WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES  Initial  Date  Date Received in Council Office  Agenda Date  Assigned to:
Originator:  10/20/2015
Division Head:
Dept. Head:  10/20/15
Prosecutor:
Purchasing/Budget:
Executive:

TITLE OF DOCUMENT:
Discussion regarding the Aquatic Invasive Species (AIS) Program

ATTACHMENTS:

SEPA review required? ( ) Yes ( ) NO  Should Clerk schedule a hearing? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO  Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Discussion regarding the Aquatic Invasive Species (AIS) Program

COMMITTEE ACTION:  COUNCIL ACTION:

Related County Contract #:  Related File Numbers:  Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gary Stoyk</td>
<td>10/20/2015</td>
<td></td>
<td>10/27/2015</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Update on Pollution Identification and Correction (PIC) Program

**ATTACHMENTS:**
Powerpoint Presentation

**SEPA review required?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
</table>

**SEPA review completed?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
</table>

**Should Clerk schedule a hearing?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
</table>

**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Update on Pollution Identification and Correction (PIC) Program

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)
Whatcom County

Pollution Identification and Correction

Surface Water Work Session
October 20, 2015

Whatcom County Public Works
Natural Resources
PIC Program

Pollution  Identification  Correction
What is the concern?

- Fecal coliform is a species of bacteria found in animal and human feces.
- Fecal materials can carry other harmful bacteria and pathogens that make people and animals sick.
- Exposure occurs through direct water contact.
PIC Program

Pollution → Identification → Correction
Water Quality Monitoring

Tiers of Monitoring
- Routine
  - Drayton, Portage, Birch Bay
- Focus Areas
  - Drayton, Fishtrap
- Bracketing
Focus Area Identification

Drayton Harbor Watershed
Fecal Coliform Geometric Mean
October 2012-September 2013

Focus Areas

- 3 Year GM
- 12 Month GM
Focus Area Identification

Portage Bay Shellfish Protection District
Fecal Coliform Geometric Mean
October 2012 - September 2015

Focus Areas

- 3 Year GM
- 12 Month GM
PIC Program

Pollution Identification Correction
Landowner Contacts

- Introduction letter to all landowners
- Windshield survey
- Series of 3 letters to landowners with non-dairy livestock
- Coordinate with Health for septic systems
- Regulatory backstop
Landowner Contacts
Non-Dairy Livestock

Drayton Harbor Focus Areas - County & Conservation District

- 520 PIC Introduction Letters
- 72 Landowners with potential livestock contacted
- 53% have received site assessment or review of practices
Incentive Programs
Non-Dairy Livestock

BMP Cost-Share
- Develop farm plan with Conservation District
- BMP for water quality
- 75% of cost up to $3,000
  - Four applications processed
  - One complete
  - Fencing, stormwater runoff control, pasture renovation
Incentive Programs
Septic Systems

Rebate Program
- Have a septic system in the focus area
- Attend Health Department workshop
- Three eligible activities
  - Evaluation by licensed specialist
  - Septic tank pumping
  - Install O&M equipment
- 88 rebates processed
Coordination with Other Programs

Shellfish Protection
District Advisory Committees
Whatcom Clean Water Program
Watershed Improvement Districts
Governor's Office LEAN Program
What are we aiming for?
**Title of Document:**
Whatcom Tourism Presentation – Roger Brooks Assessment

**Committee Action:**

**Council Action:**

Loni Rahm, President of Bellingham Whatcom County Tourism will present the findings from the Roger Brooks Community Assessment that took place last July.

**Summary Statement or Legal Notice Language:**
(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
ROGER BROOKS INTERNATIONAL – Community Assessment

The face of Whatcom County’s visitor industry has changed dramatically in the past few years with new lodging properties, new attractions, and new destination messaging. Roger Brooks and his team are experts in assessing community strengths and weaknesses through the eyes of a first time visitor and helping develop strategies which enhance the visitor experience.

In 2014, Bellingham Whatcom County Tourism received a special projects grant from the Whatcom County Lodging Tax Advisory Committee (LTAC) to contract with Roger Brooks International to conduct a multiple day, multiple location community assessment. The assessment was subsequently scheduled during summer of 2015 and on July 20th, Roger presented his findings during a well-attended 4-hour presentation. Links to the three segments of his dynamic presentation have been loaded onto the Tourism Bureau’s Youtube (see below) for your review. Later this year, Roger will return to Bellingham to personally present the full community assessment report. In the meantime, Loni Rahm, will be providing the County Council with an update on how BWCT and other tourism partners are initiating a response to some of the RBI recommendations.

https://www.youtube.com/channel/UCgJ02mXDWR1b-DYAf9QRNw
Conservation Futures Update

Staff will present an update of the Conservation Futures Fund detailing projects that are not a part of the PDR program.
2015 Supplemental Budget Request #11

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO
Should Clerk schedule a hearing? ( ) Yes ( X ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #11 requests funding from the General Fund:
1. To appropriate $127,600 in Planning & Development Services to fund continuation of Ag & Watershed Protection project from grant proceeds.
2. To appropriate $38,000 in the Sheriff’s Office to fund Verizon antenna installation and upgrade.
3. To appropriate $14,655 in the Sheriff’s Office to fund the replacement of seventeen ballistic vests from grant proceeds.

From the Jail Fund:
4. To appropriate $28,402 to fund digital radio conversion.

COMMITTEE ACTION:

COUNCIL ACTION:
10/13/2015: Introduced 4-0
ORDINANCE NO.
AMENDMENT NO. 11 OF THE 2015 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016 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 2015-2016 Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following additional amounts to the 2015 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Development Services</td>
<td>127,600</td>
<td>(127,600)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>52,655</td>
<td>(52,655)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>180,255</td>
<td>(180,255)</td>
<td>-</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>28,402</td>
<td></td>
<td>- 28,402</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>208,657</td>
<td>(180,255)</td>
<td>28,402</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ________________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date: ______________________

I:\BUDGET\SUPPLS\2015_Suppl\Supplemental #11-2015.docx
<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Development Services</td>
<td>To fund continuation of Ag &amp; Watershed Protection project from grant proceeds.</td>
<td>127,600</td>
<td>(127,600)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Verizon antenna installation and upgrade.</td>
<td>38,000</td>
<td>(38,000)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund replacement of seventeen ballistic vests from grant proceeds.</td>
<td>14,655</td>
<td>(14,655)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td></td>
<td>180,255</td>
<td>(180,255)</td>
<td>-</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>To fund digital radio conversion.</td>
<td>28,402</td>
<td>-</td>
<td>28,402</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td></td>
<td>208,657</td>
<td>(180,255)</td>
<td>28,402</td>
</tr>
</tbody>
</table>
Supplemental Budget Request

Status: Pending

Planning & Development Services  Planning

Supp1/D #  2031  Fund  1  Cost Center  2543  Originator: J.E. Sam Ryan

Expenditure Type: One-Time  Year 1  2015  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Puget Sound Watershed Protection Grant

X

Department Head Signature (Required on Hard Copy Submission)  Date

9-29-15

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4333.6612</td>
<td>Puget Sound Watershed Grant</td>
<td>($127,600)</td>
<td></td>
</tr>
<tr>
<td>6630</td>
<td>Professional Services</td>
<td>$127,600</td>
<td></td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
The Proposed ASR is to continue the work and implement the Ag & Watershed Protection Project as described under Grant Contract 201203014.

1b. Primary customers:
The citizens of Whatcom County benefit from this project by the exploration of policies aimed at protecting both agriculture and riparian habitat areas.

2. Problem to be solved:
The completion of this project will entail using $15,000 to complete the current work being done by the consultant regarding the creation of a final program report and implementation plan with program details. $60,200 of the funds would be used by the consultant to work closely with county staff and the Agricultural Advisory Committee to develop a policy framework for an agricultural mitigation program. $52,400 will be used by the consultant to work closely with the Watershed Improvement Districts (WID) and Whatcom County PDS to map priority areas for agriculture benefits as well as watershed benefits throughout the County's agriculture zone. This mapping will assist the WIDs in their comprehensive planning process (providing some baseline information). It will also be mutually beneficial to the County in the implementation of an ag-mitigation program, as well as comprehensive planning efforts.

3a. Options / Advantages:

3b. Cost savings:
Grant funds will cover consultant costs to implement priorities in the Ag Strategic Plan.

4a. Outcomes:
Grant funds will be used to reimburse appropriate expenses, according to the contract.

4b. Measures:
Specific deliverables are articulated in the grant contract that will be the basis for the projects success.

5a. Other Departments/Agencies:
Planning is the lead on this project with support from Public Works.

5b. Name the person in charge of implementation and what they are responsible for:
There are three local agency partners that have committed to in-kind support over the course of the project: Whatcom Farm Friends, WA Dept of Fish & Wildlife and the Whatcom Conservation District.

6. Funding Source:
The funding source is the Washington State Department of Commerce, Land Government and Infrastructure Division, Growth Management Services Unit and the National Estuary Program (NEP) -
<table>
<thead>
<tr>
<th>Planning &amp; Development Services</th>
<th>Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supp ID #</strong> 2031</td>
<td><strong>Fund</strong> 1</td>
</tr>
</tbody>
</table>

Puget Sound Watershed Protection Restoration Grant: Agreement Number: 12-63401-008.
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: September 28, 2015
SUBJECT: Supplemental Budget ID# 2005
          Verizon Antenna Installation and Upgrade

The attached Supplemental Budget requests budget authority for Verizon Antenna Installation and Upgrade in 2015.

Background and Purpose
The Sheriff's Office requests authority to upgrade the Distributed Antenna System in the Whatcom County Public Safety Building (Sheriff's Office), Jail, and Emergency Operations Center to be compatible with the Verizon Wireless cell phone system.

The current system is a Sprint Wireless system which is not compatible for voice and data coverage with our current Verizon devices.

Verizon will reimburse the Sheriff's Office up to $38,000 in the form of a credit to our account for this transition once the work is completed by the third-party vendor, Wireless Applications Consulting. The work must be completed and invoiced prior to the end of 2015 to obtain the credit from Verizon.

Funding Amount and Source
Verizon will provide reimbursement up to $38,000 in the form of a credit to Sheriff's Office account.

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.
Thank you.
Supplemental Budget Request

Status: Pending

Sheriff Administration

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>1</td>
<td>2900</td>
<td>D. Chadwick / K. Hester</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time Year 1 2015 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Verizon Antenna Installation and Upgrade

Department Head Signature (Required on Hard Copy Submission) Date

X 9/30/15

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4369.9091</td>
<td>Current Yr Refund of Ex</td>
<td>($38,000)</td>
</tr>
<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
<td>$38,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:

This Supplemental Budget is to upgrade the Distributed Antenna System in the Whatcom County Public Safety Building (Sheriff's Office) and Jail, as well as the Emergency Operations Center, to be compatible with the Verizon Wireless cell phone system. The current system is a Sprint Wireless system which is not compatible for voice and data coverage with our current Verizon devices. Verizon will reimburse/credit our account up to $38,000 for this transition, once completed by the third-party vendor Wireless Applications Consulting.

1b. Primary customers:

The primary customers for this service would be the Whatcom County Sheriff’s Office, members of other agencies and first responders who utilize the Jail, Public Safety Building, and Emergency Operations Center and county employees who conduct business with the Sheriff’s Office.

2. Problem to be solved:

The Whatcom County Sheriff’s Office previously had cellular phone service with Sprint. Due to issues within our buildings (large amounts of concrete and steel, etc.) cellular service was not good. Sprint put in an internal antenna system which allowed cellular communications to take place. In July of 2014, the Sheriff’s Office switched to Verizon Wireless as they provided better rates, equipment and service throughout Whatcom County. The one drawback was cellular service in the Public Safety Building.

This problem was addressed with an attempt to use network extenders to boost the cellular service within the building. This worked for a short time, but was not meant to be a long term fix. The network extenders have since stopped working properly and a permanent fix needs to be found. Currently, cellular service (both voice and data) are intermittent at best and cause a high number of dropped calls or missed calls. As cellular communication is vital to an agency that deals with emergency service, this is unacceptable.

Wireless Applications Consulting will replace the current Sprint roof antenna with a Verizon antenna; replace the existing Sprint repeater with a Verizon repeater and put all Verizon compatible parts in the existing ceiling runs of the Public Safety Building and the Whatcom Unified Emergency Coordination Center / EOC. This should dramatically improve cellular service for our employees.

3a. Options / Advantages:

We have tried the simplest fix of using network extenders to solve the issue. These were relatively cheap and Verizon provided them as a temporary fix. They worked well for the first couple of months, but for the last 8 months they have not done the job needed. A more permanent fix is needed.

Another option would be to have a complete new Verizon system installed. This would be in excess of

Wednesday, September 30, 2015
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Sheriff</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supp1 ID # 2005</td>
<td>Fund 1</td>
</tr>
</tbody>
</table>

$125,000 to have completed and the county would have to bear the cost. For a building that might only be used for the next 5-6 years, this is not the most cost effective approach.

This is the best option which includes using the existing infrastructure and replacing it with Verizon compatible components. The work would be performed by a third party contractor (Wireless Applications Consulting) to Verizon's standards. Upon completion and submitting the invoice, Verizon has agreed to credit our account up to $38,000 for completion of this work.

3b. Cost savings:
The current level of cellular service in the Public Safety Building is unacceptable and a safety factor. This option saves us over $100,000 by not building a new system to solve the issue. By making the current infrastructure Verizon compatible, the cost is below $38,000 and Verizon has agreed to reimburse/credit us this amount.

4a. Outcomes:
Once the work is completed, Verizon cellular voice and data service will be at full strength and working properly within the 2nd floor of the Jail, the main Sheriff's Office and DEM's Emergency Operations Center. This needs to be completed and invoiced prior to the end of 2015 to obtain the credit from Verizon.

4b. Measures:
By the improved signal strength of WCSO issued Verizon cellular phones.

5a. Other Departments/Agencies:
The improved signal strength will also have an impact on other county agencies who utilize Verizon wireless while in our building, as well outside agencies who are visiting the Sheriff's Office.

5b. Name the person in charge of implementation and what they are responsible for:
Whatcom County Facilities Management and Mike Russell will be part of this project. They will handle the contracts and scheduling portion. Facilities will request the PO from Finance, through the Sheriff’s Office. Once a contract is signed and approved, they will coordinate with the Contractor (WAC) and the Sheriff’s Office to complete the work.

6. Funding Source:
The funding will be out of the existing Sheriff’s Office budget and will be reimbursed/credited back to the Sheriff’s Office from Verizon upon completion and verification of the work.

Wednesday, September 30, 2015
Rpt: Rpt Suppl Regular
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: September 28, 2015

SUBJECT: Supplemental Budget ID# 2009
2015 Edward Byrne Memorial JAG - Ballistic Vest Replacement

The attached Supplemental Budget requests budget authority to use 2015 Edward Byrne Memorial Justice Assistance Grant funds to purchase ballistic vests.

Background and Purpose
The U.S. Department of Justice awarded 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds September 14, 2015 to the Sheriff’s Office for Safety and Ballistic Protection (Whatcom County Contract No. 201509022). The Sheriff’s Office will use these funds to purchase approximately 17 of the 27 additional ballistic vests that need to be replaced in 2015 due to a previous recall that affected the vest replacement cycle.

Funding Amount and Source
U.S. Department of Justice 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds, CFDA No. 16.738

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.
Thank you.
Supplemental Budget Request

Status: Pending

Sheriff

Operations

Supp ID # 2009 | Fund 1 | Cost Center 1003515004 | Originator: Dawn Pierce

Expenditure Type: One-Time
Year: 2015
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: 2015 Edward Byrne Memorial JAG - Ballistic Vests

Department Head Signature (Required on Hard Copy Submission)

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4333.1673</td>
<td>Byrne JAG Grant</td>
<td>($14,655)</td>
</tr>
<tr>
<td>6320.001</td>
<td>Office &amp; Op Supplies</td>
<td>$14,655</td>
</tr>
</tbody>
</table>

Request Total: $0

1a. Description of request:
The U.S. Department of Justice awarded 2015 Edward Byrne Memorial Justice Assistance Grant Program funds September 14, 2015 to the Whatcom County Sheriff's Office for Safety and Ballistic Protection (Whatcom County Contract No. 201509022). The Sheriff's Office will use these funds to purchase approximately 17 of the 27 additional ballistic vests that need to be replaced in 2015 due to a previous recall that affected the vest replacement cycle.

1b. Primary customers:
Sheriff's Office deputies.

2. Problem to be solved:
Budget authority is needed to purchase ballistic vests as approved in the grant award.

3a. Options / Advantages:
Grant funds were awarded specifically for "Safety and Ballistic Protection."

3b. Cost savings:
Cost savings of $14,655.

4a. Outcomes:
Ballistic vests will be purchased in 2015.

4b. Measures:

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:
WHATCOM COUNTY SHERIFF’S OFFICE
MEMORANDUM

DATE: 09/25/15

TO: Jack Louws, Whatcom County Executive
    Council Members, Whatcom County Council

FROM: Sheriff Bill Elfo

RE: Supplemental Budget Request #2015-1982 Digital Radios

Please allow this memo to serve as a request for approval of the accompanying budget supplemental. This supplemental will fund the final stages of a radio upgrade and replacement project.

We have purchased and supplied Corrections Deputies with digital-capable hand-held radios. Digital radios are now the industry standard for first responders and public safety. Due to outdated infrastructure in the main jail, currently the radios only operate on the old analog system. This means that Deputies cannot communicate clearly with each other within portions of the Public Safety Building, the Courthouse and to other responders nearby. This compromises security and negatively impacts their ability to communicate and respond during emergencies, and during non-emergency situations where additional Deputies or other first responders are needed.

The supplemental will pay for the installation of needed infrastructure, and re-programing of the current radios, which will allow us to complete the transition to the digital platform.

Chief Wendy Jones is overseeing this process and will be happy to answer any question you may have. Thank you,
Supplemental Budget Request

Jail

**Status:** Pending

**Supp# ID #:** 1982  **Fund:** 118  **Cost Center:** 118000  **Originator:** Caleb Erickson

**Expenditure Type:** One-Time  **Year:** 2015  **Add'l FTE:**  **Add'l Space:**  **Priority:** 1

**Name of Request:** Digital Radio Conversion

![Signature](image)

Department Head Signature (Required on Hard Copy Submission)  **Date:** 9/30/15

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
<td></td>
<td>$28,402</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$28,402</td>
</tr>
</tbody>
</table>

1a. **Description of request:**

This supplemental request is to finalize the jail’s conversion of the hand held radios to digital mode. We have purchased new Motorola radios for the downtown facility, but they are currently only able to operating in analog mode which has put our staff at risk.

Deputies cannot rely on the equipment to work well enough to be heard from the 3rd floor of the jail or in the courthouse if they are calling for help. The addition of supporting equipment and cabling, as well as conversion to a new digital channel is what our radio vendor recommends to reduce this risk.

1b. **Primary customers:**

Corrections Deputies.

2. **Problem to be solved:**

Deputies cannot communicate clearly to each other either within the downtown jail or between the jail and the Courthouse. This places the Deputies and the facility at risk in the event of any type of an emergency, and creates confusion and misunderstanding in routine communications.

3a. **Options / Advantages:**

The additional option would be to purchase more expensive radios, which may or may not work as well in the jail environment, thus duplicating the existing situation.

The selected option is best because it allows us to use our current model radios and simply add the additional infrastructure to our system, which will allow us to do the programming to convert the current radios to a digital platform, and therefore be able to add communication points for staff providing for direct communication, and reduce the distance signal must travel in order to be broadcast to the rest of the staff.

3b. **Cost savings:**

The alternative would mean replacing all of our current radios (80 radios at a cost of approximately $7000.00 per radio for a total pre-tax cost of $560,000) with no guarantee the new ones would function any better in the jail environment.

4a. **Outcomes:**

NW Communication will:

1) Install a 2 section digital channel on all Motorola 7550 radios

2) Add leaky coaxial cable throughout the Courthouse and Public Safety Buildings

3) Add a repeater and a duplexer in the Control Booth at the Downtown Jail

*Wednesday, September 30, 2015*
Supplemental Budget Request

Jail

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>118</td>
<td>118000</td>
<td>Caleb Erickson</td>
</tr>
</tbody>
</table>

Status: Pending

4b. Measures:
1) The jail will track and document the installation of the digital channel on the existing radios.
2) Facilities will work with NW Communication to install the coaxial cable in the Courthouse and Public Safety Building as well as the repeater and duplexer in Central Control at the Downtown Jail.

5a. Other Departments/Agencies:
AS Facilities:
All installation of new wiring and equipment must be done in accordance with codes and under the supervision of Facilities. This will be done as part of their normal duties and will be scheduled to work within their work schedule.

5b. Name the person in charge of implementation and what they are responsible for:
Mike Russell will oversee the process. One of his technical staff will most probably oversee and approve the installation.

6. Funding Source:
Jail sales tax fund.

Wednesday, September 30, 2015

Rpt: Rpt Suppl Regular
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>Paula J. Harris, P.E.</td>
<td>10-16-15</td>
<td></td>
<td>October 27, 2015</td>
<td>Finance, Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td>Gary Stoyka</td>
<td></td>
<td></td>
<td></td>
<td>WCFCZDBS</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>Jon Hutchings</td>
<td>10/10/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Civil Deputy</td>
<td>Dan Gibson</td>
<td>10/14/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>Brad Bennett</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td>Jack Looves</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Interlocal Agreement Between Whatcom County and the Whatcom County Flood Control Zone District and Subzones for District Operations and Administration

**ATTACHMENTS:**

Cover Memorandum

**SEPA review required?** ( ) Yes ( x ) NO
**SEPA review completed?** ( ) Yes ( x ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The attached Interlocal Agreement (ILA) between the County and the Flood Control Zone District (FCZD) clarifies that the budgeting process for the FCZD is performed annually as prescribed in RCW 86.15.140.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Paula J. Harris, River and Flood Manager
       Gary S. Stoyka, Natural Resources Manager

RE: Revised Interlocal Agreement between Whatcom County and the Flood Control Zone District

DATE: October 13, 2015

A revised Interlocal Agreement (ILA) between Whatcom County and the Whatcom County Flood Control Zone District (FCZD) is presented for your review and approval.

- Requested Action
  Public Works respectfully requests that the County Executive and County Council members, acting as the County Council and the Flood Control Zone District (FCZD) Board of Supervisors, execute the revised ILA.

- Background and Purpose
  Budgeting procedures for flood control zone districts are specified in state law at RCW 86.15.140, which states:

  The supervisors shall annually at the same time county budgets are prepared adopt a budget for the zone...

  In 2011, the County and FCZD executed an ILA to clarify the relationship between the County and the FCZD. This ILA requires the preparation of two annual FCZD budgets at the same time that the County adopts its biennial budget, with the first year’s budget adopted when the County adopts its biennial budget and second year’s budget officially adopted the following year. Since then, Finance and Public Works staffs have determined that it would be more efficient and consistent with state law if the FCZD reverted to a strictly annual budgeting process. During a recent audit, the state auditor concurred with that determination and recommended that the FCZD’s bylaws and ILA with the County be modified accordingly. The proposed revisions to the ILA clarify that the FCZD will adopt budgets annually, as required by state law.

- Fiscal Note
  There are no fiscal impacts associated with this action.

Please contact Paula Harris at extension 6285 or Jon Hutchings at extension 6205, if you have any questions or concerns regarding the terms of this agreement.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Public Works</th>
<th>201104010 - 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originating Department:</td>
<td>Program/Project: (i.e. Dept, Division and Project)</td>
</tr>
<tr>
<td>Public Works</td>
<td>River/Flood</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Contractors / Agency Name:</td>
</tr>
<tr>
<td>Paula Harris</td>
<td></td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</td>
</tr>
<tr>
<td>201104010</td>
<td></td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If No, include WCC:</td>
</tr>
<tr>
<td>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
<td></td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If yes, grantor agency contract number(s):</td>
</tr>
<tr>
<td>CFDA#:</td>
<td></td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If yes, Whatcom County grant contract number(s):</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If yes, RFP and Bid number(s):</td>
</tr>
<tr>
<td>Cost Center:</td>
<td></td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>No ☑ Yes ☐</td>
</tr>
<tr>
<td>N/A</td>
<td>If no, include Attachment D Contractor Declaration form.</td>
</tr>
</tbody>
</table>

If YES, indicate exclusion(s) below:
- [ ] Professional services agreement for certified/licensed professional.
- [ ] Contract work is for less than $100,000.
- [ ] Contract work is for less than 120 days.
- [X] Interlocal Agreement (between Governments).
- [ ] Contract for Commercial off the shelf items (COTS).
- [ ] Work related subcontract less than $25,000.
- [ ] Public Works - Local Agency/Federally Funded FHWA.

### Contract Amount:
- (sum of original contract amount and any prior amendments):
  - $ n/a

### This Amendment Amount:
  - $ n/a

### Total Amended Amount:
  - $ n/a

### Summary of Scope:
The attached Interlocal Agreement (ILA) between the County and the Flood Control Zone district (FCZD) was originally executed in 2011 and includes a process for annual adoption of a budget for the FCZD utilizing the biennial budget adoption and supplemental budget processes used by the County. The attached revised version of the ILA changes the budgeting process for the FCZD to an annual budget development and adoption process to be consistent with the requirement of an annual budget for the FCZD and prescribed in RCW 86.15.140.

### Term of Contract:
- n/a

### Expiration Date:
- n/a

### Contract Routing:
- Prepared by: Paula J. Harris  Date: 10-14-15
- Attorney signoff:  Date: 10/19/15
- AS Finance reviewed:  Date: 10/19/15
- IT reviewed (if IT related):  Date:
- Contractor signed:  Date:
- Submitted to Exec.:  Date:
- Council approved (if necessary):  Date:
- Executive signed:  Date:
- Original to Council:  Date:

Last edited 10/01/15
AMENDED INTERLOCAL AGREEMENT BETWEEN
WHATCOM COUNTY AND THE WHATCOM COUNTY FLOOD CONTROL ZONE
DISTRICT AND SUBZONES
FOR DISTRICT OPERATIONS AND ADMINISTRATION

This Agreement is hereby entered into by Whatcom County, a home rule charter county in the State of Washington (hereinafter referred to as the "County"), and the Whatcom County Flood Control Zone District, a quasi-municipal corporation of the State of Washington (hereinafter referred to as the "District"), on behalf of the District and its five subzones, (the "Parties" or when singular, the "Party") and shall be effective upon execution by Whatcom County and the District.

WHEREAS, Whatcom County formed the District by adopting Ordinance 91-076, and to date, five flood control subzones have been created within the District: Lake Samish, Birch Bay Watershed Aquatic Resource Management, Acme/Van Zandt, Sumas/Nooksack/Everson, and Lynden/Everson;

WHEREAS, the original bylaws of the FCZD Board of Supervisors, amendments in 1998 and 2008, and various other actions of the County Council and the Board of Supervisors have defined the respective roles of the District and the County;

WHEREAS, the Parties have identified a need to further clarify the lines of financial and administrative authority for various flood control and water resource management activities throughout Whatcom County;

WHEREAS, the County Council and the County Executive act ex officio as the Board of Supervisors of the District and the subzones, a county engineer administers the affairs of the District and the subzones, and the Whatcom County Treasurer acts as the treasurer for the District and the subzones;
WHEREAS, the District desires to exercise its statutory powers as enumerated in RCW Chapter 86.15 as efficiently and effectively as possible;

WHEREAS, the County has the expertise, resources and infrastructure necessary to support the District and subzones in their development and implementation of budgets and work programs;

WHEREAS, the District and subzones are authorized under the provisions of RCW 86.15.080 (8) and 86.15.035 to enter into cooperative agreements with other governments, such as Whatcom County, as well as the United States Army Corps of Engineers and other state and federal agencies, to carry out the flood control and protection mission required by Chapter 86.15 RCW and for the purposes authorized under RCW 86.15.035;

WHEREAS, the District and the County are authorized to enter into this Agreement pursuant to Chapter 39.34 RCW (the Interlocal Cooperation Act) and provisions of RCW 86.15;

WHEREAS, a cooperative Agreement between the County and the District on behalf of the District and the subzones will benefit each Party and is of importance to the health, safety and property of the citizens of Whatcom County;

WHEREAS, in order to maintain consistency between RCW 86.15 and local FCZD practice as it pertains to annual budgeting requirements, Section 3.6 of the Interlocal Agreement that has been in effect between the County and the District is hereby being amended as reflected in that section below;

NOW, THEREFORE, it is agreed by the Parties as follows:
1. **Purpose and Scope of the Agreement.**

1.1 The purpose of this Agreement is to provide the terms and conditions under which Whatcom County and the District and/or one or more subzones will cooperate to combine their respective technical expertise and financial resources toward more effective and efficient flood control, flood hazard reduction, storm water control, water quality protection and other water resource management services.

1.2 The joint program entered pursuant to this Agreement between the County and the District will be funded by District revenues supplemented with grant revenues obtained by either the County or the District, and will be established by the District's budget and work program, as approved annually or as amended by resolution of the District's Board of Supervisors.

1.3 The joint program entered pursuant to this agreement between the County and the District on behalf of each of the subzones will be funded by revenues from the District or that subzone; grant revenues obtained by either the County, the District or the subzone; and cost-shares between or among the Parties, and will be established by the subzone’s budget and work program, as approved annually or as amended by resolution of the District Board of Supervisors.

2. **District Obligations.**

2.1 The District's Board of Supervisors shall adopt the District’s and the subzones’ budgets and may supplement the adopted budgets as prescribed in RCW 86.15.140.
2.2 The District or a subzone shall pay for the costs incurred by the County consistent with the terms of this Agreement and the relevant approved budget, as follows:

2.2.1 The District, and when applicable a subzone, shall pay the County for all actual incurred costs of the County for joint program implementation, including but not limited to direct labor, employment benefits, equipment rental, sub-contractors, materials and supplies, utilities and permits.

2.2.2 The District shall pay the County for administrative overhead costs for the services provided by County employees to the District. The overhead costs shall be billed to the District in accordance with the cost allocations developed by the County, which shall be fair and accurate allocations of those administrative overhead costs.

2.3 Grants and contracts that further the purposes of the District shall be in the name of the District, except when the District is ineligible or other purposes are served by the agreement being in the name of the County. In those circumstances a separate interlocal agreement may be required to clarify the respective roles of the parties.

3. County Obligations.

3.1 Unless otherwise directed by the District through amendment to its bylaws, the Clerk of the Council shall serve as Clerk of the District's governing body ("Clerk of the Board") as that position is described in the District's Bylaws. In addition, the Clerk shall provide services to the District that are similar to those provided to the County Council but which are not described in the Bylaws, and shall provide facilities for meetings of the Board and any Board committees.

3.2 The County shall provide other support services to the District and
subzones, including, but not limited to, technical services, financial services, including payment and processing of invoices, accounting and financial reporting, policy analysis, legal advice and legal representation.

3.3 The County shall support the District and the subzones in administering and implementing the work programs, consistent with their budgets, by providing appropriate technical expertise and personnel.

3.4 The Director of Whatcom County Department of Public Works or its successor agency shall designate an engineer who shall act in the capacity of the county engineer for the purposes of RCW 86.15.060, and shall be referred to as the County flood control engineer. The scope of the flood control engineer's duties and authority shall be consistent with the provisions of RCW 86.15.060 and all resolutions adopted by the Board. The Director of the Department of Public Works or its successor agency shall notify the Clerk of the Board in writing of any change in the identity of the individual serving in such capacity within five days of the change.

3.5 Except for those official records maintained by the Clerk of the Board, the Department of Public Works shall maintain and be the repository of the official records of the District and the subzones. Requests for information from the District or a subzone, resulting from a public disclosure request to the District or a subzone, shall be met as provided for in Chapter 42.56 RCW and resolution of the Board of Supervisors.

3.6 In accordance with the Whatcom County budget cycle and process, County staff designated to perform work for the District shall prepare and submit for review and approval by the District Board of Supervisors an annual budget meeting the requirements of RCW 86.15.140 and an annual work program for the District and
each of the subzones. For as long as Whatcom County retains a biennial budget cycle, County-designated staff shall prepare proposed annual budgets for the two consecutive years of the biennium and work programs for the District and each subzone in anticipation of the two-year budget cycle. County-designated staff will also prepare a revised budget and work program for the District and each subzone for the second year of each county biennium for adoption by the Board of Supervisors pursuant to 86.15.140, and shall present the second annual budget and work program to the District Board of Supervisors in conjunction with the County's supplemental budget process to allow for adoption by the Board of Supervisors prior to the beginning of the second year of the biennium. The Board of Supervisors shall adopt the annual budgets by resolution.

3.7 In the event of a threat of imminent harm to property or public safety, and consistent with County policies pertaining to procurement of materials and services and expenditure of funds during an emergency, County-designated staff shall respond on behalf of the District and as soon as possible shall inform the District of emergency actions that have been taken, or may be required, to protect against such threat. As soon as practicable following an emergency, County-designated staff shall prepare and present to the Board of Supervisors a revised work program identifying the actions taken on behalf of the District during the emergency as well as any necessary repair or prevention projects to protect against the same or similar threats. A supplemental budget request shall be prepared by County-designated staff to provide any additional budget authority needed to cover the emergency and new repair projects. The District shall pay the costs incurred by the County for actions taken on its behalf in response to a threat of imminent harm to property or public safety, as well as for actions and projects undertaken as authorized by an amendment to the budget and revised work program.
3.8 The County Executive, his designee or the engineer identified by the County as the county flood control engineer for purposes of RCW 86.15.060, is authorized to execute on behalf of the District and subzones:

A. Cooperative agreements, amendments to such cooperative agreements, and certification and other documents related to such cooperative agreements with the U.S. Army Corps of Engineers (USACE) regarding projects included in an annual budget approved by the Board of Supervisors; and

B. Agreements with state, local and other federal agencies and governments, as well as contracts for services and construction contracts that are related to or necessary to carry out any projects in an annual work program, together with amendments to such agreements, certifications and other documents related to such agreements.

Provided that purchasing and contracting policies of Whatcom County shall be applied by County staff and officials when acting on behalf of the District or a subzone, with the substitution of the Board of Supervisors in the role of the Whatcom County Council, and provided that County staff and officials may not commit the District or a subzone to expenditures exceeding the expenditure limits in those policies without specific authorization by the Board of Supervisors.

3.9 County-designated staff will conduct business on behalf of the District and Subzones, including the solicitation of contractors, processing of invoices, and other administrative activities in accordance with County administrative procedures for any applicable contracts and agreements.

3.10 County-designated staff shall manage any real property acquired by the District in accordance with RCW 86.15.080 and the County’s policies for property management.
4. **Financial Reporting**

4.1 The County will prepare monthly and annual financial statements for the revenues and expenditures of the District and each Subzone.

4.2 Financial statements shall include all actual costs including labor costs of County staff and contracted services, plus administrative overhead costs, and shall be of sufficient detail to allow for verification of consistency and compliance with the adopted budgets for the District and the Subzones.

5. **Legal Relations**

5.1 It is understood and agreed that this Agreement is solely for the benefit of the Parties hereto and gives no right to any other Party. No joint venture or partnership is formed as a result of this Agreement. No employees or agents of one Party or any of its contractors or subcontractors shall be deemed, or represent themselves to be, employees of the other Party. When Whatcom County staff are conducting the business of the District or a subzone in accordance with the terms of this agreement, they are acting as agents for the District or subzone, though they are not employees of the District or subzone.

5.2 This Agreement shall be interpreted in accordance with the laws of the State of Washington. The Superior Court of Whatcom County, Washington, shall have exclusive jurisdiction and venue over any legal action arising under this Agreement.

5.3 To the maximum extent permitted by law, each Party shall defend, indemnify and hold harmless the other Party, and all of its officials, employees, principals and agents, from any and all claims, demands, suits, actions, fines, penalties, and liability of any kind, including injuries to persons or damages to property, which arise out of or are related to any negligent acts, errors, omissions of the indemnifying Party and its contractors, agents, employees and representatives in
performing obligations under this Agreement.

*Provided that* if any such damages and injuries to persons or property are caused by or result from the concurrent negligence of the District or its contractors, employees, agents, or representatives, and the County or its contractor or employees, agents, or representatives, each Party’s obligation hereunder applies only to the extent of the negligence of such Party or its contractor or employees, agents, or representatives.

The foregoing indemnity is specifically and expressly intended to constitute a waiver of each Party’s immunity under industrial insurance, Title 51 RCW, as respects the other Party only, and only to the extent necessary to provide the indemnified Party with a full and complete indemnity of claims made by the indemnitor’s employees. This waiver has been mutually negotiated.

5.4 In the event either Party incurs attorney fees, costs or other legal expenses to enforce the provisions of this section against the other Party, all such fees, costs and expenses shall be recoverable by the prevailing Party.

5.5 The County shall provide insurance coverage, or self-insurance, for the acts and omissions of its officers, employees and agents in providing the services and carrying out the obligations of this Agreement, to the same extent and in the same amount as is provided generally by the County for its officers, employees and agents. The County shall provide proof of such insurance coverage or self-insurance at the request of the District. In the event that the County obtains insurance coverage for the Board of Supervisors, the costs of such insurance shall be reimbursable to the County by the District.

5.6 It is the intent of the Parties to provide each other access on properties for which either Party holds title or a valid easement for purposes of flood control or stormwater maintenance, repairs, improvements or inspection of these facilities.
5.7 The parties agree, pursuant to the language of Appendix A which is attached hereto and incorporated herein by reference, to extend to each other the right to purchase from qualified (lowest, responsive, and responsible) bidders identified in the other party’s bid processes and to utilize each other’s rosters or other consultant selection processes for retaining professional services.

5.8 The provisions of this section shall survive any termination of this Agreement.

6. **Duration and Termination.**

6.1 This Agreement shall take effect upon its signing by the Parties and shall remain in effect until terminated or superseded by agreement of the Parties.

6.2 Either Party may terminate this Agreement for convenience upon 60 days written notice to the other Party. In addition, this Agreement may be terminated at any time by mutual agreement of the Parties.

6.3 Failure to require full and timely performance of any provision at any time shall not waive or reduce the right to insist upon complete and timely performance of such provision thereafter.

7. **Administration and Identification of Contacts.**

7.1 This Agreement shall be administered by the Chair of the Board of Supervisors and the Office of the Whatcom County Executive, which shall be contacted as follows:

**County:** The Whatcom County Executive, or the Whatcom County Executive’s appointee, as follows:

Whatcom County Executive  
Whatcom County Courthouse  
311 Grand Avenue, Suite 108  
Bellingham WA 98225

**District:**

The Clerk of the Board  
Whatcom County Courthouse
With a copy to the county flood control engineer:

Department of Public Works
River and Flood Division
322 North Commercial Street, Suite 120
Bellingham WA 98225

8. **Entire Agreement.**

8.1 This Agreement is a complete expression of the terms hereto and any oral representation or understandings not incorporated herein are excluded.

8.2 Any modification, amendment, or clarification to this Agreement shall be in writing and signed by both Parties. Copies of such shall be attached hereto and by this reference made a part of this Agreement as though fully set forth herein.

9. **Severability.**

If any provisions of this Agreement are held invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby if the Parties mutually agree that such remainder would then continue to serve the purposes and objectives originally contemplated.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed.

**WHATCOM COUNTY**

---

Pete Kremen

Jack Louws

County Executive

Dated

Approved as to Form:
By:  

Chief Deputy Prosecuting Attorney

Dated

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

Sam Crawford

Chair of the Board of Supervisors

Approved as to Form:

Attorney for the District
APPENDIX A
COOPERATIVE PURCHASING AGREEMENT

Pursuant to Chapter 39.34 RCW and to other applicable laws, WHATCOM COUNTY ("County") and, THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT ("District"), hereby agree to cooperative governmental purchasing upon the following terms and conditions:

(1) This Agreement pertains to bids and contracts for supplies, material, equipment, or services, including professional services, that may be required from time to time both by the County and by the District.

(2) Each of the parties from time to time goes out to public bid and contracts to purchase supplies, material, equipment, and services; in addition, the parties advertise and contract for professional services. Each of the parties hereby agrees to extend to the other party the right to purchase pursuant to such bids, consultant rosters and contracts to the extent permitted by law, and to the extent agreed upon between each party and the bidder, contractor, vendor, supplier, or service provider.

(3) Each of the parties shall comply with all applicable laws and regulations governing its own purchases.

(4) Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, service provider, or consultant and pay directly in accordance with its own payment procedures for its own purchases. Each party will indemnify and hold the other party harmless as to any claim arising out of its participation in this Agreement.

(5) Any purchase made pursuant to this Agreement is not a purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance, warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

(6) No separate legal or administrative entity is intended to be created pursuant to this Agreement. No obligation, except as stated herein, shall be created between the parties or between the parties and any applicable bidder or contractor.

(7) The purchasing manager of the County and the staff designated to perform work for the District shall be the representatives of the entities for carrying out the terms of this Agreement.

(8) This Agreement shall continue in force until cancelled by either party, which cancellation may be effected upon receipt by one of the parties of the written notice of cancellation of the other party.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>KB</td>
<td>10/15/15</td>
<td></td>
<td>10/27/15</td>
<td>Finance Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td>MP</td>
<td>10/15/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>MP</td>
<td>10/15/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td>MP</td>
<td>10/15/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>MP</td>
<td>10/15/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td>MP</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Contract Amendment #7 between Whatcom County and FHB Consulting

**ATTACHMENTS:** Memo with attachments A and B, contract information sheet, amendment, scope of work, budget

**SEPA review required?** ( ) Yes  ( x ) NO
**SEPA review completed?** ( ) Yes  ( x ) NO

**Should Clerk schedule a hearing?** ( ) Yes  ( x ) NO

**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Amending the consultant contract to include the new goals of Policy Framework & Procedures for Governing and Mitigating for Conversion of Agricultural Lands and Scale Up Agriculture-Watershed Characterization and Mapping with their associated sub-tasks. The first goal is supported by the Whatcom County Agricultural Strategic Plan, and the Agricultural Advisory Committee has recently reinforced their support of the task. The second task will involve working directly with the newly formed Watershed Improvement Districts (WIDs) and will provide mapping tools and necessary baseline information for both Whatcom County and the WIDs to use in their integrated agriculture and watershed planning. The completion of these tasks will require a budget of $112,600 to be added to FHB’s contract. The funding for this comes from Whatcom County grant #201203014 from the Department of Commerce.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

201206008

**Related File Numbers:**

**Ordinalance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Mark Personius, Assistant Director
       Karin Beringer, Planner I
RE: FHB Consulting Contract Amendment #7
DATE: October 14, 2015

Enclosed are two (2) originals of the contract amendment between FHB Consulting and Whatcom County for your review and signature.

Background and Purpose

Thank you for taking the time to consider this amendment to Whatcom County’s Agriculture-Watershed Pilot Project scope of work and task budget allocation.

Whatcom County received a watershed restoration and protection grant from the Department of Commerce in 2012. The County hired FHB Consulting Services Inc. to complete much of the technical work of the grant.

The Puget Sound Watershed Protection Grant is an ongoing project under Grant Agreement 12-63401-008 & Grant Contract #201203014. There is approximately $125,000 remaining in the grant budget. Most of that was originally set aside for the purpose of easement purchase if we were able to reach an agreement on the pilot project(s). For a number of reasons, we have not been able to reach an agreement with the landowner. We have asked the Department of Commerce to reallocate some of the remaining project budget to complete several other tasks. The new proposed tasks are as follows: 1) $60,200 to be used by the consultant to work closely with county staff and the Agricultural Advisory Committee to develop a policy framework for an agricultural mitigation program. 2) $52,400 will be used by the consultant to work closely with the Watershed Improvement Districts (WIDs) and Whatcom County PDS to map priority areas for agricultural benefits as well as watershed benefits throughout Whatcom County’s agricultural zone. This mapping will assist the WIDs in their comprehensive planning process providing them baseline information.
This work will be mutually beneficial to Whatcom County planning and the Agricultural community. The AAC has expressed interest several times in exploring an agricultural mitigation program (see Attachment A to this memo). An agricultural mitigation program would support the County’s resolution to preserve at least 100,000 acres available for agricultural use. Mapping priority areas for agriculture as well as watersheds will assist in comprehensive planning efforts of both the County and the newly formed WIDs, and the mapping will also be integral to an agricultural mitigation program.

This will require an amendment to the consultant’s scope of work, and the timeline. Please see Attachment B to this memo for more details on added tasks and changes to timeline. Thank you again for the consideration.

**Funding Amount and Source**

$112,600 will be allocated to complete these new tasks. The funds will be coming from Whatcom County Grant #201203014 with the Department of Commerce. Those funds were originally set aside in the grant to purchase a conservation easement, but we were unable to come to an agreement for a purchase.

**Differences from Previous Contract**

This contract amendment adds goals 7 and 8 with their associated sub-tasks to the consultant’s scope of work, and adds an additional $112,600 to their contract to complete those tasks.

Please contact Karin Beringer at extension 5956, if you have questions.

Thank you.
Whatcom County Agricultural Advisory Committee

April 19, 2015

Executive Louws and Whatcom County Council
Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226

RE: Agricultural Mitigation

Dear Executive Louws and Honorable Councilmembers,

The Whatcom County Agricultural Advisory Committee (AAC) met for a regular business meeting on March 12, 2015 and discussed the expansion of Urban Growth Areas (UGAs). The AAC is concerned that these expansions can lead to valuable agricultural land being converted where expansions coincide with agricultural zoned lands.

The County has a goal of maintaining at least 100,000 acres of land available for agriculture to keep the agricultural economy thriving. In order to support this goal, the County has an Agricultural Strategic Plan (2011), which includes tasks to support farmland preservation and viability. One of the tasks of the Ag Strategic Plan is the exploration of agricultural mitigation options and potential regulations that would govern conversions of agricultural land to non-agricultural related uses. Agricultural mitigation might incorporate in lieu fees, a PDR Program, and a functioning TDR Program.

The County’s current comprehensive plan states that “...If the expansion (into the Urban Growth Area Reserve) is into lands zoned Agricultural, the city and county shall have an interlocal agreement or regulations in place that implement a program that outlines the respective roles in protecting at least 100,000 acres of agricultural land in Whatcom County.” Whatcom County Comprehensive Plan pg. 2-92.

While the County does have interlocal agreements with the cities, there is more work that needs to be done. Most interlocal agreements, with an Agricultural Resource Lands section, call for a transfer of development rights (TDR) mechanism. That may include the purchase of development rights and/or payment of an in lieu fee when agricultural zoned lands are converted to urban uses.

We understand that the County’s Long Range Planning Department will be applying for a National Estuary Program (NEP) Grant through the Department of Commerce. One of the proposed tasks for the grant is to develop a consistent policy framework and procedures to
govern all impacts to and conversions of agricultural lands. The AAC supports the County in this grant application.

The AAC voted that this letter be drafted to inform the County Council and City Planners that County-wide agricultural mitigation is a priority for ensuring that the County maintains 100,000 acres of quality agricultural land. The AAC will be coordinating with staff in 2015/2016 to develop policy recommendations for agricultural mitigation. Thank you for your time.

Sincerely,

[Signature]

Ed Blok
Chair of Whatcom County Agricultural Advisory Committee

c.c City Planners

Committee Members:
Ed Blok - Chair, Dave Buys - Vice Chair, John Bayer, Lesa Boxx, Vicki Hawley, Larry Helm, Mike Finger, Wesley Kentch, Leighton Overson, Leroy Plagerman, Debbie Vander Veen, Landon VanDyk, Richard Yoder

Staff Contact: Karin Beringer (360) 676-6907 x 51072 - Whatcom County Planning and Development Services
5280 Northwest Drive Bellingham, WA 98226-9099  kberinge@co.whatcom.wa.us
October 14, 2015

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98226

Dear Council Members:

The South Lynden Watershed Improvement District (SLWID) encourages you to support the grant amendment request submitted by your Planning and Development Services staff.

Our board understands that as a new WID we need to develop a Comprehensive Plan that outlines current baseline conditions, sets goals for achieving both agricultural and environmental improvements of our watershed, and outlines actions for moving us forward. We have made some steps towards developing this plan and are actively seeking partners who might provide us the information we need to successfully fill in the details we require to make this Plan useful.

We see Task #8 in the revised Scope of Work (back of letter) as directly helping us in our needs. We commit to providing the contractors the needed feedback from farmers to make this effort successful.

Thank you for your leadership on this important project in support of Whatcom County agriculture.

Sincerely,

[Signature]

Ed Blok, Chairman
South Lynden Watershed Improvement District
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Planning &amp; Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program/Project:</td>
<td>Agricultural Watershed Pilot Project</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Karin Beringer</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>FHB Consulting</td>
</tr>
</tbody>
</table>

**Is this a New Contract?** Yes ☒ No ☐
If not, is this an Amendment or Renewal to an Existing Contract?

**Does contract require Council Approval?** Yes ☒ No ☐
If No, include WCC:
(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

**Is this a grant agreement?**
Yes ☐ No ☒ If yes, grantor agency contract number(s):

**Is this contract grant funded?**
Yes ☒ No ☐ If yes, Whatcom County grant contract number(s):
201203014

**Is this contract the result of a RFP or Bid process?**
Yes ☒ No ☐ If yes, RFP and Bid number(s):
12-38
Contract Cost Center: 2543

**Is this agreement excluded from E-Verify?**
No ☐ Yes ☒ If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional.
- Contract work is for less than $100,000.
- Contract work is for less than 120 days.
- Interlocal Agreement (between Governments).
- Contract for Commercial off the shelf items (COTS).
- Work related subcontract less than $25,000.
- Public Works - Local Agency/Federally Funded FHWA.
- Contracts that require Council Approval (incl. agenda bill & memo)
  - Professional Services Agreement above $20,000.
  - Bid is more than $50,000.
  - Professional Service Contract Amendments that have an increase greater than $20,000 and other contracts with a cumulative increase greater than $50,000.

**Summary of Scope:**
Amending the consultant contract to include the new goals of Policy Framework & Procedures for Governing and Mitigating for Conversion of Agricultural Lands and Scale Up Agriculture-Watershed Characterization and Mapping with their associated sub-tasks. The first goal is supported by the Whatcom County Agricultural Strategic Plan, and the Agricultural Advisory Committee has recently reinforced their support of the task. The second task will involve working directly with the newly formed Watershed Improvement Districts (WIDs) and will provide mapping tools and necessary baseline information for both Whatcom County and the WIDs to use in their integrated agriculture and watershed planning. The completion of these tasks will require a budget of $112,600 to be added to FHB’s contract. The funding for this comes from Whatcom County grant #201203014 from the Department of Commerce.

**Term of Contract:**
Expiration Date: June 30, 2016

**Contract Routing:**
1. Prepared by: BB
2. Attorney signoff:

---

**Contract for Services Agreement**
FHB Consulting Amendment #7

---

V2.0
3. AS Finance reviewed: ____________________________ Date: 10/15/15
4. IT reviewed (if IT related): ____________________________ Date: 10/15/15
5. Contractor signed: ____________________________ Date:
6. Submitted to Exec.: ____________________________ Date:
7. Council approved (if necessary): ____________________________ Date:
8. Executive signed: ____________________________ Date:
9. Original to Council: ____________________________ Date:
Amendment No. 7  
Whatcom County Contract No. 201206008  
CONTRACT BETWEEN WHATCOM COUNTY AND  
FHB Consulting  

THIS AMENDMENT is to the Contract between Whatcom County and FHB Consulting dated June 20, 2012 and designated “Whatcom County Contract No 201206008. In consideration of the mutual benefits to be derived, the parties agree to the following:

Amending the consultant contract to include the new goals of Policy Framework & Procedures for Governing and Mitigating for Conversion of Agricultural Lands and Scale Up Agriculture-Watershed Characterization and Mapping with their associated sub-tasks. The completion of these tasks will require a budget of $112,600 to be added to FHB’s contract. The funding for this comes from Whatcom County grant #201203014 from the Department of Commerce. The contract will also be extended through June 30, 2016.

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This Amendment takes effect upon signature by all parties.

IN WITNESS WHEREOF, Whatcom County and have executed this Amendment on the date and year below written.

DATED this 15th day of October, 2015.

CONTRACTOR:

FHB Consulting

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this 15 day of October, 2015, before me personally appeared

Heather Moraag Brown to me known to be the Director of the FHB Consulting an who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Linda S. Nielsen

NOTARY PUBLIC in and for the State of Washington, residing at Whatcom County. My commission expires 10-29-2016.
WHATCOM COUNTY:

Approved as to form:

Prosecuting Attorney

Approved:
Accepted for Whatcom County:

By: ____________________________
   Jack Louws, Whatcom County Executive

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this _____ day of ______________________, 20____, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

____________________________________

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

________________________. My commission expires

________________________.

CONTRACTOR INFORMATION:
FHB Consulting
863 Main Street
P.O. Box 332
Lynden, WA 98264
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>K. Christensen</td>
<td>10/13/15</td>
<td></td>
<td>10/27/15</td>
<td>Finance</td>
</tr>
<tr>
<td>Division Head:</td>
<td>G. Stoyka</td>
<td>10/13/15</td>
<td></td>
<td>10/27/15</td>
<td>Council</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>J. Hutchings</td>
<td>10/13/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td>D. Gibson</td>
<td>10/15/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>B. Bennett</td>
<td>10/13/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td>J. Louws</td>
<td></td>
<td>10/19/15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

ASSISTANCE WITH LAKE WHATCOM STORMWATER CAPITAL PROGRAM UPDATES

**ATTACHMENTS**

1. Memorandum
2. Contract information sheet
3. Contract and related exhibits

**SEPA review required?** ( ) Yes ( X ) NO

**SEPA review completed?** ( ) Yes ( X ) NO

Should Clerk schedule a hearing? ( ) Yes ( X ) NO

Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Herrera Environmental Consultants, Inc., will assist with updating the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan. The Whatcom County Council adopted this plan in 2008 to help identify and prioritize capital improvement projects to reduce pollutant loading into Lake Whatcom.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: The Honorable Jack Louws, Whatcom County Executive, and Honorable Members of the Whatcom County Council

FROM: Jon Hutchings, Public Works Director

THROUGH: Gary Stoyka, LHG, Natural Resources Program Manager
Kirk Christensen, PE, Stormwater Manager

DATE: October 7, 2015

RE: Contract with Herrera Environmental Consultants to Assist with Updating Capital Projects-related Sections of the Lake Whatcom Stormwater Comprehensive Stormwater Plan

Please find attached for your review and approval two (2) originals of a contract for services between Herrera Environmental Consultants, Inc. (Herrera), and Whatcom County to assist with updating the capital projects-related sections of the Lake Whatcom Comprehensive Stormwater Plan.

- Background and Purpose
In 2008, the Whatcom County Council adopted the Lake Whatcom Comprehensive Stormwater Plan (LWCSP) which helped identify programmatic solutions and capital improvement projects with the goal of reducing pollutants entering Lake Whatcom. The capital improvement projects from the LWCSP are constructed or on the current Six-Year Water Resources Improvement Program.

Herrera will assist with updating the LWCSP to determine the most effective future capital projects to reduce phosphorus and bacteria loading to Lake Whatcom. The scope will include identification of capital projects for construction, developing a sub-watershed master plan for the Sudden Valley focus area, preparing project summary sheets, prioritizing and ranking identified improvement projects, and public meetings.

Herrera Environmental was chosen through a competitive selection process (RFP 15-20).

- Funding Amount and Source
This contract in the amount of $137,157.00 will be funded by the 2015 Public Works-Stormwater base budget (cost center 123201).

Please call Kirk at extension 6297 if you have any questions regarding this agreement.

Attachments
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Public Works  
**Program/Project:** Stormwater  
**Contract or Grant Administrator:** Kirk Christensen, Stormwater Manager  
**Contractor’s / Agency Name:** Herrera Environmental Consultants, Inc.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Code</th>
<th>Original Contract #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this a New Contract?</td>
<td>☑</td>
<td>☐</td>
<td>308.100 (a)</td>
<td></td>
</tr>
<tr>
<td>If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>☐</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Amendment or Renewal, (per WCC 3.08.100 (a))</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Code</th>
<th>Original Contract #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does contract require Council Approval?</td>
<td>☑</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>CFDA#</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, grantor agency contract number(s):</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>CFDA#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this a grant agreement?</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>CFDA#</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, Whatcom County grant contract number(s):</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Cost Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, RFP and Bid number(s):</td>
<td>☑</td>
<td>☐</td>
<td>RFP 15-20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Cost Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract the result of a RFP or Bid process?</td>
<td>☑</td>
<td>☐</td>
<td>123201</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Cost Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

If YES, indicate exclusion(s) below:
- ☑ Professional services agreement for certified/licensed professional.
- ☐ Contract work is for less than $100,000.
- ☐ Contract work is for less than 120 days.
- ☐ Interlocal Agreement (between Governments).
- ☐ Contract for Commercial off the shelf items (COTS).
- ☐ Work related subcontract less than $25,000.
- ☐ Public Works - Local Agency/Federally Funded FHWA.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Amount:(sum of original contract amount and any prior amendments):</td>
<td></td>
<td></td>
<td>$137,157.00***</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Amendment Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Amended Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary of Scope:

Herrera Environmental Consultants will assist the County with updating the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan which the Whatcom County Council adopted in 2008 to help identify and prioritize capital improvement projects to reduce pollutant loading into Lake Whatcom.

<table>
<thead>
<tr>
<th>Term of Contract</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>June 30, 2017</td>
</tr>
</tbody>
</table>

### Contract Routing:

1. Prepared by: R. McConnell  
2. Attorney signoff: Daniel L. Gibson  
3. AS Finance reviewed: bbennett  
4. IT reviewed (if IT related):  
5. Contractor signed:  
6. Submitted to Exec.:  
7. Council approved (if necessary):  
8. Executive signed:  
9. Original to Council:  

### RENEWALS:
Council approval is not required when exercising an option to renew that is provided in the original contract.
CONTRACT FOR SERVICES
ASSISTANCE WITH LAKE WHATCOM STORMWATER CAPITAL PROGRAM UPDATES

HERRERA ENVIRONMENTAL CONSULTANTS, INC., hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:
- General Conditions, pp. 3 to 8,
- Exhibit A (Scope of Work), pp. 9 to 14,
- Exhibit B (Compensation), pp. 15 to 15,
- Exhibit C (Certificate of Insurance).

Copies of these items are attached hereto and incorporated herein by this reference as if fully set forth herein.

The term of this Agreement shall commence on the 7th day of October, 2015, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 30th day of June, 2017.

The general purpose or objective of this Agreement is to: provide assistance with Lake Whatcom Stormwater Capital Program updates, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed ONE HUNDRED THIRTY-SEVEN THOUSAND, ONE HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS ($137,157.00**). The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this ___ day of ______________, 2015.

CONTRACTOR:
HERRERA ENVIRONMENTAL CONSULTANTS, INC.

John Lenth, Water Practice Director/Vice President

STATE OF WASHINGTON )
COUNTY OF: __________  ) ss.

On this 12th day of October, 2015, before me personally appeared John Lenth to me known to be the Water Practice Director/Vice President of Herrera Environmental Consultants, Inc., and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at      
My commission expires 05-28-15.
WHATCOM COUNTY:
Recommended for Approval:

Jon Hutchings 10/13/15
Date
Public Works Director

Approved as to form:

Daniel L. Gibson 10/15/15
Date
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County:

By:
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
ss
COUNTY OF WHATCOM )

On this ______ day of __________, 20__, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

______________________________
NOTARY PUBLIC in and for the State of Washington, residing at
______________________________
My commission expires __________________

CONTRACTOR INFORMATION:

Herrera Environmental Consultants
John Lenth, Water Practice Director

Address:
2200 Sixth Avenue, Suite 1100
Seattle, WA 98121

Direct Phone: (206) 787-8265
Cell: (206) 245-7539
Email: jlenth@herrerainc.com
GENERAL CONDITIONS

Series 00-09: Provisions Related to Scope and Nature of Services

0.1 Scope of Services:
The Contractor agrees to provide to the County services and any materials as set forth in the project narrative identified as Exhibit "A", during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties.

10.2 Extension: Not Applicable

11.1 Termination for Default:
If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. Termination shall be effective upon Contractor's receipt of the written notice, or within three (3) days of the mailing of the notice, whichever occurs first. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract until all work called for has been fully performed. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

11.2 Termination for Reduction in Funding:
In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement as to the funds withdrawn, reduced, or limited, notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience:
The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion, that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses.
incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County’s customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1  Taxes:
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor’s performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor’s failure to pay taxes on compensation earned pursuant to this Agreement.

The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes, including, but not limited to, Business and Occupation Tax, taxes based on the Contractor’s gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

22.1  Withholding Payment:
In the event the County’s Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

23.1  Labor Standards:
The Contractor agrees to comply with all applicable state and federal requirements, including but not limited to those pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

Series 30-39: Provisions Related to Administration of Agreement

30.1  Independent Contractor:
The Contractor’s services shall be furnished by the Contractor as an independent contractor, and nothing herein contained shall be construed to create a relationship of employer-employee or master-servant, but all payments made hereunder and all services performed shall be made and performed pursuant to this Agreement by the Contractor as an independent contractor.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

30.2  Assignment and Subcontracting:

Contract for Services
Assistance with Lake Whatcom Stormwater Capital Program Updates
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

30.3 No Guarantee of Employment:
The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.1 Ownership of Items Produced:
All writings, programs, data, public records or other materials prepared by the Contractor and/or its consultants or subcontractors, in connection with performance of this Agreement, shall be the sole and absolute property of the County.

31.2 Patent/Copyright Infringement:
Contractor will defend and indemnify the County from any claimed action, cause or demand brought against the County, to the extent such action is based on the claim that information supplied by the Contractor infringes any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County in any action. Such defense and payments are conditioned upon the following:
A. The Contractor shall be notified promptly in writing by the County of any notice of such claim.
B. Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to the County.

32.1 Confidentiality:
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees and costs resulting from Contractor's breach of this provision.

33.1 Right to Review:
This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor's Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement insurance with the following minimums.
1) Commercial general liability:
   Property Damage - $1,000,000.00 per occurrence;
   General Liability & Bodily injury- $1,000,000.00 per occurrence.

A Certificate of insurance, that also identifies the County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and non-contributory, and shall waive all rights of subrogation. The County insurance shall not serve as a source of contribution.

2) Auto insurance, with coverage as provided in attached Exhibit "C".

3) Workers' Compensation and Employers' Liability insurance, with coverage as provided in attached Exhibit "C".

4) Professional Liability - $1,000,000 per occurrence. If the professional liability insurance is a claims made policy, and should the Contractor discontinue coverage either during the term of this contract or within three years of completion, the Contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.
34.2 Industrial Insurance Waiver:
With respect to the performance of this agreement and as to claims against the County, its officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this agreement extend to any claim brought by or on behalf of any employee of the Contractor. This waiver is mutually negotiated by the parties to this agreement.

34.3 Defense & Indemnity Agreement:
The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys’ fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.

It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

35.1 Non-Discrimination in Employment:
The County’s policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services:
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition:
Contractor irrevocably waives any existing rights which it may have, by contract or otherwise, to require another person or corporation to refrain from submitting a proposal to or performing work or providing supplies to the County, and contractor further promises that it will not in the future, directly or indirectly, induce or solicit any person or corporation to refrain from submitting a bid or proposal to or from performing work or providing supplies to the County.

36.2 Conflict of Interest:
If at any time prior to commencement of, or during the term of this Agreement, Contractor or any of its employees involved in the performance of this Agreement shall have or develop an interest in the subject matter of this Agreement that is potentially in conflict with the County’s interest, then Contractor shall immediately notify the County of the same. The notification of the County shall be made with sufficient specificity to enable the County to make an informed judgment as to whether or not the County’s interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, the County may require the Contractor to
take reasonable steps to remove the conflict of interest. The County may also terminate this contract according to the provisions herein for termination.

37.1 **Administration of Contract:**
This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The Contractor also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.

The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County’s representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County’s right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Jon Hutchings, Director, Whatcom County Public Works, 322 N. Commercial Street, Suite 210, Bellingham, WA 98225

37.2 **Notice:**
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County’s Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

38.1 **Certification of Public Works Contractor’s Status under State Law:** Not Applicable

38.2 **Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:** Not Applicable

38.3 **E-Verify:** Not Applicable

**Series 40-49: Provisions Related to Interpretation of Agreement and Resolution of Disputes**

40.1 **Modifications:**
Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

40.2 **Contractor Commitments, Warranties and Representations:**
Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to, any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.

41.1 **Severability:**
If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

41.2 **Waiver:**
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 **Disputes:**

a. **General:**
Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.
b. Notice of Potential Claims:
The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:
The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

d. Arbitration:
Other than claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinafore, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, including expenses, costs and attorney fees to the prevailing party and pre-award interest, but shall not have the power to award punitive damages. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

Unless otherwise specified herein, this Agreement shall be governed by the laws of Whatcom County and the State of Washington.

43.1 Venue and Choice of Law:
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

44.1 Survival:
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

45.1 Entire Agreement:
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
EXHIBIT "A"
(SCOPE OF WORK)

Whatcom County (County) authorized Herrera Environmental Consultants, Inc. (Herrera) to develop a scope of work and cost estimate for updating the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan (LWCSP). Whatcom County is committed to protecting, preserving, and enhancing water quality in Lake Whatcom through a series of well-developed capital projects and a subwatershed master plan for the Sudden Valley focus area. The primary goal of this effort is to reduce phosphorus and bacteria loading into Lake Whatcom. To meet this goal, the project has the following objectives:

- Provide the elements needed for the County to update the capital projects section of the LWCSP to effectively guide and coordinate future stormwater efforts in the Lake Whatcom watershed.
- Maximize the effectiveness of the LWCSP by identifying stormwater treatment practices that have demonstrated phosphorus removal benefits and locations where treatment solutions would be most effective.
- Develop a subwatershed master plan for the Sudden Valley focus area.

The project has seven tasks that include:

- Task 1 – Information Gathering
- Task 2 – Public Outreach and Council Briefing Support
- Task 3 – Capital Improvement Program Project Identification
- Task 4 – Develop Subwatershed Master Plan
- Task 5 – Develop Programmatic and Small Works Solutions
- Task 6 – Predesign Reports and Grant Support
- Task 7 – Project Management / Contract Administration

Task 1 – Information Gathering

The Herrera team will coordinate with the County to gather and evaluate applicable data, reports, maps, financial policy information, and other information related to the Lake Whatcom watershed and CIP needs. This information will also include the County’s current policies and procedures, the status of the County’s efforts to manage stormwater quantity and quality, and previous stormwater management planning and evaluation work for the Lake Whatcom watershed.

The Herrera team will participate in 2- to 3-meetings with select County Public Works staff to collect institutional knowledge of stormwater management issues; each meeting will last approximately 1 hour. Specific topics for discussion at these meetings will be the County’s preferred stormwater treatment options, known sources of phosphorus loading to Lake Whatcom, and opportunities and constraints for implementing treatment within the associated watershed. Herrera will prepare an agenda in advance of these meetings and minutes afterwards to summarize key discussion points. These meetings will be followed by field reconnaissance attended by County and Herrera staff to key locations where Herrera staff will gather site-specific information. The Herrera team will use information obtained from the meetings and field reconnaissance to guide subsequent windshield surveys and detailed site evaluations to be performed in Task 3 for identifying CIP projects.

Assumptions:

- The County will provide as much of the information listed in Table 1 as they have available.
- The County will arrange to have key staff participate in the meetings and field reconnaissance. All the meetings will occur on the same day and last no more than 4 hours in total. The field reconnaissance will occur on a separate day and last no more than 6 hours.
- Up to two Herrera team staff will attend the meetings and field reconnaissance.

Deliverables:

- Draft and final meeting agenda.
- Meeting minutes.

Contract for Services
Assistance with Lake Whatcom Stormwater Capital Program Updates
Table 1. Datasets for identifying and prioritizing stormwater treatment and flow control projects.

<table>
<thead>
<tr>
<th>Data Set</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin boundaries and topography</td>
<td>Define drainage basins and directions.</td>
</tr>
<tr>
<td>Known problem areas</td>
<td>Identify hot spots</td>
</tr>
<tr>
<td>Stormwater infrastructure</td>
<td>Identify potential flow accumulation points for new regional facilities</td>
</tr>
<tr>
<td></td>
<td>Identify potential stormwater facility retrofit locations</td>
</tr>
<tr>
<td></td>
<td>Identify of areas already receiving treatment</td>
</tr>
<tr>
<td>Parcel and right of way boundaries,</td>
<td>Identify available space for facilities</td>
</tr>
<tr>
<td>Impervious areas</td>
<td>Identify pollution-generating surfaces and available space</td>
</tr>
<tr>
<td>Land Use data</td>
<td>Identify potential for pollutant generation</td>
</tr>
<tr>
<td>Soils/geologic data/boring data</td>
<td>Determine shallow infiltration potential (surface permeability) and deep infiltration potential (availability of deeper unsaturated and receptive layer)</td>
</tr>
<tr>
<td>Groundwater data</td>
<td>Determine shallow infiltration potential (depth to groundwater) and deep infiltration potential</td>
</tr>
<tr>
<td>Utility data</td>
<td>Identify potential utility conflicts</td>
</tr>
<tr>
<td>Water Quality Data</td>
<td>Identify areas requiring improved water quality treatment</td>
</tr>
<tr>
<td>Priority Habitats and Species</td>
<td>Identify important natural resources that may be at risk from stormwater</td>
</tr>
</tbody>
</table>

Task 2 – Public Outreach and Council Briefing Support

The Herrera team will participate in two outreach meetings to obtain input from the general public for identifying CIP projects. The goal of the first meeting will be to obtain input from the public on potential projects. The goal of the second meeting will be to present selected projects to the public and the method used for their prioritization.

To advertise the public outreach meetings, the Herrera team will prepare draft and final post cards that will be mailed to County residents in advance of the meetings. At the first meeting, the Herrera team will give a short presentation to describe the specific goals of the project and provide a process that will allow the public to identify proposed CIP projects. At the second meeting, the Herrera team will provide poster sized summaries for up to 30 prioritized CIP projects for wall display and a display panel of key elements of the subwatershed plan developed for the Sudden Valley focus area.

Herrera will also brief the County Council on the project at up to two Surface Water Work Sessions. The first presentation will be conducted towards the beginning of the project to brief the County Council on the goals and objectives of the project. The second presentation will be conducted towards the end of the project to summarize proposed CIP projects and their priority for implementation. The Herrera team will provide technical assistance to the County for preparing handouts to be distributed to County Council at these work sessions.

Assumptions:

- County staff will attend the public outreach meetings.
- Up to three staff from the Herrera team will attend the public outreach meetings.
- Each public outreach meeting will last no more than 3 hours.
- This task includes development of the following materials for the public outreach meetings:
  - Draft and final post cards advertising the meetings.
Poster sized summaries for proposed CIP projects and the subwatershed plan developed for the Sudden Valley focus area.

- The County will be responsible for mailing the post cards to County residents and all associated costs.
- One Herrera team member will attend up to two Surface Water Work Sessions to brief the County Council on the project.
- The County will lead required coordination with the County Council for this task, including the scheduling of briefings at Surface Water Work Sessions.
- Handouts that will be provided to County Council at the Surface Water Work Sessions are expected to be 1- to 2-page factsheets with minimal graphics.

**Deliverables:**

- Draft and final post cards advertising the public outreach meeting.
- PowerPoint presentation and poster sized summaries for the public outreach meetings.
- Handouts for public and County Council to be provided at two Surface Water Work Sessions.

**Task 3 – Capital Improvement Program Project Identification**

Under this task, the Herrera team will identify and prioritize CIP projects in the Lake Whatcom watershed. It is assumed the primary factor that will be used to prioritize these CIP projects will be their cost effectiveness for reducing phosphorus and bacteria loading to Lake Whatcom; however, other secondary factors may also be identified based on input from the County. Previously identified CIP projects from the LWSCP will be evaluated and prioritized collectively with any new CIP projects. CIP projects for the Lake Whatcom watershed will be identified and prioritized using the following stepwise process:

1. The Herrera team will work with the County to identify the specific primary and secondary factors that should be used for prioritizing CIP projects in the Lake Whatcom watershed.

2. Focus areas for field reconnaissance will be mapped based on a review of existing information. The specific goal of these maps will be to identify “hot spot” areas in the watershed with high potential for phosphorus loading. This review will include the LWSCP and other County planning documents, land use information, and published monitoring results. County institutional knowledge will also be leveraged to identify these areas.

3. The Herrera team will conduct windshield surveys to assess the feasibility and potential benefits of implementing CIP projects in up to 60 candidate sites that are identified in the focus areas from Step 1. Probable feasibility will be based on topography, available space, site drainage patterns, and loss of site use (e.g., parking spots that would be displaced). Probable benefit will be based on a qualitative assessment of the phosphorus contribution from the site given the prevailing land use, new area that would receive treatment, and presence or absence of existing treatment. Results from the windshield surveys will be documented using a standardized form. The Herrera team will provide a draft version of the standardized form to the County for review and comment prior to the windshield surveys.

4. Working with the County, the Herrera team will prioritize a subset of up to 35 candidate sites from Step 2 for more detailed field assessments. The following information will be recorded on standardized forms during these assessments:
   - Estimate of drainage area.
   - Description and sketch of project concept.
   - Anticipated site challenges, potential high cost items, risks.
   - Impacts of project on existing property use or amenity.
   - Existing treatment at the site.
   - Potential ancillary benefits of the project.
   - Site photographs.
   - Sketch of existing site conditions and proposed project.
5. Based on the information collected from Step 4, the Herrera team will evaluate the cost effectiveness of the projects identified for each candidate site based on their estimated annual phosphorus load reduction and a planning level cost estimate. The cost effectiveness of previously identified CIP projects from the LWCSP will be similarly evaluated based on existing information.

6. Working with the County, the Herrera team will prioritize a subset of up to 30 projects from Step 5 for more detailed evaluation; this subset of projects may include previously identified projects from the LWCSP and new projects that were identified through Steps 1 through 5. It is assumed the primary factor that will be used to prioritize these CIP projects will be their cost effectiveness for reducing phosphorus loading to Lake Whatcom; however, other secondary factors (e.g., public visibility, education benefits, and aesthetics) may also be considered. The relative benefit each factor provides (e.g., high, medium, low) for each CIP project will be summarized in a tabular format to facilitate the prioritization process.

7. For each of the projects identified in Step 6, the Herrera team will prepare an update to the capital projects section of the LWCSP. This update will include CIP project summaries and costs in an abbreviated 1- to 2-page format. These summaries will include GIS-based maps and graphics, project narrative information, pollutant load reduction estimate, an evaluation summary and cost estimate.

Results from this evaluation will be summarized in a concise addendum to the capital projects section of the LWCSP. This addendum will include the following information:

- A description of the methods used to identify and prioritize the CIP projects.
- CIP project summaries.
- A chapter for the sub watershed plan to be developed for the Sudden Valley focus area (see Task 4).
- A chapter for programmatic and small works solutions (see Task 5).

Assumptions

- Windshield surveys will be conducted by Herrera using 2-person teams; up to 30 candidate sites will be visited per day.
- Detailed field assessments will be conducted by Herrera using 2-person teams; up to 10 candidate sites will be visited per day.
- The county to provide relevant GIS data for this task.
- CIP project costs will be estimated using parametric methods that rely on typical cost per square foot or per treatment unit for analogous (similar) projects. Appropriate percentages will be applied for allied costs (design, geotech, construction management).
- This task will include one 3-hour meeting with County staff to prioritize projects. Herrera will summarize key discussion points from the meeting in minutes. The County will provide one consolidated set of comments on the meeting minutes.
- The County will provide one consolidated set of comments on the addendum to the capital projects section of the LWCSP using a standardized form to be provided by the Herrera team.

Deliverables

- Minutes from the prioritization meeting.
- Draft and final table showing factors used to prioritize CIP projects.
- Draft and final list of prioritized CIP projects.
- Map showing location of CIP projects in Lake Whatcom Watershed.
- Draft and final addendum to the Lake Whatcom Comprehensive Plan.
Task 4 – Develop Subwatershed Master Plan

Under this task, the Herrera team will develop a subwatershed master plan for the Sudden Valley focus area that will include the following information:

- Summary of existing stormwater systems and facilities (ditches, pipes, catch basins).
- Identification and evaluation of known stormwater problems.
- Map showing CIP projects from Task 3 that have been prioritized for the focus area.
- Description of other stormwater management strategies (e.g., programmatic solutions) that are recommended for the focus area.

As a first step towards developing this plan, the Herrera team will attend one 2- to 3-hour strategy meeting with County staff, the Sudden Valley Homeowners Group, and Wilson Engineering to discuss stormwater management issues in the focus area and potential solutions. The Herrera team will coordinate with the County to prepare an agenda for the meeting and summarize key discussion points in minutes. The strategy meeting will be followed by a 2- to 3-hour field reconnaissance in the focus area; this field reconnaissance will include participants from the strategy meeting and will augment the field reconnaissance that will also be performed in connection with Task 3.

The sub watershed master plan will be included as a chapter in the addendum to the LW CSP from Task 3.

Assumptions

- Up to two Herrera team staff will attend the strategy meeting and field reconnaissance.
- Existing stormwater systems and facilities will be summarized using existing information and no new field intensive data collection (e.g., survey) will be conducted.

Deliverables

- Draft and final meeting agenda.
- Meeting minutes.
- Map showing location of CIP projects in subwatershed.
- Draft and final chapter in the addendum to the LW CSP.

Task 5 – Develop Programmatic and Small Works Solutions

This task will review the data collected under Task 2 to identify watershed focused small works projects requiring minimal engineering, design and permitting that can be readily implemented to solve problems. In addition, this task will identify and outline implementation steps for stormwater issues where a programmatic solution may be more effective than a structural solution.

A summary of each small works project and programmatic recommendation that includes a discussion of the problem, the recommended solution, a list of implementation steps, benefits that would be obtained, other resources or considerations where helpful, and a high-level cost estimate will be prepared. These summaries will be included as a chapter in the addendum to the Lake Whatcom Comprehensive Plan from Task 3.

Assumptions

- Herrera will coordinate with the County on the selection of small works or programmatic solutions.

Deliverables

- Draft list of small works and programmatic solutions with short descriptions will be prepared for County review.
- Draft 1 to 2 page summary sheets of small works and programmatic solutions with more detailed descriptions, benefits, implementation steps, and costs for review by the County.
Draft and final chapter in the addendum to the Lake Whatcom Comprehensive Plan.

Task 6 – Predesign Reports and Grant Support

The Herrera team will develop predesign reports that include a detailed project definition, project benefits, and a refined conceptual design and cost estimate for the two highest priority CIP projects identified through the prioritization process from Task 3. Each predesign report will include a more detailed project definition, project benefits, and a more refined conceptual design and cost estimate. The predesign reports will be organized in a format that is suitable for attachment to the latest version of Ecology’s stormwater retrofit grant application (i.e., the heading structure will match the data needs of the grant application). Herrera will also assist the County to assemble and prepare responses to other required questions necessary for a stormwater retrofit grant application to Ecology.

Assumptions

- Two days of field reconnaissance may be required to obtain information required for the predesign reports; the project budget includes travel costs for one Herrera staff to participate in this work.
- The County will provide one consolidated set of comments on the two predesign reports within 15 business days of its receipt.

Deliverables

- Two draft predesign reports in Word and pdf format.
- Two final predesign reports in Word and PDF format.

Task 7 – Project Management / Contract Administration

Herrera will be responsible for ongoing management and contract administration of this project, including tracking and updating the project schedule, preparing invoices, and coordinating work efforts with the County’s project manager, Kirk Christensen. Herrera’s project manager (John Lenth) will have phone and e-mail contact with Kirk Christensen on an as-needed basis.

Assumptions

- Monthly invoices and one-page progress reports.
- Project schedule and updated project schedule if schedule changes.

Deliverables

- Project schedule, updated when necessary.
- Invoices with progress reports.
## Exhibit B

**Compensation**

**HERRERA ENVIRONMENTAL CONSULTANTS**

**Cost Estimate for**

Lake Whatcom Stormwater Capital Program Updates  
Herrera Project No. 15-04668-000

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lake Whatcom Stormwater Capital Program Updates</strong></td>
<td><strong>12 Tasks</strong></td>
<td><strong>7 Tasks</strong></td>
<td><strong>9 Tasks</strong></td>
<td><strong>10 Tasks</strong></td>
<td><strong>12 Tasks</strong></td>
<td><strong>10 Tasks</strong></td>
<td><strong>43 Tasks</strong></td>
</tr>
</tbody>
</table>

### Cost Summary

<table>
<thead>
<tr>
<th>Item</th>
<th>Labor</th>
<th>Travel and per diem</th>
<th>Other direct costs (ODCs)</th>
<th>Subcontracts</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>$10,139</td>
<td>$8,304</td>
<td>$60,434</td>
<td>$3,789</td>
<td>$11,540</td>
</tr>
</tbody>
</table>

### Cost Itemization

#### Labor

<table>
<thead>
<tr>
<th>Personnel</th>
<th>Rate/Hour</th>
<th>Hours</th>
<th>Labor Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>P4 Lenti, John</td>
<td>$186.00</td>
<td>22</td>
<td>$4,012</td>
<td>$4,125</td>
</tr>
<tr>
<td>P5 Weick, Chris</td>
<td>$191.19</td>
<td>15</td>
<td>$2,877</td>
<td>$3,002</td>
</tr>
<tr>
<td>P6 Azar, Amanda</td>
<td>$182.91</td>
<td>2</td>
<td>$365.82</td>
<td>$394.00</td>
</tr>
<tr>
<td>P7 Avila, Christina</td>
<td>$144.41</td>
<td>6</td>
<td>$866.46</td>
<td>$866.46</td>
</tr>
<tr>
<td>P8 Fontana, Matt</td>
<td>$139.56</td>
<td>11</td>
<td>$1,535.16</td>
<td>$1,813.16</td>
</tr>
<tr>
<td>P9 Felek, Meghan</td>
<td>$126.84</td>
<td>16</td>
<td>$2,029.44</td>
<td>$2,235.44</td>
</tr>
<tr>
<td>P10 Skene, Onojo</td>
<td>$126.94</td>
<td>16</td>
<td>$2,029.44</td>
<td>$2,235.44</td>
</tr>
<tr>
<td>P11 Makwana, Kristen</td>
<td>$150.64</td>
<td>8</td>
<td>$1,205.12</td>
<td>$1,205.12</td>
</tr>
<tr>
<td>P12 Schmidt, Jennifer</td>
<td>$130.30</td>
<td>4</td>
<td>$521.20</td>
<td>$521.20</td>
</tr>
<tr>
<td>P13 Taskihi, Nakyaa</td>
<td>$72.79</td>
<td>4</td>
<td>$291.16</td>
<td>$291.16</td>
</tr>
<tr>
<td>P14 Jackowin, Pamela</td>
<td>$85.00</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**SUBTOTAL (Barend Labor):** $16,139 | 65 | $8,304 | $50,434 | $3,789 | $11,540 | $12,751 | $9,990 | **$116,957**

### OTHER DIRECT COSTS (ODCs)

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit Cost</th>
<th>Units</th>
<th>ODCs Cost</th>
<th>ODCs Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photocopying, CAD Plots, and Printing</td>
<td>$200.00</td>
<td>401</td>
<td>$80,400</td>
<td>$80,400</td>
</tr>
</tbody>
</table>

### SUBCONSULTANT COSTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit Cost</th>
<th>Units</th>
<th>Consultant Cost</th>
<th>Consultant Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veda</td>
<td>$0.00</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Co$AM</td>
<td>$0.00</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>GasEngineers</td>
<td>$0.00</td>
<td>0</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL SUBCONSULTANT:** $0 | 0 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | **$0.00**

**Budget Narrative**

Contract amounts shall not exceed the total budget referenced (above). As consideration for services provided in Exhibit A, Scope of Work, the County agrees to compensate the contractor according to the hourly rates provided in the project budget (Exhibit B). Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed including mileage at the current IRS rate. Lodging and per diem shall not exceed the GSA rate for the location where services are provided. Other expenditures such as printing, postage, and telephone charges shall be reimbursed at actual cost plus 10%. Expense reimbursement requests must be accompanied by copies of paid invoices. Any work performed prior to the effective date or continuing after the completion date of the contract, unless otherwise agreed upon in writing, will be at the contractor’s expense.

---

Contract for Services  
Assistance with Lake Whatcom Stormwater Capital Program Updates  
Page 15
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SPECIFIED ADDITIONAL INSURED(S) PRIMARY AND NON-CONTRIBUTORY

This endorsement modifies insurance provided under the following:

ENVIRONMENTAL PROTECTION INSURANCE COVERAGE PACKAGE (EPIC PAC)

It is hereby agreed that the policy to which this Endorsement is attached is amended as follows:

SCHEDULE

<table>
<thead>
<tr>
<th>Name of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom County</td>
</tr>
<tr>
<td>322 N. Commercial Street</td>
</tr>
<tr>
<td>Suite 301</td>
</tr>
<tr>
<td>Bellingham, WA 98225</td>
</tr>
</tbody>
</table>

A. SECTION II – WHO IS AN INSURED, Paragraph 4.e. is amended to specify the entity indicated in the Schedule above as:

e. Any person or organization you agree to include as an insured in a written contract, written agreement or permit, but only with respect to bodily injury, property damage, environmental damage or personal and advertising injury arising out of your operations, your work, equipment or premises leased or rented by you, or your products which are distributed or sold in the regular course of a vendor's business, however:

   (1) A vendor is not an insured as respects bodily injury, property damage, environmental damage or personal and advertising injury:

      (a) For which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement except that which the vendor would have in the absence of the contract or agreement;

      (b) Arising out of any express warranty unauthorized by you;

      (c) Arising out of any physical or chemical change in the product made intentionally by the vendor;

      (d) Arising out of repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from you, and then repackaged in the original container;
(e) Arising out of any failure to make inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Arising out of demonstration, installation servicing or repair operations, except such operations performed at the vendor's location in connection with the sale of the product; or

(g) Arising out of products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor.

(2) A manager or lessor of premises, a lessor of leased equipment, or a mortgagee, assignee, or receiver is not an insured as respects bodily injury, property damage, environmental damage or personal and advertising injury:

(a) Arising out of any occurrence that takes place after the equipment lease expires or you cease to be a tenant; or

(b) Arising out of structural alterations, new construction or demolition operations performed by or on behalf of the manager or lessor of premises, or mortgagee, assignee, or receiver.

B. SECTION IV – CONDITIONS, Condition 17. Other Insurance, Paragraph a. is amended to specify the entity indicated in the Schedule above as a person or organization you agreed to insure and we will not seek contributions from any such other insurance issued to such person or organization.

ALL OTHER TERMS, CONDITIONS AND EXCLUSIONS OF THIS POLICY REMAIN UNCHANGED.

Authorized Representative

October 7, 2015
Date
**ACORD CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
Propel Insurance
Tacoma Commercial Insurance
1201 Pacific Ave, Suite 1000
Tacoma, WA 98402

**INSURED**
Herrera Environmental Consultants Inc
2200 6th Avenue #1100
Seattle, WA 98121

**INSURER(S) AFFORDING COVERAGE**
- Ironshore Specialty Insurance
  - NAIC #: 25445
- Hartford Underwriters Insurance
  - NAIC #: 30104
- Travelers Indemnity Company
  - NAIC #: 25658

**COVERAGES**

<table>
<thead>
<tr>
<th>INSR</th>
<th>TYPE OF INSURANCE</th>
<th>ADDL./SUBR INSR. WDV</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td>X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE</td>
<td>X OCCUR</td>
<td>000826905</td>
<td>11/24/2014</td>
<td>11/24/2015</td>
</tr>
<tr>
<td>C</td>
<td>AUTOMOBILE LIABILITY</td>
<td>X ANY AUTO</td>
<td>X SCHEDULED AUTOS</td>
<td>X NO-OWNED AUTOS</td>
<td>X $1,000 Comp</td>
<td>X $1,000 Coll</td>
</tr>
<tr>
<td>A</td>
<td>UMBRELLA LIABILITY</td>
<td>X OCCUR</td>
<td>CLAIMS-MADE</td>
<td>000827005</td>
<td>11/24/2014</td>
<td>11/24/2015</td>
</tr>
<tr>
<td>B</td>
<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</td>
<td>Y IN</td>
<td>N/A</td>
<td>52WECSEP2658</td>
<td>WA Stop Gap</td>
<td>11/24/2014</td>
</tr>
<tr>
<td>A</td>
<td>Professional &amp; Pollution Liab.</td>
<td>X OCCUR</td>
<td>CLAIMS-MADE</td>
<td>000826905</td>
<td>11/24/2014</td>
<td>11/24/2016</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**
Herrera Project No. 15-06048-000
Project Name: Lake Whatcom Stormwater Capital Program Updates

**CERTIFICATE HOLDER**
Whatcom County
322 N. Commercial Street
Suite 301
Bellingham, WA 98225

**CANCELLATION**
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**
[Signature]
Kellana Winchester

© 1988-2010 ACORD CORPORATION. All rights reserved.
This page has been left blank intentionally.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.
2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

   (1) Any covered "auto" you lease, hire, rent or borrow; and

   (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee"'s name, with your permission, while performing duties related to the conduct of your business.

   However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – LIABILITY COVERAGE:

   (2) Up to $3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – LIABILITY COVERAGE:

   (4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph (5) in Paragraph B.7., Policy Period, Coverage Territory, of SECTION IV – BUSINESS AUTO CONDITIONS:

(5) Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

(a) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

   (i) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

   (ii) Neither you nor any other involved "insured" will make any settlement without our consent.

   (iii) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

   (iv) We will reimburse the "insured" for sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE.

   (v) We will reimburse the "insured" for the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE, and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(b) This insurance is excess over any valid and collectible other insurance available
to the "insured" whether primary, excess contingent or on any other basis.

(c) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(d) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., Deductible, of SECTION III – PHYSICAL DAMAGE COVERAGE:

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., Loss Of Use Expenses, of SECTION III – PHYSICAL DAMAGE COVERAGE:

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., Transportation Expenses, of SECTION III – PHYSICAL DAMAGE COVERAGE:

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., Coverage Extensions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

1. Owned by an "insured"; and
2. In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., Exclusions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of SECTION IV – BUSINESS AUTO CONDITIONS:

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".
M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., Transfer Of Rights Of Recovery Against Others To Us, of SECTION IV – BUSINESS AUTO CONDITIONS:

5. Transfer Of Rights Of Recovery Against Others To Us

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph B.2., Concealment, Misrepresentation, Or Fraud, of SECTION IV – BUSINESS AUTO CONDITIONS:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.
**TITLE OF DOCUMENT:** Award of Bid #15-62, East Whatcom Regional Resource Center HVAC Upgrades

**ATTACHMENTS:** Memo from Finance and Facilities

**SEPA review required?** ( ) Yes ( x ) NO
**SEPA review completed?** ( ) Yes ( x ) NO

**Should Clerk schedule a hearing?** ( ) Yes ( x ) NO

**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Facilities Management request approval to award Bid #15-62, and authorize the Executive to enter into a contract with Hillco Contracting in the amount of $91,842.00. This is a planned project, and funds exist in the current EWRRC Project Budget Fund.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
DATE: October 13, 2015
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Award of Bid #15-62, East Whatcom Regional Resource Center (EWRRC) HVAC Upgrades

BACKGROUND
Bids were advertised for the EWRRC HVAC Upgrades. Two bids were received on September 29, 2015, and are noted below.

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillco Contracting</td>
<td>$91,842.00</td>
</tr>
<tr>
<td>Blythe Plumbing &amp; Heating</td>
<td>$106,300.00</td>
</tr>
</tbody>
</table>

Facilities Management requests approval to award Bid #15-62 and authorize the Executive to enter into a contract with the low bidder, Hillco Contracting, in the amount of $91,842.00.

FUNDING
This is a planned project. Adequate funds exist in the current EWRRC Project Budget Fund. I concur with this recommendation.

Approved as Recommended:

______________________________
AS Finance Manager

County Executive

Date of Council Action ________________
MEMO TO: Brad Bennett, Finance Manager
FROM: Michael Russell, Facilities Manager
DATE: October 7, 2015
RE: Recommend to Award Bid #15-62 – East Whatcom Regional Resource Center (EWRRC) HVAC Upgrades

On Tuesday, September 29, 2015 two bids were received in response to Whatcom County Bid #15-62, East Whatcom Regional Resource Center (EWRRC) HVAC Upgrades. The following bids were received:

- **Hillco Contracting** in the amount of: $91,842.00
- **Blythe Plumbing & Heating, Inc.** in the amount of: $106,300.00

**Hillco Contracting** met all of the required specifications for performing the work required for this project. It is the recommendation of this office that the bid submitted by **Hillco Contracting** be accepted for this project.

Funding amount needed for this contract is $91,842.00 + $13,776.30 contingency 15%, including WSST for a total of $105,618.30.

Funding is provided by a Project Budget of $85,751 remaining balance & Supplemental Budget Request approved by Council on August 4, 2015 in the amount of and additional $63,000.

If you need additional information, please contact me at extension 50575.
**TITLE OF DOCUMENT:** Purchase of Three ½-Ton Crew Cab 4WD Pickup Trucks

**ATTACHMENTS:** Memos from Finance and Public Works

**SEPA review required?**  (   ) Yes  (  x  ) NO
**SEPA review completed?**  (   ) Yes  (   ) NO

**Should Clerk schedule a hearing?**  (   ) Yes  (  x  ) NO
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Public Works Equipment Services is requesting approval to purchase three (3) ½-ton crew cab 4WD pickup trucks using the WA State Contract #03813 (expires 01/01/2016). The total cost is $97,329.49, and the vendor is Corwin Ford, located in Pasco, Washington. This is a planned purchase and funds were approved on NPDES ASRs #2015-5358 and #2015-5370.
DATE: October 15, 2015
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Approval to Purchase ½ Ton Pickup Trucks (3)

- Background & Purpose

Public Works Equipment Services is requesting approval to purchase three ½-Ton Pickup Trucks, using Washington State Contract #03813 (expires 01/01/2016). The vendor is Corwin Ford, located in Pasco, Washington, and the vehicles are 2016 Ford F150 4WD Crew Cab pickups. The total price for this purchase is $97,329.49, including delivery, the state contract administration fee, and sales tax. These will be additions to the fleet to for the Public Works Maintenance & Operations and Natural Resources Division.

On September 15, 2015, Public Works received approval to award bid #15-41 to Northside Ford for the purchase of these ½-ton pickup trucks. Northside Ford and Blade Chevrolet were the only two respondents to the bid, and both vendors have since withdrawn their bid, as they are unable to supply the vehicles as bid.

- Funding

This is a planned expenditure, and funds for this purchase were approved on NPDES ASRs #2015-5358 and #2015-5370. The purchase exceeds the budget for these trucks by $10,000.00. ER&R has adequate capital budget to cover this overage.

I concur with this request.

[Signature]
AS Finance Manager

Approved as recommended:

_____________________________________
County Executive

Date _____________________________
MEMORANDUM

To: Brad Bennett, AS Finance Manager
Through: Jon Hutchings, Public Works Director
From: Eric L. Schlehuber, PW Equipment Services Manager
Date: October 6, 2015
Re: State Bid Contract 03813 (Trucks – Small, ½ Ton, ¾ Ton, 1 Ton, and Cab & Chassis)

• Requested Action
After researching costs of pickups, I am requesting Executive approval to purchase three 2016 Ford F-150 ½ ton 4WD Crew Cab pickups under ASR2015-5358 (NPDES) and ASR2015-5870 (NPDES) from the Washington State Bid Procurement List.

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPLACE UNIT</th>
<th>MAKE / MODEL</th>
<th>ESTIMATED MILEAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPDES</td>
<td>Addition</td>
<td>ASR2015-5358 (NPDES)</td>
<td>***</td>
</tr>
<tr>
<td>NPDES</td>
<td>Addition</td>
<td>ASR2015-5358 (NPDES)</td>
<td>***</td>
</tr>
<tr>
<td>NPDES</td>
<td>Addition</td>
<td>ASR2015-5870 (NPDES)</td>
<td>***</td>
</tr>
</tbody>
</table>

• Background and Purpose
These units were approved as additions under ASR2015-5358 & ASR2015-5870 (NPDES) in the Equipment Rental and Revolving Capital Equipment to be used by the Whatcom County Public Works Department. The Maintenance & Operations and Natural Resources Divisions of the Public Works Department will use these vehicles regularly for the performance of county business.

Two bids were received under Whatcom County Bid #15-41 on May 19, 2015. Unanimous County Council approval for the bid award occurred at the July 7, 2015 County Council meeting. Both vendors have since been unable to locate or order these vehicles and honor their original bid price and have withdrawn their bids. I am proposing given that the two bid responses received (neither one local in Whatcom County) have been withdrawn, to purchase these units under the WA State Contract #03813.

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>MAKE / MODEL</th>
<th>QTY</th>
<th>PRICE EACH</th>
<th>SALES TAX TOTAL (8.6%)</th>
<th>EXTENDED TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corwin Ford</td>
<td>2016 Ford F-150 ½ ton 4WD Crew Cab</td>
<td>3</td>
<td>$29,874.00</td>
<td>$7,707.49</td>
<td>$97,329.49</td>
</tr>
</tbody>
</table>
• Funding Amount and Source
This amount has been budgeted during the 2015-2016 budget process. I am requesting Executive and Council approval to purchase these units from Corwin Ford in Pasco, Washington for the price of $29,874.00 per unit for a total of $89,622.00 for three units, plus 8.6% sales tax of $7,707.49 for a total amount of $97,329.49.

• Recommendation
Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the October 27, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 6405, if you have any questions or concerns.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>AD</td>
<td>10/13/15</td>
<td></td>
<td>10/27/2015</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Contract to purchase facilitation services for the Incarceration Prevention and Reduction Task Force

**ATTACHMENTS:**
1. Memo
2. Info Sheet
3. 2 copies of contract

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes (X) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes (X) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes (X) NO</td>
<td>Requested Date:</td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The purpose of this contract is to purchase facilitation services to support the Incarceration Prevention and Reduction Task Force. The Task Force was created June 9, 2015, by Whatcom County ordinance #2015-025 and amended August 4, 2015, by Whatcom County ordinance #2015-037, and codified in County Code, Chapter 2.46. The Task Force, comprised of community members who bring knowledge and expertise in behavioral health, criminal justice systems, healthcare, and social service, was formed to plan for effective alternatives to incarceration. The Task Force Facilitator will provide leadership, facilitation and coordination of the Task Force and any ad hoc committees in order to accomplish and report on the tasks defined by Whatcom County ordinance #2015-025.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Jack Louws, Whatcom County Executive
    Whatcom County Council
FROM: Tawni Helms, Administrative Coordinator
DATE: October 19, 2015
SUBJECT: Incarceration and Prevention Task Force

Enclosed are two (2) originals of a contract between Whatcom County and Whatcom Alliance for Health Advancement (WAHA) for your review and signature.

Background and Purpose:

The purpose of this contract is to purchase facilitation services to support the Incarceration Prevention and Reduction Task Force. The Task Force was created June 9, 2015, by Whatcom County ordinance #2015-025 and amended August 4, 2015, by Whatcom County ordinance #2015-037, and codified in county Code, Chapter 2.46. The Task Force, comprised of community members who bring knowledge and expertise in behavioral health, criminal justice systems, healthcare, and social service, was formed to plan for effective alternatives to incarceration. The Task Force Facilitator will provide leadership, facilitation and coordination of Task Force and any ad hoc committees in order to accomplish and report on the tasks defined by Whatcom County ordinance #2015-025.

Funding Amount and Source:
Funding for this contract in an amount of $150,000 is shared between the Behavioral Health/Chemical Dependency Fund (2/3) and the Jail Fund (1/3). The Behavioral Health/Chemical Dependency Fund has adequate budget authority in both 2015 and 2016 to cover its share of the contract. The Jail Fund has adequate appropriation authority in 2015 and will be submitting an additional $25,000 supplemental in the amount of $25,000 for 2016.

Please contact Tawni Helms at extension 5208, if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Executive Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Tawni Helms, Administrative Coordinator</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Whatcom Alliance for Health Advancement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a New Contract?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>Yes ☐ No ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does contract require Council Approval?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If No, include WCC: (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a grant agreement?</th>
<th>Yes ☐ No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, grantor agency contract number(s):</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract grant funded?</th>
<th>Yes ☐ No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, Whatcom County grant contract number(s):</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract the result of a RFP or Bid process?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, RFP and Bid number(s):</td>
<td>15-57</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this agreement excluded from E-Verify?</th>
<th>Yes ☐ No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>If no, include Attachment D Contractor Declaration form. (If YES, indicate exclusion(s) below):</td>
<td></td>
</tr>
<tr>
<td>☐ Professional services agreement for certified/licensed professional.</td>
<td>☐ Contract for Commercial off the shelf items (COTS).</td>
</tr>
<tr>
<td>☐ Contract work is for less than $100,000.</td>
<td>☐ Work related subcontract less than $25,000.</td>
</tr>
<tr>
<td>☐ Contract work is for less than 120 days.</td>
<td>☐ Public Works - Local Agency/Federally Funded FHWA.</td>
</tr>
<tr>
<td>☐ Interlocal Agreement (between Governments).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Amount: (sum of original contract amount and any prior amendments):</th>
<th>$ 150,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Amendment Amount:</td>
<td>$</td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td>$</td>
</tr>
</tbody>
</table>

| Contracts that require Council Approval (incl. agenda bill & memo): | |
|------------------------------------------------------------------| |
| ☐ Professional Services Agreement above $20,000. | |
| ☐ Bid is more than $50,000. | |
| ☐ Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater) | |

| RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract. | |

Summary of Scope: The purpose of this contract is to purchase facilitation services to support the Incarceration Prevention and Reduction Task Force. The Task Force was created June 9, 2015, by Whatcom County ordinance #2015-025 and amended August 4, 2015, by Whatcom County ordinance #2015-037, and codified in County Code, Chapter 2.46. Whatcom County is planning to construct a new jail. The Task Force, comprised of community members who bring knowledge and expertise in behavioral health, criminal justice systems, healthcare, and social service was formed to plan for effective alternatives to incarceration. The Task Force Facilitator will provide leadership, facilitation and coordination of the Task Force and any ad hoc committees in order to accomplish and report on the tasks defined by Whatcom County ordinance #2015-025.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>15 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration Date:</td>
<td>12/31/2016</td>
</tr>
</tbody>
</table>

| Contract Routing: | |
|-------------------| Date: 10/13/15 |
| 1. Prepared by: | AD |
| 2. Attorney signoff: | |
| 3. AS Finance reviewed: | |
| 4. IT reviewed (if IT related): | |
| 5. Contractor signed: | |
| 6. Submitted to Exec.: | |
| 7. Council approved (if necessary): | |
| 8. Executive approved (if necessary): | |
| 9. Original to Council: | |
CONTRACT FOR SERVICES AGREEMENT
Task Force Facilitation Services

Whatcom Alliance for Health Advancement, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 7.
Exhibit A (Scope of Work), pp. 8 to 9.
Exhibit B (Compensation), pp. 10 to 12.
Attachments (Whatcom County ordinances #2015-025 and #2015-037, and County Code, Chapter 2.46)

Copies of these items are attached hereto and incorporated herein by this reference as if fully set forth herein.

The term of this Agreement shall commence on the 28th day of October, 2015, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2016.

The general purpose or objective of this Agreement is to provide task force facilitation services, as more fully and definitively described in Exhibit A hereeto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $150,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the Indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this 15th day of October, 2015.

CONTRACTOR:
Whatcom Alliance for Health Advancement

[Signature]
Alisha Fehrenbacher, Chief Executive Officer

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this 15th day of October, 2015, before me personally appeared Alisha Fehrenbacher to me known to be the Chief Executive of Whatcom Alliance for Health Advancement and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]

CONTRACTOR INFORMATION:

Whatcom Alliance for Health Advancement
Alisha Fehrenbacher, Chief Executive Officer
800 East Chestnut St., Lower Level Suite 2
Bellingham, WA 98225
(360) 788-6594

Contract for Services Agreement
Whatcom Alliance for Health Advancement
WHATCOM COUNTY:

Approved as to form:

[Signature]  10/15/15
Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County:

By: ____________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss

On this _____ day of __________, 2015, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

______________________________
NOTARY PUBLIC in and for the State of Washington, residing at
______________________________. My commission expires ________________
GENERAL CONDITIONS

Series 00-09: Provisions Related to Scope and Nature of Services

0.1 Scope of Services:
The Contractor agrees to provide to the County services and any materials as set forth in the project narrative identified as Exhibit "A", during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties.

10.2 Extension: Not Applicable

11.1 Termination for Default:
If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. Termination shall be effective upon Contractor's receipt of the written notice, or within three (3) days of the mailing of the notice, whichever occurs first. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract until all work called for has been fully performed. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

11.2 Termination for Reduction in Funding:
In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement as to the funds withdrawn, reduced, or limited, notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience:
The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion, that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhitit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses

Contract for Services Agreement
Whatcom Alliance for Health Advancement

Page 3

99
incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County’s customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1 Taxes:
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes, including, but not limited to, Business and Occupation Tax, taxes based on the Contractor’s gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

22.1 Withholding Payment:
In the event the County's Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

23.1 Labor Standards:
The Contractor agrees to comply with all applicable state and federal requirements, including but not limited to those pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

Series 30-39: Provisions Related to Administration of Agreement

30.1 Independent Contractor:
The Contractor's services shall be furnished by the Contractor as an independent contractor, and nothing herein contained shall be construed to create a relationship of employer-employee or master-servant, but all payments made hereunder and all services performed shall be made and performed pursuant to this Agreement by the Contractor as an independent contractor.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit 'B' and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

30.2 Assignment and Subcontracting:

Contract for Services Agreement
Whatcom Alliance for Health Advancement
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

30.3 No Guarantee of Employment:
The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.2 Patent/Copyright Infringement: Not Applicable

32.1 Confidentiality:
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees and costs resulting from Contractor's breach of this provision.

33.1 Right to Review:
This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor's Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.

34.1 Proof of Insurance: not applicable

34.2 Industrial Insurance Waiver:
With respect to the performance of this agreement and as to claims against the County, its officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this agreement extend to any claim brought by or on behalf of any employee of the Contractor. This waiver is mutually negotiated by the parties to this agreement.

34.3 Defense & Indemnity Agreement:
The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.

It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

35.1 Non-Discrimination in Employment:
The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the
grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services:
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition: Not Applicable

36.2 Conflict of Interest:
If at any time prior to commencement of, or during the term of this Agreement, Contractor or any of its employees involved in the performance of this Agreement shall have or develop an interest in the subject matter of this Agreement that is potentially in conflict with the County's interest, then Contractor shall immediately notify the County of the same. The notification of the County shall be made with sufficient specificity to enable the County to make an informed judgment as to whether or not the County's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, the County may require the Contractor to take reasonable steps to remove the conflict of interest. The County may also terminate this contract according to the provisions herein for termination.

37.1 Administration of Contract:
This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The Contractor also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.

The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County's representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County's right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Tawni Helms, Administrative Services Coordinator
Whatcom County
311 Grand Avenue, Suite 108
Bellingham, WA 98225-4082

37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County's Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

38.1 Certification of Public Works Contractor's Status under State Law: Not Applicable

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions: Not Applicable

38.3 E-Verify: Not Applicable
40.1 Modifications:
Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

40.2 Contractor Commitments, Warranties and Representations: Not Applicable

41.1 Severability:
If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

41.2 Waiver:
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 Disputes:

a. General:
Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:
The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:
The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

d. Arbitration: Not Applicable

43.1 Venue and Choice of Law:
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

44.1 Survival:
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

45.1 Entire Agreement:
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.

Contract for Services Agreement
Whatcom Alliance for Health Advancement

Page 7
EXHIBIT "A"
SCOPE OF WORK

I. Background

Whatcom County intends to contract with the Whatcom Alliance for Health Advancement, hereafter referred to as Contractor, to provide leadership to and facilitation of a newly formed Incarceration Prevention and Reduction Task Force, hereafter referred to as "Task Force". This Task Force is sponsored by the Whatcom County Council with support from the Executive, with the following goals expected:

1. Provide recommendations, oversight and specific timeframes on the development of new, or enhancement of existing programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and substance use disorders, and
2. Provide recommendations of programs or activities that minimize jail utilization by pre-trial defendants who can be released safely to the community.

The Task Force was created June 9, 2015, by Whatcom County ordinance #2015-025, amended August 4, 2015, by Whatcom County ordinance #2015-037, and codified in County Code, Chapter 2.46. The ordinance and resulting County Code are attached for reference.

Whatcom County is undertaking preparations for the construction of a new jail intended to meet the capacity demands for a growing community, adequate space for offender housing and programming, as well as a safer, structurally sound facility. With the advent of planning for a new jail, community desires for effective alternatives to incarceration have been voiced. The County Council and Executive have agreed to form an Incarceration Prevention and Reduction Task Force to focus on these alternatives. Membership on the Task Force is representative of the broader community stakeholders who can bring knowledge and expertise in behavioral health, criminal justice systems, healthcare and social services.

The Task Force is intended to operate continually, with expectation of specific deliverables during the first 20 months, ending March 2017. Objectives and timelines for three specific phases have been outlined in the referenced ordinance, with the first report due no later than January 2016.

II. Statement of Work

The Contractor will provide leadership, facilitation and coordination of the Task Force and any ad hoc committees in order to accomplish and report on the tasks defined by Whatcom County ordinance #2015-025, #2015-037, and County Code, Chapter 2.46. Expert consultation services may be procured as necessary and within budget constraints in order to complete specific objectives.

Two initial tasks outlined in the attached ordinance include the 1) development of plans for a new or expanded crisis triage center for individuals struggling with mental illness and/or chemical dependency, and 2) development of recommendations for new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and/or chemical dependency. The Contractor will facilitate the development of the essential programmatic elements of a new or expanded crisis triage center, to include engaging pertinent community stakeholders who may not be members of the Task Force.

Additional tasks include recommendations of programs to be implemented that will reduce incarceration of individuals who can be safely diverted from initial incarceration, safely released to the community once incarcerated, as well as re-entry services that will reduce recidivism.
The Contractor will perform the following activities:

1. Set Task Force agendas in collaboration with Task Force Co-chairs
2. Schedule and convene Task Force meetings in collaboration with Task Force Co-chairs
3. Record and then distribute summaries of each meeting to Task Force members and the offices of County Council and the County Executive
4. Ensure that the Task Force meetings follow Washington State’s Open Public Meetings Act (RCW 42.30)
5. Ensure relevant and research-based resources are made available to Task Force members to support discussion and recommendations of programs and services that provide safe and effective alternatives to incarceration
6. Ensure that information provided to the Task Force is factual and verified from a reliable source
7. Set and enforce guidelines, in collaboration with Task Force Co-chairs, of Task Force member requests for data, statistics and other reports to ensure reasonableness while still providing sufficient material for informative discussions
8. Utilize the nationally recognized Sequential Intercept Model as a framework for program and service design
9. Utilize and reference the National Association of Counties (NACO) Stepping Up Initiative toolkit, as well as other nationally recognized resources that promulgate best practices such as the Council of State Governments Justice Center, The VERA Institute of Justice, and SAMHSA’s (Substance Abuse and Mental Health Services Administration) GAINS Center
10. Incorporate the existing County and City jail diversion programs into the discussions and work of the Task Force and avoid duplicative efforts
11. Incorporate existing Prevention and Wellness programs aimed at reducing criminal justice involvement into the discussion and work of the Task Force, and coordinate with the County Health Department in this effort
12. Ensure that Task Force recommendations do not compromise the current Continuum of Care’s effective diversion programs
13. Coordinate with the County’s Behavioral Health Advisory Board, and the Behavioral Health Revenue Advisory Committee in order to minimize duplicative efforts
14. Create a plan of action for the Task Force which outlines goals and objectives, priorities, and timelines for completion; securing approval from the Task Force
15. Ensure recommended programs establish benchmarks to measure effectiveness in reducing incarceration and recidivism
16. Utilize expert consultants to inform Task Force members as needed and within budget, seeking budget adjustments and/or increases to accommodate these services if necessary
17. Create draft operational plans and budgets for recommended programs for review and approval from Task Force
18. Prepare reports based on Task Force input, review, and approval, and submit to the County Council according to the reporting schedule established in Ordinance #2015-025 and #2015-037.
EXHIBIT “B”

COMPENSATION

I. Budget and Source of Funding: The source of funding for this contract, in an amount not to exceed $150,000, is the Chemical Dependency/Mental Health Program Fund, and the Jail Fund.

II. Budget

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Documents Required Each Invoice</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional-$85/hour</td>
<td>Time Sheets</td>
<td></td>
</tr>
<tr>
<td>Administrative Support-$28/hr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>GL detail</td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>Ground transportation, coach airfare, parking and ferries will be reimbursed at cost when accompanied by receipts. Reimbursement requests for allowable travel must include name of staff member/consultant, dates of travel, starting point and destination, and a brief description of purpose. Lodging and meal costs are not to exceed the U.S. General Services Administration Domestic Per Diem Rates <a href="http://www.gsa.gov">www.gsa.gov</a>, specific to location. Receipts for meals are not required.</td>
<td></td>
</tr>
<tr>
<td>Subcontracted Professional Services</td>
<td>Copies of invoice</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL $40,000**
### 2016 Contract Budget

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Documents Required Each Invoice</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>Time Sheets</td>
<td></td>
</tr>
<tr>
<td>Professional- $85/hr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Support- $28/hr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>GL detail</td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>Ground transportation, coach airfare, parking and ferries will be reimbursed at cost when accompanied by receipts. Reimbursement requests for allowable travel must include name of staff member/consultant, dates of travel, starting point and destination, and a brief description of purpose. Lodging and meal costs are not to exceed the U.S. General Services Administration Domestic Per Diem Rates (<a href="http://www.gsa.gov">www.gsa.gov</a>), specific to location. Receipts for meals are not required.</td>
<td></td>
</tr>
<tr>
<td>Subcontracted Professional Services</td>
<td>Copies of invoice</td>
<td>TOTAL $110,000</td>
</tr>
</tbody>
</table>

Funds may be transferred between annual budgets with the written authorization of the County.

### III. Invoicing

1. The Contractor shall submit itemized invoices on a monthly or quarterly basis in a format approved by the County. Monthly/quarterly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include the items identified in the table above.

2. The Contractor shall submit invoices to (include contract/PO #):

   Tawni Helms, Administrative Services Coordinator  
   Whatcom County  
   311 Grand Avenue, Suite 108  
   Bellingham, WA 98225-4082

3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.

4. Invoices must include the following statement, with an authorized signature and date:

   I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.
5. **Duplication of Billed Costs or Payments for Service:** The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.
TITLE OF DOCUMENT:
2016 Annual Road Construction Program (ACP) Resolution.

ATTACHMENTS:
1. Memo to County Executive and Council
2. Resolution
3. 2016 Annual Construction Program (ACP)
4. Summary Sheets for Projects Funded in 2016

SEPA review required? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 10/27/2015

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution adopting the Whatcom County 2016 Annual Construction Program (ACP). The ACP is an integral part of the County budget process and reflects the first year of the adopted 2016-2021 Six Year Road Capital Construction Program.

COMMITTEE ACTION:
10/13/2015: Amended in Committee

COUNCIL ACTION:
10/13/2015: Withdrawn from agenda

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Memorandum

To: The Honorable Jack Louws, Whatcom County Executive, and Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director

Date: September 30, 2015

Re: 2016 Annual Construction Program (ACP)

Requested Action:
Public Works Committee work session and introduction on October 13, 2015, followed by a Public Hearing and adoption on October 27, 2015.

Background and Purpose:
RCW 36.81.130 requires the adoption of the Annual Construction Program (ACP). Adoption of this program is an element of the County budget process.

This ACP is identical to the 1st year of the Six Year Transportation Improvement Program (STIP) approved on September 29, 2015.

Information:
A proposed resolution is enclosed for your consideration. In addition, each project that has funding available in 2016 has a project summary sheet for your review.

If you have questions or require additional information, please contact me at the number provided above.
PROPOSED BY: Public Works
SPONSORED BY: Consent
INTRODUCED: 10/13/2015

RESOLUTION NO. 

APPROVING THE WHATCOM COUNTY
2016 ANNUAL CONSTRUCTION PROGRAM

WHEREAS, pursuant to RCW 36.81.130, the Whatcom County Engineer did file with the Whatcom County Council a recommended plan for laying out, construction, maintenance and special maintenance of County roads for the fiscal year of 2016; and,

WHEREAS, the Whatcom County Council held a public meeting on the 29th day of September, 2015, and has considered the testimony given as well as the recommended plan; and,

WHEREAS, the Whatcom County Council had determined that said plan is necessary as nearly as practicable to the Whatcom County 2016-2021 Six-Year Transportation Program, approved by Resolution 2015-033 on September 29, 2015.

NOW, THEREFORE, BE IT RESOLVED that the 2016 Whatcom County Annual Construction Program is hereby approved as shown on the attachment hereto; and

BE IT FURTHER RESOLVED that no changes be made in the program without the unanimous vote of the Whatcom County Council; and

BE IT FINALLY RESOLVED that the 2016 Annual Construction Program be filed with the Director of Highways of the State of Washington.

APPROVED this ____ day of __________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy Prosecutor
## ANNUAL CONSTRUCTION PROGRAM FOR 2016

**AGENCY ACTION:**
- COUNTY:
  - Whatcom

**DATE RECOMMENDED PROGRAM SUBMITTED:**
- 10/15/2015

**DATE OF ENVIRONMENTAL ASSESSMENT:**
- 10/15/2015

**DATE OF FINAL ADOPTION:**
- 10/15/2015

**ORDINANCE/RESOLUTION NO.**
- 955.10

**DATE OF AMENDMENT:**
- 10/15/2015

<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>ROAD LOG NO.</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH</th>
<th>FUNCTIONAL CLASS</th>
<th>WORK CODE(S)</th>
<th>ENVIRONMENTAL ASSESSMENT</th>
<th>SOURCES OF FUNDS</th>
<th>COUNTY FUNDS</th>
<th>AMOUNT</th>
<th>OTHER FUNDS</th>
<th>PROGRAM SOURCE</th>
<th>ESTIMATED EXPENDITURES - DOLLARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>R1 20010</td>
<td>CRP #907001 Birch Bay Drive &amp; Pedestrian Facility from Lora Lane to Cedar Avenue Pedestrian &amp; non-motorized enhancements</td>
<td>1.58 (Miles)</td>
<td>17 ABHL S</td>
<td>STP</td>
<td>104,000</td>
<td>946,000</td>
<td>500,000</td>
<td>500,000</td>
<td>950,000</td>
<td>400,000 500,000 200,000 220,000</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>R2 20010</td>
<td>CRP #914014 Birch Bay Drive, Embankment Repair Embankment Repair</td>
<td>0.10 (Miles)</td>
<td>07 A H I</td>
<td></td>
<td>220,000</td>
<td></td>
<td>20,000</td>
<td></td>
<td></td>
<td>200,000 220,000</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>R3 14760</td>
<td>CRP #915007 Slater Rd/Jordan Creek Fish Passage Fish Passage</td>
<td>0.10 (Miles)</td>
<td>07 ABDIL I</td>
<td></td>
<td>220,000</td>
<td></td>
<td>200,000</td>
<td>20,000</td>
<td>220,000</td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>R4 44120</td>
<td>CRP #915009 Lake Whatcom Blvd, Water Quality Improvements, Cable Street to Strawberry Point Water Quality/Stormwater Improvements</td>
<td>1.50 (Miles)</td>
<td>17 ABGD E</td>
<td></td>
<td>100,000</td>
<td></td>
<td>50,000</td>
<td></td>
<td>100,000</td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>R5 14760</td>
<td>CRP #916002 Horton Road, Northwest Drive to Aldrich Road New Roadway</td>
<td>0.70 (Miles)</td>
<td>0 ABDEFGH I</td>
<td></td>
<td>250,000</td>
<td></td>
<td>250,000</td>
<td></td>
<td></td>
<td>250,000 250,000</td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>R6 75050</td>
<td>CRP #914001 Slater Road &amp; Northwest Drive Intersection Improvements</td>
<td>0.40 (Miles)</td>
<td>07 ABGD I</td>
<td></td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>R7 14760</td>
<td>CRP #916003 Slater Road, I-5 Interchange to 0.10 E. of Pacific Hwy, Reconstruction</td>
<td>0.39 (Miles)</td>
<td>07 ABCDEFGH I</td>
<td></td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>R8 14760</td>
<td>CRP #918004 Slater Road, Northwest Drive to Aldrich New Roadway</td>
<td>2.00 (Miles)</td>
<td>0 ABDEFGH I</td>
<td></td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>R9 14760</td>
<td>CRP #913014 Roadway Frost Depth Detectors Various Locations</td>
<td>0 (Miles)</td>
<td>0 L E</td>
<td></td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td>500,000 500,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>R10 71070</td>
<td>CRP #918005 Bennett Drive, Marine Dr. to West Bakerview Rd. Roadway surface, safety &amp; ADA Improvements</td>
<td>1.23 (Miles)</td>
<td>17 ABDEFGH E</td>
<td></td>
<td>100,000</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
<td>100,000 100,000</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>R11 47051</td>
<td>CRP #909001 Lummi View Drive Bank Stabilization Slide Repair</td>
<td>0.30 (Miles)</td>
<td>08 ABD S</td>
<td></td>
<td>30,000</td>
<td></td>
<td>30,000</td>
<td></td>
<td></td>
<td>300,000 300,000</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>R12 47051</td>
<td>CRP #912017 Lummi Nation Transportation Projects Various Locations on Reservation</td>
<td>07 ABDEFGH I</td>
<td>4,000,000</td>
<td></td>
<td>700,000</td>
<td></td>
<td>300,000</td>
<td>3,000,000</td>
<td>4,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>R13 14760</td>
<td>CRP #910002 Point Roberts Transportation Improvements Project locations to be determined in 2015</td>
<td>0.25 (Miles)</td>
<td>150,000</td>
<td></td>
<td>500,000</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
<td>150,000 150,000</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>R15 55080</td>
<td>CRP #916006 East Smith Rd, Everson Goshen Rd to SR 542 Pavement Rehabilitation</td>
<td>3.25 (Miles)</td>
<td>07 D E</td>
<td></td>
<td>5,000</td>
<td></td>
<td>5,000</td>
<td></td>
<td></td>
<td>5,000 5,000</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>R16 55080</td>
<td>CRP #914002 East Smith Rd &amp; Hannegan Rd Intersection Improvements</td>
<td>0.40 (Miles)</td>
<td>07 ABDEFGH E</td>
<td></td>
<td>150,000</td>
<td></td>
<td>150,000</td>
<td></td>
<td></td>
<td>150,000 150,000</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>R20 12790</td>
<td>CRP #915012 Marine Dr/NSF Brdg Bicycle Warning Automatically automated slow vehicle/bicycle warning signs</td>
<td>0.10 (Miles)</td>
<td>16 H E</td>
<td></td>
<td>100,000</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
<td>100,000 100,000</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL S'S:**
- WAC 136-16
- $7,913,000
- $1,798,332
- $1,240,000

****Line (C) must be smaller than Line (B)****

**CRAB FORM #3, REVISED 06/09**

1 of 3

Copy of 2016 ACP.xlsx
<p>| ITEM NUMBER | 6/8 YEAR | ROAD PROGRAM/ITEM NO. | ROAD LOG NO | ROAD/PROJECT NAME AND LOCATION | PROJECT LENGTH | FUNCTIONAL CLASS | WORK CODE(S) | SOURCES OF FUNDS | COUNTY FUNDS | OTHER FUNDS | ESTIMATED EXPENDITURES - DOLLARS |
|-------------|----------|----------------------|-------------|--------------------------------|---------------|-----------------|--------------|----------------|-------------|-----------|---------------------------------|-------|
| 17          | R21      | 89200 CRP #915013    | 0.02        | 09                            | 300,000       | ABDGIRL S       | 300,000      | 300,000         | 300,000      | 300,000   |                                  | 113   |
| 18          | R25      | 56320 CRP #916007    | 0.30        | 08                            | 30,000        | ABD I           | 30,000       | 30,000          | 30,000       | 30,000    |                                  | 113   |
| 19          | R26      | 88950 CRP #915014    | 0.25        | 09                            | 70,000        | ABDGKL I        | 70,000       | 70,000          | 70,000       | 70,000    |                                  | 113   |
| 20          | R28      | CRP #915015 County Roadway Safety Program | 0           | G                             | 14,000       | 736,000 E       | 70,000       | 680,000         | 750,000      | 750,000   |                                  | 113   |
| 21          | R29      | 66040 CRP #915018    | 0.15        | 07                            | 100,000       | ABD E           | 100,000      | 10,000          | 623,000      | 733,000   |                                  | 113   |
| 22          | R30      | 44140 CRP #901011    | 0.30        | 08                            | 4,000         | ABDG E          | 4,000        | 2,000           | 2,000        | 27,000    |                                  | 113   |
| 23          | R31      | 45690 CRP #915017    | 0.10        | 16                            | 400,000       | ABDEFG E        | 400,000      | 350,000         | 350,000      | 350,000   |                                  | 113   |
| 24          | R32      | 45690 CRP #916017    | 1.30        | 16                            | 100,000       | ABDEFG E        | 100,000      | 100,000         | 100,000      | 100,000   |                                  | 113   |
| 25          | R33      | 40660 CRP #916008    | 0.25        | 19                            | 5,000         | EG E            | 5,000        | 5,000           | 5,000        | 5,000     |                                  | 113   |
| 26          | B1       | 89800 CRP #998027    | 0.30        | 09                            | 100,000       | ABDI I          | 100,000      | 425,000         | 500,000      | 500,000   |                                  | 113   |
| 27          | B2       | 12790 CRP #910017    | 0.10        | 16                            | 20,000        | I I             | 20,000       | 20,000          | 20,000       | 20,000    |                                  | 113   |
| 28          | B3       | 55110 CRP #911002    | 0.10        | 07                            | 22,000        | ABDI I          | 22,000       | 22,000          | 22,000       | 22,000    |                                  | 113   |
| 29          | B4       | 66040 CRP #911004    | 0.10        | 07                            | 1,310,000     | ABDI I          | 1,310,000    | 1,000,000       | 1,310,000    | 1,310,000 |                                  | 113   |
| 30          | B5       | 66040 CRP #910001    | 0.20        | 07                            | 60,000        | ABDI I          | 60,000       | 60,000          | 60,000       | 60,000    |                                  | 113   |
| 31          | B8       | 44170 CRP #913008    | 0.10        | 08                            | 150,000       | DHI I           | 150,000      | 150,000         | 150,000      | 150,000   |                                  | 113   |
| 32          | B9       | 55110 CRP #913007    | 0.10        | 07                            | 10,000        | ABDI I          | 10,000       | 10,000          | 10,000       | 10,000    |                                  | 113   |
| 33          | B10      | 56210 CRP #915020    | 0.10        | 09                            | 10,000        | ABDI I          | 10,000       | 150,000         | 160,000      | 160,000   |                                  | 113   |
| 34          | B11      | 65700 CRP #915016    | 0.10        | 09                            | 20,000        | I I             | 20,000       | 20,000          | 20,000       | 20,000    |                                  | 113   |
| 35          | B12      | 84190 CRP #915001    | 0.20        | 08                            | 150,000       | I E             | 150,000      | 150,000         | 150,000      | 150,000   |                                  | 113   |
| 36          | B13      | 32780 CRP #915024    | 0.20        | 07                            | 10,000        | ABDI I          | 10,000       | 10,000          | 10,000       | 10,000    |                                  | 113   |
| 37          | B15      | 44130 CRP #915021    | 0.10        | 08                            | 270,000       | ABDI I          | 270,000      | 270,000         | 270,000      | 270,000   |                                  | 113   |</p>
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>4 YEAR PROGRAM NO.</th>
<th>ROAD LOG NO.</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH (Miles)</th>
<th>FUNCTIONAL CLASS</th>
<th>WORK CODE(S)</th>
<th>ENVIRONMENTAL ASSESSMENT</th>
<th>SOURCES OF FUNDS AMOUNT</th>
<th>COUNTY FUND</th>
<th>OTHER FUNDS PROGRAM</th>
<th>SOURCE</th>
<th>ESTIMATED EXPENDITURES- DOLLARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>B16</td>
<td>14/664</td>
<td>CRP #914013 Slater Rd/Nooksack Krv Brdg No. 512</td>
<td>0.20</td>
<td>G</td>
<td>E</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td></td>
<td></td>
<td>30,000</td>
</tr>
<tr>
<td>39</td>
<td>F1</td>
<td></td>
<td>CRP #910012 Refurbish/Upgrade of the Whatcom Chief</td>
<td></td>
<td>J</td>
<td>E</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>40</td>
<td>F2</td>
<td></td>
<td>CRP #916009 Ferry Dock Improvements</td>
<td></td>
<td>LJ</td>
<td>I</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td></td>
<td></td>
<td>150,000</td>
</tr>
<tr>
<td>41</td>
<td>Y1</td>
<td></td>
<td>CRP #916010 Various Bridges Rehabilitation/Replacement As prioritized</td>
<td></td>
<td>ABDI</td>
<td>I</td>
<td>300,000</td>
<td>30,000</td>
<td>270,000</td>
<td></td>
<td></td>
<td>300,000</td>
</tr>
<tr>
<td>42</td>
<td>Y2</td>
<td></td>
<td>CRP #916011 Right of Way Acquisition Various locations</td>
<td></td>
<td>E</td>
<td>I</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>43</td>
<td>Y3</td>
<td></td>
<td>CRP #916012 Unanticipated Site Improvements As prioritized</td>
<td></td>
<td>E</td>
<td>I</td>
<td>300,000</td>
<td>30,000</td>
<td>270,000</td>
<td></td>
<td></td>
<td>300,000</td>
</tr>
<tr>
<td>44</td>
<td>Y4</td>
<td></td>
<td>CRP #916013 Stormwater Quality Improvements Various locations</td>
<td></td>
<td>I</td>
<td>I</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td></td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>45</td>
<td>Y5</td>
<td></td>
<td>CRP #916014 Non-motorized Transportation Improvements Various locations</td>
<td></td>
<td>FGH</td>
<td>I</td>
<td>100,000</td>
<td>10,000</td>
<td>100,000</td>
<td></td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>46</td>
<td>Y7</td>
<td></td>
<td>CRP #916015 Railroad Crossing Improvements Various locations</td>
<td></td>
<td>FGH</td>
<td>I</td>
<td>20,000</td>
<td>5,000</td>
<td>15,000</td>
<td></td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>47</td>
<td>Y8</td>
<td></td>
<td>CRP #916016 Neighborhood Traffic Calming Various locations</td>
<td></td>
<td>E</td>
<td>I</td>
<td>50,000</td>
<td>5,000</td>
<td>45,000</td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
</tbody>
</table>

**TOTALS:**

- **9,813,000**
- **3,054,000**
- **4,444,000**
- **510,000**
- **6,673,000**
- **1,240,000**
- **12,987,000**

**PRELIM & CONST. ENSRNG:**

- 595.10
- 595.20

**RIGHT OF WAY:**

- 595.10
- 595.20

**CONSTRUCTION:**

- COUNTY FORCES
- GRAND TOTAL
- ALL $55.
INSTRUCTIONS FOR USE OF THE ANNUAL CONSTRUCTION PROGRAM FORM
(CRAB FORM #3, REVISED 06/09) WAC 136-16-010 through 042

**** GENERAL DATA REQUIREMENTS ****

AGENCY ACTION blocks; complete all items as shown. Entering your county name will input your County Forces Limit on Line B.

CONSTRUCTION BY COUNTY FORCES COMPUTATION as per RCW 36.77.065; is computed for you from the Limits Table as follows:

<table>
<thead>
<tr>
<th>Counties over 400,000 population:</th>
<th>Counties 160,000 to 399,999 population:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,250,000 X [1+(2015 MVFT %)/100]</td>
<td>$1,750,000 X [1+(2015 MVFT %)/100]</td>
</tr>
<tr>
<td>Counties 300,000 to 149,999 population:</td>
<td>Counties under 30,000 population:</td>
</tr>
<tr>
<td>$1,250,000 X [1+(2015 MVFT %)/100]</td>
<td>$800,000 X [1+(2015 MVFT %)/100]</td>
</tr>
</tbody>
</table>

**** COLUMNAR DATA REQUIREMENTS ****

(1) **Item No.** Use consecutive numbers beginning with 1. No priority is assumed.

(2) 6 Year Road program **item No.** - Use the priority number from column 1 on your most recent 6 year transportation improvement program (DOT Form 140-049). No number is necessary for miscellaneous projects as permitted under WAC 136-16-025.

(3) **Road Log No.** - County road log number (when applicable) as per the current road log as maintained by each county.

(4) **Road/Project Name and Location** - Enter the road or project name and location information as assigned by the county. As appropriate, include milestone posts (from county road log), bridge numbers and etc.

(5) **Project Length** - Enter the project length in miles.

(6) **Functional Class** - Enter the functional class for the road on which the project is to be located. The codes listed below can be found in the road log.

<table>
<thead>
<tr>
<th><strong>RURAL</strong></th>
<th><strong>URBAN</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>02 Principal Arterial</td>
<td>12 Principal Arterial</td>
</tr>
<tr>
<td>06 Minor Arterial</td>
<td>13 Principal Arterial</td>
</tr>
<tr>
<td>07 Major Collector (FAS)</td>
<td>14 Major Arterial</td>
</tr>
<tr>
<td>08 Minor Collector</td>
<td>15 Principal Arterial</td>
</tr>
<tr>
<td>09 Local Access</td>
<td>16 Minor Arterial</td>
</tr>
<tr>
<td>17 Collector Arterial</td>
<td>19 Local Access</td>
</tr>
</tbody>
</table>

(7) **Type of Work** - Use one or more of the codes listed. List major work items first reflecting the nature of the anticipated final project.

<table>
<thead>
<tr>
<th>A. GRADING &amp; DRAINAGE</th>
<th>G. TRAFFIC FACILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. BASE &amp; TOP COURSE</td>
<td>H. PATHS, TRAILS, BIKEWAYS</td>
</tr>
<tr>
<td>C. B.S.T. / SEALS</td>
<td>I. BRIDGES</td>
</tr>
<tr>
<td>D. A.C. / P.C.C. PAVEMENT</td>
<td>J. FERRY FACILITIES</td>
</tr>
<tr>
<td>E. CURBS AND GUTTERS</td>
<td>K. ENVIRONMENTAL MITIGATION</td>
</tr>
<tr>
<td>F. SIDEWALKS</td>
<td>L. FISH PASSAGE</td>
</tr>
</tbody>
</table>

(8) **Environmental Assessment** - Use the following assessment codes (Reference: State Environmental Policy Act):

S = Significant  I = Insignificant  E = Exempt

*** PLEASE NOTE THAT THE DOLLARS IN COLUMNS 9 through 16 REFLECT ONLY THE AMOUNTS AND SOURCES EXPECTED TO BE SPENT DURING THE APPLICABLE CALENDAR YEAR ***

(9) **Source of Funds - County** - Enter the total amount of county funds estimated for the project (use columns 10 and 11 for RD, developer contributions, and similar non-county funds).

(10) **Source of Funds - Other Funds** - Enter the total amount of other funds estimated for the project. If more than one "other" source (such as RAP + FAS), show each "other" separately.

(11) **Source of funds - Other Funds Program Source** - For each "other" source shown in column 10, enter the abbreviation for the source type (ex: RAP, FAS, CAPP, BROS, UAB, TIB, RID, PVT, PWTF, etc.)

(12) **Estimated Expenditures - Engineering** - Enter the estimated amount of engineering (PE, CE and Administration) expenditures for the project next year.

(13) **Estimated Expenditures - Right of Way** - Enter the estimated amount of right of way expenditures for the project next year.

(14) **Estimated Expenditures - Construction - Contract** - Enter the estimated amount of contract construction expenditures, excluding PE, CE and Administration, to be incurred by the county.

(15) **Estimated expenditures - Construction - County Forces** - Enter the estimated amount of county forces expenditures, excluding PE, CE and Administration, for the project in the program year. Materials incorporated into a county forces project, even though created or supplied by a separate contract (ex: crushing) are to be included in the county forces construction amount.

(16) **Estimated expenditures - Grand Total** - This is the total estimated expenditures for the project next year. This must equal the sum of columns 12 through 15 and also the sum of columns 9 through 10. The program total of this column should also equal the amount of construction shown in the final annual road budget.

Your proposed construction by county forces is totaled at the top on line C, "TOTAL COUNTY FORCES CONST PROGRAM - column (15)". Your limit, based on population and % MVFT distribution is listed in B, PUBLISHED "COUNTY FORCES LIMIT (see instructions)" from the Limits Table.
Birch Bay Drive and Pedestrian Facility
CRP #907001

Construction Funding Year(s): 2016 / 2017 / 2018

Project Narrative:
This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek, in Sections 30 and 31, T40N, R1E, and Sections 24 and 25, T40N, R1W. This is a 1.58 mile separated berm with pathway to encourage pedestrian use along Birch Bay Drive to support safety and to protect the roadway from storm damage. In addition, the project will provide mitigation for both beach erosion and roadway protection. This project is listed #R1 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Phase I of the Feasibility Study was completed in 2006. Phase 2A (Preliminary Construction Cost Estimate) was completed in 2007, and updated in spring of 2013. Preliminary Engineering began in late 2013, RW acquisition began in 2015 and construction is planned for 2016/2017. Additional funding sources will be pursued as they become available.

Total Estimated Project Cost: $11,450,000
Expenditures to Date: $1,850,000

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$3,200,000 (STP)</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$8,250,000</td>
</tr>
</tbody>
</table>

Environmental Permitting
Whatcom County-Shorelines; WDFW-HPA, Army Corps of Engineers, DOE; Sec 404 Clean Water Act

Right-of-Way Acquisition (Estimate)
TBD

County Forces (Estimate)
N/A
Birch Bay Drive, Embankment Repair
CRP # 914014

Construction Funding Year(s): 2016

Project Narrative:
This project is an embankment repair near Lora Lane in Section 30-31 of T40N, R1E. This project is listed #R2 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: Preliminary engineering and permitting completed. Construction scheduled for 2016 pending obtaining final easements.

Total Estimated Project Cost: $227,500
Expenditures to Date: $7,500

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$227,500</td>
</tr>
</tbody>
</table>

Environmental Permitting
HPA, SEPA, County Shorelines, ACOE

Right-of-Way Acquisition (Estimate)
TBD

County Forces (Estimate)
$200,000
Slater Road/Jordan Creek Fish Passage
CRP # 915007

Construction Funding Year(s): TBD

Project Narrative: This project is located on Slater Road in Section 34, T39N, R1E. This project will replace an existing deteriorated, fish impassable arch culvert conveying Jordan Creek beneath Slater Road. The project is listed #R3 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status: Preliminary engineering work, including an alternative analysis of replacement options is underway. A recommended replacement concept will be presented to Council in late 2015.

Total Estimated Project Cost: TBD
Expenditures to Date: $125,000

Funding Sources:
Federal
State
Local $400,000 (STIP 2016-2021)

Environmental Permitting HPA, SEPA, Sec 404, NEPA
Right-of-Way Acquisition (Estimate) $50,000
County Forces (Estimate)
Lake Whatcom Boulevard, Phase II
Water Quality Improvements
CRP # 915009

Construction Funding Year(s): 2016/2017/2018

Project Narrative:
This project is located approximately 1 mile east of Bellingham, in Sections 35 and 36, T38N, R3E. The work will involve drainage improvements and pedestrian improvements to a 1.3 mile section of Lk Whatcom Blvd between Cable Street and Strawberry Point, addressing stormwater quality issues. This project is listed #R4 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Survey work with associated base map and R/W research began in 2015. Preliminary design will be initiated to evaluate R/W needs, permit requirements and overall project costs. Construction time frame will be contingent on addressing funding needs along with resolution of permitting and R/W issues.

| Total Estimated Project Cost: | $ TBD |
| Expenditures to Date:          | $ 35,000 |

| Funding Sources:              |
| Federal                      | $0   |
| State                        | $0   |
| Local                        | $5,000,000 (Grant funding will be sought) |

Environmental Permitting: SEPA, CLR/CAO, Shorelines
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): $10,000
Horton Road
Northwest Drive to Aldrich Road
CRP # Not Assigned

Construction Funding Year(s): TBD

Project Narrative:
This new roadway project is located between Northwest Drive and Aldrich Road in Section 2 of T38N, R2E. The work involves a ½ mile of new roadway alignment, along with all the associated permitting, storm water and R/W issues. This project is listed #R5 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Design, right-of-way, and permitting to begin in 2016 with Surface Transportation Program (STP) Grants. Construction schedule dependent upon funding agreements with City of Bellingham and other sources.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0</td>
</tr>
</tbody>
</table>

Funding Sources:
- Federal: $990,000
- State: $0
- Local: $250,000

Environmental Permitting: ECS, BA, SEPA, CLR/CAO, Corps of Engrs
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): N/A
Slater Road and Northwest Drive
CRP # 914001

Construction Funding Year(s): TBD

Project Narrative:
The intersection of Slater and Northwest Roads is in Section 2 of T38N, R2E. The intersection will be reconstructed to a 4-leg round-a-bout. Fish passage improvements will also be constructed on Bear Creek which passes underneath Slater Road at this location. This project is listed #R6 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
$21,000,000 in state funding available for this project and project #R7, Slater Road, I5 Interchange, in 7/2019. Design and permitting expected to take 3-4 years with construction in 2022 or 2023.

Total Estimated Project Cost: $21,000,000*
*Includes Project #6 and #7
Expenditures to Date: $0

Funding Sources:
<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$21,000,000 (7/2019 for Projects #6 and #7)</td>
</tr>
<tr>
<td>Local</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: ECS, BA, SEPA, CLR/CAO, Corps of Engrs

Right-of-Way Acquisition (Estimate): TBD

County Forces (Estimate): N/A
**Slater Road**
**I5 Interchange**
**CRP # Not Assigned**

**Construction Funding Year(s):** TBD

**Project Narrative:**
This project is located north of Bellingham in Section 3, T38N, R2E. This project will improve the interchange/intersection of Interstate 5 and Slater Road. This includes the intersection of Slater Road with Rural Road and Pacific Highway. This project is listed #R7 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:** $21,000,000 available for this project and project #R6, Slater and Northwest, in 7/2019. Design and permitting expected to take 3-4 years with construction in 2022 or 2023.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$21,000,000*</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Includes Project #6 and #7</td>
<td></td>
</tr>
<tr>
<td>Expenditures to Date:</td>
<td>$ 0</td>
</tr>
</tbody>
</table>

**Funding Sources:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$21,000,000 (7/2019 for Projects #6 and #7)</td>
</tr>
<tr>
<td>Local</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

**Environmental Permitting:** TBD

**Right-of-Way Acquisition (Estimate):** TBD

**County Forces (Estimate):** TBD

---

[Map of Slater Road and I5 Interchange showing project location]
### Slater Road
#### Northwest Drive to Aldrich
#### CRP # 914012

**Construction Funding Year(s):** TBD

**Project Narrative:**
This new roadway project is located in Sections 1 and 2 of T38N, R2E. The work involves the construction of a new roadway between Northwest Drive and Aldrich Drive as well as construction of a round-a-bout at the new intersection of Northwest Drive and Horton Road. This project is listed **#R8** on the 2016-2021 Six-Year Transportation Improvement Program.

**Project Status:**
Design, permitting, right-of-way and construction dependent upon funding agreements with the City of Bellingham and other sources.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>TBD</td>
<td>Federal $0</td>
</tr>
<tr>
<td></td>
<td>State $0</td>
</tr>
<tr>
<td>Expenditures to Date:</td>
<td>Local $50,000</td>
</tr>
<tr>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

**Environmental Permitting**
ECS, BA, SEPA, CLR/CAO, Corps of Engrs

**Right-of-Way Acquisition (Estimate)**
TBD

**County Forces (Estimate)**
N/A

---

![Project Map](image-url)
Roadway Frost Depth Detectors
CRP # Not Assigned

Construction Funding Year(s): 2016

Project Narrative:
This item provides funding to address replacement of the County’s aging network of roadway frost depth detectors. These detectors are critical for implementing appropriate roadway restrictions to prevent structural damage following periods of deep frost. It is listed #R9 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:

| Total Estimated Project Cost: | $250,000 |
| Expenditures to Date: | $0 |

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$</td>
</tr>
<tr>
<td>State</td>
<td>$</td>
</tr>
<tr>
<td>Local</td>
<td>$250,000 (STIP 2015-2016)</td>
</tr>
</tbody>
</table>

Environmental Permitting | TBD
Right-of-Way Acquisition (Estimate) | TBD
County Forces (Estimate) | TBD

Due to the nature of this item, no map exists. Location of the new roadway frost depth detectors will be determined in 2016.
Bennett Drive, Marine Dr. to West Bakerview Rd.
CRP # Not Assigned

**Construction Funding Year(s):** 2016

**Project Narrative:** This road project is located in Sections 14 & 23, T38N, R2E. This project will consist of resurfacing Bennett Drive from Marine Drive to West Bakerview Road. Additionally, all curb ramps and driveways will be upgraded to current ADA (Americans with Disabilities Act) standards and the roadway will be rechanneled to create a continuous bike lane. This project is listed as **#R10** on the 2016-2021 Six-Year Transportation Improvement Program.

**Project Status:** Design and R/W will begin in 2016. Outreach and coordination with City of Bellingham and Bicycle Pedestrian Advisory Committee in 2016.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Funding Sources:**

- Federal
- State
- Local $100,000

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Lummi View Drive Bank Stabilization
CRP # 908001

Construction Funding Year(s): TBD

Project Narrative:
This project is located in Section 2, T37N, R1E. This project will consist of repair and stabilization of a ocean bluff failure that threatens a section of Lummi View Drive. This project is listed #R11 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: Survey and preliminary cost scoping to be performed in 2016.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $ TBD</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $2,500</td>
<td>Federal $0</td>
</tr>
</tbody>
</table>
<pre><code>      | State $         |
      | Local $30,000 (STIP 2016) |
</code></pre>

Environmental Permitting SEPA, CLR/CAO
Right-of-Way Acquisition (Estimate) TBD
County Forces (Estimate) TBD
### Lummi Nation Transportation Projects
**CRP #912017**

**Construction Funding Year(s):** 2016

**Project Narrative:**
The Lummi Nation Transportation Projects is located in Section 2, T37N, R1E and Section 34, T38N, R1E. This work, in fulfillment of the ferry lease obligation, involves the construction of transportation improvement projects in accordance with Exhibit C of the October 27, 2011 Uplands Lease Agreement for Lummi Island Ferry Use at Gooseberry Point. This project is listed **#R13** on the 2016-2021 Six-Year Transportation Improvement Program.

**Project Status:**
Projects funds will be available for expenditure when funds of equal or greater value are matched by the Lummi Nation.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$4,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>N/A</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Due to the nature of this item, no map exists. Location of the new transportation projects will be determined in 2015.
Point Roberts Transportation Improvements
CRP # 910002

Construction Funding Year(s): 2016 / 2017

Project Narrative:
Point Roberts is located in T40N and T41N, R3W. The proposed improvements would be specific to area needs and the development of projects to be funded by the Pt. Roberts Transportation Benefit District. This project is listed #R14 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Public Works has assigned staff working with the Point Roberts Transportation Benefit District Advisory Committee to coordinate project evaluation and selection. The committee has recommended shoulder improvements on Marine Drive, traffic control study for the intersection of Tyee Drive and Benson Road as well as the intersections of Gulf Road and Marine Drive.

Total Estimated Project Cost: TBD
Expenditures to Date: $0

Funding Sources:
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): TBD
East Smith Road
Everson-Goshen Road to SR 542
CRP # Not Assigned

Construction Funding Year(s): 2016

Project Narrative:
This East Smith Road project is located between Everson-Goshen Road and State Route 542 in Section 25 of T39N, R3E and Sections 28, 29, 30 T39N, R4E. The work will involve the pavement rehabilitation of approximately 3.25 miles of roadway. This project is listed #R15 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Design, permitting and construction to be completed in 2016. Rural Arterial Pavement Preservation (RAPP) grant funds will be sought.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$1,900,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Local $5,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>SEPA, ESA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>N/A</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
East Smith Road & Hannegan Road
CRP # 914002

Construction Funding Year(s): TBD

Project Narrative:
The intersection of East Smith and Hannegan Roads is located in Sections 28, 29, 32 and 33, T39N, R3E. This project is listed #R16 on the 2016-2021 Six-Year Transportation Improvement Program. This intersection currently experiences delays due to the lack of left-turn channelization on Smith Road. The first phase of this project is to analyze a range of solutions as well as their associated benefits, limitations, and costs.

Project Status:

Total Estimated Project Cost: $ TBD
Expenditures to Date: $14,000

Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$</td>
</tr>
<tr>
<td>State</td>
<td>$</td>
</tr>
<tr>
<td>Local</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: SEPA, ESA
Right-of-Way Acquisition (Estimate): N/A
County Forces (Estimate): N/A
Marine Drive/BNSF Bridge Bicycle Warning
CRP # 915012

Construction Funding Year(s): 2016

Project Narrative:
This project is located in Section 15 of T38N, R2E. The work involves installation of a bicycle/slow moving vehicle warning system on the Marine Drive bridge over the BNSF railroad tracks. This project is listed #R20 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Design, permitting, and construction to occur in 2016.

Total Estimated Project Cost: $100,000
Expenditures to Date: $0

Funding Sources:
<table>
<thead>
<tr>
<th></th>
<th>Federal</th>
<th>State</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

Environmental Permitting
ECS, BA, SEPA, CLR/CAO, Corps of Engrs

Right-of-Way Acquisition (Estimate)
TBD

County Forces (Estimate)
N/A
Turkington Road/Jones Creek
CRP # 905013

Construction Funding Year(s): TBD

Project Narrative:
This project is located in Sections 7, T37N, R5E. This work involves completing design of road and bridge modifications in this area in coordination with the debris flow berm project being developed by the River and Flood Division. The project is listed #R21 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Alternate analysis work is underway by the River & Flood Division.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $ TBD</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $0</td>
<td>Federal</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Local</td>
</tr>
</tbody>
</table>

Environmental Permitting  BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR
Right-of-Way Acquisition (Estimate) $50,000
County Forces (Estimate)  N/A
Hemmi Road Flood Prevention
CRP # Not Assigned

Construction Funding Year(s): 2016

Project Narrative:
This Hemmi Road Flood Prevention project from Old Guide Road and Salmon Creek, is located in Section 13 of T39N, R2E. Hemmi Road is submerged several months of the year at this location. This project is listed #R25 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: Project design and permitting in 2016 with alternatives and associated costs identified.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: TBD</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $0</td>
<td>Federal</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Local $30,000</td>
</tr>
</tbody>
</table>

Environmental Permitting

Right-of-Way Acquisition (Estimate)

County Forces (Estimate)
Innis Creek Road
CRP # 915014

Construction Funding Year(s): TBD

Project Narrative:
This project is located northeast of Wickersham in Section 29, T37N, R5E. The work involves raising a quarter mile section of Innis Creek Road to mitigate flooding issues. This project is listed #R26 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Preliminary design and permitting work is underway with alternatives and associated costs to be developed in 2016.

Total Estimated Project Cost: TBD
Expenditures to Date: $40,000

Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$60,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): TBD
County Roadway Safety Program
CRP # 915015

Construction Funding Year(s): 2016/2017

Project Narrative:
This project was the result of a Federal Safety Initiative to reduce fatalities and serious injury collisions on county roadways throughout the state. Whatcom County’s grant addresses safety concerns through signage and rumble strips. This project is #R28 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Design began in 2015. Construction will begin in 2016

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $750,000</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $0</td>
<td>Federal $743,000</td>
</tr>
<tr>
<td></td>
<td>State $0</td>
</tr>
<tr>
<td></td>
<td>Local $7,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: N/A
Right-of-Way Acquisition (Estimate): N/A
County Forces (Estimate): N/A

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
South Pass Road Failure Repair
CRP #915018

Construction Funding Year(s): 2016

Project Narrative:
This project will consist of excavating the existing roadway to install roadway stabilizing geogrid wraps to repair damage caused by severe winter rains in February 2015. Also, guardrail will be installed where warranted and drainage upgrades. This project is listed #R29 in the 2016-2021 Six-Year Transportation Improvement Program.


Total Estimated Project Cost: $782,500
Expenditures to Date: $55,000

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$673,000</td>
</tr>
<tr>
<td>State</td>
<td>N/A</td>
</tr>
<tr>
<td>Local</td>
<td>$109,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>Land Disturbance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>$10,000</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>$10,000</td>
</tr>
</tbody>
</table>
Birch Bay Lynden Rd/Portal Way – Signalization - Mitigation
CRP # 91011

Construction Funding Year(s): 2016

Project Narrative: This project is located south of Blaine and west of I-5, in Section 22, T40N, R1E. Proposed improvements include signalization, channelization and illumination of the intersection with minor changes to the vertical and horizontal alignment. Stormwater treatment and detention will also be implemented into this project. This project is listed #R30 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: The project is substantially complete as of April 2015. The project will be physically complete in April 2016, once the plant establishment period has been attained.

Total Estimated Project Cost: $3,600,000
Expenditures to Date: $3,412,000

Funding Sources:
Federal: $3,250,000 STP
State: $ 750,000 RAP
Local: $ 300,000

Environmental Permitting: SEPA, Corps of Engineers, CLR/CAO, HPA
Right-of-Way Acquisition (Estimate): Completed
County Forces (Estimate): N/A
Lakeway Drive Crosswalk
CRP # Not Assigned

Construction Funding Year(s): 2016

Project Narrative:
This project is located in Section 34, T38N, R3E. This project would construct an actuated crosswalk on Lakeway Drive somewhere between the two existing activated crosswalks at Cable and Birch Streets. This project is listed #R31 on the 2016-2021 Six-Year Transportation Improvement Program.


Total Estimated Project Cost: $400,000
Expenditures to Date: $0

Funding Sources:

<table>
<thead>
<tr>
<th></th>
<th>Federal</th>
<th>State</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$400,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): N/A
Lakeway Drive Corridor Preliminary Engineering Study
CRP # 916017

Construction Funding Year(s): 2018/2019

Project Narrative:
This project is located in Section 34, T38N, R3E. This project proposes to rechannelize 1.3 miles of Lakeway Drive to create a center left turn, ADA upgrades and bus pull-outs. This project is listed #R32 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: Corridor Study performed in 2015. Engineering and construction to occur in 2018 or 2019.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>TBD</td>
<td>Federal</td>
</tr>
<tr>
<td>Expenditures to Date: $0</td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Local $100,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): N/A
Yacht Club Rd RR Quiet Zone
CRP # Not Assigned

Construction Funding Year(s): 2018/2019

Project Narrative:
This project is located in Section 30, T37N, R3E. This project proposes to upgrade the BNSF crossing to “Quiet Zone” standards. This project is listed #R33 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>$5000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

[Map of the area with marked locations like Chuckanut Rock, Chuckanut Is., CHUCKANUT MTN., Cedar Lk., Mud Lk., LARRABEE STATE, etc.]
Potter Road
South Fork Bridge No. 148 Replacement
CRP #998027

Construction Funding Year(s): 2016 / 2017

Project Narrative:
This bridge replacement project is located in Sections 17 & 18, T38N, R5E. The existing single-lane bridge (14.5' wide & 243' in length) is Structurally Deficient and Functionally Obsolete. The replacement structure is a 360’ two-span, pre-stressed and post-tensioned concrete girder bridge. Access will be maintained throughout construction as this is the only public access to the residential, agricultural and tribal community west of the river. The project is listed #B1 on the 2016-2021 Six-Year Transportation Improvement Program, and has a project-based budget.

Project Status:
Construction began in May 2014, and is approximately 90% complete. It is expected that construction will be completed in summer of 2016, with plant establishment environment mitigation fully complete in 2017.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $9,600,000</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $8,000,000 (thru 2015)</td>
<td>Federal $7,074,000 BRAC</td>
</tr>
<tr>
<td></td>
<td>State $0</td>
</tr>
<tr>
<td></td>
<td>Local (includes potential $1 million contribution from BIA) $1,814,000</td>
</tr>
</tbody>
</table>

Environmental Permitting
BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR

Right-of-Way Acquisition (Estimate) Complete

County Forces (Estimate) N/A

[Map of Potter Road area with location of B1 bridge]
### Marine Drive / Little Squalicum Creek - Bridge No. 1 Rehabilitation
CRP #910017

**Construction Funding Year(s):**  TBD

**Project Narrative:**  
This project is located near the Bellingham city limits in Section 8, T38N, R2E. This is a rehabilitation project to replace the bridge deck, strengthen the girders and cross beams, and remove the existing load restrictions on the bridge. The project is listed **#B2** on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**  
The project was submitted for BRAC funding in May 2012. Construction pending acquisition of BRAC funds.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Funding Sources:**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$20,000 (STIP 2016-2021)</td>
</tr>
</tbody>
</table>

**Environmental Permitting**  
HPA, NEPA

**Right-of-Way Acquisition (Estimate)**  
TBD

**County Forces (Estimate)**  
TBD

---

![Map of Marine Drive / Little Squalicum Creek - Bridge No. 1 Rehabilitation](image-url)
Hannegan Road / Nooksack River - Bridge No. 252 Scour Mitigation
CRP #911002

Construction Funding Year(s): 2015/2016

Project Narrative:
This project is located just south of the Lynden city limits in Section 20, T40N, R3E. This is a rehabilitation project to mitigate scour on the existing bridge. This project is listed #B3 on the 2016-2021 Six Year Transportation Program.

Project Status:
BRAC funding acquired. Construction to be completed in 2015 with final mitigation planting work to be completed in 2016.

| Total Estimated Project Cost: | $240,000 |
| Expenditures to Date: | $200,000 |

Funding Sources:
| Federal | $220,000 (BR) |
| State | $ |
| Local | $ 20,000 |

Environmental Permitting
HPA, SEPA, SEC 404, NEPA, County Shorelines

Right-of-Way Acquisition (Estimate)
$5,000 (Temporary construction access easement)

County Forces (Estimate)
None
South Pass Road / Saar Creek - Bridge No. 212 Replacement
CRP #911004

Construction Funding Year(s): 2016

Project Narrative:
This project is located southeast of Sumas in Section 17, T40N, R5E. This is a project to replace the existing 31 foot structurally deficient bridge with a 50 foot bridge. This project is listed as B4 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Design and permitting to be completed in 2015 with construction in 2016.

Total Estimated Project Cost: $1,410,000
Expenditures to Date: $100,000

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$</td>
</tr>
<tr>
<td>State</td>
<td>$</td>
</tr>
<tr>
<td>Local</td>
<td>$1,410,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: HPA, SEPA, SEC 404, County Shorelines
Right-of-Way Acquisition (Estimate): None Required
County Forces (Estimate): N/A
Portal Way / Dakota Creek - Bridge No. 500 Seismic Retrofit
CRP #910001

Construction Funding Year(s): 2015

Project Narrative:
This project is located south of Blaine in Section 8, T40N, R1E. This is a seismic retrofit project to mitigate the risk of failure in the event of a seismic event. This project is listed #B5 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Design work and permitting completed. Construction started in May 2015 and is expected to be completed in November 2015. Mitigation planting work will continue into 2016.

Total Estimated Project Cost: $4,048,6004
Expenditures to Date: $3,900,000

Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$3,000,000 (BR)</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$1,048,604</td>
</tr>
</tbody>
</table>

Environmental Permitting: HPA, SEPA, SEC 404, NEPA, County Shorelines

Right-of-Way Acquisition (Estimate): None Required

County Forces (Estimate): None
**Project Narrative:**
This project is located on Lake Samish in Section 27, T37N, R3E. This is a project to perform an engineering analysis on rehabilitation/replacement options for this existing 250-foot timber bridge. This project is listed **#B8** on the 2016-2021 Six-Year Transportation Improvement Program.

**Project Status:**
Preliminary engineering work is underway

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>TBD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Local $190,000 (STIP 2016)</td>
</tr>
</tbody>
</table>
Hannegan Road Bridge No. 236 Replacement  
CRP # 913007

Construction Funding Year(s):  TBD

Project Narrative:
This project is located on Hannegan Road between Central and Ten Mile Roads in Section 16, T39N, R3E. This is a project to replace the last 31-foot channel beam bridge on the Hannegan Road. This old design is not suited for the volume of truck traffic present on the Hannegan Road. This project is listed #B9 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Project design is nearly complete and permitting work is underway. Rural Surface Transportation Program (STP) Funds have been obtained for the construction of the project.

Total Estimated Project Cost: TBD  
Expenditures to Date: $ 50,000

Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$40,000 (STP)</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$10,000 (STIP 2016)</td>
</tr>
</tbody>
</table>

Environmental Permitting  TBD
Right-of-Way Acquisition (Estimate)  TBD
County Forces (Estimate)  N/A
Roberts Road/Anderson Creek, Bridge No. 249
CRP # 915020

Construction Funding Year(s): 2017

Project Narrative:
This project is located west of Deming in Section 19, T39N, R4E. This is a bridge replacement project. This project is listed #B10 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:

Total Estimated Project Cost: $1,370,000
Expenditures to Date: $25,000

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$1,080,000</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$290,000</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): TBD

[Map of the area with roads and landmarks]
Massey Road/Sumas River, Bridge No. 291
CRP # 915016

Construction Funding Year(s): TBD

Project Narrative:
This project is located east of Everson in Section 5, T39N, R4E. This is a project to replace this structurally deficient bridge. This project is listed #B11 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status: Preliminary design and permitting is underway.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Local</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Mosquito Lake Road/N. Fork Nooksack River, Bridge No. 332
CRP # 915001

Construction Funding Year(s): TBD

Project Narrative:
This project is located east of Deming in Section 27, T39N, R5E. This is a preliminary engineering study on the existing bridge. This project is listed #B12 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status: Preliminary analysis is underway.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: TBD</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $100,000</td>
<td>Federal $0</td>
</tr>
<tr>
<td></td>
<td>State $0</td>
</tr>
<tr>
<td></td>
<td>Local $150,000  (STIP 2016-2021)</td>
</tr>
</tbody>
</table>

Environmental Permitting: TBD

Right-of-Way Acquisition (Estimate): TBD

County Forces (Estimate): TBD
W. Badger Road/Bertrand Creek Bridge No. 50
CRP # Not Assigned

Construction Funding Year(s): 2018

Project Narrative:
This project is located west of Lynden in Section 12 & 14, T40N, R2E. This is to replace this structurally deficient bridge. This project is listed #B13 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status: BRAC funding has been secured.

Total Estimated Project Cost: $1,801,000
Expenditures to Date: $5,000

Funding Sources:
- Federal: $1,430,000 (BRAC)
- State: $0
- Local: $371,000 (STIP 2016-2021)

Environmental Permitting: TBD
Right-of-Way Acquisition (Estimate): TBD
County Forces (Estimate): TBD
South Bay Road/Fir Crk Brdg No. 120
CRP # 915021

Construction Funding Year(s): 2016

Project Narrative: Project #46
This project is located on South Bay Road in Section 26 of T37N, R4E. This is a rehabilitation project to mitigate scour on the existing bridge. This project is listed #B15 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:

| Total Estimated Project Cost: | $270,000 |
| Expenditures to Date: | $5,000 |
| Funding Sources: | |
| Federal | |
| State | |
| Local | $270,000 (2016-2021 STIP) |

Environmental Permitting | HPA, ACOE, SEPA, Shorelines
Right-of-Way Acquisition (Estimate) | None required
County Forces (Estimate) | $250,000
Slater Road / Nooksack River Bridge No. 512 Overheight Detection
CRP #914013

Construction Funding Year(s): TBD

Project Narrative:
This project is located on Slater Road at the Nooksack River in Section 6, T38N, R2E. This is an overheight detection/warning system project. The project is listed #B16 on the 2016-2021 Six-Year Transportation Improvement Program.

Project Status:
Preliminary design work to be completed in 2016.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$ TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$30,000 (STIP 2016-2021)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Refurbish / Upgrade of the Whatcom Chief
CRP #910012

Construction Funding Year(s): 2016

Project Narrative:
This project involves the upgrade and preservation of the current ferry to Lummi Island, M/V Whatcom Chief. The project definition will address safety, accessibility and reliability concerns associated with the approximately 50 year old ferry. This project is listed #F1 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Opportunities for project funding will be reviewed as they become available.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: TBD</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: $2,000</td>
<td>Federal $0</td>
</tr>
<tr>
<td></td>
<td>State $0</td>
</tr>
<tr>
<td></td>
<td>Local $5,000 (STIP 2016)</td>
</tr>
</tbody>
</table>

Environmental Permitting: None Required
Right-of-Way Acquisition (Estimate): None Required
County Forces (Estimate): N/A

M/V Whatcom Chief
Ferry Dock Improvements
CRP #914004

Construction Funding Year(s): 2016 - 2017

Project Narrative:
This project includes improvements to the ferry docks. This project is listed #F2 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Design, permitting, and construction activities are ongoing.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$2,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Local</td>
</tr>
</tbody>
</table>

Environmental Permitting  HPA, SEPA, CORPS 404, COUNTY SHORELINES
Right-of-Way Acquisition (Estimate) None Required
County Forces (Estimate) N/A
### Various Bridges Rehabilitation / Replacement

**CRP #Not Assigned**

<table>
<thead>
<tr>
<th>Construction Funding Year(s):</th>
<th>2016 - 2021</th>
</tr>
</thead>
</table>

**Project Narrative:**
This item provides funding to address unanticipated bridge rehabilitation and/or replacement. It is listed #Y1 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**
Design and construction to occur as necessary.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$1,800,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Local</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Due to the nature of this item, no map exists. Council review and prioritization will be sought at the appropriate times.
**Right of Way Acquisition**  
**CRP # Not Assigned**

<table>
<thead>
<tr>
<th>Construction Funding Year(s):</th>
<th>2016-2021</th>
</tr>
</thead>
</table>

**Project Narrative:**  
This item addresses the unanticipated need for Right-of-Way that may arise during a given year that requires immediate action. This project is listed #Y2 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**  
N/A

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$180,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$180,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$180,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
Unanticipated Site Improvements
CRP # Not Assigned

Construction Funding Year(s): 2016 - 2021

Project Narrative:
This Annual Construction Program item addresses the unanticipated project(s) that may arise during a given year that require immediate action due to safety concerns, environmental factors, traffic volumes, accident history, funding or grant availability and other issues not related to an existing program project. This project is listed #Y3 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $1,800,000</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>Federal</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Local</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
# Stormwater Quality Improvements

**CRP # Not Assigned**

**Construction Funding Year(s):** 2016 - 2017

**Project Narrative:**
This project varies in location. Identification and prioritization to be addressed and reviewed through County Council. This project is listed #Y4 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**
Design and construction will be completed in 2016/2017.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$550,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$550,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
Non-motorized Transportation Improvements
CRP # Not Assigned

Construction Funding Year(s): 2016 - 2021

Project Narrative:
This program item addresses the need to identify and prioritize non-motorized projects for future consideration. Projects would include pedestrian and bike facilities (e.g., sidewalks, trails, shoulder widening) in various locations around the county. This project is listed #Y5 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$600,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal $0</td>
</tr>
<tr>
<td>State $0</td>
</tr>
<tr>
<td>Local $600,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>TBD</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
Railroad Crossing Improvements
CRP # Not Assigned

**Construction Funding Year(s):**
2016 - 2021

**Project Narrative:**
Locations to be determined. Identification and prioritization to be addressed. This project is listed #Y7 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**
Locations and prioritization of projects is on-going. Negotiations with BNSF will be a factor on timing and cost.

<table>
<thead>
<tr>
<th><strong>Total Estimated Project Cost:</strong></th>
<th>$120,000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Expenditures to Date:</strong></td>
<td>- 0 -</td>
</tr>
</tbody>
</table>

**Funding Sources:**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$120,000</td>
</tr>
</tbody>
</table>

| **Environmental Permitting** | TBD     |
| **Right-of-Way Acquisition (Estimate)** | TBD |
| **County Forces (Estimate)** | TBD |

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
**Neighborhood Traffic Calming**  
**CRP # Not Assigned**

**Construction Funding Year(s):** 2016 - 2021

**Project Narrative:**
Locations to be determined. Identification and prioritization to be addressed. This project is listed #Y8 on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**
It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$300,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>- 0 -</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
</tr>
<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

**Environmental Permitting** TBD  
**Right-of-Way Acquisition (Estimate)** TBD  
**County Forces (Estimate)** TBD

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>Gary Davis</td>
<td>10/13/15</td>
<td></td>
<td>10/27/15</td>
<td>Introduction, P&amp;D Committee</td>
</tr>
<tr>
<td>Division Head:</td>
<td>Mark Personius</td>
<td>10-17-15</td>
<td></td>
<td>11/10/15</td>
<td>Hearing</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>Sam Ryan</td>
<td>10-14-15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td>Royce Buckingham</td>
<td>10-14-15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td>Jack Love</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## TITLE OF DOCUMENT:
Ordinance amending Whatcom County Code Title 20 (Zoning) the Whatcom County Comprehensive Plan related to development regulations in limited areas of more intensive rural development (LAMIRDs)

## ATTACHMENTS:
1. Staff Memorandum
2. Proposed ordinance, including draft amendments and Findings of Fact
3. Findings of the Planning Commission
4. Public comment

SEPA review required? ( ) Yes ( x ) NO
SEPA review completed? ( ) Yes ( x ) NO
Should Clerk schedule a hearing? ( x ) Yes ( ) NO
Requested Date 11/10/15

## SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:
(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

A proposed ordinance amending the Whatcom County Comprehensive Plan and Whatcom County Code Title 20 (Zoning), to adopt changes to policy and development regulations regarding development in limited areas of more intensive rural development (LAMIRDs).

## COMMITTEE ACTION:

## COUNCIL ACTION:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PLN2012-00012</td>
<td></td>
</tr>
</tbody>
</table>

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Planning Commission

THROUGH: Mark Personius, AICP, Assistant Director

FROM: Gary Davis, AICP, Senior Planner

DATE: September 24, 2015

SUBJECT: LAMIRD Development Regulation Amendments

On April 14, 2015 the Whatcom County Council approved a settlement agreement with the petitioners in GMHB Case No. 11-2-0010c. Under this agreement, two disputed Rural Community boundaries1 would remain as adopted in Ordinance 2011-013 and 2012-032, and the County would repeal sections of WCC Title 20 that allow for exceptions to the permitted uses and sizes within Limited Areas of More Intensive Rural Development (LAMIRDs). Rural Communities are Type I LAMIRDs, as described in the Growth Management Act (GMA), RCW 36.70A.070(5)(d)(i).

Ordinance 2012-032 added WCC Section 20.80.100, which pertains to permitted uses and building sizes in LAMIRDs. Subsection 20.80.100(1) contains a table showing permitted uses and sizes for each of the Type I LAMIRDs (in which development is limited to the size, scale, use, or intensity that existed in 1990, per GMA). Subsection 20.80.100(2) establishes exceptions to the standards in the use/size table. The Growth Management Hearings Board found the latter section to be out of compliance with GMA and imposed a finding of invalidity, prohibiting the County from using that section.2 PDS staff has prepared the attached draft code amendments (Exhibit A) that would remove these exceptions while also resolving a few clarity issues staff has encountered since Ordinance 2012-032 was adopted.

1 The two affected LAMIRDs are the Birch Bay-Lynden/Valley View, and the Smith/Guide Meridian LAMIRDs, each of which included parcels that the GMHB found did not meet GMA criteria for designating LAMIRD boundaries, GMHB Case No. 11-2-0010c Compliance Order, January 4, 2013, pp. 75-78.
2 GMHB Case No. 11-2-0010c Compliance Order, January 4, 2013, p. 71, 92. Whatcom County later appealed the decision regarding both the LAMIRD boundaries and the LAMIRD development regulations; the settlement agreement resolves that appeal. With the resolution of these issues, the only outstanding issue remaining from the Rural Element case is water resources, which is currently under appeal to the State Supreme Court.
The draft code amendment does the following:
- Deletes the current WCC 20.80.100(2), which: (a) allows the zoning administrator to allow uses or sizes not shown in the use/size table in 20.80.100(1) if there is documentation that such a use or size existed in the same LAMIRD in 1990, and (b) allows for an administrative approval for building sizes above those shown in 20.80.100(1) subject to a finding that the proposed development is consistent with the character of the LAMIRD in 1990
- Adds a new 20.80.100(2) that allows for a larger floor area for a "public community facility" (such as a fire station or school - see definition in WCC 20.97.323.1) subject to a conditional use permit
- Deletes references to 20.80.100(2) in the development regulations for the RGC, NC, STC, TC, RC, GM, and RIM zones
- Adds "type" headings to administrative approval uses so the use/size table in 20.80.100(1) can be applied to these uses more clearly
- Adds clarification that building size standards in the 20.80.100(1) table apply only to nonresidential uses
- Deletes standards for TC zones in Rural Communities (Type I LAMIRDS) because no TC zoning currently exists within Rural Community designations
- Corrects a typographical error in the new 20.80.100(2) (previously (3)) where this section had given a maximum building size of 5,000 square feet, but the individual zoning chapters correctly said 7,000 square feet
- Corrects square footage in the 20.80.100 table for Public/Community uses in the Sudden Valley LAMIRD to reflect the true floor area of the largest public/community use in that area in 1990

In addition, staff has prepared a Comprehensive Plan text amendment (Exhibit B) that removes wording that supports size and use exceptions for development regulations in Rural Communities (Type I LAMIRDS) in Policy 2JJ-6 as well as text preceding Goal 2JJ. This Comprehensive Plan amendment can be adopted independent of the annual concurrent review of Comprehensive Plan amendments because it resolves a GMHB appeal (WCC 2.160.010).

Staff has prepared the following draft findings and conclusions (attached). Please contact Gary Davis, Senior Planner, at extension 5931 if you have questions.

Attachments:
  Exhibit A: Proposed WCC Title 20 Zoning Amendments
  Exhibit B: Proposed Comprehensive Plan Amendments
  Maps of Birch Bay-Lynden & Valley View and Smith & Guide Meridian LAMIRDS
  Draft findings and conclusions
Birch Bay-Lynden & Valley View

File #: PLN2012-00012
Proposed Rezoning and Comprehensive Plan Change

- Existing Zoning Boundary
- Proposed Rezone Area
- Proposed Type I Rural Community

Proposed Zoning - RR10A (not in parentheses)
Existing Zoning - (RR2)
ORDINANCE AMENDING WHATCOM COUNTY ZONING CODE TITLE 20, AND THE WHATCOM COUNTY COMPREHENSIVE PLAN, RELATED TO DEVELOPMENT REGULATIONS IN LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRDS)

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to include a rural element in its Comprehensive Plan that governs rural development; and

WHEREAS, the County Council has entered into a settlement agreement regarding several outstanding issues from an order of the Washington State Growth Management Hearings Board (GMHB) in Futurewise v. Whatcom County, Case No. 11-2-0010c; and

WHEREAS, the settlement agreement the County agrees to consider certain amendments its zoning code and Comprehensive Plan; and

WHEREAS, Whatcom County Code 2.160.010(D) and RCW 36.70A.130(2)(b) allow the County Council to amend the Comprehensive Plan outside of its annual concurrent review of Plan amendments when the amendment is to resolve an appeal filed with the GMHB or court; and

WHEREAS, Whatcom County staff has identified additional zoning code amendments that are necessary to correct problems with the existing code; and

WHEREAS, the recommended amendments have been considered by the Whatcom County Planning Commission, the Whatcom County Council Planning and Development Committee and the Whatcom County Council; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the County Council finds the Comprehensive Plan and zoning code amendments in the interest of the public health, safety, and welfare, based on the following findings and conclusions:

FINDINGS OF FACT:

1) Whatcom County proposes amendments to its Comprehensive Plan, Zoning Code, in response to the Washington State Growth Management Hearings Board’s January 4, 2013 Compliance Order (GMHB No. 11-2-0010c) and in accordance with a settlement agreement signed by the County and petitioners in that case.
2) The proposed amendments were posted on the County website on September 24, 2015.

3) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County’s e-mail list on September 24, 2015.

4) Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 8, 2015.

5) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on September 25, 2015.

6) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on September 24, 2015.

7) The Planning Commission held a public hearing on the subject amendment on October 8, 2015.

GMA Requirements

8) The Washington Growth Management Act (GMA) requires county comprehensive plans to include a rural element that protects the county’s established rural character by containing or otherwise controlling rural development.

9) GMA (RCW 36.70A.070(5)(a)) allows counties to consider local circumstances in its rural element but requires counties to develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of RCW 36.70A. (See Conclusions 2 and 3 below).

10) GMA allows, but does not require, counties to designate “limited areas of more intensive rural development” (LAMIRDs) (RCW 36.70A.070(5)(d)) and describes three types of development patterns that may be considered LAMIRDs:

a) Type I: “Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development villages, hamlets, rural activity centers, or crossroads developments...Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas.” (RCW 36.70A.070(5)(d)(i)) In RCW 36.70A.070(5)(d)(iv), GMA states, “Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands as provided in this subsection.”

GMA requires counties to establish logical outer boundaries for areas of more intensive rural development and describes considerations that must be addressed in establishing those boundaries Per RCW 36.70A.070(5)(d)(v),
existing areas are those that existed on July 1, 1990.

b) Type II: "The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting but that do not include new residential development..." (RCW 36.70A.070(5)(d)(ii)

c) Type III: "The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents..." (RCW 36.70A.070(5)(d)(iii)

Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County

11) In Futurewise v. Whatcom County and Gold Star Resorts, Inc. (#05-2-0013 Sept. 20, 2005 Final Decision and Order), the Western Washington Growth Management Hearings Board (WWGMHB) found Whatcom County out of compliance on three issues: The policies pertaining to Small Town, Crossroads Commercial, Resort and Recreational Subdivision, Suburban Enclave, and Transportation Corridor land use designations allow the creation of more intensive areas of rural development that do not comply with RCW 36.70A.070(5)(d); The Rural Residential zones (RR-1, RR-2, RR-3), Eliza Island (EI) zone, Rural two-acre (R-2A), and Rural Residential Island (RRI) zones allow residential densities that are not rural in the rural areas and are not in limited areas of more intensive rural development per RCW 36.70A.070(5)(d); and Urban Residential three-per-acre (UR-3) zoning in urban growth areas (except the UR-3 in Lake Whatcom watershed and the airport hazard area) failed to achieve appropriate urban densities.

12) In June, 2007 Whatcom County rezoned approximately 1,700 acres in the Ferndale and Everson UGAs to UR-4 in 2007 (Ord. 2007-030 and 2007-045) to address the urban density noncompliance issue in the September 20, 2005 Futurewise v. Whatcom County and Gold Star Resorts, Inc. decision.

13) The WWGMBH issued a finding of compliance on the urban density issue on August 30, 2007.

14) The September 20, 2005 Futurewise v. Whatcom County and Gold Star Resorts, Inc. decision relating to the land use designations and rural density issues was reversed in Whatcom County Superior Court in 2006. The Superior Court decision was, in turn, reversed by the Division I Court of Appeals in 2007, which reinstated the 2005 WWGMHB decision and ordered Whatcom County to comply with that decision (140 Wn. App. 378). In December, 2009 the Supreme Court of the State of Washington reversed the Court of Appeals’ holding that the hearings board did not improperly apply a bright line in addressing the challenge to Whatcom County’s rural densities, but affirmed the Court of Appeals’ decision that Whatcom County’s comprehensive plan did not comply with the Growth Management Act’s LAMIRD provisions. The Supreme
Court remanded the rural density challenge to the Hearings Board for reconsideration without applying a bright line rule, and ordered Whatcom County to “revise its comprehensive plan to conform to the LAMIRD provision of the Growth Management Act and then apply the statutory criteria to establish appropriate areas of more intensive rural development.” (167 Wn.2d 723, 735, 222 P.3d 791)

15) In August, 2009 Whatcom County amended Whatcom County Code (WCC) Chapter 20.34 Rural Residential – Island District (one of the zones found to be out of GMA compliance in the 2005 Futurewise vs. Whatcom County decision) to change the required minimum lot size from three acres to five acres (Ord. 2009-062).


17) In 2011 the Washington Supreme Court issued a ruling in Kittitas County (172 Wash.2d 144) regarding the GMA requirement that county comprehensive plans must contain measures that protect the rural character.

18) On September 9, 2011, the GMHB Order Following Remand from the Supreme Court regarding the remaining rural density from case #05-2-0013 (remanded by the 2009 Supreme Court decision) found Ordinance 2011-013’s retention of rural zoning with density of one dwelling per two acres was compliant with the GMA because it was limited to areas in which similar densities had already been established.


20) The January 9, 2012 GMHB Final Decision and Order (FDO) in Futurewise et al v. Whatcom County (#11-2-0010c) found the amendments adopted under Ordinance 2011-013 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

21) The January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) found some amendments adopted under Ordinance 2012-032 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

22) The November 21, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) found that Ordinance 2013-028 had resolved several of the outstanding issues, though the issues of LAMIRD development regulations and two LAMIRD boundaries (Birch Bay-Lynden & Valley View and Smith & Guide Meridian) had not been addressed.

23) A settlement agreement signed by Whatcom County on April 14, 2015
requires the County to consider deleting WCC 20.80.100(2) and allows the two disputed LAMIRD boundaries to remain. No amendments are proposed affecting the two LAMIRD boundaries.

**Whatcom County Policy and Requirements**

24) WCC 2.160.080 requires that, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:

a) The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

b) Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

   i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

   ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

   iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

   d) The amendment does not include or facilitate spot zoning.

   e) Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

25) Whatcom County’s County-wide Planning Policies include policies related to rural lands:

   a) County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.”

   b) County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently
characterized by a development threshold greater than a rural development density.”

c) County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.”

d) County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened.

Public Participation

26) Whatcom County’s County-wide Planning Policies include policies related to citizen involvement:

a) County-wide Planning Policy A.2 states, “The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees.”

b) County-wide Planning Policy A.4 states, “Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.”

27) Whatcom County’s Rural Element update process has provided extensive citizen participation opportunities since it began in late 2008. The Whatcom County Planning Commission held a public hearing on October 8, 2015. The County Council held open work sessions on October 27, 2015. Since publication of the first draft amendments on September 25, 2015, the most current draft amendments have been continuously posted on the County’s web site, as have all documents presented to the Planning Commission and all written public comments. Whatcom County Planning and Development Services has sent e-mail notifications to interested parties regarding upcoming events and posted drafts on September 24, 2015.

CONCLUSIONS:

1) The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA) and are in the public interest, and the proposed amendments to Whatcom County Code are consistent with the
Comprehensive Plan.

2) The rural element of the Comprehensive Plan harmonizes the GMA planning goals in RCW 36.70A.020, as described in Conclusion 2 of Ordinance 2013-028. The amendments further support Goal 2 to reduce sprawl by limiting development within designated LAMIRD areas to the uses and sizes that existed in those areas in 1990.

3) The rural element of the Comprehensive Plan and the County development regulations, as amended, meet the requirements of the Growth Management Act, RCW 36.70A, as described in Conclusion 3 of Ordinance 2013-028. The amendments reflect the requirements of RCW 36.70A.070(5)(d).

4) The amendments to the rural element of the Comprehensive Plan and the County development regulations resolve the noncompliance and invalidity findings of the January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) regarding development regulations for LAMIRDs and are consistent with the terms of the settlement agreement signed by the County and petitioners in the GMHB case.

5) The subject comprehensive plan amendment complies with the approval criteria of WCC 2.160.080, which requires that the County must find the following criteria, are satisfied in order to approve the proposed comprehensive plan amendment.

   a. The amendment conforms to the requirements of Growth Management Act, is internally consistent with the County-Wide Planning Policies and is consistent with any interlocal planning agreements.

      i. Growth Management Act

      The amendments are consistent with the Growth Management Act as described in Conclusions 3 and 4, above.

      ii. County-Wide Planning Policies

      County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.” County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.” The proposed amendments limit development within designated LAMIRDs as required by RCW 36.70A.070(5)(d).
iii) Whatcom County Comprehensive Plan

Proposed amendments to the Zoning Code regarding development within designated LAMIRDs are consistent with WCCP Policy 2JJ-5, which requires development to be limited to the same size and uses that existed in each area in 1990.

iv) Interlocal Agreements

The amendments do not affect areas subject to interlocal agreements.

b. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the comprehensive plan amendment.

The need for this Comprehensive Plan amendment and accompanying Zoning Code amendments is generated by the Growth Management Hearings Board’s January 4, 2013 Compliance Order.

c. The public interest will be served by approving the comprehensive plan amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

The proposed amendments either retain existing zoning intensities and densities or reduce them in rural Whatcom County.

ii. The anticipated effect on the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

No amendments are proposed that increase densities or intensity of uses or increase the demand for services and facilities beyond levels needed to serve development under existing zoning.

iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

No amendments are proposed that increase adverse impacts on designated resource lands.

d. The amendment does not include or facilitate spot zoning.
The amendments do not change zoning district boundaries.

e. *Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area, unless one of the exceptions set forth in WCC 2.160.080(A)(5) applies to the amendment.*

No urban growth area amendments are proposed.

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

Section 1. The Whatcom County Official Zoning Code is hereby amended as shown on Exhibit A.

Section 2. The Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ___ day of ___________________ 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  
Dana Brown-Davis, Council Clerk

______________________________  
Carl Weimer, Council Chair

APPROVED as to form:

______________________________  
Civil Deputy Prosecutor

( ) Approved ( ) Denied

______________________________  
Jack Louws, Executive

Date:
EXHIBIT A

AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 ZONING

Chapter 20.59
Rural General Commercial (RGC) District

20.59.150 Administrative approval uses.
In a rural community designation, uses listed below may be administratively permitted if the same use a use of the same type existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1). In a rural business designation, all uses may be administratively permitted.

.151 Storage/warehouse type uses.
(1) Outdoor storage of durable and nondurable goods; provided neighboring uses are adequately screened.

.152 Manufacturing/fabrication type uses.
(1) Assembly and manufacturing of prefabricated wood building and components.

20.59.320 Maximum building size.
.321 In a rural community designation, maximum allowable floor area for a nonresidential building shall not exceed the floor area of the largest building of a use of the same type that existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except as provided in WCC 20.80.100(2).

.322 In a rural business designation, the maximum allowable floor area for a new nonresidential building use is 7,000 square feet except as provided in WCC 20.80.100(2) and (3)-and-(4).

20.59.500 Lot coverage.
.501 For nonresidential uses in On a lot in a rural community designation, the combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except as provided in WCC 20.80.100(2).
.502 For nonresidential uses in a rural business designation, building or structural coverage of a lot shall not exceed 50 percent of the total area.

.503 For residential uses in a rural community or rural business designation, building or structural coverage of a lot shall not exceed 50 percent of the total area.

Chapter 20.60
Neighborhood Commercial (NC) District

20.60.300 Maximum building size.
.301 For nonresidential uses in a rural community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except as provided in WCC 20.80.100(2).

.302 For nonresidential uses in a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).

20.60.450 Lot coverage.
.451 For nonresidential uses in a lot in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except as provided in WCC 20.80.100(2).

.452 For nonresidential uses in a rural business designation, building or structural coverage of a lot shall not exceed 30 percent of the total area.

.453 For residential uses in a rural community or rural business designation, building or structural coverage of a lot shall not exceed 30 percent of the total area.
Chapter 20.61
Small Town Commercial (STC) District

20.61.320 Maximum building size.
.321 For nonresidential uses in a rural community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.322 For nonresidential uses in a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).

20.61.500 Lot coverage.
.501 For nonresidential uses in a lot in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.502 For nonresidential uses in a rural business designation, building or structural coverage of a lot shall not exceed 70 percent of the total area.

.503 For residential uses in a rural community or rural business designation, building or structural coverage of a lot shall not exceed 70 percent of the total area.

Chapter 20.63
Tourist Commercial (TC) District

20.63.700 Performance standards.
The following provisions shall apply to all uses within this district:
20.63.450 Lot coverage.

.451 On a lot in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.452 In a rural business designation, building or structural coverage of a lot shall not exceed 40 percent of the total area.

......

.705 Proposed development or redevelopment in Tourist Commercial Zone Districts located within a rural community designation will be consistent with the character of the area on July 1, 1990, in terms of building size, scale, use, or intensity, per WCC 20.80.100(1), except as provided in WCC 20.80.100(2). In a rural tourist designation, development or redevelopment shall be consistent with the Comprehensive Plan policies for that designation. In a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).

......

Chapter 20.64
Resort Commercial (RC) District

......

20.64.130 Administrative approval uses.
In a rural community designation, uses listed below may be administratively permitted if the same use existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1). In a rural business designation, all uses listed below may be administratively permitted.

The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235:

.132 Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following requirements are met:

......

20.64.450 Lot coverage.
.451 Buildings or structures for single-family dwelling and duplex uses shall not occupy more than 35 percent of a parcel.

.452 Buildings or structures for multifamily dwellings including all condominiums except time share condominiums shall not occupy more than 35 percent of a parcel.

.453 For nonresidential uses in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1).

20.64.700 Performance standards.
The following provisions shall apply to all uses within this district:

.708 Proposed development or redevelopment in Resort Commercial Zone Districts located within a rural community designation will be consistent with the character of the area in July 1, 1990, in terms of building size, scale, use, or intensity of existing uses, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.709 For nonresidential uses in a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).

Chapter 20.67
General Manufacturing (GM) District

20.67.300 Maximum building size.
.301 In a rural community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.302 In a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).
20.67.450 Lot coverage.
.451 On a lot in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except-as provided-in-WCC-20.80.100(2).

.452 In a rural business designation, building or structural coverage of a lot shall not exceed 50 percent of the total area.

Chapter 20.69
Rural Industrial and Manufacturing (RIM) District

20.69.300 Maximum building size.
.301 In a rural community designation, maximum allowable floor area of a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except-as-provided-in-WCC-20.80.100(2).

.302 In a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(2) and (3) and (4).

20.69.450 Lot coverage.
.451 On a lot in a rural community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same rural community designation on July 1, 1990, per WCC 20.80.100(1)-except-as-provided-in-WCC-20.80.100(2).

.452 In a rural business designation, building or structural coverage of a lot shall not exceed 50 percent of the total area.
Chapter 20.80 Supplementary Requirements  
20.80.100 LAMIRD Requirements.

20.80.100 LAMIRD requirements.  
(1) Building Size in Rural Communities. Within areas designated in the Comprehensive Plan as rural community, which are limited areas of more intensive development as described in RCW 36.70A.070(5)(d)(i), permitted maximum building sizes shall be in accordance with building sizes that existed in each area on July 1, 1990, as shown in the following table.

Maximun floor area per building, in square feet  
(Maximum combined floor area for all buildings, in square feet)

<table>
<thead>
<tr>
<th></th>
<th>Retail/Office/Restaurant/Lodging</th>
<th>Storage/Warehouse</th>
<th>Auto/Equipment Repair</th>
<th>Public/Community</th>
<th>Manufacturing/Fabrication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme</td>
<td>2,734 (2,734)</td>
<td></td>
<td>2,070 (2,070)</td>
<td>17,784 (21,896)</td>
<td></td>
</tr>
<tr>
<td>Axton &amp; Guide Meridian</td>
<td>4,800 (4,800)</td>
<td></td>
<td>2,160 (2,160)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birch Bay-Lyden &amp; V.V.</td>
<td>2,784 (3,684)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cain Lake</td>
<td>2,060 (2,060)</td>
<td></td>
<td></td>
<td>2,473 (4,825)</td>
<td></td>
</tr>
<tr>
<td>Custer</td>
<td>3,968 (3,968)</td>
<td></td>
<td>3,300 (3,300)</td>
<td>46,451 (46,451)</td>
<td></td>
</tr>
<tr>
<td>Deming</td>
<td>11,790 (18,757)</td>
<td>2,400 (2,400)</td>
<td>1,392 (1,392)</td>
<td>30,099 (79,512)</td>
<td></td>
</tr>
<tr>
<td>Diablo</td>
<td>513 (513)</td>
<td></td>
<td></td>
<td>10,872 (10,872)</td>
<td></td>
</tr>
<tr>
<td>Glacier</td>
<td>3,500 (7,888)</td>
<td></td>
<td></td>
<td>3,150 (3,150)</td>
<td></td>
</tr>
<tr>
<td>Hinotes Corner</td>
<td>6,636 (9,036)</td>
<td>1,500 (1,500)</td>
<td></td>
<td>19,856 (19,856)</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Floor Area</td>
<td>Second Floor Area</td>
<td>Total Floor Area</td>
<td>Combined Floor Area</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>-------------------</td>
<td>------------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>Kendall</td>
<td>7,000</td>
<td>3,340</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laurel</td>
<td>10,700</td>
<td>10,260</td>
<td>21,950</td>
<td>17,670</td>
<td></td>
</tr>
<tr>
<td>Lummi Peninsula</td>
<td>7,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maple Falls</td>
<td>8,020</td>
<td>4,620</td>
<td>8,822</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newhalem</td>
<td>3,218</td>
<td>4,810</td>
<td>16,284</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nugents Corner</td>
<td>18,221</td>
<td>3,240</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Point Roberts</td>
<td>34,704</td>
<td>11,246</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pole &amp; Guide Meridian</td>
<td>6,400</td>
<td>4,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandy Point</td>
<td></td>
<td>1,428</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smith &amp; Guide Meridian</td>
<td>5,866</td>
<td>9,600</td>
<td>22,042</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudden Valley</td>
<td>6,348</td>
<td></td>
<td>20,260</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Van Wyck</td>
<td>3,480</td>
<td>1,904</td>
<td>5,384</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wiser Lake</td>
<td>24,690</td>
<td>11,222</td>
<td>2,130</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) Within areas designated in the Comprehensive Plan as rural community, a public community facility that serves a predominantly rural area may exceed the maximum floor area and maximum combined floor area given for public/community uses in 20.80.100(1), subject to a conditional use permit per 20.84.200.

Modifications to Building Sizes and Uses in Rural Communities.
(a) Within a rural community designation, the zoning administrator may permit a use other than shown in subsection (1) of this section and/or building sizes greater than shown in subsection (1) of this section if there is documentation that a use of the same type existed in 1990, or a larger building size or combined floor area existed for a use of the similar type in that area in 1990, provided the proposed floor area does not exceed the documented floor area.

(b) Within a rural community designation development or redevelopment with a per-building floor area or combined floor area of all buildings greater than allowed per subsection (1) of this section, or development or redevelopment of a use other than shown in subsection (1) of this section, may be permitted if approved through an administrative approval process per WCC 20.84.235. The administrative approval is subject to a finding that the development or redevelopment is consistent with the character of the area on July 1, 1990, considering the parameters listed below, though the development or redevelopment need not meet every one of those parameters.

(i) Building size, referring to the floor area of the largest building;

(ii) Scale, referring to the combined floor area of all buildings;

(iii) Use, referring to whether the proposed use is included in the type of use existing on July 1, 1990, in the area; or

(iv) Intensity, referring to potential adverse impacts on surrounding properties that did not exist on July 1, 1990.

(3) Within areas designated in the Comprehensive Plan as rural business, which are limited areas of more intensive development as described in RCW 36.70A.070(5)(d)(iii), new nonresidential uses are subject to a maximum building size of 57,000 square feet, except in the Birch Bay-Lynden/I-5 area where new nonresidential uses are subject to a maximum building size of 12,000 square feet, which is considered "small-scale" relative to existing uses in that area. For buildings in which nonresidential uses that existed on July 1, 2012, building size expansion to no greater than 8,000 square feet is permitted, except in the Birch Bay-Lynden/I-5 area, where building size no greater than 20,000 square feet is permitted.

(4) Within a rural business designation, a larger building size for new nonresidential development is permitted if a conditional use permit is granted per WCC 20.84.200. A conditional use permit for a larger building size shall be subject to a finding that:
(a) The larger building size will not cause the need for additional public facilities to be provided in the area;

(b) The proposal is consistent with the Comprehensive Plan policies regarding the rural business designation; and

(c) The proposed small-scale business conforms to the rural character of the area.
EXHIBIT B

AMENDMENTS TO WHATCOM COUNTY COMPREHENSIVE PLAN

Chapter 2 Land Use

Rural Communities
Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation.

These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence since before the adoption of the GMA in 1990. Typically, these are mixed-use areas containing both residential and nonresidential uses developed at a greater intensity than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

In keeping with the legislature’s finding that rural counties must have the flexibility to retain existing businesses and allow them to expand, Whatcom County strives to keep Rural Communities vibrant and prevent economic stagnation. On lots where businesses existed in 1990 in Rural Communities, businesses can expand to sizes greater than existed in the area in 1990, provided the expansion is otherwise consistent with the character of the area in 1990 in terms of uses or intensity.

Areas designated as Rural Communities are: Acme, Axton & Guide Meridian, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Emerald Lake, Glacier, Hinotes Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, Nugents Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

Goal 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(i), which describes limited areas of more intensive rural development consisting of the infill, development, or redevelopment of existing commercial,
industrial, residential, or mixed-use areas, including necessary public facilities and public services to serve the limited area.

Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.

Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d). Designated Resource Lands should not be redesignated as Rural Communities.

Policy 2JJ-4: Within the Rural Communities, encourage adequate economic development to provide current and future residents' employment needs, and provide rural residents places to shop, eat, and access to public services.

Policy 2JJ-5: Within Rural Communities development or redevelopment in terms of size, scale, use, or intensity shall be consistent with the character of the area on July 1, 1990.

Policy 2JJ-6: On lots in a Rural Community where businesses existed on July 1, 1990, businesses may expand beyond the size or scale of businesses of a similar type in the area on that date. The expansion must be consistent with the character of the Rural Community in 1990 in terms of use or intensity. The use being expanded shall be consistent with the general types of uses that existed in the area on July 1, 1990, and the expansion shall not cause a need for additional public facilities in the area.

Policy 2JJ-76: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres or less density) or resource zones, or are federally owned, should not be re-zoned to allow more intensive uses and densities.

Policy 2JJ-87: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.

Policy 2JJ-98: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.
WHATCOM COUNTY
PLANNING COMMISSION

Rural Element Amendments to Whatcom County Code Title 20 Zoning
and Whatcom County Comprehensive Plan

DRAFT FINDINGS OF FACT

1) Whatcom County proposes amendments to its Comprehensive Plan, Zoning Code, in response to the Washington State Growth Management Hearings Board’s January 4, 2013 Compliance Order (GMHB No. 11-2-0010c) and in accordance with a settlement agreement signed by the County and petitioners in that case.

2) The proposed amendments were posted on the County website on September 24, 2015.

3) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County’s e-mail list on September 24, 2015.

4) Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 8, 2015.

5) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on September 25, 2015.

6) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on September 24, 2015.

7) The Planning Commission held a public hearing on the subject amendment on October 8, 2015.

GMA Requirements

8) The Washington Growth Management Act (GMA) requires county comprehensive plans to include a rural element that protects the county’s established rural character by containing or otherwise controlling rural development.

9) GMA (RCW 36.70A.070(5)(a)) allows counties to consider local circumstances in its rural element but requires counties to develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of RCW 36.70A. (See Conclusions 2 and 3 below).
10) GMA allows, but does not require, counties to designate "limited areas of more intensive rural development" (LAMIRDs) (RCW 36.70A.070(5)(d)) and describes three types of development patterns that may be considered LAMIRDs:

a) Type I: "Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development villages, hamlets, rural activity centers, or crossroads developments...Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas." (RCW 36.70A.070(5)(d)(i)) In RCW 36.70A.070(5)(d)(iv), GMA states, "Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands as provided in this subsection." GMA requires counties to establish logical outer boundaries for areas of more intensive rural development and describes considerations that must be addressed in establishing those boundaries Per RCW 36.70A.070(5)(d)(v), existing areas are those that existed on July 1, 1990.

b) Type II: "The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting but that do not include new residential development..." (RCW 36.70A.070(5)(d)(ii)

c) Type III: "The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents..." (RCW 36.70A.070(5)(d)(iii)

Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County

11) In Futurewise v. Whatcom County and Gold Star Resorts, Inc. (#05-2-0013 Sept. 20, 2005 Final Decision and Order), the Western Washington Growth Management Hearings Board (WWGMHB) found Whatcom County out of compliance on three issues: The policies pertaining to Small Town, Crossroads Commercial, Resort and Recreational Subdivision, Suburban Enclave, and Transportation Corridor land use designations allow the creation of more intensive areas of rural development that do not comply with RCW 36.70A.070(5)(d); The Rural Residential zones (RR-1, RR-2, RR-3), Eliza Island (EI) zone, Rural two-acre (R-2A), and Rural Residential Island (RRI) zones allow residential densities that are not rural in the rural areas and are not in limited areas of more intensive rural development per RCW 36.70A.070(5)(d); and Urban Residential three-per-acre (UR-3) zoning in urban growth areas (except the UR-3 in Lake Whatcom watershed and the airport hazard area) failed to achieve appropriate urban densities.
12) In June, 2007 Whatcom County rezoned approximately 1,700 acres in the Ferndale and Everson UGAs to UR-4 in 2007 (Ord. 2007-030 and 2007-045) to address the urban density noncompliance issue in the September 20, 2005 *Futurewise v. Whatcom County and Gold Star Resorts, Inc.* decision.

13) The WWGMBH issued a finding of compliance on the urban density issue on August 30, 2007.

14) The September 20, 2005 *Futurewise v. Whatcom County and Gold Star Resorts, Inc.* decision relating to the land use designations and rural density issues was reversed in Whatcom County Superior Court in 2006. The Superior Court decision was, in turn, reversed by the Division I Court of Appeals in 2007, which reinstated the 2005 WWGMBH decision and ordered Whatcom County to comply with that decision (140 Wn. App. 378). In December, 2009 the Supreme Court of the State of Washington reversed the Court of Appeals’ holding that the hearings board did not improperly apply a bright line in addressing the challenge to Whatcom County’s rural densities, but affirmed the Court of Appeals’ decision that Whatcom County’s comprehensive plan did not comply with the Growth Management Act’s LAMIRD provisions. The Supreme Court remanded the rural density challenge to the Hearings Board for reconsideration without applying a bright line rule, and ordered Whatcom County to “revise its comprehensive plan to conform to the LAMIRD provision of the Growth Management Act and then apply the statutory criteria to establish appropriate areas of more intensive rural development.” (167 Wn.2d 723, 735, 222 P.3d 791)

15) In August, 2009 Whatcom County amended Whatcom County Code (WCC) Chapter 20.34 Rural Residential – Island District (one of the zones found to be out of GMA compliance in the 2005 *Futurewise vs. Whatcom County* decision) to change the required minimum lot size from three acres to five acres (Ord. 2009-062).


17) In 2011 the Washington Supreme Court issued a ruling in *Kittitas County* (172 Wash.2d 144) regarding the GMA requirement that county comprehensive plans must contain measures that protect the rural character.

18) On September 9, 2011, the GMHB Order Following Remand from the Supreme Court regarding the remaining rural density from case #05-2-0013 (remanded by the 2009 Supreme Court decision) found Ordinance 2011-013’s retention of rural zoning with density of one dwelling per two acres was compliant with the GMA because it was limited to areas in which similar densities had already been established.

19) On November 9, 2011, Whatcom County adopted Ordinance 2011-043, making modifications to Ordinance 2011-013, including changing Rural Residential Density Overlay provisions and restricting location of certain
commercial and industrial zoning districts.

20) The January 9, 2012 GMHB Final Decision and Order (FDO) in *Futurewise et al v. Whatcom County* (#11-2-0010c) found the amendments adopted under Ordinance 2011-013 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

21) The January 4, 2013 GMHB Compliance Order in *Futurewise et al v. Whatcom County* (#11-2-0010c) found some amendments adopted under Ordinance 2012-032 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

22) The November 21, 2013 GMHB Compliance Order in *Futurewise et al v. Whatcom County* (#11-2-0010c) found that Ordinance 2013-028 had resolved several of the outstanding issues, though the issues of LAMIRD development regulations and two LAMIRD boundaries (Birch Bay-Lynden & Valley View and Smith & Guide Meridian) had not been addressed.

23) A settlement agreement signed by Whatcom County on April 14, 2015 requires the County to consider deleting WCC 20.80.100(2) and allows the two disputed LAMIRD boundaries to remain. No amendments are proposed affecting the two LAMIRD boundaries.

**Whatcom County Policy and Requirements**

24) WCC 2.160.080 requires that, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:

a) The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

b) Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire
districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

d) The amendment does not include or facilitate spot zoning.

e) Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

25) Whatcom County’s County-wide Planning Policies include policies related to rural lands:

a) County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.”

b) County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.”

c) County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.”

d) County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened.

Public Participation

26) Whatcom County’s County-wide Planning Policies include policies related to citizen involvement:

a) County-wide Planning Policy A.2 states, “The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees.”

b) County-wide Planning Policy A.4 states, “Citizen comments and viewpoints
shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.”

27) Whatcom County’s Rural Element update process has provided extensive citizen participation opportunities since it began in late 2008. The Whatcom County Planning Commission held a public hearing on October 8, 2015. The County Council held open work sessions on _______ , 2015. Since publication of the first draft amendments on September 25, 2015, the most current draft amendments have been continuously posted on the County’s web site, as have all documents presented to the Planning Commission and all written public comments. Whatcom County Planning and Development Services has sent e-mail notifications to interested parties regarding upcoming events and posted drafts on September 24, 2015.

CONCLUSIONS:

1) The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA) and are in the public interest, and the proposed amendments to Whatcom County Code are consistent with the Comprehensive Plan.

2) The rural element of the Comprehensive Plan harmonizes the GMA planning goals in RCW 36.70A.020, as described in Conclusion 2 of Ordinance 2013-028. The amendments further support Goal 2 to reduce sprawl by limiting development within designated LAMIRD areas to the uses and sizes that existed in those areas in 1990.

3) The rural element of the Comprehensive Plan and the County development regulations, as amended, meet the requirements of the Growth Management Act, RCW 36.70A, as described in Conclusion 3 of Ordinance 2013-028. The amendments reflect the requirements of RCW 36.70A.070(5)(d).

4) The amendments to the rural element of the Comprehensive Plan and the County development regulations resolve the noncompliance and invalidity findings of the January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) regarding development regulations for LAMIRDS and are consistent with the terms of the settlement agreement signed by the County and petitioners in the GMHB case.

5) The subject comprehensive plan amendment complies with the approval criteria of WCC 2.160.080, which requires that the County must find the following criteria, are satisfied in order to approve the proposed comprehensive plan amendment.

   a. The amendment conforms to the requirements of Growth Management Act, is internally consistent with the County-Wide Planning Policies and is consistent with any interlocal planning agreements.
i. Growth Management Act

The amendments are consistent with the Growth Management Act as described in Conclusions 3 and 4, above.

ii. County-Wide Planning Policies

County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.” County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.” The proposed amendments limit development within designated LAMIRDs as required by RCW 36.70A.070(5)(d).

iii) Whatcom County Comprehensive Plan

Proposed amendments to the Zoning Code regarding development within designated LAMIRDs are consistent with WCCP Policy 2JJ-5, which requires development to be limited to the same size and uses that existed in each area in 1990.

iv) Interlocal Agreements

The amendments do not affect areas subject to interlocal agreements.

b. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the comprehensive plan amendment.

The need for this Comprehensive Plan amendment and accompanying Zoning Code amendments is generated by the Growth Management Hearings Board’s January 4, 2013 Compliance Order.

c. The public interest will be served by approving the comprehensive plan amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

The proposed amendments either retain existing zoning intensities and densities or reduce them in rural Whatcom County.

ii. The anticipated effect on the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

No amendments are proposed that increase densities or intensity of uses or increase the demand for services and facilities beyond levels needed to serve development under existing zoning.

iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

No amendments are proposed that increase adverse impacts on designated resource lands.

d. The amendment does not include or facilitate spot zoning.

The amendments do not change zoning district boundaries.

e. Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area, unless one of the exceptions set forth in WCC 2.160.080(A)(5) applies to the amendment.

No urban growth area amendments are proposed.
RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Zoning Code; and

2. Approval of Exhibit B, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use)

WHATCOM COUNTY PLANNING COMMISSION

Natalie McClendon, Chair

Becky Boxx, Secretary

10/15/15

Date

10-15-15

Date

Commissioners present at the October 8, 2015 meeting when the vote was taken: Kelvin Barton, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

Vote: Ayes: 5, Nays: 2, Abstain: 0, Absent: 1. Motion carried to recommend approval of the proposed amendments.
October 8, 2015

Ms. Natalie McClendon, Chair
Whatcom County Planning Commission
Northwest Annex Conference Room
5280 Northwest Drive
Bellingham, Washington 98225

Dear Chair McClendon and Planning Commissioners:

Subject: Comments on File #PLN2012-00012: Proposed amendments to the Whatcom County Comprehensive Plan Chapter 2 Land Use, and the Whatcom County Code Title 20 [Zoning] regarding regulation of development within Limited Areas of More Intensive Rural Development (LAMIRDs) and

2016 Whatcom County Comprehensive Plan Update: Chapters 2 and 11
Send via email to pds_planning_commission@whatcomcounty.us; gdavis@co.whatcom.wa.us; kfrakes@co.whatcom.wa.us

Thank you for the opportunity to comment on File #PLN2012-00012 and the 2016 comprehensive plan update. In short, we support the proposed amendments in File #PLN2012-00012 except for the amendments that remove the building size and impervious surface limits from residential buildings in limited areas of more intense rural development (LAMIRDs). These changes violate the Growth Management Act as will be explained below.

We also support the WRIA 1 Environmental Caucus recommendations for Comprehensive Plan Chapter 2, Land Use, and Chapter 11, Environment. The Environmental Caucus recommendations will better protect people and property from natural hazards, reduce the potential that rural overdevelopment will dry up the wells of farmers and other senior water rights holders, and help conserve working farms.

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including a chapter in Whatcom County.

Returning the amendments in File #PLN2012-00012. As part of the amendments, the building size and lot coverage limits in Whatcom County Code (WCC) 20.59.320, WCC 20.59.500, WCC 20.60.300, WCC 20.61.320, WCC 20.64.453, and WCC 20.64.709 will be limited to nonresidential buildings. This violates the Growth Management Act.

Part of the Growth Management Act’s standards for limited areas of more intense rural development (LAMIRDs), in RCW 36.70A.070(5)(d)(i)(C), provides in full that:
Ms. Natalie McClendon, Chair Whatcom County Planning Commission
October 8, 2015
Page 2

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5).[*]

The Growth Management Hearings Board has concluded that all four of the characteristics listed in RCW 36.70A.070(5)(d)(i)(C), building size, scale, use, and intensity, must “be evaluated with the primary evaluation based on maintaining the ‘character of the existing areas.’”[1]

In addition, the limits on building size required by RCW 36.70A.070(5)(d)(i)(C) apply to “any development or redevelopment.” They not limited to non-residential uses or non-residential buildings in LAMIRDs. So the building size and impervious surface limits in the LAMIRD regulations must apply to both residential and non-residential buildings. Futurewise is very concerned that the proposed amendments to WCC 20.59.320, WCC 20.59.500, WCC 20.60.300, WCC 20.61.320, WCC 20.64.453, and WCC 20.64.709 violate the Growth Management Act because they remove the size limits from residential buildings. We urge the Planning Commission to recommend denial of these amendments.

We do support the amendment deleting WCC 20.80.100(2) and substituting a provision allowing larger buildings for public community facilities that serve a predominantly rural area through the conditional use process. This amendment is also consistent with our settlement agreement with Whatcom County. We urge the Planning Commission to recommend approval of these two amendments.

Thank you for considering our comments. If you require additional information please contact Tim Trohimovich at telephone 206-343-0681 or email tim@futurewise.org.

Very Truly Yours,

Tim Trohimovich, AICP
Director of Planning & Law

cc: Mr. Gary Davis, Whatcom County Planning and Development Services
     Ms. Karen Frakes, Senior Deputy Prosecutor Whatcom County

[1] *Dry Creek Coalition and Futurewise v. Clallam County*, WWGMHB Case No. 07-2-0018c; Order on Dry Creek Coalition’s Motion for Reconsideration and Motion to Amend Schedule (June 9, 2008) at 12 of 19, accessed on October 8, 2015 at: http://www.gmhb.wa.gov/LogdDocument.aspx?did=78
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td></td>
<td>10/13/15</td>
<td></td>
<td>10/27/15</td>
<td>Planning and Development</td>
</tr>
<tr>
<td>Amy Keenan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td>10/13/15</td>
<td></td>
<td>10/27/15</td>
<td>Council</td>
</tr>
<tr>
<td>Mark Personius</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>10/13/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sam Ryan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td>10/13/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royce Buckingham</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td>10/15/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td>10/20/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jack Louws</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
A request for two one-year extensions for final approval for the Monterey Heights Long Subdivision and Planned Unit Development.

**ATTACHMENTS:**

1. Cover Memo
2. Staff Report
3. Major Modification Request
4. Council Approval

**SEPA review required?** ( ) Yes ( ) NO
**SEPA review completed?** ( ) Yes ( ) NO

**Should Clerk schedule a hearing?** ( ) Yes ( ) NO
**Requested Date**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The applicant is requesting two one-year extensions for final approval of the Monterey Heights Long Subdivision and Planned Unit Development.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Honorable members of the Whatcom County Council

FROM: Amy Keenan, AICP Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: October 13, 2015

SUBJECT: Monterey Heights - Extension to a Preliminarily Approved Planned Unit Development and Long Subdivision

On May 19, 2005, Mayflower Equities, Inc. applied for a preliminary approval of a long subdivision and planned unit development (PUD). The proposal was to create 51 single family residential lots and six (6) tracts on approximately 31 acres in the Urban Residential (UR4) zone in the Birch Bay Urban Growth Area (UGA).

The Whatcom County Hearing Examiner held a public hearing and recommended approval of the subdivision and PUD on February 18, 2010. The Whatcom County Council adopted the Hearing Examiner’s recommendation and approved the preliminary subdivision and PUD, subject to conditions on March 17, 2010. Condition #4 of the Hearing Examiner’s decision states:

Approval of this preliminary subdivision shall become invalid unless a final plat for the first phase is submitted in proper form for final approval within five years of the date of preliminary subdivision approval. This expiration may be extended pursuant to WCC 21.05.030(5).

The applicant did not submit the first phase for approval prior to March 17, 2015, however, the applicant did submit a request for an extension pursuant to WCC 21.05.030(5) to council on March 17, 2015. The Technical Review Committee (TRC) reviewed the proposed extension and recommends Council make a motion approving the two one-year extensions subject to the conditions noted in the staff report.

Please feel free to contact me with any questions about this proposal at 360- 676-6907 x 50264 or akeenan@whatcomcounty.us.
WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT AND RECOMMENDATION TO THE
WHATCOM COUNTY COUNCIL

October 13, 2015

The application by Mayflower Equities, Inc. extension to a preliminarily approved Planned Unit Development and Long Subdivision | PUD2007-00001
| LSS2005-00004
| FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The applicant is requesting two one-year extensions for final approval of Phase 1 of the Monterey Heights Long Subdivision and Planned Unit Development.

Recommendation: The Technical Review Committee recommends approval of the requested extensions, subject to conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Mayflower Equities, Inc.

Agent/Representative: Brent Carson
Van Ness Feldman, LLP
719 Second Avenue, Suite 1150
Seattle, WA 98104

Site Location/Address: Northwest corner of the intersection of Selder and Birch Point Roads.

Legal Description: Located within a portion of the NW quarter Section 23, Township 40 North, Range 1 West, W.M.

Assessor’s Parcel Number: 405123 134404

Zoning: Urban Residential (UR4)

Comprehensive Plan: Birch Bay Urban Growth Area (UGA)
**Subarea:** Birch Bay  
**Number of Lots:** 51 single family lots and one reserve tract  
**Reserve Area:** 8.8 acres  
**Total Acreage:** 31 acres  
**Roads:** Public Road  
**Water Supply:** Birch Bay Water and Sewer District  
**Sewage Disposal:** Birch Bay Water and Sewer District  
**Fire Protection:** Whatcom County Fire District No. 21  
**Law Enforcement:** Whatcom County Sheriff’s Office  
**Public Schools:** Blaine School District No. 503

### B. AUTHORIZING ORDINANCES:

1. Revised Code of Washington Chapter 58.17  
2. Whatcom County Comprehensive Land Use Plan  
3. Whatcom County Code Chapter 12.08, Development Standards  
4. Whatcom County Code Chapter 15, Building Code  
5. State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08  
6. Whatcom County Code Chapter 16.16, Critical Areas  
7. Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance  
8. Whatcom County Code Title 21, Subdivision Regulations  
9. Whatcom County Code Title 24, Health Regulations

### III. SITE DESCRIPTION

The subject property is approximately 31-acre site, and is located on the west side of Selder Road northwest of the intersection with Birch Point Road in Blaine, WA. The property is an irregular shaped lot that has approximately 660 feet of frontage on Selder Road and over 800 feet of frontage on Birch Point Road.

The terrain is described as mostly flat with gentle slopes. The site is predominately vegetated with grasses with some areas of trees and shrubs. Property surrounding the site is zoned UR(4) with mostly single-family residences and undeveloped land. Immediately north and west of the project site there are several smaller lot single family home sites.
IV. PROJECT PROPOSAL

The Monterey Heights development is a 51 lot single-family residential development with six tracts which includes reserve area, stormwater detention, and wetland buffer and easements. Approximately 885,880 square feet will be set-aside as reserve tract/open space. The residential lots range from 6,000 square feet to 13,044 square feet. Access to the site will be provided off Selder Road. Water and sewer service will be provided by the Birch Bay Water and Sewer District.

The subdivision is proposed to be phased with phase one consisting of lots #1-14, phase two consisting of lots #15-24 and the final phase consisting of #25-51. The subdivision is proposed to be completed within ten years of preliminary approval.

Assessor’s parcel number 405123 134404 is a lot of record as established by the lot of record confirmation letter dated September 28, 2007.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment as a result of their project. The Environmental Checklist submitted by the applicant adequately discloses anticipated environmental impacts as a result of this project.

The Notice of Decision for the SEPA determination was issued several times. The original Mitigated Determination of Non-significance was issued on February 20, 2007. Due to comments received, from the applicant’s attorney, indicating that the mitigating conditions of trails and playgrounds were inappropriate, a revised determination was made. That Revised Determination of Non-significance was issued on March 7, 2007. Due to comments received from Whatcom County Fire District # 21, indicating that the District is not able to provide concurrency to the project, a Revised Mitigated Determination of Non-significance was issued on May 7, 2008.

VII. CONSISTENCY WITH REGULATIONS

A. Whatcom County Land Division Regulations

The Whatcom County Hearing Examiner held a public hearing and recommended approval of the subdivision and PUD on February 18, 2010. The Whatcom County Council adopted the Hearing Examiner’s recommendation and approved the preliminary subdivision and PUD, subject to conditions, on March 17, 2010. Condition #4 of the Hearing Examiner’s decision states:

Approval of this preliminary subdivision shall become invalid unless a final plat for the first phase is submitted in proper form for final approval within five years of the date of preliminary subdivision approval. This expiration may be extended pursuant to WCC 21.05.030(5).
The applicant did not submit the first phase for approval prior to March 17, 2015, however, the applicant did submit a request for an extension pursuant to WCC 21.05.030(5) to council on March 17, 2015.

**WCC 20.85 Planned Unit Developments**

**WCC 20.85.355 Initial approval time limits.**

(1) The applicant shall have five years from the date of council action, except as provided in subsection (4) of this section, to submit the final application pursuant to WCC 20.85.365.

(2) An applicant who files a written request with the Whatcom County council prior to expiration of the five-year expiration period shall be granted a one-year extension upon showing that the applicant has attempted in good faith to complete the requirements necessary for submittal of final PUD approval within five years from the date of initial PUD approval.

(4) Applicants may develop a planned unit development in phases, in accordance with an approved phasing plan. The total amount of time to obtain final approval for all phases of the PUD shall not extend beyond the time limit established in the approved phasing plan unless additional time is granted by the county council upon a showing that the public health, safety and welfare would not be harmed by granting an extension, and that substantial progress has been made toward completing all the necessary requirements for obtaining final PUD approval.

**WCC 21.05 Preliminary Long Subdivisions**

**WCC 21.05.030(5) Expiration and Time Extensions for Preliminary Plants**

Pursuant to WCC 21.05.030(5)(a)(i) and (ii) the applicant may request an extension:

(a) Approval of a preliminary subdivision shall become invalid unless a final plat is submitted in proper form for final plat approval within five years of the date of preliminary subdivision approval. This expiration date may be extended as follows:

(i) An applicant files a written request with the Whatcom County council prior to expiration of the five-year expiration period.

(ii) The Whatcom County Council shall have authority to grant three one-year extensions subsequently to the original preliminary plat approval. Each one-year extension may be granted if after taking into consideration technical, economic and other matters beyond the control of the applicant the council finds that there is reasonable justification for the granting of an extension. In granting each one-year extension the council may take into consideration such changes in rules, regulations, ordinances, or development standards, or portions thereof, that have occurred since the time the original approval was granted.
Discussion:

The Technical Review Committee (TRC) met on April 23, 2015 to discuss the extension request to determine what, if any, requirements consistent with WCC 21.05.030(a)(ii) would be required. In addition, staff was trying to determine if Condition #9 was applicable to the extension request:

The applicant has proposed and the Technical Review Committee has approved a ten year phasing plan. Each phase submitted after five years from the date of preliminary approval shall comply with the Whatcom County Development Standards in effect as of the date constructions plans are submitted for each phase per WCC 21.05.030(5)(b).

Phase 1 was not submitted within five (5) years of preliminary approval and the applicant has requested an extension.

Preliminary approval of the subdivision/PUD was granted with review under the 1997 Critical Areas Ordinance and the current stormwater manual. Both of these are scheduled to be updated in 2016.

In June of 2015 the applicant changed representatives to the current Mr. Brent Carson. Mr. Carson requested a meeting with the TRC to discuss the impacts current development standards would have on the proposed project and discuss potential time frames moving forward. At the August 11, 2015 meeting Mr. Carson explained that the applicant has been working with the Washington State Department of Ecology (DOE) to resolve a dispute regarding wetland fill required for development of the subdivision and PUD.

After the meeting, Mr. Carson submitted an additional request on August 14, 2015 for approval of the first one-year extension requested on March 17, 2015 and also requested Council approval of a second one-year extension to allow additional time for a wet weather review of the on-site wetlands with DOE and County staff (see Attachment A). The second extension request details the timing for review and approval of the wetland delineation and potential mitigation with DOE and the County. The timing of this review stretches into early 2017.

Although approving two one-year extensions at one time is not standard it would allow the applicant surety moving forward with the wetland delineation and re-designing other aspects of the development. If the two extensions are granted the applicant would be required to submit to the County a final mylar acceptable for recording prior to March 17, 2017 for Phase 1. Pursuant to Condition #9, Phases 2 and 3 would be required to be recorded prior to March 17, 2020 or the subdivision and PUD will expire.

In the August 14, 2015 request, the applicant also acknowledged the TRC’s consideration of “...changes in rules, regulations, ordinances or development standards... (WCC 21.05.030(a)(ii))” and is open to the TRC’s recommendation of the application complying with current Whatcom County Development Standards.
VII. FINDINGS OF FACT

1. A one-year extension request was submitted to Whatcom County Council and PDS on March 17, 2015, within the timeframes identified in WCC 21.05.030 and as detailed in Condition 4 of the Whatcom County Hearing Examiner’s Decision adopted by Council on March 17, 2010.

2. PDS and the applicant have been working cooperatively over the last six months to review the extension request with regard to current development standards.

3. The applicant has been working with DOE to resolve wetland related issues which impact the development of the project. The applicant is working with DOE and the County to review on-site wetland consistent with the 2005 Critical Areas Ordinance.

4. The wetland delineation review will not be completed until summer 2016 at which time the applicant will need an additional one-year extension.

5. The final plat application for Phase 1 shall comply with the 2005 Critical Areas Ordinance.

6. Consistent with WCC 21.05.030(5)(b) and Condition #9 of the Hearing Examiner’s decision development standards associated with future phases will be determined at the time of construction drawing submittal including, but not limited to stormwater, off-site traffic mitigation and frontage improvements.

IX. RECOMMENDATION

The TRC is requesting the Council approve the two one-year extension subject to the following additional conditions of approval:

X. RECOMMENDED CONDITIONS OF APPROVAL

1. The final plat for the Phase 1 of the Monterey Heights Long Subdivision and Planned Unit Development shall be submitted in proper form for final plat approval on or before March 17, 2017 unless that date is extended pursuant to WCC 21.05.030(5).

2. The final plat for Phases 2 and 3 shall be submitted in property form for final plat approval on or before March 17, 2020.

3. Critical areas shall be delineated and impacts mitigated consistent with the 2005 Critical Areas Ordinance.

4. Stormwater, frontage improvements and off-site traffic mitigation shall be reviewed under the development standards in effect at the time of submittal of construction drawings for each phase.
Report prepared for the Technical Review Committee by:

Amy Keenan, AICP
Senior Planner
August 14, 2015

Amy Keenan
Senior Planner
Whatcom County
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9013

Re: Mayflower Equities, Inc. – Monterey Heights
Extension of Preliminary Plat/PUD Approval
PUD2007-0001, LSS2005-0004, and APL2008-0015

Dear Amy:

I appreciate you, Noel Higa, Mike Kershner and Erin Page taking the time to meet on August 11, 2015 with me and my client, our civil engineer, Craig Parkinson, and the Project’s new wetland consultant, Bill Shiels of Talasaea. This was an informative and productive meeting to discuss the procedural issues related to the Project approval extension request that was initiated by Brad Swanson, Mayflower Equities’ prior legal counsel.

As I explained, Mayflower Equities has engaged my law firm and Mr. Shiels to take a fresh look at the dispute with the Washington State Department of Ecology (Ecology) over Ecology’s previous denial of a Water Quality Certification under Section 401 of the Federal Clean Water Act (401 Certification). As you know, 401 Certification is needed to implement the modest wetland fill for the Project that was previously approved by the U.S. Army Corps of Engineers and that was authorized by the County in the Project approvals. Without resolving the dispute with Ecology, the Project has been unable to proceed.

We have reached out to Ecology and have proposed completion of a new wetland delineation, which will necessarily require work through the spring of 2016. After completing a new wetland delineation, we intend to work with DOE with the goal of obtaining a 401 Certification and settling our dispute. We will invite Erin Page to any site visits with Ecology so that the County and Ecology can stay coordinated on this issue. Assuming we are able to resolve our dispute with DOE, Mayflower’s intent is to return to the County by the fall of 2016 to complete any procedural approvals resulting from the new wetland delineation and 401 Certification and to address application of current codes to the Project, which is discussed below.
Thereafter, it would be Mayflower’s intent to seek construction approvals and begin construction in 2017.

The Project schedule outlined above and discussed at our meeting obviously depends on the County Commissioners granting three one-year Project approval extensions. The first of these one-year extensions was requested by Mr. Swanson and remains pending. I am requesting that the County Commissioners act on that one-year extension request at their earliest opportunity. Please let me know when that is scheduled so that I may attend.

Because the wetland delineation work and resolution of the 401 Certification issue will not be completed until the summer of 2016 at the earliest, we know now that the Project will need a second one-year extension from the County Commissioners. By this letter, I am requesting that the County Commissioners consider approval of a second one-year extension at the same time as they consider the initial one-year extension. We are already five months into the first year extension period. By requesting the second year extension now, I am attempting to simplify the process since we know that we will need that additional extension. I am unaware of any code provision that requires waiting until just prior to the expiration date to request an extension. If you need me to file an extension request letter directly with the County Commissioners, please let me know and I will do so.

One of the main purposes of our meeting was to address the code provision that authorizes the County Commissioners to impose current code requirements when granting an extension of Project approvals. You confirmed that you would be recommending that the County Commissioners grant the requested extension of the Project approvals with the condition that the Project be required to comply with current codes related to the following aspects of the Project:

- Wetlands (2005 Critical Areas Ordinance)
- Frontage Improvements
- Off-site Traffic Mitigation
- Stormwater (2005 DOE Manual)

We appreciate your sharing information with us about how these current codes may be addressed by the Project should the extension request be granted.

I look forward to proceeding with the requested extension requests. Please call me if you have any questions.

Very truly yours,

Brent Carson

cc: Client
March 17, 2015

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

RE: Mayflower Equities, Inc. – Monterey Heights
PUD2007-0001, LSS2005-0004, and APL2008-0015
Extension Request

Dear Council Members:

On March 17, 2010, the Whatcom County Council approved the Monterey Heights project (the “Project”), pursuant to the recommendation of the Whatcom County Hearing Examiner. The Hearing Examiner’s decision (the “Decision”) indicates that the Project expires in five (5) years from preliminary subdivision approval, unless an extension request is made to the Whatcom County Council. As such, to avoid any chance of expiration, Mayflower Equities, Inc. (the “Applicant”) respectfully requests that the Whatcom County Council extend the time to finish the Project.

Since 2010, the Applicant has been working on the Project. Unfortunately, due to ongoing litigation related to on-site wetlands and hard economic times, the Project is not yet constructed. Since beginning this process, the Applicant spent significant sums of money on this property and the Project. If the Project expires, the Applicant will suffer substantial hardship. By the Project expiring, the Applicant will lose all the time, effort, and expense it has put forth over the last several years for the Project. As such, an extension is justified. However, it is unclear if an extension is even necessary in this situation.

First, condition A.4. of the Decision establishes the five (5) year period prior to expiration. Condition A.9. of the Decision gives ten (10) years to complete the Project if it was phased. Well, the Project was phased. It is simply not clear whether the five (5) year expiration is applicable.

Second, since 2010, the Washington State Legislature has amended RCW 58.17 to extend the time to complete plats three times. With the most recent legislation, a preliminary plat has ten (10) years to be submitted for final approval. The Whatcom County Council took similar action when it adopted Ordinance No. 2013-049, which adopted identical language for the Whatcom County Code (the “WCC”) as the Legislature adopted for State law.
Based on the above, the Applicant does not believe this extension request is necessary. However, to err on the side of caution, the Applicant hereby respectfully requests that the Project be extended as provided in WCC 21.05.030(5). If the Applicant discovers that this extension request is not necessary, it will withdraw it, as soon as reasonably practicable.

WCC 21.05.030(5) affords the Whatcom County Council the discretion to grant up to three one-year extensions when there is reasonable justification for the extension after taking into consideration technical, economic or other matters beyond the applicant’s control. Here, the Applicant is in a terrible position. The Applicant worked very hard to get to this position only to have a circumstance, which is entirely out of its control, thwart its best efforts. This is the reasonable justification contemplated by WCC 21.05.030(5), and an extension is warranted.

As such, the Applicant requests that the Whatcom County Council extend the Project.

Thank you for your consideration of this request. We look forward to hearing from you.

Very truly yours,

BELCHER SWANSON LAW FIRM

BRADLEY D. SWANSON
Attorney at Law
BDS:hc
Encl.
Cc: Client
Craig Parkinson, P.E., Cascade Engineering Group, P.s., Inc.
Whatcom County Hearing Examiner
Whatcom County Planning and Development Services
BEFORE THE COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

RE:
Planned Unit Development and Long Subdivision Extension Request for
Mayflower Equities, Inc.
"Plat of Monterey Heights"
LSS2005-00004
PUD2007-00001

Council Agenda Bill No. __________

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

This matter was considered by the Whatcom County Council at its regularly scheduled meeting on October 27, 2015. Said meeting was duly convened and took place in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given, and a legal quorum of the Whatcom County Council was present throughout the meeting.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

The Whatcom County Council, having reviewed the record and file here, to include the record of the Planning and Development Committee in this matter, adopted the findings of fact and conclusions of law as presented by Planning and Development Services Staff, and concurred with and adopted the recommendation of the staff, as presented in the “Whatcom County Planning and Development Services Staff Report and Recommendation to the Whatcom County Council” herein dated October 13, 2015.

Furthermore, be it known that a legally sufficient number of members of the Council voted in the proper manner for the acceptance of the above described recommendation, and, since the October 27, 2015 vote of the Council, such

Re: “Plat of Monterey Heights” Extension Request
Findings of Fact, Conclusions of Law, and Decision
acceptance has not been repealed, superseded or amended and remains in full
force and effect as of the date of this document.

DATED this ____ day of __________, 2015

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________
Carl Weimer
Council Chair

ATTEST:

______________________
Dana Brown Davis
Clerk of the Council
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

WHATCOM COUNTY COUNCIL  
Board of Health  
May 5, 2015

CALL TO ORDER
Council Chair Carl Weimer called the meeting to order at 10:32 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Pete Kremen, Rud Browne, and Barry Buchanan  
Absent: None

1. PUBLIC SESSION
No one spoke.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE
Ben Schultz, Public Health Advisory Board (PHAB) chair, submitted a handout (on file) and gave an update on their last two meetings. The main topic was the cleanup of homeless camps. Renee La Croix, City of Bellingham Public Works, gave a presentation to the PHAB about homeless camp cleanup. The presentation would be interesting for business owners in particular. The advisory board is working with the Health Department on a policy agenda and looking at national samples as examples. They adopted one from Dr. Hutchings that breaks down policy-making into problem statements, programs, and politics, and focusing on the political component. This has led to the project of stakeholder mapping of the PHAB members using a survey. One result that stood out is that downtown business owners are a high-influence or high-leverage group.

Weimer asked if the PHAB has met with the City of Bellingham about homeless solutions. The City plans to spend $7 million on homeless housing. Schultz stated they could discuss it at a future PHAB meeting.

Brenner stated she would like to see the stakeholder mapping transcript and Renee LaCroix’s slide presentation to the PHAB.

Sidhu asked what was the criteria for coming up with the stakeholder survey information. Schultz stated it was a brainstorming activity by the PHAB members. It’s not intended to be a sociological survey.

2. DIRECTOR/HEALTH OFFICER REPORT
Dr. Greg Stern, Health Department, updated the Board on a recent E.coli outbreak that originated at a Lynden milk event and affected several children. The Health Department
has been trying to find out the exact strain and source of the bacteria. Of the 22 lab-confirmed cases, seven have been hospitalized. If the source can be identified, it can help the Health Department to keep this strain from making others sick again. They have been working with the State Department of Health.

Brenner asked what the treatment is. Stern described some of the damage to the body caused by the bacteria and stated that keeping the patient hydrated is the most important treatment. Prevention is a goal at this point.

Weimer asked if all the patients that were hospitalized were children. Stern stated some were children, and some were older.

Kremen asked how likely it is to find the source of the bacteria. Stern stated it is hard to say. They are not currently working with the Center for Disease Control (CDC), but they are working with the State Department of Health to find the source.

Kremen asked how many had primary exposure and how many had secondary exposure. Stern stated he did not know.

Kremen asked if any other cases were reported outside of Whatcom County. Stern stated he is not aware of any.

Browne asked if there is any video that can be watched, in terms of trying to identify behavior that might have contributed to this. Stern stated there is not, that he is aware of. They’d have to know there is a particular behavior.

Browne stated his question is trying to identify if there were patterns of behavior that were likely to have contributed to it that people didn’t notice because it didn’t seem out of the ordinary but, in hindsight, shouldn’t have been going on. Stern stated he’s not aware. They’ve been reviewing the event setup and where people were eating. Environmental sampling has been done to see if there were areas that could have had surface contamination. They have identified when kids were washing their hands and using sanitizers and when they were eating their lunches.

Regina Delahunt, Health Department Director, stated the staff stepped up, and she thanks them.

Kremen asked if this is the largest outbreak of E.coli in Whatcom County. Stern stated it may be.

Weimer stated social media has blown out of context how people can be exposed. He asked if there is accurate information available for people. Stern stated the transmission routes are contaminated water, food, and unwashed hands. Raw dairy products are of concern. They’ve had issues with produce that has been contaminated by animal waste and undercooked ground meat. He’s not aware of concerns with manure spraying. It’s a theoretical source, but he’s not aware of any outbreaks. If that was an issue, they would see problems. When they have these sporadic cases, they find there has been contact with livestock.
Brenner asked whether E.coli can be on “pre-washed” produce. Stern stated the contaminants can get into the leaf when the produce is cut, but water remains the best way to clean vegetables.

4. CRIMINAL JUSTICE DIVERSION

Ann Deacon, Health Department, referred to the article in the board packet about the Sequential Intercepts model and submitted a handout (on file) that shows programs and their budgets. The information shows the different points at which the County deals with people with mental health and how the County might intervene at each step. Intervening as early as possible is best. She summarized the programs that are currently in place. The Health Department has de-escalation and crisis hostage training programs for law enforcement and first responders. There are various services for youthful offenders, including behavioral health services. The triage facility offers a pre-arrest diversion, and includes crisis stabilization, treatment, and follow-up.

For people who the Health Department does not meet until they are in jail, they can treat medical issues, but re-entry services are the target intervention. There is a dedicated position to connect people from jail to services and follow-up care. This includes counseling, medication, health benefits, housing, and transportation. An outpatient mental health treatment program has been established via providers all over the county. The next level of the intercept addresses how the courts intervene in the process. The Health Department has a drug court and a mental health court that involves the judicial system in the intercept process. There are probation officers in District Court that only work with those with mental illness. Once people with mental health issues are in the community, there are intensive case management programs and staff-supportive housing programs to follow up with them and to help them remain stable. These programs have helped people finish school, get jobs, and learn how to be good tenants.

The County’s Behavioral Health Fund provides $3.7 million per year, and the Health Department makes use of several grants. They built a budget that spends about $4.2 million, and this should bring them back to being even.

Regarding the current triage facility. The short term goal is to utilize it completely. For the long term they would like to establish an urgent care facility that would include the purposes of mental health crisis stabilization and detox. The triage facility needs a back door for these services. There are frequent waits to receive services. The Health Department is networking with services in the community, but they still need more mental health beds and a better “back door” patient system. Currently the pre-booking diversion options are minimal, and that is where they need to do some work.

They are trying to work with Medicaid to change the Institutions for Medical Diseases (IMD) rule that limits inpatient services to medical facilities that aren’t institutions, which aren’t anything over 16 beds. There is a cost savings with a bigger facility. If they can’t change the rule, they will have to get creative in designing urgent care facilities, which might include separate units: one for detox and one for mental health. They are working with other community partners on that. Pre-booking diversion options are minimal. That’s where they need to do a lot of work.
Brenner asked about the possibility of building pods with 16 beds each. Deacon stated they could not get Medicaid funding for that. That hasn’t worked for other communities who have tried it. There must be a distinct entrance and a distinct governance structure. Washington state and other states are pushing back on the IMD rules and are trying to work within the state to get more clarity.

Brenner asked if there are enough doctors in the community who take Medicaid. Deacon stated the demand for Medicaid services outweighs the supply.

Brenner asked if the County should do part of the program adequately instead of doing all of it inadequately. Deacon stated they looked at what programs they could implement adequately when they developed their budget. They had to fund the continuum, so they decided to target the most vulnerable and ill and chose which programs they could fund adequately for this population and with this particular program.

Weimer asked if the Health Department is tracking who in emergency medical services (EMS) and law enforcement are being trained. Deacon stated the jurisdictions are eager to have their officers trained, so they haven’t needed to track it.

Buchanan asked where Whatcom County is in terms of best practices and how they measure their effectiveness. Deacon stated they use the substance abuse mental health services administration registry of evidence-based practices whenever possible. Sometimes there aren’t evidence-based practices, but there are models and programs showing good results. All contracts with the County have performance measures, but there is not a robust program evaluation component.

Weimer stated each councilmember needs to give a statement on how ready they are to decide on a resolution. It’s important to focus on diversion. The money and follow-through are not concrete enough to know that these things will be implemented. He can live with the size of the jail. It’s a little big, but he’s ready to move forward and get people out of the existing jail. Regarding the Task Force agreement, he is not yet satisfied with how to deal with system issues such as bail and failure to appear.

Buchanan stated the parallel track is good, but there are still unanswered questions. Move forward with the new jail as soon as possible, but get answers to those questions that have been asked.

Mann stated he will not be ready to vote affirmatively on May 12. There is time to get all the questions answered. The administration has been responsive, but pre-booking diversion options are minimal right now. A lot of the money needs to be spent on pre-booking options and on systemic review of the entire criminal justice system. It is too expensive in the long term to just build a big jail.

Brenner referenced an email about a Canadian prison that is being built. The layout was very similar to the one proposed in Whatcom county. The cost of the Canadian prison is much higher than the County’s proposal. She is pleased to know that if Whatcom County doesn’t use all the beds for jail purposes, the extra beds can be used for other social services purposes, including stabilization. Make sure the robust diversion program will be up and running at the same time the jail is up and running. Also, the Task Force needs the perspective of those who are mentally ill and stabilized.
Kremen stated he doesn’t think the Council is ready to make a decision on May 12, but he is encouraged that the Council has been firm about bringing focus and attention on diversion. He supports what has been presented from the administration, though it can still be worked on and honed. Specifically, there still needs to be concrete options for criminal justice diversion.

Sidhu stated the county needs a jail. Taking time is a good thing. The Council must be more informed. The Council and cities approving the jail is just the beginning of the process. Cutting off the discussion on May 12 would not be good for anyone. They need to be clear to the public why the County has decided on a new jail project.

The word “diversion” means many things to many people. They have to decide the funding source for each diversion program, who will be responsible, and what is the definition of a diversion program. Don’t put the Sheriff on the spot in terms of who has access to diversion programs. The Sheriff has a job to do, and pre-arrest and post-incarceration have nothing to do with the Sheriff. Be specific on the programs and funds to be used. Everyone supports a new jail. The number of beds is a minor issue, but how the County spends taxpayer money is more important.

Browne stated this is a complex question. The single largest area of the budget is law and justice. Therefore, by definition, it deserves a lot of time and thought as they go through these discussions. He is torn through the whole spectrum of this. When he ran a business of more than 300 people, one gets to go through a lot of experiences. One touches many people’s lives and is touched by many people’s lives. One becomes a victim of crime, by the nature of running a business that size. One watches employees become victims of crime or make mistakes. One watches the children of employees make mistakes. There is inequity in the entire process and at both ends of the spectrum. At times, he’s either felt that the punishment has been inadequate for the consequence or that the punishment has been grossly excessive for the issue. He’s lived in the same house, in the same community, for over 20 years. He’s watched the friends of his children grow from infants to adults. Some of those kids have come from circumstances that have given them less opportunity, single-parent families, and he’s watched those kids make mistakes. Sometimes those mistakes have a ripple effect, because there isn’t diversion in the process. When he was a kid, if someone threw a rock at a house, the owner talked to the kid and the parents. Maybe local law enforcement would become involved, and there would be a stern talking-to. That was it. Now when a kid throws a rock at a house, it becomes a criminal case. A 12-year old kid becomes a misdemeanant. Over a period of time, the record is expunged, but the point is that it escalates to a degree that didn’t exist when he was growing up.

He likes the initiative in terms of the criminal justice diversion task force. A couple of things needed to be added. First, funding is crucial. Look for grant funding for alternative programs. There are a lot of initiatives that are getting a lot of traction from a most unlikely group of people. Get both sides of the political spectrum in a room to come up with different programs. He wants Whatcom County to aggressively go after that money. He wants the County to be at the forefront of good science in terms of diversion, pre-trial, and pre-arrest. This Task Force is being designed to have a limited life. He would like to see it be permanent. He would like to see a permanent process in the community that has
high value, engages quality people with deep knowledge that is a permanent program that tries to do better every year.

He would then like to see benchmarks against best practices. The National Association of Counties is spending a tremendous amount of its focus on jail diversion and criminal diversion programs. They should be aware of every one of those programs and benchmarking themselves against best practices. It will be a struggle for him on May 12. He absolutely supports the new jail.

Weimer stated put the resolutions in committee on May 12. Talk more about funding and the scope of the Task Force in committee. Talk about the budget for ongoing diversion operations. They must talk about the Task Force membership. The Task Force needs to be permanent and use metrics and benchmarks.

Jack Louws, County Executive, stated it would be great if the four documents would be ready to put before the Council, including: the resolution on the jail use agreement, the actual jail use agreement, the resolution establishing the Task Force, and the resolution for the ballot measure. The administration intends for the Task Force to be ongoing.

Give the Council the opportunity to provide specific language changes to get an agreement. They must also engage the public to get the public’s support. The cities of Ferndale and Bellingham want to hear the County Council’s direction before they give their approval.

Mann asked about what the resolutions bind the Council to in terms of the jail’s design. Louws stated the jail use agreement is specific to the number of beds, which is 521. The whole facility can handle a mixture of people who may or may not have mental illness. There can be segregation within the jail structure for different purposes.

Brenner stated the resolution should indicate that the County and citizens will clean up the criminal code to keep misdemeanants out of jail in some situations. Louws stated city representatives will be on the Task Force and have that discussion. It will be a policy decision of the individual cities.

Sidhu asked if there is flexibility in the process and jail use agreement. The jail is a subset of everything they are trying to achieve with this money. Louws stated there would be some flexibility within the Task Force. There is little flexibility in the jail use agreement because they would otherwise have to get every elected official in the county in one room to negotiate.

Sidhu stated he is concerned about the jail operating costs. That is where flexibility ended.

Browne asked if the County gets stuck if the use of the beds gets reduced because they are successful with the jail diversion programs, demand on the jail is reduced, and the per diem rate doesn’t change. Make sure the County doesn’t find itself in a position of not having operating funds because it doesn’t have per diem revenue. Louws stated approximately 20 percent of the jail is used by misdemeanants. If the diversion programs are 50 percent successful, then 10 percent of the jail is used by misdemeanants. The County would absorb ten percent more of the operating cost moving forward. In 2019, they
anticipate that the cities will pay about $2.45 million for their charges. Success of the programs mean they will postpone the need to expand the facility, which will be much more expensive than the increased operating costs due to successful diversion programs. If the County only keeps felons in the jail, the County could lose money.

Weimer stated the Council maybe needs a Committee of the Whole meeting to continue discussions. In the meantime send questions to the administration.

David McEachran, Whatcom County Prosecuting Attorney, submitted a handout (on file) and stated there is a Law and Justice Council already set up by State statute that includes the cities, treatment officials, and law enforcement. It was vibrant for years and then lost funding. This committee addressed diversion programs. Don’t create another task force. Revive the one that exists. It is supposed to be permanent.

**ADJOURN**

The meeting adjourned at 12:15 p.m.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Kristi Felbinger, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

PUBLIC HEARINGS

1. REQUEST FOR A MAJOR ADJUSTMENT, A MAJOR AMENDMENT, AND A ONE-YEAR EXTENSION FOR FINAL APPROVAL OF THE LINCOLN ROAD LONG SUBDIVISION (AB2015-172)

Weimer opened the public hearing, and the following person spoke:

Shawn Alexander stated he would like a buffer or fence between this property and the adjacent forestry property.

Hearing no one else, Weimer closed the public hearing.

Mann moved to approve the request. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

OPEN SESSION

The following people spoke:

- Cynthia Sue Ripke-Kutsagowitz submitted handouts (on file) and spoke about medical services in the proposed new jail.
• Bob Seaman spoke about his neighbor, Beacon Battery, and County code enforcement issues.
• Marian Beddill submitted handouts (*on file*) and spoke about a public discussion on Thursday, June 11 regarding available water resources in Whatcom county.
• Yoshi Revelle spoke about fear as the root cause of local, national, and international problems and solutions to fear.
• Dick Bosch submitted handouts (*on file*) and spoke about complaints regarding the conditional use permit for his botanical garden and tourist attraction and resulting Hearing Examiner restrictions.
• Carole Sleznick submitted a handout (*on file*) and spoke about the proposed new jail.
• Arlene Feld, Crisis Triage Program Clinician, spoke about financing mental health solutions and the proposed new jail.
• Cassandra Childs, Brigid Collins Public Policy Education Committee Volunteer, spoke about considering the negative effects on a child of having a parent in jail when designing the proposed new jail and its programs.
• Lisa McShane submitted handouts (*on file*) and spoke about the high cost of the proposed new jail.
• Amy Kahn spoke about the proposed new jail resolutions AB2015-047G and AB2015-047H.
• Barbara Sternberger spoke about the proposed new jail.
• Rebecca Johnson spoke about funding the proposed new jail.
• Dan McShane spoke about engaging the community regarding the proposed new jail.
• Kiersten Barren spoke about access to criminal justice.
• Mary Holcomb spoke about the proposed new jail.
• Breean Beggs spoke about the proposed new jail.
• Patrick Alesse submitted handouts (*on file*) and spoke about alternatives to incarceration and the proposed new jail.
• Chris Phillips spoke about increasing diversion and treatment programs.
• Greg Brown spoke about the proposed new jail.
• Irene Morgan, Restorative Community Coalition, submitted a handout (*on file*) and spoke about the proposed new jail.
• Joy Gilfilan, Restorative Community Coalition, submitted handouts (*on file*) and spoke about alternatives to incarceration and the resolution regarding the sales tax initiative (AB2014-047H).
• Paul Harris spoke about the condition of the current jail and the proposed new jail.
• Ray Baribeau spoke about the services and programs in the proposed new jail and funding a new jail.
• Bob Frisk spoke about the working conditions for the jail employees in the current jail and the proposed new jail.
• Kris Halterman spoke about the proposed new jail.
• Theresa Erickson spoke about the proposed new jail resolutions.
• Doralee Booth spoke about the proposed new jail and alternatives to incarceration.
CONSENT AGENDA

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

Brenner withdrew item five.

Browne withdrew item one.

The motion to approve Consent Agenda items two through four carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)

**Nays:** None (0)

1. **RESOLUTION IN SUPPORT OF THE NATIONAL STEPPING UP INITIATIVE DESIGNED TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESS IN JAIL (AB2015-047L)**

_Browne_ reported for the Finance and Administrative Services Committee, read the resolution title into the record, and **moved** to approve the resolution.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)

**Nays:** None (0)

2. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WEST PUBLISHING FOR ONLINE ACCESS TO LEGAL RESEARCH DATABASES AND PRINT SERVICE SUBSCRIPTIONS, IN THE AMOUNT OF $78,738 OVER A THREE-YEAR TERM (AB2015-183)**

3. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY SERVICES TO PROVIDE RESIDENT SUPPORT SERVICES, IN THE AMOUNT OF $231,383 (AB2015-184)**

4. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-43 AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE LOW BIDDER, HERRON VALLEY, INC. (DBA BAYSIDE SERVICES) FOR STREET SWEEPING AND CLEANING SERVICES IN THE LAKE WHATCOM AND LAKE SAMISH WATERSHEDS, IN THE AMOUNT OF $75,000 (AB2015-185)**

5. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-44 ACCEPTING ALL BIDS FOR THE ANNUAL SUPPLY OF ROCK, GRAVEL, AND SOIL FOR USE AS NEEDED FOR VARIOUS COUNTY MAINTENANCE PROJECTS, AND SELECT THE APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL CIRCUMSTANCES OF EACH PARTICULAR JOB, IN AN AMOUNT TO EXCEED $50,000 (AB2015-186)**
Browne reported for the Finance and Administrative Services Committee and *moved* to approve the request.

Brenner stated she’s not comfortable with allowing unlimited spending authority without coming to the Council for approval. If something is urgent, it can be done as an emergency, or the Council can be asked to have a special meeting. She’s not comfortable giving away more Council authority.

Jon Hutchings, Public Works Department Director, stated the County has spent an average of $250,000 per year to cover about 251 purchase orders. Obtaining these resources via a previously-approved contract, gives them the flexibility to complete road work. The purchase of these items doesn’t constitute an emergency measure. There are instances in which they will exceed the $50,000 limit, so they use the bid process to identify vendors they can draw from and bring that to the Council at the beginning of the year.

Brenner asked what’s happened in the past. They didn’t have this ability. Hutchings stated the staff has had this ability in the past. They come back every year and recognize they will certainly spend more than $50,000 on aggregate for the maintenance program. The authority is renewed every year.

Brenner asked if this only covers this expenses during summer. Hutchings stated it does.

The motion carried by the following vote:

*Ayes:* Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
*Nays:* None (0)

**OTHER ITEMS**

1. **ORDINANCE AUTHORIZING AN INTERFUND LOAN TO CONTINUE FINANCING OF THE CENTRAL PLAZA BUILDING (AB2015-173)**

Browne reported for the Finance and Administrative Services Committee and *moved* to adopt the ordinance.

The motion carried by the following vote:

*Ayes:* Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
*Nays:* None (0)

2. **ORDINANCE AUTHORIZING AN INTERFUND LOAN TO CONTINUE FINANCING THE ASSESSOR TREASURER SYSTEM (AB2015-174)**

Browne reported for the Finance and Administrative Services Committee and *moved* to adopt the ordinance.

The motion carried by the following vote:

*Ayes:* Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
*Nays:* None (0)
3. LOCAL SOLICITATION FOR COUNCIL REVIEW AND PUBLIC COMMENT ON
THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
PROGRAM FY2015 (AB2015-182)

_Browne_ reported for the Finance and Administrative Services Committee and
_moved_ to approve the grant agreement.

Brenner asked if this money could be used for diversion services by the County or a
nonprofit.

Bill Elfo, County Sheriff, stated it is eligible for those services. They requested the
purchase of ballistic vests in accordance with the Council’s direction at the budget
preparation workshop. They are obligated to provide the vests, and those are eligible to be
paid for under this grant.

The motion carried by the following vote:
_Ayes:_ Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
_Nays:_ None (0)

4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
COOPERATION AGREEMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL
ZONE DISTRICT AND US ARMY CORPS OF ENGINEERS FOR BERTRAND CREEK
LEFT BANK REPAIR, IN THE AMOUNT OF $377,200 WITH THE LOCAL COST
SHARE IN THE AMOUNT OF $75,488 (AB2015-178)

(Council acting as the Whatcom County Flood Control Zone District Board of
Supervisors.)

_Browne_ reported for the Finance and Administrative Services Committee and
_moved_ to approve the request.

The motion carried by the following vote:
_Ayes:_ Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
_Nays:_ None (0)

5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
COOPERATION AGREEMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL
ZONE DISTRICT AND US ARMY CORPS OF ENGINEERS FOR BERTRAND CREEK
RIGHT BANK REPAIR, IN THE AMOUNT OF $89,700 WITH THE LOCAL COST
SHARE IN THE AMOUNT OF $17,940 (AB2015-179)

(Council acting as the Whatcom County Flood Control Zone District Board of
Supervisors.)

_Browne_ reported for the Finance and Administrative Services Committee and
_moved_ to approve the request.

The motion carried by the following vote:
_Ayes:_ Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
_Nays:_ None (0)
6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WATERSHED SCIENCE & ENGINEERING TO PROVIDE FINAL DESIGNS, DEVELOP BID-READY PLANS AND SPECIFICATIONS, ASSIST IN BID PREPARATION, AND PROVIDE CONSTRUCTION SUPPORT FOR HIGH CREEK SEDIMENT MANAGEMENT PLAN, IN THE AMOUNT NOT TO EXCEED $149,000 (AB2015-180)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Browne reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND GEOENGINEERS, INC. FOR DESIGN ASSISTANCE FOR THE BIRCH POINT COLLABORATIVE DRAINAGE SYSTEM REPAIR PROJECT, IN THE AMOUNT OF $63,762 (AB2015-181)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Browne reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

8. APPROVAL OF A JOINT REQUEST SUBMITTED BY THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AND BURLINGTON NORTHERN SANTA FE TO TEMPORARILY CLOSE LOOMIS TRAIL ROAD SOUTH OF BLAINE TO ALLOW FOR ROAD AND RAIL IMPROVEMENTS (AB2015-190)

This item was withdrawn from the agenda.

9. APPROVAL OF THE 2015 WHATCOM COUNTY INTEGRATED VEGETATION MANAGEMENT PLAN AND DISCUSSION OF GENEVA CONSULTING’S REPORT ON NO-SPRAY OR RESTRICTED SPRAY ROADSIDE VEGETATION MANAGEMENT PROGRAMS (AB2015-187)

Brenner reported for the Public Works, Health, and Safety Committee and moved to approve the plan.

Mann stated he supports the motion. He has concerns about glyphosate. The County has reduced the amount of glyphosate by 90 percent since 2002. The County uses
only 30 gallons per year. They are waiting for the Environmental Protection Agency (EPA) report on glyphosate, and will revisit the decision.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)

**Nays:** None (0)

10. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.46, CREATING A WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE INTENDED TO PROVIDE RECOMMENDATIONS, OVERSIGHT, AND SPECIFIC TIMEFRAMES ON THE DEVELOPMENT OF NEW, OR ENHANCEMENT OF EXISTING PROGRAMS DESIGNED ALONG A CONTINUUM THAT EFFECTIVELY REDUCES INCARCERATION OF INDIVIDUALS STRUGGLING WITH MENTAL ILLNESS AND CHEMICAL DEPENDENCY AND MINIMIZES JAIL UTILIZATION BY PRETRIAL DEFENDANTS WHO CAN SAFELY BE RELEASED (AB2015-047K)

*Brenner moved* to adopt the ordinance. The motion was seconded.

Brenner stated the County has done much with diversionary services. The County is going to make sure those services are operational when the new jail opens. There are also already services in place. Some programs may be underutilized, but the Council is committed to using them fully. For example, the County already has a robust program with school districts regarding at-risk children.

*Buchanan stated* he supports the ordinance. He fears that moving forward without a compromise with the City of Bellingham will result in a failed election in November. He would much rather put forward something that has a better chance of passing in November. Don’t delay a year, but hold for two weeks to see the alternative proposal. If possible, have a joint hearing and work session with the Bellingham City Council. He *moved* to hold in Council for two weeks and allow a compromise to come forward.

Brenner stated she is opposed to holding in Council. They should be done separately. This ordinance stands on its own. Show the public they are serious about diversion and alternatives to incarceration by moving forward immediately.

Kremen stated he will not support the motion to hold in Council. The County doesn’t need approval from any City to move forward on this. This needs to happen. This doesn’t have to be tied to the other measures.

*Buchanan withdrew his motion* to hold in Council. He agrees it is important to get this started.

Browne stated that once they’ve approved this, it doesn’t become effective until they approve the budget to go with it. At this point, it’s symbolic, and doesn’t cause any impact downstream.

Weimer stated he’s in favor of passing this ordinance this evening, appointing the committee, and starting these discussions. He hasn’t heard about the City being concerned about prevention and diversion programs.
Brenner stated because of that, it’s not symbolic. It’s legitimate, and will begin the process right away.

The motion to adopt carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)

Nays: None (0)

11. RESOLUTION APPROVING THE JAIL FACILITY USE INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITIES OF BELLINGHAM, BLAINE, EVERSON, FERNDALE, LYNDEN, NOOKSACK, AND SUMAS AND INCLUDING A COMMITMENT TO ENHANCE MENTAL HEALTH AND SUBSTANCE ADDICTION PROGRAMS TO REDUCE JAIL POPULATION AND RECIDIVISM INCLUDING THE ESTABLISHMENT OF A CRIMINAL JUSTICE DIVERSION TASK FORCE (AB2015-047G)

Brenner asked what happens if the City of Bellingham doesn’t approve.

Jack Louws, County Executive, stated neither resolution is binding until all the cities have signed and the voters of Whatcom County have approved the sales tax measure. If the Bellingham City Council doesn’t move forward with this, it becomes void. He suggests that the Council approve the resolutions. Allow the City of Bellingham to review it. He’s asked the Cities to be specific about any reasons they may have for not approving the resolution so they can resolve issues. Waiting is counterproductive because they’re running out of time. If the proposal is appropriate, then approve it.

It was mentioned by the public during open session that the Score facility was $55 million for 674 beds. That was just the construction cost. The total developed cost was more than $97 million. Whatcom County’s construction costs are $70 million for 521 beds. Construction inflation and configuration are going against them.

Buchanan moved to hold in Council for two weeks to hear the compromised proposal. The motion was seconded.

Browne asked what the timeframe is in which the Council must vote to put this on the ballot. Louws stated the last meeting in July is the absolute latest it can be approved.

Browne asked if a Council vote in favor of the resolution regarding the interlocal agreement and a Council vote to put this on the general election ballot are not votes for the actual funding of the jail. The project still has to be presented to the Council as a budget item for approval or otherwise, including the agreement for the final design and the contracts that will be released for those. Louws stated the administration needs to continue to engage with the Council to make those decisions after funding is in place regarding the final design, bid, and contract approval.

Browne asked if they are voting on agreeing to an interlocal agreement with the other cities and to put this on the ballot for the voters to then decide whether or not to fund the ballot item. Then the Executive will come back to the Council with a request for what the administration specifically wants funded, and the Council will decide whether or not it
agrees. Louws stated that if the voters approve, the administration will come to the Council with the final design, bid awards, and construction in early 2017.

Weimer asked if the agreement specifies the size of the jail that the voters will vote on. Louws stated it does, for 521 beds in phase 1.

Weimer stated that if the voters approve, the administration will bring forward a contract for a 521-bed jail. Louws stated that’s correct.

Brenner asked if a counterproposal from the City has to come to the County Council. Louws stated it does, as well as the other Cities.

Brenner stated she approves of the design, but has concerns about the cost. She asked if they can do better on the cost if a better bid comes in. Louws stated they will review and refine all the assumptions and construction costs to ensure the costs don’t escalate. It’s in the best interest of the County to make sure every dollar is spent wisely. It will cost another couple of million dollars to take the design from 60 percent to 100 percent of the design. Based on national construction estimates, they are close enough to make a decision to go to the voters at this level of detail. A lot of work will take place if the voters approve this as they move forward with final design and construction.

Brenner asked if the ballot measure allows the County to spend less money if possible. Louws stated the Cities are committing to a fixed amount. The County is committed to building a 521-bed jail. The County is responsible for cost variations. Any savings will be to the County, but he doesn’t expect substantial variables.

Brenner stated she doesn’t have a problem with postponing for two weeks.

Sidhu stated the name of the committee should match in the ordinance. He asked if DLR is the chosen builder or just the designer. Louws stated they will go out for bid for construction. DLR is the design manager and architect. They will select the low bidder for construction.

Sidhu asked if the County will hire its own project manager for this project. Louws stated it will. There is money in the projected construction cost for that hire. They will get an owner representative contract to make sure the project is done to the County’s satisfaction.

Sidhu stated they don’t want DLR to be the project manager, even though they are the engineers and architect. Louws stated he wouldn’t do a project of this size without an owner representative.

Sidhu asked if the size is fixed at 521 beds, or if the size can be up to 521 beds. Louws stated the Cities are saying the County needs to build a jail that has 521 beds. The County has first priority at the facility for its felon population. After that, the County and Cities share priority for its other legally responsible misdemeanants. The Cities want a facility big enough to make sure there will be jail space available for the money they’re providing. At this time, the agreement is for a 521 bed jail. If that changes, the agreement with the Cities will have to change. There is little flexibility in the design to change the number of beds they will build for. The flexibility will be in the size of the kitchen, intake.
area, medical facility, storage space, and similar areas. They won’t change the design substantially, but will make sure it’s value engineered.

Browne asked if they have a contractual commitment if they go through with this for a 521-bed facility, and if there is an opportunity to reduce the cost per bed through intelligent design or other options. They can take advantage of that opportunity until they release the construction bids to the construction companies. Louws stated that is correct.

Brenner stated she’s nervous that DLR, the architect, can design the building so that they can submit the lowest bid. She asked if the County can protect itself by having someone represent the County. Louws stated DLR is an architect, not a construction contractor. The County will go out to bid and select a contractor. The architect, construction company, and County representative will all three be on site during construction. DLR will not do the construction.

Mann asked how much the County relies on the financial contribution of Ferndale to pay the bond. Louws stated the Ferndale contribution is $264,683 out of a $6.6 million bond payment.

Mann stated it’s more important to get the design and size right rather than let a small financial contributor dictate the size. Louws stated the Cities of Ferndale and Lynden will each contribute about $3.854 million of the capital costs. The City of Bellingham will contribute about $1.25 million per year. He’s been working to make this facility useful for the County and the Cities, so they’re in it together. Everyone’s contribution is important.

Mann stated Bellingham and Whatcom County are essentially paying for this. He won’t let the inconvenience of going back to the smaller cities drive the design. If the County wants to adjust the size of the jail, that’s the County’s prerogative.

Sidhu stated it’s a great effort that the administration has done to make presentations to each City. If the City of Bellingham proposes something different, they have to go back to the smaller Cities anyway. Small acceptable changes could be allowed.

Browne asked what they would achieve if they hold this in Council for two weeks, since they still have to get the City of Bellingham’s approval. They’ve indicated they won’t consider approval until the County Council approves. If the County Council approves this, the Bellingham City Council still has to approve or bring forward an alternative to the County Council at the next meeting.

Kremen stated he’s heard nothing from the City of Bellingham. Because time is short, it would be prudent for the Council to approve the resolution so it can get a formal position from the City of Bellingham. Keep the process moving forward.

Sidhu stated he also supports the idea of having a joint meeting with the Bellingham City Council.

Browne asked if there is a problem with voting on this resolution tonight and waiting to see how the City of Bellingham responds before voting on the second resolution. Louws stated there is not a problem with that. The jail facility use agreement resolution is the most important. He’s heard conflicting reports from the City of Bellingham. In April, he
presented this jail facility use agreement to all the legislative bodies in the county and asked them to consider the agreement’s merits and indicate whether they would approve it. He also asked them to articulate specifically why they would be opposed to the agreement if they did not approve it so a compromise could be crafted. He encourages the County Council to consider whether or not it’s in the best interest of Whatcom County to move this forward to the voters. Vote on it tonight, and allow the City of Bellingham to look at it in light of deciding whether or not to approve it. He questions whether they can schedule a joint meeting in two weeks. If they hold for two weeks, it will be four weeks before it is approved. He asks the County Council to take the lead in making the decision.

Weimer stated Councilmember Buchanan’s motion is to hold for two weeks to allow the community coalition to present their proposal. He asked who these community coalitions are.

Buchanan stated the coalition has just formed, and hasn’t had a chance to formally submit their position. The coalition includes very credible organizations in the county. They will know the specifics soon.

Weimer stated he agrees that the Bellingham City Council won’t approve the resolution. Their issue is that they want to pay for it from only one-tenth of one percent sales tax, and then pay for the rest through a property tax. They’ve also said they don’t want to vote on it until the County Council votes on it.

Mann stated he doesn’t believe this current agreement is in the best interest of Whatcom County. He won’t support it tonight. It came to the Council in April. The Council hasn’t had consultants and staff to research credible alternatives. This is the biggest public works project in the history of Whatcom County. There’s no reason to rush into it. He’s confident the City of Bellingham won’t vote on it either. Wait two weeks. Hear from more experts on the subject. Develop something that will be approved. The goal is to get something that the voters will approve, not just the City of Bellingham. Work on getting it right to increase their chances that the voters will approve it.

Kremen stated keep the process going to keep working with the City of Bellingham. The City has said they won’t deal with the issue until the County Council approves the interlocal agreement. He supports having a joint meeting with the City of Bellingham. Moving this forward doesn’t preclude that. The City won’t take up the issue until the County Council moves it forward. Approving the resolution is the same as working with the City of Bellingham.

Browne stated he supports passing this resolution tonight, meeting with the City of Bellingham to talk through the issues, and then come back and vote on it if there is something they can’t live with. That leaves the final resolution, which is to put this on the ballot without a vote. The County Council still maintains control over whether this goes to the voters.

Brenner stated the City Council has made it clear in the past that they won’t vote on anything until the County Council votes on something. She supports having a joint meeting, someone needs to approve it. This allows them to come back with a counterproposal and for the people who spoke tonight to suggest other ideas, also.
The motion to hold failed by the following vote:

**Ayes:** Sidhu, Mann, and Buchanan (3)

**Nays:** Brenner, Browne, Weimer and Kremen (4)

Weimer stated he has no intention to vote on the next resolution. Send this to the City of Bellingham, find out their intentions. This will also give the community groups a chance to talk to the Council in two weeks, before they put it on the ballot. If the City convinces the County, the County can undo this resolution.

Mann asked the logic of passing this resolution, but not the next resolution.

Weimer stated the County Council would pass the interlocal agreement, because the City of Bellingham wants to know what the County will officially do with the interlocal agreement before they vote on the interlocal agreement. If that happens, the Bellingham City Council will discuss the agreement at its meeting on Monday.

**Brenner moved** to approve the resolution. The motion was seconded.

Mann stated this motion is to approve the resolution. By voting for this, they are basically saying they approve of the jail as currently proposed and designed, going forward. This is as close as they can get to a vote on that issue.

Brenner stated that for her, she is voting to move ahead on the jail, unless the City can propose something better.

Browne stated (VERBATIM) I, I see this as a vote saying that we are agreeing to build a 521-bed facility out in LaBounty, and we believe the cost, their share, their share of the total cost, the total project cost will not exceed 97 million dollars. That’s what I believe we’re agreeing to. Now they may come back and say we don’t like that, and then they’ll tell us what we don’t like. And then we finally decide whether we, we, like what they’re alternative is or whatever, and then we decide on whether we put that, the next item onto the ballot, and then the voters decide whether they like it.

Buchanan asked how the County Council would incorporate any compromise proposed by the City of Bellingham. He asked if they would amend the resolution.

Weimer stated it takes all the cities to approve this interlocal agreement. If the City of Bellingham doesn’t approve the interlocal agreement, this resolution is void. Louws stated that is correct.

Weimer stated he is voting for this resolution to send it to the City of Bellingham to find out their position. He’s also voting for it to hear from this community group and whether they have any good ideas. This is a resolution. The County Council can change it in two weeks if they want.

Browne stated he agrees with Councilmember Weimer.

Kremen stated he also agrees with Councilmember Weimer. They are also ratifying a funding formula, which apparently has some opposition across the street. Unless they pass the final of the three measures tonight, they are not saying they approve the final
product. They aren’t going to provide an opportunity for the voters to make a decision on this just yet. Until they do that, they aren’t committing themselves to anything. They are committing to continue the process.

Mann stated he won’t vote for it. He doesn’t want to send the message to the City of Bellingham that he likes the plan.

The motion to approve carried by the following vote:

Ayes: Brenner, Sidhu, Buchanan, Browne, Weimer and Kremen (6)
Nays: Mann (0)

12. RESOLUTION PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL SALES AND USE TAX OF TWO-TENTHS OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH FINANCING, DESIGNING, ACQUIRING, CONSTRUCTING, EQUIPPING, OPERATING, MAINTAINING, REMODELING, REPAIRING, RE-EQUIPPING, AND IMPROVEMENT OF JAIL FACILITIES AND OTHER PUBLIC SAFETY PURPOSES (AB2015-047H)

Buchanan moved to hold in Council for two weeks. See what happens with the previous resolution and the Bellingham City Council and to see what the coalition presents. The motion was seconded.

Mann asked if the Council is allowed to change the ballot language, or if it’s dictated by the Revised Code of Washington (RCW). He asked if the first sentence is required.

Jack Louws, County Executive, stated they will have to check with the Prosecuting Attorney’s Office. He invites the councilmembers to provide him with comments on the resolution submitting the ballot measure to the voters. So far, he has not heard about any suggested substantive changes. He will have the Prosecuting Attorney and bond consultant review any suggestions for changes to make sure they meet the need of the County.

Kremen stated that if they’re sincere about working cooperatively with the City of Bellingham, hold this so they can work with the City to move this to the voters.

The motion to hold for two weeks carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

Buchanan stated several Bellingham City Council Members are interested in having a joint meeting. He moved to start the process to set up a joint meeting with the Bellingham City Council as soon as possible. The motion was seconded.

Weimer stated he doubts it will happen before Monday. The City Council will vote on the interlocal agreement on Monday.

Kremen stated wait for an official position or response from the City of Bellingham. The County Council can express a desire to work with the City of Bellingham. Don’t presume that the Bellingham City Council will turn down the agreement. Every other City has approved it. If the Bellingham City Council does not approve the interlocal agreement,
enter into discussions with the City to resolve whatever differences might exist at that time. They don’t know for sure if there will be any differences.

Buchanan stated he agrees, but they need to start talking to the City. It’s difficult to set up a joint meeting. They must work on it as soon as they can. **He would accept as a friendly amendment** the suggestion to wait until after Monday to hold any joint meeting, but he would like to start that conversation.

Kremen stated the motion should indicate that the County Council will initiate an effort to set up a meeting with the City of Bellingham in the event that the Bellingham City Council does not approve the interlocal agreement.

Browne stated that the County Council will be available to meet with the City Council on this issue if it wants.

Sidhu stated that the County Council will initiate an effort to have a joint meeting, pending the decision by the Bellingham City Council on this issue. That way, the County Council gives the City leeway to make its decision, but the County Council will start a discussion about a joint meeting at the same time. Don’t stop whatever decision the City will make, but start talking about scheduling a meeting, because scheduling such a meeting is an issue. Whatever the City’s decision is, the County Council still wants to talk.

**Buchanan** stated it’s important to reach out to the City early. He **restated the motion** to initiate a conversation about a joint meeting with the Bellingham City Council. A joint meeting doesn’t depend on the City’s rejection of the interlocal agreement. They need to have a conversation anyway. The motion was seconded.

Weimer stated he’s against the motion. The City has made it clear to him that they want a sales tax and property tax mix. If the City Council doesn’t approve the agreement, the Mayor and County Executive are the best parties to figure out how to make it work and bring forward a proposal, versus 14 people trying to figure that out. It’s an administrative discussion for the Mayor and Executive, not the councils.

Browne asked if the City of Bellingham has the opportunity to do their funding portion for the jail through a property tax within the Bellingham city limits.

Louws stated the City could do that. If the County asks for a .2% sales tax increase and the City asks for a property tax increase, and the property tax request fails, there is a problem. A double affirmative vote is required to make the project happen. If the City doesn’t want to use the sales tax to pay for it, the City must obligate about $1.25 million per year to the County to provide about 100 jail beds for the City. It would be extremely complicated to fund through a property tax.

If Bellingham does not approve this agreement and asks for a property tax and sales tax combination, the County Council will have to decide whether or not to allow that. He doesn’t believe it is feasible countywide to ask the voters for both. The property tax would work, but it only provides money for capital expenses. The financial model includes sales tax revenue for the increased costs of operating the new jail. It’s complicated. The other elected officials in Whatcom County and six mayors all decided the sales tax was the best option. It does present a challenge for the City of Bellingham. They would rather request a
property tax, use .1% of sales tax, and reserve the other .1% for as-yet undefined law enforcement programs.

Browne asked if the County has the option to allow the City the sales tax option now and give them the ability to recover the sales tax capacity by replacing it with their own property tax initiative. Louws stated that if they are able to convince the Bellingham voters to approve a levy lid lift, and if it’s legal, the City could do that. He doesn’t know if it’s likely. The City will receive its legally allocated 40 percent of the two-tenths of one percent sales tax. The jail facility use agreement says that the City of Bellingham will pay the County $1.25 million per year for the capital costs of the jail. It’s immaterial where that $1.25 million comes from. The County needs the commitment from the City to provide the $1.25 million, so the County can make the bond payment. The bonding company requires a paper trail from the Department of Revenue, to the City, and to the County. If the City comes up with additional money somewhere else, it doesn’t make any difference to Whatcom County.

Browne stated that the City has the property tax option to help fund their own share of the cost.

Weimer stated he believes the City wants it to be a countywide property tax, not just a property tax for the Bellingham city residents.

Brenner stated she agrees that the Council doesn’t figure out how to divvy up the property tax and sales tax. That should be done by the Executive and Mayor and their administrations.

Sidhu stated they don’t have to have a meeting with the City, but if they postpone any discussion about having a meeting, they will lose time. Now, they are passing a motion to start talking with the City about having a joint meeting if necessary. They don’t have to have the meeting if there’s no need for it.

The motion to schedule a meeting with the Bellingham City Council carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Browne, and Kremen (6)

**Nays:** Weimer (1)

Weimer asked if they want to have a Committee of the Whole meeting in two weeks with the community groups to hear their proposal.

**The Council concurred.**

Weimer stated the resolution approving the interlocal agreements references the criminal justice diversion task force, but the Council named the task force differently. Louws stated he will check into it.
1. NOMINATION AND APPOINTMENT TO FILL A VACANCY ON THE LUMMI ISLAND FERRY ADVISORY COMMITTEE - APPLICANTS: CHARLES R. BAILEY, ALAN SHAW, KIM GARDENER, RHAYMA BLAKE (AB2015-044B)

Browne moved to nominate all applicants. He stated that Nancy Ging and Rhayma Blake both received outstanding public support for their applications. The motion was seconded.

Weimer voted for Nancy Ging.

Browne voted for Rhayma Blake.

Mann voted for Charles Bailey.

Sidhu voted for Nancy Ging.

Brenner voted for Rhayma Blake.

Kremen voted for Rhayma Blake.

Barry Buchanan voted for Nancy Ging.

Weimer stated there is a tie between Nancy Ging and Rhayma Blake. They would revote.

Weimer voted for Nancy Ging.

Browne voted for Nancy Ging.

Mann voted for Nancy Ging.

Sidhu voted for Nancy Ging.

Brenner voted for Rhayma Blake.

Kremen voted for Nancy Ging.

Buchanan voted for Nancy Ging.

The Council appointed Nancy Ging.

2. NOMINATION AND APPOINTMENT TO FILL A VACANCY ON THE PLANNING COMMISSION, DISTRICT 3 - APPLICANTS: MICHAEL BERSCH, KELVIN BARTON (AB2015-168)

Weimer stated Michael Bersch withdrew his application from consideration.

Browne moved to nominate and appoint Kelvin Barton. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

INTRODUCTION ITEMS

Buchanan reported for the Natural Resources Committee and withdrew item one. It was held in committee.

Brenner stated there is a substitute version of item four.

Brenner moved to accept Introduction Items two through four. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Buchanan, Browne, Weimer and Kremen (7)
Nays: None (0)

1. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.118, CREATING A WILDLIFE ADVISORY COMMITTEE (AB2015-175)

2. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, SEVENTH REQUEST, IN THE AMOUNT OF $213,400 (AB2015-188)

3. RESOLUTION AMENDING THE 2015 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BUDGET, THIRD REQUEST, IN THE AMOUNT OF $25,000 (AB2015-189)

   (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

4. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 5.20, FIREWORKS, TO ADD A SECTION TITLED PERIOD OF USE (AB2015-191)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Mann reported for the Planning and Development Committee on the Whatcom County Parks and Recreation Director Mike McFarlane (to provide an) update on reconveyance land recreational opportunities, trail planning, expenses, and other issues (AB2015-176). Also, an issue was brought up in committee about recreation resource management areas, which are Comprehensive Map overlays. The committee will have a discussion on this issue.

ADJOURN

The meeting adjourned at 9:54 p.m.

The County Council approved these minutes on ______, 2015.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

ATTEST:      WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk               Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. UPDATE FROM THE COMMUNITY COALITION FOR JUSTICE, A GROUP WORKING TO PREVENT AND REDUCE INCARCERATION TO HELP REDUCE THE SIZE AND EXPENSE OF THE PROPOSED NEW JAIL PROJECT (AB2015-047M)

Dave Finet, Opportunity Council Executive Director, stated there is no question that they need a new jail and that diversion alternatives to incarceration are cheaper in the long run than keeping people in jail. They are less disruptive to families and are more humane to people with behavioral health issues. Ultimately, they will curb recidivism.

Whatcom County has a number of diversion alternatives in place, but they can and must do better. The new Task Force should investigate new diversion programs in the coming months. This is an important opportunity to change how the current criminal justice system impacts the lives of people in the community. People in poverty comprise a high percentage of the jail population. The current system has adverse consequences for many people already struggling to get by daily. People who cannot afford electronic monitoring are at risk of losing their jobs. Mounting fines, and having to go back to jail because they cannot afford to pay their fines, keeps people in a cycle of instability and poverty.

When parents spend time in jail, it has a profound impact on the children. When children have adverse childhood experiences, it is more likely that they will end up in jail as juveniles or adults. The stressors of poverty tear families apart by feeding domestic violence, child abuse, and substance abuse. When poverty goes down, people thrive and crime goes down. The community has to work together to not criminalize homelessness or poverty. He supports crisis intervention training for police officers.

Detaining people for nonviolent crimes or having them languish in jail pre-trial perpetuates the cycle of generational poverty. Figure out how to only jail those who are a true threat to society. Reduce the number of people waiting in jail pre-trial and how to
reduce the impact of mounting debt from people in the system who are already just getting by.

The jail has become the de facto mental health facility. He supports the development of an urgent care center in parallel with the new jail’s development. He would like funding to be appropriated for construction of an urgent care facility to back up leadership’s desire for the new urgent care facility.

Maximize jail alternatives to operate most efficiently and reduce the needed size of the jail, which will extend the life of the new jail. Shift the paradigm to prioritize diversion alternatives. They cannot afford to invest in the expensive cost of a new jail on an ongoing basis. He encourages the County to make Whatcom County a true leader in fair, equitable, and cost-effective justice for everyone in the community. They need both a new jail and a robust diversion alternative program. Help families break the cycle of incarceration.

Amy Kahn referenced an email she sent to the Council (on file) and stated she represents a community coalition. Invite all stakeholders to participate in the jail development project. This is a nonpartisan issue. Before sending the expenditure to the voters, they must look at what they can do to negate the need for incarceration. The jail is a misallocation of services that will result in a less safe community. Open the conversation to all parties. Get input from regional and national leaders, and get available data. She referenced her email and described the different incarceration alternative programs.

Weimer asked if they are asking the Council to look into these programs before the new Incarceration Task Force begins its work. Kahn stated the money isn’t available to do both a new jail and new diversion programs. Her big concern is the operating costs, including the bond payments for the next 30 years. The existing cost of the proposed jail project will prevent the diversion options from being developed.

2. RESOLUTION SUBMITTING TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSITION AUTHORIZING A LOCAL SALES AND USE TAX OF TWO-TENTHS OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH FINANCING, DESIGNING, ACQUIRING, CONSTRUCTING, EQUIPPING, OPERATING, MAINTAINING, REMODELING, REPAIRING, RE-EQUIPPING, AND IMPROVEMENT OF JAIL FACILITIES AND OTHER PUBLIC SAFETY PURPOSES (AB2015-047H)

Jack Louws, County Executive, submitted and read from a memo to the Council (on file).

Weimer asked if the administration has considered changing the interlocal agreement to reflect concerns about diversion programs. He also asked about the City’s discussion of whether 521 beds is the right size. Louws stated the City of Bellingham is not going to contest the size or location of the facility. At this time, it’s a cost allocation issue. There is a variety of reasons why the Bellingham City Council did not approve the jail facility use agreement.

He submitted and read from a presentation (on file) describing the City/County sales tax distributions. Over the next 32 years, the County will collect $550 million. The financial assumptions are based on a two and a half percent increase. Of that, $356 million will
come from the new two-tenths of one percent sales tax, and $194 million from the existing one-tenth of one percent sales tax. The County proposes to use the entire $194 million for its operation of the jail. The $356 million would be divided proportionally among the Cities and County. The total revenue split is 75.1 percent to the County and 24.9 percent to the Cities. The County is responsible for more than 80 percent of the jail operation. The sales tax distribution is fairly close. The $83 million going to the Cities is new money. The Cities have a choice of backfilling their existing per diem costs. The City of Bellingham will receive an average of $1.7 million of new money per year to use at its discretion. The County will have an additional $77 million new dollars, all of which will go back to jail operations. That will release existing operational funds for other items, including the jail diversion task force.

He described the proposal from the City of Bellingham, as described in the memo from Mayor Linville to the Bellingham City Council dated June 22, 2015. The County will not be able to build a jail with 521 beds if the City funding proposal is approved.

Weimer asked if they can build a smaller jail. Louws stated there were 261 felons and 111 misdemeanants in the jail. Building a jail with 400 beds to serve the County’s needs for the life of the bond over the next 30 years, while giving everyone equal access, is not feasible. They will soon run out of space. Spokane County has recently been successful at reducing their jail population. However, they have 2.47 jail beds per 1,000 people. Whatcom County has 1.44 beds per 1,000 people currently. To be in the same position as Spokane County, Whatcom County would have to build a jail that has 517 beds. The math doesn’t support a jail with only 421 beds. He referenced the needs assessment presented to the Council last year. Diversion options decrease the number of jail bed days, but the State legislature keeps changing sentencing laws that give the County more responsibility. He would rather have a bigger jail that isn’t fully utilized than a jail that’s too small.

Brenner asked what they will do if they don’t need all the beds and if the space can be used for other services. Louws stated no space they will build inside the secure facility will be used for any income-producing endeavor. A jail that has more space for prisoners with additional space for programming will be a more humane environment and allow the County to expand programming.

Brenner stated they can expand programming. She supports the presentation from Mr. Finet and Ms. Kahn. There will be plenty of uses for available space. Diversion options are a good thing to do, but they won’t lower the jail population. If they don’t use all the bed space, use some for social services.

Browne stated the number of 521 is designed to operate at about 80 percent capacity, whereas the current facility is at well over 100 percent capacity. The impact of running above 100 percent capacity is the elimination of any programs, such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or religious counseling. Louws stated the current facility was never designed for providing alternatives to corrections. To provide the best opportunity for inmates to rejoin society, the County needs room to provide those programs and medical facilities. The 521 beds at 80 percent capacity allows them to put inmates in an appropriate type of bed. Now, they put eight people in one cell. It doesn’t work.

Browne asked if a 521-bed facility is really for the current jail population, but more in line with best practices. Louws stated 521 beds at 80 percent, which is the recommendation of the National Institute of Corrections Standards, is 417 beds. The
County currently has an average population of 404 beds. They are now building a facility that is 13 beds bigger than what they need.

Buchanan asked the financial implication if they reduced the jail size by about 100 beds. Louws stated the cost of 100 beds is about $20 million. They will go to one pod instead of two. Prisoner classification will be divided by seven ways, not 12 ways, which would reduce design flexibility. They will have to proportionately reduce the sizes of the kitchen, medical facility, intake area, classrooms, storage, and other areas to fit within those dollars. Skagit County is building a 400-bed facility for about $65 million. If the City of Bellingham chooses to go in a different direction and the County decides on a 400-bed facility, the County could do that for about $75 million. Under the 60-40 sales tax split, they could make that happen.

Mann stated diversion options will save money. People will not go to jail, and they won’t lose their Medicaid coverage, which will be a huge cost savings for medical care. Spokane County is on a trajectory of reducing their incarcerated population because they are implementing programs like the ones they heard about at this meeting. Their jail bed usage is around 900 beds, which is quite a bit lower than the number of beds their jail has. This comes down to a fundamental belief about whether diversion will work to reduce the incarcerated population. He believes it will save the County money. He’s advocated for those programs and tried to evaluate the criminal justice system as a whole. Diversion will be more effective at treating people in the jail. Holding people in jail pre-trial is the most expensive way to deal with folks. He supports building a 400-bed jail to save $20 million, and they will be able to build this triage crisis facility, fund the task force, and fund new programs.

Sidhu stated the question is whether to use the .2 percent sales tax. He asked why they don’t meet the condition of building a jail first. The first priority should be that the Council needs $210 million to for a new jail over 30 years, rather than focusing on the funding formula. Louws stated they must build a facility to new standards that require more square footage. They also need revenue to absorb the additional operating cost. The jail use agreement provides money to pay for the facility and the additional cost of operations. The bonding companies are requiring that the County have the money to pay for the jail and ensure that the County has the financial capacity to operate the new jail.

Sidhu stated the Cities are using this as a way to augment their budgets for the future. Also, reducing the number of beds by ten percent and the cost per bed by ten percent, the total capital cost drops from $97 million to $78 million.

Kremen stated the presentations today were well thought out. A concern about the City of Bellingham proposal is the diminishing ability to generate revenue and increasing costs for mandated services. Under the Growth Management Act, there was a big shift for sales taxes. The County used to receive one percent of everything sold in unincorporated areas. Because of growth management and other items, the retail establishments have been absorbed by the cities, which diminished the amount the County received in sales tax from one percent to one-tenth of one percent. The Cities aren’t as financially strapped as the County. The County is charged to provide a safe and humane jail for the community. It’s sad that the desire to create more revenue for things other than the jail is driving the decision of the City. The County needs to provide the jail. He agrees with option one, the administration’s recommendation. Option two doesn’t work. Louws stated they all have
financial challenges, and they should work together. They are at a critical point in time. They don’t have another year to work on this.

Brenner stated a consequence of retail moving into the cities was that there was supposed to be a cost-sharing factor, but that didn’t happen. Also, they have heard several things about the Spokane jail, but the situation in Spokane seems to be getting worse, even though they are doing a lot of these programs. Last, Medicaid is so bad that people can’t get services, and it will get worse. Medicaid keeps reducing its reimbursements and demanding that the local jurisdictions provide more.

Louws stated he spoke to officials in Spokane County, who indicated that they are experiencing a decline in population, but their facility is very deteriorated. They are working on diversion options, too. He described the three options for the jail use agreement described in his memo. Of the 521 beds in the new facility, 333 would be for Whatcom County’s use and 104 would be for the City of Bellingham. There would be 26 bed spaces for the small cities and 57 beds for the Tribes and others.

Mann stated the original jail use facility agreement said the County would build a facility with 521 beds. The current proposed agreement says the County would build a facility with up to 521 beds. He asked if that wording change is intentional. Louws stated it is intentional. If only six of the seven Cities sign the agreement, the County would build a jail appropriately sized to six of the seven cities. If Bellingham doesn’t sign the agreement, they would get their 40 percent allocation of the .2 percent sales tax, but they wouldn’t be entitled to first access to the jail on an ongoing basis. If the City of Bellingham does sign the agreement, the County would build a jail that has up to 521 beds.

Mann asked if they can build a 400-bed jail under option one. Louws stated he doesn’t know if he or any of the small city mayors would sign that agreement, based on current populations. The agreement does not give the Council the opportunity, after the ballot measure has passed, to reduce the size of the jail by 30 percent.

Browne stated that if this goes on the ballot, they are asking the voters for a facility that is up to 521 beds. Until the County signs the final design and construction contracts and the final use agreements with the Cities, the actual size of the jail is in flux. Louws stated it is in flux, within reasonable parameters.

Browne stated there are many concerns from citizens that alternatives are available that would allow the County to reduce the size of the jail. He asked if nothing stops the County from building a smaller facility from the time this goes on the ballot to the time that the County signs the final contracts for construction, if everyone agrees. Louws stated it may be correct hypothetically, but the message to the voters is that the County doesn’t know what size it wants to build.

Browne stated the message he is trying to communicate that, if the Council approves putting this on the ballot, which it should, the Council is still willing to listen to citizens and work with the Cities, Sheriff, Executive, and others to make sure the jail is the right size. The decision to put it on the ballot is not a final decision on the size or design. Put this on the ballot because they have a short timeframe. If they don’t get this on the ballot, the whole process is pushed back at least a year. That’s not wise. Putting it on the ballot does not mean he will stop listening to people who talk about what the right size and design will
be. That doesn’t mean he disagrees with the need for a 521-bed jail. It just means he will continue to listen right up to the point the Council must agree to the construction contracts.

Louws stated that if the Council decides the message is to get it on the ballot without providing clarity on what the County will do, then he is not able to write a revised jail facility use agreement with enough detail for the Cities to agree to. The Council will have to decide sooner or later on the work they’ve done the past year, in order for them to create a jail use facility agreement. It will be difficult for some voters to support a ballot measure that is not clearly defined by the County Council soon. The jail facility use agreement will come back to the Council for decision. If the Council doesn’t approve it, the message to the voters is that the County wants the money, but the County doesn’t know what to do with it. At that point, they will be in big trouble. Within reason, there is flexibility. Design consideration will adjust the number of beds within a range. He needs an agreement with the small cities based on a jail size. The Cities want a reasonable expectation there will be room for them for many years.

Weimer asked if the voters will know what size the jail will be. He asked if the voters will know that the County will build a 421-bed jail not to serve Bellingham if Bellingham chooses to not sign the agreement. Louws stated the voters will know that. The facilities use agreement will be written with that information.

Sidhu stated that if they cut the number of beds by ten percent, they can achieve a ten percent savings. If they do value engineering, they can easily save ten percent in construction costs. The estimate they’ve given is only 60 percent complete. That would address concerns about the cost of the jail, the number of beds, and the size of the jail. It would send a message to the City of Bellingham. It may allow them more of the revenue. If the project cost ends up being less, they should pay off the bond sooner.

Louws continued to describe option two. He would like specific direction from the Council.

Weimer asked if option two is the option to choose if they want to split the difference with the City on some of those tax things. Louws stated the County and City of Bellingham are so far apart that he doesn’t know what the starting place is for negotiation. He conceded about $25 million to the Cities over the life of the tax. The average cost over the next 32 years will require a $3.2 million addition to the general fund. The question is how much the Council wants to displace the general fund, when the original proposal gives the City of Bellingham $800,000 of new revenue in the first year. Over the life of the taxes, they will receive about $1.7 million of new revenue per year. If the Council wants to change the split, they could.

Kremen stated that if the Council chooses option two, they have to start negotiations all over to work out an agreement with all the small cities. The proposal from the City of Bellingham is almost unworkable given the tight timeframe to get something on the ballot that has any chance of receiving voter approval. He’s interested in Councilmember Sidhu’s proposal to reduce costs a bit per bed and not be so fixated on a jail size. Find some way to lessen the price tag. He’s concerned about the cost being prohibitive to the voters. He agrees that they need to focus on diversion and incarceration alternatives. That doesn’t negate the fact that they need a new jail. Louws stated he agrees that at the 60 percent design stage, they are not in a position to lock in a final cost. It would be irresponsible of
his administration to allow a project to move forward without continued work on value engineering and the scope of the whole project. If there are cost overruns, Whatcom County has the risk to pay for them. The County is responsible to continue to pay the increased operating cost based on use. The Cities will get more sales tax revenue in relation to what the County will receive. The County carries the risk. The administration is asking for about $1.75 million from the Cities, regardless of the cost of the facility. He will make sure they spend money wisely. The two-pod design does lock them in to an approximate bed size. The cost savings will come from the size of the medical facility, intake facility, kitchen and appliances, storage, and other things.

Brenner stated she is most concerned with option two because it will affect how robust the diversion options will be. Don’t do anything that might reduce their options. She’s concerned about changing the amount everyone contributes. Part of the reason why the County can do diversion options is because it will take money from the general fund and other places. This tax is only for the jail.

Browne stated the 521 number is more right than wrong. The point of his comments is simply that many people feel they didn’t have the information about jail diversion, which should be incorporated in the plan. He likes the current proposed size of the jail and in the context of diversion and recidivism. For example, 18 year olds shouldn’t be in the same area has a hardened adult. That encourages the wrong sort of behavior. Make room for opportunities that allow inmates to examine their lives with the assistance of others. A larger facility gives the Sheriff’s Office the flexibility to make those things happen. Tonight the Council votes on the funding for the jail diversion task force. The Council should immediately form the committee, get the people involved, get some early responses back, and provide an opportunity for everyone to be involved. It’s another opportunity for everyone to take a second look at whether there is anything they’ve missed and can do at this point. That opportunity still exists for the community. A vote to put this on the ballot does not eliminate that opportunity.

Louws described option three. This project requires community support and education and outreach. He doesn’t advocate for option three. The option of doing nothing or of the voters not voting for the ballot proposition is not good. The result will be a delay of a year or more. They are in a hyper-inflated time for construction costs, which will continue to rise. The right decision is to get this on the ballot and work with the community to provide a county correctional facility. He asks the Council to identify to the voters exactly what they’re asking for, which is two-tenths of a percent of sales tax, and to identify they are going to build a building of some specific size. He is often asked why this wasn’t done when they voted for the first sales tax in 2005. People in the community distrust the Executive and the Council to do what they say they will do. He wants to provide a specific expectation on what the County is going to do. If the County can’t tell the public that they want to build a facility of a specific size, they will create doubt by the voters.

Weimer stated the Executive has framed three options, but there are lots of other options. Louws stated there are many other options.

Weimer stated one option is the idea of getting a small group of City Council Members and County Council Members together to find out where everyone is at. They keep hearing that the average jail population is 404, they need an 80 percent factor, and they need 17 beds in the medical unit, which totals 521 beds. However, he’s tracked the
jail population since the first of the year. This year, the average jail population is 346. With the 80 percent safety factor, the necessary jail size is 416 beds. That saves $20 million, and they can split the difference to provide an investment in prevention programs. Build one pod now, and build the second pod in the future.

Brenner stated Councilmember Buchanan asked to do that, but the City Council wasn’t interested.

Weimer stated they weren’t interested in a meeting with all 14 City and County council members. The Mayor recommended the Executive, Mayor, and one or two council members from each council. He’s trying to find a way to find out what the City Council really thinks, which may be different from what they’ve heard from the Mayor.

Brenner asked why they didn’t want to meet. The County Council publicly said it wanted to meet with the City Council, but the City Council just said no. There comes a time when they have to ask for what they’re really trying to do. She voted for a joint meeting, but they weren’t interested and didn’t send back a suggestion.

Sidhu stated they have invested so much time and money. That’s how negotiations happen. They can talk again and again. If something like this can work, he doesn’t object. There is nothing wrong with coming up with a compromise. Put it to the people to decide. If they delay two years, there’s no guarantee. Be realistic. Don’t be too rigid about the size of the jail. Make every effort to get to an agreement in the next two weeks.

Weimer stated there are two ways to get an agreement with the City. The County can get in a room with the City and have a discussion to make sure everyone is on the same page, or the County can pass option one and forward it to the City for them to decide.

Sidhu stated that before sending the City something, a couple of people from each council, the Mayor, and the Executive can get together to propose a resolution, which can go to the respective councils.

Louws stated he’s provided his recommendation. He’s worked on this since last September. He’s asked the City to provide specific, detailed reasons why they couldn’t agree to the agreement. He took those reasons, worked with the Mayor, and incorporated responses to the City. If the councils would like to work together to come to an understanding, they can come back to him and give him specific changes to the document. However, they are running out of time. He’s done the best he can at this time. He won’t be in a position to try to negotiate something when there isn’t clear information on what’s being negotiated.

Browne stated he supports option one.

Buchanan stated he supports option two, to come to a better understanding and agreement with the City.

Mann stated he supports having intense negotiation over the next couple of weeks. He doesn’t support option one. The jail is too big, too expensive, and doesn’t work.

Brenner stated she supports option one.
Kremen stated he supports option one.

Sidhu stated he supports parts of options one and two, which can only be settled by some manner of negotiation.

Dan Hamill, Bellingham City Council, stated he recommends that they have a joint meeting with the Executive, Mayor, and a couple of City Council and County Councilmembers so they can all understand both positions.

Dave McEachran, Prosecuting Attorney, stated he supports option one, which gives everyone the opportunity to look at what they need for years to come. The current jail, when built, was ill-conceived. The State provided only enough money for the current size, which they all knew wouldn’t be enough. It’s since failed. For now, option one is the way to go. The Executive will be able to get this done in a very good manner, with the Council’s direction.

Browne stated option one doesn’t preclude any further discussion from the other cities. By its nature, option one will require further discussion. Option one is the clear path to move forward.

Weimer stated the Council will discuss this again at the evening meeting.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 5:00 p.m.

The Council approved these minutes on ______________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk Carl Weimer, Council Chair

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Regular County Council Meeting

June 23, 2015

CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council
Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Pete Kremen,
Rud Browne and Barry Buchanan.
Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was a Committee of the Whole meeting this afternoon to
talk about jail issues. The Committee made no decisions.

SPECIAL PRESENTATION

1. EXECUTIVE JACK LOUWS TO MAKE A SPECIAL PRESENTATION TO COUNTY
AUDITOR DEBBIE ADELSTEIN (AB2015-017)

Jack Louws, County Executive, stated he honors Whatcom County Auditor Debbie
Adelstein as Auditor of the Year, as designated by the Secretary of State.

Debbie Adelstein, County Auditor, stated she never expected such an award for
doing her job. She does her best and hopes everyone has a positive experience.

PUBLIC HEARINGS

1. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 5.20,
FIREWORKS, TO ADD A SECTION TITLED PERIOD OF USE (AB2015-191)

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

Ray Baribou stated he speaks on behalf of all dogs and animals in the county.
Someone near him in the Britton area sets off fireworks and artillery. He asked how they
will be able to enforce the ordinance.
Paul Davis stated he is in favor of fireworks. He has sold them in the Birch Bay area for 25 years. His dogs don’t like fireworks, but they don’t like trains either. A lot of people get out of hand, but they can’t prevent people from doing stupid things. The use of illegal fireworks will be an enforcement issue, but that will bring revenue from fines. Make everyone abide by the same rules.

Steve Woodrich stated he has sold fireworks for 15 years. He uses the money to take his foster kids on vacation and other family outings. They sell fireworks between June 8 to July 4. There’s no reason to sell them on July 5. He asked if this ordinance affects the days that fireworks can be sold.

Matthew Goggins stated he is opposed to the ordinance. People should be allowed to use their fireworks. It’s unfortunate if people complain, but the need for an ordinance isn’t required. If the Council does adopt the ordinance, allow fireworks on New Years Eve.

Michael Hill stated nothing addresses Canada Day. Birch Bay has a big tourism industry. Many people come to that area. An ordinance will stop tourism that includes fireworks.

Hearing no one else, Weimer closed the public hearing.

**Brenner moved** to adopt the ordinance. The motion was seconded. She stated she drafted the ordinance last February. She worked with the Sheriff, who said 80 to 90 percent of the public will do the right thing. It will cut down on some problems. It has nothing to do with when people can buy fireworks. This isn’t a ban. It’s a limitation. It is allowed on New Year’s Eve. Over the years, people have set off fireworks beyond just the Fourth of July and New Year’s Eve. Before tonight’s meeting, more people supported the ordinance than who opposed it, including people from Birch Bay. The ordinance provides a balance between people who want to celebrate these holidays and people who are traumatized by the noise.

Mann stated he was surprised that the support for the ordinance outweighs the opponents of the ordinance. He supports the ordinance.

Kremen stated he has grappled with the issue because he had a dog who was traumatized by the noise. He is also aware that veterans often have issues with the sound. Fire concerns are also to be considered. They have dryer temperatures and weather conditions. He’s always been concerned about passing an ordinance that they aren’t able to enforce. He and Councilmember Brenner spoke with Sheriff Elfo, who also supports the ordinance and indicated he will enforce the ordinance.

Buchanan stated he also supports the ordinance. It won’t take effect for a year, per State law.

**Browne** stated he agrees with the ordinance. The local economy is very appreciative of Canadian tourism and is considering amending the dates to not discourage tourists from celebrating Canada Day. He **moved** to amend the ordinance to allow fireworks on July 1 from 6:00 p.m. to midnight and on July 2 from 6:00 p.m. to 11:00 p.m.

The motion was not seconded.
Brenner stated this is very hard on animals, veterans, and people who have to work the next day. Some other time, she may be willing to create a special permit for a community association who wants to do a celebration. The County would be reassured they will be careful and safe. The ordinance will make it easy for deputies to know when it’s allowed and when it’s not.

The motion to adopt carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

OPEN SESSION

The following people spoke:
- Tim Douglas spoke about the proposed Charter amendment to create five Council districts.
- Mike Estes submitted a handout (on file) and spoke about the proposed Charter amendment to create five Council districts.
- Abe Jacobsen submitted a handout (on file) and spoke about amending the County Charter.
- Janet Marino spoke about the proposed Charter amendment to change the referendum and initiative process.
- Edward Ury spoke about the proposed Charter amendment to create five Council districts.
- Dan McShane submitted a handout (on file) and spoke about the proposed Charter amendment to affirm the Legislative authority granted to the County Council by the Washington State Constitution.
- Todd Donovan spoke about the proposed Charter amendment to create five Council districts.
- Alex Ramel spoke about the Charter Review Commission proposals.
- Mitch Friedman spoke about the Charter Review Commission.
- Lisa McShane spoke about the proposed Charter amendment to create five Council districts.
- Greg Brown spoke about spending taxpayer money on invasive species, supports Executive’s option 1, and the Charter Review Commission.
- Matthew Goggins spoke about the proposed Charter amendments and the proposed new jail.
- David McCluskey spoke about the Charter Review Commission process.
- Irene Morgan, Restorative Community Coalition Chairman, submitted a a handout (on file) and spoke about the proposed new jail.
- Patrick Alesse spoke about the proposed jail tax and the proposed Charter amendment to create five Council districts.
- Matt Petryni spoke about the proposed Charter amendment to create five Council districts.
- Andronetta Douglas spoke about the proposed Charter amendment to create five Council districts.
- Joy Gilfifen spoke about the proposed new jail.
- Daniel Croats spoke about building a Mt. Baker running trail and Chapter 9 of the Parks Comprehensive Plan.
• Carol Perry spoke about the proposed new jail.
• Brooks Anderson spoke about thanking the Council.

Brenner stated her proposal in 2008 was for a countywide voting system, not for an at-large council.

CONSENT AGENDA

_Browne_ reported for the Finance and Administrative Services Committee and _moved_ to approve Consent Agenda items one through nine.

_Brenner moved_ to withdraw item eight. The motion was seconded.

The motion to approve Consent Agenda items one through seven and nine carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND PIONEER HUMAN SERVICES FOR THE OPERATION OF DETOX SERVICES PROVIDED AT THE WHATCOM COUNTY BEHAVIORAL HEALTH TRIAGE CENTER, IN THE AMOUNT OF $307,493, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $852,633 (AB2015-193)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND NORTHWEST YOUTH SERVICES TO PROVIDE CASE MANAGEMENT SERVICES IN ASSOCIATION WITH THE WHATCOM HOMELESS SERVICE CENTER, IN THE AMOUNT OF $47,955, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $156,009 (AB2015-194)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SUN COMMUNITY SERVICE FOR OPERATION OF THE SUN HOUSE EMERGENCY SHELTER, IN THE AMOUNT OF $242,235 (AB2015-195)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE OPPORTUNITY COUNCIL TO PROVIDE CHILD DEVELOPMENT SERVICES TO ELIGIBLE CHILDREN AGES BIRTH TO THREE WITH DEVELOPMENTAL DISABILITIES AND DELAYS, IN A VARIABLE AMOUNT DEPENDING ON NUMBER OF CLIENTS AUTHORIZED, WITH AN ESTIMATED AMOUNT OF $52,375 (AB2015-196)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM CENTER FOR EARLY LEARNING TO PROVIDE CHILD DEVELOPMENT SERVICES TO ELIGIBLE CHILDREN AGES BIRTH TO THREE WITH DEVELOPMENTAL DISABILITIES AND DELAYS, IN A VARIABLE AMOUNT DEPENDING ON
NUMBER OF CLIENTS AUTHORIZED, WITH AN ESTIMATED AMOUNT OF $134,625 (AB2015-197)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND SHANNON ANDREWS AND PARKER MATHEWS FOR THE TENANT LAKE APARTMENT AT HOVANDER HOMESTEAD PARK, IN THE AMOUNT OF $725 PER MONTH (AB2015-198)

7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-24, AND ENTER INTO A CONTRACT FOR THE ANNUAL DRYDOCK, REPAIRS AND MAINTENANCE OF THE WHATCOM CHIEF FERRY TO THE LOW BIDDER, PUGLIA ENGINEERING IN THE AMOUNT OF $464,289 (AB2015-199)

8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-49 FOR THE ANNUAL SUPPLY OF ASPHALTIC MIXES TO BOTH BIDDERS, GRANITE CONSTRUCTION AND WHATCOM BUILDERS, IN AN AMOUNT THAT COULD EXCEED $50,000 (AB2015-200)

Browne reported for the Finance and Administrative Services Committee and moved to approve the request.

Brenner stated there should be a spending lid that is a little higher than what is usually spent. Anything more than that can come to the Council. If there is an emergency, the County Executive can take care of it. As it is, it’s too open-ended. The process hasn’t been abused, but she doesn’t want to take a chance in the future. She doesn’t support the request.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (6)
Nays: Brenner (1)

9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD RFP #15-50, AND TO ENTER INTO A CONTRACT WITH NW COMMUNICATIONS FOR MAINTENANCE AND REPAIR OF COMPONENTS OF THE COUNTY’S TWO-WAY RADIO SYSTEMS, IN AN ESTIMATED AMOUNT OF $75,000 (AB2015-201)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, SEVENTH REQUEST, IN THE AMOUNT OF $213,400 (AB2015-188)

Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)
2. RESOLUTION AMENDING THE 2015 WHATCOM COUNTY FLOOD CONTROL
ZONE DISTRICT BUDGET, THIRD REQUEST, IN THE AMOUNT OF $25,000
(AB2015-189)

(Clerk’s Note: Council Acting as the Whatcom County Flood Control Zone District
Board of Supervisors.)

Browne reported for the Finance and Administrative Services Committee and
moved to approve the resolution.

Brenner stated she is against the motion because this expense shouldn’t come out of
the flood fund. It doesn’t have anything to do with flood control. They keep spending flood
funds when they should save for a really bad flood.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (6)
Nays: Brenner (1)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
CONTRACT BETWEEN WHATCOM COUNTY AND NEHALEM MARINE
MANUFACTURING FOR THE FABRICATION, TRANSPORT AND INSTALLATION
OF A FLOOD GATE ASSEMBLY AND MUTED TIDAL REGULATOR FOR THE DE
BOER CULVERT REPLACEMENT PROJECT, IN THE AMOUNT OF $53,561.03
(AB2015-192)

(Clerk’s Note: Council Acting as the Whatcom County Flood Control Zone District
Board of Supervisors.)

Browne reported for the Finance and Administrative Services Committee and
moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

4. REQUEST AUTHORIZATION OF A TEMPORARY CLOSURE OF LOOMIS TRAIL
ROAD (AB2015-190)

Brenner reported for the Public Work, Health, and Safety Committee and moved to
approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

5. REQUEST AUTHORIZATION OF A TEMPORARY CLOSURE OF DOUGLAS ROAD
(AB2015-202)

Brenner reported for the Public Works, Health, and Safety Committee and moved
to approve the request.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

6. **DISCUSSION OF A LUMMI ISLAND FERRY FARE PROPOSAL AND APPROVAL OF REQUEST TO HAVE PUBLIC WORKS STAFF PREPARE NECESSARY DOCUMENTS TO ENACT PROPOSED CHANGES (AB2014-426A)**

Brenner reported for the Public Works, Health, and Safety Committee and moved approval.

Kremen stated he thanks staff for working closely with Lummi Island citizens.

Mann asked if the recommendation is to send it forward for a public hearing.

Brenner asked if this will be scheduled in committee.

Jon Hutchings, Public Works Department Director, stated an ordinance will be introduced to amend the Unified Fee Schedule. After that, it will have a public hearing. It won’t go to committee. The Council will see a copy of the information they’ve seen, a summary of the changes to the fee structure, and it will be placed in the format of the Unified Fee Schedule.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)


Brenner moved to approve the revised resolution and to authorize the Executive to place the measure on the ballot and re-work the jail facility use agreement (JFUA) with the cities as described in option one. The motion was seconded.

Jack Louws, County Executive, stated he recommends that the Council approve option one. He would then work on meeting with the small cities to amend the JFUA.

Mann stated the references to the jail facility use agreement have been removed from the resolution. He asked how they tie the ballot measure to the JFUA.

Tyler Schroeder, Executive’s Office, described the changes to the resolution.

Mann asked why they would do it in this order. Louws stated August 4 is coming up very quickly. They have challenges in bringing everyone together. This allows for the ballot
measure, and gives them the time to resubmit the JFUA to the Cities. The financial contributions that the Cities have been asked to make is for about 26 beds for the small cities; 50 beds for the Lummi Nation, Department of Corrections and Nooksack Tribe; and about 100 beds for the City of Bellingham. If any of those entities, particularly Bellingham, decided to not participate, Whatcom County would have the funds to build a jail that is smaller than the original design. At that time, Bellingham wouldn’t have first priority for bed space as written in the JFUA.

Mann asked if this would require a complex reworking of the JFUA if Bellingham decides not to participate. Louws stated revising the JFUA is not complicated in the overall scheme of things. They can scale the project based on who wants to contribute and participate.

Mann asked if they will know what the agreement will look like before the voters vote on it. Louws stated he’s convinced the small cities won’t take action on the JFUA until the Whatcom County Council has passed it.

Mann asked if the process is that the Council will vote to approve the ballot resolution, then vote to approve the JFUA. After that, the Executive will work with the small cities. Louws stated that’s correct.

Weimer asked why they need a date for reaching a long-term agreement. He asked why they would not pass the JFUA and the resolution on the same evening. Louws stated they have to start educating the public. If everyone is convinced to put this on the ballot for the voters, then he asks the Council make that happen. He will turn around a revised JFUA very quickly.

Weimer asked if there should be a date by which the County needs a decision from all the cities. Louws stated the sooner they can get an answer from all, the better. If everyone wants to make this happen, it must be on the ballot to move forward. He encourages the Council to vote tonight to authorize the ballot measure. He appreciates another vote to give him instruction to go forth with option one to rework the JFUA.

Browne stated he will support the motion. He recognizes and respects the concerns of the citizens about diversion programs. If they get immediately on the task of filling the jail diversion task force to bring forward recommendation, they have time because the Executive has to negotiation the jail use agreement with the other cities. Work will occur in the design and contracts that have to be let for the jail. They can do those things in parallel. The most critical deadline is to get this on the ballot, or else it will be delayed at least a year.

Buchanan asked if option one precludes the Council from negotiating terms with the City of Bellingham. Louws stated they will be past that stage. If they recommend option one, it is the JFUA as written and reworked for the participating cities. As County Executive, he will get together with the small city mayors and City of Bellingham to make it the same and also move it forward. The County Council can continue to work with the City of Bellingham, but the Council will have to clearly articulate what to change in the agreement. The burden is on the Council at that point. He can’t negotiate when the City of Bellingham hasn’t clearly articulated its position. Any changes have to be approved by all the small cities. It’s not appropriate to choose option one with the idea of continuing to negotiate.
Kremen stated he is reluctant to move forward without all the cities. He would like to be able to work with the other cities, but it’s probably not feasible in the time left to expect continued negotiation without going back to the small cities first. He would like to move forward with option one and continue to work with the City of Bellingham on jail alternatives and diversion programs. Louws stated they can do that. The City of Bellingham provided a list of items this afternoon that it would like in the agreement.

Kremen stated that he fears any agreement with the City of Bellingham at this point will cause the agreement with the small cities to unravel. They can’t take that risk. He is inclined to move forward, but be diligent and make a concerted effort to work with the City of Bellingham on the issues of common interest, specifically diversion and alternatives to incarceration.

Brenner stated the County Council voted 6-1 to meet with the City of Bellingham, but the City turned the County down. The reason they’re at the 11th hour is not the County Council’s doing. They have tried hard to work with the City. Work with them in the future, especially on issues they can agree on. It’s past time to move on with this.

Browne stated he would like to have the City of Bellingham be a partner, but whether or not they participate doesn’t change the County’s need to do something about the jail. They have a serious issue. They have to get the project done. They have to get this new facility. Councilmember Buchanan asked if the Council can vote on this now and work on the joint use agreement after, and Executive Louws stated they could not. However, the Executive’s memo proposes passing a resolution to authorize the ballot measure and rework the JFUA as requested. Approval of the jail facility use agreement was struck from the resolution. He asked if they can do these in sequence rather than concurrently. Louws stated they can pass the resolution tonight. They will work on the jail facility use agreement, which will come back to the Council for approval before going to the small cities. The Council may be able to make small adjustments that don’t unravel the deal. If there are major shifts in the funding formula, they will have to reconsider the bond consultants and everyone engaged. The administration shifted about $25 million to the County from the cities.

Browne stated he supports the recommendation and supports the Executive continuing to lead negotiations, not the Council, because he is more intimately involved in the process and is working full time on it.

Sidhu stated the question needs to be put on the ballot. It is ultimately the decision of the voters. The best thing they can do is work collaboratively. He hopes the City of Bellingham will come around and participate. He believes the Executive will negotiate on behalf of the County.

Weimer asked if the Tribes are included in the discussion and are committed to this into the future. Louws stated he’s met with Tribal representatives at the Lummi Nation about the clause in the document that would charge parties not associated with the JFUA an additional charge to reimburse the cities and County for their capital contribution. The Lummi Nation uses about eight percent of the jail space right now. They are going to have a substantial charge over and above what they’re charged right now, based on a $50 additional per diem cost. The Lummi Nation doesn’t provide sales tax or property tax to
Whatcom County. The County doesn’t have any legal responsibility to pay for decisions made by the Tribal government judicial system. The Lummi Nation is well aware of the agreement. The Nooksack Tribe is an extremely small user of the facility. They only use a few bed days per year, not a percentage. He has not engaged them.

Mann stated going to the City of Bellingham last with a JFUA, when they are more than double all the population of all the other cities combined, and then not negotiating due to a lack of time is not acceptable. He won’t support option one. The jail is too expensive and he won’t support it.

Louws stated that all cities received the agreement at the very same time, on April 10. The City of Bellingham was the last to respond. The City Council chose not to act on this agreement until after the Whatcom County Council acted on it. They voted and suggested four guiding principles that are very difficult to interpret. They’ve had the exact same amount of time as all the other cities.

Mann stated he apologizes, and that he misunderstood. However, they’ve all only had the documents since April 10. Executive Louws gave a presentation to all the small cities, and to Bellingham last. Louws stated he attended the Bellingham City Council as soon as they could schedule him. He would have gone sooner had they scheduled him sooner.

Browne asked how much time was spent before April 10 discussing the issue with the various parties at the different cities. Louws stated he started negotiating and talking to the Bellingham Mayor on September 20, 2014. They worked on it off and on since then. They kept the small cities engaged also. They were seriously engaged in early 2015. He appreciates the staffs of the small cities, who did a great amount of work. He asked for final comments by the middle of March. Final comments from the City of Bellingham arrived in early April. He had to scramble to get it to everyone on April 10.

Browne stated it’s fair to say that Bellingham has been engaged in the negotiations for about eight months. Louws stated it is. They have gotten close to a decision several times. A decision of the County Council is necessary to move forward.

Weimer stated he is having a hard time forwarding this motion this evening. He’s committed to getting something on the ballot. He heard something different from the Bellingham City Council Members than from the Bellingham Mayor. The Mayor’s proposal and those 14 points is a non-starter. The County can’t make that work. However, it seems like the ballot measure will die without the City of Bellingham. The City Council members seemed like they would not go along with it. He doesn’t know how to put out a ballot measure to citizens, almost half of who live in Bellingham, and ask them to support a County jail that they won’t have access to. It makes sense to try to reach out to the City Council and work it out.

Brenner stated the City hasn’t wanted to work with the County. The more they stall, the more disruptive it is to the public trust. The County needs to move forward. She hasn’t seen a good faith effort from the City. She doesn’t want to give the public the impression that the County is being wishy washy.
Browne stated the City of Bellingham doesn’t have any place to put its misdemeanants if it doesn’t participate. However, anyone who commits a felon will still be housed in the County jail. The County is providing services for the City, although it’s the County’s mandated requirement. If the City is 40 percent of the population, then about 40 percent of the felons will come from the city of Bellingham.

Sidhu asked about setting a per diem rate for the City for inmates, like they will do with the Tribes, if they don’t sign on to the agreement. Louws stated they could do that. There will be some opportunity to rent beds to the Tribes and Bellingham. However, they risk us running out of bed space in the future as the population grows. Keep in mind that the City of Bellingham still has to use that money from the sales tax for purposes as defined by State law. They will obviously need it. The agreement as written asks for $1.75 million per year from all the cities. Bellingham’s contribution is about $1.25 million. The City will have about $800,000 of new revenue per year starting in 2019. That amount will grow to an average of $1.7 million over the life of the bond. The City will have quite a bit of new money to direct as they wish.

Motion to approve the resolution and ask the Executive to move forward on option one carried by the following vote:

Ayes: Brenner, Sidhu, Browne, and Kremen (4)
Nays: Weimer, Mann, and Buchanan (3)

INTRODUCTION ITEMS

Weimer stated items were added to the Introduction Items. He’s not sure where they came from.

Browne stated they were submitted by four different citizens this morning. He took the liberty of printing them out and putting them in the packet.

Weimer asked if Councilmember Browne is sponsoring these items.

Browne stated he is sponsoring them as Introduction Items.

Brenner asked that the four items be read into the record.

Weimer read the four agenda item titles for Introduction Items five through eight. They would be added to Introduction and scheduled for a public hearing on July 7.

**Browne moved** to accept the Introduction Items. Mann seconded the motion.

Buchanan withdrew item one.

Weimer stated they are voting to Introduce Items two through eight.

The motion to accept Introduction Items two through eight carried by the following vote:

Ayes: Brenner, Sidhu, Mann, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)
1. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.118, CREATING A WILDLIFE ADVISORY COMMITTEE (AB2015-175)

Buchanan reported for the Natural Resources Committee and submitted a substitute ordinance with amendments from the committee. He moved to accept the Introduction Item and moved to accept the amendments included in the substitute ordinance. The motion was seconded.

The motion to accept the amendment in the substitute carried by the following vote:
Ayes: Brenner, Sidhu, Mann, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

The motion to introduce the substitute carried by the following vote:
Ayes: Brenner, Sidhu, Mann, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

2. ORDINANCE ORDERING THE CLOSURE OF A PORTION OF MANLEY ROAD TO MOTORIZED VEHICULAR TRAFFIC (AB2015-203)

3. RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF DELTA LINE ROAD (AB2015-115A)

4. 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)

5. ORDINANCE PROPOSING AN AMENDMENT TO THE WHATCOM COUNTY CHARTER TO RESPECT COMMUNITIES AND PROVIDE FOR FAIR ELECTION IN FIVE EQUAL DISTRICTS (AB2015-205)

6. 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)

7. ORDINANCE PROPOSING AN AMENDMENT TO THE WHATCOM COUNTY CHARTER TO ELECT CHARTER REVIEW COMMISSIONERS BY COUNTY SO THAT THEY REPRESENT DISTRICTS AND ARE EQUALLY ACCOUNTABLE TO EACH VOTER (AB2015-207)

8. 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)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES
Weimer stated letters went out to those invited to participate in the Incarceration Prevention and Reduction Task Force. The Council also needs to decide who wants to be on that Task Force.

Sidhu stated that the Home Rule Charter is the constitution of Whatcom County. Proposed amendments by the Charter Review Commission should be approved by a two-thirds majority of the Commission. It is fundamental that any amendment should not be proposed by a simple majority, but by a two-thirds majority instead.

Brenner asked if the Prosecutor decides before it goes on the ballot whether it’s constitutional.

Kremen stated that at the State legislature, the court doesn’t make decisions on something that doesn’t exist. It has to be voted in by the people first.

Brenner stated she worked with the Prosecutor on an item she had proposed.

Mann stated the Prosecutor determines the wording of the ballot title.

Browne stated that as far as he knows, the County Prosecutor Dan Gibson has already done some constitutional review on some of the proposed amendments that the Charter Review Commission put forward. Mr. Gibson found that several of them wouldn’t stand a constitutional test and recommended that they don’t go forward, because they ultimately wouldn’t survive.

Weimer stated that the Commission didn’t put those items forward after Mr. Gibson talked about them.

Brenner stated the one that has her most concerned is the one that says the Council can’t make any changes for ten years.

Karen Frakes, Prosecutor’s Office, stated Dan Gibson offered that advice, but it’s up to the Commission to decide what to do, with that advice in mind.

Browne stated that if he wasn’t clear, that’s what he was trying to communicate.

Weimer stated the Charter says the Council has to put these on the ballot. There is a requirement that says only the Council can put things on the ballot. He asked what happens if the Council wants a legal opinion. Frakes stated the Council doesn’t have the option of deciding not to put something from the Charter Review Commission on the ballot.

Weimer asked if the Charter outranks the State Constitution. Frakes stated the Council has the authority to do that, but they’ve given that authority also to the Charter Review Commission.

**Mann nominated** himself to serve on the Task Force. The nomination was seconded.

**Weimer nominated** Councilmember Brenner to serve on the Task Force. The nomination was seconded.
Weimer stated he would vote for Councilmember Mann, who has helped him the last four or five months looking at all these prevention and diversion issues.

**Brenner** stated she’s done the same thing for years. She *withdrew* her name from consideration. She didn’t want to fight about it.

Weimer stated Councilmember Mann is the only nominee.

The appointment carried by the following vote:

**Ayes:** Brenner, Sidhu, Mann, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Browne asked if Other Item 3, regarding the request authorization for the County Executive to enter into a contract between Whatcom County and Nehalem Marine Manufacturing for the fabrication, transport and installation of a flood gate assembly and muted tidal regulator for the De Boer culvert replacement project, in the amount of $53,561.03 (AB2015-192) needed a roll call vote.

Dana Brown-Davis, Clerk of the Council, stated it did not. It is a only a request, not a resolution.

Mann reported that he and his family attended the Deming Logging Show.

Brenner reported that she attended the Woods Tour. Also, she saw a grass fire on Cedarville Road. She talked to the fire marshal about it. The weather has been so dry, and it was just a grass fire. She’s happy everyone supported the fireworks ordinance. She hopes it will reduce the possibility of fires, because it is so dry.

**ADJOURN**

The meeting adjourned at 9:40 p.m.

The County Council approved these minutes on ______, 2015.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Carl Weimer, Council Chair

Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Vice-Chair Rud Browne called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Rud Browne, Barry Buchanan, Ken Mann, and Pete Kremen
Absent: Carl Weimer

1. PUBLIC SESSION

April Barker stated global and national issues of homelessness, jail inmate rates, drug abuse, and teen pregnancy come down to how they design communities. She’s excited about planning for healthy and safe communities. Continue to plan for that in the future. Take a longer term view when making planning decisions.

2. HEALTH OFFICER REPORT

Greg Stern, Health Department, introduced the new Communicable Disease Manager, Dr. Kristen Janusz, and described her background.

He gave a staff report on the joint investigation with the Centers for Disease Control and Prevention (CDC) on the e-coli outbreak at the Northwest Washington Fair in Lynden. The area of contamination was the dairy barn. He described the study results. There was contamination in the environment prior to the presence of animals at the event. Some associated behavior includes people’s hands not being clean and ending up in their mouths. To reduce risk in the future, national guidelines provide information on measures to reduce risk of infection when animals are in public settings. They’ve met with Fair officials, Health staff, and the CDC to discuss future safety measures, which include increased staff and public education, signage, and handwashing stations.

The County has regulatory authority over food services. Washington Administrative Code 246-100-192 addresses animals in public settings and measures to prevent human disease. It requires these safety measures in these types of settings. They will enhance the use and enforcement of that code. The Department is reviewing its processes regarding food service regulations and is working with the agricultural community on their processes to reduce infection risk. There have been temporary food services in these animal contact areas when animals aren’t there. E-coli and bacteria can remain in the environment for a long time. They don’t think the animals present during the event were the source of the infection. Animals that had been in the area earlier for previous events may have contaminated the area. They haven’t fully recognized the risk to the public of having food
services in these settings. They will review their issuance of temporary food service permits in contaminated settings. That may lead to public feedback to the Council.

Brenner asked how many sanitizing wipes are around, especially in food service areas. Stern stated they shouldn’t serve food in animal contact areas. There should be handwashing stations at the exit points from the animal contact areas and at eating locations. Bacteria can also be carried around on clothes and shoes. Handwashing isn’t sufficient.

Brenner stated some places have sanitizing wipes around, and others don’t. It needs to be in more places where there is food.

Mann asked if the Board has a role in creating guidelines. Stern stated there are existing regulations regarding food service that they can implement without any change in regulations. They may have more stringent local regulations on animals in public settings that would come to the Board of Health for review. Their experience with this event is leading them to review practices.

Mann stated he is concerned about over-correcting the issue. They can’t sterilize the entire planet. Have reasonable guidelines, such as signage and handwashing stations, but don’t ban food from the Northwest Washington Fair. He’s amenable to making a change to not serve food in a barn.

Stern stated there are recurring episodes of sporadic enteric infections across the state. He is aware of the importance of balancing risk and activity.

Kremen stated he appreciates that the Health Department doesn’t have a history of overreacting. He’s concerned that the public may get the impression that the Northwest Washington Fair is an unsafe place. He asked if Dr. Stern and the Fair officials have developed an approach for more public awareness. Stern stated the meetings with the Fair officials were very collaborative to make it safer and still support the agricultural community. They are good partners who are willing to implement a variety of safety measures to reduce risk and make the activity healthier.

Brenner stated she attended the Northwest Washington Fair Foundation dinner, where someone spoke about the collaborative relationship with the Health Department. They were very positive about the experience.

Browne stated the Fair officials understand the reputational risk if they don’t deal with the issue. They have their own concern about their reputation. He asked if there has been any consideration of having a place where people can wash their shoes so they don’t track animal feces home. Stern stated part of the education and signage has to do with recognizing risk and avoiding taking strollers and wheelchairs into animal contract areas, because of the difficulty of decontamination. They are using an educational approach. People need to have the information in order to act on it. That’s what they’re focusing on. They’re trying to engineer things that take people’s behavior into account. They won’t be able to sanitize the environment around farm animals. He hasn’t heard about shoe baths in those settings. They’re used for bio-security for avian flu prevention, but they can’t eliminate some risks when thousands of people are going through an area.
Browne stated an idea was for a person to walk through AstroTurf soaked in bleach solution. Also, there could be sanitizing stations on the tabletops in the food service areas.

Brenner asked if there have been any cases of West Nile virus locally. They’ve been hearing about it in other places. Stern stated there aren’t. It is usually in Central Washington.

Browne stated they’ve had unseasonably warm and dry weather this year. He asked if that changes the disease factor profile. Stern stated it does. Wet weather increases mosquitos the following season. He will send local information.

4. PROMOTING HEALTHY COMMUNITIES THROUGH POLICY, SYSTEMS, AND ENVIRONMENTAL CHANGE

Regina Delahunt, Health Department Director, introduced the Healthy Communities program and community planning efforts. They’re really trying to work on the strategies that are part of the strategic plan and on the community goals. She referenced and read from the presentation in the Board packet (on file) on the strategic priorities.

Goals for today are to make sure the Board understands why it’s so important to have community health in mind when planning for communities and to make sure the Board is informed and engaged when discussing community planning policy. She described the Community Health Improvement Plan (CHIP) objectives.

Brenner stated include seniors as a vulnerable population in the CHIP Objectives.

Melissa Morin, Health Department, continued the presentation on improving population health through policy systems and environmental change.

Brenner asked if they are engaging the school districts and the Planning Department. The community in East County tried to get a nice big grocery store in their area, but the Planning Department recommended against it. Morin stated they must facilitate and collaborate with those partners. They’ve seen these presentations. She continued the presentation.

Nicole Willis, Health Department, continued the presentation on research and relevant data.

Morin continued the presentation on working with planning partners.

Brenner asked if they are working with planning staff in the cities. Morin stated they have focused on the County and Bellingham, partly because they’re the largest population bases. They attended a meeting with all planners in all jurisdictions earlier this year to provide this information.

Brenner stated all the planning commissions have email addresses. The Health Department could send them an email. There is a lot of independent thinking beyond the government level. Morin stated they will take the suggestion into account.
Browne stated the earlier all participants are involved, the more the jurisdictions will accept final recommendations. Morin stated planning staff have requested Health Department help. The Health Department provided recommendations when new chapters were being drafted. Some of the Health Department recommendations have already been incorporated into the chapters that the Planning Commission is now seeing. They’re basing next steps on where that goes.

Delahunt stated Ms. Morin is the only staff working on this program, so although they would like to work with all the jurisdictions, they have to put resources where they can.

Morin continued the presentation on implementing policies in Kendall and Columbia Valley.

Brenner stated she would like to see the Kendall and Columbia Valley community survey questions. Brenner asked how many people who were surveyed actually responded. Morin stated that the area population is over 4,000, and they received more than 200 responses, which is a good response rate. The survey was distributed by community groups, not mailed.

Brenner stated it’s important to make sure they engage people who aren’t involved with the community groups. Also, the survey should ask if people need access, not just want access. Morin stated the survey question asked how important the access is to their daily activities and life.

The community was awarded a two-year technical assistance grant from the National Park Service to help them plan a trail. They hosted a design workshop in April where they developed a plan and shared data about the existing conditions and vulnerable populations.

Brenner stated she would like to compare the data with what’s going on in Seattle. It seems Whatcom County housing costs are growing. She wants to know where they might be headed. Morin stated they could compare the same census data with Seattle and Bellingham.

She concluded the presentation. They are working on minor changes to the drawings to develop a plan for implementing the trail. They imagined a grand plan that includes an entire system of parks, trails, and recreation. However, the group working on the trail is focused on safety and bicycle and pedestrian access along the highway corridor.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Ben Scholtz, Public Health Advisory Board Chair, stated recognize and support the collaboration between Health Department and Planning Department staff. Consider health care as a lens when considering planning questions. Support the healthy community projects. The planners are eager to work with Health Department staff. Healthy planning is recognized as a good idea at national and international levels. Coordination between the Health Department and Planning Department staff is beneficial for both.

Sidhu stated June 23 was World Yoga Day. Incorporate things like that. Emotional and mental health can be helped if people learn how to breath. It’s something they can
start talking about. Organize a weekly community exercise session in a local park, for example.

Mann stated he supports the work of Ms. Morin and this effort.

Buchanan stated he is a member of the Public Health Advisory Board (PHAB) and participated in the workshops with the planners. The Health Board could create a resolution in support of healthy planning and how important it is to integrate public health with the planning process.

Buchanan stated he’s interested in getting a list of recommendations as to how they can identify and eliminate barriers that are under the County’s control.

Brenner referenced typos in table headings of the Healthy Plan Making document in the Board packet. Morin stated they will correct the typos.

Sidhu stated the data on Board packet page 25 indicates more than 50 percent of the county population is under 200 percent of the federal poverty level. That’s high.

Kremen stated glaring issues are housing affordability and wage disparity. Cost of housing in Seattle is 121 percent of average, but their wages are 110 percent of average. Housing costs in Whatcom county are about 113 percent of normal, but the wages are 80 percent of normal. The disparity between the two is one of the most glaring in the state. As they plan for the future, they must develop affordable housing. Consider cost-benefit factors and whether some of the environmental controls are providing much benefit. Be more conscious of the policies the County adopts and if they exacerbate the high housing costs. Morin stated the Health Department is providing recommendations for Bellingham’s Comprehensive Plan by the end of this week. The PHAB helped develop those recommendations and identified opportunities they should highlight in the Bellingham Comprehensive Plan. Their biggest issue is housing. They are just beginning to look at the issue.

Delahunt stated the Housing Advisory Committee has also looked at the comprehensive plans and affordable housing.

Sidhu stated the cost of healthcare now competes with the cost of a home mortgage. It never used to be that expensive.

Brenner asked if the average wage affects whether housing is affordable. Morin stated they are using local census information on the housing cost burden. They are looking at housing costs that exceed 30 percent of total household income for that locality.

Brenner stated she would like to see Whatcom county compared with Seattle and Bellingham. The cost of housing is rising and the incomes are sinking. The data about vacancy rates in the county was surprising. She would like to see the data broken down into different areas of the county.

Kremen stated the Board is requesting a lot of good information, but they have only one staff person. He suggested they ask an intern to gather the information. Morin stated there is a website that maps all the data and filters it by data indicators.
Browne stated he suggests that the Health Department could use university interns for research.

Delahunt stated she hopes the Health Board will support these efforts in community planning when the Comprehensive Plan comes before the Council and the Planning Commission makes its recommendations.

Browne stated he found the information useful. He asked that staff correct the errors in the documents and return the corrected information. He would like to receive a link from the website mentioned.

**ADJOURN**

The meeting adjourned at 12:06 p.m.

The Council approved these minutes on ________________, 2015.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Rud Browne, Council Vice-Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: Ken Mann.

SPECIAL ORDER OF BUSINESS

1. 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 COMMISSION (AB2015-219A)

Weimer stated the Council has continued to attempt to find people to appoint to committees that don’t have anyone appointed.

Browne moved to appoint Mark Asmundson to Proposition 5, Con Committee. The motion was seconded.

Brenner stated she thought the Charter Review Commission proposed going to 15 percent, not to eight percent, and that the citizen who proposed 8 percent withdrew it.

Sidhu stated the Charter Review Commission has two proposals. One proposal is regarding initiative amendments to the County Charter, which requires 15 percent of votes. A second proposal is regarding any other initiative, which requires eight percent of vote. There are two separate things. He asked who would write the statements if no one is appointed to a statement committee.

Weimer asked if the Charter Review Commission introduced proposition five, to lower initiative and referendum signatures from 15 percent to eight percent.

Jill Nixon, Council Office, stated it did.

Diana Bradrick, Auditor’s Office, stated the Auditor will try to find people to fill positions on the vacant statement committees. If no one comes forward, the voters pamphlet will just say that no statement was provided.

The motion carried by the following vote:
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Mann (1)

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 3:13 p.m.
The County Council approved these minutes on ___________ 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**TITLE OF DOCUMENT:** A Resolution Approving the Sale of an Access Easement

**ATTACHMENTS:**
1. Cover Memo
2. Resolution
3. Access Easement
4. Map of Site

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Brian Kerkvliet and Alexandra King, owners of property adjacent to a Whatcom County owned gravel pit known as Abel Pit, have requested formal access over the County owned property to access their property. Whatcom County Public Works recommends selling an access easement to provide them with access to their property.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

10/13/2015: Introduced 4-0

---

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
MEMORANDUM

To: The Honorable County Executive Jack Louws and Honorable Members of the County Council

Through: Jon Hutchings, Director

From: Andrew Hester, Real Estate Coordinator

Date: September 29, 2015

Re: A Resolution Approving the Sale of an Access Easement

Enclosed is a resolution requesting the approval of an access easement allowing access across Whatcom County property.

Requested Action
Public Works respectfully requests that the Whatcom County Council hold a public hearing and take action on the proposed resolution to approve an access easement allowing access across Whatcom County property.

Background and Purpose
Brian Kerkvliet and Alexandra King own property adjacent to County property known as “Abel Pit”. There is a paved access road used by Public Works to access the gravel pit from East Laurel Road. The access road is part of the “Abel Pit” property and is not a County road. According to the property owners the access road has been used by the former owners of their property to access their property since the 1970’s. Aerial photos from 1976 show driveways existing off of the gravel pit access road. Public Works was unable to find a formal or informal access agreement in property records. Public Works is supportive of granting an access easement allowing access over the access road.

Funding Amount and Source
The property owners are responsible for paying all costs associated with the access easement including compensating Whatcom County $934.00 for the access easement as valued by an appraisal. No County funds have been expended to secure this easement.

Please contact me at extension 6216 if you have any questions or concerns regarding this resolution.

Encl.
RESOLUTION NO. ________

A RESOLUTION APPROVING THE SALE OF AN ACCESS EASEMENT

WHEREAS, Whatcom County owns a gravel pit known as “Abel Pit”, tax parcel number 390320 186151 0000, that has a paved road on it that is used by Public Works to access the property from East Laurel Road; and

WHEREAS, said paved road is part of the “Abel Pit” property and is not part of the County Road System; and

WHEREAS, Brian Kerkvliet and Alexandra King (“Grantees”), own property identified as tax parcel number 390320 183218 0000, that is adjacent to “Abel Pit” and use said paved road to access their property; and

WHEREAS, the Grantees and the former owners of the Grantees’ property have used said paved road to access their property since the 1970’s; and

WHEREAS, the Grantees wish to have formal legal access to their property; and

WHEREAS, while the County Code does not specifically address the procedure for conveying a limited interest in County property, this matter has been reviewed by the Property Management Committee with a recommendation to present to the County Council for approval; and

WHEREAS, Public Works is supportive of granting an Access Easement to the Grantees to provide them with formal legal access to their property; and

WHEREAS, as compensation for the Access Easement the Grantees will be required to pay Whatcom County $934.00 as valued by an appraisal; and

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the Executive is authorized to conclude the sale of the Access Easement as set forth in Exhibit A to the Grantees subject to full payment and to the terms and conditions of the Access Easement.

APPROVED this ______ day of ____________, 2015

ATTEST: WHATCOM COUNTY COUNCIL

_________________________ WHATCOM COUNTY, WASHINGTON
Dana Brown-Davis, County Clerk

_________________________ Carl Weimer, Council Chair

APPROVED AS TO FORM:

_________________________
Daniel J. Gibson
Chief Civil Deputy Prosecutor
After recording return document to:

Whatcom County Public Works
Real Estate Coordinator
322 N. Commercial, Suite 210
Bellingham, WA 98225

Document Title: ACCESS EASEMENT
Reference Number of Related Documents: None

Grantor: Whatcom County
Grantee: Brian Kerkvliet and Alexandra King, as Trustees of the Able Trust, U/T/D March 14, 2006
Legal Description: Ptn of W 10 Ac of E 35 Ac of E ½ SW Less Rd, S20, T39N, R3E
Additional Legal Description is on Page 10
Assessor's Tax Parcel Number: 390320 186151 0000

ACCESS EASEMENT

THIS ACCESS EASEMENT is made and entered into this ______ day of ______, 2015, by and between WHATCOM COUNTY, A WASHINGTON
MUNICIPAL CORPORATION, hereinafter referred to as “Grantor” and BRIAN
KERKVLIET AND ALEXANDRA KING, AS TRUSTEES OF THE ABLE TRUST,
U/T/D MARCH 14, 2006, hereinafter referred to as “Grantees.”

RECATALS

WHEREAS, the Grantees own real property located in Whatcom County, Washington, legally described as follows: See Exhibit A attached hereto and made a part hereof.
Situate in Whatcom County, Washington; and

WHEREAS, the Grantor owns real property located in Whatcom County, Washington, legally described as follows: See Exhibit B attached hereto and made a part hereof.
Situate in Whatcom County, Washington; and

WHEREAS, the Grantees desire an access easement to and from their property; and

WHEREAS, the Grantees and previous owners of Grantees’ property have been using portions of Grantor’s property to access their property without permission;

Page 1 of 10 Pages
ACCESS EASEMENT

NOW, THEREFORE, Grantor, in consideration of ten dollars ($10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, and in consideration of the performance by the Grantees of the covenants, terms and conditions hereinafter set forth, hereby conveys and grants to Grantees, their heirs, successors and assigns a nonexclusive access easement over, across, along, in and upon that portion of the Grantor’s property described in Exhibit C (“Easement Area”) attached hereto for the purposes of ingress and egress.

1. Grantees’ Use/Restrictions: Grantees agree to use the areas subject to easement granted by Grantor for ingress and egress. Grantees shall exercise their rights under this easement so as to minimize and avoid, insofar as possible, interference with the use by Grantor of Grantor’s property and shall at all times conduct their activities in the Easement Area so as not to interfere with, obstruct or endanger Grantor’s operations or facilities. Grantees agree not to damage the Easement Area beyond normal wear and tear associated with residential access. In the event Grantees damage the Easement Area the cost of repairing such damage shall be borne by Grantees.

2. Easement Area Legal Description: Grantees prepared Exhibit C, which describes the Easement Area. Grantees represent that Exhibit C is a true and accurate description of the Easement Area. Grantees’ obligation to provide a true and accurate description of the Easement Area is a material term of this easement.
ACCESS EASEMENT

3. Release and Indemnity. Grantees do hereby release, indemnify and promise to defend and save harmless Grantor from and against any and all liability, loss, cost, damage, expense, actions and claims, including costs and reasonable attorney’s fees incurred by Grantor in defense thereof, asserted or arising directly or indirectly on account of or out of (1) acts or omissions of Grantees and Grantees’ agents, employees, and contractors in the exercise of the rights granted herein, or (2) acts and omissions of Grantor in its use of Grantor’s property which affect Grantees and Grantees’ employees, agents, contractors, and other parties benefiting from said easement; provided however, this paragraph does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property cause by or resulting from the sole negligence of Grantor or Grantor’s agents or employees. If liability arises out of bodily injury or death to persons or damage to property as a result of the concurrent negligence of Grantees, their agents or their employees, and of Grantor, its agents or its employees, Grantees are responsible for indemnification only to the degree and extent of the negligence of Grantees, their agents, or their employees. However, this paragraph does not purport to indemnify Grantor against liability caused by or resulting from the negligence of Grantor or Grantor’s agents or employees.
ACCESS EASEMENT

IN WITNESS WHEREOF, the parties have executed this document as of the date first above written.

Whatcom County

______________________________
Jon Hutchings
Director, Public Works

Approved as to form:
Prosecuting Attorney’s Office

______________________________
Daniel Gibson,
Chief Civil Deputy Prosecutor

Accepted and Approved for Whatcom County:

______________________________
Jack Louws, County Executive

STATE OF WASHINGTON )
: ss
COUNTY OF WHATCOM )

On this ______ day of ____________, 2015, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, a municipal corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Whatcom County, for the uses and purposes herein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of Whatcom County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

______________________________
Notary Public in and for the State of Washington
Residing at _____________________________
My commission expires ________________
ACCESS EASEMENT

Accepted and approved by Brian Kerkvliet and Alexandra King, as Trustees of the Able Trust, U/T/D March 14, 2006

________________________________________
Brian Kerkvliet, Trustee

________________________________________
Alexandra King, Trustee

STATE OF WASHINGTON )
: ss
County of WHATCOM )

On this ___________________ day of ____________ 2015, before me personally appeared Brian Kerkvliet and Alexandra King, as Trustees of the Able Trust, U/T/D March 14, 2006, to me known to be the individuals described herein and who executed the foregoing instrument, and acknowledge that they signed the same as their free and voluntary act and in the capacity and for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

________________________________________
Notary Public in and for the State of Washington, residing at _________________

My commission expires _________________

Page 5 of 8 Pages
ACCESS EASEMENT

EXHIBIT A

Legal Description of Grantee’s property (parcel number 390320 183218 0000)

The South 370 feet of the following described property:

The North 650 feet lying west of a line drawn 30 feet west of and parallel with the east line of the following described tract:

That portion of the West 10 acres of the East 35 acres of the two following described tracts of land, to-wit:

The Northeast Quarter of the Southwest Quarter less the North 30 feet; and the North 20 rods of the Southeast Quarter of the Southwest Quarter, all of said land being in Section 20, Township 39 North, Range 3 East of W.M., more particularly described as follows:

Beginning at a point on the north line on the Southwest Quarter of Section 20, Township 39 North, Range 3 East of W.M., said point being North 88°42’30” West 676.00 feet from the center of said Section 20; thence South 1°00’ West, 1,671 feet; thence North 88°45’ West 271.4 feet; thence North 1°09’ East 1,671.2 feet; thence South 88°42’30” East, 267 feet to the Point of Beginning, less County Road No. 101 (East Laurel Road).

Situate in Whatcom County, Washington.
ACCESS EASEMENT

EXHIBIT B

Legal Description of Grantor’s property (parcel number 390320 186151)

The portion of the West 10 acres of the East 35 acres of the two following described tracts of land, to-wit; The Northeast quarter of the Southwest quarter, less the North 30 feet; and the North 20 rods of the Southeast quarter of the Southwest quarter. All of said land being in Section 20, Township 39 North, Range 3 East of the Willamette Meridian;

More particularly described as follows: Beginning at a point on the North line of the Southwest quarter of Section 20, Township 39 North, Range 3 East of the Willamette Meridian. Said point being North 88°42’30” West, 676.00 feet from the center of said Section 20; thence South 1°0’ West, 1,671.00 feet; thence North 88°45’ West, 271.4 feet; thence North 1°09’ East, 1,671.2 feet; thence South 88°42’30” East, 267 feet to the point of beginning;

Excepting there from that portion of the North 650 feet, lying West of a line drawn 30 feet West of and parallel with the East line of the above described tract. Also less County road and containing 6.75 acres.
ACCESS EASEMENT

EXHIBIT C

Access Easement Legal Description:

A ten foot easement for ingress and egress over and across the following described tract;

Commencing at a point on the north line of the Southwest Quarter of Section 20, Township 39 North, Range 3 East of W.M., said point being North 88°42’30” West, 696.00 feet from the center of said Section 20; thence South 01°00’00” West, 408.00 feet; thence North 88°42’30” West, 10.00 feet to the west line of the east 30 feet of that tract of land conveyed under Whatcom County Auditor’s file number 839169; thence North 01°00’00” East, 408.00 feet to the north line of said Southwest Quarter; thence South 88°42’30” East, 10.00 feet to the Point of Beginning;

Less County Road No. 101 (commonly known as East Laurel Road).
## WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator</td>
<td>Browne</td>
<td>9/30/2015</td>
<td></td>
<td>9/29/2015</td>
<td>Council</td>
</tr>
<tr>
<td>Division Head</td>
<td></td>
<td></td>
<td></td>
<td>10/13/2015</td>
<td>Council</td>
</tr>
<tr>
<td>Dept. Head</td>
<td>10-12-15</td>
<td></td>
<td></td>
<td>10/27/2015</td>
<td>Council</td>
</tr>
<tr>
<td>Prosecutor</td>
<td></td>
<td>10-15-15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Res requesting spreadsheet of various Jail Facility Use Agreement proposals

**ATTACHMENTS:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution requesting the County Executive to develop spreadsheet models to make it easier for the Whatcom County Council, the City of Bellingham and other interested parties to understand the impact of the various proposals related to a new long term Jail Facility Use Agreement (JFUA)

### COMMITTEE ACTION:

### COUNCIL ACTION:

- 9/29/2015: Introduced 7-0
- 10/13/2015: Pulled from agenda

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)
RESOLUTION NO. ______

REQUESTING THE COUNTY EXECUTIVE TO DEVELOP SPREADSHEET MODELS TO MAKE IT EASIER FOR THE WHATCOM COUNTY COUNCIL, THE CITY OF BELLINGHAM AND OTHER INTERESTED PARTIES TO UNDERSTAND THE IMPACT OF THE VARIOUS PROPOSALS RELATED TO A NEW LONG TERM JAIL FACILITY USE AGREEMENT (JFUA)

WHEREAS, Whatcom County, the City of Bellingham and other interested parties (the “Parties”) have been working to negotiate a new long term Jail Facility use Agreement.

WHEREAS, The City of Bellingham and Whatcom County have submitted several proposals to each other over the last several months.

WHEREAS, The Whatcom County Council wishes to fully evaluate the City of Bellingham’s proposal but feels it does not currently have the necessary models to identify the fiscal impact to the County.

WHEREAS, The Whatcom County Council wishes to give due consideration to the various stakeholders in the community so as to objectively establish what the size and nature of the first phase of the new jail should be.

WHEREAS, It is common within the private sector for parties involved in large complex negotiations to jointly develop modelling tools such as spreadsheets which the parties use to collaboratively reach consensus on the critical key assumptions and the impact of various proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Whatcom County Council requests the County Executive to work with County staff and ideally also the City of Bellingham to develop the following;

1. **Current Jail Utilization Model.** This model should include all available factors necessary to determine what Whatcom County’s and each of the cities’ current utilization of the jail has been over the last 12 months. The goal of the model will be achieved if each law enforcement department can confirm to their respective Councils that they agree with the way the current jail utilization numbers are being allocated between the jurisdictions.

2. **Jail Financing Model.** This model should individually identify all of the County’s current and proposed financial needs for jail construction and operating costs over the next 30 years. The model should identify current and expected future sources of funding for the next 30 years. The proposed contributions from each of the cities should be identified individually and ideally should correlate with their expected future utilization rates. The goal of the model will be achieved if a user can alter the allocation of various revenue and costs between the parties and see the cumulative effect on the County and individual cities.
3. **Proposed New Jail Size Model.** This model should incorporate the data and assumptions of pages 7 thru 12 of the DLR Group’s Pre-Design report (attached) that were used to arrive at the current recommended phase one size of 521 beds. The purpose is to use objective calculations rather than subjective assumptions to establish consensus about what the right size for phase one of the new jail should be. The goal of the model will be achieved if (a) individual users can enable or disable various factors and see the impact reflected in the size of the jail recommended by the model, and (b) the various stakeholders are able to use the model to reach an objective agreement as to what the size of the jail should be. Specifically the model should allow a user to experiment with the impact of various “what if scenarios” such as:

i. the factors identified on the “Unknown Influences on Jail Bed Need” page of the DLR Group’s report.

ii. the full retention, partial retention and elimination of the existing minimum security facility at Irongate.

iii. the possible future conversion of various frequent offences currently punishable by imprisonment to non-imprisonment offences, such as failure to appear, driving while license suspended in the first degree etc.

iv. the expanded use of alternatives to incarceration such as ankle bracelets, drug courts etc.

v. plus allows for 10 additional user defined variables to be incorporated.

APPROVED this_____day of__________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

[Signature]

Civil Deputy Prosecutor
Jail projections are the building block of any new jail facility. Everything in a jail is based on the number of beds support functions must serve, and therefore, a driving factor in new facility needs.

Projections for Whatcom County are based on historical information gathered from the County.

**County Population and Jail Beds**

Whatcom County has grown from a population of 166,814 in 2000 to about 201,292 in 2012. This represents less than 2% annual growth. The County has adopted the medium projection method (from Washington's Office of Financial Management or OFM) to base future needs on the anticipated County population in 2026 (the jail bed capacity projection horizon) will be 244,264.

Since 2000, the jail bed need has grown at roughly the same rate as the County population. There was a large spike in jail bed use when the Work Center came online, but this was expected as pent-up demand was being addressed - warrants were being served, and the judiciary and other officials felt that jail was once again a viable sanction for lower levels of criminal behavior.

Once the suppressed demand was met, the jail population stabilized while those inmates who were part of the demand were serving their sentences. Once the suppressed demand was met, the jail population stabilized and inmates were able to serve their sentences. Once this large group of offenders worked their way through the criminal justice system, the jail population temporarily stabilized at a somewhat lower level. Current data reflects the jail population is on an upward trend at approximately the same rate as the historic trend. 2012 is the latest full year of data available. 2013 year to date data indicates this upward trend is continuing.

**Jail Capacity**

Whatcom County Jail had an initial capacity of 148 beds. Soon after opening, this number proved insufficient for demand. Over time, the jail added beds by retrofitting and converting storage rooms and alternatives spaces to bed space. This increased the capacity incrementally from 1994-2006 to about 260 beds. In 2007 the Work Center opened and provided 190 minimum security beds.
Jail Demographics

Whatcom County's jail system is the only adult detention option in the county. In addition, the County provides detention services for all of the local municipalities, the Lummi Nation and Nooksack tribe, and State agencies such as Washington State Patrol and the Department of Corrections. There is an increased proportion of Native American inmates, primarily due to the Lummi Nation and Nooksack tribe contracting with Whatcom County for the majority of their inmates.

Male inmates make up the majority of the jail population, accounting for 82%. Females, while definitely in the minority, are a growing population. This reflects a nationwide trend. Between 2000 and 2012, the percentage of female offenders in jails throughout the United States grew by almost 40%. Planning for new facilities must take into account this growing population'. (Source: Jail Inmates at Midyear 2012-Statistics Tables, May 2013 Bureau of Justice Statistics)

Inmates have been detained in Whatcom County for a variety of reasons. These range from public order offenses to violent crimes. The chart below represents a one-day snapshot of those in-custody.

- Public Order - weapons, drunk driving, court offenses, commercialized vice, morals and decency offenses, liquor law violations, and other public-order offenses.
- Violent - murder, manslaughter, rape, other sexual assault, robbery, assault, and other violent crimes.
- Property - burglary, larceny, motor vehicle theft, fraud, and other property crimes.
- Drug - Controlled substances use, trafficking, and related drug crimes
- Other/Unspecified - juvenile and other unspecified offense categories.

Charges brought against an individual are either misdemeanors or felonies. Generally speaking, bail and alternatives to incarceration are more available to those charged with the less serious misdemeanors. This, coupled with the longer sentences that are normally imposed for felony charges, result in a higher proportion of felony offenders in the County jails. Also, this chart does not differentiate between pre-trial and sentenced inmates, it merely shows that over half the inmates in the Whatcom County Jail system are charged with or sentenced with a more severe charge of a felony.

Along with charge type as a factor in the makeup of the jail population is the adjudication status of each inmate. Pretrial inmates are those people who have been charged with a crime, detained, and are unable to obtain release while awaiting trial. These inmates are unable to 'make bail' or they have been denied the option of bail. The ratio of pretrial to sentenced inmates is higher than anticipated with expectations being more in the range of a 60% - 40% split. There are most likely several factors at work including: legal strategy on the part of the defense, congestion in the court docket (though Whatcom County is anticipating a new judge being added in the near future), and more sentenced offenders participating in alternatives to incarceration - especially given the overcrowded population of the existing detention option.
Inmate classification is a complicated system that can be quite different from system to system. As shown, from a one day snapshot in 2012, about 10% of the jail population is in maximum custody or segregation, this is in-line with information from the National Institute of Corrections. The large minimum and alternatives population (over 50% of the population) is most like attributed to the extensive use of alternatives Whatcom County runs as well as the fact that the Work Center is, essentially, 150 beds of minimum security.

The major differences between males and females in terms of classification is that there are statistically more males taking part in alternative programs than females.

The average length of stay (ALOS) for the Whatcom County Jail in 2012 was 22 days. In 1986, the ALOS was approximately 9 days. This represents an increase of over 144% in the ALOS since, essentially, the jail opened. This change appears to be caused by a combination of factors. A primary issue has been the increases in the percentages of pre-trial felons held in the facility. This is an indicator of a shift in jail population from primarily low level misdemeanor offenders who receive just a few days in jail to more serious felony offenders who will tend to be sentenced to longer amounts of jail time. Additional factors have been some changes in the good time calculations, elimination of an “early release” program that was determined by the local Judges to be outside of their authority, and changes in State sentencing laws that keep inmates who would previously been sent to prison in local County Jails.

It should also be noted that although the ALOS has increased over time, consistently over half of all offenders are released from custody within 72 hours. This illustrates the point that ALOS can be skewed by having a few number of offenders stay in custody for more than 6-8 months. We would also note that only about 8-6% of offenders stay less than 4 hours.
Projected Average Daily Population (ADP)

A number of methodologies were applied to the raw data provided by the County to project potential ADP in the year 2026. Three of these methodologies were ultimately used to determine a base projection.

- Method I - Jail growth projected at the County growth rate (linear regression)
- Method II - Jail growth projected at the County growth rate (2000-2012)
- Method III - Jail growth projected at the jail growth rate (2005-2012)

These methods derived possible ADPs of 452 to 505 inmates (for the year 2026). However, in addition to the ADP, a fully functional jail requires a number of beds be vacant. The County, in line with National Institute of Corrections recommendations, chose a 20% peaking/classification factor. This factor aids in the management of situations including:

- Peaks in population due to public gatherings (such as college events, holidays, etc)
- Beds being offline due to maintenance
- Beds of specific custody levels needed as new bookings are classified.
- Management of smaller populations that need to be segregated (females, protective custody).

Calculation of the peaking/classification factor to the bed need projections increases the range to 545-607.

In addition to the ADP projection and the peaking/classification factor there is an estimating range applied to each method. This is a 10% range lower and higher than the ADP plus peaking/classification calculation. This allows for slight changes in legislature, policy, as well as design flexibility.
Unknown Influences on Jail Bed Need

The calculations for future bed need are based on statistical probability. Other factors are unpredictable and can have a great influence on jail bed need. These factors, like the ones hypothesized in the charts below, are difficult to predict, let alone quantify what a statistical influence on jail bed number might be. Therefore, this study was tasked with the following:

- Identifying potential legislative, policy, and alternatives programs that might influence jail bed need in the future.
- Identifying the effect of the potential influences on future jail bed need.
- Recommending adjustments to the calculated jail bed need based on the potential future influences.

The team developed a number of legislative factors and identified if the factor would be a positive or negative influence on jail beds in the future. These factors are ‘what-if’ scenarios, some of which will be implemented and some and some of which are unlikely to occur except in extreme circumstances. Of the legislative changes examined, only two were determined to have a neutral or reducing impact on jail populations. The most extreme examples considered were patterned after the recent changes in the State of California, where, due to a Court decision, thousands of state prison inmates are being moved back into the County jail systems for a period of 2-4 years. Washington has experienced less sweeping examples of offender population transfers on a number of occasions, ranging from the 1980s’ Sentence Reform Act to 2013 changes in sentencing for some drug offenders, resulting in additional offenders being sentenced to jail rather than prison. In each case, jail populations have increased to a varying degree.

In addition, the team also developed a list of possible alternative programs that might be implemented in a detention system. Most, as it turns out, have already been in-place in Whatcom County for some time. Each was as robust as space and budget allowed. What this means to the effect on jail bed need for Whatcom County is that the majority of the jail population who are eligible for alternative programs are already benefiting from that privilege and that no other significant segment of the jail population would be available for alternative programming.
The team next focused on historical factors that have impacted the number of jail beds. While the chart does not include an exhaustive list of policy and legislative changes since the jail opened, it does include a balanced perspective. The current Whatcom County Jail was at capacity by 1989. In 1992 booking restrictions were imposed and further restrictions were imposed just a year later. These restrictions are policies put in place to help curb the number of intakes into the jail.

During the era of booking restrictions, DUI laws changed from a .10 BAC to a .08 BAC in 1996. The next year, the jail population actually decreased. It is not clear what caused the reduction, though it is interesting that where an increase was anticipated, a decrease actually occurred.

This example is to illustrate that there are many legislative and policy changes that are implemented over the years, yet the jail population continues to grow at nearly the same rate as the County over time.

Final Bed Count
Throughout the Bed Need Analysis, the County was very flexible as to how many beds should be built. As can be seen from the next chapter, physical design considerations also play a role in the number of beds constructed. For this reason, the initial bed capacity the County determined would be appropriate is illustrated below.

<table>
<thead>
<tr>
<th>Phase I Total Beds</th>
<th>621</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Cells</td>
<td>3.5</td>
</tr>
<tr>
<td>Double Cells</td>
<td>5.5</td>
</tr>
<tr>
<td>Quad Cells</td>
<td>3</td>
</tr>
<tr>
<td>Medical Housing</td>
<td>1</td>
</tr>
<tr>
<td>Phase I Total Beds</td>
<td>621</td>
</tr>
<tr>
<td>Single Cells</td>
<td>0</td>
</tr>
<tr>
<td>Double Cells</td>
<td>0</td>
</tr>
<tr>
<td>Quad Cells</td>
<td>0</td>
</tr>
<tr>
<td>Medical Housing</td>
<td>0</td>
</tr>
<tr>
<td>Phase II Total Beds</td>
<td>128</td>
</tr>
<tr>
<td>Total Beds</td>
<td>649</td>
</tr>
</tbody>
</table>

The team weighed the projections, design considerations, project costs, and classifications needs to develop a bed construction strategy that will allow the County to incrementally increase the number of beds over time as they may be needed.

---

**Policy & Legislative Changes Compared with Jail Population**

- Washington Sentencing Reform Act (SRA)
- Current Main Jail Opens
- Stricter DV Laws
- Identity Theft Laws
- Mandatory for Driving Suspended/Revoked
- WC Drug Court Begins
- Sex Offender Registration Begins
- Jail Alts Expand
- Jail Alts Expand
- Booking Restrictions Tighten
- 3rd Strike Law
- Liberalizing of the Invol. MH Detainment Laws
- Liberalizing of the Invol. MH Detainment Laws
- DUI Reduced from .10 to .08
- Jail Starts Early Release Due to Overcrowding
- Liberalizing of the Invol. MH Detainment Laws
- Liberalizing of the Invol. MH Detainment Laws
- Creation of WAHA

Green dots relate to the factor adjacent to it as well as the time line above. Blue text indicates items specifically discussed with Whatcom County Council.
TITLE OF DOCUMENT:
Resolution Establishing Regular County Council Meeting Dates for 2016

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Resolution Establishing Regular County Council Meeting Dates for 2016

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION NO. ______

ESTABLISHING REGULAR WHATCOM COUNTY COUNCIL MEETING DATES FOR 2016

WHEREAS, the Whatcom County Council has set every other Tuesday as its regular meeting schedule; and

WHEREAS, all departments should plan to schedule items in accordance with the Council’s approved meeting schedule to avoid the need for special meetings; and

WHEREAS, it is the Council’s policy to plan for breaks in its schedule in August and December and to avoid scheduling meetings on a few select dates during the year.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that regular Council meetings shall be scheduled for the following dates in 2016:

January: 12 and 26  
February: 9 and 23  
March: 8 and 22  
April: 5 and 19  
May: 3, 17, and 31  
June: 14 and 28  
July: 12 and 26  
August: 9  
September: 13 and 27  
October: 11 and 25  
November: 9 (Wednesday) and 22  
December: 6

APPROVED this _____day of October, 2015.

ATTEST:  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council  
Carl Weimer, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator: County Cou</td>
<td>10/6/2015</td>
<td></td>
<td></td>
<td>10/13/2015</td>
<td>Introduction</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td>10/27/2015</td>
<td>Council</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>10/4/2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Appointment to Flood Control Zone District Advisory Committee

**ATTACHMENTS:**
Application

**SEPA review required?**  ( ) Yes  ( ) NO  Should Clerk schedule a hearing?  ( ) Yes  ( ) NO

**SEPA review completed?**  ( ) Yes  ( ) NO  Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE
1 Vacancy representing a geographic area, partial term ending 1/31/2016
Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County. Meets the second Thursday of the month or as needed.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
10/13/2015: Application deadline for any other applicants to this vacancy is 10 a.m. on October 20, 2015.
Introduced 4-0

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

296
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Fred "Sonny" Kunchick
Date: 10/05/2015

Street Address: 5875 Green Acres Dr.
City: Burlington, Everson, WA
Zip Code: 98247

Mailing Address (if different from street address):

Day Telephone: 360-318-6386 Evening Telephone: Cell Phone: 5Kunchick75@gmail.com

1. Name of board or committee—please see reverse: Flood Control Zone District Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) (x) yes ( ) no

4. Which Council district do you live in? ( ) One (x) Two ( ) Three

5. Are you a US citizen? (x) yes ( ) no

6. Are you registered to vote in Whatcom County? (x) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes (x) no

If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes (x) no

If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I currently work as a Hazard Mitigation Assistance Specialist for the Federal Emergency Management Agency. I have been in this position for over 6 years. My college degree is in hazard mitigation.

10. Please describe why you’re interested in serving on this board or commission: I have many years of experience in developing and managing flood control projects and I would like to use that experience to support this committee in creating a safer and more resilient community.

References (please include daytime telephone number): John Graves (FEMA Flood Insurance Branch) 425-487-4737 - Deb Caudill (Flood Insurance Specialist) 425-487-4874

Signature of applicant: Kunchick 10-05-2015

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>County Cou</td>
<td>8/5/2015</td>
<td></td>
<td></td>
<td>9/15/2015</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9/29/2015</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10/13/2015</td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Appointments to the Wildlife Advisory Committee

**ATTACHMENTS:**
Application(s)

**SEPA review required?** ( ) Yes ( ) NO  
**SEPA review completed?** ( ) Yes ( ) NO  
**Should Clerk schedule a hearing?** ( ) Yes ( ) NO  
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**  (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

WILDLIFE ADVISORY COMMITTEE: 11 Vacancies. Terms expire July 31, 2016 (1 year appointment)  
Membership requirements: Seven of the 11 members will have technical expertise in wildlife and habitat management or current or past professional experience such as, but not limited to, at least one of the following: wetlands manager, wildlife biologist, population biologist, natural resources manager, watershed scientist, conservation specialist, forestry protection, and tribal representative.

**COMMITTEE ACTION:**
9/15/2015: Introduced 7-0  
9/29/2015: Held in Council to October 13. Application deadline extended to 10 a.m. on Tuesday, October 6, 2015  
10/13/2015: Appointed 4-0, Barry Wenger, John McLaughlin, Frank Bob, Fenner Yarbrough, Joel Ingram and Michael P. Williams

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Christopher Kazimer
Street Address: 4808 Mosquito Lake Rd.
City: Deming
Mailing Address (If different from street address): P.O. Box 232 Deming, WA 98244
Day Telephone: 360-393-1338 Evening Telephone: 360-592-2269
E-mail address: ChristopheronKaz@gmail.com

Date: 8/12/2015
Zip Code: 98244

Wildlife Advisory Committee

1. Name of board or committee—please see reverse:

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying? (If applicable, please refer to vacancy list.) 

   ( ) yes ( ) no

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no

   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no

   If yes, please explain:

   You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   See attached

10. Please describe why you’re interested in serving on this board or commission:

    See attached

References (please include daytime telephone number):

Chris Elder 360-890-3064
Geoff Martin 360-739-9173

Signature of applicant:

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
Application for Appointment to Wildlife Advisory Committee

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am an owner and lead carpenter at Rise Over Run Construction Inc., a residential general contractor in Whatcom county. I am a co-founder and president of the Cascadia Naturalist Association, a club of dedicated naturalists focused on deepening place based connections and developing ecological literacy. I am the president of the board of directors at the Deming Public Library. I am a volunteer land steward with the Whatcom Land Trust. I am an avid outdoorsman and a certified master hunter through the department of fish and wildlife.

10. Please describe why you're interested in serving on this board or commission.

As an avid outdoors-man, hunter, naturalist, and conservationist I have a vested interest in wildlife management and hope to be a link between the scientific community, and the hunting and non hunting public. I also hope to use my knowledge as a builder to provide advice for responsible development and land use with minimal negative impact on our wildlife communities. I believe that Whatcom county is at a critical stage of development and one where which the fate of our wildlife and natural habitats hangs directly in the balance. Making smart responsible decisions now with conservation in mind is the kind of forethought that we need to ensure that our future is one with more wildlife symbiosis and less conflict.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Wendy Harris  Date: 9.22.15
Street Address: 1211 Beacon Crest Dr  Zip Code: 98225
City: Bellingham
Mailing Address (if different from street address):
Day Telephone: 422-0447  Evening Telephone: 
Cell Phone: 990-8919
E-mail address: witcher1990@comcast.net

1. Name of board or committee—please see reverse:

   Wildlife Advisory Committee
   Technical Conservation Planning

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? (If applicable, please refer to vacancy list.) ( ) yes ( ) no

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
   If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   See attached

10. Please describe why you're interested in serving on this board or commission: I am an advocate for wildlife and believe we need to develop management policies to protect wildlife and meet state/federal legal requirements.

References (please include daytime telephone number):
   Jack Weiss, Bellingham City Council Member, 735-2103; Wendy Steffensen, North Sound Baykeeper, 733
   John Larsen, 945-8307

Signature of applicant:

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
9. I am a retired senior federal attorney. My responsibilities included extensive research and writing, teaching, litigation in U.S. Tax Court, and coordination of civil and criminal cases with the U.S. Department of Justice. I received a number of performance related awards, including a “Box Award” for helping to advance case law in the Ninth Circuit Court of Appeals.

Since relocating to Bellingham, I have participated in the public process with a focus on GMA issues regarding natural resources, particularly wildlife and habitat and developed an extensive background in, and understanding of, conservation planning. I will add a unique legal perspective to the committee’s work.

My experience in this field includes:

- Training as a Beach Watcher through the University Coop. Extension program
- Member of committee reviewing and ranking urban wildlife grant proposals for the Washington Recreation and Conservation Office.
- County Planning Commission Ad Hoc committee member for ILF off-site mitigation/wildlife habitat project
- Participated in County natural resource market place project
- Participated in Bellingham habitat restoration masterplan project
- Member of County Citizen Advisory Committee for update of Critical Area Ordinance
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Paul A. Woodcock  Date: October 6, 2015
Street Address: 1291 Deer Creek Drive
City: Ferndale  Zip Code: 98248
Mailing Address (if different from street address):
Day Telephone: 360-380-3356  Evening Telephone: same  Cell Phone: 360-966-6549
E-mail address: paulwoodcock@comcast.net

1. Name of board or committee-please see reverse: Wildlife Advisory Committee
   Member of Wildlife Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) ☑ yes  ( ) no

4. Which Council district do you live in? ( ) One ( ) Two  ☑ Three

5. Are you a US citizen? ☑ yes  ( ) no

6. Are you registered to vote in Whatcom County? ☑ yes  ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes  ☑ no
   If yes, dates: __________________________

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes  ☑ no
   If yes, please explain: ________________________________

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following question:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Retired Operations Supervisor, Whatcom Transportation Authority; B.S. in Environmental Education, WWU; Twenty years on North Cascades Audubon Society Board of Directors; Life-long “birder” and student of ornithology.

10. Please describe why you’re interested in serving on this board or commission: I am an educated and conscientious citizen with a life-long interest in our native wildlife and its habitat, particularly birds. Since my retirement I have concentrated my volunteer efforts on public education related to local bird and habitat to help preserve our natural heritage for our children and theirs.

References (please include daytime telephone number): Michael McFarlane, Whatcom Co. Parks, 360-733-2900; Dr. John Bower, WWU 360-650-7217; Paul Schramer, WTA, 360-676-6843.

Signature of applicant: ________________________________

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name:  Guy Occhiaslozza  Date:  10-20-2015
Street Address:  119 N Commercial St, Bellingham
City: Bellingham  Zip Code:  98225
Mailing Address (if different from street address):  
Day Telephone:  360 734-1720  Evening Telephone:  
Cell Phone:  360 510 7563
E-mail address: guy@bellingham.com

1. Name of board or committee-please see reverse:  Wildlife Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.)  

4. Which Council district do you live in?  One (X) Two ( ) Three ( )

5. Are you a US citizen?  (X) yes ( ) no

6. Are you registered to vote in Whatcom County?  (X) yes ( ) no

7. Have you ever been a member of this Board/Commission?  (X) yes ( ) no

If yes, dates:  

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?  (X) yes ( ) no

If yes, please explain:  

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.  

10. Please describe why you’re interested in serving on this board or commission: To ensure a balanced approach of protecting and uplifting the rights of our economy that relies on the sustainable protection of many species of our local wildlife. I'm also interested in learning more from fellow members.

References (please include daytime telephone number):  

Signature of applicant:  

THIS IS A PUBLIC DOCUMENT! As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY AND COMPLETE ALL ITEMS

Name: Craig Brown
Street Address: 530 3rd Street
City: Bellingham
Mailing Address (if different from street address): Same
Day Telephone: 360 392 2387 Evening Telephone: 
Cell Phone: 360 393 174
E-mail address: Craig @molliereviews.com

Date: 10/17/15
Zip Code: 98225

1. Name of board or committee—please see reverse:
   Wildlife Advisory Committee
   Non-Technical

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
   (If applicable, please refer to vacancy list.) 
   (✓) Yes ( ) No

4. Which Council district do you live in?
   (✓) One ( ) Two ( ) Three

5. Are you a US citizen?
   (✓) Yes ( ) No

6. Are you registered to vote in Whatcom County?
   (✓) Yes ( ) No

7. Have you ever been a member of this Board/Commission?
   (✓) Yes ( ) No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   If yes, please explain: I am a Wealth Management Business in Bellingham

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

See Attachments

10. Please describe why you're interested in serving on this board or commission:
    Interested in serving on a committee that seemed interesting to me.

References (please include daytime telephone number): Todd Elsworth 360 729 8452

Signature of applicant: ____________________________

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
Craig A. Brown
Mobile: 360.393.1174

Home
530 S. 39th Street
Bellingham, WA 98229

Personal
Wife: Jill

Professional
The Unity Group Insurance Bellingham, WA 98225

Unity Group Business Partner 1996-1999
Chairperson: Washington State new Professionals 1999
New Professional of the Year Award Winner 1999

Financial Advisor
Merrill Lynch Bellingham, WA 98226 2000-2011

Professional Development Program Graduation-2003
Chartered Retirement Planning Counselor-2004
Path of Achievement Coach-2005
Senior Financial Advisor-2007

Wealth Management Practice- Owner
MultiGen Wealth Services 114 W. Magnolia Street, Suite 407 Bellingham, WA 98225
2011-Present
www.multigenws.com

Independent Comprehensive Wealth Management Services-embracing the experience economy
- Financial Planning
- Investment Management
- Insurance
Rugby
Athlete: 1987-1997 u19 & club
Chuckanut Bay RFC 1987-1991
Bayside RFC 1994-1997
Western Washington University 2007-2014

Club Administrator, Club Vice President, Club President
Club Coaching: u14, u16, u19 & men
Club Mini Rugby Organizer
Level 1 & 2 Technical Coaching Certificate NCCP Canada
Level 1 Part A Theory NCCP Canada
USA Rugby National Club 7s Championship Tournament Chair-2006
Collegiate: Team Advisor/Manager, Coach
Fraser Valley Rugby Union Board Member 2004-2005
Northwest Collegiate Rugby Conference Chair 2009, 2010
USA Rugby Collegiate Competition Committee 2011, 2012, 2013
USA Rugby College Management Council 2012, 2013

High Performance Management
Fraser Valley u21 2005
Pacific Northwest Rugby Union- Men's Loggers 2007-2009
USA Rugby IRB North American 4 tournament Team Manager- USA Falcons 2008
USA u20 Men Team Manager 2009-2010
USA Collegiate All American Men 2012, 2013, 2014

Board Experience
Insurance Agents and Brokers of Washington State
Northwest Youth Services
Chuckanut Bay Athletic Association
USA Rugby- College Management Council
Ordinance establishing a Stormwater Fund.

Public Works staff will introduce for discussion an ordinance establishing a Stormwater Fund.
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and
The Honorable Jack Louws, Whatcom County Executive

Through: Jon Hutchings, Director

From: Gary Stoyka, Natural Resources Program Manager

Date: October 7, 2015

Re: Ordinance establishing a Stormwater Fund

At the October 27, 2015 Finance Committee meeting, Public Works staff will introduce for discussion an ordinance establishing a stormwater fund.

Requested Action
Public Works is requesting that the County Council approve an ordinance establishing a stormwater fund. The County has been tracking stormwater costs since Fund 123 was administratively created for the 2009-2010 budget; however, due to an oversight no ordinance established the purpose of the fund. This ordinance corrects that oversight and establishes by ordinance a separate fund dedicated to tracking stormwater revenue and expenses.

Please contact Gary Stoyka at extension 6218 if you have any questions regarding this information.
ORDINANCE NO.___________

ESTABLISHING THE STORMWATER FUND

WHEREAS, Whatcom County has certain responsibilities under state and federal law to address impacts and otherwise manage stormwater in the unincorporated portions of Whatcom County; and,

WHEREAS, Whatcom County has made commitments to address phosphorus, fecal coliform bacteria and other pollutants present in stormwater impacting water bodies; and

WHEREAS, Whatcom County receives funds from the Whatcom County Flood Control Zone District and state and federal grants to address stormwater impacts to Lake Whatcom, Birch Bay and other water bodies in the County; and

WHEREAS, it would significantly help the County to track and account for revenues and expenses pertaining to stormwater if a separate County fund was established for stormwater-related activities;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established titled the “Stormwater Fund 123”. This fund shall be dedicated to tracking restricted and committed revenues for addressing impacts from stormwater according to funding source and County Council requirements.

ADOPTED this _____ day of ________________ 2015.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Daniel L. Gibson
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date Signed: ____________________
Title of Document:

Resolution adopting the Six-Year Water Resources Improvement Program (WRIP), 2016-2021

Attachments:
- Memorandum
- Resolution
- Six-Year WRIP, 2016-2021
- Project Narratives

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( ) NO

Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: November 10, 2015 (public hearing required under RCW 86.15.120)

Summary Statement or Legal Notice Language:

Resolution by the Whatcom County Flood Control Zone District Board of Supervisors adopting the Six-Year Water Resources Improvement Program (WRIP) for 2016-2021. The adoption by resolution is pursuant to the Revised Code of Washington (RCW 86.15.110).

Committee Action:

Council Action:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMO
COUNTY EXECUTIVE

TO: The Honorable Jack Louws, Whatcom County Executive, and Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resources Program Manager

DATE: October 14, 2015

RE: Six-Year Water Resources Improvement Program (WRIP), 2016-2021

Requested Action:
The Department of Public Works requests that the 2016-2021 Six-Year Water Resources Improvement Program (WRIP) resolution and its associated exhibits be introduced at the County Council/Flood Control Zone District meeting on October 27, 2015. We then request that a public hearing be advertised for and held at the November 10, 2015 County Council/Flood Control Zone District meeting, with the resolution potentially adopted at said meeting.

Background and Purpose:
Each year the County updates its Six-Year Water Resources Improvement Program (WRIP) in accordance with RCW 86.15.110.

Information:
Memorandum to County Executive and Council
Exhibit “A” – Resolution adopting the 2016-2021 Water Resources Improvement Program
Exhibit “B” – 2016-2021 Water Resources Improvement Program
Exhibit “C” – Project Narratives
RESOLUTION NO. ________

(A Resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT
SIX-YEAR WATER RESOURCES IMPROVEMENT PROGRAM
FOR THE YEARS 2016 THROUGH 2021

WHEREAS, pursuant to RCW 86.15.110, flood control or storm water control improvements may be extended, enlarged, acquired, or constructed by a zone pursuant to a resolution adopted by the Board of Supervisors; and

WHEREAS, Whatcom County Public Works Department on behalf of the Flood Control Zone District has prepared a Six-Year Water Resources Improvement Program for adoption; and

WHEREAS, pursuant to RCW 86.15.120, the supervisors shall hold a public hearing prior to adopting the resolution; and

WHEREAS, the Six-Year Water Resources Improvement Program attached hereto as Exhibit "A" has been reviewed and determined to be consistent with the County’s comprehensive plan and is consistent with the following plans:

- Lower Nooksack River Comprehensive Flood Hazard Management Plan, October 1999
- Canyon Creek Alluvial Fan Risk Assessment, September 2003
- Jones Creek Debris Flow Study, March 2004
- WRIA 1 Salmon Recovery Plan, October 2005
- Lake Whatcom Comprehensive Stormwater Plan, March 2008
- Birch Bay Comprehensive Stormwater Plan, July 2006
- Swift Creek Sediment Management Action Plan, July 2013; and
WHEREAS, pursuant to RCW 86.15.110, for constructed improvements the preliminary engineering studies are on file with the Whatcom County Public Works Department; and

WHEREAS, pursuant to RCW 86.15.110, the estimated cost of the acquisition or construction of the improvement, together with supporting data is included in the Six-Year Water Resources Improvement Program; and

WHEREAS, the improvements will benefit one or more zones, subzones and the county as a whole;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors as follows:

1. That the Whatcom County Flood Control Zone District Six-Year Water Resources Improvement Program for the years 2016 through 2021, which is attached hereto as Exhibit "A", is hereby adopted.

APPROVED this ___ day of ________, 2015.

Flood Control Zone District Board of Supervisors
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Chair

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Cedar Hill/Eucal (LU: CSIP-OP-09, OP-10): Install rain gardens, filter vaults, swales, media filter drains, and channel restoration</td>
<td>07-066</td>
<td>63.9</td>
<td>PE</td>
<td>$ 110,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>4</td>
<td>Agate Heights Estate/Bay Lane (LU: CSIP-CL-11, CL-12): System upgrades to improve water quality - biofiltration swales, reduce ditch erosion, media filter drains, and treatment vats</td>
<td>07-102</td>
<td>60.5</td>
<td>PE</td>
<td>$ 85,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>3</td>
<td>Beaver Creek (LU: CSIP-CL-13): Restore and repair eroded sections of Beaver Creek</td>
<td>13-003</td>
<td>56.3</td>
<td>PE</td>
<td>$ 85,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>3</td>
<td>Sudden Valley (LU: CSIP-CL-16, CL-17): Drainage systems upgrades and outfall retrofits</td>
<td>13-004</td>
<td>46.3</td>
<td>PE</td>
<td>$ 100,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>3</td>
<td>Silver Drainage Channel Restoration below Hillside Ranch</td>
<td>07-095</td>
<td>60.5</td>
<td>RW</td>
<td>$ 150,000</td>
<td>RW</td>
<td>RW</td>
<td>RW</td>
<td>RW</td>
</tr>
<tr>
<td>6</td>
<td>North Shore Drive, East of City Limits (LU: CSIP-18): System upgrades to improve water quality - biofiltration swales, reduce ditch erosion</td>
<td>14-002</td>
<td>62.2</td>
<td>PE</td>
<td>$ 100,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>3</td>
<td>Lowell Drive and Cedarbrook Court (LU: CSIP-25-28): Construction 2023 End of pipe, media filtration, and natural drainage system improvements</td>
<td>14-003</td>
<td>62.2</td>
<td>PE</td>
<td>$ 100,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>6</td>
<td>Glen Course/Lakeside Street (LU: CSIP-20): Construction 2023, System upgrades to improve water quality - biofiltration swales, filter vaults, rain gardens, rain gardens, and natural drainage systems</td>
<td>15-002</td>
<td>58.2</td>
<td>PE</td>
<td>$ 100,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>9</td>
<td>Collaborative Drainage System Repair-Birch Point (BR-01): New marine outlet and drainage system from Seminole to DR to Seminole Bay</td>
<td>07-241</td>
<td>37.8</td>
<td>PE</td>
<td>$ 40,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>10</td>
<td>Cottonwood Drive Inlet (HL-2): Install improved inlet with overflow protection to minimize flooding events</td>
<td>13-006</td>
<td>51.2</td>
<td>PE</td>
<td>$ 150,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>11</td>
<td>Harborview Road Drainage Improvements, Phase 1 (CR-1): Install new low-level system along Birch Bay Drive</td>
<td>07-217</td>
<td>52.0</td>
<td>PE</td>
<td>$ 175,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>12</td>
<td>Harborview Road Drainage Improvements, PR-2 (CR-2, HL-11): Upgrade outlets and install new high level system along Harborview Road to carry upland water runoff to Birch Bay</td>
<td>07-217</td>
<td>52.0</td>
<td>PE</td>
<td>$ 80,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>13</td>
<td>Richmond Park Drainage Improvements (SH-3, SH-3, SH-4): Upgrade outfall and install new drainage diversion down Seawolf Road to reduce flooding and gulch erosion</td>
<td>07-271</td>
<td>63.1</td>
<td>PE</td>
<td>$ 200,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>14</td>
<td>Woolridge Ave/Sunset Dr Drainage Improvements (EC-01): Improve drainage system to reduce local flooding and incorporate water quality treatment</td>
<td>13-007</td>
<td>52.2</td>
<td>PE</td>
<td>$ 180,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>15</td>
<td>Cottonwood Beach Central Drainage Improvements (C3-4): Install low level system along Birch Bay Drive and connect into existing system from North Bay Trailer Park</td>
<td>13-008</td>
<td>52.9</td>
<td>PE</td>
<td>$ 200,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>16</td>
<td>Cottonwood Court &amp; Drive Drainage Improvements (HL-2, BR-3): Install low level system along Birch Bay Drive and Cottonwood Court and upland system along Morgan Drive</td>
<td>13-001</td>
<td>52.9</td>
<td>PE</td>
<td>$ 175,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
</tbody>
</table>

**Biscayne Bay Watershed & Aquatic Management Resources District**

**Biscayne Bay Drainage & Flood Control Facilities**

***Biscayne Bay Drive & Pedestrian Project: Stormwater improvements***

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Biscayne Bay Drive &amp; Pedestrian Project: Stormwater Improvements</td>
<td>07-090</td>
<td>72.1</td>
<td>PE</td>
<td>$ 1,465,000</td>
<td>REEF</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>----------------</td>
<td>-----</td>
<td>-----------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>18</td>
<td>Swift Creek Phase 1 Projects - Sediment Traps, Upper Goodwin Reach Setback Levee, and Sediment Basins.</td>
<td>13-001</td>
<td>69.6</td>
<td>PE $ 875,000 DOE Grant</td>
<td>PE $ 875,000</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 1,100,000 DOE-tracts pkg</td>
<td>CN $ 2,700,000</td>
<td>CN $ 5,000,000</td>
<td>CN $ 6,200,000</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>19</td>
<td>Swift Creek Maintenance - Dredging and levee repair and maintenance</td>
<td>08-023</td>
<td>69.2</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 105,000 SNE-tracts pkg</td>
<td>CN $ 45,000</td>
<td>CN $ 45,000</td>
<td>CN $ 45,000</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>20</td>
<td>Swift Creek Repository Sites - Identification, Acquisition &amp; Development</td>
<td>13-001</td>
<td>69.6</td>
<td>PE $ 200,000 FCDZ</td>
<td>PE $ 340,000 FCDZ</td>
<td>PE $ 360,000 PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 360,000 FCDZ</td>
<td>CN $ 500,000</td>
<td>CN $ 500,000</td>
<td>CN $ 500,000</td>
<td>CN</td>
<td>CN</td>
</tr>
</tbody>
</table>

**ROCK AND FLUID**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Marietta Acquisition - Acquire properties in repetitive flood loss area</td>
<td>07-020</td>
<td>79.6</td>
<td>PE $ 275,000 FCDZ</td>
<td>PE $ 56,000 FCDZ</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 95,000 FEMA/Fed/State grant</td>
<td>CN $ 120,000</td>
<td>CN $ 120,000</td>
<td>CN $ 120,000</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>22</td>
<td>Deming Levee Improvement - Reinforce and improve upstream portion of levee to protect Deming</td>
<td>07-106</td>
<td>79.2</td>
<td>PE $ 211,000 DOE grant</td>
<td>PE $ 141,000 FCDZ</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 70,000 FCDZ</td>
<td>CN $ 20,000 DOE grant</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 1,000,000 FCDZ</td>
<td>CN $ 300,000 DOE grant</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>23</td>
<td>Jones Creek Debris Flow Protection - Construct debris flow storage basin to address local access</td>
<td>07-108</td>
<td>79.4</td>
<td>PE $ 270,000 FCDZ</td>
<td>PE $ 130,000 FCDZ</td>
<td>PE $ 50,000</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 1,000,000 FEMA/Fed/State grant</td>
<td>CN $ 350,000</td>
<td>CN $ 350,000</td>
<td>CN $ 350,000</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>24</td>
<td>Lower Nooksack Planning - SWF and CHMP Update - Planning projects will result in lot of capital improvements and programmatic actions</td>
<td>Various</td>
<td>50 - 76</td>
<td>PE $ 232,000 FCDZ</td>
<td>PE $ 625,000 FCDZ</td>
<td>PE $ 200,000</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 300,000 FIS grant</td>
<td>CN $ 1,000,000</td>
<td>CN $ 1,000,000</td>
<td>CN $ 1,000,000</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>25</td>
<td>High Creek - Recommended projects to address ongoing sedimentation</td>
<td>07-125</td>
<td>57.1</td>
<td>PE $ 97,000 FCDZ</td>
<td>PE $ 500,000 FCDZ</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 54,000 FCDZ</td>
<td>CN $ 1,000,000</td>
<td>CN $ 1,000,000</td>
<td>CN $ 1,000,000</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>26</td>
<td>de Boer Culvert Replacement/Levée Repair - Replace culvert with larger culvert and side sills self-regulating flood gate and reconstruct failed levee</td>
<td>15-003</td>
<td>68.2</td>
<td>PE $ 20,000 FCDZ</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 10,000 FCDZ</td>
<td>CN $ 250,000</td>
<td>CN $ 250,000</td>
<td>CN $ 250,000</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>27</td>
<td>Marine Drive Levee Repair - Repair eroded areas of levee crest and bank slope</td>
<td>15-004</td>
<td>61.4</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 30,000 FCDZ</td>
<td>CN $ 12,000 WDFW</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>28</td>
<td>Appel Culvert Replacement - Replace failing culvert on Appel Levee with larger culvert and side sills self-regulating flood gate</td>
<td>15-005</td>
<td>65.0</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 190,000 FCDZ</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>29</td>
<td>Ferndale Levee Improvement - Reconstruct and reinforce Ferndale and Treatment Plant Levees to improve level of protection and address deficiencies</td>
<td>07-104</td>
<td>68.5</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 30,000 WDFW</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 50,000 FCDZ</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
<tr>
<td>30</td>
<td>Emergency/New Projects - Typically repair projects that result from new damage, as needed</td>
<td>08-003</td>
<td>Various</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
<td>PE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CN 300,000 FCDZ</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
<td>CN</td>
</tr>
</tbody>
</table>

**NOTE:** Numbers in italics are placeholders for projects still being considered.

**NOTE:** BEET funds used in the Deming Levee project are in the flood fund balance.
Cedar Hills / Euclid
Database ID No. 07-066

Construction Funding Year(s): 2016

Project Narrative:
Install rain gardens, filter vaults, and treatment swales.

Project Status:
Preliminary engineering design is currently underway. Right-of-way acquisitions to occur sometime in 2014. Construction is slated for the summer of 2016 during the Lake Whatcom watershed work window.

Total Estimated Project Cost: $765,000
Expenditures to Date: $165,000
Agate Heights Estate / Bay Lane
Database ID No. 07-102

Construction Funding Year(s): 2017

Project Narrative:
System upgrades to improve water quality through construction of bio-infiltration swales and channel stabilization to reduce ditch erosion.

Project Status:
Preliminary engineering design is anticipated to begin in 2015. Construction is scheduled to take place in the summer of 2017 during the Lake Whatcom watershed work window.

Total Estimated Project Cost: $625,000
Expenditures to Date: $105,000
Beaver Creek
Database ID No. 13-003

Construction Funding Year(s): 2018

Project Narrative:
Restoration and repair of eroded sections of Beaver Creek.

Project Status:
Preliminary engineering design is anticipated in 2016. Construction is scheduled for the summer of 2018 during the Lake Whatcom watershed work window.

Total Estimated Project Cost: $565,000
Expenditures to Date: $0

Site Location
# Sudden Valley
Database ID No. 13-004

<table>
<thead>
<tr>
<th>Construction Funding Year(s):</th>
<th>2019</th>
</tr>
</thead>
</table>

## Project Narrative:
Drainage system upgrades and outfall retrofits in Sudden Valley.

## Project Status:
Preliminary engineering design is anticipated to begin in 2017. Construction will take place in the summer of 2019 during the Lake Whatcom watershed work window.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$660,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>$0-</td>
</tr>
</tbody>
</table>

![Site Locations Map](image-url)
Silver Beach Creek – Main Channel
Database ID No. 07-095

Construction Funding Year(s): 2020

Project Narrative:
Restoration of the main channel of Silver Beach Creek below Hillsdale using natural vegetation.

Project Status:
Preliminary engineering design is anticipated to begin in 2018. Construction to take place in the summer of 2020 during the Lake Whatcom watershed work window.

Total Estimated Project Cost: $200,000 (2018, 2019 - Preliminary engineering) $550,000 (2020 - Construction)
Expenditures to Date: $0-
Northshore Drive, East of City Limits  
Database ID No. 14-002

<table>
<thead>
<tr>
<th>Construction Funding Year(s):</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Narrative:</td>
<td>System upgrades to improve water quality (bioinfiltration swales; reduce ditch erosion).</td>
</tr>
</tbody>
</table>
| Total Estimated Project Cost: | $200,000 (Preliminary engineering, ROW)  
$600,000 (Construction) |
| Expenditures to Date:         | $0.0- |

![Site Location Map]
Lowell Drive and Cedarbrook Court
Database ID No. 14-003

Construction Funding Year(s): 2022

Project Narrative:
End of pipe media filtration and natural drainage system improvements.

Project Status:
Design in 2020 with construction in 2022.

Total Estimated Project Cost: $200,000 (Preliminary engineering, ROW)
$550,000 (Construction)

Expenditures to Date: $0-
Glen Cove Lane and Lakeside Street
Database ID No. 15-002

Construction Funding Year(s): 2023

Project Narrative:
System upgrade to improve water quality—bioinfiltration swales, filter vaults, media filter drains, and rain gardens.

Project Status:

Total Estimated Project Cost: $150,000 (Preliminary engineering, ROW)
                           $550,000  (Construction)
Expenditures to Date: $0
Collaborative Drainage System Repair-Birch Point
Database ID No. 07-241

Construction Funding Year(s): 2016

Project Narrative:
This project will install a new marine outfall and drainage system from Semiahmoo Drive to Semiahmoo Bay

Project Status:

Total Estimated Project Cost: $620,000
Expenditures to Date: $70,000
Cottonwood Drive Inlet
Database ID No. 13-006

Construction Funding Year(s): 2017

Project Narrative:
Install improved inlet with overflow protection to minimize flooding events.

Project Status:
Design will begin 2016 with construction in summer 2017.

Total Estimated Project Cost: $160,000
Expenditures to Date: $0
Harborview Road Drainage Improvements, Phase 1
Database ID No. 07-217

Construction Funding Year(s): 2018

Project Narrative:
Install new low-level system along Birch Bay Drive.

Project Status:

Total Estimated Project Cost: $905,000
Expenditures to Date: $0
Harborview Road Drainage Improvements, Phase 2
Database ID No. 07-217

Construction Funding Year(s): 2019

Project Narrative:
Upsize culverts and install new high level system along Harborview Road to carry upland water directly to Birch Bay.

Project Status:
Final design in 2017; construction in 2019.

Total Estimated Project Cost: $745,000
Expenditures to Date: $80,000
Richmond Park Drainage Improvements
Database ID No. 07-271

Construction Funding Year(s): 2020

Project Narrative:
Upsize outfall and install new drainage diversion down Shintafer Road to reduce flooding and gully erosion.

Project Status:
Design will begin January 2018 with construction in 2020.

Total Estimated Project Cost: $1,550,000
Expenditures to Date: $0-
Wooldridge Avenue/Sunset Drive Drainage Improvements
Database ID No. 13-007

Construction Funding Year(s): 2021

Project Narrative:
Improve stormwater conveyance system to reduce street flooding and improve water quality.

Project Status:

Total Estimated Project Cost: $960,000
Expenditures to Date: $0-
Cottonwood Beach Central Drainage Improvements
Database ID No. 13-008

Construction Funding Year(s): 2022

Project Narrative:
Install low level system along Birch Bay Drive and connect into upland system from North Bay Trailer Park

Project Status:
Design will begin 2020 with construction in summer 2022.

Total Estimated Project Cost: $105,000 (design)
Expenditures to Date: $0-
Cottonwood Court and Drive Drainage Improvements
Database ID No. 15-001

Construction Funding Year(s): 2023

Project Narrative:
Install low level system along Birch Bay Drive and Cottonwood Court and upland system along Morgan Drive.

Project Status:
Design will begin 2021 with construction in summer 2023.

Total Estimated Project Cost: $175,000 (design)
Expenditures to Date: $0
Birch Bay Drive and Pedestrian Facility
Database ID No.: 07-030

Construction Funding Year(s): 2016-2017

Project Narrative:
This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek. This is a 1.58 mile separated berm to provide soft-shore erosion protection, habitat enhancement, and encourage pedestrian use along Birch Bay Drive. This multi-beneficial project is included in the Six-Year WRIP to reflect contributions from both the FCZD and BBWARM.

Project Status:

| BBWARM:  | $250,000 |
| FCZD:    | $250,000 |
| All other funds: | $10,844,000 |
| Total:   | $11,344,000 |
**Swift Creek Phase 1 Projects**  
**Database ID No. 13-001**

**Construction Funding Year(s):**  
TBD

**Project Narrative:**
Construction and operation of projects for the management of the sediment deposited from the Swift Creek landslide. Phase 1 to include: Sediment Traps, Upper Goodwin Reach Setback Levee, and Sediment Basins. A Joint Agency Agreement was approved and signed by the Environmental Protection Agency (EPA), Washington Department Of Ecology (DOE) and Whatcom County. Whatcom County will manage the projects with funding provided by EPA and DOE for the design and construction.

**Project Status:**
EIS completed, plan adopted by resolution July 2013; Work is dependent upon funding from State and Federal funds. The Washington Department of Ecology will request $3,800,000 for design and initial construction in the Washington State 2015/2016 biennium budget.

**Total Estimated Project Cost:**  
$16,315,000

**Expenditures to Date:**  
$1,315,000

---

**Figure 1**  
**Phase I Structure Locations**
Swift Creek Maintenance Project
Database ID No. 08-023

Construction Funding Year(s):
2015-2020

Project Narrative:
Until the Phase 1 projects are complete a significant amount of bedload is deposited on the alluvial fan of Swift Creek. An ongoing maintenance program is required to manage the deposits. The goals of the maintenance program are to protect and repair the levee system and to maintain the integrity of bridges at Goodwin and Oat Coles Roads.

Project Status:
Expenditures for 2015 are expected to complete the levee protection started in fall of 2014. Additional dredging and levee protection is expected for 2017-2020 at approximately $150,000 per year.

<table>
<thead>
<tr>
<th>Estimated Project Cost for 2016:</th>
<th>$245,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>FCZD Expenditures to Date:</td>
<td>$600,000</td>
</tr>
</tbody>
</table>
Swift Creek Repository Sites
Database ID No. 13-001

Construction Funding Year(s): 2015-2018

Project Narrative: Establish a process to identify, rank and analyze properties for the potential location for repository sites. Then, purchase and develop the sites as a repository of the Swift Creek Sediment in accordance with the Swift Creek Sediment Management Action Plan and the Joint Agency Agreement.

Project Status: Whatcom County is currently under contract with Wheeler Consulting Group to draft a process to identify and evaluate potential sites to be used for a repository for the Swift Creek sediment. The plan is scheduled to be presented to the County Council summer/fall of 2016.

Estimated Project Cost for 2016: $140,000
FCZD Expenditures to Date: $200,000
Marietta Acquisition
Database ID No. 07-002

Construction Funding Year(s): 2001 - Present

Project Narrative:
Acquire residential properties in the frequently-flooded repetitive flood loss area of Marietta. Remove existing structures and restore properties with native vegetation.

Project Status:
Property acquisition began in 2001 and is ongoing. As properties are acquired through tax title sales, purchases funded with hazard mitigation, habitat restoration grants, and FCZD funding, structures are removed and native vegetation is planted. All acquisitions are voluntary and the project is ongoing as current property owners decide to sell their properties. Estimated project cost includes some funding for cleanup of up to four former gas stations, though the exact nature of the work is still undefined.

Total Estimated Project Cost: $3,500,000
Expenditures to Date: $1,071,000
Deming Levee Improvement Project
Database ID No. 07-106

Construction Funding Year(s): 2016

Project Narrative:
Realign and improve low-lying berm at upstream end of Deming levee to increase level of flood protection to the Mount Baker School District and Nooksack Tribal facilities, and the town of Deming.

Project Status:
An alignment for the improved levee has been selected and final design and permitting are underway; potential impacts to wetlands will require mitigation through an off-site mitigation bank.

Total Estimated Project Cost: $4,270,000
Expenditures to Date: $590,000
Jones Creek Debris Flow Protection
Database ID No. 07-105

Construction Funding Year(s): 2018 - 2019

Project Narrative:
Acquire residential properties in the high hazard area of the Jones Creek alluvial fan and construct setback deflection berm to route debris flows around the town of Acme. Project includes potential realignment and bridge improvements at Turkington Road.

Project Status:
Property acquisition began in 2005 and additional properties will need to be acquired. Preliminary design has been performed for the deflection berm and alternatives are currently being evaluated for Turkington Road. Construction costs will be estimated once a final alternative is selected.

Total Estimated Design and RW Cost: $1,425,000
Expenditures to Date: $745,000

Site Location
Lower Nooksack Planning: SWIF and CFHMP Update
Database ID No. Various

Construction Funding Year(s): TBD

Project Narrative:
The System-wide Improvement Framework (SWIF) is a collaborative planning process to develop a plan to reduce risk associated with levees and to address deficiencies identified by the US Army Corps of Engineers (USACE) during their periodic inspections. The SWIF will result in a set of capital improvements to the levee system, with an implementation strategy and schedule. Adherence to the implementation schedule will be necessary to ensure ongoing eligibility in the USACE’s PL 84-99 rehabilitation program. The interagency team established to develop the SWIF wants to work towards updating the comprehensive flood hazard management plan (CFHMP) when the SWIF is complete.

Project Status:
The SWIF planning process is underway and the final plan is anticipated to be complete by mid-2016. The interagency team will scope the CFHMP update as part of the planning process and initiate the work in late 2016.

Total Estimated Planning Cost: $1,567,000
Expenditures to Date: $738,000

[Map showing PL 84-99 Levees]
High Creek  
Database ID No. 07-125  

Construction Funding Year(s): 2017

Project Narrative: High Creek flooding damaged nearby homes and closed Mount Baker Highway in the mid-1990's. A legal settlement resulting from that event directs Whatcom County to prepare a creek management plan. Sediment management in the watershed including the 3400 feet of County owned right of way east of Kendall Creek is an important plan element along with fish habitat mitigation. State permits for future maintenance dredging are dependent on consistency with the final management plan.

Project Status: A management plan has been developed and recommends the construction of two sediment traps, one sited upstream of Mount Baker Highway to trap coarser material and one by the confluence with Kendall Creek to trap finer material. The plan also includes improvements to some of the levees and channel excavation between the two traps. Detailed design is underway.

Total Estimated Project Cost: $1,251,000
Expenditures to Date: $151,000
Project Narrative:

The de Boer Levee runs adjacent to the Nooksack River and upstream along and across an unnamed tributary and provides flood protection to several hundred acres of agricultural lands and the access road to the PUD's water intake. During the winter of 2014-2015 the levee failed completely. The culvert through the levee was likely installed in the 1950's and was undersized to provide adequate fish passage.

Project Status:

A project to replace the culvert and repair the failed levee was designed, permitted and constructed in 2015. The new culvert is significantly larger than the old one and the new tide gate is a side-hinge self-regulating gate, which will significantly improve fish passage throughout the year. Planting of disturbed banks will occur in early 2016.

Total Estimated Cost: $201,000
Expenditures to Date: $196,000
Marine Drive Levee Repair
Database ID No. 15-004

Construction Funding Year(s): 2016

Project Narrative:
The Marine Drive Levee provides flood protection during smaller, more frequent floods to the Marietta area and Slater Road. Over the past few years, overtopping has caused damage to the backslope of the levee. The levee is located on property owned by the Washington Department of Wildlife who is managing the property for wildlife. The project will involve restoring the levee crest and backslope to the original geometry while trying to minimize the impacts to existing vegetation.

Project Status:
The project site will be inspected early next year to define the scope of the project after this next winter. This project is not expected to require instream work, so design, permitting and construction should be able to be completed in 2016.

Total Estimated Cost: $40,000
Expenditures to Date: $0
Appel Culvert Replacement
Database ID No. 15-005

Construction Funding Year(s): 2016

Project Narrative:
The Appel Levee crosses an unnamed drainage near where it ties back into high ground. There are two culverts stacked one on top of the other that run under the levee. The upper culvert has a separated joint, which has been identified as a deficiency by the US Army Corps of Engineers during inspection of the levee. The lower culvert would require dewatering of the site to be able to send a camera through the pipe for inspection. Diking District #3 has decided to pursue replacement of these two culverts with one or two larger pipes with side-hinge self-regulating tide gates, to improve both drainage and fish passage.

Project Status:
The property owner has received funding under the Environmental Quality Incentives Program (EQIP) run through the Natural Resources Conservation Service (NRCS) towards replacement of the culverts and flap gates. The NRCS is taking the lead in designing the project and the FCZD will be the lead agency for construction.

Total Estimated Design and RW Cost: $360,000
Expenditures to Date: $0
Ferndale Levee Improvement Project
Database ID No. 07-104

Construction Funding Year(s): 2019

Project Narrative:
Two levee segments, one sponsored by the City of Ferndale and one by the FCZD and Diking District #1, provide protection to the three treatment facilities along Ferndale Road. The US Army Corps of Engineers has identified several deficiencies along these two levee segments, including a gap in which super sacks filled with sand have been placed. The 1999 Comprehensive Flood Hazard Management Plan recommended improving these levees to provide 100-year protection to the City and the treatment facilities. The System-wide Improvement Framework will also include this project to address the identified levee deficiencies.

Project Status:
This project has been laid out at the conceptual levee only. No detailed design has been initiated yet; outside funding will be needed to fully implement this project.

Total Estimated Design and RW Cost: $750,000
Expenditures to Date: $0
## Emergency/New Projects
Database ID No. 08-003

### Construction Funding Year(s):
2016 - 2021

### Project Narrative:
This item provides funding to address unanticipated projects resulting from new damage to flood control facilities.

### Project Status:
Design and construction to occur as necessary.

### Total Estimated Project Cost:
$300,000

### Expenditures to Date:
N/A

Due to the nature of this item, no map exists. Board of Supervisors review and prioritization will be sought at the appropriate time.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator: Paula J. Harris, P.E.</td>
<td>PH</td>
<td>10/16/15</td>
<td></td>
<td>October 27, 2015</td>
<td>WCFCZDBS Introduction</td>
</tr>
<tr>
<td>Division Head: Gary Stoyka</td>
<td>GS</td>
<td>10/16/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head: Jon Hutchings</td>
<td>JH</td>
<td>10/16/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Civil Deputy Prosecutor: Dan Gibson</td>
<td>DG</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget: Brad Bennett</td>
<td>BB</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive: Jack Louws</td>
<td>JL</td>
<td>10/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

A Resolution by the Governing Body of the County-Wide Flood Control Zone District (WCFCZD) Amending the Bylaws of the Whatcom County Flood Control Zone District Board of Supervisors

**ATTACHMENTS:**

Cover Memorandum

SEPA review required? ( ) Yes ( ) No  
SEPA review completed? ( ) Yes ( ) No  
Should Clerk schedule a hearing? ( ) Yes ( ) No  
Requested Date: November 10, 2015

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This resolution clarifies the budget section of the bylaws of the WCFCZD Board of Supervisors so that the budgeting process for the FCZD is performed annually as prescribed in RCW 86.15.140.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Paula J. Harris, River and Flood Manager
       Gary S. Stoyka, Natural Resources Manager

RE: Resolution Revising the Bylaws of the Whatcom County Flood Control Zone District Board of Supervisors

DATE: October 16, 2015

A resolution revising the bylaws of the Whatcom County Flood Control Zone District (FCZD) Board of Supervisors is presented for your review and adoption.

- Requested Action
  Public Works respectfully requests that the County Executive and County Council members, acting as the Flood Control Zone District (FCZD) Board of Supervisors, adopt the attached resolution revising the bylaws of the FCZD Board of Supervisors.

- Background and Purpose
  Budgeting procedures for FCZD are specified in state law at RCW 86.15.140 which states:

  The supervisors shall annually at the same time county budgets are prepared adopt a budget for the zone...

In 2008 the bylaws of the FCZD Board of Supervisors were revised and adopted by Resolution 2008-080. These bylaws require the preparation of two annual FCZD budgets at the same time that the County adopts its biennial budget, with the first year’s budget adopted when the County adopts its biennial budget and the second year’s budget officially adopted the following year. Since then, Finance and Public Works staffs have determined that it would be more efficient and consistent with state law if the FCZD reverted to a strictly annual budgeting process. During a recent audit, the state auditor concurred with that determination and recommended that the FCZD’s bylaws and interlocal agreement with the County be modified accordingly. The proposed revisions to the bylaws clarify that the FCZD will adopt budgets annually, as required by state law.

Please contact Paula Harris at extension 6285 or Jon Hutchings at extension 6205, if you have any questions or concerns regarding the terms of this agreement.
RESOLUTION NO. ________

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDING THE BYLAWS OF THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS

WHEREAS, on October 22, 1991, the Whatcom County Council adopted Ordinance 91-076 creating a county-wide Flood Control Zone District and establishing that the County Council members sit, ex officio, as the Board of Supervisors for the District, and

WHEREAS, Resolution 92-014 of the Whatcom County Flood Control Zone District Board of Supervisors was adopted to provide a set of by-laws for the Board of Supervisors and provided, among other things, that pursuant to the authorizing state statute, the County Council sits as the Board of Supervisors; and

WHEREAS, in 1998 the Whatcom County Auditor’s Internal Audit Division reviewed the operations and governing documents of the District and made several findings that clarity and definition of the relationship between the District and the County should be improved, recommending changes in the District’s By-laws, a formal interlocal agreement between the County and the District, and additional distinction between the County’s finances and the District’s; and

WHEREAS, in response to the findings in the audit, the District agreed to make amendments to the FCZD governing documents to “clearly define and separate the functions of the FCZD and the County, both organizationally and financially…as an integral part of the 1999 budget process”; and

WHEREAS, the subsequent legislation by the County Council, Ordinance 98-085, called for the addition of the County Executive to the FCZD Board of Supervisors, dividing legislative and administrative authorities of the FCZD in a way similar to the way those duties are divided for the County in the Home Rule Charter; and

WHEREAS, in an effort to assist in clarifying and distinguishing between the actions of the County Council and those of the FCZD Board of Supervisors, and to directly respond to the 1998 audit findings, the respective roles of the two governments were more formally enumerated in a formal interlocal agreement adopted in 2011 as well as in an amendment to the bylaws adopted by resolution 2008-080; and;

WHEREAS, the interlocal agreement and adopted bylaws include provisions for adopting two annual budgets for the FCZD in the context of the County’s biennial budgeting process, and

WHEREAS, the effort required to develop two annual budgets in the first year of the County’s biennium and revise the second year budget through the supplemental budget process exceeds the effort needed to developed an annual budget each year, and

WHEREAS, RCW 86.15.140 requires that the FCZD adopt a budget annually;
NOW THEREFORE BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the By-Laws of the FCZD Board of Supervisors are hereby amended as outlined in Exhibit A to this resolution.

APPROVED this ___ day of ________, 2015.

WHATCOM COUNTY
FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Chair

APPROVED AS TO FORM:

__________________________
Junior L. Hobson

Chief Civil Deputy Prosecutor
EXHIBIT A

Chapter 100.01
BYLAWS OF THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS

Sections:

100.01.010 Membership.
100.01.020 Powers.
100.01.030 Meetings.
100.01.040 Meetings – Sturgis Standard Code of Parliamentary Procedure.
100.01.050 Quorum, agenda and conduct of business.
100.01.060 Staff.
100.01.070 Resolutions of the board.
100.01.080 Budget.
100.01.090 Documents – Form.
100.01.100 Records.

100.01.010 Membership.
Whatcom County councilmembers and the county executive shall be the board of supervisors of all flood control zone districts created within Whatcom County; provided, that the authorities and duties of the legislative and executive components of the board of supervisors be apportioned and performed in the same manner as that provided by the Whatcom County Home Rule Charter, as presently constituted and as it may hereafter be amended, for the governance of the affairs of the county; and further provided, that the county executive shall have no role in the legislative process of the board of supervisors, including the approval or veto of any legislative action of the board. (Res. 2008-080 Exh. B).

100.01.020 Powers.
The powers of the district are as stipulated in RCW 86.15.080. Administration of the district shall be carried out by the county flood control engineer in accordance with RCW 86.15.060 and all resolutions of the board, subject to the administrative control and direction of the county executive, pursuant to the Home Rule Charter of Whatcom County. The county executive and his designees may sign on behalf of the district any and all contracts, and any agreements with state, local, federal or other agencies, together with amendments to such agreements, certifications or other documents related to such agreements, that are necessary or related to carrying out any project in an annual work program approved by the board of supervisors.

Purchasing and contracting policies of Whatcom County are adopted by reference for use by the district, with the substitution of the board of supervisors in the role of the Whatcom County council. (Res. 2008-080 Exh. B).

100.01.030 Meetings.
The board will meet as often as there is business to conduct and, whenever possible, the meetings will take place on the same dates scheduled for county council meetings. Special meetings may be called by the
chairperson as required, provided proper public notice and notice to board members is given. Meetings of the board are subject to the state’s Open Public Meetings Act. (Res. 2008-080 Exh. B).

100.01.040 Meetings – Sturgis Standard Code of Parliamentary Procedure.

100.01.050 Quorum, agenda and conduct of business.
Requirements for a quorum and procedures for the agenda and conduct of business of the board shall be the same as those for the county council under Chapter 2.02 WCC. (Res. 2008-080 Exh. B).

100.01.060 Staff.
The clerk of the council shall provide primary staff support to the board, with other council staff members assisting the board as needed. The board will be advised by, and may assign tasks to, a flood control advisory committee in consultation with the county’s flood control engineer. (Res. 2008-080 Exh. B).

100.01.070 Resolutions of the board.
The introduction, publication, consideration and adoption of resolutions of the board which carry the force of law or which exercise the powers of the board as listed in RCW 86.15.080 shall be accomplished following the same procedure as that used for ordinances of the Whatcom County council, except where otherwise stipulated by state law. (Res. 2008-080 Exh. B).

100.01.080 Budget.
The budget for the flood control zone district shall be prepared by the county flood control engineer and reviewed by the flood control zone district advisory committee prior to submittal to the board of supervisors. Consistent with RCW 86.15.140, the district’s budget will be adopted annually, at the same time as the county budget. For so long as the county retains a biennial budget cycle, the district’s budget will be presented as two one-year budgets during the period when the county council is considering the county’s biennial budget. In the final quarter of the first year of the biennium, the board will consider a second one-year budget for the second year of the biennium, which shall be presented to the board of supervisors not later than October 15th. (Res. 2008-080 Exh. B).

100.01.090 Documents – Form.
Official documents issued by order of the board should be easily distinguished from documents issued by order of the county council. A format for resolutions of the board shall be established by the clerk of the council. (Res. 2008-080 Exh. B).

100.01.100 Records.
Actions of the board and minutes of the board meetings shall be maintained in the same manner as are council records and, if appropriate, may be filed, recorded and stored within existing systems in the council office. The clerk will keep a separate index of actions taken by the board. (Res. 2008-080 Exh. B).