

**Whatcom County
Council Finance and Administrative Services Committee**

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



Committee Minutes - Final

VIRTUAL MEETING - ENDS NO LATER THAN NOON
AGENDA REVISED 9.25.2020

Tuesday, September 29, 2020

9 AM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Tyler Byrd
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Tyler Byrd called the meeting to order at 9:02 a.m. in a virtual meeting.

Roll Call

Present: 3 - Rud Browne, Tyler Byrd and Kathy Kershner

Absent: None

Also present: Barry Buchanan, Carol Frazey, Ben Elenbaas, and Todd Donovan

Announcements

Special Presentation

1. [AB2020-344](#) Presentation from Mike Hilley regarding the Whatcom County EMS System
Mike Hilley, Emergency Medical Services (EMS) Manager, gave a presentation on the Whatcom County Emergency Medical Services 2019 Annual Report.

He answered questions about data which is gathered to study traumatic medical event trends and outcomes.

Hilley was disconnected from the Zoom call and was not able to finish his entire presentation. When he returned, he and Councilmembers discussed whether he could come back at a later time to finish.

This agenda item was PRESENTED.

2. [AB2020-387](#) Report from Finance Division
Brad Bennett, Administrative Services Department, gave a second quarter report.

He answered questions about sales tax, construction permitting, and property tax revenue projections compared to actual data; whether the \$2.5 million additional intergovernmental revenue listed in the first table of the quarterly report is from CARES Act money; how confident he is that about \$5 million of general fund expenditures will be reimbursed by the CARES Act; whether figures in the General Fund Conclusion on page 10 of the report are representative of what is currently in the accounts and what the current cash balance is; transfers made to the new health, safety and justice facility fund from the general fund; whether revenue shortfalls in the jail from inmate bookings and work crews could be recovered under the CARES

Act rules; and how lodging sales tax is used.

This agenda item was REPORTED.

Committee Discussion and Recommendation to Council

1. [AB2020-383](#) Request Council Approval of the 2020-2021 Criminal Justice Treatment Account Plan Update

Kershner moved that the Agreement be recommended for authorization.

The following staff spoke:

- Jackie Mitchel, Health Department
- Anne Deacon, Health Department

They answered questions about the difference between “CJTA Funding Allocation #1” and “CJTA Funding Allocation #2” as referenced in the plan update, whether additional funding was received for allocation #2, what percentage the County should be paying, whether the Criminal Justice Treatment Account (CJTA) panel is a Council or Executive panel, and why this group is not combined with the Incarceration Prevention and Reduction Task Force (IPRTF).

Kershner's motion that the Agreement be RECOMMENDED FOR AUTHORIZATION carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

2. [AB2020-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology 2020-2021 Washington Conservation Corps Crew Agreement (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Browne moved that the Contract (FCZDBS) be RECOMMENDED FOR AUTHORIZATION. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

3. [AB2020-356](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to amend the 2019

Interlocal and Subrecipient Agreement for the Pollution Identification and Correction Program Non-Dairy Agricultural Technical Assistance in the amount of \$223,932.00 for a total amended contract amount of \$530,182.00 (Council acting as the Flood Control Zone District Board of Supervisors)

Browne moved that the Contract (FCZDBS) be recommended for authorization.

Erika Douglas, Public Works Department, briefed the Councilmembers and answered whether the water quality map is available to the public.

Browne's motion that the Contract (FCZDBS) be RECOMMENDED FOR AUTHORIZATION carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

4. [AB2020-417](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$5,962,796 for a total amended contract amount of \$10,890,796

Clerk's note: This item was skipped and they returned to it after item number 10.

5. [AB2020-368](#) Ordinance amending the 2020 Whatcom County Budget, request no. 17, in the amount of \$871,548

Browne moved that the Ordinance be recommended for adoption.

The following people spoke:

- Erika Lautenbach, Health Department Director
- Kathleen Roy, Health Department
- Karen Goens, Administrative Services Department
- Satpal Sidhu, County Executive
- Tyler Schroeder, Executive's Office

Cathy Halka, Council Legislative Analyst, clarified the order of agenda items.

Staff answered questions about the goals of the Communications Specialist position and who the communication is trying to target, the funding sources for the requests, why they were lumped together in one request, whether

there will be a separate contract for the Western Washington University social marketing campaign, why the Communications Specialist position is funded through the Health Department and not through the Unified Command, and whether the three positions will go away when the CARES Act funding goes away.

Byrd moved to pull the Health Department related item out of the Ordinance and have it broken up so that each of the programs are individual line items.

Councilmembers, Sidhu, and staff discussed the motion, how long the County has to spend the money, whether the intention of the motion is to pull the entire supplemental budget request or just the specific one regarding the Health Department, whether the intent is to pull out the item and vote on it tonight or wait for two weeks, and whether the Health Department could give them more information on the item by tonight's meeting.

Byrd withdrew his motion.

Browne's motion that the Ordinance be RECOMMENDED FOR ADOPTION failed by the following vote:

Aye: 1 - Browne

Nay: 2 - Byrd and Kershner

Absent: 0

6. [AB2020-371](#) Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct

Browne moved that the Ordinance be recommended for adoption.

Councilmembers discussed why this item is scheduled in the Finance and Administrative Services Committee.

Browne's motion that the Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

7. [AB2020-377](#) Ordinance amending the 2020 Whatcom County Budget, request no. 18, in the amount of \$220,000

Browne moved that the Ordinance be recommended for adoption.

Anne Deacon, Health Department, briefed the Councilmembers and answered questions about whether this includes any additional funding that they have received through the CARES Act or other programs, whether the \$200,000 is new funding or part of existing funding, whether housing assistance is going to a single entity, and whether associated contracts would come back to the Council if they approve the budget on this item.

Browne moved to call the question.

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

Aye: 3 - Browne, Kershner, and Byrd

Nay: 0

Browne's motion that the Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:

Aye: 2 - Browne and Kershner

Nay: 1 - Byrd

Absent: 0

8. [AB2020-396](#) Request authorization for the County Executive to enter into this Memorandum of Agreement between Whatcom County and PeaceHealth St. Joseph Medical Center and Opportunity Council and Unity Care NW to initiate a capital campaign for the construction of the “The Way Station” at the County owned building at 1500 State St. in Bellingham, that will provide services to people who are homeless and living either in shelters or who are unsheltered

Browne moved that the Memorandum of Agreement be recommended for authorization.

The following staff spoke:

- Anne Deacon, Health Department
- Tyler Schroeder, Executive's Office

Staff answered how other Health Department services would be impacted by locating “The Way Station” at the County owned building at 1500 State St. in Bellingham.

Byrd moved to recommend that the Memorandum of Agreement be HELD

IN COMMITTEE and that they have a presentation on it at the next meeting. The motion carried by the following vote:

Aye: 2 - Byrd and Kershner

Nay: 1 - Browne

Absent: 0

9. [AB2020-388](#) Resolution accepting the 2015 Comprehensive Economic Development Strategy (CEDS) Project List update

Browne moved that the Resolution be recommended for approval.

Tyler Schroeder, Executive's Office, answered why projects are still on the list that have already been completed and whether this list is only projecting expenses in the future or just reflecting the whole cost of the projects since much of the money has already been spent.

Browne's motion that the Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

10. [AB2020-392](#) Amendment 2 to Resolution 2019-061 for unrepresented Whatcom County employees

Browne moved that the Resolution be recommended for approval.

Karen Goens, Administrative Services Department, briefed the Councilmembers.

She and the following staff answered questions:

- Tyler Schroeder, Executive's Office
- Brad Bennett, Administrative Services Department

They answered who can use the provisions of the Resolution, whether the additional funding of \$23.674 million received by the County as referenced in a COVID-19 funding summary can be used to pay out staff for vacation they are not able to use, and whether there is something similar for employees represented in bargaining groups.

Browne's motion that the Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:

Aye: 2 - Byrd and Kershner

Nay: 0

Absent: 1 - Browne

4. [AB2020-417](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$5,962,796 for a total amended contract amount of \$10,890,796

Kershner moved that the Interlocal be recommended for authorization.

Kathleen Roy, Health Department, answered whether this is just an agreement to accept the funding and not an expense request at this time and she briefed the Councilmembers.

Dana Brown-Davis, Clerk of the Council, spoke about the order of the item on the agenda and stated this item needs to be approved prior to the related budget supplemental in the Council meeting.

Kershner's motion that the Interlocal be RECOMMENDED FOR AUTHORIZATION carried by the following vote:

Aye: 2 - Byrd and Kershner

Nay: 0

Absent: 1 - Browne

Council "Consent Agenda" Items

1. [AB2020-375](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S. Department of Justice for FY20 Coronavirus Emergency Supplemental Funding, in the amount of \$43,145.00

Kershner moved that the Agreement be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

2. [AB2020-380](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2021, in the amount of \$0

Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

3. [AB2020-381](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Program-Funded State and Local Task Force Agreement FY2021, in the amount of \$38,360.50

Browne moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

4. [AB2020-386](#) Request authorization for the County Executive to renew an interlocal agreement between Whatcom County and the Department of Corrections for the housing and care of Department of Corrections offenders in the Whatcom County Jail

Browne moved that the Interlocal be recommended for authorization by consent.

Doug Chadwick, Undersheriff, answered why the per diem rate being charged to Department of Corrections for the State is discounted.

Browne's motion that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT carried by the following vote:

Aye: 2 - Browne and Kershner

Nay: 0

Absent: 0

Abstain: 1 - Byrd

5. [AB2020-395](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family & Community Network in the amount of \$80,000 for a total amended contract amount of \$145,000

Browne moved that the Contract be recommended for authorization by

consent.

Joe Fuller, Health Department, answered questions about the background of contract, who provides the services, why it is being amended, whether the County is collecting data about this program on a local level and where that data can be found, and whether that information could be included in requests going forward.

Browne's motion that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

6. [AB2020-399](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Meridian School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

Browne moved that the Interlocal be recommended for authorization by consent.

Browne briefed the Councilmembers and he and Tyler Schroeder, Executive's Office, answered why the cost per device is higher for Lynden and Mt. Baker school districts, whether the total annual cost includes items other than the hot spots, whether this money has to be spent on the hot spots and Wi-Fi, whether State funding for the districts has decreased, whether this money could be spent in a better way, whether they would be pre-paying for the whole year, and whether schools are paying for the already-funded daycare facilities that are being held in the schools.

Browne's motion that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

7. [AB2020-400](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Nooksack Valley School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

Browne moved that the Interlocal be RECOMMENDED FOR

AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

8. [AB2020-401](#) Requesting authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker School District for costs associated with distance instruction and learning due to the COVID-19 emergency in an amount not to exceed \$130,000

Browne moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

9. [AB2020-402](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000
Title revised 9.29.2020 to change "COVID-10" to "COVID-19."

Browne moved that the Interlocal be recommended for authorization by consent.

Kershner moved to amend and fix the scrivener's error in the title to change COVID-10 to COVID-19.

The motion to amend carried by the following vote:

Aye: 3 - Kershner, Browne, and Byrd

Nay: 0

Browne's motion that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT WITH PROPOSED AMENDMENT carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

10. [AB2020-403](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Blaine School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

Browne moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

11. [AB2020-404](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Lynden School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

Browne moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

12. [AB2020-405](#) Request authorization for the County Executive to enter a contract amendment between Whatcom County and Cascadia Law Group PLLC to expand the Scope of Work and increase the compensation by \$25,000 to a total consideration not to exceed \$69,000

Browne moved that the Contract be recommended for authorization by consent.

Dana Brown-Davis, Clerk of the Council, answered whether they could vote on this item since they made a motion to not recommend adoption of the appropriations earlier for AB2020-368.

Karen Frakes, Prosecuting Attorney's Office, answered questions about amounts of the total appropriation and the contract amendment. Of the \$50,000 in the appropriation only \$25,000 is counted in the \$69,000 contract total. This is our second contract with Cascadia Law Group PLLC and \$69,000 is the new total for this amended contract with the \$25,000 figured in. We may not have to spend all of the \$50,000 appropriated but it

keeps us from going through the two-step process again if the contract needs to be amended.

Councilmembers discussed the motion.

Browne's motion that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT failed by the following vote:

Aye: 1 - Browne

Nay: 2 - Byrd and Kershner

Absent: 0

13. [AB2020-410](#) Requests authorization for the County Executive to negotiate and enter into an agreement with PogoZone Internet Solutions for rural broadband access in an amount not to exceed \$110,000 to provide access to distance learning for approximately 200 households

Browne moved that the Contract be recommended for authorization by consent.

Councilmembers discussed the motion.

Tyler Schroeder, Executive's Office, spoke about a concern that the title of the item does not match the substance of the document as it relates to who would be served by the contract and stated he would give them more information on that as well as the monthly breakdowns and unit costs for this evening's meeting.

Browne's motion that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT carried by the following vote:

Aye: 2 - Browne and Kershner

Nay: 1 - Byrd

Absent: 0

14. [AB2020-412](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Bellingham Food Bank for costs associated with food insecurity resulting from the COVID-19 emergency in an amount not to exceed \$400,000

Browne moved that the Contract be recommended for authorization by consent.

Satpal Sidhu, County Executive, briefed the Councilmembers and stated there is a revised memo.

Tyler Schroeder, Executive's Office, stated the total amount has been amended to \$475,000.

Councilmembers and staff discussed the item.

Browne's motion that the SUBSTITUTE Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT carried by the following vote:

Aye: 2 - Browne and Byrd

Nay: 0

Absent: 0

Temp Absent: 1 - Kershner

Other Business

There was no other business.

Adjournment

The meeting adjourned at 12:35 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Tyler Byrd-via email 10/13/2020

Dana Brown-Davis, Council Clerk

Tyler Byrd, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE