COUNCIL AGENDA
FOR JULY 21, 2015

MEMBERS OF OUR COMMUNITY WHO REQUIRE SPECIAL ASSISTANCE TO PARTICIPATE IN OUR MEETINGS ARE ASKED TO CONTACT OUR OFFICE AT LEAST 96 HOURS IN ADVANCE

AS A COURTESY TO ALL MEETING ATTENDEES, CELLULAR PHONE USE IS PROHIBITED IN THE COUNCIL CHAMBERS

ACCESSIBLE PARKING IS AVAILABLE NEAR THE COURTHOUSE SOUTH ENTRANCE

OUR REGULAR COUNCIL MEETINGS ARE BROADCAST ON BTV10, COMCAST CHANNEL 10, AT 7:00 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH TUESDAY EVENING COUNTY COUNCIL MEETING

PLEASE VISIT US AT WWW.CO.WHATCOM.WA.US FOR THE FOLLOWING:

COUNCIL MEETING AUDIO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2015 ORDINANCES
1979 - 2015 RESOLUTIONS
1984 - 2015 COMMITTEE MINUTES
1979 - 2015 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

JULY 28, 2015
10:30 A.M. - SURFACE WATER WORK SESSION
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

AUGUST 4, 2015
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

SEPTEMBER 7, 2016
HOLIDAY – OFFICE CLOSED

SEPTEMBER 15, 2015
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

SEPTEMBER 21, 2015
2:30 P.M. - LAKE WHATCOM POLICY GROUP
FIREPLACE ROOM, 625 HALLECK STREET
COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE
Members: Barry Buchanan, Satpal Sidhu, Carl Weimer
9:30 a.m. Tuesday, July 21, 2015
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion with Planning and Development Services long range planning staff on the progress and anticipated outcomes of the Whatcom County Agriculture-Watershed Pilot Project (AB2015-220)
   Pages 1 - 4

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
Members: Rud Browne, Barry Buchanan, Satpal Sidhu
11 a.m. Tuesday, July 21, 2015
Council Chambers, 311 Grand Avenue

Executive Reports

Committee Discussion and Recommendations to Council

1. Request authorization for the County Executive to enter into a contract for services between Whatcom County Flood Control Zone District and Tetra Tech Inc. to complete Birch Point, Terrell Creek Urban Area, and Point Whitehorn Subwatershed Master Planning, in the amount of $174,227 (AB2015-221) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
   Pages 5 - 29

2. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Bertrand Watershed Improvement District for de Boer Levee Repair and Culvert Replacement Project, in the amount of $10,000 (AB2015-222) (Council acting as the Whatcom County Zone Flood Control District Board of Supervisors)
   Pages 30 - 36

3. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Public Utility District #1 for de Boer Levee Repair and Culvert Replacement Project, in the amount of $10,000 (AB2015-223) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
   Pages 37 - 43

4. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Public Utility District #4 for de Boer Levee Repair and Culvert Replacement Project, in the amount of $10,000 (AB2015-224) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
   Pages 44 - 51

5. Request approval for the County Executive to award Bid #15-53 to low bidder, Carman’s Construction LLC, for the de Boer culvert replacement project, in the amount of $88,858.57 (AB2015-225) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
   Pages 52 - 65

6. Request authorization for the County Executive to enter into a joint funding agreement between Whatcom County Flood Control Zone District (WCFCZD) and the United States Geological Survey for funding towards a study to evaluate the Nooksack River’s geomorphic response to sediment loads to help manage flood risk and drainage issues, in the amount of $442,500 total, with the WCFCZD share of $265,500 (AB2015-226) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
   Pages 66 - 83

7. Ordinance amending the 2015 Whatcom County Budget, eighth request, in the amount of $137,713 (AB2015-215)
   Pages 84 - 90
Council "Consent Agenda" Items

1. Request approval for the County Executive to enter into a contract amendment between Whatcom County and National Alliance on Mental Illness (NAMI) for increased funding to construct a new web-based directory of mental health providers in Whatcom County, in the amount of $3000 (AB2015-227)  
   Pages 91 - 97

2. Request approval for the County Executive to award Bid #15-54 for the supply of rubber molded steel apron flaps for the Lummi Island ferry terminal to the responsive bidder, Scougall Rubber Corporation, in the amount of $145,603.60 (AB2015-228)  
   Pages 98 - 100

3. Request approval for the County Executive to enter into an interlocal cooperative agreement between Whatcom County and Skagit County for a Nurse-family Partnership Program nurse supervisor, in the amount of $28,000 (AB2015-229)  
   Pages 101 - 108

4. Request approval for the County Executive to allow public works to purchase fleet vehicle parts using Washington State Contract #01809 from vendors AutoZone, General Parts, Genuine Auto Parts (dba NAPA), Parts Wholesalers, and Seattle Automotive Distributing, for a total expenditure not to exceed $80,000 (AB2015-230)  
   Pages 119 - 121

5. Request approval for the County Executive to enter into a collective bargaining agreement between Whatcom County and Teamsters Local Union 231 Corrections Deputies and Sergeants bargaining unit (AB2015-231)  
   Pages 122 - 125

Other Business

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE  
Members: Barbara Brenner, Pete Kremen, Ken Mann  
1:30 p.m. Tuesday, July 21, 2015  
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of a proposed ordinance establishing Whatcom County Code Section 5.20.105, Fireworks – Special Circumstances, to allow the County to prohibit the discharge of private fireworks during emergency conditions (AB2015-218)  
   Pages 176 - 178

Other Business

COMMITTEE OF THE WHOLE  
6:15 p.m. Tuesday, July 21, 2015  
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Public Works staff regarding a potential property acquisition for flood purposes (AB2015-018) (discussion may be closed to the public pursuant to RCW 42.30.110 (1)(b))  
   Page 179

Committee Discussion and Recommendation to Council

1. Request approval to amend the contract with Van Ness Feldman, LLC, for outside legal representation in Growth Management Hearings Board case number 12-2-0013, in the amount of $10,000, for a total contract amount of $160,000 (AB2014-136C) (discussion may be closed to the public pursuant to RCW 42.30.110 (1)(i))  
   Pages 180 - 183

Other Business
CALL TO ORDER
ROLL CALL
FLAG SALUTE
ANNOUNCEMENTS

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

CITIZEN BOARD AND COMMITTEE VACANCIES
Each agenda features at least one council-appointed citizen board, commission, or committee that currently has unfilled positions. Council encourages qualified Whatcom county registered voters who are interested in participating in county government to submit an application for this or any committee vacancy. For more information or an application, please visit the Council website, or call, email, or visit the Council Office.

Incarceration Prevention and Reduction Task Force (11 Vacancies with 2-year or 4-year terms)
Applicants must be a representative of one of the following: Whatcom Alliance for Healthcare Access (WAHA), Peace Health St. Joseph, a Federally Qualified Health Center (FQHC)/Community Health Center, emergency medical services, community action agency, mental health or substance abuse treatment provider, consumer or family member of behavioral health services, or concerned citizen.

SPECIAL PRESENTATION
1. Presentation of the Behavioral Health Revenue Advisory Committee Quarterly Report to Council (AB2015-117A)
   Pages 184 - 187

MINUTES CONSENT
1. Surface Water Work Session for March 24, 2015
   Pages 188 - 193
2. Special Committee of the Whole for March 31, 2015 (6:15 p.m.)
   Pages 194 - 196
3. Regular County Council for March 31, 2015
   Pages 197 - 208
4. Special Committee of the Whole for April 14, 2015
   Pages 209 - 221
5. Regular County Council for April 14, 2015
   Pages 222 - 238
6. Surface Water Work Session for April 21, 2015
   Pages 239 - 245
7. Committee of the Whole for April 28, 2015
   Pages 246 - 247
8. Committee of the Whole for May 26, 2015
   Pages 248 - 249

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

1. Resolution regarding a petition for the vacation of a portion of Delta Line Road No. 146, filed by Scott and Iris Loomer, et al. (AB2015-115A)
   Pages 250 - 285
2. Ordinance proposing an amendment to the Whatcom County Charter to require a supermajority of either the entire Charter Review Commission or the County Council to propose Charter amendments (AB2015-216)  
*Pages 286 - 289*

**OPEN SESSION (20 MINUTES)**
During open session, audience members can speak to the council on any issue not scheduled for public hearing or related to the proposed Gateway Pacific Terminal project (GPT). Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

**CONSENT AGENDA**
Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

*(From Finance and Administrative Services Committee)*

1. Request approval for the County Executive to enter into a contract amendment between Whatcom County and National Alliance on Mental Illness (NAMI) for increased funding to construct a new web-based directory of mental health providers in Whatcom County, in the amount of $3000 (AB2015-227)  
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4. Request approval for the County Executive to allow public works to purchase fleet vehicle parts using Washington State Contract #01809 from vendors AutoZone, General Parts, Genuine Auto Parts (dba NAPA), Parts Wholesalers, and Seattle Automotive Distributing, for a total expenditure not to exceed $80,000 (AB2015-230)  
*Pages 119 - 121*

5. Request approval for the County Executive to enter into a collective bargaining agreement between Whatcom County and Teamsters Local Union 231 Corrections Deputies and Sergeants bargaining unit (AB2015-231)  
*Pages 122 - 175*

**OTHER ITEMS**
*(From Finance and Administrative Services Committee)*

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7. Ordinance amending the 2015 Whatcom County Budget, eighth request, in the amount of $137,713 (AB2015-215) Pages 84 - 90

(From Committee of the Whole)

8. Request approval to amend the contract with Van Ness Feldman, LLC, for outside legal representation in Growth Management Hearings Board case number 12-2-0013, in the amount of $10,000, for a total contract amount of $160,000 (AB2014-136C) Pages 180 - 183

(No Committee Assignment)

9. Receipt and forwarding of Whatcom County Charter Review Commission proposed amendments to the Whatcom County voters (AB2015-219) Pages 290 - 292

10. Appointment of Pro and Con Statement Committees to write statements for the local voter’s pamphlet on Charter amendments proposed by the Whatcom County Charter Review Commissions (AB2015-219A) Pages 293 - 296

11. Appointment of Pro and Con Statement Committees to write statements for the local voter’s pamphlet on Charter amendments proposed by the Whatcom County Council (AB2015-236) Pages 297 - 299

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. Receipt of applications for the Incarceration Prevention and Reduction Task Force, applicants: various (AB2015-47 O) (deadline for any other applications is 10 a.m. on July 28, 2015) (proposed schedule – August 4 Council) Pages 300 - 318

2. Ordinance amending the 2015 Whatcom County Budget, ninth request, in the amount of $67,710 (AB2015-232) (proposed schedule – August 4 Finance and Administrative Services Committee and Council) Pages 319 - 323
3. Resolution approving recommendations on applications for open space current use assessment (AB2015-233) *(proposed schedule – August 4 Natural Resources Committee and Council public hearing)*

   Pages 324 - 412

4. Ordinance amending Whatcom County Code Chapter 10.34, Ferry Rates, and the Whatcom County Unified Fee Schedule (AB2014-426B) *(proposed schedule – August 4 public hearing)*

   Pages 413 - 430

5. Ordinance amending the initial East Whatcom Regional Resource Center Project Budget (amendment No. 6 to Ordinance 2008-025) to add $62,098.52 of expenditure authority, for a total amended project budget amount of $5,047,571 (AB2015-234) *(proposed schedule – August 4 Finance and Administrative Services Committee and Council)*

   Pages 431 - 437

6. Resolution adopting the updated Whatcom County Multi-jurisdictional Natural Hazards Mitigation Plan (AB2015-235) *(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (proposed schedule – August 4 Public Works, Health, and Safety Committee and Council)*

   Pages 438 - 443

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

**ADJOURN**

The next regular council meeting is scheduled for 7p.m. Tuesday, August 4, 2015, in the Council Chambers, 311 Grand Avenue.
CALL TO ORDER
Councilmembers Present: Weimer, Buchanan, Mann, Browne, Brenner, Sidhu, Kremen
Absent: None

FLAG SALUTE

ANNOUNCEMENTS
1. Strategy planning discussion and positions to be taken regarding collective bargaining (AB2015-018)

CITIZEN BOARD AND COMMITTEE VACANCIES
Incarceration Prevention and Reduction Task Force (11 Vacancies with 2-year or 4-year terms)
Applicants must be a representative of one of the following: Whatcom Alliance for Healthcare Access (WAHA), Peace Health Joseph, a Federally Qualified Health Center (FQHC)/Community Health Center, emergency medical services, community action agency, mental health or substance abuse treatment provider, consumer or family member of behavioral health services, concerned citizen.

MINUTES CONSENT
1. Regular County Council for March 17, 2015
   Approved Consent 7-0
2. Special Committee of the Whole for March 31, 2015 (9:30 a.m.)
   Approved Consent 7-0
3. Committee of the Whole for March 31, 2015
   Approved Consent 7-0
4. Committee of the Whole for April 14, 2015
   Approved Consent 7-0
5. Regular County Council for May 12, 2015
   Approved Consent 7-0
6. Committee of the Whole for May 12, 2015
   Approved Consent 7-0

PUBLIC HEARINGS
1. Ordinance ordering the closure of a portion of Manley Road to motorized vehicular traffic (AB2015-203)
   Adopted 7-0, Ordinance 2015-028
2. Ordinance proposing an amendment to the Whatcom County Charter to respect communities and provide for fair election in five equal Council districts (AB2015-205)
   Substitute Adopted 6-1 with Kremen opposed, Ordinance 2015-029
3. Ordinance proposing an amendment to the Whatcom County Charter to affirm the legislative authority granted to the County Council by the Washington State Constitution (AB2015-206)
   Failed 1-6 with Brenner in favor.
4. Ordinance proposing an amendment to the Whatcom County Charter to elect Charter Review Commission members by countywide vote (AB2015-207)
   There was no motion to adopt the ordinance. Motion carried 7-0 to clarify that the Council will not forward this proposed amendment to the voters this year.
5. Ordinance proposing an amendment to the Whatcom County Charter to align requirements for amending the Whatcom County Charter by citizen initiative with Washington State Law (AB2015-208)
   Failed 6-1 with Brenner in favor
## OPEN SESSION

### CONSENT AGENDA

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to approve the collective bargaining agreement between Whatcom County and Professional and Technical Employees, Local 17, for the period July 7, 2015, through December 31, 2016 (AB2015-210)  
   **Approved 7-0**

2. Request authorization for the County Executive to approve the collective bargaining agreement between Whatcom County and Whatcom County Deputy Sheriff's Guild Bargaining Unit for the period July 7, 2015, through December 31, 2016 (AB2015-211)  
   **Approved 7-0**

3. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Geraldine Coleman, Scott Mawson and Margaret Mawson to provide children's legal representation in dependency actions, in the amount of $1,589.75 per month, for a total amended contract in the amount of $7,968.75 per month (AB2015-212)  
   **Approved Consent 7-0**

4. Request authorization for the County Executive to enter into a contract between Whatcom County and AHBL, Inc. for consultant services for the integration of low impact development components into the Whatcom County Code and Development Standards to meet NPDES Phase II requirements, in the amount of $75,000 (AB2015-213)  
   **Approved Consent 7-0**

5. Request approval for the County Executive to award Bid #15-40 for the supply of two 4WD small sport utility vehicles to the lowest bidder, Blade Chevrolet, in the amount of $53,481.82 (AB2015-214)  
   **Approved Consent 7-0**

### OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Ordinance amending Whatcom County Code Title 3 to change the expiration date of the sales and use tax for public facilities in rural counties (AB2015-204)  
   **Adopted 7-0, Ordinance 2015-030**

2. Approval of a revised Jail Facility Use Agreement resulting from previous Council action through Resolution 2015-024 (AB2015-047N)  
   **Approved 4-3, Mann, Buchanan, and Weimer opposed**

3. Ordinance establishing Whatcom County Code 2.118, creating a Wildlife Advisory Committee (AB2015-175)  
   **Adopted 7-0, Ordinance 2015-031**

### INTRODUCTION ITEMS

1. Ordinance amending the 2015 Whatcom County Budget, eighth request, in the amount of $137,713 (AB2015-215)  
   **(proposed schedule - July 21 Finance and Administrative Services Committee and Council)**  
   **Introduced 7-0**

2. Ordinance proposing an amendment to the Whatcom County Charter to require a supermajority of either the entire Charter Review Commission or the County Council to propose Charter amendments (AB2015-216)  
   **(proposed schedule – July 21 public hearing)**  
   **Introduced 7-0**

3. Ordinance proposing an amendment to the Whatcom County Charter to ensure that seven Whatcom County Council members, including Council members in each voter's own district, will be elected by majority vote of the registered voters of Whatcom County (AB2015-217)  
   **(proposed schedule – July 21 public hearing)**  
   **Introduced 7-0**
4. Ordinance establishing Whatcom County Code Section 5.20.105, Fireworks – Special Circumstances, to allow the County to prohibit the discharge of private fireworks during emergency conditions (AB2015-218) *(proposed schedule – July 21 Public Works, Health, and Safety Committee)*
   Introduced 7-0

**OTHER BUSINESS**

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

**ADJOURN**
The next regular Council meeting is scheduled for 7:00 p.m. Tuesday, July 21, 2015 in the Council Chambers, 311 Grand Avenue, Bellingham