

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

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
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Committee Minutes - Final

VIRTUAL MEETING - ENDS NO LATER THAN 12:30 P.M.

Tuesday, June 16, 2020

9:55 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 9:55 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

County Executive's Report

Satpal Sidhu, County Executive, stated there was no Executive report.

Committee Discussion and Recommendation to Council

1. [AB2020-093](#) Ordinance amending Whatcom County Code 1.32, Public Records, to delete provisions related to exhaustion of administrative remedies

Kershner moved that the ordinance be recommended for adoption.

Karen Frakes, Prosecuting Attorney's Office, briefed the Councilmembers on the proposed ordinance.

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

2. [AB2020-164](#) Ordinance closing the Lighthouse Marine Park Improvement Fund 362

Kershner moved that the Ordinance be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

3. [AB2020-214](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

Kershner moved that the ordinance be recommended for adoption.

The following people spoke and answered questions:

- Wendy Jones, Sheriff's Office
- Doug Chadwick, Undersheriff

Staff discussed and answered questions about why the policies are not currently online, whether the new policies will be done in less than a year, whether it would be possible to publish sections as they are completed to the website and completing the section concerning use of force first, a possible delay caused by the fact that the Law and Justice Committee is not currently meeting and is not available to review policies before they come to Council, publishing the current use of force policy online, the difference between the correctional facilities policies and the use of force policy, a timeline for completion of the new policies, how much of the original code language will be changed and why the changes are needed, and when the budget for Lexipol was approved.

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

4. [AB2020-224](#) Ordinance amending the 2020 Whatcom County Budget, request no. 13, in the amount of \$13,153,598

Browne moved that the ordinance be recommended for adoption.

The following people spoke:

- Tyler Schroeder, Executive's Office
- Satpal Sidhu, County Executive

Tyler Schroeder, Executive's Office, briefed the Councilmembers and walked through a memo (on file) concerning Coordinated Response to COVID-19 between Whatcom County and the Cities of Whatcom County.

He answered a question about what kind of childcare programs they are looking to use this one-time funding source for and whether that would be setting up expectations in the community for ongoing services that they will not have the funding to continue.

Councilmembers discussed using the dollars for a project that would provide permanent improvement to rural broadband.

Schroeder answered questions about whether this money is already at the State level and not still waiting on the Federal government, what it means that small city funding is still to be determined, whether the dollars could be used for County staff for essential government services if it is COVID-19 related or whether “agency” means non-profit only.

Satpal Sidhu, County Executive, stated reimbursement starts from March 1, 2020 and the County is keeping track of all COVID-19 related work of County staff. The County has to spend the money first and then asked for reimbursement.

Councilmembers and staff discussed agreements with other organizations to use the money, which County funds should be utilized, what will need Council approval, and how much has already been spent.

The following staff spoke and answered questions:

- Erika Lautenbach, Health Department Director
- Kathleen Roy, Health Department
- Karen Frakes, Prosecuting Attorney's Office
- Joh Hutchings, Public Works Department Director

Lautenbach and Roy spoke about a Department of Health grant that they have already spent, making it so they will not have to draw on the \$5 million for Health Department response.

Councilmembers and Schroeder continued to discuss the ordinance, the timing of using the CARES Act money and how the funding could be used.

Karen Frakes, Prosecuting Attorney's Office, spoke about permit applications and the permitting process during the COVID-19 crisis.

Jon Hutchings, Public Works Department Director, answered a question about whether the Northshore Drive/Edgewater Lane stormwater improvement project is normally funded out of Real Estate Excise Tax (REET) II funds and whether maintenance of the projects comes out of a different fund.

Councilmembers and Schroeder discussed whether funding for the proposed homeless isolation facility at the former Terra Organica store is part of the CARES funding, why it did not come back to the Council when the money was repurposed for a different facility, and looking at the philosophy around the business allocation of the CARES money and focusing on businesses that are likely to survive post-COVID-19.

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

5. [AB2020-226](#) Ordinance amending the project budget for the Northshore Drive/Edgewater Lane Stormwater Improvements Fund, request no. 1

Browne moved that the ordinance be adopted.

Councilmembers discussed the motion and whether the money should come out of a different fund.

The following people spoke and answered questions:

- Jon Hutchings, Public Works Department Director, answered a question about the Real Estate Excise tax (REET) II fund and what it can be used on.
- Tyler Schroeder, Executive's Office, answered a question about the balance of the REET fund and whether this project was part of the budget.
- Kraig Olason, Public Works Department, gave more explanation on the project.

Browne stated that if they are going to spend government money he would like to see it go into as many local hands as possible.

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

6. [AB2020-208](#) Resolution requesting authorization to make an application and enter into a grant

agreement with the Washington State Recreation and Conservation Office for South Fork Park trail development

Browne moved that the resolution be recommended for approval.

Mike McFarlane, Parks and Recreation Department Director, briefed the Councilmembers.

Byrd spoke about whether this item is a priority.

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

7. [AB2020-209](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for development of Birch Bay Beach Park

Browne moved that the resolution be recommended for approval.

Mike McFarlane, Parks and Recreation Department Director, answered questions about whether this project is connected to the Birch Bay Berm project, whether this is a new beach park, and whether this is different than Birch Bay State Park.

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

Council "Consent Agenda" Items

1. [AB2020-167](#) Request authorization for the County Executive to amend a contract between Whatcom County and U.S. Department of Agriculture, Forest Services Baker Lake overtime patrols modifying the Annual Operating Plan in the amount of \$21,900.00 for 2020 with estimated period beginning May 1, 2020 and ending September 30, 2020 and updates to the contact information for Whatcom County

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

Doug Chadwick, Undersheriff, briefed the Councilmembers.

Schroeder responded to a question about what the threshold is for contracts needing Council approval.

Chadwick answered what the normal response time is for Baker Lake.

The motion carried by the following vote:

Aye: 3 - Browne, Byrd, and Kershner

Nay: 0

Clerk's note: This item was clarified and a vote taken again later in the meeting. Discussion took place after Agenda item AB2020-182 and again after AB2020-183. The final action below reflects the vote on the substitute version after the aforementioned further discussion.

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

2. [AB2020-182](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections to provide commercial waste reduction, recycling, and food waste recovery initiatives, in the amount of \$95,000

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

Jeff Hegedus, Health Department, briefed the Councilmembers and answered whether the amount of the contract is going up, and whether the food diversion is edible food, and whether this is a state-mandated fund or if it is something the voters in Whatcom County elected to tax themselves on.

Councilmembers discussed the item with Hegedus and he answered whether this is a new contract, and whether Sustainable Connections is working with the food banks.

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

[AB2020-167](#) Request authorization for the County Executive to amend a contract between Whatcom County and U.S. Department of Agriculture, Forest Services Baker Lake overtime patrols modifying the Annual Operating Plan in the amount of \$21,900.00 for 2020 with estimated period beginning May 1, 2020 and ending September 30, 2020 and updates to the contact information for Whatcom County

Clerk's note: The first part of the discussion on this item is under AB2020-167 above.

Byrd referred back to AB2020-167 and clarified that the contract had been amended from what was in the packet so the interlocal voted on was a substitute.

Dana Brown-Davis, Clerk of the Council, stated she needed to be clear that they had voted on the substitute version. The total contract amount remains at \$21,900, but the hourly compensation changed from \$78 to \$85.

Councilmembers moved to the next item until they received more information about the substitute interlocal.

3. [AB2020-183](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pioneer Human Services to lease the Whatcom County Behavioral Health Crisis Triage Center, in an annual amount of \$10,056

Kershner moved that the agreement be recommended for authorization by consent.

Anne Deacon, Health Department, briefed the councilmembers and answered why they are only covering a portion of the utility expenses and whether this is a for-profit or non-profit entity.

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

[AB2020-167](#) Request authorization for the County Executive to amend a contract between Whatcom County and U.S. Department of Agriculture, Forest Services Baker Lake overtime patrols modifying the Annual Operating Plan in the amount of \$21,900.00 for 2020 with estimated period beginning May 1, 2020 and ending September 30, 2020 and updates to the contact information for Whatcom County

Clerk's note: This is a continuation of a discussion on AB2020-167 above. Councilmembers received the substitute version that they should have been voting on. The final vote on this item is shown below and also reflected above in the first discussion on this item.

Browne moved that the substitute interlocal be recommended for authorization by consent.

The motion to recommend the substitute version carried by the following vote and is reflected in the agenda item the first time it was discussed before AB2020-182:

Aye: 3 - Browne, Byrd, and Kershner

Nay: 0

4. [AB2020-225](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Action Cleaning Services to provide custodial service for outside buildings

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

Rob Ney, Administrative Services Department, answered questions about why it appears that the contract is more than doubling in size and custodial services working on satellite buildings.

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

5. [AB2020-228](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kulshan Supported Employment to provide services to adults with developmental disabilities in the estimated annual amount of \$1,066,912 for an estimated total amended contract amount of \$4,533,257

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

6. [AB2020-229](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington Vocational Services to provide services to adults with developmental disabilities in the estimated annual amount of \$258,093 for an estimated total amended contract amount of \$449,318

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

7. [AB2020-230](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Work Opportunities to provide services to adults with developmental disabilities in the estimated annual amount of \$672,138 for an estimated total amended contract amount of \$2,236,299

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

8. [AB2020-239](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Siemens Industry, Inc. for the Technical Support HVAC Controls Service Agreement, in the amount of \$171,837.96

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

Donovan asked if pending questions about this item have been satisfied.

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

9. [AB2020-241](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Dept. of Transportation to obligate additional federal construction funds for the Birch Bay Drive and Pedestrian Facility,

in the amount of \$377,787

Kershner moved that the contract be recommended for authorization by consent.

Jim Karcher, Public Works Department, answered a question about the definition of "obligate" in the contract's title.

Kershner'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

10. [AB2020-242](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Boys and Girls Club of Whatcom County to support operational costs attributed to the addition of 532 childcare slots, in the amount of \$100,000

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

Tyler Schroeder, Executive's Office, answered whether this is funding they can apply for reimbursement for from the CARES Act funds.

Councilmembers discussed the contract and how childcare will be affected by the COVID-19 crisis.

Schroeder answered whether this item could be held until after the CARES funding goes through for the childcare situation and until we can get a better understanding of what the current needs are now and what is not going to be funded.

Councilmembers continued to discuss the childcare issue.

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

Aye: 2 - Browne and Kershner

Nay: 0

Absent: 0

Abstain: 1 - Byrd

11. [AB2020-243](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and Washington State Military Department to receive FEMA Public Assistance funding for COVID-19 response, with the amount to be based on eligible scopes of work

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

The following people answered questions:

Doug Chadwick, Undersheriff
Brad Bennett, Administrative Services Department
Satpal Sidhu, County Executive

They answered questions about what this is for, whether we still plan to ask for FEMA reimbursement, and whether this is for Unified Command or the isolation facility or something else entirely.

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

12. [AB2020-245](#) Request authorization for the County Executive to enter into a contract between Whatcom County and RMC Architects PLLC to provide a feasibility study for the Northwest Annex site, in the amount of \$98,950

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

Aye: 3 - Browne, Byrd and Kershner

Nay: 0

Absent: 0

Other Business

Tyler Schroeder, Executive's Office, answered questions about lease negotiations on a proposed facility on Cornwall Avenue; what the Council's role will be going forward; and whether people with ideas about how the facility should be operated or how the lease might be arranged need to work with the City of Bellingham or a combination of the City, the Health Department and the Lighthouse Mission.

Adjournment

The meeting adjourned at 12:31 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Tyler Byrd-via email 7/29/2020

Dana Brown-Davis, Council Clerk

Tyler Byrd, Committee Chair

Kristi Felbinger, Minutes Transcription

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