

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



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

WHATCOM COUNTY COUNCIL

**AGENDA FOR
JUNE 2, 2020**

ON-LINE MEETING:

11 a.m. – Council (Part 1)

2 p.m. – Committee of the Whole, Executive Session

6 p.m. – Council (Part 2)

Cherry Point Interim Public Hearing (for instructions on how to watch or listen live, submit written comments, or speak at the public hearing, please visit:

www.whatcomcounty.us/3415/Virtual-Council-Public-Hearings

or contact the Council Office at 360.778.5010

COUNCIL AGENDA (PART 1)

REGULAR COUNCIL MEETING
11:00 a.m. Tuesday, June 2, 2020
Virtual Meeting

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

This is Part 1 of a two-part meeting (Part 2 begins this evening at 6 p.m.). Councilmembers will participate in this meeting remotely through an online web-based meeting platform and will NOT be present in the Courthouse for this meeting. Per Washington State Proclamation, in-person attendance at meetings is prohibited at this time. The public is invited to email written comments to the Council at council@co.whatcom.wa.us. A live stream of the meeting will be available for viewing through the Council's Legislative Information Center.

EXECUTIVE REPORT

OTHER ITEMS

1. AB2020-223 Resolution authorizing an application to the Brian Abbott Fish Barrier Removal Board for Construction Funding for North Fork Road/Kenney Creek Fish Passage Project, CRP No. 919007
Pages 1 - 5
2. AB2020-219 Discussion and update on strategies and other items related to COVID-19
Page 6
3. AB2020-222 Ordinance clarifying the procedure for the Whatcom County Council's and senior staff's access to information during the COVID-19 pandemic
Pages 7 - 9
4. AB2020-234 Discussion regarding goals, guidelines, and approach to updating current and future budgets
Page 10

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. AB2020-224 Ordinance amending the 2020 Whatcom County Budget, request no. 13, in the amount of \$13,153,598
Pages 11 - 24
2. AB2020-226 Ordinance amending the project budget for the Northshore Drive/Edgewater Lane Stormwater Improvements Fund, request no. 1
Pages 25 - 31
3. AB2020-214 Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards
Pages 32 - 37

OTHER ITEMS AND COUNCIL MEMBER UPDATES

RECESS

This meeting will continue at 6 p.m.

COMMITTEE AGENDA

COMMITTEE OF THE WHOLE – EXECUTIVE SESSION

2:00 p.m. Tuesday, June 2, 2020

Virtual Meeting

1. AB2020-221 Discussion of pending litigation with Civil Deputy Prosecutor George Roche: Toppin & Laule v. Whatcom County & Babson
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]
Page 38

OTHER BUSINESS

ADJOURN

COUNCIL AGENDA (PART 2)

REGULAR COUNCIL MEETING

6:00 p.m. Tuesday, June 2, 2020

Virtual Meeting

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

Councilmembers will join this meeting remotely through an online web-based meeting platform. For instructions on how to watch or listen live, submit written comments, or speak at the public hearing, please visit <http://www.whatcomcounty.us/3415/Virtual-Council-Public-Hearings> or contact the Council Office at 360.778.5010. Thank you.

PUBLIC HEARINGS

For instruction on how to watch or listen live, submit written comments, or speak during the public hearing, please visit <http://www.whatcomcounty.us/3415/Virtual-Council-Public-Hearings> or contact the Council Office at 360.778.5010. Thank you.

1. AB2020-217 Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
Pages 39 - 43



Whatcom County

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311 Grand Avenue, Ste #105
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Agenda Bill Master Report

File Number: **AB2020-223**

File ID:	AB2020-223	Version:	1	Status:	Agenda Ready
File Created:	05/20/2020	Entered by:	SMock@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Resolution		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Resolution authorizing an application to the Brian Abbott Fish Barrier Removal Board for construction funding for North Fork Road/Kenney Creek Fish Passage Project, CRP No. 919007

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This resolution authorizes submitting an application for grant funding assistance for a fish barrier removal project to the Brian Abbott Fish Barrier Removal Board in RCW 77.95.160 managed through the Recreation and Conservation Office

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Memo, Proposed Resolution

Jon Hutchings
Director



James P. Karcher, P. E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6200
Fax: (360) 778-6201

Memorandum

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

Through: Jon Hutchings, Director

From: James P. Karcher, P.E., County Engineer *gpk*
James E. Lee, P.E., Engineering Manager *JEL*

Date: May 13, 2020

Re: **Resolution Authorizing an Application to the Brian Abbott Fish Barrier Removal Board for Construction Funding North Fork Road/Kenney Creek Fish Passage Project, CRP No. 919007**

Enclosed for your review and signature is one original of a Whatcom County Council resolution.

Requested Action

Public Works respectfully requests the County Council approve a resolution which authorizes Public Works to submit an application to the Brian Abbott Fish Barrier Removal Board (FBRB) for grant funding assistance for the construction phase of the project referenced above. The resolution also authorizes the Whatcom County Executive to enter into a grant agreement with the Washington State Recreation and Conservation Office (RCO). Signature of this resolution is necessary in order to meet the upcoming grant application deadline and potentially secure state funding for this project.

Background and Purpose

Whatcom County received \$442,500 in grant funds from the Washington State Recreation and Conservation Office (RCO) in September of 2019 to complete preliminary engineering, an alternatives analysis, and prepare a final bid-ready package to remove a fish passage barrier on Kenney Creek at North Fork Road. This project will restore full fish passage at an existing poorly functioning fishway and culvert where Kenney Creek crosses under North Fork Road approximately 1-mile north of Mosquito Lake Road.

The RCO requires an authorizing resolution to submit a grant funding application for the construction phase of this project. The RCO uses a standard template preapproved by the Washington State Attorney General's Office; this template was retained and formatted to meet Whatcom County Council standards.

Funding Amount and Source

The preliminary cost estimate for the construction phase is approximately \$3.5 Million. If awarded construction funding, the expected local match will be 15% of the total construction cost and the grant funds will be available in July of 2021. Construction is anticipated in 2022 if successful in obtaining construction funding. This project is listed as Item No. 30 on the 2020 Annual Construction Program.

Please contact Doug Burghart at extension 6277 if you have any questions or concerns regarding this resolution.

RESOLUTION NO. _____

(A resolution of the Whatcom County Council)

**AUTHORIZATION FOR APPLICATION TO THE BRIAN ABBOTT FISH BARRIER REMOVAL BOARD -
FISH BARRIER REMOVAL CONSTRUCTION FUNDS FOR KENNEY CREEK AT NORTH FORK ROAD
(RCO Project No. 20-1738 Restoration)**

WHEREAS, the Whatcom County Council seeks funding to pay for construction of the project designed under the authorization provided by Resolution 2019-032 that will remove the high priority barrier to salmon passage on Kenney Creek at North Fork Road in Whatcom County, Washington; and

WHEREAS, this resolution authorizes submitting an application for grant funding assistance for a fish barrier removal project to the Brian Abbott Fish Barrier Removal Board in RCW 77.95.160 managed through the Recreation and Conservation Office (Office); and

WHEREAS, state grant assistance is requested to aid in financing the cost of project construction for the project referenced above; and

WHEREAS, the Whatcom County Council considers it in the best public interest to complete the project described in the application.

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

1. Our organization intends to apply for funding assistance managed by the Office for the above Fish Barrier Removal Construction Funds for Kenney Creek at North Fork Road project.
2. Satpal Singh Sidhu, Whatcom County Executive, is authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).
3. Jon Hutchings, Public Works Director, is designated the authority to make formal grant application to the Office and to oversee and delegate implementation of the day-to-day management of the grant.
4. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's Website at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf> . We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.
5. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that

includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

6. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.
7. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.
8. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.
9. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
10. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.
11. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.
12. This resolution/authorization is deemed to be part of the formal grant application to the Office.

13. Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

APPROVED this ____ day of _____, 2020

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Chairman
Whatcom County Council

APPROVED AS TO FORM:

Christopher Quinn, Senior Deputy Prosecutor

Washington State Attorney General's Office

Approved as to form *Bruce Tallen* 1/19/18
Assistant Attorney General *Date*



Whatcom County

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

Agenda Bill Master Report

File Number: **AB2020-219**

File ID:	AB2020-219	Version:	1	Status:	Agenda Ready
File Created:	05/13/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Discussion		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/19/2020	Council	DISCUSSED	

Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
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Agenda Bill Master Report

File Number: AB2020-222

File ID:	AB2020-222	Version:	1	Status:	Introduced
File Created:	05/19/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Ordinance clarifying the procedure for the Whatcom County Council's and senior staff's access to information during the COVID-19 pandemic

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance clarifying the procedure for the Whatcom County Council's and senior staff's access to information during the COVID-19 pandemic

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/19/2020	Council	INTRODUCED	Council

Attachments: Proposed Ordinance for 6.2.2020

6
7 **ORDINANCE NO. _____**
8

9 **CLARIFYING THE PROCEDURE FOR THE**
10 **WHATCOM COUNTY COUNCIL'S AND SENIOR STAFF'S ACCESS**
11 **TO INFORMATION DURING THE COVID-19 PANDEMIC**
12

13 **WHEREAS**, the staff of the Whatcom County Health Department were previously stretched
14 very thin as they responded to the initial phase of the COVID-19 crisis. To minimize the workload,
15 the Whatcom County Council and others were asked to funnel questions for the Whatcom Unified
16 Command, through the Health Department Director, and
17

18 **WHEREAS**, the process of requiring information requests to be submitted through the
19 Health Department Director can impair Councilmember's and Senior Staff's ability to receive the
20 information they need to execute their responsibilities in a timely fashion, and
21

22 **WHEREAS**, as the first wave of the crisis has past and the focus is shifting to economic
23 considerations, which will require the equal participation of all branches of government it appears
24 to be a good time to revisit how Councilmembers and Senior Staff may access information in the
25 future.
26

27 **WHEREAS**, for the purposes of this resolution "Senior Staff" shall mean senior staff
28 employed by Whatcom County, senior staff employed by other local agencies and governments,
29 and any persons serving in a leadership or management position within Unified Command.
30

31 **NOW, THEREFORE, BE IT ORDAINED**, by the Whatcom County Council acting as the
32 Whatcom County Health Board, the Whatcom County Health Department shall:
33

- 34 1. Use best efforts to ensure that any requests for information made by any
35 Councilmember(s) or Senior Staff shall be processed as promptly, completely, as they
36 would for any other official or senior staff employed by Whatcom County, and
37
- 38 2. Ensure Councilmember(s) and Senior Staff have equal access to all future COVID-19
39 briefings, materials and meetings provided or scheduled by all state and local
40 authorities, agencies, governments, and advisory boards. Notice shall include all
41 necessary information to access the meetings in real time and any minutes or recordings
42 of the meetings. Notice shall be provided to council staff who shall create calendar
43 invitations to Councilmembers (it is understood that to avoid quorum issues
44 councilmembers made need to participate in briefings in listen only mode), and
45
46
47

1
2 **NOW, THEREFORE, BE IT FURTHER ORDAINED**, by the Whatcom County Council that
3 the Whatcom Unified Command shall also use best efforts to ensure any requests for information
4 made by a Councilmember(s) or Senior Staff shall be processed as promptly and completely as
5 they would for any official or senior staff employed by Whatcom County.
6

7 **ADOPTED** this ____ day of _____, 2020.

8
9
10 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

11
12 _____
13 Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

14
15
16 APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

17
18 _____
19
20 Civil Deputy Prosecutor

Satpal Singh Sidhu, County Executive

21
22 () Approved () Denied

23
24 Date Signed: _____



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
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Agenda Bill Master Report

File Number: AB2020-234

File ID:	AB2020-234	Version:	1	Status:	Agenda Ready
File Created:	05/27/2020	Entered by:			
Department:		File Type:	Discussion		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Discussion regarding goals, guidelines, and approach to updating current and future budgets

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion regarding goals, guidelines, and approach to updating current and future budgets

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:



Whatcom County

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

Agenda Bill Master Report

File Number: **AB2020-224**

File ID:	AB2020-224	Version:	1	Status:	Agenda Ready
File Created:	05/20/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 13, in the amount of \$13,153,598

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #13 requests funding from the General Fund:

1. To appropriate \$32,000 in Health to fund COVID-19 flex funding from substance abuse block grant proceeds.

From the Election Reserve Fund:

2. To appropriate \$286,098 to fund ballot sorter equipment from CARES Act grant.

From the Behavioral Health Programs Fund:

3. To appropriate \$64,000 to fund increase in GRACE project funding from ACH grant.

From the COVID-19 Emergency Response Fund:

4. To appropriate \$12,391,500 to fund COVID-19 community response programs from CARES Act grant.

From the Real Estate Excise Tax II Fund:

5. To appropriate \$380,000 to fund transfer in support of construction phase of Northshore/Edgewater Stormwater Improvement Project.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Proposed Ordinance, Supplemental Summary, Requests

**ORDINANCE NO.
 AMENDMENT NO. 13 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			
Health	32,000	(32,000)	-
Total General Fund	32,000	(32,000)	-
Election Reserve Fund	286,098	(286,098)	-
Behavioral Health Programs Fund	64,000	(64,000)	-
COVID-19 Emergency Response Fund	12,391,500	(12,391,500)	-
Real Estate Excise Tax II Fund	380,000	-	380,000
Total Supplemental	13,153,598	(12,773,598)	380,000

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
 WHATCOM COUNTY, WASHINGTON

 Dana Brown-Davis, Council Clerk

 Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by email/C Quinn/M Caldwell
 Civil Deputy Prosecutor

 Satpal Sidhu, County Executive

Date: _____

WHATCOM COUNTY				
Summary of the 2020 Supplemental Budget Ordinance No. 13				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Health	To fund Covid-19 flex funding from substance abuse block grant proceeds	<u>32,000</u>	<u>(32,000)</u>	-
Total General Fund		32,000	(32,000)	-
Election Reserve Fund	To fund ballot sorter equipment from CARES Act grant	286,098	(286,098)	-
Behavioral Health Programs Fund	To increase GRACE Project funding from ACH grant	64,000	(64,000)	-
COVID-19 Emergency Response Fund	To fund COVID-19 community response programs from CARES Act grant	12,391,500	(12,391,500)	-
Real Estate Excise Tax II Fund	To fund transfer in support of construction phase of Northshore/Edgewater Stormwater Improvement Project	<u>380,000</u>	-	<u>380,000</u>
Total Supplemental		<u>13,153,598</u>	<u>(12,773,598)</u>	<u>380,000</u>

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID #: 3065

Fund 1

Cost Center 675500

Originator: Kathleen Ry

Year 2 2020

Add'l FTE

Priority 1

Name of Request: SABG Covid-19 Flex Funding (NSBHASO)

X

Department Head Signature (Required on Hard Copy Submission)

Date

Approved by email

Kathleen Ry Erika Lautenbach 5/12/20

Costs:	Object	Object Description	Amount Requested
	4333.9959	DASA Prevention	(\$32,000)
	6610	Contractual Services	\$32,000
	Request Total		\$0

1a. Description of request:

We are requesting expenditure authority of new Substance Abuse Block Grant (SABG) funding to support local partners providing support services during the Covid-19 disease outbreak. This funding will be used to increase services and assistance through contracted community partners.

1b. Primary customers:

SABG COVID Flex Funds are designed to be used to support Whatcom County residents who are currently experiencing substance use disorder or are at risk of experiencing substance use disorder and who are in need of assistance to prevent the transmission of the COVID-19 virus.

2. Problem to be solved:

The COVID pandemic has created significant challenges for everyone, but especially for vulnerable individuals struggling with substance use disorder and other behavioral health issues. Lack of housing, resources, and access to support create an increased risk to this population for COVID virus exposure and infection. Increased risk of COVID exposure of this vulnerable population subsequently increases the risk of COVID transmission to others in the community.

3a. Options / Advantages:

SABG Flex Funds will be utilized to provide essential hygiene items, personal protective equipment, support and assistance for individuals in the Isolation and Quarantine facility and for those who are currently experiencing homelessness and have an increased risk of COVID exposure. The funds will also be used to provide rental assistance for individuals.

3b. Cost savings:

Utilization of SABG Flex Funds will reduce the need to use local county funds to address public health issues.

4a. Outcomes:

Outcomes include a reduced risk of COVID infection through PPE use and hygiene product use in addition to increased safety for individuals housed who are experiencing homelessness. Reduction of exposure risk for the recipients receiving assistance in turn reduces the transmission risk to the greater community.

4b. Measures:

Measures will include the number of individuals served as well as maximum use of this additional SABG funding award.

5a. Other Departments/Agencies:

n/a

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3065

Fund 1

Cost Center 675500

Originator: Kathleen Ry

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

n/a

6. Funding Source:

Substance Abuse Block Grant (SABG) originates federally, via Substance Abuse and Mental Health Services Administration (SAMHSA). This funding is passed through North Sound Behavioral Health Administrative Support Organization BH/ASO to Whatcom County.

Supplemental Budget Request

Status: Pending

Auditor

Suppl ID # 3063 **Fund 1** **Cost Center 10925** **Originator: Diana Bradrick**

Expenditure Type: One-Time **Year 2 2020** **Add'l FTE** **Add'l Space** **Priority 1**

Name of Request: CARES Grant-Ballot Sorter

X	<i>Diana Bradrick by Stacy Hertha</i>	<i>5/19/2020</i>
Department Head Signature (Required on Hard Copy Submission)		Date

Costs:	Object	Object Description	Amount Requested
	4333.9041	HAVA Election Security	(\$286,098)
	7410	Equipment-Capital Outlay	\$286,098
	Request Total		\$0

1a. Description of request:

We have received a CARES Grant with the purpose to provide the County with federal funds and a state matching share of funds as authorized under Section 101 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA) and provided for in the CARES Act, 2020 (Public Law 116-136), for the purpose of preventing, preparing for, and responding to coronavirus, domestically or internationally, for the 2020 Federal elections cycle. We propose expending this grant on an improved ballot sorting system.

1b. Primary customers:

The Voters and staff working in elections.

2. Problem to be solved:

November 3, 2020 is a Federal Election - the largest in a four year election cycle. As a result we use more election workers, and receive more ballots, almost twice what we receive in some General elections. This requires handling potentially contaminated mail-in ballots sometimes in close proximity. The grant provides funding to mitigate risks by providing equipment to allow for social distancing and/or reduce the need to handle ballots. This money needs to be expended for use prior to the November election. It is imperative we do everything we can to protect the health and safety of the election workers. It is our intent to acquire an improved ballot sorter that operates more quickly than our current system and eliminates the need to slice envelopes as a separate step and manually remove challenged ballots from ballot groups.

3a. Options / Advantages:

There are no other options.

3b. Cost savings:

None.

4a. Outcomes:

The procurement and implementation of a new ballot sorter for use by the November 3, 2020 election.

4b. Measures:

The system is in place and operating.

5a. Other Departments/Agencies:

The installation will need to be done in coordination with the county IT department and integrated with the State VoteWA voter registration/EIMS system.

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

Perry Rice will help coordinate the initial installation, Stuart Holms at the Secretary of State's office will ensure integration with VoteWA

Supplemental Budget Request

Status: Pending

Auditor

Suppl ID # 3063

Fund 1

Cost Center 10925

Originator: Diana Bradrick

6. Funding Source:

CARES Grant.

Tuesday, May 19, 2020

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3064

Fund 124

Cost Center 124118

Originator: Kathleen Roy

Year 2 2020

Add'l FTE

Priority 1

Name of Request: NS ACH Funding for GRACE during Covid-19

X  Approved by email
Erika Lautenbach 5/12/20
Department Head Signature (Required on Hard Copy Submission) Date

Costs:	Object	Object Description	Amount Requested
	4332.9330	Medicaid Transformation	(\$64,000)
	6610	Contractual Services	\$54,761
	8351	Operating Transfer Out	\$9,239
	Request Total		\$0

1a. Description of request:

We are requesting expenditure authority to utilize additional funding from the North Sound Accountable Community of Health(ACH) to provide support for vulnerable populations who are impacted by the COVID-19 outbreak. This support will be provided through the GRACE (Ground-level Response and Coordinated Engagement) program.

1b. Primary customers:

Whatcom County residents who frequently use emergency systems ineffectively, to include additional residents who have been impacted by COVID-19

2. Problem to be solved:

The GRACE program continues to provide intensive case management and medical services to 80 members, but has had to modify their service delivery model in order to minimize the transmission of COVID-19. Outreach and engagement activities require innovative virtual strategies. The ability for GRACE to bill and receive reimbursement from Medicaid/Medicare for medical services has been compromised. Additionally, GRACE has had to provide medical consultation services to agencies dealing with the impacts of COVID-19, but are not receiving reimbursement for some of these services.

3a. Options / Advantages:

The ability to utilize additional funding from the ACH will minimize financial losses to the GRACE program.

3b. Cost savings:

Use of funding from the ACH will reduce the financial burden on county funds.

4a. Outcomes:

GRACE will continue to provide all services without the need to reduce staff.

4b. Measures:

Current contract performance measures will be met, which include regular contact with and support to GRACE members, and medical consultation to the Drop-in Center and COVID Isolation and Quarantine Facility No. 1.

5a. Other Departments/Agencies:

n/a

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

n/a

6. Funding Source:

Tuesday, May 12, 2020

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3064

Fund 124

Cost Center 124118

Originator: Kathleen Roy

North Sound Accountable Community of Health

Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3066 **Fund** 134 **Cost Center** **Originator:** Tawni Helms

Year 1 2019 Add'l FTE Priority 1

Name of Request: CARES Act Funding

X		5/19/2020 Date
Department Head Signature (Required on Hard Copy Submission)		

Costs:	Object	Object Description	Amount Requested
	4333.8350	Disaster Assistance	(\$12,391,500)
	6610	Contractual Services	\$12,391,500
	Request Total		\$0

1a. Description of request:

Whatcom County is expecting to receive \$12,391,500 dollars from the Federal Coronavirus Aid, Relief, and Economic Security Act (CARES). These funds will be processed through the State Department of Commerce (Commerce). Commerce will be distributing award letters as soon as this week which will include information on the funding process and guidelines.

The Whatcom County COVID-19 CARES Actd Relief funding is delinieated as follows:

Public Health Emergency Reponse (40%) Health Dept. Response, WUC efforts, Testing, PPEs, etc.	\$4,956,500
Economic & Business Response (15%) Business Recovery, Child Care, Agriculture, Restaurant and Service Oriented	\$1,858,725
Food, Housing & Human Services (15%) Food and Housing Security, Homeless Shelter	\$1,858,725
Essential Government Services (15%) County Operations impacted	\$1,858,725
Reserves (15%)	\$1,858,725

1b. Primary customers:

Whatcom County Government and Whatcom County taxpayers.

2. Problem to be solved:

The COVID-19 pandemic has had a global impact. The County's response has come at a cost and Federal funding is now available to help mitigate some of the financial impacts.

Deployment of these limited funds requires comprehensive collaboration thoroughout the community. The County is working with the cities on the development of coordinated and focused priorities and local guidelines to ensure funds are targeted and results are measurable. This shows the importance of coordinating our efforts as best we can throughout the County.

3a. Options / Advantages:

Whatcom County in collaboration with the cities is implementing a focused plan to get these grant dollars out to help operate in a COVID safe environment.

Non-Departmental

Suppl ID # 3066

Fund 134

Cost Center

Originator: Tawni Helms

3b. Cost savings:

These dollars will help to mitigate the overall impact to the County General Fund due to the COVID-19 response.

4a. Outcomes:

Initial discussions have been focused on the following preliminary framework;

1. Public Health Emergency Respons: Assist our community with the costs associated with the Public Health response: including PPE, testing solutions and employee expenses for those substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

2. Economic and Business Respons: Work with the Regional Economic Partnership, to provide our local businesses with economic support to reimburse the cost of business interruption and to focus efforts on business recovery and operate in a safe manner as businesses open back up.

3. Food, Housing and Human Services Respons: Provide economic support for continued food delivery, housing security and care for the vulnerable homeless individuals to enable compliance with COVID-19 public health precautions

4. Essential Government Service: Cover COVID-19 related expenses reasonably necessary to the function of essential government operations

4b. Measures:

Resources will be made available to keep Whatcom County Safe and Working.

5a. Other Departments/Agencies:

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

6. Funding Source:

Federal CARES Act Funding

Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3061 **Fund** 324 **Cost Center** 32400 **Originator:** Kraig Olason

Expenditure Type: One-Time **Year 2** 2020 **Add'l FTE** **Add'l Space** **Priority** 1

Name of Request: Northshore Drive/Edgewater SW Imp Construction Trf

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

Costs:	Object	Object Description	Amount Requested
	8351.123	Operating Transfer Out	\$380,000
	Request Total		\$380,000

1a. Description of request:

This supplemental is a companion to Suppl ID 3060 to fund Northshore Dr/Edgewater stormwater improvements construction phase.

This project will install a new water quality treatment facility along Northshore Drive in Whatcom County for the purpose of providing phosphorus and total suspended solids (TSS) removal from stormwater runoff prior to the runoff entering Lake Whatcom. In addition to the new treatment facility, a bypass pipe system will be installed to intercept runoff generated by a tributary area characterized by native forest and pasture. These areas are not pollution-generating surfaces and the runoff generated by them does not require treatment unless it mixes with polluted water. By intercepting and bypassing this runoff, the size of the treatment facility is minimized while maintaining a high level of phosphorus removal.

The project area falls within the Academy Creek basin of the Lake Whatcom watershed, located between the intersections of Northshore Drive and Edgewater Lane and Northshore Road and Edgewater Lane along the northeastern shore of Lake Whatcom.

This project is included in the adopted 2020-2025 Six Year Water Resource Improvement Plan adopted by Whatcom County Council.

1b. Primary customers:

Primary customers include all individuals and businesses that rely on Lake Whatcom for their drinking water (100,000 people), as well as environment at large.

2. Problem to be solved:

Lake Whatcom is currently under a TMDL permit as a result of poor water quality and the impacts of algal blooms on public health and other beneficial uses of the lake. The TMDL mandates that Whatcom County and the City of Bellingham develop and implement programs to reduce impacts of phosphorus to the lake. The installation of this project is one of the measures included in the county's listed activities focusing on improving the lake's water quality.

3a. Options / Advantages:

While the project site was originally identified in the Lake Whatcom Comprehensive Plan (CH2M Hill, 2008): Stormwater Program Update as a Media Filter Drain (MFD) treatment facility, the conceptual phase of this project found that high groundwater conditions in the area precluded the use of MFDs. Additional treatment systems were considered in a Technical Memorandum prepared during the conceptual phase of this project (Tetra Tech, 2020), and Contech StormFilter Cartridges with Phosphosorb Media were ultimately selected due to their ability to function with minimal hydraulic drop, ability to enter a bypass mode even when in a backwater condition, and existing use in other locations around Whatcom County.

Supplemental Budget Request

Status: Pending

Non-Departmental

Suppl ID # 3061

Fund 324

Cost Center 32400

Originator: Kraig Olason

3b. Cost savings:

Actual cost savings are difficult to quantify from this project. Efforts to improve water quality in the lake are required by the TMDL permit. Failure to implement the adopted program elements included in the TMDL response could result in fines. The costs of installing the proposed system is offset by the potential to treat an entire subdivision with one treatment facility as opposed to several smaller systems. The costs and convenience of constructing and maintaining one modular wetland rather than several smaller modular wetlands will prove cost effective.

4a. Outcomes:

This project is intended to reduce phosphorus leaving the developed properties within the Lakewood Subdivision. Conservative estimates indicate that phosphorus should be reduced by over 50%. In many cases this reduction could be as much as +60%.

4b. Measures:

The designed system will be able to be monitored to determine the level of treatment being achieved. It is our goal to achieve over 50% phosphorus treatment of the runoff from the outlet pond.

5a. Other Departments/Agencies:

REET II (fund 324) will supply nearly 100% of funds for this project.

This project will require regular inspection, at least annually, and regular maintenance. Modular wetlands don't require cartridge replacements every year like cartridge vaults do, but will require modest regular maintenance and replacement of some or all of the treatment media eventually. Overall it is anticipated that modular wetlands will be less costly on an annual basis than typical cartridge vaults.

Public Works Maintenance and Operations Crew will be tasked with regular maintenance activities. The Stormwater Division will be providing frequent inspections.

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

Vernon Brown - Responsible for managing the NPDES crew which provides maintenance services of all stormwater facilities. Kraig Olason, Stormwater Program Manager, responsible to ensure all inspections are made timely.

6. Funding Source:

REET Fund Balance



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-226

File ID:	AB2020-226	Version:	1	Status:	Agenda Ready
File Created:	05/20/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Ordinance amending the project budget for the Northshore Drive/Edgewater Lane Stormwater Improvements Fund, request no. 1

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requests appropriation of \$380,000 to fund the construction phase of Northshore Drive/Edgewater Lane stormwater improvement project to be funded by a transfer from Real Estate Excise Tax II Fund.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Proposed Ordinance, Supporting Documentation - Budget Request, Supporting Documentation - Memo

ORDINANCE NO. _____

**ORDINANCE AMENDING THE PROJECT BUDGET FOR THE NORTHSORE
DRIVE/EDGEWATER LANE STORMWATER IMPROVEMENTS FUND, REQUEST
NO. 1**

WHEREAS, Ordinance 2018-056 established the project budget for stormwater improvements at Northshore Drive and Edgewater Lane in the Lake Whatcom Watershed, and

WHEREAS, this project is listed as item number 1 on the 2020-2025 Six-Year Water Resources Improvement Program for the Lake Whatcom Watershed, and

WHEREAS, the project will treat runoff from approximately 10 acres and includes system upgrades to improve water quality through construction of a filter vault by-passing runoff from predominately forested land around the treatment system, and

WHEREAS, the original request of \$220,000 was for the anticipated right-of-way, preliminary, and final design and survey costs, and

WHEREAS, preliminary and final design, surveying and permitting for the project has been completed, and

WHEREAS, funds for construction and construction related costs were not included in funds previously authorized to the project-based budget, and

WHEREAS, this budget request will supplement the original proposal by adding funding for project management, construction, construction oversight, staking, final as-built survey and record drawings necessary to complete the project, and

WHEREAS, these additional expenses will be funded by a transfer from Real Estate Excise Tax II funds,

1 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County
2 Council that Ordinance No. 2018-056 is hereby amended to add \$380,000 of
3 expenditure authority, as described in Exhibit A, to the current project
4 budget of \$220,000, for a total amended project budget of \$600,000.
5

6
7 **ADOPTED** this _____ day of June, 2020.
8

9
10 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

11
12 _____
13 Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Chair of the Council

14
15
16
17 APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

18
19
20 Approved by email/C Quinn/M Caldwell
21 Christopher Quinn
22 Senior Deputy Prosecuting
23 Attorney – Civil Division

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

1
2
3
4

Northshore Drive / Edgewater Lane Stormwater Improvements				
	Expenditures			
Account	Description	Current Project Budget	Amendment #1 to Ordinance	Total Amendment Project Budget
6110	Wages	12,000	41,700	53,700
6292	Applied Benefits	8,000	27,300	35,300
6630	Professional Services	176,300	(101,300)	75,000
6699	Other Services Interfund	22,500	18,300	40,800
7199	Other Misc. Interfund	1,200	4,000	5,200
7380	Other Improvements	-	390,000	390,000
TOTALS		220,000	380,000	600,000
	Revenues			
Account	Description	Current Project Budget	Amendment #1 to Ordinance	Total Amended Project Budget
	REET II	220,000	380,000	600,000

5

Supplemental Budget Request

Status: Pending

Public Works

Stormwater

Suppl ID # 3060 **Fund** 381 **Cost Center** 381100 **Originator:** Kraig Olason

Expenditure Type: One-Time **Year** 1 **2019** **Add'l FTE** **Add'l Space** **Priority** 1

Name of Request: SBR #2 Northshore/Edgewater SW Imp Constr Phase

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	<i>Object</i>	<i>Object Description</i>	<i>Amount Requested</i>
	7380	Other Improvements	\$380,000
	8301.324	Operating Transfer In	(\$380,000)
	Request Total		\$0

1a. Description of request:

This request is to fund the construction phase of the Northshore Drive/Edgewater stormwater improvement project. The design phase approved in 2018 has been completed.

This project will install a new water quality treatment facility along Northshore Drive in Whatcom County for the purpose of providing phosphorus and total suspended solids (TSS) removal from stormwater runoff prior to the runoff entering Lake Whatcom. In addition to the new treatment facility, a bypass pipe system will be installed to intercept runoff generated by a tributary area characterized by native forest and pasture. These areas are not pollution-generating surfaces and the runoff generated by them does not require treatment unless it mixes with polluted water. By intercepting and bypassing this runoff, the size of the treatment facility is minimized while maintaining a high level of phosphorus removal.

The project area falls within the Academy Creek basin of the Lake Whatcom watershed, located between the intersections of Northshore Drive and Egewater Lane and Northshore Road and Edgewater Lane along the northeastern shore of Lake Whatcom.

This project is included in the adopted 2020-2025 Six Year Water Resource Improvement Plan adopted by Whatcom County Council.

1b. Primary customers:

Primary customers include all individuals and businesses that rely on Lake Whatcom for their drinking water (100,000 people), as well as environment at large.

2. Problem to be solved:

Lake Whatcom is currently under a TMDL permit as a result of poor water quality and the impacts of algal blooms on public health and other beneficial uses of the lake. The TMDL mandates that Whatcom County and the City of Bellingham develop and implement programs to reduce impacts of phosphorus to the lake. The installation of this project is one of the measures included in the county's listed activities focusing on improving the lake's water quality.

3a. Options / Advantages:

While the project site was originally identified in the Lake Whatcom Comprehensive Plan (CH2M Hill, 2008): Stormwater Program Update as a Media Filter Drain (MFD) treatment facility, the conceptual phase of this project found that high groundwater conditions in the area precluded the use of MFDs. Additional treatment systems were considered in a Technical Memorandum prepared during the conceptual phase of this project (Tetra Tech, 2020), and Contech StormFilter Cartridges with Phosphosorb Media were ultimately selected due to their ability to function with minimal hydraulic drop, ability to enter a bypass

Supplemental Budget Request

Status: Pending

Public Works

Stormwater

Suppl ID # 3060

Fund 381

Cost Center 381100

Originator: Kraig Olason

mode even when in a backwater condition, and existing use in other locations around Whatcom County.

3b. Cost savings:

Actual cost savings are difficult to quantify from this project. Efforts to improve water quality in the lake are required by the TMDL permit. Failure to implement the adopted program elements included in the TMDL response could result in fines. The costs of installing the proposed system has been optimized by installing a by-pass system to limit water entering the treatment systems from 10 developed acres. . This has greatly reduced the installation costs and annual maintenance costs over treating the entire 42 acre basin which is predominately forested.

4a. Outcomes:

This project is intended to reduce phosphorus leaving the developed properties within the drainage basin. Conservative estimates indicate that phosphorus should be reduced by over 50%. In many cases this reduction could be as much as +60%.

4b. Measures:

The designed system will be able to be monitored to determine the level of treatment being achieved. It is our goal to achieve over 50% phosphorus treatment of the runoff from the outlet pond.

5a. Other Departments/Agencies:

This project will require regular inspection, at least annually, and regular maintenance. Modular wetlands don't require cartridge replacements every year like cartridge vaults do, but will require modest regular maintenance and replacement of some or all of the treatment media eventually. Overall it is anticipated that modular wetlands will be less costly on an annual basis than typical cartridge vaults.

Public Works Maintenance and Operations Crew will be tasked with regular maintenance activities. The Stormwater Division will be providing frequent inspections.

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

Vernon Brown - Responsible for managing the NPDES crew which provides maintenance services of all stormwater facilities. Kraig Olason, Stormwater Program Manager, responsible to ensure all inspections are made timely.

6. Funding Source:

The funding source for this project is the Real Estate Excise Tax. REET has funded the majority of the Lake Whatcom Stormwater projects.



Jon Hutchings
DIRECTOR

MEMORANDUM

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

THROUGH: Jon Hutchings, Public Works Director *JH*

FROM: Kraig Olason, Stormwater Program Manager

DATE: May 13, 2020

RE: Supplemental Budget request #1 – Northshore/Edgewater Lane
Stormwater Improvements

Please find attached for approval a supplemental budget request from Public Works Stormwater for the Northshore/Edgewater Lane Stormwater Improvement project.

▪ **Background and Purpose**

This planned expenditure is part of the prioritized list of Capital Improvement Projects of Appendix 2: Total Maximum Daily Load (TMDL) Requirements of the 2019-2024 Western Washington Phase II Municipal Stormwater Permit and is listed as the highest priority Lake Whatcom capital project on the 2019-2024 Six Year Water Resources Improvement Plan for construction in 2020. As a Permittee, Whatcom County must implement permit requirements specific to the Lake Whatcom TMDL to improve water quality of the lake. This project has been identified as a specific action in attaining compliance with the TMDL. It will substantially reduce the discharge of phosphorus and other pollutants to Lake Whatcom. Runoff along North Shore Drive from a developed portion of the Academy Creek sub-basin will be collected and treated prior to discharge into Lake Whatcom.

The initial supplemental budget request did not include costs for construction of this project. Site analysis/project feasibility review has been conducted and surveys, final design and permits are all complete. The project is scheduled for construction this summer subject to approval of the requested construction funds.

▪ **Funding Amount and Source**

This request in the additional amount of \$380,000 will be funded by a transfer from the REET fund.

Please contact Kraig Olason at extension 6301 if you have any questions or concerns regarding the terms of this agreement,

Encl.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2020-214

File ID:	AB2020-214	Version:	1	Status:	Agenda Ready
File Created:	05/07/2020	Entered by:	BWaldron@co.whatcom.wa.us		
Department:	Prosecuting Attorney's Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:			
Agenda Date:	06/02/2020	Enactment #:			

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

TITLE FOR AGENDA ITEM:

Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Whatcom County Code (WCC) section 1.28 creates the standards for Whatcom County Correctional Facilities. These standards were suspended by the Council for 12 months effective July 8, 2019, pursuant to Ordinance 2019-047. Due to the unforeseen circumstances surrounding COVID-19, the Whatcom County Sheriff's Office has been unable to complete the update to the Correctional Standards. Continued suspension of WCC section 1.28 would provide the Whatcom County Sheriff's Office additional time to complete these standards.

Whatcom County Council will have a public hearing, consider adopting, and may amend the following at its June 2, 2020 meeting, or at a later date: ORDINANCE SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS (AB2020-214): This Ordinance temporarily suspends Whatcom County Code (WCC) section 1.28 in its entirety for up to 12 months beginning July 8, 2020, and temporarily adopts in its place the Whatcom County Sheriff's Office correctional facilities operational standards as collectively established through various documents, including but not limited to, written general policies, corrections bureau operational policies and procedures, medical policies and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building Code.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Proposed Ordinance, Staff Memo

ORDINANCE NO. 2020-_____

SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL
FACILITIES OPERATIONAL STANDARDS

WHEREAS, in 1977, chapter 70.48 RCW, the City and County Jails Act, was initially adopted; and

WHEREAS, in 1979, the Washington State Correctional Facilities Standards were developed by the Corrections Standards Board and codified in Title 289 of the Washington Administrative Code (WAC) as a guide to counties and cities to satisfy the mandates under the Act; and

WHEREAS, in 1987, a new section, RCW 70.48.071, was added to chapter 70.48 RCW that specifically mandated that “units of local government that own or operate adult correctional facilities shall, individually or collectively, adopt standards for the operation of those facilities no later than January 1, 1988...”; and

WHEREAS, to comply with RCW 70.48.071, the Whatcom County Council adopted the standards in Title 289 WAC by enacting Ordinance No. 87-85 in December 1987, later codified as Whatcom County Code (WCC) 1.28 - *Standards for Correctional Facilities*; and

WHEREAS, in 2006, Title 289 WAC was decodified without replacement as it was obsolete and the Corrections Standards Board ceased to exist; and

WHEREAS, the identical standards in WCC 1.28 are likewise obsolete; and

WHEREAS, RCW 70.48.071 authorizes the County to establish operational standards for its own correctional facilities in either its code, through the correctional facilities department policies and standards, or a combination thereof; and

WHEREAS, the Whatcom County Sheriff's Office correctional facility operational standards are collectively established through various documents, including, but not limited to, written general policies, corrections bureau operational policies and procedures, medical policies and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building Code; and

WHEREAS, the Whatcom County Council temporarily suspended WCC 1.28 for up to twelve months on July 8, 2019; and

WHEREAS, the COVID-19 pandemic has resulted in drastic disruption of Whatcom County Sheriff's Office operations; and

WHEREAS, an additional twelve month suspension of WCC 1.28 would allow the Whatcom County Sheriff's Office to complete the review and revision creation process for Corrections policies, and to coordinate with the Law and Justice Committee and Whatcom

52 County Council to address and concerns, questions, or suggestions, and to provide Whatcom
53 County Information Technology appropriate time to publish the final standards on the Whatcom
54 County website; and
55

56 **WHEREAS**, the Whatcom County Council deems it necessary to extend the suspension
57 of WCC 1.28 for up to an additional twelve (12) months to provide adequate time for the Law
58 and Justice Committee and the County Council to review the correctional facilities operational
59 standards and proposals.
60

61 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC
62 1.28 is hereby suspended in its entirety for up to an additional twelve months, and that the
63 Whatcom County Sheriff's Office correctional facility operational standards, as described above,
64 continue to be temporarily adopted in place of WCC 1.28.
65

66 **BE IT FINALLY ORDAINED** that the following notation shall be included in the
67 County Code in place of WCC 1.28:
68

69 *Whatcom County Code Chapter 1.28 is temporarily suspended for up to twelve months,*
70 *beginning July 8, 2020. The Whatcom County Sheriff's Office correctional facility standards, as*
71 *collectively established through various documents, including, but not limited to, written general*
72 *policies, corrections bureau operational policies and procedures, the Sheriff's Office Rules and*
73 *Regulations Manual, and the Uniform Building Code, are temporarily adopted in its place.*
74

75
76

77 ADOPTED THIS _____ DAY OF _____, 2020.

78
79
80 ATTEST: WHATCOM COUNTY COUNCIL
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Dana Brown-Davis, Clerk of the Council

Council Chair

APPROVED AS TO FORM

APPROVED () DENIED ()

Deputy Prosecuting Attorney

Satpal Sidhu, County Executive


WHATCOM COUNTY
SHERIFF'S OFFICE

BILL ELFO
SHERIFF



PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4038
(360) 778-6600

MEMORANDUM

TO: Whatcom County Council
FROM: Sheriff Bill Elfo 
DATE: May 6, 2020
RE: Replacement of Ordinance 2019-047 to extend temporary

On June 18, 2019, the Whatcom County Council passed Ordinance 2019-047 which:

- 1) Suspended Whatcom County Code 1.28 for up to 12 months
- 2) Directed that the Whatcom County Sheriff's Office Correctional Standards instead be temporarily collectively established through a number of different documents, including, but not limited to written general policies, Corrections bureau operational policies and procedures, the Sheriff's Office Rules and Regulation Manual and the Uniform Building Code.

As part of the discussions that took place on this proposal, the following actions were agreed to:

- The Sheriff's Office would review and update Corrections Policies.
- Corrections Policies would be placed on the County web site for easy access by the public and a system put into place so that policies would be updated regularly.
- Upon completion of these steps, the County Council would revisit this matter for final resolution, including input from the Whatcom County Law and Justice Council.

After a careful evaluation of options available to update the Corrections policies, it was determined that the Sheriff's office would contract with Lexipol, a nationally recognized company that specializes in policy manual development and risk management. Lexipol offers a comprehensive set of legally defensible policies that are continually reviewed and updated by public safety professionals, attorneys and subject matter experts based on best practices and legislative changes. Due to the emphasis on risk management, the WA Counties Risk Pool will reimburse the County for a portion of the annual cost once new policies are instituted. The Sheriff's Office obtained funding approval to begin in January 2020. Shortly after, the Corrections and Law Enforcement teams began the review/rewrite policies. Teams were meeting twice weekly and making progress on the project.

The COVID pandemic became a reality for Whatcom County and Washington State beginning in late February of this year. As Council is aware, Emergency Management is one of the responsibilities of the Sheriff's Office. As the COVID crisis rapidly evolved and with the activation of the Emergency Coordination Center, the focus shifted to staffing the Whatcom Unified Command and supporting efforts to minimize the impacts of COVID in

**WHATCOM COUNTY
SHERIFF'S OFFICE**

**BILL ELFO
SHERIFF**



PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4038
(360) 778-6600

the community. The staff member tasked with management of the project was reassigned to Whatcom Unified Command for the past two months. This has resulted in policy development and updates being put on hold. The timeline for demobilization of the response to COVID-19 is unknown.

In addition, as part of the process outlined by the Ordinance, the Law and Justice Council and the County Council will have the opportunity to provide feedback to the Sheriff's Office, once the revisions/development are completed. While the Council is meeting remotely, the Law and Justice Council is on hiatus for an as yet unknown period of time while our community works through the issues related to the COVID pandemic.

Due to the delay in progress caused by the COVID pandemic and the rapidly approaching Biennial Budget process, we are requesting that the Whatcom County Council extend the temporary suspension of WCC (Whatcom County Code) 1.28 for up to twelve (12) months beginning July 8, 2020. The extension would allow for the necessary time and resources to complete an in-depth review/revision/development process for the Corrections policies. It also provides adequate time to work with the Law and Justice Committee and County Council to review and address any comments or concerns prior to the updated manual being posted and available for online access.



Whatcom County

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

Agenda Bill Master Report

File Number: **AB2020-221**

File ID:	AB2020-221	Version:	1	Status:	Agenda Ready
File Created:	05/19/2020	Entered by:	TAdrian@co.whatcom.wa.us		
Department:	Prosecuting Attorney's Office	File Type:	Discussion		
Assigned to:	Council Committee of the Whole-Executive Session			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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

TITLE FOR AGENDA ITEM:

Discussion of pending litigation with Civil Deputy Prosecutor George Roche: Toppin & Laule v. Whatcom County & Babson

[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion of pending litigation with Civil Deputy Prosecutor George Roche: Toppin & Laule v. Whatcom County & Babson, Whatcom County Superior Court Cause No. 20-2-00662-37.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
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Agenda Bill Master Report

File Number: **AB2020-217**

File ID:	AB2020-217	Version:	1	Status:	Introduced for Public Hearing
File Created:	05/12/2020	Entered by:	KFelbing@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council			Final Action:	
Agenda Date:	06/02/2020			Enactment #:	

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TITLE FOR AGENDA ITEM:

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
05/19/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council

Attachments: Proposed Ordinance for 6.2.2020

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

WHEREAS, the Whatcom County Council supports the development of Renewable Fuels Facilities and Transshipment Facilities within the CP District; and

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

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

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

1 **WHEREAS**, the United States recently lifted a ban on the export of crude oil from
2 the country, increasing pressure on deep water ports such as Cherry Point to develop into
3 crude export terminals; and
4

5 **WHEREAS**, existing refineries at Cherry Point have recently increased their ability to
6 accept crude oil by rail by constructing new rail offloading facilities to serve the refineries;
7 and
8

9 **WHEREAS**, existing and proposed pipeline facilities have increased, or proposed to
10 increase, their capacity to move crude oil, diluted bitumen, and natural gas to Cherry Point;
11 and
12

13 **WHEREAS**, Title 20 currently does not explicitly prohibit transshipment, transport,
14 and transfer of unrefined fossil fuels and construction of infrastructure to facilitate
15 expanded shipment of unrefined fossil fuels not to be processed at Cherry Point; and
16

17 **WHEREAS**, according to the June 27, 2016, Land Capacity Analysis report produced
18 by Planning and Development Services, Cherry Point contains only 1,072.6 acres of
19 developable land that is zoned Heavy Impact Industrial (HII) for the purposes of "supplying
20 a reasonable amount of land, commensurate with demand, for the location and grouping of
21 heavy impact industrial uses" and to "minimize the scope of impacts generated within the
22 HII District and to provide protection for nonindustrial districts situated outside thereof..."
23 (WCC 20.68.010); and
24

25 **WHEREAS**, expansion of existing facilities for purposes of shipping unrefined fossil
26 fuels not to be processed or consumed at Cherry Point will increase the transport of
27 dangerous fuels through our community and increase the risk of possible derailment, spills,
28 explosions, and the fallout will pose a serious threat to the community; and
29

30 **WHEREAS**, pursuant to the Washington State Constitution, the general police
31 powers granted to counties empower and authorize Whatcom County to adopt land use
32 controls to provide for the regulation of land uses within the County and to provide that
33 such uses shall be consistent with applicable law; and
34

35 **WHEREAS**, on August 9, 2016, the Council adopted Ordinance 2016-031, an
36 emergency ordinance imposing a sixty day moratorium on the filing, acceptance, and
37 processing of new applications for conversion of land or water, new building or structure
38 permits, or other County permits or authorizations in the Cherry Point Urban Growth Area
39 for new or expanded facilities whose purpose is to facilitate the increased shipment of
40 unrefined fossil fuels not to be processed or consumed at Cherry Point; and
41

42 **WHEREAS**, the Council adopted interim measures on September 27, 2016
43 (Ordinance 2016-039), March 21, 2017 (Ordinance 2017-011), September 26, 2017
44 (Ordinance 2017-049), February 27, 2018 (Ordinance 2018-007), August 8, 2018
45 (Ordinance 2018-044), January 29, 2019 (Ordinance 2019-010), July 9, 2019 (Ordinance
46 2019-049), and December 3, 2019 (Ordinance 2019-083), prohibiting the filing, acceptance,
47 and processing of new applications for conversion of land or water, new building or structure
48 permits, or other County permits or authorizations in the Cherry Point Urban Growth Area
49 for new or expanded facilities whose purpose is to facilitate the increased shipment of
50 unrefined fossil fuels not to be processed or consumed at Cherry Point, unless the
51 applications:
52

- 53 1. Were filed and complete prior to the effective date of the ordinance and vested
54 pursuant to Washington statutes;
- 55 2. Were for building permits for remodels, maintenance, or repairs of existing
56 structures where no increased capacity for shipping unrefined fossil fuels not to be
57 processed or consumed at Cherry Point would result; or
58

1
2 3. Were necessary to protect health and safety of the community; and
3

4 **WHEREAS**, these interim measures were necessary to allow time for the Council to
5 work with staff and Cascadia Law Group to develop proposed amendments to the
6 Comprehensive Plan and zoning code to address risks to public health, safety, and the
7 environment associated with under-regulated expansion of fossil fuel facilities at Cherry
8 Point; and
9

10 **WHEREAS**, on August 8, 2019, the Council approved Resolution 2019-037,
11 forwarding proposed Cherry Point Urban Growth Area Comprehensive Plan and zoning code
12 amendments to the Whatcom County Planning Commission for review and recommendation;
13 and
14

15 **WHEREAS**, on September 12, 2019, the Planning Commission hosted a town hall
16 meeting to provide the public an opportunity to speak on the Council's proposed
17 amendments; and
18

19 **WHEREAS**, on September 26, October 10, October 24, November 14, and December
20 12, 2019, and January 16, January 30, and February 27, 2020, the Planning Commission
21 held work sessions to discuss the Council's proposed amendments and formulate
22 recommendations; and
23

24 **WHEREAS**, it was anticipated that the Planning Commission would return
25 recommended findings and conclusions to the Council in early 2020; and
26

27 **WHEREAS**, due to the COVID-19 pandemic and issuance of a stay-at-home order
28 by the Washington State Governor, the Planning Commission was required to cancel all
29 scheduled meetings until further notice; and
30

31 **WHEREAS**, the Planning Commission needs additional time to hold meetings and
32 prepare its recommendations; and
33

34 **WHEREAS**, the Council finds that extending the moratorium imposed by Ordinance
35 2019-083 is necessary to allow adequate time for the Planning Commission to complete its
36 work; and
37

38 **WHEREAS**, the Council further finds that extending the moratorium imposed by
39 Ordinance 2019-083 is necessary for the protection of public health and safety; and
40

41 **WHEREAS**, the Whatcom County Council is scheduled to hold a public hearing on
42 this issue on _____, or a later date; and
43

44 **WHEREAS**, the County Council fully recognizes the limits to its authority over
45 transportation of certain goods imposed by federal statutes and the US Constitution, and
46 finds that this action is within its authority;
47

48 **NOW, THEREFORE, BE IT ORDAINED** that the Whatcom County Council adopts
49 the above "WHEREAS" recitals as findings of fact in support of its action as required by RCW
50 36.70A.390
51

52 **BE IT FURTHER ORDAINED** by the Whatcom County Council that an interim
53 moratorium is hereby imposed prohibiting the filing, acceptance, and processing of new
54 applications for conversion of land or water, new building or structure permits, or other
55 County permits or authorizations in the Cherry Point Urban Growth Area for new or
56 expanded facilities whose purpose is to facilitate the increased shipment of unrefined fossil
57 fuels not to be processed or consumed at Cherry Point, unless the applications:
58

- 1 1. Were filed and complete prior to the effective date of this ordinance and vested
2 pursuant to Washington statutes;
3
4 2. Are for building permits for remodels, maintenance, or repairs of existing
5 structures where no increased capacity for shipping unrefined fossil fuels not to be
6 processed or consumed at Cherry Point will result; or
7
8 3. Are necessary to protect health and safety of the community.
9

10 **BE IT FURTHER ORDAINED** by the Whatcom County Council that this interim
11 ordinance shall be effective for not longer than six months following its effective date, but
12 may be renewed for one or more six-month periods if subsequent public hearings are held
13 and findings of fact are made prior to each renewal.
14

15 **BE IT FURTHER ORDAINED** that if a section, subsection, paragraph, sentence,
16 clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by
17 any court of competent jurisdiction; such decision shall not affect the validity of the
18 remaining portions of this ordinance, and if the provisions of this ordinance are found to be
19 inconsistent with other provisions of the Whatcom County Code, this ordinance shall control.
20

21 **BE IT FURTHER ORDAINED** that for the purpose of this ordinance the definition of
22 "unrefined fossil fuel" includes but is not limited to all forms of crude oil whether stabilized
23 or not; raw bitumen, diluted bitumen, or syncrude; coal; methane propane, butane, and
24 other "natural gas" in liquid or gaseous formats excluding those that are the byproduct of
25 refinery processes in the Cherry Point UGA; and condensate.
26

27 **BE IT FURTHER ORDAINED** to prevent any misunderstanding the Whatcom County
28 Council affirms that consistent with previous Interim Moratoriums, the refining, storage,
29 blending, and manufacture of renewable fuels shall remain an outright permitted use,
30 unaffected by this Interim Moratorium, subject to the existing provisions of the current
31 County Code.
32

33 **BE IT FINALLY ORDAINED** that for the purpose of this ordinance, the definition of
34 "facility" includes but is not limited to piers, wharfs, buildings, tank farms, pipelines, rail
35 loading and offloading facilities, road spurs, or any other such physical infrastructure
36 intended to receive, transfer, or store unrefined fossil fuels;
37

38 **APPROVED** this _____ day of _____, 2020.
39

40 **ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

41 _____
42 Dana Brown Davis, Clerk of the Council
43

Barry Buchanan, Council Chair
44

45
46 **APPROVED AS TO FORM:**

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

47 _____
48 Civil Deputy Prosecutor
49

Satpal Sidhu, County Executive
50

51
52 () Approved () Denied
53

54
55 Date Signed: _____
56
57
58