to adopt **AB2019-547** (Ordinance 2019-078).

Karen Frakes, Prosecuting Attorney's Office
Dana Brown-Davis, Clerk of the Council

Browne opened the public hearing, and the following people spoke:

Max Perry spoke against the ordinance

Bob VanWeerdhuizen spoke against the ordinance

Carole Perry asked about the public perception of passing the ordinance

Greg Erickson spoke against the ordinance

Eric McHenry asked how much is banked and what is the maximum tax that can be taken

Hearing no one else, Browne closed the public hearing.

Bennett answered whether there is a deadline for how long a levy can be banked and how it can be accessed.

Donovan moved that the ordinance be adopted. The motion was seconded.

Councilmembers and Bennett discussed the implications of taking a one percent (1%) property tax, current property assessments, the fact that **AB2019-607** (the next item on the agenda) will bank the capacity for the future, whether the state can raise the limit of the maximum of six percent (6%), the requirement to pass another ordinance with a specifically stated reason to use the banked capacity,

Donovan withdrew his motion to adopt and stated he will **withdraw** the ordinance from consideration.

This agenda item was WITHDRAWN.

4. [AB2019-607](#) Ordinance limiting the 2020 General Fund tax levy

Browne opened the public hearing, and hearing no one, closed the public hearing.

Councilmembers discussed whether voting to adopt this ordinance would increase the County's net banked capacity to levy a property tax increase since the County has already reached the limit, the impact on the County if this was not adopted, learning more about the laws surrounding this ordinance by reading the State's revenue guide, and having future discussion about the ordinance and the County's banked capacity.

Tyler Schroeder, Executive's Office, answered a question about whether the Administration recommends that this ordinance be adopted.

Browne moved and Buchanan seconded that the Ordinance be ADOPTED.

The motion carried by the following vote:

Aye: 4 - Browne, Buchanan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2019-084

OPEN SESSION (20 MINUTES)

The following people spoke about **AB2019-472 Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County:**

Matt Berry

Lyle Galloway submitted a handout (on file)

Bob Harriman

Andrew Gamble

Andrew Scoular

Patrick Alesse

Rick Holt

Michael Jones

Tim Schermetzler

Tino Villaluz

Frank Bob

Shael Wilder submitted a handout (on file)

Rodney Vandersypen

The following people spoke about **AB2019-480 Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation:**

Micah Ping

Greg Erickson

Tom Aliotti

Becky O'Brien-Wilson

Mark Walker

Rich Deveau

Bruce Brown subitted a handout (on file)

Janet Monks

Eric McHenry

Mary Walker

Paul Joostens

The following people spoke about other issues:

Heidi Baxter spoke about garbage collection in Point Roberts

Kait Whiteside spoke about a supplemental budget request for health and human services

Browne closed the Open Session.

CONSENT AGENDA

Sidhu reported for the Finance and Administrative Services Committee and *moved*

to approve Consent Agenda items one through nine. Brenner stated she would like to consider item nine separately. Councilmembers discussed and voted on those items (see votes on individual items below).

(From Council Finance and Administrative Services Committee)

1. [AB2019-598](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide case management and support services to individuals experiencing homelessness, in the amount of \$32,860 for a total amended contract amount of \$213,770

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-599](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism, in the amount of \$290,000, for the purposes of tourism marketing and operations

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-602](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Electrical Automation Systems to provide Security Electronics and DVMS System Support & Maintenance, in the amount of \$43,314.53

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-613](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and General Teamsters' Local Union 231 Corrections Deputies and Sergeants for the period January 1, 2019 through

December 31, 2020

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-617](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service to furnish food to inmates at the Whatcom County Jail in the amount of \$540,750.00

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [AB2019-618](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service for Commissary Services to inmates at the Whatcom County Jail

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [AB2019-620](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce in support of the Birch Bay Visitor Center operations and promotion of annual multi-day events designed to encourage tourism in the amount of \$100,000

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-621](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber of Commerce in support of

the Visitor Center operations in the amount of \$100,000

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

9. [AB2019-629](#) Request approval for the County Executive to enter into a contract for the purchase, delivery, and installation of a modular building for the Point Roberts Transfer Station, in the amount of \$65,179.75

Brenner stated she is not convinced that the provider is paying their fair share and that when the County is subsidizing a lessee on County property they need to review and make sure that the charges to the public are fair and equitable.

Councilmembers discussed whether the County is getting the cost of the building back in the lease, whether this is a maintenance issue, whether a commercial business should build their own building, and the reasonable lifespan of a building.

Sidhu moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-611](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Trantech Engineering, in the amount of \$45,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-612](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Sargent Engineers, Inc., in the amount of \$45,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-625](#) Request authorization for the County Executive to sign an attorney engagement and contingency fee agreement between Whatcom County and Keller Rohrbach L.L.P.

Brenner stated the County would not bear the cost if the County does not win the class action.

Sidhu reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-601](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Whatcom Conservation District to provide outreach and cost-share to support the Pollution Identification and Correction Program (PIC), in the amount of \$55,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-590](#) Ordinance amending the 2019 Whatcom County Budget, request no. 15, in the amount of \$49,400

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-085

6. [AB2019-592](#) Ordinance establishing the Prox Lock Control Panel Replacement Fund and establishing a project based budget for the Prox Lock Control Panel Replacement Project

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-086

7. [AB2019-619](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Kittitas County for the Housing of Inmates

Sidhu reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-622](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden and Sumas for the purpose of implementing a countywide wayfinding and gateway feature placement program

Sidhu reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

9. [AB2019-623](#) Request approval of the Economic Development Investment (EDI) Board's recommendation for additional funding in the amount of \$500,000 and establishment of a \$2.2-million revolving loan fund for the Housing Affordability Through the

Workforce Program (HATWF)

Sidhu reported for the Finance and Administrative Services Committee and moved that the REQUEST be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

11. [AB2019-626](#) Request authorization for the County Executive to enter into a contract between Whatcom County and North West Regional Council to provide Nursing Services at the Whatcom County Jail and Juvenile Detention in the amount of \$1,456,501.11

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

12. [AB2019-591](#) Ordinance amending the 2020 Whatcom County Budget, request no. 2, in the amount of \$343,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-087

10. [AB2019-616](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion was seconded.

Councilmembers discussed amending the contract to be for a shorter period of time and requiring that the Hearing Examiner's time be tracked.

Byrd moved to amend the contract to make the term three months and request that a clause be added to require time reporting.

Browne suggested a friendly amendment to make the term six months and ask for time reporting but not add that to the contract.

The following people spoke and answered questions:

Karen Frakes, Prosecuting Attorney's Office

Cathy Halka, Legislative Analyst

Dana Brown-Davis, Clerk of the Council

Frakes stated that there have been fewer appeals than in the past because Whatcom County Code Title 22 was changed so that appeals now go directly to Superior Court instead of the Council, but there were very few even before the law was changed.

Byrd's motion was not seconded.

Councilmembers continued to discuss with staff about knowing how much time the position requires and the number of cases that the Hearing Examiner hears in a year, whether there would be a conflict of interest since he is contracted in multiple jurisdictions, and what credentials are required for the position.

Sidhu's motion that the Contract be AUTHORIZED carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

(From Council Criminal Justice and Public Safety Committee)

13. [AB2019-530](#) Resolution establishing a Stakeholder Advisory Committee for the Public Health, Safety, and Justice Facility Needs Assessment

Buchanan reported for the Criminal Justice and Public Safety Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-063

- [AB2019-633](#) Discussion regarding potential loss of childcare spaces in Whatcom County

Buchanan reported for the Criminal Justice and Public Safety Committee and **moved** to recommend to the full Council to request that the administration pursue options to work with the City of Bellingham and the City of Ferndale to maintain

licensed childcare slots currently operating in Whatcom County and that the effort includes a budget supplemental proposal.

Councilmembers discussed whether Ferndale should be included in the request, whether slots should only go to families with financial need, the need for childcare for all income levels, addressing the roots of the problem with the State, and why the Council didn't know about it until now.

Buchanan's MOTION WAS APPROVED. The motion carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Abstain: 2 - Brenner, and Byrd

(No Committee Assignment)

14. [AB2019-565](#) Ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$19,206,192

Donovan moved and Buchanan seconded that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-088

15. [AB2019-472](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

Donovan moved that the Ordinance be ADOPTED. The motion was seconded.

Dana Brown-Davis clarified that the incorrect version was printed in the agenda packet. The Ordinance should have a final section in the Ordinance that reads: BE IT FINALLY ORDAINED that Tribal members exercising treaty rights to hunt on traditional hunting grounds that are open and unclaimed are not subject to this ordinance.

Karen Frakes, Prosecuting Attorney's Office, stated she does not see a problem with this section in the Ordinance because it is just stating the law.

Browne moved to hold the Ordinance. The motion was seconded. He stated that he

had requested discussions with the Lummi Tribe and the Chief of Police in Blaine about a proposal for changing the boundaries to 1000 feet from the shoreline but has not heard feedback from them yet. He would like that discussion to occur before proceeding.

Councilmembers discussed the motion.

Tyler Schroeder, Executive's Office, stated that Michael Jones, Blaine City Manager, is available to speak and the County does not have the ability to change the No-Shooting Zone that's currently in the Blaine City limits.

Frazey moved that they hear from the attorney. The motion was seconded.

The motion failed.

Councilmembers continued to discuss Browne's motion, when it would take effect, viewing the zone on a map, and the current no-shooting zone in the Blaine City limits and how this proposal would include that.

Browne's motion that the Ordinance be HELD IN COUNCIL carried by the following vote:

Aye: 5 - Brenner, Browne, Buchanan, Byrd, and Sidhu

Nay: 2 - Donovan, and Frazey

Absent: 0

16. [AB2019-634](#) Resolution respectfully requesting that the Whatcom County Prosecutor ask the Washington State Attorney General for an update on Opinion Docket No. 19-04-03
- Councilmembers discussed responses to inquiries about this issue since February and the purpose of this resolution.

Donovan moved and Browne seconded that the Resolution be APPROVED.
The motion carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: RES 2019-064

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-624](#) Request confirmation of the County Executive's appointment of Jon Maberry and

Kendall Whitney to the Whatcom County Food System Committee

The appointment of Jon Maberry and Kendall Whitney was CONFIRMED.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

(From Committee of the Whole - Executive Session)

[AB2019-603](#) Discussion regarding a potential property acquisition for the Flood Control Zone District [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

Donovan moved and Frazey seconded To authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to exercise option agreements and move forward with and complete acquisition of the property as discussed in Executive Session. The motion was seconded.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

[AB2019-628](#) 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)]

Buchanan moved and Frazey seconded to authorize the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Whatcom County Deputy Sheriff's Guild effective January 1, 2020 through December 31, 2021 following ratification of the Agreement by the Whatcom County Deputy Sheriff's Guild.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

INTRODUCTION ITEMS

Brenner moved to introduce items one through two. The motion was seconded (see votes on individual items below).

1. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

Brenner moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-614](#) Ordinance amending Whatcom County Code, 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021

Brenner moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Brenner moved to initiate a review of the charges at the Point Roberts solid waste facility. Byrd Seconded the motion.

The motion failed by the following vote:

Aye: 4 - Browne, Buchanan, Donovan, Frazey

Nay: 2 - Brenner, Byrd

Abstain: 1 - Sidhu

Councilmembers gave committee reports and updates on recent activities and upcoming events and discussed the process for changing the order of items on the agenda.

ADJOURN

The meeting adjourned at 1:15 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Kristi Felbinger, Minutes Transcription



Whatcom County

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

Agenda Bill Master Report

File Number: MIN2020-006

File ID:	MIN2020-006	Version:	1	Status:	Agenda Ready
File Created:	12/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Minutes Consent		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Regular County Council for September 24, 2019 - REVISED

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The minutes were revised to fix scrivener's errors. The Draft version of the September 24, 2019 minutes got inadvertently posted and approved.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County Council

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



Minutes - Final-revised

Tuesday, September 24, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Brenner moved to accept the minutes consent items. The motion was seconded (see votes on individual items below).

1. [MIN2019-063](#) Regular County Council for September 10, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [MIN2019-064](#) Committee of the Whole for September 10, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [MIN2019-065](#) Special Committee of the Whole for September 10, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [MIN2019-066](#) Surface Water Work Session for September 17, 2019

Brenner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2019-366](#) Ordinance granting Comcast Cable Communications Management, LLC, a non-exclusive franchise for the provision of cable services

Browne opened the public hearing, and the following people spoke:

Vincent Buys, Comcast Government and Regulatory Affairs, thanked the administrative staff and stated he is available for questions.

Patrick Alesse spoke about the importance of good internet service.

Hearing no one else, Browne closed the public hearing.

Brenner moved and Byrd seconded that the ordinance be adopted.

Councilmembers discussed and Buys answered questions about the differences in the agreements between Comcast and the City of Bellingham and Comcast with the County, density requirements in both the old and new franchises, whether the one percent increase will be passed on to the consumer, the company policy on helping people in rural areas gain access to internet services, not having to raise costs for service, how many miles of transmission line are laid in a year and how that is coordinated with the power company's projects, the state of the system in Sumas, and different ways of adding lines in rural areas.

Brenner's motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Byrd, Frazey, and Sidhu

Nay: 1 - Donovan

Absent: 0

Enactment No: ORD 2019-063

2. [AB2019-368](#) Ordinance granting WaveDivision I, LLC, a non-exclusive franchise for the provision of cable services

Browne opened the public hearing, and the following people spoke:

Thomas Steele spoke for Wave and answered questions about why he relocated to this area, and whether his company would be interested in working in rural areas.

Hearing no one else, Browne closed the public hearing.

Brenner moved and Frazey seconded that the Ordinance be adopted.

Councilmembers discussed holding the item to ensure that the terms of the franchise include giving better service to rural communities by decreasing density thresholds.

Andrew Hester, Public Works Department, answered a question about why both franchises were recommended, how the franchise would be affected if the item were held and the Comcast franchise was reconsidered, and whether there are examples of how other cable companies work with rural areas.

Tyler Schroeder, Executive's Office, gave some background and answered questions about the process of negotiating the terms of the Comcast franchise.

Hester answered whether there is any other jurisdiction that allocates its franchise fee back to the provider to subsidize the cost of infrastructure.

Brenner's motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2019-064

3. [AB2019-379](#) Resolution vacating Safsten Road

Browne opened the public hearing, and the following people spoke:

Pam Brady, BP Cherry Point Refinery, spoke in favor of the vacation of Safsten Road.

Hearing no one else, Browne closed the public hearing.

Councilmembers discussed and Brady answered questions about whether there was a specific project for which the vacation would be an advanced mitigation and how the vacation is consistent with Ordinance 2018-044 (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), whether the Whatcom County Code addresses planning for advanced mitigation, and how the County could assist in the process.

Brenner moved and Byrd seconded that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-039

4. [AB2019-445](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years 2020 through 2025

Joe Rutan, Public Works Department, gave a staff report and stated the Birch Bay project has gone out for bid.

Browne opened the public hearing, and the following people spoke:

Eileen Kadesh, Whatcom County Bicycle Pedestrian Advisory Committee, requested that the Council include portions of the Nooksack Loop trail and the Bay to Bay International trail in the six-year plan and that a feasibility study for a bicycle pedestrian trail be done on Dearborn between Drayton Harbor Road and Dakota Creek Bridge.

Hearing no one else, Browne closed the public hearing.

Jon Hutchings, Public Works Department Director, spoke about projects that are currently included and building more specific projects into the Six-Year Transportation Improvement Program that address issues for bicycles and pedestrians, the challenges of implementing the proposals from the Bicycle Pedestrian Advisory Committee, and focusing on projects such as shoulders on roads which contribute to bicycle and pedestrian safety.

Rutan and Hutchings answered questions and Councilmembers discussed traffic issues on Pacific Highway and on Euclid Street in Bellingham, adding shoulders and other modifications to such roadways and the challenges of that, and whether possible funding for bicycle and pedestrian trails could come from private sources.

Donovan moved and Byrd seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-040

5. [AB2019-450](#) Ordinance establishing a speed limit for portions of East Smith Road and Everson Goshen Road

Joe Rutan, Public Works Department, gave a staff report.

Browne opened the public hearing, and the following people spoke:

Kathy Sable spoke in support of the ordinance.

Rutan and Councilmembers discussed the current speed limit and the required distance to reduce speed before a roundabout; and the use of other methods to slow traffic including blinking lights, reflective pole wraps, and traffic radar signs.

Brenner moved and Buchanan seconded that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-065

6. [AB2019-456](#) Resolution adopting the Six-Year Water Resources Improvement Program (WRIP), 2020-2025

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-041

7. [AB2019-458](#) Ordinance amending WCC 8.13, Solid Waste Disposal District, regarding the Solid Waste Excise Privilege Tax

Browne opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved and Frazey seconded that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-066

OPEN SESSION (20 MINUTES)

The following people spoke about AB2019-480 and AB2019-479 regarding proposed amendments to Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation:

Debra Noonan
Meredith Skully
Annie Jewitt
Jerry Johnson
Richard Herman
Dave Morrow
Paul Joostens
Janet Monks
Anne Bremer
Eric McHenry
James Wilson
John F. Bremer

Hearing no one else, Browne closed the open session.

Councilmember Byrd spoke about his process for gathering opinions of residents of Lake Samish and finding the best solution.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2019-471](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Opportunity Council for the East Whatcom Regional Resource Center Phase II Construction project, in the amount of \$172,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-474](#) Request authorization for the County Executive to enter into a contract between Whatcom County and SAZAN Group for design and construction services for Plantation Indoor Range HVAC and Roof Replacement, in the amount of \$53,650

Councilmembers discussed the gun range losing money over the last five years, how the program is a resource for public safety and recreation for the community, whether the range should be privatized, and investing money into the property to maintain its value.

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Byrd, Donovan, and Sidhu

Nay: 1 - Frazey

Absent: 0

3. [AB2019-477](#) Request approval for the County Executive to award Bid #19-59 for the purchase of one 27' full cabin patrol boat to low bidder, Inventech Marine Solutions, in an amount not to exceed \$373,499.26

Sidhu reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2019-475](#) Resolution declaring the County Council's support for the update to the Rural Land Study to identify areas deserving heightened agricultural protection measures

Donovan reported for the Natural Resources Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-042

(From Council Finance and Administrative Services Committee)

2. [AB2019-451](#) Ordinance amending the project budget for the Birch Bay Drive and Pedestrian Facility Project Fund, Request No. 5

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-067

3. [AB2019-460](#) Ordinance amending the project budget for the East Whatcom Regional Resource Center Expansion project, in the amount of \$172,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-068

4. [AB2019-464](#) Ordinance amending the project budget for the Triage Center Expansion Fund, request no. 3

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2019-069

5. [AB2019-465](#) Ordinance amending the 2019 Whatcom County budget, request no. 12, in the amount of \$2,759,531

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2019-070

6. [AB2019-446](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham so that the City may install, maintain, and repair communications equipment for the Whatcom County Sheriff's Office

Sidhu reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

(From Council Planning and Development Committee)

7. [AB2019-481](#) Consideration of Hearing Examiner's recommendation on Preliminary Long Subdivision application filed by Wesley Herman (WD-40 Cluster Long Subdivision)

Byrd reported for the Planning and Development Committee and moved that the Hearing Examiner Recommended Decision be AFFIRMED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-417](#) Resolution to replace the Business Rules of the Whatcom County Hearing Examiner

Byrd reported for the Planning and Development Committee and reported that this agenda item was HELD IN COMMITTEE.

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-473](#) Request confirmation of the County Executive's appointment of Alec Howard to the

Whatcom County Bicycle Pedestrian Advisory Committee

Donovan moved and Buchanan seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

INTRODUCTION ITEMS

1. [AB2019-472](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

Brenner moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

2. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

This agenda item was WITHDRAWN.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee Chair Todd Donovan gave a committee report from Natural Resources. Councilmembers discussed the motion made in committee to recommend that the Planning Unit give its approval of the workplan within 60 days, giving the Executive a recommendation for how to vote at the Management Board Meeting, a request to reconsider the motion from the Natural Resources Committee, revisiting the role and functions of the Planning Unit and the Watershed Management Board, and the process for recommendations and decision-making.

Browne moved to support allowing the County Executive to approve the recommended amendments to the Watershed Management Board's five-year plan.

The following people answered questions about the wording of the motion:

Dana Brown-Davis, Clerk of the Council

Gary Stoyka, Public Works Department

Councilmembers discussed whether they should wait to get approval from the Planning Unit before giving a recommendation to the Executive.

Tyler Schroeder, Executive's Office, read from and summarized comments that were emailed to the Council from Planning Unit members Henry Bierlink, Dan Eisses, and Karlee Deatherage.

Councilmembers discussed the Council's role and authority, whether recommendations on the five-year plan have already come from the Planning Unit, and what those recommendations are.

Browne moved to call the question. The motion was seconded.

The motion to call the question carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, Sidhu

Nay: 0

The motion to recommend that the Executive approve the Watershed Management Board's five-year work plan amendments carried by the following vote:

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner and Byrd

Councilmembers discussed and agreed to schedule another discussion about the watershed planning process in Committee.

Committee Chairs gave committee reports and updates on recent activities and recent events.

COUNCILMEMBERS DISCUSSED, AND A MOTION WAS APPROVED

ADJOURN

The meeting adjourned at 10:42 p.m.

The County Council approved these minutes on October 22, 2019.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Kristi Felbinger, Minutes Transcription



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-023

File ID:	AB2020-023	Version:	1	Status:	Agenda Ready
File Created:	01/06/2020	Entered by:	SKorthui@co.whatcom.wa.us		
Department:	County Executive's Office	File Type:	Presentation		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

County Executive Satpal Singh Sidhu will present remarks to Council on the commencement of his term as County Executive

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

n/a

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-480

File ID:	AB2019-480	Version:	1	Status:	Introduced for Public Hearing
File Created:	09/18/2019	Entered by:	dbrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council			Final Action:	
Agenda Date:	01/14/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance amends boating and swimming regulations for Lake Samish; specifically speed regulations (11.16.030) and regulations related to activities allowed within specific distances from the shoreline (WCC 11.20.010(C)).

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
09/24/2019	Council	WITHDRAWN	
11/19/2019	Council	WITHDRAWN	
12/03/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE CHAPTERS 11.16 AND 11.20 TO PROTECT
LAKE SAMISH SHORELINE PROPERTIES AND LAKE SAMISH WATER RECREATION**

WHEREAS, a relatively new class of recreational boats carrying large amounts of water for ballast (weight) are designed to displace maximum amounts of lake water around and behind the boats; and

WHEREAS, these vessels are operating on Lake Samish, and wakes from these boats have been observed travelling to shores of Lake Samish with force sufficient to damage private property; and

WHEREAS, property owners around Lake Samish desire a balance between damage to personal property and the need for ongoing water recreation; and

WHEREAS, Lake Samish property owners, boaters, and recreational users have come together to understand the concerns of each group and identify a compromise which would be mutually agreeable to all parties; and

WHEREAS, these parties have developed an alternative solution supported by an overwhelming majority; and

WHEREAS, the Whatcom County Code currently recognizes the need to protect public health, safety, and property with regulations on the speed of vessels on Lake Whatcom, and with regulations on the manner and distance that vessels operate from the shore of Lake Whatcom; and

WHEREAS, the Whatcom County Council values the opinions of our community, the time and effort invested by community members to discuss and find a mutually agreeable solution, and the flexibility and willingness of all parties to agree to such a compromise; and

NOW BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapters 11.16 and 11.20 shall be amended as outlined in Exhibit A to this ordinance.

APPROVED this _____ day of _____, 2019.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown Davis, Clerk of the Council

_____, Council Chair

APPROVED AS TO FORM:

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

CHAPTER 11.16 OPERATION AND SPEED REGULATIONS

Sections:

11.16.010 Operation – Overloading prohibited.

11.16.020 Operation – Right-of-way rules.

11.16.030 Speed regulations.

11.16.010 Operation – Overloading prohibited.

It is unlawful for any vessel to be loaded with passengers or cargo which exceed the safe-carrying capacity of the vessel where the safe-carrying capacity of the vessel is specified by the manufacturer. Such limitation shall be considered the maximum safe load, and in no event shall a vessel be loaded beyond a capacity which is reasonable and prudent under given atmospheric conditions and other actual and potential hazards affecting operation. (Ord. 90-83 (part)).

11.16.020 Operation – Right-of-way rules.

The operation rules as between vessels are provided as follows:

A. When two vessels are approaching each other head on, or so nearly so as to involve the risks of collision, each boat shall bear to the right and pass the other boat on its left side.

B. One vessel may overtake another on either side but shall grant the right-of-way to the overtaken boat.

C. When two vessels are approaching each other obliquely or at right angles, the boat approaching on the right side has the right-of-way.

D. A vessel underway must yield the right-of-way to a craft not underway.

E. A motor-powered vessel underway must yield the right-of-way to a sailboat, rowboat, canoe, or other vessel not propelled by a motor.

F. A seaplane underway shall yield the right-of-way to all other vessels.

G. A swimmer including a person on a flotation device, or a fallen skier, has the right-of-way over any craft.

H. No vessel shall approach within 50 feet of a diver's flag indicating the presence of a person operating under water.

I. All vessels shall reduce speed and, if necessary, stop and, in any event, yield the right-of-way upon the approach of an emergency vessel. (Ord. 90-83 (part)).

11.16.030 Speed regulations.

A. Speed Limits. No vessel shall exceed the following speeds, except as provided in Chapter [11.36](#) WCC:

1. Within 100 feet of a swimmer, six miles per hour;

2. Within 150 feet from docks, floats, or the shoreline on every lake except Lake Whatcom and Lake Samish ~~where the distance shall be 300 feet from docks, floats, or the shoreline (except when necessary for a safe take off as defined in WCC [11.20.010\(C\)](#)),~~ six miles per hour;

3. Within 100 feet of any vessel not propelled by a motor, six miles per hour;
4. One-half hour after sunset to one-half hour before sunrise, eight miles per hour;
5. During daylight hours in unrestricted areas, 40 miles per hour;
6. Within 300 feet of any public boat launch, six miles per hour;
7. Within South Bay Lake Whatcom south of a line approximately as defined as extending from 48° 40' 48" N, 122° 18' 49" W to 48° 40' 43" N, 122° 18' 36", shall be designated as a "no-wake" zone.
8. Within Lake Samish the area between county bridge No. 107 (bridge located south of, and adjacent to, Lake Samish Park) and the North-South line of 124° 24' 30" West shall be designated as a "no-wake" zone;
9. Within 300 feet of docks, floats, or the shoreline of Lake Whatcom (except when necessary for a safe take off as defined in WCC 11.20.010(C)), six miles per hour;
10. Within 300 feet of docks, floats, or the shoreline of Lake Samish, for all vessels utilized to displace water for the purpose of surfing, wakesurfing, or wakeboarding or similar activities that produce wakes for surfing, or 150 feet from docks, floats, or the shoreline for all other vessels (except when necessary for a safe take off as defined in WCC 11.20.010(C)), six miles per hour;

B. Due Care and Caution Required. Compliance with the speed regulations contained herein shall not relieve the operator of any vessel from the further exercise of due care and caution as circumstances shall require. (Ord. 2004-036 § 1; Ord. 2002-027; Ord. 90-83 (part)).

CHAPTER 11.20

WATER SKIING, SWIMMING AND SKIN DIVING REGULATIONS

Sections:

11.20.010 Water skiing.

11.20.020 Swimming.

11.20.025 Floatation devices on the South Fork of the Nooksack River.

11.20.030 Skin diving.

11.20.010 Water skiing.

A. Age Requirements. No vessel which has in tow or is otherwise assisting a person on water skis, aquaplane, surfboard, innertube or similar contrivances, shall be operated unless such vessel is occupied by at least two persons, one at least the age of 16 years, and one of at least eight years of age who shall be observer or ski-tender in addition to the operator; provided that this prohibition shall not apply to vessels used in duly authorized ski tournaments.

B. Intoxication Prohibited. No person shall ride or manipulate any water skis, aquaplane, surfboard, innertube or similar contrivance while in tow, or being assisted by a vessel, when such person is under the influence of intoxicating liquor or drugs to a degree which renders said person incapable of safely riding or manipulating such a contrivance.

C. Distance from Shoreline. Except on safe takeoffs and safe landing, vessels and persons under tow on water skis, aquaplane, surfboard, innertube or a similar contrivance, and vessels being utilized to displace water for the purpose of surfing, wakesurfing, wakeboarding, or similar activities that produce wakes for surfing must keep 150 feet or more from the dock, float, or shoreline ~~with the exception of Lake Whatcom which shall remain at~~ except for Lake Whatcom and Lake Samish where the distance shall be 300 feet from the shore, dock or float, and Lake Samish where the distance shall be 300 feet from

the shore, dock or float for vessels being utilized to displace water for the purpose of surfing or wakesurfing or similar activities that produce wakes for surfing and 150 feet for all other vessels. A takeoff will not be considered "safe" unless the person(s) under tow are heading away from the shore and the takeoff can be accomplished without any risk to swimmers or vessels. The person(s) under tow, but not the vessel, may come within 150 feet of the shoreline when in the process of landing, provided that the return to the shore must be at any angle of 45 degrees or more to the shoreline.

D. Other Vessels. No vessel shall follow behind a skier closer than 300 feet, not cross the towing boat bow by less than 200 feet, nor alongside a skier closer than 100 feet.

E. Personal Flotation Devices Required. Any person on water skis, aquaplane, surfboard, innertube or similar contrivance shall wear about his body a type I, II, or III personal flotation device as defined and required by the U.S. Coast Guard.

F. Conduct. Any person on water skis, aquaplanes, surfboards, innertubes, or similar contrivances shall conduct himself upon the same in a careful and prudent manner, and shall remain at all times a reasonable and prudent distance from other persons and from the property of others, and shall not come within 100 feet of a swimmer or any other vessel.

G. Hours. No vessel shall have in tow or shall otherwise assist a person on water skis, aquaplane, surfboard, innertube or a similar contrivance from one-half hour after sunset to one-half hour before sunrise; provided, that this subsection shall not apply to vessels engaged in duly authorized water ski competitions or expositions.

H. Pattern. All boats towing skiers shall go in a counterclockwise pattern.

I. Public Boat Launches. No drop-off or take-off of skier or having a person in tow within 300 feet of public boat launch.

J. Skier Down Flags. When your skier is in the water the observer must display a red or orange "skier down" flag. This flag must be 12 inches square and mounted on a two-foot pole. (Ord. 90-83 (part)).

11.20.020 Swimming.

No person shall swim or operate a paddleboard, innertube, rubber raft or similar unlicensed device except in restricted swimming areas or within a distance of 150 feet from the shore, unless the swimmer is accompanied by a vessel. (Ord. 90-83 (part)).

11.20.025 Floatation devices on the South Fork of the Nooksack River.

No person shall operate a paddleboard, innertube, inflatable floatation device, foam floatation device, limb-propelled floatation device, or rubber raft intended for limb use on the section of the South Fork of the Nooksack River between Edfro Creek and the Acme Bridge between the dates of June 1st and October 31st. The provisions of this section shall not apply to:

A. Devices engaged principally in commercial operations constituting an act of interstate or foreign commerce or bona fide scientific research;

B. Use for emergency purposes when there is reasonable belief that such use is necessary to protect or preserve persons, animals or property;

C. Use by law enforcement agencies to enforce the above provisions;

D. Department of Natural Resources-designated and Whatcom County-designated swimming/boating areas on the South Fork of the Nooksack River. (Ord. 2005-089 Exh. A).

11.20.030 Skin diving.

- A. No person shall operate (swim, float or walk) under water with the aid of any artificial device such as snorkel or self-contained underwater breathing apparatus (scuba) beyond 100 feet from the shoreline unless closely accompanied by a boat displaying a diver's flag or unless marked by a diver's flag above the water surface and above the operator's position in the water.
- B. The underwater operator shall keep within a 50-foot horizontal radius of the diver's flag at all times.
- C. No person shall display any diver's flag except during the period a person is operating under water within the vicinity of the diver's flag.
- D. Separate diver's flags shall be displayed for each person so operating under water.
- E. No person shall operate under water, except with a permit issued at the discretion of the sheriff's department, within a 300-foot horizontal radius of any boat ramp or landing wharf of any boat marina, nor shall such person operate within a 100-foot horizontal radius of any platform normally used for diving. (Ord. 90-83 (part)).



Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-614

File ID:	AB2019-614	Version:	1	Status:	Introduced for Public Hearing
File Created:	11/20/2019	Entered by:	BBushaw@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:			
Agenda Date:	01/14/2020	Enactment #:			

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

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Whatcom County Public Works requests an amendment to Ordinance 2019-53, Lake Whatcom Stormwater Utility Funding Mechanism, to initiate the Capital Facilities Charges in January 2021 rather than January 2020. The requested time extension is needed to develop an effective collection process and to clarify ambiguous language included in Section 11 of Whatcom County Code 16.30

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
12/03/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings
Director**



STORMWATER
322 N. Commercial, Suite 224
Bellingham, WA 98225
Main: (360) 778-6210
FAX: (360) 778-6201
www.whatcomcounty.us

MEMORANDUM

TO: The Honorable Jack Louws, County Executive and
The Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Kraig Olason, Stormwater Program Manager

DATE: November 19, 2019

RE: Request for Amendment to Ordinance 2019-053, Lake Whatcom
Stormwater Utility Funding Mechanism

Requested Action

The Public Works Department requests that County Council amend Ordinance 2019-053 to change the initiation date for collection of the Capital Facilities Charge (CFC) from January 1, 2020 to January 1, 2021.

Background and Purpose

Whatcom County Council adopted Ordinance 2019-053 (codified as WCC 16.30), the Lake Whatcom Stormwater Utility Funding Mechanism in July 2019. Section 11.0 of WCC 16.30 calls for collection of a one-time CFC on new residential and commercial developments, effective January 1, 2020. Public Works reviewed this ordinance language and finds that: (1) the language is ambiguous as to legislative intent, and (2) does not provide a convenient mechanism for fee collection. Public Works seeks to delay the implementation of this fee to January 1, 2021 to allow time to propose clarifying language and to develop a suitable fee collection method. The ordinance includes a phase-in provision for the annual rate fee portion of the ordinance wherein 50% of the annual unit rate fee is collected in 2020 and 100% is collected in 2021. Delaying the effective date of the CFC would be consistent with this phased approach.

Please contact Kraig Olason at 6301, if you have any questions or concerns regarding this request.

Encl.

ORDINANCE NO. _____

**AUTHORIZING A CHANGE TO ORDINANCE 2019-053, WHICH AUTHORIZED
CHARGES FOR STORMWATER CONTROL FACILITIES AND PROGRAMS IN THE LAKE
WHATCOM STORMWATER UTILITY SERVICE AREA, SPECIFICALLY EXTENDING
COLLECTION OF CAPITAL FACILITIES CHARGES TO 2021**

WHEREAS, the Whatcom County Council adopted Ordinance 2019-053 on July 23, 2019 authorizing fees for the Lake Whatcom Stormwater Utility; and

WHEREAS, Ordinance 2019-053 calls for one-time charges on new residential and commercial developments/structures, effective January 1, 2020; and

WHEREAS, certain provisions related to these Capital Development Charges are ambiguous and create unclear legislative intention around the extent and method for collection; and

WHEREAS, additional time is needed to clarify the terms of the ordinance and to develop a suitable method for collection of fees; and

WHEREAS, 2020 is established in the Ordinance as a phase-in period with collection of annual fees at 50%; and

WHEREAS, delaying implementation of the Capital Facilities Charge until January 1, 2021 will allow time to clarify the code language and develop a suitable fee collection method

1
2
3 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
4 collection of the Capital Facility Charge established under Ordinance 2019-053 shall
5 prospectively begin on January 1, 2021.
6

7 **ADOPTED** this ____ day of _____, 20____.
8
9

10
11 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

12
13
14 _____
Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

15
16
17 WHATCOM COUNTY EXECUTIVE
18 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

19
20 _____
21 Christopher Quinn, Civil Deputy
22 Prosecutor
23
24

Jack Lowes,
County Executive

() Approved () Denied

Date Signed: _____
25
26
27
28
29



Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-627

File ID:	AB2019-627	Version:	1	Status:	Agenda Ready
File Created:	11/22/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Appointment to fill a vacancy on the Board of Equalization - Applicant(s): John Bruton

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

[BOARD OF EQUALIZATION <http://www.co.whatcom.wa.us/335/Board-of-Equalization>](http://www.co.whatcom.wa.us/335/Board-of-Equalization)

1 Vacancy, 3-year term, current member is eligible to reapply. Must reside in County Council District
2. The Board ensures that all properties are valued at 100% of market value. The Board may equalize property values by either lowering or raising land/building assessments. The Board generally meets on Wednesdays and Thursdays, with occasional Tuesday meetings as the caseload requires. Members receive \$75 per diem for attending hearings. **County Council appointed**

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

BOARD OF EQUALIZATION

1 Vacancy, 3-year term, current member is eligible to reapply. Must reside in County Council District 2. The Board ensures that all properties are valued at 100% of market value. The Board may equalize property values by either lowering or raising land/building assessments. The Board generally meets on Wednesdays and Thursdays, with occasional Tuesday meetings as the caseload requires. Members receive \$75 per diem for attending hearings. **County Council appointed**

APPLICANT(S):

- John Bruton, incumbent



RECEIVED

NOV 25 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: JOHN W BRUTON Date: 11/22/19
Street Address: 2311 HURON ST
City: BELLINGHAM Zip Code: 98229
Mailing Address (if different from street address): _____
Day Telephone: 360-224-1345 Evening Telephone: SAME Cell Phone: SAME
E-mail address: SANDRA L BRUTON@MSN.COM

1. Name of board or committee-**please see reverse:** BOARD OF EQUALIZATION
2. You must specify which position you are applying for.
Please refer to vacancy list. DISTRICT 2
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (X) yes () no
4. Which Council district do you live in? _____ () One (X) Two () Three () Four () Five
5. Are you a US citizen? _____ (X) yes () no
6. Are you registered to vote in Whatcom County? _____ (X) yes () no
7. Have you ever been a member of this Board/Commission? _____ (X) yes () no
If yes, dates: PRESENT - MY TERM EXPIRES 1-31-20
ALSO IN THE 1980'S
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? _____ () yes (X) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? _____ () yes (X) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
activities, and education.
RETIRED PUBLIC ACCOUNTANT / FINANCIAL ADVISOR
50 YRS - 4 YRS ON BOE IN 1980'S - PRESENTLY
ON THE BOARD
 11. Please describe why you're interested in serving on this board or commission: _____
I THINK I DO A GOOD JOB AT LISTENING TO
PETITIONERS AND THE ASSESSOR AND MAKING A GOOD + FAIR DECISION
- References (please include daytime telephone number): DAVID BLAIR 360 733-0966
DAVID LYNCH 360 920 8363

Signature of applicant: [Signature]

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-011

File ID:	AB2020-011	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on the Climate Impact Advisory Committee - Applicants: William Harman, Katherine Kissinger, Kaylee Galloway, Erika Nuerenberg, Stevan Harrell, Philip Thomson, David Kershner, Tim Miller, Cynthia Mitchell

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

CLIMATE IMPACT ADVISORY COMMITTEE

5 Vacancies, 3-year terms, current members are eligible to reapply.

2 Vacancies, partial terms ending 1/31/2021. Applicant with experience in the following are encouraged to apply: have previous work or educational experience in subjects including climate change, renewable energy development, energy conservation, energy sector, waste reduction and recycling, farming, food security, land use planning, municipal government and flood mitigation and planning. The Whatcom County Climate Impact Advisory Committee provides review and recommendations to the Whatcom County Council and Executive on issues related to the preparation and adaptation for, and the prevention and mitigation of, impacts of climate change. Meets monthly.

HISTORY OF LEGISLATIVE FILE

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



ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

CLIMATE IMPACT ADVISORY COMMITTEE

5 Vacancies, 3-year terms, current members are eligible to reapply.

2 Vacancies, partial terms ending 1/31/2021. Applicant with experience in the following are encouraged to apply: have previous work or educational experience in subjects including climate change, renewable energy development, energy conservation, energy sector, waste reduction and recycling, farming, food security, land use planning, municipal government and flood mitigation and planning. The Whatcom County Climate Impact Advisory Committee provides review and recommendations to the Whatcom County Council and Executive on issues related to the preparation and adaptation for, and the prevention and mitigation of, impacts of climate change. Meets monthly. **County Council appointed**

APPLICANTS:

- William Harman, incumbent
- Katherine Kissinger
- Kaylee Galloway
- Erika Nuerenberg
- Stevan Harrell
- Philip Thompson
- David Kershner, incumbent
- Tim Miller, incumbent
- Cynthia Mitchell

Climate Impact Advisory Committee: William Harman

Subject: Online Form Submittal: Board and Commission Application
Date: Thursday, November 28, 2019 9:36:59 AM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mr.
First Name	William
Last Name	Harman
Today's Date	11/27/2019
Street Address	2217 WALNUT ST
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	4257666236
Secondary Telephone	Field not completed.
Email Address	wcaseyharman@hotmail.com

Step 2

1. Name of Board or	Climate Impact Advisory Committee
---------------------	-----------------------------------

Committee

Climate Impact Advisory Committee Position:	I have previous work or educational experience in the energy sector.
---	--

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
--	-----

3. Which Council district do you live in?	District 2
---	------------

4. Are you a US citizen?	Yes
--------------------------	-----

5. Are you registered to vote in Whatcom County?	Yes
--	-----

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
--	----

7. Have you ever been a member of this Board/Commission?	Yes
--	-----

If yes, please list dates:	January 2018 - present
----------------------------	------------------------

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	Yes
---	-----

If yes, please explain	I work for the local utility, Puget Sound Energy as an Electrical Engineer.
------------------------	---

You may attach a

Field not completed.

resume or detailed
summary of
experience,
qualifications, &
interest in response to
the following questions

9. Please describe your
occupation (or former
occupation if retired),
qualifications,
professional and/or
community activities,
and education

I currently work as an electrical engineer for Puget Sound Energy in Bellingham. I support Hydro, Thermal and Wind generation all over the state, as well as storm restoration efforts and local power quality issues. I have visibility into our electric supply and the challenges and opportunities of integrating renewable energy sources into the electric grid. A lot of my work has to do with power grid codes and power grid operation and generator modeling.

I currently serve on the Climate Impact Advisory Committee as secretary and on the wind ordinance subcommittee where we are working on updating the Whatcom County Wind Ordinance.

I have a B.S. in Mechanical Engineering from Washington State University and a Masters degree in Electrical Engineering from the University of Idaho.

10. Please describe
why you're interested
in serving on this board
or commission

I am interested in continuing with this committee because I care about Whatcom County. I grew up in the county, my family is here, I attended Mt. Baker Highschool and now live and work in Bellingham. I am concerned about the future of the county and how climate change will impact our area and the lives of my three small children. I currently am serving as secretary and write all the minutes of the meets as well as contribute to the discussion based on my work in the energy sector.

References (please
include daytime
telephone number):

Chris Elder (360)778-6225

Signature of applicant:

W. Casey Harman

Place Signed /
Submitted

Bellingham WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Climate Impact Advisory Committee: Katherine Kissinger

Subject: Online Form Submittal: Board and Commission Application
Date: Wednesday, December 18, 2019 9:44:40 PM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Ms.
First Name	Katherine
Last Name	Kissinger
Today's Date	12/18/2019
Street Address	2619 W Maplewood Ave. Apt. 305
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	2064656407
Secondary Telephone	Field not completed.
Email Address	krkissinger13@gmail.com

Step 2

1. Name of Board or Climate Impact Advisory Committee

Committee

Climate Impact Advisory Committee Position:	I have previous work or educational experience in climate change.
---	--

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
---	-----

3. Which Council district do you live in?	District 2
--	------------

4. Are you a US citizen?	Yes
-----------------------------	-----

5. Are you registered to vote in Whatcom County?	Yes
--	-----

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
---	----

7. Have you ever been a member of this Board/Commission?	No
--	----

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
--	----

You may attach a resume or detailed summary of experience, qualifications, & interest in response to	Kissinger_ClimateImpact.pdf
---	---

the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

I am a recent graduate of Western Washington University. I graduated in December of 2018 with a Bachelor's Degree in Environmental Science and a Minor in Geography.

10. Please describe why you're interested in serving on this board or commission

Now that I have graduated from Western Washington University with my Bachelor's Degree in Environmental Science, I am looking for a way to serve my community with the knowledge I have received. I am interested in getting involved in local government to help enact positive lasting change in my community. I also think serving on this committee would be a great way to gain experience relevant to my degree.

References (please include daytime telephone number):

Kent Coburn
425-652-5396
coburnkent@gmail.com

William Bethel
206-799-2549
williamjbethel@gmail.com

Daniel Hoppe
479-790-6277
dhoppe92@gmail.com

Molly Reetz
253-549-9097
moreetz14@gmail.com

Signature of applicant:

Katherine Kissinger

Place Signed /
Submitted

Bellingham, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Katherine Kissinger

krkissinger13@gmail.com

(206) 465 6407

QUALIFICATIONS SUMMARY

- Outstanding written and verbal communication and organizational skills
- Ability to multi-task and prioritize effectively with minimal direction
- Excellent web-based research skills
- Attention to detail, and time management proficiency
- Commitment to environmental protection and sensitivity to tribal issues

EDUCATION

Bachelor of Science, Environmental Science, Minor: Geography, Western Washington University (WWU), Bellingham, WA, December 2018

Associate of Arts, Green River College (GRC), Auburn, WA, June 2016

RELEVANT COURSEWORK

-Wetland Ecology Lab	-Environmental Disturbances	-Environmental Impact
-Energy and the Environment	-Water Quality Lab	Assessment
-The Urban Environment	-Intro. To Urban Planning	-Climate Change
-Intro to Global Change	-Oceanography	-Natural Resource Policy

RELEVANT EMPLOYMENT EXPERIENCE

Energy Production Temporary Worker, Puget Sound Energy Baker River Hydroelectric Project, Concrete, WA, Feb. 2019 – Jun. 2019

- Ability to work flexibly, both independently, and as part of a team
- Experience rearing Sockeye and Coho salmon in the Upper Baker Fish Hatchery
- Assisted Biotechnicians with Hatchery and Floating Surface Collector operation, sampling and pit tagging fish

Wetland Monitoring Intern, The Evergreen State College / WSDOT, Olympia, WA, Jun. 2018 – Sep. 2018

- Observing and monitoring wetland sites and native vegetation
- Conducted fieldwork in pastures, forested, and inundated areas
- Completed Wetland Data Forms in MS Word, and Excel

Dining Room Server, The Leopold Retirement Residence, Bellingham, WA, Sep. 2016 – Jun. 2018

- Customer service experience
- Capacity to work effectively both as an individual and as part of a team
- Responding appropriately to positive and negative feedback

Climate Impact Advisory Committee: Kaylee Galloway

Subject: Online Form Submittal: Board and Commission Application
Date: Monday, December 23, 2019 2:26:33 PM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Ms.
First Name	Kaylee
Last Name	Galloway
Today's Date	12/23/2019
Street Address	119 W Chestnut St Apt 318
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	4254170904
Secondary Telephone	Field not completed.
Email Address	kayleeg22@gmail.com

Step 2

1. Name of Board or	Climate Impact Advisory Committee
---------------------	-----------------------------------

Committee

Climate Impact
Advisory Committee
Position:

I have previous work or educational experience in climate change.

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?

Yes

3. Which Council district do you live in?

District 1

4. Are you a US citizen?

Yes

5. Are you registered to vote in Whatcom County?

Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to

[Kaylee Galloway Resume.pdf](#)

the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Occupation:

I worked in the federal government for five years. I started in Senator Maria Cantwell's office while she was serving as Ranking Member of the Energy and Natural Resources Committee. As a result, I was able to learn about the work she was doing in that capacity. I went on to work for Congresswoman Suzan DelBene as her Community Liaison for Whatcom and Skagit counties. I have extensive outreach experience in the Bellingham and greater Whatcom county region where I have engaged with a variety of governments, federal agencies, non-profits, businesses, and other stakeholders on a diverse range of topics including, but not limited to, agriculture, water, climate change, renewable energy, salmon recovery, habitat enhancement, and emergency preparedness (flooding, resiliency, etc). Due to the breadth of my knowledge and experience, I am able to understanding the interconnectedness of all these issues and more in our community. In my current role, I am developing a more comprehensive understanding of state policy and process.

Education:

For undergrad at WWU, I studied Politics, Philosophy, and Economics and I was in the inaugural class for the Institute for Energy Studies' Energy Policy minor, which covers a comprehensive range of energy and environmental issues from economics to law to environmental science. At UW-Bothell, for my Master of Arts in Policy Studies program, I dedicated my capstone project to sustainable community development which included topics of energy efficiency, renewable energy, green building, sustainable agriculture, transportation, and analysis of local, state and federal policy.

10. Please describe why you're interested in serving on this board or commission

Climate change, renewable energy, green buildings, agriculture, and sustainable community development are my passions. I have been able to connect my academic experiences to my work in the field as a federal and state employee. I understand well our local communities, their unique sentimentalities, and the issues across the entire county. I would be honored to collaborate with the other committee members to help research and advise the council on these issues. I plan to bring my multidisciplinary and moderate perspectives to the table as I believe no one issue or perspective will solve climate change and I feel strongly about working together even if perceived as unlikely partners.

I understand the challenges and opportunities regarding Cherry Point, and am interested in exploring this issue more. I also see opportunities in other disciplines and regions throughout the County. Whatcom County is a unique microcosm of energy opportunities – be it with the two refineries, dairy farms and

anaerobic digestion, hydro power with run of the river (Canyon Hydro) and full-scale Seattle City Light dams in Newhalem, solar power with Silfab or inverters and battery backup with Alpha Technologies, and examples can go on. We are a community made better with our two tribes, prospering agriculture, and a dynamic watershed. We have a number of wonderful organizations from Sustainable Connections, to RE Sources for Sustainable Communities, to Nooksack Salmon Enhancement Association, to Opportunity Council, and so many more doing work in this space. I think about all this and I am energized and ready to go to work. I would be honored to serve on the Climate Impact Advisory Committee and learn how I can better support the Council and all this work happening locally.

References (please include daytime telephone number):

Pinky Vargas, Puget Sound Energy and Bellingham City Council, 360-510-1388
Kelly Marquardt, Office of Congresswoman Suzan DelBene, 425-495-6240
Karlee Deatherage, RE Sources for Sustainable Communities, 425-268-5245

Signature of applicant:

Kaylee Galloway

Place Signed / Submitted

Bellingham, WA

(Section Break)

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KAYLEE GALLOWAY

119 West Chestnut Street Apt #318, Bellingham, WA 98225
kayleeg22@gmail.com, (425) 417-0904, <https://www.linkedin.com/in/kayleegalloway/>

EDUCATION:

University of Washington, Bothell, WA, Master of Arts in Policy Studies, August 2018

- Policy process and analysis, ethics, statistics (SPSS and Stata), research design, organizational management, and program evaluation
- Capstone: *A Net-Zero Community: A Resource Manual for Sustainable Development and Public Policy* (<http://hdl.handle.net/1773/42746>)

Western Washington University, Bellingham, WA, Bachelor of Arts, June 2014

- Major: Politics, Philosophy and Economics
- Minors: Energy Policy; and Law, Diversity and Justice

WORK EXPERIENCE:

Washington State House of Representatives, Bellingham and Olympia, WA

Legislative Assistant to Rep. Debra Lekanoff (40th LD), (September 2019-Present)

- Manage all office operations including phones, constituent correspondence, scheduling, event planning, and budgets.
- Assist Representative Lekanoff in legislative bill development and outreach in Whatcom, Skagit, and San Juan counties

United States Congresswoman Suzan DelBene (WA – 01), Mount Vernon, WA

Community Liaison, (April 2016 – August 2019)

- Managed all outreach efforts in Whatcom and Skagit Counties by strategically engaging with local business, industry, organization and community leaders and government officials at all levels
- Remained informed on all local issues and stakeholder perspectives relating to the environment, energy, agriculture, transportation, infrastructure, business, trade, economic and workforce development, immigration, tribes, education, healthcare, and others
- Represented Congresswoman DelBene at local events, planned and executed outreach events, and solely managed Mount Vernon Office including internship program

United States Senator Maria Cantwell (D – WA), Washington, DC

Staff Assistant, (January 2015 – March 2016)

- Coordinated all constituent requests for Capitol, White House and other tours in Washington, DC
- Answered a high volume of calls, checked-in all staff meetings, prepared weekly call reports, processed flag requests, and coordinated Constituent Coffees
- Managed internship program: hiring, orientation, training, scheduling, and daily supervision of up to eight interns

Running Start Star Fellowship, Washington, DC

Intern, United States Senator Maria Cantwell (D – WA), (September 2014 – December 2014)

- Assisted legislative team in various activities including: attending briefings, writing memorandums, and compiling policy research

- Supported staff in providing constituent services: answer and log phone calls, lead capitol tours, and draft written correspondence

Washington Business Alliance, Seattle, WA

Intern, (June 2014 – August 2014)

- Published three blog articles, assisted in initiative development, and supported research, communication, and membership outreach efforts

Associated Students of Western Washington University, Bellingham, WA

Vice President for Governmental Affairs, (June 2013 – June 2014)

- Local, state, and federal lobbying and advocacy around higher education issues
- Supervised eight person staff, oversaw voter registration drive, and chaired a student committee
- Planned annual lobby trips to Olympia, WA and Washington, DC

Associated Students of Western Washington University, Bellingham, WA

Board Assistant for Representation Committees (September 2012 – June 2013)

- Supported the administrative functions of the office by scheduling meetings, communicating with committee members, preparing documents, and maintaining records via minute taking

LEADERSHIP DEVELOPMENT:

- 2019 Leadership Whatcom, Bellingham Regional Chamber of Commerce
- Whatcom Young Professionals
- 2018 Alene Moris National Education for Women's Leadership Institute, University of Washington

Climate Impact Advisory Committee: Erika Nuerenberg

Subject: Online Form Submittal: Board and Commission Application
Date: Monday, December 23, 2019 8:46:40 PM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Ms.
First Name	Erika
Last Name	Nuerenberg
Today's Date	12/23/2019
Street Address	244 Chuckanut Point Rd
City	Bellingham
Zip	98229
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	2068513117
Secondary Telephone	Field not completed.
Email Address	enuerenberg@gmail.com

Step 2

1. Name of Board or	Climate Impact Advisory Committee
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Committee

Climate Impact
Advisory Committee
Position:

I have previous work or educational experience in waste reduction and recycling.

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?

Yes

3. Which Council district do you live in?

District 3

4. Are you a US citizen?

Yes

5. Are you registered to vote in Whatcom County?

Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to

[Erika Nuerenberg_WCCIAAC resume.pdf](#)

the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I have experience working for a large waste reduction/recycling company, as well as many years working in public health. I have served on more than a dozen boards and currently serve on the Whatcom County Library Board of Trustees. I have served on non-profit, chamber, and community development boards in the past. I have a masters in public health, and have experience working in public health management, policy, communications, and strategic development.
---	--

10. Please describe why you're interested in serving on this board or commission	I'm interested in this committee because I have both experience in waste reduction/recycling and more importantly in public health. It's important that health be considered and mitigated when considering impacts of climate change, and I believe this connection to climate change is often overlooked. Having spent the last year in Washington DC and (in part) devising options to address health impacts of climate change, I believe I have both policy and field experience to offer this perspective when developing options and planning documents for county government and stakeholders to consider.
--	--

References (please include daytime telephone number):	Cindy Hollinsworth (360.927.4072) John Wolpers (360.778.6000)
---	--

Signature of applicant:	Erika Nuerenberg
-------------------------	------------------

Place Signed / Submitted	Bellingham, WA
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(Section Break)

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ERIKA NUERENBERG

244 Chuckanut Point Rd, Bellingham, WA 98229 ♦ enuerenberg@gmail.com ♦ (206) 851-3117

PROFESSIONAL PROFILE

- ♦ Collaborative leader with more than fifteen years of experience in driving organizational excellence, policy, advocacy, communications, community partnerships, and strategic decision-making.
- ♦ Long-term strategic thinker with focus on improving health outcomes, engaging community and staff in decision-making, balancing cost and population benefit, developing and measuring performance metrics, understanding and applying local, state, and national trends, and innovating to lead the public health field.
- ♦ Experienced team and organizational leader, recognizing strengths in staff, building organizational culture through heart and humility, and creating workforce development and succession planning initiatives.

WORK HISTORY

American Public Health Association/Brookings Institute Congressional Fellow 2019

United States Senate Health, Education, Labor, and Pensions Committee – Washington, DC

- ♦ Provided technical and health expertise, bill negotiation strategy and recommendations, and research in developing health-related bills drafted by committee members.
- ♦ Drafted and negotiated bills including vaccine safety, family violence and child abuse prevention, youth smoking and vaping regulations, chronic and acute disease prevention, obesity prevention, public health data modernization, and social and nutrition programs for seniors.
- ♦ Met with stakeholders, Washington State constituents and advocacy groups, and Senate personal staff on topics before the committee; developed an expertise in understanding the health organizations and providers, emerging public health issues and their both federal and local response opportunities, payment structures and challenges, and Senate priorities and funding options for public health programs.

Assistant Director 2016 to 2019

Whatcom County Health Department – Bellingham, WA

- ♦ Responsible for shifting culture by increasing staff partnerships with other county departments and public health departments, demonstrating and requiring the practice of mutual respect and organizational values, and building trust between senior leaders and staff. This included working with a consultant to develop curriculum on organizational development and leadership for managers and supervisors, developing agendas and group discussions among managers on performance management and strategic planning, and re-writing job descriptions to include public health competencies, department values and behavioral expectations.

- ◆ Provided strategic direction, financial oversight, and leadership and mentoring for the 100 member staff and five division managers; directly supervised nine staff and supervisors in a division of 30, with influence on and accountability to all staff and managers.
- ◆ Oversaw budget, policy, financial systems and contracts, assessment/epidemiology, informatics and information/data management, strategic planning and implementation, quality improvement/performance management, public health emergency preparedness and response, national public health accreditation, health planning/community engagement, clerical/administrative support, and workforce development/leadership development.
- ◆ Led staffing and organizational chart changes within the department, Community Health Improvement program and planning team, workforce development strategies such as the mentoring program, and served as the department's liaison and contact for risk management, HIPAA, capital projects planning and facilities management, human resources requests, and website/communications initiatives.

Pacific Northwest Government and Community Relations Manager

2013 to 2016

Recology – Seattle, WA

- ◆ Joined region just following the acquisition of the local affiliate, and served as the cultural and organizational lead on merging the two companies. Directly led a team of 18, with indirect oversight of all 300+ employees in the region.
- ◆ Led all external strategies for the Pacific Northwest region for the \$1 billion California-based waste recovery and diversion company, including corporate giving, new business development, policy and advocacy, brand identity, education and outreach, and retail and the Artist in Residence programs. Served as the regional liaison for corporate board members.
- ◆ Served on the leadership team to review operations and budgets for the four affiliates in the Portland, Seattle, Western Oregon, and Ashland markets, and developed growth strategies, capital plans, and operating efficiencies to maximize employee owner shares. Traveled to San Francisco monthly to brief senior corporate leadership on organizational and cultural challenges and organizational shifts and recommendations.
- ◆ Developed relationships with community leaders, elected officials, non-profits and others to establish Recology as an 'anchor' institution, and represented the company on statewide and local industry boards and on panels at national and regional conferences.

Integration Consultant

2013

Public Health - Seattle & King County – Seattle, WA

- ◆ Reporting up to Department Director, led a multidisciplinary team of staff to determine if the 1600 staff public health department and 400 staff human services department could improve service delivery and increase efficiencies by merging or partially merging into one department.

- ◆ Through a collaborative process, identified impacts to staff, stakeholders, and patients of their 10 health clinic locations, as well as provided cost modeling and determining labor, legal, contractual, and funding issues associated with various organizational options.
- ◆ Provided options and recommendations to County Council and County Executive in a written report and presentation.

Interim Executive Officer, Regional Outreach Specialist

2010 to 2012

US Department Of Health And Human Services (HHS) – Seattle, WA

- ◆ Communicated with state, tribal and local leaders and policy makers regarding federal policies, grants, and initiatives relating to the Affordable Care Act. Provided guidance to Washington DC staff about Region X (Washington, Oregon, Idaho, and Alaska) and how to better articulate policies and collaborate with statewide and local health organizations.
- ◆ Led coordination of all external affairs for four-state region among divisions within HHS. Served as a liaison and technical expert on the Affordable Care Act to all stakeholders and government officials in four-state region. Provided training and presentations to stakeholders regarding the elements of the law that affected them.
- ◆ Coordinated all office public appearances, media responses, meetings with stakeholders and policy makers, and communication and marketing materials to ensure consistent and appropriate messaging. Presented on panels at conference for health and human services professionals.

Chief Of Staff, Senior Policy Advisor

2004 to 2010

King County Councilmember Julia Patterson – Seattle, WA

- ◆ During Councilmember's two-year term as Chair of Council and 100+ staff, led department-wide human resources, IT, and administrative staff, as well as the policy agenda and policy staff, and relationships with the Executive and senior department staff. Oversaw policy and communications staff, created work plans, goals, budgets, and managed workflow and strategic messaging of policy, communication, and stakeholder and constituent relations.
- ◆ Led regional health initiatives such as the development of a partnership with a large FQHC (HealthPoint) to build a school-based health clinic in SeaTac, development and policy-making for the successful Veterans and Human Services levy ballot measure, and served as a stakeholder and technical expert liaison regarding significant actions taken by the King County Board of Health.
- ◆ Created project plans for more than 100 strategic and policy processes such as managing and maintaining tighter controls for county contracts, providing workforce development opportunities for staff, strengthening human resources oversight of inappropriate or unethical staff behavior, and ensuring planning and evaluation were part of policy processes.

EDUCATION

Bachelor of Organizational Studies/Communication

Michigan State University - East Lansing, MI

Master of Public Health

University of Washington - Seattle, WA

AFFILIATIONS

Current Board Member, Whatcom County Library System

Former Board Member, Washington State Association of Local Public Health Officials

Former Board Member, Allied Arts of Whatcom County

Former Board Member, Blue Skies for Children of Whatcom and Skagit Counties

Former Board Member, Washington State Solid Waste Association

Former Board Member, Community Psychiatric Clinic

Former Board Member, Domestic Abuse Women's Network

Former Board Member, Alliance for Pioneer Square

CONTINUING DEVELOPMENT

Leading with Finance Certificate, Harvard Business School

Certified Public Health Professional, National Board of Public Health Examiners

Public Health Management Certificate, Northwest Center for Public Health Practice

Climate Impact Advisory Committee: Stevan Harrell

Subject:
Date:

Online Form Submittal: Board and Commission Application
Thursday, January 02, 2020 9:04:08 AM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Dr.
First Name	Stevan
Last Name	Harrell
Today's Date	1/1/2020
Street Address	1430 Undine St.
City	Bellingham
Zip	98229
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	206 755-0071
Secondary Telephone	Field not completed.
Email Address	meiguimuga@gmail.com

Step 2

1. Name of Board or	Climate Impact Advisory Committee
---------------------	-----------------------------------

Committee

Climate Impact
Advisory Committee
Position:

I have previous work or educational experience in climate change.

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?

Yes

3. Which Council district do you live in?

District 1

4. Are you a US citizen?

Yes

5. Are you registered to vote in Whatcom County?

Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to

Field not completed.

the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

From 1974 to 2017 I taught anthropology, Asian Studies, and Environmental Studies at the University of Washington. During my final two decades, I taught three courses with direct relevance to climate change, one of them involving Whatcom County:

1) Introduction to Environmental Anthropology, introducing 100-200 beginning students to relationships between people and the environment, including the projected effects of climate change.

2) "Growing Stuff," an advanced undergraduate class on producing biological resources, which I taught for 12 years, and which included a unit on dairy farming concluding with visits to several dairy farms in Whatcom County, enabling me to become very familiar with the concerns of our farming community, before I moved here.

3) A UW Honors Program class on public reception of science, taught jointly with climate scientist Professor David Battisti. It included a four-week long unit on why the public accepts or rejects the science of climate change.

I also supervised several graduate students working on doctoral projects concerning climate change, including effects on Pacific island communities, North Alaska native communities, and the carbon footprint of cross-laminated timber.

From 2014 to 2017 I was an active member of the Climate Action Team at University Unitarian Church, and was chief organizer of a lecture series covering ecological, theological, economic, political, food, and medical aspects, including Native American views.

Since moving to Bellingham I have been involved in Citizens' Climate Lobby, and more importantly, I wrote the agriculture and food security section of this Committee's Community Research Project. The positive experience I had interviewing farmers, tribal representatives, and other stakeholders spurred me to want to become more permanently involved with local efforts to combat and adapt to climate change.

10. Please describe why you're interested in serving on this board or commission

As an urban progressive who has good relations with the farming community, some of whom have political beliefs very different from mine, and more broadly as someone who has worked in Asian cultures extremely different from any found in the US, I believe I have the ability to build bridges between people of different beliefs who nevertheless have interests in common.

I have also been praised for my ability to write without sounding

like a dry academic--my forthcoming article in Whatcom Watch, which is a summary of the section of the Community Research Project, is an example. I thus feel I could be helpful in writing materials for the Committee.

I'm not likely to live to see the worst effects of climate change, but my children and grandchild will, and I hope to use a good chunk of my remaining years on the planet to help get us started on the right path toward living on a very different earth. I think working locally is the way to do this.

In addition, to be frank, the City of Bellingham is ahead of the County on Climate Action. The County, however, has greater challenges, because of our economic and cultural attachment to farms and fisheries, and the need to work out solutions that will address the concerns of both 'Hamsters and North County people. I think my background is ideal for this task. I'm retired, have no regularly scheduled activities, and have time to work on this.

References (please
include daytime
telephone number):

All have agreed to be contacted:

Karen Steensma (dairy farmer and biologist) 360 739-5972
Larry Stap (dairy farmer) 360 354-4105
Ellyn Murphy (retired hydrologist and Committee member) 509
554-6203
Charlie Maliszewski (chairman of the board, RE sources) 360
305-2781
David Battisti (UW climate scientist) 206 295-0356

Signature of applicant:

Stevan Harrell

Place Signed /
Submitted

1430 Undine St, Bellingham

(Section Break)

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RECEIVED



Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

JAN 03 2020

Philip Thompson

JAN 03 2020

WHATCOM COUNTY

Climate Impact Advisory Committee

COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: PHILIP B. (PHIL) THOMPSON Date: Jan. 3, 2020
Street Address: 1117 ST. PAUL ST.
City: BELLINGHAM Zip Code: 98229-2126
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: 360-656-6334 Cell Phone: 989-944-1950
E-mail address: rtconsultingwa@comcast.net

1. Name of board or committee—please see reverse: Climate Impact Advisory Committee
2. You must specify which position you are applying for.
Please refer to vacancy list. partial term ending 11/31/21 OR full 3yr term
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (✓) yes () no
4. Which Council district do you live in? _____ (✓) One () Two () Three () Four () Five
5. Are you a US citizen? _____ (✓) yes () no
6. Are you registered to vote in Whatcom County? _____ (✓) yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes (✓) no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ (✓) yes () no
If yes, please explain: wife Catherine Riordan is Board President for Dispute Resolution Center
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes (✓) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
professor, Dept. of Economics and Institute for Energy Studies, WWU. Ph.D. Economics
Have taught + researched extensively in energy, environmental, regulatory, and electricity economics.
1984-94 chief economist for Missouri utility consumer advocate. Served 4/17-10/18 Whatcom County
TPE/PDR work group
 11. Please describe why you're interested in serving on this board or commission:
Strong background in energy/environmental economics coupled with June 2020 retirement
from WWU will give me time to devote to group. Sharon Shewmake told me about it.
- References (please include daytime telephone number): Sharon Shewmake - outgoing committee member;
Matt Aamot, Whatcom Co. planning + development svcs. 360-778-5939
- Signature of applicant: Phil B. Thompson

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

David Kershner Climate Impact Advisory Committee

From: noreply@civicplus.com
Sent: Sunday, January 05, 2020 7:07 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mr.
First Name	David
Last Name	Kershner
Today's Date	1/5/2020
Street Address	3417 Sunrise Road
City	Lummi Island
Zip	98262
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	360-758-2113
Secondary Telephone	Field not completed.
Email Address	davekershner@yahoo.com

Step 2

1. Name of Board or Committee	Climate Impact Advisory Committee
Climate Impact Advisory Committee Position:	I have previous work or educational experience in land use planning.
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 5
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	Yes
If yes, please list dates:	I have served on the Climate Impact Advisory Committee for the past two years.
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I co-founded Lummi Island Heritage Trust, a non-profit land conservation organization, and served as the organization's second Executive Director. My past experience includes environmental research positions with Sightline Institute in Seattle and the Institute for Energy and Environmental Research in Maryland. I hold a masters degree in Natural Resource Policy and Administration from the University of Michigan and have co-authored peer-reviewed journal articles on environmental topics. As a member of the Climate Impact Advisory Committee, I have interviewed a number of stakeholders in the community about efforts to address climate change. In November 2019, I delivered a public presentation about climate change as part of the Whatcom County Library System speakers series.
10. Please describe why you're interested in serving on this board or commission	I am committed to helping our community reduce its contribution to climate change and adapt to a changing climate. Through my work on the Climate Impact Advisory Committee over the past two years, I have gained knowledge and relationships that I believe make me an asset to the committee.
References (please include daytime telephone number):	Ellyn Murphy, Chair, Climate Impact Advisory Committee, 509-554-6203 Tim Miller, Member, Climate Impact Advisory Committee, 360-201-1168 Charles Bailey, member of the Lummi Island Ferry Advisory Committee, 360-758-4011 Grace Briskey, Former Board Member, Lummi Island Heritage Trust, 360-758-7125
Signature of applicant:	David Kershner
Place Signed / Submitted	Lummi Island, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Tim Miller Climate Impact Advisory Committee

From: noreply@civicplus.com
Sent: Monday, January 06, 2020 10:18 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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Title	Mr.
First Name	Tim
Last Name	Miller
Today's Date	1/6/2020
Street Address	1525 Lakeway Place
City	Bellingham
Zip	98229
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	360-201-1168
Secondary Telephone	Field not completed.
Email Address	tmiller@ferndalegs.com

Step 2

1. Name of Board or Committee	Climate Impact Advisory Committee
Climate Impact Advisory Committee Position:	I have previous work or educational experience in the energy sector.
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 3
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	Yes
If yes, please list dates:	From committee initial formation in February 2018 through January 31, 2020 (when first term expires).
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<i>Field not completed.</i>

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I have held various roles within the energy sector, giving me experience in multiple forms of power generation as well as an understanding of power distribution at the utility level. I am a board member and executive for the Ferndale Chamber of Commerce. Additionally I sit on several advisory committees for Bellingham Technical College. I hold a bachelor of science in mechanical engineering and have completed some graduate level work.
10. Please describe why you're interested in serving on this board or commission	I have been a member and proud supporter of the committee and its purpose since formation and hope to continue to contribute to the success in its purpose and objectives for the benefit of Whatcom County.
References (please include daytime telephone number):	Satpal Sidhu, Whatcom County Council Member David Kershner, Member of Whatcom County Climate Impact Advisory Committee (310) 409-7245
Signature of applicant:	Tim Miller
Place Signed / Submitted	Bellingham, WA
(Section Break)	

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Cynthia Mitchell Climate Impact Advisory Committee

From: noreply@civicplus.com
Sent: Monday, January 06, 2020 12:24 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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Title	Ms.
First Name	Cynthia
Last Name	Mitchell
Today's Date	1/6/2020
Street Address	2729 Cody Circle, Unit 202
City	BELLINGHAM
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	7758486798
Secondary Telephone	Field not completed.
Email Address	cynthiakmitchell@gmail.com

Step 2

1. Name of Board or Committee Climate Impact Advisory Committee

Climate Impact Advisory Committee Position: I have previous work or educational experience in food security.

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions Mitchell Resume 2020.doc

9. Please describe your occupation (or former occupation if retired), qualifications, professional see resume

and/or community
activities, and education

10. Please describe why
you're interested in serving
on this board or
commission

My resume highlights my life's work as a utility consumer advocate and energy economist, starting with the OPEC 73-74 oil embargo ground floor of an organic, indigenous, infectious groundswell of homegrown utility consumer advocates that swept the country. What began for me decades ago as a social-welfare advocacy response to high utility bills for the most vulnerable and disadvantaged, is now the existential crisis of all time, with energy – utilities a major contributor to greenhouse gas emissions.

Moving to Bellingham 2016, January 2018 I provided analysis and findings concerning Puget Sound Energy's (PSE) 2017 IRP from a demand side perspective for the Sierra Club to the Washington Utilities and Transportation Commission. As PSE's retires from the Colstrip units, the utility appears poised for a massive buildout of natural gas generation (upwards of near 2,000 MW) over the next 20 years, though counter to the State's and PSE's (stated) preferred carbon emission profile. November and December 2018, I conducted trainings for the Attorney General of Washington, Public Counsel Unit, on utility Integrated Resource Planning (IRP), and various issues and matters related to Puget Sound Energy's apparent massive buildout of gas generation and gas LNG storage facilities. More recently, I assisted the Bellingham Climate Action Task Force in the update of the Energy Supply portion of the COB's climate, pointing out the distinctions between PSE's gas buildout and the ability to meet the City's 2030 carbon zero goal through a combination of wind and solar with storage, and distributed energy resources. Critical aspects of my work, effort, contribution, is included in the Energy Supply portion of the Plan.

This region faces significant environmental threat from the growing confluence of pressures between some of the dirtiest coal, oil, and gas deposits in North America -- Powder River Basin coal, Bakken shale oil, Alberta tar sands, and remote gas fields -- and the most energy-hungry economies in the world. If successful, these energy firms will unleash the carbon equivalent of roughly five Keystone XL Pipelines. To get products to market, new terminals and pipelines are needed for the scores of oil and coal trains to run across the Northwest. By geographic accident, the greenest corner of North America, will play an outsize role in determining the planet's climate future.

Implementation of Washington's May 2019 SB 5116 Clean Energy Transformation Act (CETA) is critical as the state's largest investor owned utility Puget Sound Energy exits out of

ownership shares of the Montana Colstrip power plants and appears poised for a gas generation build-out. Cascade Gas no less interested in running itself out of business with fuel conversion gas to residential electric furnaces, water heaters, and commercial and industrial processes.

Not captured in my resume is my training and knowledge beyond energy and utilities to economically sustainable and environmentally sound policies and practices in transportation, water, agriculture, and land use. I have followed and studied these rubrics cube challenges and opportunities throughout my life, focusing in on regional and local matters since relocating to Bellingham. I am an optimist, work well with other people, love collaboration, and, want to serve my community.

References (please include
daytime telephone
number):

Michael Lilliquist 360 920-2684
Alex Rammel 360 305-5079
Christine Grant 206 331-7111

Signature of applicant:

cynthia mitchell

Place Signed / Submitted

2729 Cody Circle #202 Bellingham WA 98225

(Section Break)

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-012

File ID:	AB2020-012	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on Drayton Harbor Shellfish Protection District - Applicant(s) George Kaas

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE
4 Vacancies, 4-year terms. Members must have a direct interest in the shellfish protection district.
Duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Drayton Harbor Shellfish Protection District. Meets quarterly. County Council appointed

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE

4 Vacancies, 4-year terms. Members must have a direct interest in the shellfish protection district. Duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Drayton Harbor Shellfish Protection District. Meets quarterly. **County Council appointed**

APPLICANT(S):

- George Kaas, incumbent

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DEC 18 2019

WHATCOM COUNTY
COUNCIL



COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: GEORGE KAAS Date: 12/13/19
Street Address: 4176 MARACITTE RD
City: BELLINGHAM, WA. Zip Code: 98226
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360 739 8914
E-mail address: gkaas@comcast.net

1. Name of board or committee-**please see reverse:** DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT ADVISORY COMMITTEE
2. You must specify which position you are applying for.
Please refer to vacancy list. committee member

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (☒) yes () no

4. Which Council district do you live in? _____ () One (☒) Two () Three () Four () Five

5. Are you a US citizen? _____ (☒) yes () no

6. Are you registered to vote in Whatcom County? _____ (☒) yes () no

7. Have you ever been a member of this Board/Commission? _____ (☒) yes () no

If yes, dates: 2017 - 2020 (PARTIAL TERM)

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ () yes (☒) no

If yes, please explain: _____

9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes (☒) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I AM A RETIRED AQUACULTURE TEACHER AT BAYNE HIGH SCHOOL
VERY INVOLVED IN WATER QUALITY AND SHELLFISH AND SALMON PRODUCTION
STILL.

11. Please describe why you're interested in serving on this board or commission: I CONTINUE TO WORK
IN THE AREAS OF WATER QUALITY, SHELLFISH PRODUCTION AND PRODUCTION
AGRICULTURE

References (please include daytime telephone number): STEVE SEYMOUR (360) 739-2490

Signature of applicant: _____

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-013

File ID:	AB2020-013	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on the Horticulture Pest and Disease Board - Applicant(s): Brett Pehl

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HORTICULTURE PEST AND DISEASE BOARD

2 Vacancies, 2-year terms. The Board is created to enable Whatcom County to more effectively control and prevent the spread of horticultural pests and diseases. One member shall have at least a practical knowledge of horticultural pests and diseases and the other members shall be residents of the county, shall own land within the county and shall be engaged in the primary and commercial production of a horticultural product or products, one of whom shall be engaged in the production of certified organic produce, if available. Such appointed members shall serve a term of two years. The Board shall have the following powers and duties. 1. Receive complaints, 2. Inspect 3. Enforce 4. Employ persons and purchase goods and equipment as necessary, 5. Educate the public, and 6. Administrate. Meeting schedule is to be determined

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

HORTICULTURE PEST AND DISEASE BOARD

2 Vacancies, 2-year terms. The Board is created to enable Whatcom County to more effectively control and prevent the spread of horticultural pests and diseases. One member shall have at least a practical knowledge of horticultural pests and diseases and the other members shall be residents of the county, shall own land within the county and shall be engaged in the primary and commercial production of a horticultural product or products, one of whom shall be engaged in the production of certified organic produce, if available. Such appointed members shall serve a term of two years. The Board shall have the following powers and duties. 1. Receive complaints, 2. Inspect 3. Enforce 4. Employ persons and purchase goods and equipment as necessary, 5. Educate the public, and 6. Administrate. Meeting schedule is to be determined. **County Council appointed**

APPLICANT(S):

- Brett Pehl



APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Brett Pehl Date: 12-11-19
Street Address: 323 E. Laurel Rd.
City: Bellingham Zip Code: 98226
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360-319-7991
E-mail address: btpehl@gmail.com

1. Name of board or committee—**please see reverse**: Horticultural Pest and Disease Board
2. You must specify which position you are applying for.
Please refer to vacancy list. _____
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ ☒ yes () no
4. Which Council district do you live in? _____ () One ☒ Two () Three () Four () Five
5. Are you a US citizen? _____ ☒ yes () no
6. Are you registered to vote in Whatcom County? _____ ☒ yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes ☒ no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ ☒ yes () no
If yes, please explain: I work for CHS Northwest (some indirect business)
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. Agonomist/crop consultant for small fruits, nurseries, turfgrass. Current WSDA Pesticide license

11. Please describe why you're interested in serving on this board or commission: Interested in supporting farming.

References (please include daytime telephone number): _____

Signature of applicant: [Signature]

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-014

File ID:	AB2020-014	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointments to fill vacancies on the Incarceration Prevention and Reduction Task Force - Applicants:
Stephen Gockley, Greg Winter, Arlene Feld

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

INCARCERATION PREVENTION AND REDUCTION TASK FORCE

2 Vacancies for Health & Social Services Provider, current members eligible to reapply

1 Vacancy for a consumer of services or family member of consumer, current member eligible to reapply

1 Vacancy for an interested citizen, current member eligible to reapply

All positions are 4-year terms. The Task Force reviews Whatcom County's criminal justice and behavioral health programs and makes specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency; minimize jail use by pretrial defendants who can safely be released; and identify, examine, and recommend implementing programs and policies that focus on intervention and prevention strategies that are pursuant to incarceration. Meets every other month; subcommittees meet monthly.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

INCARCERATION PREVENTION AND REDUCTION TASK FORCE

2 Vacancies for Health & Social Services Provider, current members eligible to reapply

1 Vacancy for a consumer of services or family member of consumer, current member eligible to reapply

1 Vacancy for an interested citizen, current member eligible to reapply

All positions are 4-year terms. The Task Force reviews Whatcom County's criminal justice and behavioral health programs and makes specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency; minimize jail use by pretrial defendants who can safely be released; and identify, examine, and recommend implementing programs and policies that focus on intervention and prevention strategies that are pursuant to incarceration. Meets every other month; subcommittees meet monthly. **County Council appointed**

APPLICANT(S): HEALTH & SOCIAL SERVICE PROVIDER

- Stephen Gockley, incumbent
- Greg Winter, incumbent

APPLICANT(S): INTERESTED CITIZEN

- Arlene Feld, incumbent

APPLICANT(S): CONSUMER

- Jack Hovenier, incumbent



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COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY
COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: STEPHEN GOCKLEY Date: 11/22/19
Street Address: 2315 J STREET
City: BELLINGHAM Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: 360-676-5194 Evening Telephone: SAME Cell Phone: 360-305-2944
E-mail address: gockleyposel@comcast.net

1. Name of board or committee-**please see reverse:** INCARCERATION PREVENTION AND REDUCTION TASK FORCE
2. You must specify which position you are applying for.
Please refer to vacancy list. HEALTH AND SOCIAL SERVICES REPRESENTATIVE
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ ☒ yes () no
4. Which Council district do you live in? _____ () One ☒ Two () Three () Four () Five
5. Are you a US citizen? _____ ☒ yes () no
6. Are you registered to vote in Whatcom County? _____ ☒ yes () no
7. Have you ever been a member of this Board/Commission? _____ ☒ yes () no
If yes, dates: ORIGINAL MEMBER, 2015-PRESENT
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ ☒ yes () no
If yes, please explain: I AM CURRENT BOARD VICE-PRES. FOR WHATCOM DISPUTE RESOLUTION CR
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

PLEASE SEE ATTACHED RESUME

11. Please describe why you're interested in serving on this board or commission: I HAVE BEEN A MEMBER AND LEADER OF THE IPR TASK FORCE SINCE ITS INCEPTION. I AM THE CURRENT CO-CHAIR. AFTER SIGNIFICANT ACCOMPLISHMENTS TO DATE, I WANT TO HELP GENERATE A SECOND ROUND OF SYSTEMS IMPROVEMENTS.
References (please include daytime telephone number): (1) JACK HOVENIER (360) 319-4442; (2) JILL BERNSTEIN (360) 961-2677; (3) HEATHER FLAHERTY (360)

Signature of applicant: Stephen Gockley

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RESUME
STEPHEN GOCKLEY
2315 J Street
Bellingham, WA 98225
360.305.2944
gockleyposel@comcast.net

PROFESSIONAL EXPERIENCE

ATTORNEY	Northwest Justice Project	Bellingham, WA	1996-2016 (retired)
	Evergreen Legal Services	Bellingham, WA	1988-1996

Civil legal aid practice in areas of housing and homeless rights, subsidized housing programs, health care and mental health services, disability rights, special education, and public benefits.

EDUCATION

1988	J.D.	Northeastern University School of Law, Boston, MA
1985	M.S.	Lesley College, Cambridge, MA Master's degree in Human Services Management
1969	B.A.	Carleton College, Northfield, MN

COMMUNITY INVOLVEMENT

2015-	<u>Incarceration Prevention and Reduction Task Force</u> Whatcom County Council appointment
2019-	CO-CHAIR: Task Force
2017-2019	CHAIR: Legal and Justice Systems Subcommittee
2019-	<u>Bellingham/Whatcom County Housing Authorities</u> Board of Commissioners
2017-	<u>Whatcom Dispute Resolution Center</u> , Board of Directors 2019 Vice-President
2018-	Community Health Improvement Plan: <i>Healthy Whatcom</i> planning team Whatcom County Health Department
2004-	<u>Whatcom Alliance for Health Advancement (WAHA)</u> , Board of Directors PRESIDENT 2009-2011 CO-CHAIR , Governance Committee 2016 CHAIR , Advancement Committee 2013-2016
1996-2016	<u>LAW Advocates</u> , Board of Directors

RECEIVED

DEC 12 2019

WHATCOM COUNTY
COUNCIL



WHATCOM COUNTY COUNCIL

COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: GREG WINTER Date: 11/26/19

Street Address: 1618 IRON ST.

City: B'HAM Zip Code: 98225

Mailing Address (if different from street address): _____

Day Telephone: 360 220 3788 Evening Telephone: SAME Cell Phone: SAME

E-mail address: GREG_WINTER@OPPCO.ORG

1. Name of board or committee-please see reverse: INCARCERATION PREV. + RED. T.F.

2. You must specify which position you are applying for.
Please refer to vacancy list. HEALTH AND SOCIAL SERVICES

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) (✓) yes () no

4. Which Council district do you live in? (✓) One () Two () Three () Four () Five

5. Are you a US citizen? (✓) yes () no

6. Are you registered to vote in Whatcom County? (✓) yes () no

7. Have you ever been a member of this Board/Commission? (✓) yes () no

If yes, dates: 2016 - CURRENT

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? (✓) yes () no

If yes, please explain: OPPORTUNITY COUNCIL HAS COUNTY CONTRACTS TO PROVIDE COMMUNITY SERVICES.

9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? () yes (✓) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

• CURRENTLY EXECUTIVE DIRECTOR OF OPPORTUNITY COUNCIL

• INCARCERATION TASKFORCE MEMBER SINCE 2016

• OPPCO PARTICIPATES IN MANY JAIL DIVERSION ACTIVITIES

11. Please describe why you're interested in serving on this board or commission:

AS AN ANTI-POVERTY AGENCY, WE AIM TO FOCUS ON PREVENTION-ORIENTED SERVICES THAT BREAK CYCLES OF POVERTY AND REDUCE CRIMINAL JUSTICE INVOLVEMENTS.

References (please include daytime telephone number): • DAN HAMMILL - 360-510-2528

• STEVEN GOOLLEY 360-305-2944

Signature of applicant: [Signature]

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



RECEIVED

DEC 16 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Arlene Feld Date: 12-5-19
Street Address: 1510 Broadway
City: Bellingham Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360-441-6421
E-mail address: arlenefeld1@gmail.com

1. Name of board or committee-**please see reverse**: IPRTF/Law and Justice Council
2. You must specify which position you are applying for.
Please refer to vacancy list.
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (☒) yes () no
4. Which Council district do you live in? _____ () One () Two (☒) Three () Four () Five
5. Are you a US citizen? _____ (☒) yes () no
6. Are you registered to vote in Whatcom County? _____ (☒) yes () no
7. Have you ever been a member of this Board/Commission? _____ (☒) yes () no
If yes, dates: 1-31-19 to 1-31-20
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ () yes (☒) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes (☒) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
Marriage & Family Therapist M.A. MFT:
10 yrs in Crisis Triage, Bellingham
14 yrs FACEY Medical Group
35 yrs Private Practice
1 yr Touchstone, Blaine, WA, Supervisor
Community Activities:
IPRTF 2 years
Chief Dolls Advisory Council - 4 yrs
NSBH-ASQ 3 yrs
Interfaith Coalition - 3 yrs
Lettered Streets Neighborhood Assoc - 10 yrs
11. Please describe why you're interested in serving on this board or commission: I am co-chairing the Law and Justice Subcommittee. I want to complete the work of changes in our justice system. I have much to share in regard to Diversion services, especially mental Health care.

References (please include daytime telephone number): Chief David Doll, Advisory Council 360-778-8800
Maya Kelli Linville, MNAC 360-778-8100 Sharon Shewmake 360-676-2040

Signature of applicant: Arlene Feld, M.A. MFT

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December 8, 2019

Rud Browne
Whatcom County Council Members
Dana Brown-Davis, Clerk of the Council
Boards and Commission File
311 Grand, Suite #105
Bellingham, WA 98225-4038

Dear Council Chair Browne and
County Council Members,

I appreciate this opportunity to reapply for the Concerned Citizens position on the IPRTF. It is an honor to be a part of this extremely important change in the criminal justice system. This Task Force has already produced improvements, but there is still much to do. I would like to continue to serve, as I have, as co chair of the Law and Justice Committee. Because of my long experience in Behavioral Health services, I find I'm able to contribute needed information to our goals. Most especially, my experience of ten years in Crisis Triage, taught me what we do well and what we are lacking. Also I've served four years on the BPD Chief Doll's Community Advisory Committee. In addition, I served three years on the North Sound Behavioral Health-ASO. This board influences the WA Legislature and the new five insurance companies.

Thank your for considering my reapplication.

Most sincerely,


Arlene Feld, M.A., MFT

arlenefeld1@gmail.com

360-441-6421



Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jack Hovenier Date: 30 DEC 19
Street Address: 4393 Sucin Dr.
City: Ferndale, WA Zip Code: 98248
Mailing Address (if different from street address): _____
Day Telephone: 360 319 4442 Evening Telephone: same as day Cell Phone: 360 319 4442
E-mail address: jack@nice-tiger.com

1. Name of board or committee-please see reverse: IPRTF
2. You must specify which position you are applying for.
Please refer to vacancy list. consumer or citizen rep
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (☒) yes () no
4. Which Council district do you live in? _____ () One () Two () Three () Four (☒) Five
5. Are you a US citizen? _____ (☒) yes () no
6. Are you registered to vote in Whatcom County? _____ (☒) yes () no
7. Have you ever been a member of this Board/Commission? _____ (☒) yes () no
If yes, dates: since inception
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? _____ () yes (☒) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? _____ () yes (☒) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
activities, and education. business owner, recovery advocate. As I'm
a person in long-term (29+ years) personal substance abuse recovery.
11. Please describe why you're interested in serving on this board or commission: I'm currently
co-chair and member of the Task Force desire me to continue

References (please include daytime telephone number): Bill Elfo: (360) 778-6600
Jill Bernstein: (360) 961-2677

Signature of applicant: [Signature]

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-015

File ID:	AB2020-015	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancy on the Whatcom County Planning Commission - Applicant(s): Jim Hansen, Francis David Fitzgerald, Alvin Scott Van Dalen, Kathy Stanford, Jeff Chalfant, Towhee Wean

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

PLANNING COMMISSION

1 Vacancy, 4-year term. Applicants must be a resident of County Council District 2 or 4. The Planning Commission shall assist the Planning & Development Services Department in carrying out its duties, including assistance in the preparation and execution the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments. The Commission shall conduct hearings as required under RCW 36.70, and shall make findings and conclusions that shall be transmitted to the Planning and Development Services Department and County Council. The Planning Commission meets on the second and fourth Thursday of every month in the evenings.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

PLANNING COMMISSION

1 Vacancy, 4-year term. Applicants must be a resident of County Council District 2 or 4. The Planning Commission shall assist the Planning & Development Services Department in carrying out its duties, including assistance in the preparation and execution the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments. The Commission shall conduct hearings as required under RCW 36.70, and shall make findings and conclusions that shall be transmitted to the Planning and Development Services Department and County Council. The Planning Commission meets on the second and fourth Thursday of every month in the evenings. **County Council appointed**

APPLICANT(S):

- ☐ Jim Hansen, District 2
- ☐ Francis David Fitzgerald, District 2
- ☐ Alvin Scott VanDalen, District 4
- ☐ Kathy Stanford, District 4
- ☐ Jeff Chalfant, District 4
- ☐ Towhee Wean, District 2

Planning Commission: Jim Hansen

Subject: Online Form Submittal: Board and Commission Application
Date: Saturday, December 21, 2019 2:10:46 PM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mr.
-------	-----

First Name	Jim
------------	-----

Last Name	Hansen
-----------	--------

Today's Date	12/21/2019
--------------	------------

Street Address	2418 Keesling Street
----------------	----------------------

City	Bellingham
------	------------

Zip	98225
-----	-------

Do you live in & are you registered to vote in Whatcom County?	Yes
--	-----

Do you have a different mailing address?	Field not completed.
--	----------------------

Primary Telephone	3606768014
-------------------	------------

Secondary Telephone	3604101991
---------------------	------------

Email Address	jh_mk1234@msn.com
---------------	-------------------

Step 2

1. Name of Board or	Planning Commission
---------------------	---------------------

Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?

Yes

3. Which Council district do you live in?

District 2

4. Are you a US citizen?

Yes

5. Are you registered to vote in Whatcom County?

Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

[Jim Hansen Resume PC.pdf](#)

9. Please describe your occupation (or former

I am retired from multiple careers, including Forestry and managing the Lummi Nation Salmon Habitat Restoration

occupation if retired),
qualifications,
professional and/or
community activities,
and education

Program for 10 years. During my career and since, I have engaged in multiple volunteer activities pertinent to the position, including membership on the Whatcom County Marine Resources Committee, Whatcom County Flood Advisory Committee and TheWRIA1 Environmental Caucus. I have also participated in providing input and actual text for County Planning and Regulatory documents. (Please See Resume for Details)

10. Please describe
why you're interested
in serving on this board
or commission

I'm interested in being on this board because it is an opportunity to give back to this wonderful community to help secure a better future for future generations. I also consider it is my civic duty, given my qualifications, experience and having the available time. With my background in business, contracting and environmental recovery; I think I can bring a cost benefits approach to problem solving for the common good.

References (please
include daytime
telephone number):

Peter Stark Whatcom Transit Authority Manager 360 676-7433
Carl Weimer National Pipeline Safety Trust Director 360 543-5686
Dan McShane Engineer Former Councilperson 360 714-9409
Rod Burton Community Member 360 676-0156

Signature of applicant:

James E Hansen

Place Signed /
Submitted

Bellingham, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Resume

Jim Hansen
2418 Keesling Street
Bellingham, WA
Jh_mk1234@msn.com

Educational

1972 BS in Sociology/Anthropology WWU

Work History

1973-1976 Forest Fire Crew for USFS and other seasonal labor
1976-1983 Co-owner, Marmot Inc., Forestry Contracting
1983-1989 Co-owner, Landmark Enterprises, General Contractor
1989-1993 Founding Program Coordinator, Lummi Nation Crime victims Program
1994-2010 Foreman then Program Coordinator, Lummi Nation Salmon Habitat Recovery Program

Volunteer Positions

1989-1993 Board Member and President, Brigid Collins House for At Risk Children and Families
1990-1993 Board Member, Whatcom County Domestic Violence Coalition
1992-1994 Board Member, Governor's Jail Industries Task Force
1990-2010 President, Nooksack (Salmon) Recovery Team
2008-2014 Member Whatcom County Flood Advisory Committee
2010-2016 Member Nooksack Salmon Enhancement Association, Habitat Committee
2012-2019 Member Whatcom County Marine Resources Committee
2012-2019 Member WRIA1 Environmental Caucus

Honors

1999 Washington State Recipient National Eco-System Enhancement Award
2007 Lummi Natural Resources Department, Manger of the Year, First Salmon Ceremony
2010 RESources Environmental Hero

Other Relevant Experience

- As a citizen activist, crafted wording for several clauses adopted as Amendments to the Whatcom County Comprehensive Plan update.
- As a citizen activist, crafted wording for several clauses adopted as Amendments to the Whatcom County Critical Areas Ordinance update.
- As a Marine Resources Committee member, crafted led a team that produced a new Marine Resources Area Section to amend the Comprehensive Plan Chapter 8. This is now part of the Shoreline Management Program Update Process.
- As a citizen activist, provided input into the Scoping Process for the Shoreline Management Program Update currently underway.
- As a citizen activist, provided input into the Whatcom County Watershed Management Plan Update process, both at the local and State levels.
- Have provided testimony at dozens of County Council and Planning Commission meetings.



RECEIVED

JAN 03 2020

Francis David Fitzgerald
Planning Commission - District 2

WHATCOM COUNTY
COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Francis David Fitzgerald Date: 31 Dec 2019
Street Address: 7501 glacier spr. drive
City: Glacier, Wa. Zip Code: 98244
Mailing Address (if different from street address): PO Box 520, Maple Falls, Wa 98266
Day Telephone: 360 599 1408 Evening Telephone: 360 599 1408 Cell Phone: 774 315 8580
E-mail address: davefitz7501@yahoo.com

1. Name of board or committee-please see reverse: Planning Commission
2. You must specify which position you are applying for.
Please refer to vacancy list. District 2 planning commissioner
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) (X) yes () no
4. Which Council district do you live in? () One (X) Two () Three () Four () Five
5. Are you a US citizen? (X) yes () no
6. Are you registered to vote in Whatcom County? (X) yes () no
7. Have you ever been a member of this Board/Commission? () yes (X) no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? () yes (X) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? () yes (X) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
licensed prof. engineer (Wq.) - retired engineer following 39 yrs
in Electric power production industry. BS ME & MEME.
refer to attached resume' (3 pages)
 11. Please describe why you're interested in serving on this board or commission: development of low income
housing in Nooksack basin can be consistent with environmental requirements
if wastewater is treated via "membrane bioreactor" & re-used for agriculture.
- References (please include daytime telephone number): David Tougas (Bellingham M.A. plant) 508-
966-5624; Jules Raymond 985-290-8275
- Signature of applicant: [Signature] 31 dec 19

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F. David Fitzgerald, PE
PO Box 520, Maple Falls, Wa 98266
reg. PE in the state of Washington

11/01/11-5/5/17- Fleet “water & steam cycle” engineer, GdF Suez Energy NA (AKA Engie), (Bellingham, Ma)- Reviewed failures of high energy piping at several combined cycle plants, primarily issues related to P91/F91 failures. Developed replacement flanges pairs to replace GT24 fleet dissimilar metal welds at their HP OTC steam outlet connections. Reviewed furnace waterwall tube failures at coal fired Mt Tom- related to water chemistry issues. Reviewed HP evaporator tube failures at Monterrey Mexico cogen HRSG’s plant HP evaporator, related to water chemistry issues. Assisted at evaluation of root cause for explosive failure of the ACC at Monterrey due to fuel gas leakage into the steam cycle. Assisted at reviewing design for retrofit supply of steam piping for steam augmentation of CTG (Siemens) at Ennis station. Designed and implemented “curtain spray” for protection of the STG outlet exp joint at Astoria I to allow simple cycle operation. Evaluated impact of CTG compressor upgrade at W Windsor cogen and its impact on HRSG limitations. Also serving as Chairman of the ASME steam generator committee.

1/5/03-7/29/11-(Contract) Sr Engineer, Progress Energy (regulated utility in Raleigh, NC)- Reviewed the designs and determined recommended upgrades for equipment failures at 4 gas fired combined cycle stations (GE F7A and SW 501 FD2). Equipment reviewed included bypass system condenser dump tubes, condenser tubes, bypass system control valves and attemperators, HRSG economizers , and reheater attemperators and bypass piping. Determined the cycling limitations of major HRSG components using EN-12952 ch 13 and recommended operating procedures and control logic upgrades required to allow startups within environmental permits limitations and component cycling limitations. For 2 new combined cycle stations, reviewed the purchase specifications for the HRSG, STG + CTG , and evaluated the bids. Performed due diligence inspections of major equipment at 3 grey market sites . Acted as principal Engineer in review of settlement proceedings for fuel gas quality issues related to importation of LNG into Florida pipelines and its impact on large frame gas turbines. Reviewed and analyzed 3 major pipeline failures associated with incorrect fabrication procedures of SA335 P91 piping components. Closed-out projects to upgrade 3 coal fired plant FGD conversions, primarily focused on wastewater issues related the FGD blowdown purge streams and heavy metals hazards.

6/1/99-8/27/02-Sr process/mechanical engineer, NEPCO/SNC Lavalin (EPC in Bothell, Wa) - Principal process engineer in the design, specification, and selection of major capital equipment for an 820 MWe gas fired combined cycle power plant. Supervised a team of 6 process engineers to simulate the cycle, assemble equipment specifications, develop operating process parameters, construct P&ID's, define operating procedures and recommend control logic . Designed and specified all major mechanical equipment, including CTg's, STG's, HRSG's, piping, valves, cooling towers, pumps, HVAC, and fire protection systems. Piping designed per ASME B31.1, Section I, section VIII div 1, and fatigue life consumption rules of TRD 301 annex 1.

1986-1998-Manager, Functional engineering dept and Once-thru technology manager, Foster Wheeler International (Clinton, NJ)-Responsible for supervising the thermal - hydraulic analysis of utility boiler furnace circuitry (water- walls) ; sizing and specifying equipment modifications required to permit large coal fired utility boilers to cycle load; sizing and specifying startup system components (piping, valves, separators) for supercritical once-thru steam generators; sizing and arrangement of steam turbine bypass systems. Developed new computer simulation methods for determining the off-design performance of heat recovery steam generators (HRSG's) , and for a boiler life monitor system (BLM). Served as ISO 9001 QC representative . Published 16 technical papers, obtained 5 US patents. Codes used included ASME sect I, section VIII div 1 +2, TRD 301 annex 1 (german boiler code)

1984-1986-Section Manager, Results Engineering dept. , Foster Wheeler Energy Corp (Clinton, NJ)- In the field of aftermarket upgrades of fossil fired utility boilers, supervised the analysis of field test data and the computerized simulation of the existing equipment in order to determine the potential for equipment upgrades. Sized and configured the equipment upgrades for the purpose of improving plant operating flexibility (load cycling capability) , improve boiler capacity or efficiency, suitability for alternative fuels, or to correct operating deficiencies. This included converting a 816 MWe supercritical Once thru unit to overnight spinning reserve cycling to 6% MCR load.

1980-1984-Engineer, Results Engineering and Functional Engineering depts., Foster Wheeler Energy Corp (Clinton, NJ). Analyzed field test data from recently commissioned fossil fired utility boilers to determine if they met contract guarantees ,and to determine the most cost effective modifications to bring them into compliance. Supported the aftermarket proposals by determining the most cost effective upgrades required to meet the new performance requirements.

Jan-May 1982- Instructor of Thermodynamics at Rensselaer Polytechnic Institute (Troy, NY) during leave of absence from Foster Wheeler.

1978-1980-Field service engineer, Foster Wheeler Energy Corp . Assisted in the initial commissioning of large fossil fired boilers, including oil fired drum boilers, pulverized coal fired supercritical steam generators, and fluid bed boilers.

1975-1976- Functional engineer, Linde div, UCC (now Praxair)- designed cryogenic gas separation distillation towers using the Linde process (cold box design)Designed and specified piping , valves, heat exchangers, compressors, distillation columns, insulation. Design code was ASME B31.3

Educational Background - at Rensselaer Polytechnic Institute (Troy, NY)

Sep '71-Dec '74- BS in Mechanical Engineering

Jan '77 - May '78- Masters degree in Mechanical Engineering

Jan '82-May '82- additional graduate studies while teaching thermodynamics

A list of 16 published papers and 5 US patents are available on request.

RECEIVED

JAN 06 2020



Rod Brownie
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

Alvin Scott Van Dalen District 4

JAN 20

WHATCOM COUNTY COUNCIL
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Alvin Scott Van Dalen Date: 1-6-2020
Street Address: 847 H Street Rd.
City: Lynden WA Zip Code: 98264
Mailing Address (if different from street address): Same
Day Telephone: 360-318-9726 Evening Telephone: 360-815-7979 Cell Phone: 360-815-7979
E-mail address: eaglebuildings@msn.com

- Name of board or committee—**please see reverse:** Planning Commission
- You must specify which position you are applying for.
Please refer to Vacancy List. District 4
- Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) ☒ yes () no
- Which Council district do you live in? () One () Two () Three ☒ Four () Five
- Are you a US citizen? ☒ yes () no
- Are you registered to vote in Whatcom County? ☒ yes () no
- Have you ever been a member of this Board/Commission? () yes ☒ no
If yes, dates: _____
- Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? () yes ☒ no
If yes, please explain: _____
- Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

- Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Owner of commercial construction
company registered as Eagle Contracting and Steel
Buildings Inc. Since 2005.

- Please describe why you're interested in serving on this board or commission: I was born in
Bellingham and have lived in Whatcom County my entire
life of 58 years. I have served on the County Appeals Board

References (please include daytime telephone number): 2 terms and just want to serve.
Jack Louws - 360-778-5700

Signature of applicant: A. S. Van Dalen Alvin Scott Van Dalen

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Kathy Stanford - District 4

From: noreply@civicplus.com
Sent: Monday, January 06, 2020 9:44 AM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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Title	Mrs.
First Name	Kathy
Last Name	Stanford
Today's Date	1/6/2020
Street Address	1322 Birch Bay Lynden Rd
City	Ferndale
Zip	98248
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	360-201-3267
Secondary Telephone	360-354-6524
Email Address	kathystanford@kw.com

Step 2

1. Name of Board or Committee	Planning Commission
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 4
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	No
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	Yes
If yes, please explain	My husband and I own ResComNW, a local construction company. I am also a Real Estate broker in Whatcom county
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional	Current Real Estate broker (6 yrs) former Pharmacy technician (27 yrs-Fairway Drug-Lynden). Current VP ResComNW (commercial/residential construction-4yrs). Current VP Lynden Chamber of Commerce Board of Directors. Former board

and/or community activities, and education	member Birch Bay Music Festival. Lynden High School graduate-1981
10. Please describe why you're interested in serving on this board or commission	I am currently very involved in Lynden city council and planning activities. As I do not live within city limits, I am not eligible to serve the city. The planning process is very exciting to me as a Realtor and I believe I can serve my community well on this commission
References (please include daytime telephone number):	Gary Vis (Lynden Chamber of Commerce Director)-360-354-0401 Heidi Gudde (Lynden Planning Director) -360-354-5532 Perry Eskridge (WCAR Director)-360-671-5477
Signature of applicant:	Kathy Stanford
Place Signed / Submitted	Ferndale, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Jeff Chalfant - District 4

From: noreply@civicplus.com
Sent: Monday, January 06, 2020 5:16 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Field not completed.
First Name	Jeff
Last Name	Chalfant
Today's Date	1/6/2020
Street Address	915 West Laurel Road
City	Ferndale
Zip	98248
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	(360) 319-4599
Secondary Telephone	Field not completed.
Email Address	jeffchalfant1972@gmail.com

Step 2

1. Name of Board or Committee	Planning Commission
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 4
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	No
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	Planning Commission App 2020.pdf
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Over 20 years of experience in the field of land use and natural resource management. Excellent project and personnel management experience. Extensive experience with federal, state, tribal and local governments, regulatory systems and permitting requirements. Ability to negotiate and facilitate meaningful solutions to complex management issues among diverse interests and stakeholders. A capable, clear and

concise technical writer with strong written and verbal communication skills (see attached resume for further detail).

10. Please describe why you're interested in serving on this board or commission

I am seeking a volunteer position representing District 4 on the Whatcom County Planning Commission to serve my community utilizing my experience, capabilities and understanding of environmental and land use planning. My interest and intent are to help represent the breadth of our community interests through collaboration with current and future members of the Whatcom County Planning Commission, the Planning and Development Services Department and our community, working toward the creation of quality recommendations to the Whatcom County Council, facilitated by respectful public dialogue and discussion of our important land use planning and regulatory issues.

References (please include daytime telephone number):

David M. Grant, District Court Judge (360) 778-5426
Steve Jilk, General Manager PUD 1 of Whatcom County (360) 384-4288
Sue Blake, WSU Extension Faculty (360) 778-5812

Signature of applicant:

Jeff Chalfant

Place Signed / Submitted

Blaine, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Mrs Towhee Wean - District 2

From: noreply@civicplus.com
Sent: Monday, January 06, 2020 9:46 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mrs.
First Name	Towhee
Last Name	Wean
Today's Date	1/6/2020
Street Address	2320 Williams St.
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	3607149517
Secondary Telephone	3602249517
Email Address	towheewean@hotmail.com

Step 2

1. Name of Board or Committee	Planning Commission
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 2
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	No
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Currently I work at home taking care of my two children and providing childcare for my sisters youngest child. Most recently, I worked part time for Beth Hartsoch's Bellingham City Council campaign. From 2008 to 2015, prior to my second child being born, I owned and operated a masonry contracting business providing custom stone and tile installation for local fine home builders and residential clients. From 1999 to 2008 I worked for

my father learning the trade and craft of masonry for 10 years before he retired and I took over the business.

In 1999 I received a Bachelor of Science degree in Biology with a marine emphasis. Additionally, I have attended Whatcom Community College and graduated from Bellingham High School.

I am passionate about volunteering in the community in areas where I feel like I can make a difference. I have served as the Vice President of the board for Children's Co-op Preschool for three terms. I joined the board of the Riveters Collective after serving on their endorsement committee in 2017. I helped coordinate the Womxn March on Bellingham in 2016 and the People's Movement Assembly in 2017. I have also helped with numerous events for the Riveters Collective like No Hate in Ferndale, Pledge to Vote campaign, and Let's Talk as well as other community events like a garage sale for Homes Now Not Later.

I have spent my life working productively with a wide range of people such as construction workers, scientists, progressive activists and preschool families. I am not afraid to put myself out there, work hard and get results.

10. Please describe why you're interested in serving on this board or commission

As a lifelong Whatcom County resident I have lived in several communities throughout the county, including Lummi Island, Nooksack, Maple Falls, and Bellingham. I care deeply about all corners of Whatcom County and the people that call it home. I am a scientist by education, trades person in the construction industry, small business owner, environmentalist and mother. I can see the push and pull between often conflicting interests in our community. I am passionate about following scientific data to grow our community to protect everything we love about its natural beauty and mitigate climate change. We need to be smart about how we are going to meet the challenges that growth is bringing our way. I want to be able to tell my children I did the best I could to protect their little corner of the world.

References (please include daytime telephone number):

Beth Hartsoch (360) 3055624
David Brown (360) 920-4941

Signature of applicant:

Towhee Wean

Place Signed / Submitted

Bellingham, WA

{Section Break}



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-016

File ID:	AB2020-016	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on the Solid Waste Advisory Committee - Applicant(s): Larry McCarter, Rodd Pemble

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

SOLID WASTE ADVISORY COMMITTEE

3 Vacancies, 3-year terms, current members are eligible to reapply. Members must represent agriculture, business/industry, or a solid waste disposal facility. The committee provides ongoing public input and advice to Whatcom County on solid waste management issues. Generally meets quarterly on Thursday evenings, but meeting schedule and frequency subject to change upon committee approval

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

SOLID WASTE ADVISORY COMMITTEE

3 Vacancies, 3-year terms, current members are eligible to reapply. Members must represent agriculture, business/industry, or a solid waste disposal facility. The committee provides ongoing public input and advice to Whatcom County on solid waste management issues. Generally meets quarterly on Thursday evenings, but meeting schedule and frequency subject to change upon committee approval. **County Council appointed**

APPLICANTS:

- ☐ Larry McCarter, incumbent
- ☐ Rodd Pemble, incumbent

Solid Waste Advisory Committee: Larry McCarter

Subject: Online Form Submittal: Board and Commission Application
Date: Friday, December 27, 2019 7:21:18 AM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mr.
First Name	Larry
Last Name	McCarter
Today's Date	12/27/2019
Street Address	212 hawthorn Road
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	3607394843
Secondary Telephone	Field not completed.
Email Address	Rdslarry@mac.com

Step 2

1. Name of Board or	Solid Waste Advisory Committee
---------------------	--------------------------------

Committee

Solid Waste Advisory
Committee (SWAC)
Position:

Solid Waste Disposal Facility representative

2. Do you meet the
residency,
employment, and/or
affiliation requirements
of the position for
which you're applying?

Yes

3. Which Council
district do you live in?

District 1

4. Are you a US
citizen?

Yes

5. Are you registered to
vote in Whatcom
County?

Yes

6. Have you declared
candidacy (as defined
by RCW 42.17A.055)
for a paid elected office
in any jurisdiction
within the county?

No

7. Have you ever been
a member of this
Board/Commission?

Yes

If yes, please list dates:

Last four years.

8. Do you or your
spouse have a financial
interest in or are you
an employee or officer
of any business or
agency that does
business with
Whatcom County?

Yes

If yes, please explain

100% ownership of Recycling and Disposal Services, Inc.

You may attach a
resume or detailed

Field not completed.

summary of
experience,
qualifications, &
interest in response to
the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Owned and managed solid waste facility for twenty three years.I
---	---

10. Please describe why you're interested in serving on this board or commission	I know lots about garbage disposal.
--	-------------------------------------

References (please include daytime telephone number):	<i>Field not completed.</i>
---	-----------------------------

Signature of applicant:	Larry McCarter
-------------------------	----------------

Place Signed / Submitted	Bellingham Wa
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(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Solid Waste Advisory Committee: Rodd Pemble

Subject: Online Form Submittal: Board and Commission Application
Date: Wednesday, December 11, 2019 11:03:54 AM

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Mr.
First Name	Rodd
Last Name	Pemble
Today's Date	12/11/2019
Street Address	21 Bellwether Way Ste 404
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	3605279785
Secondary Telephone	3608151098
Email Address	rodd@ssc-inc.com

Step 2

1. Name of Board or	Solid Waste Advisory Committee
---------------------	--------------------------------

Committee

Solid Waste Advisory
Committee (SWAC)
Position:

Solid Waste Business/Industry representative

2. Do you meet the
residency,
employment, and/or
affiliation requirements
of the position for
which you're applying?

Yes

3. Which Council
district do you live in?

District 2

4. Are you a US
citizen?

Yes

5. Are you registered to
vote in Whatcom
County?

Yes

6. Have you declared
candidacy (as defined
by RCW 42.17A.055)
for a paid elected office
in any jurisdiction
within the county?

No

7. Have you ever been
a member of this
Board/Commission?

Yes

If yes, please list dates:

April, 2019 - date, 2003-2008

8. Do you or your
spouse have a financial
interest in or are you
an employee or officer
of any business or
agency that does
business with
Whatcom County?

Yes

If yes, please explain

SSC provides solid waste services to all Whatcom County
departments.

You may attach a [Bio 10-19a.docx](#)

resume or detailed
summary of
experience,
qualifications, &
interest in response to
the following questions

9. Please describe your
occupation (or former
occupation if retired),
qualifications,
professional and/or
community activities,
and education

Please see attached biographical outline.

10. Please describe
why you're interested
in serving on this board
or commission

I have dedicated my adult life to furthering the field of resource management and associated social and environmental benefits - the SWAC is the basic policy discussion forum that helps inform public policy through our elected officials. I have over 30 years experience in this are, and want to put it to good use for the community.

References (please
include daytime
telephone number):

Carl Weimer, 360-384-5919; Marty Kuljis 360-733-0100; Mayor Kelli Linville, 360-778-8100

Signature of applicant:

Rodd Pemble

Place Signed /
Submitted

Bellingham, WA

(Section Break)

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-017

File ID:	AB2020-017	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on the Countywide Flood Control Zone District Advisory Committee -
Applicant(s): Dale Buys, Ron Bronsema, Kyle Christensen, Holly O'Neil (Council acting as the Flood
Control Zone District Board of Supervisors)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE

3 Vacancies, 4-year terms, geographic areas representative

2 Vacancies, 1-year terms, special districts representatives 2

Vacancies, 1-year terms, impacted cities representatives

All current members are eligible to reapply. Any person interested in serving on the advisory committee may be appointed as an alternate for a term of six years. Alternate members shall be notified of each meeting and are encouraged to attend. Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County. Meets the second Thursday of the month or as needed.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council acting as the Flood Control Zone District Advisory Committee

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE

3 Vacancies, 4-year terms, geographic areas representative

2 Vacancies, 1-year terms, special districts representatives

2 Vacancies, 1-year terms, impacted cities representatives

All current members are eligible to reapply. Any person interested in serving on the advisory committee may be appointed as an alternate for a term of six years. Alternate members shall be notified of each meeting and are encouraged to attend. Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County. Meets the second Thursday of the month or as needed. **Flood Control Zone District Board of Supervisors- appointed.**

APPLICANT(S): GEOGRAPHIC AREA

- Dale Buys, incumbent
- Holly O'Neil, incumbent

APPLICANT(S): SPECIAL DISTRICTS

- Ron Bronsema, incumbent

APPLICANT(S): IMPACTED CITIES

- Kyle Christensen, incumbent



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NOV 14 2016

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS:

Barbara E. Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Dale Boys Date: 11/7/16 12-12-19 DB
Street Address: 549 E Laurel Rd
City: Bellingham Zip Code: 98226
Mailing Address (if different from street address): _____
Day Telephone: (360) 354-3687 Evening Telephone: _____ → Cell Phone: (360) 815-3046
E-mail address: dale@recivil.com

1. Name of board or committee-**please see reverse:** Flood Control Zone District Advs. Comm.
2. You must specify which position you are applying for.
Please refer to vacancy list. Geographic Area.
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (☒) yes () no
4. Which Council district do you live in? _____ () One (☒) Two () Three () Four () Five
5. Are you a US citizen? _____ (☒) yes () no
6. Are you registered to vote in Whatcom County? _____ (☒) yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes (☒) no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? _____ (☒) yes () no
If yes, please explain: I work for a private consulting firm which may perform work for the
County. Most jobs must be through formal selection process of most qualified firm.
You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
activities, and education.
Occupation: Licensed Professional Engineer. Masters in Engineering. Studied hydraulics,
hydrology, Open Channel Flow, & Agricultural Engineering. I have been practicing
in Whatcom County for 19 yrs.
10. Please describe why you're interested in serving on this board or commission: _____
a. Give back to the community.
b. This is an area of my education & interest

References (please include daytime telephone number): Travis Boman - (360) 778-6293

Signature of applicant: Dale Boys Dale Boys

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DEC 12 2019

WHATCOM COUNTY
COUNCIL



WHATCOM COUNTY COUNCIL

COUNCILMEMBERS

Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ron Bronsema Date: 12-11-19
Street Address: 8135 Northwood Rd.
City: Everson Zip Code: 98247
Mailing Address (if different from street address): _____
Day Telephone: 360-354-2972 Evening Telephone: same Cell Phone: 360-961-7792
E-mail address: rbdairy1@G-mail.com

1. Name of board or committee—**please see reverse:** Flood Control Zone District Advisory Comm.
2. You must specify which position you are applying for.
Please refer to vacancy list. SPECIAL DISTRICT
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ ☒ yes () no
4. Which Council district do you live in? _____ () One () Two () Three ☒ Four () Five
5. Are you a US citizen? _____ ☒ yes () no
6. Are you registered to vote in Whatcom County? _____ ☒ yes () no
7. Have you ever been a member of this Board/Commission? _____ ☒ yes () no
If yes, dates: 1992-2010, 2012-2019
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ () yes ☒ no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
Retired Dairy Farmer, Flood Control Zone District A.C. Vice Chair, Lynden/Everson Flood Control Sub-Zone Vice Chair, Graduate, Lynden High School & Bellingham Tech. College.
 11. Please describe why you're interested in serving on this board or commission: Update & implement Comprehensive Flood Hazard management Plan, using best science to make decisions.
- References (please include daytime telephone number): Paula Harris 360-778-6285
Jon Hutchinson, Public Works Director.
- Signature of applicant: Ron Bronsema

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RECEIVED

DEC 02 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kyle Christensen Date: 11-28-19

Street Address: 242 Mitchell Street

City: Sumas Zip Code: 98295

Mailing Address (if different from street address): _____

Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360-594-1468

E-mail address: Kchristensen@cityofsumas.com

1. Name of board or committee-**please see reverse:** Flood Control Zone District Advisory
2. You must specify which position you are applying for. member
Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ ☒ yes () no

4. Which Council district do you live in? _____ () One () Two () Three ☒ Four () Five

5. Are you a US citizen? _____ ☒ yes () no

6. Are you registered to vote in Whatcom County? _____ ☒ yes () no

7. Have you ever been a member of this Board/Commission? _____ ☒ yes () no

If yes, dates: 2019

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ () yes ☒ no

If yes, please explain: _____

9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ ☒ yes () no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Mayor of Sumas.

11. Please describe why you're interested in serving on this board or commission:
The City of Sumas has a history of flooding related issues.

References (please include daytime telephone number): John Perry 360-815-5954

Signature of applicant: Kyle Christensen

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Holly O'Neil - Flood Control Zone District Advisory Committee

From: noreply@civicplus.com
Sent: Sunday, January 05, 2020 7:35 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Field not completed.
First Name	Holly
Last Name	ONeil
Today's Date	1/5/2020
Street Address	3232 Hillside Rd
City	Deming
Zip	98244
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	YES
Mailing Address	POB 541
Primary Telephone	3603033217
Secondary Telephone	Field not completed.

Email Address oneilholly@gmail.com

Step 2

1. Name of Board or Committee Other

Other Whatcom County Flood Control Zone District Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 3

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? Yes

If yes, please list dates: 2018-2019

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? Yes

If yes, please explain I work on contract with the Health Department to help facilitate their strategic planning

You may attach a resume or detailed summary of experience, qualifications, Field not completed.

& interest in response to
the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I serve on the Acme Van Zandt flood advisory subzone, and represent that group in the Whatcom County Flood Control Zone District Advisory Committee. I am a property owner on the South Fork Nooksack, where I do a little farming and have livestock. I have a business working as a strategic planning and public engagement consultant here in Whatcom County,
10. Please describe why you're interested in serving on this board or commission	I appreciate learning about the needs and interests of different subzones and diking districts, and am honored to represent our subzone. I also think that Paula and Lonni do an awesome job keeping us informed and engaged, and the Chair is a good facilitator, so the meetings feel productive.
References (please include daytime telephone number):	Paula Paula J Harris, PE River and Flood Manager Whatcom County Public Works 322 N Commercial Street, Suite 120 Bellingham, WA 98225 Direct: (360) 778-6285 Office: (360) 778-6230 FAX: (360) 778-6231 Paula J Harris, PE River and Flood Manager Whatcom County Public Works 322 N Commercial Street, Suite 120 Bellingham, WA 98225 Direct: (360) 778-6285 Office: (360) 778-6230 FAX: (360) 778-6231 Paula Harris, River and Flood (360) 778-6285 Ian Smith, Cascade Farm and Forestry 360-319-8917
Signature of applicant:	Holly O'Neil
Place Signed / Submitted	Deming, WA
(Section Break)	

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-018

File ID:	AB2020-018	Version:	1	Status:	Agenda Ready
File Created:	12/30/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee - Applicant(s): Ed Bosscher

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUBZONE ADVISORY COMMITTEE
2 Vacancies, 4-year terms. All applicants must live within the subzone boundary. The committees review the Comprehensive Plan for flood control, discuss and recommend budget appropriation, and liaison with the public at meetings. The committees have special meetings throughout the year as needed.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council acting as the Flood Control Zone District Advisory Committee

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUBZONE ADVISORY COMMITTEE

2 Vacancies, 4-year terms. All applicants must live within the subzone boundary. The committees review the Comprehensive Plan for flood control, discuss and recommend budget appropriation, and liaison with the public at meetings. The committees have special meetings throughout the year as needed. **Flood Control Zone District Board of Supervisors-appointed**

APPLICANT(S):

- ☐ Ed Bosscher, incumbent



WHATCOM COUNTY COUNCIL

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DEC 02 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: ED BOSSCHER Date: _____
Street Address: 7480 OAT COLES RD
City: EVERSON Zip Code: 98247
Mailing Address (if different from street address): _____
Day Telephone: 360-815-7336 Evening Telephone: _____ Cell Phone: SAME
E-mail address: _____

1. Name of board or committee-**please see reverse:** EVERSON - SOMAS - NOBBSACK Flood
2. You must specify which position you are applying for.
Please refer to vacancy list. _____
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (X) yes () no
4. Which Council district do you live in? _____ () One () Two (X) Three () Four () Five
5. Are you a US citizen? _____ (X) yes () no
6. Are you registered to vote in Whatcom County? _____ (X) yes () no
7. Have you ever been a member of this Board/Commission? _____ (X) yes () no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? _____ () yes (X) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? _____ () yes (X) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

DAIRY FARMER

11. Please describe why you're interested in serving on this board or commission: _____

References (please include daytime telephone number): _____

Signature of applicant: E Bosscher

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-021

File ID:	AB2020-021	Version:	1	Status:	Agenda Ready
File Created:	01/02/2020	Entered by:	JNixon@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on Lynden/Everson Flood Control Subzone District Advisory Committee
- Applicant(s): Sherman Polinder (Council Acting as the Flood Control Zone District Board of Supervisors)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

LYNDEN/EVERSON FLOOD CONTROL SUBZONE ADVISORY COMMITTEE

3 Vacancies, 4-year terms. All applicants must live within the subzone boundary. The committees review the Comprehensive Plan for flood control, discuss and recommend budget appropriation, and liaison with the public at meetings. The committees have special meetings throughout the year as needed.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council acting as the Flood Control Zone District Advisory Committee

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

LYNDEN/EVERSON FLOOD CONTROL SUBZONE ADVISORY COMMITTEE

3 Vacancies, 4-year terms. All applicants must live within the subzone boundary. The committees review the Comprehensive Plan for flood control, discuss and recommend budget appropriation, and liaison with the public at meetings. The committees have special meetings throughout the year as needed. **Flood Control Zone District Board of Supervisors-appointed**

APPLICANT(S):

- ☐ Sherman Polinder



APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Sherman Polinder Date: 12/19/19
Street Address: 670 Polinder rd.
City: Lynden, Wash. Zip Code: 98264
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360-815-5078
E-mail address: Polinder.sp@gmail.com

1. Name of board or committee—**please see reverse:** LE- SUBCOM
2. You must specify which position you are applying for.
Please refer to vacancy list. ADVISORY COMMITTEE
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) _____ (X) yes () no
4. Which Council district do you live in? _____ () One () Two () Three () Four () Five
5. Are you a US citizen? _____ (X) yes () no
6. Are you registered to vote in Whatcom County? _____ (X) yes () no
7. Have you ever been a member of this Board/Commission? _____ (X) yes () no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? _____ () yes (X) no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? _____ () yes (X) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
Semi Retired.
I have lived next to the river for 77 years
Graduate of WSU 1964 -
11. Please describe why you're interested in serving on this board or commission: I am interested
helping with common sense solutions for the future of
our river & dike maintenance

References (please include daytime telephone number): 360-815-5078

Signature of applicant: Sherman Polinder

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-025

File ID:	AB2020-025	Version:	1	Status:	Agenda Ready
File Created:	01/07/2020	Entered by:	NHanson@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointment to fill vacancies on Stakeholder Advisory Committee for Public Health, Safety, and Justice Facility Needs Assessment - applicants: Heather Flaherty, Arlene Feld, Joy Gilfilen

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

- 4 Vacancies for behavioral health and social service providers
- 1 Vacancy for a behavioral health advocate
- 1 Vacancy for a criminal justice advocate
- 1 Vacancy for an individual with lived experience in the criminal justice system
- 1 Vacancy for jail resources/service providers

Terms end when all phases of the needs assessment are complete as described in the Whatcom County Public Health, Safety and Justice Initiative. The committee will guide development of a needs assessment for public health, safety, and justice needs; act as liaisons to the communities or agencies they represent, and; help build a plan that is reflective of community values. Generally meets monthly, schedule to be determined. County Council appointed.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

STAKEHOLDER ADVISORY COMMITTEE FOR PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITY NEEDS ASSESSMENT

4 Vacancies for behavioral health and social service providers

1 Vacancy for a behavioral health advocate

1 Vacancy for a criminal justice advocate

1 Vacancy for an individual with lived experience in the criminal justice system

1 Vacancy for jail resources/service providers

Terms end when all phases of the needs assessment are complete as described in the [Whatcom County Public Health, Safety and Justice Initiative](#). The committee will guide development of a needs assessment for public health, safety, and justice needs; act as liaisons to the communities or agencies they represent, and; help build a plan that is reflective of community values. Generally meets monthly, schedule to be determined. **County Council appointed**

APPLICANTS:

- Heather Flaherty
- Arlene Feld
- Joy Gilfilen

Heather Flaherty - Stakeholder Advisory Committee

From: noreply@civicplus.com
Sent: Friday, January 03, 2020 1:52 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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Title	Mrs.
First Name	Heather
Last Name	Flaherty
Today's Date	1/3/2020
Street Address	1500 Cornwall, Suite 201, PO Box 5641
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	3606713349
Secondary Telephone	3602247313
Email Address	heatherflaherty@chuckanuthealthfoundation.org

Step 2

1. Name of Board or Committee	Stakeholder Advisory Committee for Public Health, Safety, and Justice Facility Needs Assessment
Stakeholder Advisory Committee for Facility Needs Assessment	Behavioral Health/Social Service Provider
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?	Yes
3. Which Council district do you live in?	District 1
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?	No
7. Have you ever been a member of this Board/Commission?	No
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?	No
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Heather Flaherty Resume Updated 072919.pdf</u>
9. Please describe your occupation (or former occupation if retired),	I serve as the Executive Director of the Chuckanut Health Foundation and oversee strategy and operations, working closely with my Board. We invest resources through grant-

qualifications, professional and/or community activities, and education	making, convenings, and leadership in activities that advance individual and community health. I have served on a number of boards in our community, including WAHA, Opportunity Council, the Volunteer Center, and currently am serving on the Western Washington University Alumni Association Board. I received my MBA and a Bachelors of Science in Community Health at Western Washington University. I also currently serve on the Incarceration Prevention and Reduction Taskforce.
10. Please describe why you're interested in serving on this board or commission	I wholeheartedly support and believe that public health and public safety go hand in hand and I am excited about the approach Whatcom County is taking on these issues. I am interested in serving because I have a keen interest in finding ways to safely care for community members who are in need of treatment for mental health or substance use and believe that this table will help facilitate the community response that is needed.
References (please include daytime telephone number):	Jay Julius, 360-319-3960; Ken Bell, 360-739-1002; Maia Vanyo, 360-303-0054; Chris Phillips, 360-223-9045
Signature of applicant:	Heather Flaherty
Place Signed / Submitted	Bellingham, WA
(Section Break)	

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JAN 07 2020

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

Arlene Feld

Stakeholder Advisory Committee

WHATCOM COUNTY
COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Arlene Feld, M.A. MFT Date: 1-7-2020
Street Address: 1510 Broadway
City: Bellingham Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: 360-441-6421 Evening Telephone: 360-733-2022 Cell Phone: 360-441-6421
E-mail address: arlenefeld@gmail.com

1. Name of board or committee—please see reverse: Stakeholders Advisory Com, Law & Justice
2. You must specify which position you are applying for. Behavioral Health Provider, Behavioral Health Advocate, Facility Needs Assessment
Please refer to vacancy list.
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) Public Health () Yes () no
4. Which Council district do you live in? () One () Two () Three () Four () Five
5. Are you a US citizen? () yes () no
6. Are you registered to vote in Whatcom County? () yes () no
7. Have you ever been a member of this Board/Commission? () yes () no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? () yes () no
If yes, please explain: _____
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? () yes () no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
"Community" experience
IPRTF 1 year
Chief Doll's Advisory Council - 4 yrs
NSRH-ASO 3 yrs
Interfaith Coalition 3 yrs
"Professional"
Marriage & Family Therapist, M.A. MFT
10 yrs Whatcom Co Crisis Triage
14 yrs FACEY MEDICAL GROUP
1 yr - Touchstone, Blaine
35 yrs Private Practice

11. Please describe why you're interested in serving on this board or commission:
It is important to expand mental health care for our County to be safe and healthy and for the success of Diversion Services. My experience in Triage taught me what is lacking in what is effective.

References (please include daytime telephone number): Chief David Doll, 360-778-8800
Sharon Shewmake, 360-676-2040, Kelli Linville, 360-778-8100

Signature of applicant: Arlene Feld, M.A. MFT

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Joy Gilfilen-Stakeholder Advisory Committee

From: noreply@civicplus.com
Sent: Tuesday, January 07, 2020 10:00 AM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson; Cathy Halka
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

Title	Ms.
First Name	Joy
Last Name	Gilfilen
Today's Date	1/7/2020
Street Address	5240 Graveline Road
City	Bellingham
Zip	98226
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	Field not completed.
Primary Telephone	360-739-7493
Secondary Telephone	3609227976
Email Address	joythinks@gmail.com

Step 2

1. Name of Board or Committee Stakeholder Advisory Committee for Public Health, Safety, and Justice Facility Needs Assessment

Stakeholder Advisory Committee for Facility Needs Assessment Citizen: Criminal Justice Advocate

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 4

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions *Field not completed.*

9. Please describe your occupation (or former occupation if retired), Primary Qualifications:
As the Restorative Community Coalition President since 2010,

qualifications, professional and/or community activities, and education

Joy has been a driving force in the restorative justice, jail and justice system reform movement in Whatcom County.

The Coalition has worked with over 200 interns and hundreds more volunteers to research the complications of incarceration, and has worked with thousands of people who are justice system involved to find alternatives to building more jails and perpetuating the cycles of loss caused by trauma, addictions, failed practices and flaws in the system. We have hosted conferences, panels, seminars, work sessions, engaged law enforcement and service professionals, worked with judges, mental health providers and people from all arenas to understand the complexities to find solutions that could help us mitigate the issues that come after an arrest, and to prevent distress from causing crisis in the first place..

Our goal initially was to help the people who were arrested to reenter the work force as fast as possible after they did their time. It became a quest to understand the complex issues affecting behaviors, recovery, reentry, joblessness, homelessness, poverty, addictions, mental health and ultimately, the complicated nature of recidivism and to understand the complex business and economic issues that drive the mass incarceration industry locally and nationwide.

During this time, Joy wrote the 2015 Taxpayers Report: Stop Punishing Taxpayers, Start Rebuilding Community Report while a candidate for Whatcom County Executive to raise awareness and provide the public a new vision for tackling the issues of jail overcrowding, over incarceration and to build a stronger community safety net instead.

Joy did the research to understand the failings of the Whatcom County Jail Mailer, so that she could file the Noble Cause Corruption Report that showed how the County Council is caught in a double bind, Catch 22 pattern of not receiving enough accurate data to make good policy decisions - and revealed the problems that are caused when an inadequate Needs Assessment is not provided, and when the presumption of passing a tax biases the process.

Joy was a proxy on the Incarceration Prevention and Reduction Task Force and participated in the Vera Institute mapping process and developed from that methods the Council can use to triangulate and unveil hidden failures in the justice systems that can be corrected to improve effectiveness in administration without provoking political traumas that confuse issues.

Joy has developed business models that show market trends that reveal local community busienss opportunities that can reduce demand on the jail by 50%. This includes job corps style solutions, sustainable business and recovery programs.

10. Please describe why you're interested in serving on this board or commission

In 2018 Joy completed an in-depth ethnographic research study involving 79 people directly involved in the Whatcom County jail system. Published as the Blindspots: to understand the needs of the clients, to identify the gaps in services, and to comprehend the nature of the systemic biases that inevitably come with a fractured and siloed system. This is a goldmine to help us do prevention that works, restorative justice that works, and will enhance the effectiveness of programs in development by the IPRTF and others.

References (please include daytime telephone number):

Irene Morgan - 360-354-3653 is a primaty source. I cam provide many more on request.

Signature of applicant:

Joy Gilfilen

Place Signed / Submitted

Bellingham, WA

{Section Break}

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Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-028

File ID:	AB2020-028	Version:	1	Status:	Agenda Ready
File Created:	01/07/2020	Entered by:	NHanson@co.whatcom.wa.us		
Department:	Council Office	File Type:	Council Appointment		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Appointments to fill vacancies on the Birch Bay Watershed and Aquatic Resources management
Advisory Committee Applicant: Donald Brown

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

2 Vacancies, 4-year terms, current members are eligible to reapply. Applicants must live within the district boundary. The BBWARM Committee assists and makes recommendations to the Flood Control Zone District Board of Supervisors regarding implementing the BBWARM District stormwater program. Committee members geographically represent a broad spectrum of stakeholders from within the BBWARM District boundaries. Meets monthly. **Flood Control Zone District Board of Supervisors appointed**

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ANNUAL BOARDS, COMMITTEES AND COMMISSIONS VACANCIES

December 9, 2019

This list represents all vacancies through January 31, 2020. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Appointments are without compensation unless otherwise noted. Applications are available in the County Council and County Executive's Offices, addresses below. Applicants may also apply online at: <http://wa-whatcomcounty.civicplus.com/1584/How-to-Apply>

Applications are due by 10:00 a.m. January 7, 2020

Appointments made by the County Council

Mail Applications to: County Council Office
Whatcom County Courthouse
311 Grand Avenue, Ste 105
Bellingham, WA 98225
For more information: 360-778-5010

BIRCH BAY WATERSHED AND AQUATIC RESOURCES MANAGEMENT ADVISORY COMMITTEE

2 Vacancies, 4-year terms, current members are eligible to reapply. Applicants must live within the district boundary. The BBWARM Committee assists and makes recommendations to the Flood Control Zone District Board of Supervisors regarding implementing the BBWARM District stormwater program. Committee members geographically represent a broad spectrum of stakeholders from within the BBWARM District boundaries. Meets monthly. **Flood Control Zone District Board of Supervisors appointed**

APPLICANT(S):

Donald Brown, incumbent



RECEIVED

JAN 07 2020

WHATCOM COUNTY
COUNCIL

COUNCIL MEMBERS
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazee
Satpal Sidhu

Donald Brown

Birch Bay Watershed
and Aquatic Resources Management Advisory Committee

WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: DONALD A. BROWN Date: 1/5/20
Street Address: 5044 ANDERSON RD.
City: Blairstown Zip Code: 98230
Mailing Address (if different from street address): _____
Day Telephone: N/A Evening Telephone: N/A Cell Phone: (360) 303-9329
E-mail address: don brown birchbay@gmail.com

1. Name of board or committee—please see reverse: BBWARM Advisory Committee
2. You must specify which position you are applying for.
Please refer to vacancy list. Citizen Advisory Committee
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) ☒ yes ☐ no
4. Which Council district do you live in? _____ () One () Two () Three () Four ☒ Five
5. Are you a US citizen? _____ ☒ yes ☐ no
6. Are you registered to vote in Whatcom County? _____ ☒ yes ☐ no
7. Have you ever been a member of this Board/Commission? _____ ☒ yes ☐ no
If yes, dates: 12/15 to 12/19 BBWARM
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? _____ ☒ yes ☐ no
If yes, please explain: Self employed / General Contractor
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? _____ () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
Formerly worked @ Birch Bay Leisure park - general manager / currently
Self employed as a general contractor / served on this committee for
the previous four years / 2 year MA degree @ Rutgers University
11. Please describe why you're interested in serving on this board or commission: To be involved in
the community and try and have positive impact

References (please include daytime telephone number): Andrew Winn (360) 527-1030
Jared Mattson (360) 224-2683

Signature of applicant: [Signature]

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-026

File ID:	AB2020-026	Version:	1	Status:	Agenda Ready
File Created:	01/07/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Special Order of Business		

Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Approval of special standing Council meeting dates (Health Board and Water Work Sessions)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Approval of special standing Council meeting dates (Health Board and Water Work Sessions)

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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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

SPECIAL STANDING MEETING DATES FOR 2020

(OFFICIAL ACTION MAY BE TAKEN AT THESE MEETINGS)

HEALTH BOARD

10 A.M., WHATCOM COUNTY COUNCIL CHAMBERS, 311 GRAND AVENUE

FEBRUARY 4, 2020
MARCH 31, 2020
OCTOBER 6 2020
DECEMBER 1, 2020

SURFACE WATER WORK SESSIONS

10:30 A.M., CIVIC CENTER BUILDING GARDEN ROOM, 322 N. COMMERCIAL ST.

JANUARY 21, 2020
FEBRUARY 18, 2020
MARCH 17, 2020
APRIL 14, 2020
MAY 12, 2020
JUNE 23, 2020
JULY 14, 2020
SEPTEMBER 22, 2020
OCTOBER 20, 2020
NOVEMBER 17, 2020

LAKE WHATCOM JOINT COUNCILS AND COMMISSION MEETING

6:30 P.M., BELLINGHAM CITY COUNCIL CHAMBERS, 210 LOTTIE STREET

TO BE ANNOUNCED



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-020

File ID:	AB2020-020	Version:	1	Status:	Agenda Ready
File Created:	01/02/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		

Assigned to:	Council	Final Action:
Agenda Date:	01/14/2020	Enactment #:

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

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 3, in the amount of \$1,586,506

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #3 requests funding from the General Fund:

1. To re-appropriate \$300,000 in Non Departmental to fund Opportunity Council Housing Rehab CDBG grant program.
2. To appropriate \$52,454 in Health to fund Next Generation Project from grant proceeds.
3. To re-appropriate \$6,190 in Health to fund Perinatal Support Services project from grant proceeds.

From the Conservation Futures Fund:

4. To appropriate \$445,512 to fund Carbee and Neptune Beach/Sigurdson conservation easements.

From the Real Estate Excise Tax I Fund:

5. To re-appropriate \$782,350 to fund Plantation Indoor Range HVAC and roof replacement projects.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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ORDINANCE NO.
AMENDMENT NO. 3 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			
Non Departmental	300,000	(300,000)	-
Health	58,644	(76,190)	(17,546)
Total General Fund	358,644	(376,190)	(17,546)
Conservation Futures Fund	445,512	(205,000)	240,512
Real Estate Excise Tax I Fund	782,350	(263,052)	519,298
Total Supplemental	1,586,506	(844,242)	742,264

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

WHATCOM COUNTY				
Summary of the 2020 Supplemental Budget Ordinance No. 3				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Non Departmental	To re-appropriate Opportunity Council Housing Rehab CDBG grant program.	300,000	(300,000)	-
Health	To fund Next Generation Project from grant proceeds.	52,454	(70,000)	(17,546)
Health	To re-appropriate Perinatal Support Services project from grant proceeds.	6,190	(6,190)	-
Total General Fund		358,644	(376,190)	(17,546)
Conservation Futures Fund				
Planning and Development	To fund Carbee conservation easement.	250,443	(115,000)	135,443
Planning and Development	To fund Neptune Beach / Sigurdson conservation easement.	195,069	(90,000)	105,069
Total Conservation Futures Fund		445,512	(205,000)	240,512
Real Estate Excise Tax I - Parks	To re-appropriate Plantation Indoor Range HVAC and roof replacement projects.	782,350	(263,052)	519,298
Total Supplemental		1,586,506	(844,242)	742,264

Supplemental Budget Request

Status: Pending

Executive

Suppl ID # 3007

Fund 1

Cost Center 4285

Originator: Suzanne Mildner

Year 2 2020

Add'l FTE ☐

Priority 1

Name of Request: Opportunity Council Housing Rehab CDBG Grant

X

Department Head Signature (Required on Hard Copy Submission)

Date

12/31/19

Costs:	Object	Object Description	Amount Requested
	4333.1422	HUD-CDBG	(\$300,000)
	6610	Contractual Services	\$300,000
	Request Total		\$0

1a. Description of request:

This is a current contract for a pass through grant from Washington State's Community Development Block Grant Program, passing through to Opportunity Council as subrecipient. It is a 3 1/2 year contract and has been reappropriated previously. Additional budget authority is required to complete the contract. The program this supports is the housing rehabilitation program for the benefit of low-income citizens in Whatcom, San Juan and Island Counties.

1b. Primary customers:

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

2. Problem to be solved:

This state grant source is required to pass through the local jurisdiction. County Council approved this grant agreement in 2017, and budget authority is needed now to complete the program's final year of this 3 and 1/2 year contract.

3a. Options / Advantages:

N/A

3b. Cost savings:

N/A

4a. Outcomes:

The Opportunity Council's program will provide direct benefit through rehab and repair projects for home improvement for approximately 25 low- and moderate-income households

4b. Measures:

Progress reports on this program are submitted on a monthly basis. A final grant closeout report will occur after evidence that all contract requirements have been met, and a final public hearing will be conducted at grant closeout.

5a. Other Departments/Agencies:

Opportunity Council and their partner community resource centers in San Juan and Island Counties.

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

Ross Quigley is the Director of the Home Improvement Department at Opportunity Council

6. Funding Source:

HUD, through Washington State Department of Commerce's CDBG Program.

Supplemental Budget Request

Status: Pending

Health

Community Health

Suppl ID # 3011

Fund 1

Cost Center 621208

Originator: Kathleen Roy

Year 2 2020

Add'l FTE ☐

Priority 1

Name of Request: Next Generation Project (DSHS-ESA)

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.9359	DCFY	(\$70,000)
	6190	Direct Billing Rate	\$17,112
	6320	Office & Op Supplies	\$542
	6610	Contractual Services	\$25,000
	7140	Meeting Refreshments	\$1,800
	7190	Other Miscellaneous	\$8,000
	Request Total		(\$17,546)

1a. Description of request:

We are requesting expenditure authority for a new grant received from WA State Department of Social and Health Services / Economic Services Administration (DSHS-ESA). This grant will fund our Community Health Division staff and community partners in an initiative to reduce barriers for families needing access to health-related services. This initiative is called the Next Generation Project.

1b. Primary customers:

Over-burdened and under-resourced Whatcom County families and their children who are struggling to access appropriate services and resources for their families.

2. Problem to be solved:

It has been repeatedly identified in multiple needs assessments and gap analyses locally that families with young children are challenged to find the services and resources their families need at the time they need them. Multiple barriers to access and effective delivery of services and resources have been identified ranging from location, hours, lack of cultural appropriateness, cumbersome paperwork and confusing eligibility requirements. Improvement efforts to date have been limited in scope and have lacked significant involvement from those most impacted by the problem.

3a. Options / Advantages:

We have explored several ways of increasing the ease of access to services and resources and have had some successes to date. For instance, our local Single Entry Access to Services (SEAS) navigation system has greatly increased access to specific services for children with or suspected of having special needs.

By partnering with DSHS-ESA on this project, we currently have an opportunity to further develop localized solutions while also identifying areas for state agency action to improve the system. It will provide significant advantage to have the solutions identified by those families that are currently experiencing the greatest challenges to accessing services and resources.

DSHS-ESA is working to reduce poverty in Washington State with a racial equity lens. DSHS-ESA has specifically requested to partner with the Generations Forward Children's Collaborative (for which the Health Department acts as backbone support) because of its strong family engagement and focus on racial equity.

Friday, December 20, 2019

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Health

Community Health

Suppl ID # 3011

Fund 1

Cost Center 621208

Originator: Kathleen Roy

3b. Cost savings:

Investing in young children and families decreases the cost burden on the County in the long-term. According to Nobel Prize winning economist, James Heckman, investments in high quality early childhood programs and supports have an annual rate of return of 7%-13% for communities.

4a. Outcomes:

1. Expand engagement and leadership from families and communities experiencing inequities and adversity.
2. Increase the capacity of local organizations to provide family-centered services.
3. Increase the number of families that are getting the services and resources they need to improve the well-being of their children.

4b. Measures:

1. Number and diversity of parents in leadership roles throughout this process.
2. Number of organizations reporting increased capacity to provide family-centered services.
3. Number of families reporting improved access to culturally-appropriate and responsive services and resources.

5a. Other Departments/Agencies:

no

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

n/a

6. Funding Source:

WA State Department of Social and Health Services/ Employment Services Administration (DSHS-ESA)

Supplemental Budget Request

Status: Pending

Health**Community Health**

Suppl ID # 3013

Fund 1**Cost Center 621207****Originator: Kathleen Roy****Year 2 2020****Add'l FTE** ☐**Priority 1****Name of Request: DCYF-Perinatal Support Services****X****Department Head Signature (Required on Hard Copy Submission)****Date**

12/23/19

Costs:	Object	Object Description	Amount Requested
	4333.9359	DCFY	(\$6,190)
	6120	Extra Help	\$960
	6320	Office & Op Supplies	\$300
	6610	Contractual Services	\$4,930
	Request Total		\$0

1a. Description of request:

We are requesting expenditure authority for continued implementation of a community health project focused on increasing support services for pregnant and parenting Latina women living in Bellingham and the Nooksack Valley. This project is funded by a grant from the Washington State Department of Children, Youth and Families (DCYF) and was extended to June 2020.

1b. Primary customers:

Latina women in Bellingham and Nooksack Valley

2. Problem to be solved:

Focus groups conducted in 2017 by the Whatcom County Health Department with low-income mothers of young children revealed barriers to accessing support services, even informal peer support. These barriers included being an English language learner, lack of transportation and child care and immigration status. Qualitative data from the 2018 Community Health Assessment confirmed these findings: "The cultural background of those providing services in the community often does not reflect those they are serving. In some instances, language and cultural differences are creating social isolation and limiting access to social services."

3a. Options / Advantages:

Peer support has been identified by community members as a potential solution to decreasing isolation and increasing the sense of community connectedness. Peer support has been demonstrated to be an effective method for delivering health care messages, improving families' access to appropriate health care and supporting mental well-being. This effort to increase peer support is part of a larger strategy to address the mental health needs of pregnant and parenting women that includes increasing screening and identification, increasing the number of mental health providers with perinatal mood disorder expertise and increasing awareness in the wider community.

3b. Cost savings:

Over 1 in 7 women will suffer from postpartum depression or anxiety nationally. This number is much higher for low-income women. In Washington State, is estimated that nearly 50% of women on Medicaid experience postpartum depression. The annual cost of not treating a mother with depression in lost income and productivity alone is \$7,200, according to Wilder Research. And the costs go up significantly when considering the impacts on the child.

4a. Outcomes:

- Increased access to peer support for Latina women in Bellingham and Nooksack/Everson.

Friday, December 20, 2019

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Health

Community Health

Suppl ID # 3013

Fund 1

Cost Center 621207

Originator: Kathleen Roy

4b. Measures:

- Number of peer support meetings held monthly
- Number of attendees

5a. Other Departments/Agencies:

None

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

n/a

6. Funding Source:

Washington State Department of Children Youth and Families

Supplemental Budget Request

Status: Pending

Planning & Development Services

Planning

Suppl ID # 3010

Fund 175

Cost Center 17550

Originator: Becky Snijder

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: Carbee Agricultural Conservation Easement PDR

X



12.20.19

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0273	Farmland Preservation	(\$115,000)
	6610	Contractual Services	\$12,000
	7320	Land	\$238,443
	Request Total		\$135,443

1a. Description of request:

The proposed budget amendment is to cover all associated costs for completion of an agricultural conservation easement on the Carbee property. This includes easement cost, easement monitoring and enforcement fees, baseline documentation, and escrow and closing costs.

1b. Primary customers:

The community at large benefits from the Purchase of Development Rights (PDR) program due to the permanent protection of the land for agricultural purposes. This area will never be developed with additional housing and will stay in low-service cost status in perpetuity. Multiple benefits to agriculture, wildlife, and water quality are among the benefits for the community.

2. Problem to be solved:

The focus of the Purchase of Development Rights Program is to permanently protect agricultural and forestry lands from conversion to non-working land uses. This property contains productive agricultural soils, is adjacent to other working farmland and has been recommended for protection by the Purchase of Development Rights Oversight Committee and approved for purchase by County Council.

3a. Options / Advantages:

The Purchase of Development Rights Oversight Committee considers the PDR program to be an integral component of an overall working lands protection strategy. The Growth Management Act requires the protection of resource lands. This is one of several efforts the County is making to comply with the state requirement. Zoning and Open Space Taxation are other programs currently employed by Whatcom County to protect agricultural and forestry lands. PDR easements are valuable partly because they are the only action currently available for the County to achieve permanent protection on agricultural and forestry lands.

3b. Cost savings:

Savings are difficult to quantify. Studies indicate that resource lands are the lowest cost properties for community services. Other savings are based on the benefits of not converting the property to some more intensive use. Water quality degradation, excessive stormwater runoff and increased costs for roads and other service provisions are eliminated when conservation easements establish a permanent working land development pattern in a given area. Maintaining a critical mass of viable working lands helps support the forestry economy.

4a. Outcomes:

This easement will result in the permanent protection of 73.3 acres of agricultural land and associated ecosystems.

Friday, December 20, 2019

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Planning & Development Services

Planning

Suppl ID # 3010

Fund 175

Cost Center 17550

Originator: Becky Snijder

4b. Measures:

The easement on this property will be purchased with assistance from a title company through a typical closing process. The successful closing of the easement purchase marks the outcome of this specific request. Annual monitoring reports are supplied by the Whatcom Land Trust for each completed conservation easement.

5a. Other Departments/Agencies:

This is a joint project which involves the Whatcom Land Trust (on-going monitoring/enforcement responsibilities) and Whatcom County – PDR program administration/funding.

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

The Whatcom Land Trust will be responsible for the long-term monitoring under the terms of the conditions in the conservation easement and based on the contract that they have with Whatcom County. Gabe Epperson is the Conservation Director

6. Funding Source:

The initial cost to the Conservation Futures Fund will be \$250,442.55. However, the Washington State Recreation and Conservation Office (RCO) will reimburse Whatcom County for a combined total of \$115,000 towards this transaction. The net expenditure from Conservation Futures after reimbursement will be \$135,442.55.

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: Honorable Whatcom County Councilmembers
Honorable Satpal Sidhu, Whatcom County Executive

THROUGH: Mark Personius, Director, PDS *MP*

FROM: Becky Snijder van Wissenkerke, PDR Program Administrator *BS*

DATE: December 18, 2019

SUBJECT: Supplemental Budget Request to complete agricultural conservation easement acquisition for PDR applicant Carbee

Introduction

The Whatcom County Purchase of Development Rights (PDR) Program was initiated in September of 2001. The program has successfully purchased 141 development rights on 1,200 acres through 23 agricultural conservation easements.

The Purchase of Development Rights Oversight Committee has recommended purchase of an agricultural conservation easement on the Carbee property. Whatcom County Council has approved the PDR Program Administrator and County Executive to proceed with the acquisition of these easements through Resolution 2017-042. This supplemental budget request includes all costs associated with closing of this agricultural conservation easement including easement cost, baseline documentation fees, easement monitoring fees, and associated closing costs. This request will support completion of the PDR process on this property.

Background and Purpose

The Carbee conservation easement will represent the 26th purchase under the County's Purchase of Development Rights Program. Completion of this easement will add an additional 73.3 acres to the total protected acreage in Whatcom County. Whatcom Land Trust has developed baseline condition reports for the easement area and will be the legally responsible party to monitor and enforce terms of the conservation easements.

The Carbee conservation easement was selected to receive matching funds through the Washington State Recreation and Conservation Office (RCO) Washington Wildlife and Recreation Program (WWRP). These funds represent 50% of the actual easement cost.

Carbee - PDR Supplemental Budget Request

Grubbs Agricultural Conservation Easement	\$230,000.00
- Easement monitoring and enforcement	\$12,000.00
- Background Documents preparation	\$2,000.00
- Escrow and closing costs	\$6,442.55

Subtotal	\$250,442.55
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- Reimbursement from WA RCO	(\$115,000.00)
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Net cost to Whatcom County after reimbursement	\$135,442.55
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Request Summary

This request is consistent with Resolution 2017-042 which authorizes the PDR Program Administrator and County Executive to enter into a purchase and sale agreement for the agricultural conservation easement on this property. The conservation easement will be completed and recorded in January 2020.

Please contact Becky Snijder van Wissenkerke, PDR Program Administrator at (360)778-5956 with any questions or concerns.

Supplemental Budget Request

Status: Pending

Planning & Development Services

Planning

Suppl ID # 3009

Fund 175

Cost Center 17550

Originator: Becky Snijder

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: Neptune Beach/Sigurdson Ag Conservation Easement

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4367.1000	Donations	(\$90,000)
	6610	Contractual Services	\$12,000
	7320	Land	\$183,069
	Request Total		\$105,069

1a. Description of request:

The proposed budget amendment is to cover all associated costs for completion of an agricultural conservation easement on the Neptune Beach/ Sigurdson application. This includes easement cost, easement monitoring and enforcement fees, baseline documentation, and escrow and closing costs.

1b. Primary customers:

The community at large benefits from the Purchase of Development Rights (PDR) program due to the permanent protection of the land for farming purposes. This area will never be developed with additional housing and will stay in low-service cost status in perpetuity. Multiple benefits to agriculture, wildlife, water quality, and stormwater retention are among the benefits for the community.

2. Problem to be solved:

The primary focus of the Purchase of Development Rights Program is to permanently protect prime/productive agricultural land from conversion to non-agricultural uses. This property contains prime agricultural soils and has been recommended for protection by the Purchase of Development Rights Oversight Committee.

3a. Options / Advantages:

The Agricultural Advisory Committee has considered the PDR program as an integral component of an overall agricultural protection strategy. The Growth Management Act requires the protection of resource lands. This is one of several efforts the County is making to comply with the state requirement. Zoning and Open Space Taxation are other programs currently employed by Whatcom County to protect agricultural land. PDR's are valuable partly because they are the only action currently available for the County to achieve permanent protection on agricultural lands.

3b. Cost savings:

Savings are difficult to quantify. Studies indicate that resource lands are the lowest cost properties for community services. Other savings are based on the benefits of not converting the property to some more intensive use. Water quality degradation, excessive stormwater runoff, and increased costs for roads and other service provisions are eliminated when conservation easements establish a permanent agricultural development pattern in a given area. Maintaining a critical mass of viable agricultural land especially land with water rights as this has also helps support the agriculture economy.

4a. Outcomes:

The PDR program originally targeted 10,000 acres for purchase. Since that time the Council endorsed a "Rural Land Study" that has targeted some 25,000 acres of agricultural lands within rural zoned land that they would like to see with additional protection. This additional acreage will require significant increase in funding for the PDR program as well as the development of additional innovative techniques. The

Friday, December 20, 2019

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Planning & Development Services

Planning

Suppl ID # 3009

Fund 175

Cost Center 17550

Originator: Becky Snijder

addition of this farm to the PDR land base will occur in 2020.

4b. Measures:

The easement on this farm will be purchased with assistance from a Title company through a typical closing process. The successful closing of the easement purchase marks the outcome of this specific request. Annual monitoring reports are supplied by the Whatcom Land Trust for each completed agricultural conservation easement.

5a. Other Departments/Agencies:

This is a joint project which involves the Whatcom Land Trust (on-going monitoring/enforcement responsibilities) and Whatcom County – PDR program administration/funding. Reimbursement funding also comes from the Whatcom Community Foundation.

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

The Whatcom Land Trust will be responsible for the long-term monitoring under the terms of the conditions in the conservation easement and based on the contract that they have with Whatcom County. Gabe Epperson is the Conservation Director

6. Funding Source:

The initial total cost from the Conservation Futures Fund will be \$195,069.05. However, the Whatcom Community Foundation will reimburse Whatcom County for a combined total of \$90,000 towards this transaction. The net expenditure from Conservation Futures after reimbursement will be \$105,069.05.

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: Honorable Whatcom County Councilmembers
Honorable Satpal Sidhu, Whatcom County Executive

THROUGH: Mark Personius, Director, PDS *MP*

FROM: Becky Snijder van Wissenkerke, PDR Program Administrator *BLS*

DATE: December 18, 2019

SUBJECT: Supplemental Budget Request to complete agricultural conservation easement acquisition for PDR applicant Neptune Beach/Sigurdson

Introduction

The Whatcom County Purchase of Development Rights (PDR) Program was initiated in September of 2001. The program has successfully purchased 141 development rights on 1,200 acres through 23 agricultural conservation easements.

The Purchase of Development Rights Oversight Committee has recommended purchase of an agricultural conservation easement on the Neptune Beach/Sigurdson property. Whatcom County Council has approved the PDR Program Administrator and County Executive to proceed with the acquisition of these easements through Resolution 2017-042. This supplemental budget request includes all costs associated with closing of this agricultural conservation easement including easement cost, baseline documentation fees, easement monitoring fees, and associated closing costs. This request will support completion of the PDR process on this property.

Background and Purpose

The Neptune Beach/Sigurdson conservation easement will represent the 25th purchase under the County's Purchase of Development Rights Program. Completion of this easements will add an additional 15.3 acres to the total protected acreage in Whatcom County. Whatcom Land Trust has developed baseline condition reports for the easement area and will be the legally responsible party to monitor and enforce terms of the conservation easements.

The Neptune Beach/Sigurdson conservation easement was selected to receive matching funds through the Whatcom Community Foundation Sustainable Whatcom Fund. These funds represent 50% of the actual easement cost.

Neptune Beach/Sigurdson - PDR Supplemental Budget Request

Neptune Beach/Sigurdson Agricultural Conservation Easement	\$180,000.00
- Easement monitoring and enforcement	\$12,000.00
- Background documents preparation	\$2,000.00
- Escrow and closing costs	\$1,069.05
<hr/>	
Subtotal	\$195,069.05
<hr/>	
- Reimbursement from Whatcom Community Foundation	(\$90,000.00)
<hr/>	
Net cost to Whatcom County after reimbursement	\$105,069.05

Request Summary

This request is consistent with Resolution 2017-042 which authorizes the PDR Program Administrator and County Executive to enter into a purchase and sale agreement for the agricultural conservation easement on this property. The conservation easement will be completed and recorded in January 2020.

Please contact Becky Snijder van Wissenkerke, PDR Program Administrator at (360)778-5956 with any questions or concerns.

Supplemental Budget Request

Status: Pending

Parks & Recreation

Suppl ID # 3014 Fund 326 Cost Center 326061701 Originator: Christ Thomsen

Expenditure Type: One-Time Year 2 2020 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Plantation Indoor Range HVAC and Roof Replacement

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0271	RCO Grant	(\$263,052)
	7350	Buildings & Structures	\$782,350
	Request Total		\$519,298

1a. Description of request:

This request is for the reallocation of unspent funds from 2019 and appropriates those funds for use in 2020. It was expected that this project would be substantially complete in 2019. It took a greater than expected amount of time to reengage the design and construction services contractor and to complete additional design work. Since reallocation, the design and constructions services vendor was placed under contract, additional necessary design work was completed, and building permits were applied for on December 5, 2019.

The project replaces the Plantation Indoor Range ventilation system with a modern system designed to accommodate today's environmental health requirements and the shooting public health's needs. It also provides for the replacement of the indoor range roof.

1b. Primary customers:

Visitors to the Plantation Range and contracted Law Enforcement and education agencies are the primary customers of this project. The Range serves over 16,000 recreational shooters annually and was host to 294 enforcement and education agency training days in 2018. Range revenue for 2018 was \$259,932.

2. Problem to be solved:

The project scope is to remove and replace the existing HVAC system for the Indoor Range. The system filters airborne lead and other particulates from the indoor shooting range as well as providing heating for the range. The existing HVAC system was installed in 1983; making it 36 years old. The system has had frequent breakdowns and is inefficient. The range cannot be used without a functioning HVAC system.

During the design phase for the project, it was discovered that the roof would need to be replaced to support installation of the new HVAC unit and associated ducting structure. The Indoor Range roof was last replaced in 1995. Membrane roofing of the type installed has a typical life expectancy of 15 years. With care and maintenance, this roof has lasted 24 years. The roof is showing its age through leaks and other problems. In addition to supporting the HVAC retrofit activities, roof replacement is necessary to protect the integrity of the building envelope. Roughly 3100 square feet of asbestos containing roof materials may be abated as part of the roof replacement.

3a. Options / Advantages:

Numerous options were considered. These options have been distilled into three primary alternatives:

The first is to replace the existing HVAC system and roof. This allows the County to continue to operate the Plantation Indoor Range. This is the current proposal and preferred option as it provides for continuation of operation at existing service level and preserves county infrastructure.

Parks & Recreation

Suppl ID # 3014

Fund 326**Cost Center** 326061701**Originator:** Christ Thomsen

The second option considered is to replace the roof only and operate the indoor range until the HVAC system fails. At which point, the indoor range would be closed for use. This option was rejected because it reduces service level and fails to adequately maintain existing assets.

The third option considered is to forego the project work and mothball the indoor range. This option was rejected because it reduces service level and fails to adequately maintain existing assets.

3b. Cost savings:

It is anticipated that there will be a reduction in energy costs due to increased energy efficiency of the new air handling system. Energy savings are somewhat difficult to quantify at this time due to the differences in system design and scope.

It is also anticipated there will be cost savings associated with supplies and labor required to maintain the system. Currently, because the system is roof mounted, two or more employees are required to be on the roof when maintaining or servicing the unit. The new system will be installed at ground level and will require fewer employees during maintenance and service activities. Additionally, the new system includes monitoring equipment that indicates when particular services are required; such as filter media replacement. This means maintenance moves from a set schedule, whether it is needed or not, to an on demand program.

4a. Outcomes:

The Plantation Indoor Range HVAC system and roof are replaced by August 31, 2020.

4b. Measures:

Installation of the HVAC system is complete and the roof has been replaced.

Construction services are to be provide throughout the contract. These services monitor asbestos and lead abatement activities to certify abatement is complete, monitor construction activities to provide quality assurance, and to certify that the HVAC system functions to performance specifications.

5a. Other Departments/Agencies:

Whatcom Planning and Development Services is responsible for issuing permits for this project.

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

Planning and Development Services permitting staff as assigned to the project for permitting efforts.

6. Funding Source:

REET I Funds: \$519,298

Washington State Recreation and Conservation Office grant funds: \$263,052.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-001

File ID:	AB2020-001	Version:	1	Status:	Agenda Ready
File Created:	12/11/2019	Entered by:	SBatdorf@co.whatcom.wa.us		

Department:	Parks and Recreation Department	File Type:	Resolution Requiring a Public Hearing
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Assigned to:	Council	Final Action:	
Agenda Date:	01/14/2020	Enactment #:	

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

TITLE FOR AGENDA ITEM:

Resolution approving Whatcom County Parks & Recreation's proposed lease of the Ostrom Conservation Site to the Nooksack Valley School District to maintain and operate the property as an outdoor education program and public site

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:


The Ostrom Conservation Site has been managed by the Nooksack Valley School District for the past twenty-five years and is used by both the public and county schools for nature study. The proposed lease allows the school district to continue maintaining and operating the site as an outdoor education area for another twenty-five years. This agreement is mutually beneficial to both parties and as such there are no associated costs or payments.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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MEMORANDUM

TO: Members of the Council and County Executive Sidhu
FROM: Michael McFarlane, Director 
DATE: December 6th, 2019
RE: Ostrom Conservation Site Lease

Enclosed is a lease agreement between Whatcom County and the Nooksack Valley School District for the County owned 38 acre Ostrom Conservation Site located on South Pass Road in Everson.

This park site has been managed by the Nooksack Valley School District for the past 25 years and is use by both the public and county schools for nature study. This lease allows the Parks & Recreation Department and the School District to continue this successful relationship for another 25 years. Under the terms of the lease, the district is responsible for all maintenance and operation of the site as an outdoor education area. There are no costs or payments associated with this agreement due to the mutual benefits to all parties.

I recommend approval.

Thank you.

PROPOSED BY: **PARKS**
INTRODUCTION DATE: _____

RESOLUTION NO. _____

**APPROVING NOOKSACK VALLEY SCHOOL DISTRICT LEASE FOR THE OSTROM
CONSERVATION SITE**

WHEREAS, Whatcom County owns a 38.62-acre property located at 4394 South
Pass Road known as the Ostrom Conservation Site; and

WHEREAS, the Nooksack Valley School District has leased and operated this area
for the past twenty-five (25) years; and

WHEREAS, the current lease agreement expires December 31, 2019; and

WHEREAS, the School District desires to continue this arrangement for another
twenty-five years; and

WHEREAS, this site is also available to the public and school districts throughout the
Whatcom County for nature study and is of mutual benefit to all residents.

NOW, THEREFORE, BE IT RESOLVED that the lease proposed by the Parks &
Recreation Department with the Nooksack Valley School District be approved.

APPROVED this _____ day of _____, 2020.


ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

Originating Department:	Parks
Division/Program: (i.e. Dept. Division and Program)	Administration
Contract or Grant Administrator:	Michael McFarlane
Contractor's / Agency Name:	Nooksack Valley School District
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 type="radio"/> No <input checked="" 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? 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: <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 work is for less than 120 days. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ N/A 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: _____	
Nooksack Valley School District lease agreement for the Ostrom Conservation Site	
Term of Contract: 25 years Expiration Date: 12/31/44	

Contract Routing:	1. Prepared by: Michael McFarlane	Date: 11/28/19
	2. Attorney signoff: _____	Date: 12/2/19
	3. AS Finance reviewed: _____	Date: 12/5/19
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

**Whatcom County and Nooksack Valley School District
Lease for the Ostrom Conservation Site**

This lease (hereinafter "**Lease**") is made and entered into this 6th day of November, 2019, by and between **WHATCOM COUNTY** through its Parks & Recreation Department (hereinafter "**County**") and **NOOKSACK VALLEY SCHOOL DISTRICT No. 506** (hereinafter "**District**").

RECITALS:

- A. For the past twenty-five (25) years the Nooksack Valley School District has leased, maintained and operated the County owned property comprised of approximately 38.62 acres known as the Ostrom Conservation site, located at 4394 South Pass Road, Everson Washington.
- B. The County desires to assist the Nooksack Valley School District in providing a comprehensive outdoor education program and site to be open for use by all schools and citizens of Whatcom County, which benefits the public by fulfilling a public park need stated in the agreement with the donors of property and thereby reduces demands on the County's budget.
- C. RCW 36.34.180 authorizes the County to grant leases in excess of ten (10) years if such lease fulfills a governmental purpose. The use to which the District has agreed to put the property serves a governmental purpose and, therefore, this Lease is not subject to the ten (10) year limitation contained in the above-cited statute.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties agree as follows:

1. Premises: The County hereby demises, lets, and leases unto the District the real property described as follows (hereinafter "**Leased Premises**"):

The Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4, Section 26, Township 40 North, Range 4 East of W.M., Whatcom County Washington less roads) (as shown in attached Exhibit A).

2. Term: The term of this Lease shall be for a period of twenty-five (25) years, commencing on the first day of January, 2020 and ending at midnight on December 31st, 2044.

3. Rent: There shall be no rent for the Leased Premises. The consideration received by the County shall be the use of the Leased Premises, which fulfills a public purpose, and all other covenants and promises made herein.

4. Acceptance of Premises: The District acknowledges that the Leased Premises have been examined to the District's satisfaction and the District accepts the Leased Premises in their present condition, AS IS. .

5. Administration: The administration of this Lease shall be through the Whatcom County Parks & Recreation Department. The Director of the Parks & Recreation Department (hereinafter "**Director**"), is authorized to administer this Lease and deal with all issues related thereto, including the granting of the necessary approvals contemplated by this Lease; provided, this Lease may only be amended in the manner described in section 16 of this Lease.

6. Use: The District shall use the Leased Premises only for the operation and maintenance of an outdoor education site for the students of Whatcom County Grades K-12, and for the maintenance of a trailhead to Aron School Park (207 acre site deeded to the schools of Whatcom County in 1918 for the purpose of outdoor and environmental education).

The Parties agree that:

- The District shall have primary use of the Leased Premises for the purposes stated in this Lease;
- Notwithstanding any other provision of this Lease, during such times as the Leased Premises are being used by the District, the District shall have the right to exclusive possession of the Leased Premises and may exclude from the Leased Premises anyone not authorized by the District if such person(s) presence causes interference or disruption to the District's use;
- During such times as the Leased Premises are not being used by the District, the Leased Premises will be available to the citizens of Whatcom County as invitees of the County, for such uses and subject to such limitations as the Director may prescribe;
- The Leased Premises will be referred to as "Ostrom Conservation Site";
- The County shall have the right to erect a plaque in a prominent location within the Leased Premises and containing the following statement: *"This land was donated by Alma, Elinor and Vincent Ostrom to the Whatcom County to be used as a public park for future generations in memory of the associations they have had with family and neighbors in this mountain valley and so that other might share some of the beauty they have known."*

7. Improvements: The District shall make no alterations, improvements, repairs, or do any development on the Leased Premises without the prior written consent of the Director.

The District shall pay for all costs to repair damages to improvements placed on the Leased Premises by the District, and the County shall pay for all costs to repair damages to improvements placed on the Leased Premises by the County. The District shall return the Leased Premises to the County with all improvements placed on the Leased Premises by the District in an adequate condition upon termination or expiration of this Lease.

As applicable, the District agrees to secure the necessary permits required for construction of improvements on the Leased Premises. The County reserves the right to require ownership of any fixtures and improvements to be deeded to the County upon expiration of this Lease.

The District shall keep the Leased Premises free and clear of all mechanics or material liens, or other liens on account of any work done for the District on the Leased Premises.

The District agrees to (1) maintain an outdoor education site; (2) maintain a trailhead that begins on the Ostrom Conservation Site and leads to the Aron School Park site on Sumas Mountain; and (3) provide a continued integration of curricula that would allow for students to learn in a very effective atmosphere/environment.

8. Maintenance: Except as may be stated in section 7 of this Lease, the District shall be solely responsible for maintenance of the Leased Premises to the extent necessary to carry on the District's use. This covenant does not require the District to follow Firewise wildfire standards or similar procedures on the Leased Premises.

9. Operating Costs: The District shall pay all costs of operation of the Leased Premise as to electricity, water, and garbage. If there are any additional operating costs the District must be notified prior to incurring that cost.

10. Insurance: The District carries comprehensive insurance through the Washington Schools Risk Management Pool ("**WSRMP**"), a self-funded, public entity inter-local cooperative among school and educational service districts formed under RCW 48.62. Should the District cease to participate in WSRMP during the term of this Lease, the District shall within 30-days of such cancellation notify the County, so that the parties may negotiate modified insurance provisions.

11. Indemnification: Each party shall defend, indemnify, and hold the other party, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of injuries and/or damages caused by each party's own negligence.

12. Assignment and Subletting: The District shall not sublet the Leased Premises or any part thereof, or assign this Lease without the prior signed and written consent of the County, which consent shall not be unreasonably withheld. Any such assignment or subletting or attempt to assign or sublet without such consent shall result in an immediate forfeiture of the District's interest in and to this Lease, as provided herein.

13. Entry on to Premises by County: The County reserves the right to enter onto the Leased Premises at reasonable times to inspect them or make modification, and the District shall permit the County to do so; provided, however, that prior to modifying the Leased Premises, the County shall obtain the consent of the District, which consent shall be freely given so long as the proposed modification does not materially interfere with the District's use as described herein. Consent by the District shall not be withheld if the modification is in the best interest of the County for preservation or improvement of the property for public park purposes.

14. Independent Contractor: It is hereby understood, agreed and declared that, absent an agreement to the contrary, to the extent an agent or employee of the District provides work for the County and that work is related to the Leased Premises, such worker is an independent contractor and not the agent or employee of the County.

15. Conditional use Permits: The District agrees to comply with the terms of Conditional Use Permits that both impact the Leased Premises and are issued by the County.

16. Modifications: No change or addition to this Lease shall be valid or binding upon either party unless such change or addition be in writing, executed by the parties, and approved by the Whatcom County Council and the Nooksack Valley School District Board of Directors.

17. Rent Adjustment: The rent adjustment provision of RCW 36.34.180 shall remain in full force and effect; provided, if there is a dispute on the rental, the arbitrator shall take into consideration the permanent improvements made by the District which will revert to the County at the end of the Lease term. It shall, in addition, take into consideration the public benefit received by the County which combined consideration was deemed at the date of making this Lease to be equal to or greater than the reasonable rental value of the Leased Property during the Lease term. In the event the rent is adjusted upward by an Arbitrator, the District shall have the option to terminate this Lease within sixty (60) days from the date the Arbitrator's decision is given to the parties. Pursuant to Whatcom County Code 1.10.450, this Lease is subject to approval by the county council and is for a term longer than five years, which shall require that the Lessee permit the rental payment and consideration to be adjusted and fixed by Whatcom County every five years.

18. Miscellaneous:

a. Time is of the Essence. Time is of the essence in the performance of this Lease.

b. Entire Agreement. There are no other verbal or written agreements which modify or affect this Lease.

c. Benefit. This Lease shall inure to the benefit of and be binding upon the successors, assigns, and personal representative(s) of the parties hereto.

d. Notices. All notices or demands to be given by each party to the other under this Lease and all sums to be paid by each party shall be to:

DISTRICT:

Superintendent
Nooksack Valley School District
P.O. box 307
Nooksack, WA 98276
(360) 988-4754

COUNTY:

Director
Whatcom County Parks & Recreation Department
3373 Mount Baker Highway
Bellingham, WA 98226
(360) 778-5850

e. Execution of Documents. The parties agree to execute any documents which may be necessary, appropriate, or convenient to carry out the intent of the transactions contemplated by this Lease.

f. Attorney's Fees and Arbitration. In the event either the County or the District shall institute suit to enforce any rights hereunder, each party shall pay their own court costs and attorney's fees. This Lease shall be governed by Laws of the State of Washington. Unless otherwise agreed by the parties hereto, any controversy or claim arising out of or relating to this Lease that remains unresolved after negotiation shall be settled by binding arbitration before an agreed upon arbitrator in accordance with the applicable American Arbitration Association (AAA) rules in effect on the date hereof. Each Party shall pay all their own costs, fees and expenses of arbitration, except that they shall

share equally in the Arbitrator's fees and costs. Venue for arbitration shall be in Whatcom County unless agreed otherwise in writing by the parties.

g. Severability. If any provision of this Lease is deemed void or unenforceable by the action of a court of law, such provision shall be severable and not affect the balance of this Lease, which shall remain in full force and effect.

h. Applicable Law. This Lease shall be construed, interpreted and enforced pursuant to the laws of the State of Washington and the parties agree that the Superior Court of Whatcom County shall be the appropriate venue of any suit or non-arbitration proceeding brought with respect to this Lease or the Leased Premises.

i. Compliance with Law. The District shall comply with all local, State and Federal Laws.

j. Termination. The County reserves the right to terminate this Lease as follows: 1. The District violates the Lease Agreement and does not remedy the violation after reasonable notice; 2. The District substantially reduces its use as intended under this Lease; 3. The County determines it is in the best interest of the County for public park purposes and the County provides the District with one-hundred and eighty (180) days' notice of termination.

DATED this 6th day of November, 2019

NOOKSACK VALLEY SCHOOL DISTRICT

Randall S. Wright
Board Chair

[Signature]
Superintendent

STATE OF WASHINGTON)

) ss.

COUNTY OF WHATCOM)

On this 10th day of November, 2019, personally appeared before me
Mark Johnson, Superintendent to be known to be the individual(s) described in and
who executed the within and foregoing instrument on behalf of the Nooksack Valley School District, and
acknowledged said instrument to be the free and voluntary act and deed of the District for the uses and
purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dated: November 06, 2019

Notary Signature: [Signature]
Print Name: Yessenia Cisneros
Notary Public in and for the State of Washington residing at
321 Wilson Ln Sumas WA 98245
My appointment expires: 09/04/2023



WHATCOM COUNTY

Satpal Sidhu, Whatcom County Executive

Michael McFarlane, Director

Approved as to form:

Elizabeth Gallery, Senior Deputy Prosecuting Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this _____ day of _____, 2020 personally appeared before me Satpal Sidhu, known to be the individual described in and who executed the within and foregoing instrument on behalf of the County, and acknowledged said instrument to be the free and voluntary act and deed of the County for the uses and purposes therein mentioned, and on oath stated to be the County Executive and authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dated: _____

Notary Signature: _____

Print Name: _____

Notary Public in and for the State of Washington residing at _____

My appointment expires: _____

EXHIBIT "A"

