**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
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<th>Date</th>
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<th>Agenda Date</th>
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<td>Originator:</td>
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<td>1/27/2016</td>
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<td>2/9/2016</td>
<td>Natural Resources Committee</td>
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<td>Joshua Fleischmann</td>
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<td>Division Head:</td>
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<td>Mark Personius</td>
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<td>Dept. Head:</td>
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<td>Sam Ryan</td>
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<td>Jack Louis</td>
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**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 8 (Resource Lands). This meeting will focus on the Forestry and Mineral Resource lands sections of Chapter 8.

**ATTACHMENT:**

1. Cover memo

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<tr>
<th>SEPA review required?</th>
<th>( X ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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<td>SEPA review completed?</td>
<td>( X ) Yes</td>
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**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.)

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 8 (Resource Lands) with Natural Resources Committee. This meeting will focus on the Forestry and Mineral Resource lands sections of Chapter 8.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

Related County Contract #: AB2016-047

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<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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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
   The Honorable Whatcom County Council

FROM: Joshua Fleischmann, Planner

THROUGH: Mark Personius, Assistant Director

DATE: January 27, 2016

SUBJECT: Comp Plan Update – Chapter 8 (Resource Lands – Forestry and Mineral Resource Sections)

As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. The Comprehensive Plan update and UGA review is being conducted in close coordination with the seven cities in Whatcom County.

The County Council will review the Comprehensive Plan, including UGA proposals, over a six month period between January and June 2016. This review will include staff briefings, review of Planning Commission recommendations, city presentations, public hearings, and consideration of public input. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review by the June 30, 2016 state deadline.

Staff would like to discuss the Forestry and Mineral Resource lands sections of Comprehensive Plan Chapter 8 (Resource Lands) with the Council’s Natural Resources Committee on February 9, 2016. The proposed Comprehensive Plan amendments to Chapter 8 will be posted on the County’s website at: http://www.whatcomcounty.us/1170/Comprehensive-Plan-Updates.

Thank you for your consideration of this matter. We look forward to discussing it with you.
WHATCOM COUNTY COUNCIL AGENDA BILL

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<td>MGM</td>
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<td>Finance/Council</td>
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Division Head: 

Dept. Head: 

Prosecutor: 1/13/16

Purchasing/Budget: 1/13/16

Executive: 1/15/16

JAN 19 2016

WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Second Amendment to the Lease Between Whatcom County and Soccer Commission/Whatcom Sports

ATTACHMENTS:
Second Lease Amendment

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.)

Request authorization for the County Executive to enter into an amended lease agreement with Whatcom Sports & Recreation for the use of the Northwest Soccer Park to include naming rights to recognize a major donor and assumption of the adjoining improvements and area leased to the Boys & Girls Club.

COMMITTEE ACTION: 1/26/2016: Held in Committee

COUNCIL ACTION: 1/26/2016: Held in Committee

Related County Contract #: 9706006/9706007
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: Jack Louws, Executive and Members of the Whatcom County Council

FROM: Michael McFarlane, Director

DATE: January 12th, 2016

RE: 2nd Amendment to Lease- Whatcom Sports & Recreation

Attached for your review and signature is the second amendment to the lease agreement between Whatcom County and Whatcom Sports & Recreation for use of the NW Soccer Park. Whatcom Sports & Recreation has leased a 32.5 acre area from the County since 1993.

Whatcom Sports & Recreation has requested an amendment to extend their current lease agreement for a period of 25 years to meet the requirements for a state grant. The grant funding, along with private donations will be used to construct two artificial lighted turf fields at the park. The amendment also grants naming rights for the park to Whatcom Sports & Recreation to recognize the private donation of $700,000 and expands the leased area to include the 9.7 acre parcel previously leased by the Boys & Girls Club.

There is currently no lease payment required by the County and Whatcom Sports & Recreation is solely responsible for all maintenance, operations and capital improvements.

Please contact me at 5855 if you have any questions or require additional information.

Thank you
### Whatcom County Contract Information Sheet

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Parks &amp; Recreation</th>
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<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Michael McFarlane</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Whatcom Sports &amp; Recreation</td>
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</table>

#### Is this a New Contract? Yes ☒ No ☐
- If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☒
- If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 9706007

#### 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):
- CFDA#:

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

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

#### 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.

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

#### This Amendment Amount:
  - $ 

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

#### Summary of Scope: This amendment extends the lease agreement between Whatcom County and Whatcom Sports & Recreation for use and operation of the Northwest Soccer Park for a period of 25 years, allows assumption of the improvements and area currently leased to the Boys and Girls Club, and permits the renaming of the park in recognition of a major donor. The extension is being requested to accommodate funding requirements for the construction of two artificial lighted soccer fields at the complex.

#### Term of Contract: 25 years
- Expiration Date: 10/31/40

#### Contract Routing:
1. Prepared by: Michael McFarlane Date: 1/11/16
2. Attorney signoff: Date: 1/13/16
3. AS Finance reviewed: Date: 1/13/16
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:

Last Edited 060414
SECOND AMENDMENT TO LEASE BETWEEN WHATCOM COUNTY
AND SOCCER COMMISSION/WHATCOM SPORTS

THIS SECOND AMENDMENT TO SOCCER COMMISSION LEASE ("Lease") is
made and entered into this _______ day of _____________, 2016, by and between
WHATCOM COUNTY, a municipal corporation organized under the laws of the State of
Washington, hereinafter “County” and WHATCOM SPORTS & RECREATION, a
Washington non-profit corporation, formerly Whatcom Soccer Commission, hereinafter
“Whatcom Sports”.

RECITALS:

A. The parties entered into the Amended Soccer Commission Lease, dated May 29,
1997.

B. The Whatcom Soccer Commission has changed its name to Whatcom Sports &
Recreation to better reflect the broader base of users for its facilities.

C. Conditional Use Permit 94-0017 that permitted expansion of the field complex located
at 1021 West Smith Road, Bellingham, Washington.

D. Whatcom Sports has acquired funding for two artificial turf fields with associated
improvements; including lighting ("Turf Fields") in order to satisfy funding requirements
Whatcom Sports needs an extension of the Lease.

E. The County desires to assist Whatcom Sports in providing recreational facilities for
both youth and adults that benefit the public by fulfilling park like function, thereby reducing
demands on the County’s budget.

F. RCW 35.59 authorizes counties to create multi-purpose community centers for the
purpose of facilitating, among other things, the construction and operation of public safety
facilities, play fields, indoor sports and recreational facilities.

G. There are contiguous properties currently leased to Whatcom County Search and
Rescue Council and the Whatcom Sports collectively constitute a multi-purpose community
center as defined in RCW 35.59.020.

H. RCW 35.59.080 authorizes the County to lease its land for public safety facilities,
play fields, indoor sports and recreation facilities, for such fees, charges or other consideration as
the legislative body deems appropriate.

I. The field complex development consisting of Whatcom Sports improvements will
have certain impacts on road circulation and parking in the vicinity. Both of the parties
acknowledge that the natures of the impacts are unclear, and that as use of the fields increases
and changes, those impacts may change from time to time. In order to ensure that Whatcom
Sports resolve these potential problems, the County reserves certain rights and authority regarding meeting of impacts, including the right to require the payment of rents, as provided in this Lease.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties agree as follows:

1. Premises. The County, for and in consideration of the covenants and agreements contained herein, hereby demises, lets and leases unto Whatcom Sports the real property described in Exhibit “A” (“Leased Property” or “Park”). In addition to the Lease Property, the County leases to Whatcom Sports the following easements:

(a) An easement to run an underground water irrigation line from the Lease Property to the irrigation pond shown on the map attached as Exhibit “B”. This shall include the right to use the pond and all improvements and equipment associated therewith.

(b) A twenty foot (20’) easement over and across County property for the purpose of locating an underground waterline for connection the Lease Property to the City of Ferndale water system.

(c) A parking ingress and egress easement over parking areas as they currently exist and as they may change from time to time in the vicinity of the County Shop and in the vicinity of the County Annex. These easements are designated “limited parking easements” on the attached Exhibit “B”. This easement may only be used by Whatcom Sports outside of normal business hours, and is subject to restrictions imposed by the Director.

(d) A non-exclusive easement for parking, together with an easement for ingress and egress over those areas developed as roads and existing parking areas as designated on Exhibit “B”.

(e) A non-exclusive easement to maintain and repair existing waterlines running from the well, which is identified in Exhibit “B”, to the Lease Property described in Exhibit “A”, to the irrigation pond identified on Exhibit “B”. This easement right shall include the water rights to withdraw water from the existing well and the use of all equipment and waterlines associated therewith. This right to withdraw water is subject to the following conditions:

(i) All expenses for maintenance and repair of the well shall be the sole and exclusive responsibility of Whatcom Sports;

(ii) When the use of the well is discontinued the well will be capped consistent with State and County requirements.
(iii) The well shall not be used for domestic purposes.

(iv) Water use and well use may be limited to or subject to any other third party claim or restrictions by law, and as such, legal disputes or compliance shall be at the expense of Whatcom Sports unless the County agrees to participate in or contribute to the cost of any of these issues.

The Lease Property, together with easements described in subparagraphs 1.a through 1.e shall hereinafter collectively be referred to as the “Leased Premises”.

The Leased Premises are subject to a general utilities easement anywhere on the Leased Premises in favor of the County for the purpose of maintaining existing underground utilities and for adding additional underground utilities as the County deems appropriate.

2. **Term.** The term of this Lease shall be for a period of twenty five (25) years, commencing on the 1st day of November, 2015, and ending on the 31st day of October, 2040.

3. **Rent.** There shall be no rent for the Leased Premises, except as otherwise provided for herein. The consideration received by the County shall be the improvements to the Leased Premises and the use of the Leased Premises, which fulfills a public need and purpose.

4. **Acceptance of Premises.** Whatcom Sports acknowledges that the Leased Premises have been examined to Whatcom Sports’ satisfaction and Whatcom Sports accepts the Leased Premises in their present condition, except as provided in Section 7 of this Lease.

5. **Administration.** The administration of this Lease shall be through the Whatcom County Parks & Recreation Department. The director of the Whatcom County Parks & Recreation Department, hereinafter “Director” is authorized to administer this Lease and deal with all issues related hereto, including the granting of the necessary approvals contemplated by this Lease; provided this Lease may only be amended in the same manner that it was originally executed. All actions taken by the Director as the County’s agent for administering this Lease shall be subject to the approval of the Whatcom County Executive.

6. **Use.** Whatcom Sports shall use the Leased Premises only for youth and adult athletic activities and incidental and related activities. The parties agree that Whatcom Sports shall have the primary use of the Leased Premises for that purpose; provided the Director may allow other uses and activities on the Leased Premises during those times that all or a portion of the Leased Premises are not scheduled for use by Whatcom Sports; provided such use is not detrimental or damaging to the Turf Field, or other facilities located on the Leased Premises.

The County reserves the right to use a portion of Parcel “G-3” as designated in Exhibit “B” for the purpose of conducting its annual auction. The County shall use only that space
reasonably necessary to conduct the auction. The County’s use of the facility for the auction shall be at no cost to the County.

Whatcom Sports agrees to make all the facilities on the Leased Premises available to the County for emergency operations in the case of a local disaster.

7. **Improvements.** Whatcom Sports shall make no alterations, improvements, repairs or do any development to the Leased Premises without the prior written consent of the Director.

Whatcom Sports shall pay for all costs to repair damages to the Leased Premises and improvements thereto incurred during Whatcom Sports’ use of the Leased Premises.

Whatcom Sports shall return the Leased Premises to the County with all improvements in an adequate condition upon the termination or expiration of this Lease.

Whatcom Sports agrees to secure the necessary permits required for construction of improvements on the Leased Premises. The County reserves the right to require any fixtures or improvements to be deeded to the County upon expiration or termination of this Lease.

Whatcom Sports shall pay all costs and expenses for work done and materials used for the construction of improvements or installation of equipment. Whatcom Sports shall keep the Leased Premises free and clear of all mechanics or material liens, or other liens on account of any work done for Whatcom Sports on the Leased Premises.

Whatcom Sports agrees to maintain existing soccer fields and at its discretion convert some of those soccer fields to Turf Fields.

All site work on the Lease Premises as designated on Exhibit “B”, shall be performed by Whatcom Sports at no cost to the County; provided the County shall clean up any hazardous materials and/or soil contaminates that were placed on the site prior to November 12, 1993.

8. **Maintenance.** Whatcom Sports shall be solely responsible for maintenance of the Leased Premises. Whatcom Sports agrees that the County shall not have responsibility for maintenance of any kind. Whatcom Sports maintenance shall include, but is not limited to responsibility for proper signage related to safety, warnings, accessibility or emergencies.

9. **Operating Costs.** Whatcom Sports shall pay all costs of operation of the Leased Premises, including, but not limited to, electricity, water, gas, sewer and garbage.

10. **Concession.** Whatcom Sports is authorized to operate concessions on the Leased Premises for the sale of food, food items, apparel and other youth sports related items; provided such concession shall only be open during events scheduled on the Leased Premises.

Whatcom Sports shall be responsible for acquiring all necessary permits, approvals and licenses for such concession operations.
11. **Traffic / Parking Impacts.** Pedestrian circulation on the Leased Premises and adjacent areas, traffic circulation in the vicinity and parking impacts outside of the Leased Premises shall be monitored by the Whatcom County Department of Public Works or its successor department (hereinafter referred to as the “Department”). In the event the Department determines that use of the Leased Premises has a significant impact on traffic, pedestrian circulation or parking, then the Department may require Whatcom Sports to make such improvements or implement programs sufficient to ensure mitigation of those impacts.

In the event Whatcom Sports does not agree with the Department’s determination, then Whatcom Sports may arbitrate the dispute pursuant to the arbitration provisions set forth in this section. The department shall provide Whatcom Sports a reasonable time to complete the necessary improvements or implement the required programs.

If Whatcom Sports fails to implement the required programs within the time required, such failure shall be deemed a breach of this Lease. If Whatcom Sports fails to make the required improvements, then the County at its sole election may make such improvements. The costs of such improvements shall be repaid by Whatcom Sports over a five (5) year period. For this purpose the cost of such improvements shall be amortized using a ten percent (10%) factor. These amortized costs shall be monthly rental charges under this Lease.

Failure to make the comply with the lease terms or pay any fees or costs associated with this Lease as required by this Lease or by law, shall be a default under this Lease.

In the event Whatcom Sports requests arbitration under this section, Whatcom Sports shall select one arbitrator and the Department shall select one arbitrator. The two arbitrators so chosen shall select a third arbitrator. This three (3) member arbitration panel shall arbitrate the dispute between Whatcom Sports and the Department. The decision of the arbitrators shall be final and binding on the parties. Each party shall pay the arbitrator selected by them and each party shall pay one-half of the fee of the third arbitrator.

12. **Naming Rights.** Whatcom Sports, if upon procuring private funds from a sole donor in the amount of $700,000 or more for capital improvements on the Leased Premises, may change the name of the Park from Northwest Soccer Park to the donor’s name (anticipated to be Phillips 66), Phillips 66 Soccer Park, to reflect the generosity of the donor. All costs associated with renaming the park are the responsibility of Whatcom Sports. Whatcom County will make the necessary changes in its publications to reflect the name change. The conditions for the naming rights are outlined in the naming rights agreement attached to this amendment and will apply for the term 20 years expiring December 31st, 2035. Upon expiration of this Lease, the name of the Park will revert to the Northwest Soccer Park or to a name of the County’s choosing. In the event the Lease term is renewed or extended, all naming rights of the Lessee will terminate unless subsequently and specifically agreed to in writing and signed by the County. This Lease does not provide County property rights to Phillip 66 or any organization or company in which the Park is to be named, unless otherwise provided for in writing and signed by the County.
13. **Insurance.**

   a. Whatcom Sports shall carry public liability insurance and general liability and property damage insurance on the Leased Premises insuring Whatcom Sports' obligation to indemnify the County for personal injury or damages with limits of at least Four Million Dollars ($4,000,000.00) of any one person per occurrence and Four Million Dollars ($4,000,000.00) for any accident, and not less than Two Hundred Fifty Thousand Dollars ($250,000.00) in property damage arising in or about the Leased Premises. The County shall be named an additional insured on Whatcom Sports' liability insurance policy. Whatcom Sports shall provide a copy of such liability policy to the County.

   b. A Certificate of Insurance and necessary endorsements must name the County and their employees, officials, agents and volunteers as additional insureds and must identify the Leased Property. The Certificate and endorsements shall be attached to this Lease. Evidence of Whatcom Sports' insurance requirements must be provided annually to the County. The Whatcom Sports' insurance shall state on the certificate and include endorsements providing that Whatcom Sports' insurance is primary and shall waive all rights of subrogation. The County's insurance shall be noncontributory.

   Due to the length of this Lease, the parties agree to periodically review the insurance limits to determine if they are adequate. If the County deems such insurance limits not to be adequate, then Whatcom Sports, upon request from the County, shall raise such insurance limits to adequate amounts.

   The insurance policy covering liability for the Leased Premises and concession sales shall be a commercial general liability policy with the above policy limits, and, in addition, shall include coverage for merchandise sold by Whatcom Sports through its facilities. Such insurance shall be approved by the Director.

   Whatcom Sports shall maintain property insurance for the full replacement value of all improvements to the Leased Premises. The property insurance shall be a standard fire insurance policy with broad form coverage, including coverage against glass breakage, vandalism and malicious mischief on the improvements constructed on the Leased Premises.

   The policy of insurance shall have a thirty (30) day cancellation notice in the event of termination, or material modification of coverage, which notice shall be provided to the County.

   The County and Whatcom Sports hereby mutually release each other and their respective successors and assigns from any liability and waive all right of recovery against each other from any loss for perils insured against under their respective fire insurance contracts, including any extended coverage endorsements thereto; provided this section shall be inapplicable if it would have the effect, but only to the extent that it would have such effect, of invalidating insurance coverage of the County or Whatcom Sports.
14. **Compliance with Environmental Law.** Whatcom Sports agrees that during its use and occupancy of the Leased Premises it shall comply with all environmental laws with regard to the use, storage, transportation and disposal of hazardous substances on the Leased Premises.

15. **Taxes and Fees.** Whatcom Sports shall pay all licenses, excise tax, permits and fees applicable to its operation and the leasehold estate created by this Lease. Whatcom Sports shall be responsible for securing necessary permits and licenses imposed by applicable local, state or federal law with respect to Whatcom Sports’ employees or Whatcom Sports’ property or activities on the Leased Premises.

16. **Indemnification.** Whatcom Sports covenants and agrees to indemnify, hold harmless and defend the County from and against all claims, losses and damages for personal injury or death, or damage to property occurring with the Leased Premises, arising out of Whatcom Sports’ and occupancy of the Leased Premises, excepting any damage or loss caused by the sole negligence of the County or solely by the County’s failure to perform material obligations hereunder that resulted in the injury, death or property damage. Should it be determined that the County was solely negligent, it is agreed that the County as an additional insured on Whatcom Sports insurance policy, that coverage remains the primary policy for the County.

Whatcom Sports specifically and expressly waives any indemnity created under the Washington Industrial Insurance Act, Title 51 RCW, or similar laws of other jurisdictions and by its signature below acknowledges that this waiver was mutually negotiated and agreed to by the parties.

17. **Assignment and Subletting.** Whatcom Sports shall not sublet the Leased Premises or any part thereof, or assign this Lease without the prior written consent of the County, which consent shall not be unreasonably withheld. Any such assignment or subletting, or attempt to assign or sublet without such consent shall result in an immediate forfeiture of Whatcom Sports’ interest in and to this Lease, as provided herein.

18. **Entry onto Leased Premises by County.** The County reserves the right to enter onto the Leased Premises at reasonable times to inspect them, or make modifications and Whatcom Sports shall permit the County to do so.

19. **Independent Contractor.** It is hereby understood, agreed and declared that Whatcom Sports, or any sublessee, is an independent contractor and not the agent or employee of the County and that no liability shall attach to the County by reason of entering into this Lease, except as may be expressly provided herein.

20. **Oil and Mineral Rights.** The County hereby expressly saves, accepts and reserves out of the Lease hereby made, unto itself, its successors and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coals, ores, minerals, gravel, timber and fossils, and it also hereby expressly saves and reserves out of lease hereby made, unto itself, its successors, and assigns, forever, the right to enter by itself, its agents, attorneys, and servants upon said lands, or any part
or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coals, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the lease hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

21. **Termination and Remedies of County for Breach by Whatcom Sports.** The County shall have the right to terminate this Lease upon breach of this Lease by Whatcom Sports, or any sublessee of Whatcom Sports, upon giving sixty (60) days written notice of termination to Whatcom Sports. The written notice shall specify the reason for termination and Whatcom Sports shall be given a reasonable time to cure the breach described in such notice. These remedies shall be in addition to any other remedies available to the County.

In the event the Leased Premises are necessary for the County to fulfill a County purpose, then the County may terminate this Lease as to that portion of the Leased Premises required to fulfill such County purpose. The County agrees to reimburse Whatcom Sports for any damages incurred in the event this Lease as to all or a portion of the Leased Premises is terminated by the County without cause. Damages shall be limited to reimbursement of monies expenses on the Leased Premise.

22. **Conditional Use Permits.** Whatcom Sports agrees to comply with the terms of the Conditional Use Permits issued by Whatcom County.

23. **Modification.** No change or addition to this Lease shall be valid or binding upon either party unless such change or addition is in writing, executed by the parties and approved by the Whatcom County Council.

24. **Previous Leases.** The County and Whatcom Sports have entered into previous leases, all of which are superseded and replaced by this Lease.

25. **Hazardous Substances.**

   25.1 **Environmental Law.** “Environmental Law” shall mean any federal, state, local law, statute, ordinance, regulation or order and all amendments thereof pertaining to health, industrial hygiene, environmental conditions, or Hazardous Substances.

   25.2 **Hazardous Substances.** “Hazardous Substances” shall mean any hazardous or toxic substances, materials or wastes, or pollutants or contaminates as defined listed or regulated by any Environmental Law or by common law decision, including, without limitation, chlorinated solvents; petroleum products or by-product; asbestos; and polychlorinated biphenyl.
25.3 Compliance with Environmental Law. Whatcom Sports agrees that during its use and occupancy of the Leased Premises it shall comply with all Environmental Laws with regard to the use, storage, transportation and disposal of Hazardous Substances on the Leased Premises.

25.4 Representation. To the best of the County’s knowledge, there are no underground storage tanks on the Leased Premises, and there are no Hazardous Substances present on or under the Leased Premises in any manner or quantity that will violate any Environmental Law.

25.5 Notification. Whatcom Sports shall give prompt notice to the County of:

(a) Any proceedings or inquiry by any governmental authority with respect to the presence of any Hazardous Substance on the Leased Premises or related to any loss or injury that might result from Hazardous Substances on the Leased Premises; and

(b) Whatcom Sports’ discovery of any occurrence or condition on the Leased Premises that could cause the Leased Premises or any part thereof to be subject to any restriction or occupancy or use of the Leased Premises under any Environmental Law.

26. Miscellaneous.

a. Time of the Essence. Time is of the essence in the performance of this Lease.

b. Entire Agreement. There are no other verbal or written agreements which modify or affect this Lease.

c. Benefit. The provisions in this Lease shall inure to the benefit of and be binding upon the successors, assigns and personal representatives of the parties hereto.

d. Notices. All notices or demands to be given by each party to the other under this Lease and all sums to be paid by each party shall be deposited in the United States mails, postage prepaid, by certified or registered mail, return receipt requested, and addressed as follows:

Whatcom Sports & Recreation Whatcom County Parks & Recreation Department 1225 Civic Field Way 3373 Mount Baker Highway Bellingham, WA 98229 Bellingham, WA 98226 Phone: (360) 734-6390 Phone: (360) 778-5850 Email: ctw@belcherswanson.com Email: mmcfarla@co.whatcom.wa.us Current President: Chet Lackey Current Director: Michael McFarlane
Notices and demands sent by mail shall be deemed to have been given and delivered when properly mailed, and the postmark affixed by the United States Post Office shall be conclusive evidence of the date of mailing.

e. **Execution of Documents.** The parties agree to execute any documents which may be necessary, appropriate or convenient to carry out the intent of the transaction contemplated by this Lease.

f. **Attorney’s Fees.** In the event either the County or Whatcom Sports shall institute suit to enforce any rights hereunder, the successful party shall be entitled to court costs and reasonable attorney’s fees against the losing party.

g. **Survival.** All of the terms and covenants in this Lease shall survive the closing and delivery of any deed.

h. **Severability.** If any provision of this Lease is deemed void or unenforceable by the action of a court of law, such provision shall be severable and not affect the balance of the Lease, which shall remain in full force and effect.

i. **Applicable Law.** This Lease shall be construed, interpreted and enforced pursuant to the laws of the State of Washington, and the parties agree that the Superior Court of Whatcom County shall be the appropriate venue of any suit or proceeding brought with respect to this Lease or the Leased Premises.

j. **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 Agreement shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of either party 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.

IN WITNESS WHEREOF, the parties have executed this Lease the date above first written.

For:

WHATCOM SPORTS & RECREATION

By __________________________

Chet Lackey, President
STATE OF WASHINGTON

COUNTY OF WHATCOM

On this ____ day of ______________, 2016, before me personally appeared Chet Lackey to me known to be the President of Whatcom Sports & Recreation 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 ________

WHATCOM COUNTY

By _________________________
Jack Louws, County Executive

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this ____ day of ______________, 2016, before me personally appeared Jack Louws to me known to be the Whatcom County Executive 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 ________

Michael McFarlane, Director

APPROVED AS TO FORM:

Senior Deputy Prosecuting Attorney
EXHIBIT “A”

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 2 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE NORTH 89 DEGREES 32′ 55″ WEST ALONG THE NORTH LINE OF SAID SECTION 34, 1526.63 FEET; THENCE SOUTH 00 DEGREES 47′ 10″ EAST, 30.01 FEET TO THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 47′ 10″ EAST, 318.17 FEET; THENCE NORTH 89 DEGREES 41′ 59″ WEST, 10.80 FEET; THENCE SOUTH 00 DEGREES 18′ 01″ WEST, 611.93 FEET; THENCE NORTH 89 DEGREES 42′ 30″ EAST, 1206.23 FEET; THENCE NORTH 07 DEGREES 01′ 05″ EAST, 64.15 FEET; THENCE NORTH 21 DEGREES 01′ 26″ EAST, 61.53 FEET; THENCE NORTH 66 DEGREES 10′ 46″ EAST, 55.71 FEET; THENCE NORTH 86 DEGREES 45′ 28 EAST, 43.89 FEET; THENCE NORTH 68 DEGREES 08′ 38″ EAST, 124.36 FEET; THENCE NORTH 00 DEGREES 41′ 58″ EAST, 720.16 FEET TO THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103); THENCE NORTH 89 DEGREES 32′ 55″ WEST ALONG THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103) 1445.53 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 29.7 ACRES, PLUS OR MINUS.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

LEGAL DESCRIPTION, G-3 LEASE PARCEL

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 2 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34, THENCE NORTH 89 DEGREES 32′ 55″ WEST ALONG THE NORTH LINE OF SAID SECTION 34, 1526.63 FEET; THENCE SOUTH 00 DEGREES 47′ 10″ EAST, 30.01 FEET TO THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 47′ 10″ EAST, 318.17 FEET; THENCE NORTH 89 DEGREES 41′ 59″ WEST, 10.80 FEET; THENCE CONTINUING NORTH 89 DEGREES 41′ 59″ WEST, 389.96 FEET; THENCE NORTH 00 DEGREES 44′ 14″ EAST, 222.16 FEET; THENCE SOUTH 89 DEGREES 32′ 55″ WEST ALONG THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103); THENCE SOUTH 89 DEGREES 32′ 55″ EAST, 47.96 FEET; THENCE NORTH 00 DEGREES 27′ 05″ EAST, 97.00 FEET TO A POINT ALONG THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103); THENCE SOUTH 89 DEGREES 32′ 55″ EAST ALONG THE SOUTHERLY MARGIN OF WEST SMITH ROAD (COUNTY ROAD NO. 103) 344.82 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.8 ACRES, PLUS OR MINUS.

SITUATE IN WHATCOM COUNTY, WASHINGTON.
NAMING RIGHTS AGREEMENT

This naming rights agreement ("Agreement") is entered into December __, 2015 by and between Phillips 66 Corporation ("Phillips 66") and Whatcom Sports & Recreation, a not for profit corporation ("WS&R") for the naming rights of the current Northwest Soccer Park ("Soccer Park"). The Soccer Park is located on the corner of Northwest Drive and Smith Road in Bellingham, WA.

1. **Naming Rights**: WS&R hereby grants exclusive naming rights for the Soccer Park to Phillips 66, subject to certain reservations set forth in this Agreement.

2. **Term of Agreement**: The term of this Agreement will be for twenty (20) years commencing on January 1, 2016, and ending December 31, 2035.

3. **Naming Rights Fee**: In consideration for the naming rights to the Soccer Park Phillips 66 shall pay WS&R the amount of Seven Hundred Thousand Dollars ($700,000).

4. **Payment**: The naming rights fee will be paid as follows: ____________________________

   5. **Soccer Park Name**: The parties agree that the name of the Soccer Park will be "Phillips 66 Soccer Park".

6. **Signage**: The form and content of the signage and branding will be substantially as shown on the attached Exhibits "A" through "F". The signage, design, construction and installation costs will be the responsibility of WS&R. The following are details of the Phillips 66 Soccer Park signage and branding:

   - Electronic scoreboard at the facility with Phillips 66 Soccer Park brand. (see Exhibit "A").
   - Phillips 66 logo to be placed in the center of the two turf fields (see Exhibit "A").
   - (2) 4' x 8’ entrance signs will prominently display an agreed upon Phillips 66 Soccer Park logo. Signs for east and west entrances that is permitted by Whatcom County planning. (see Exhibit "B").
   - (5) 3’ x 6’ Welcome Signs on north side parking lot adjacent to facility (see Exhibit "B").
   - (8) 2’ x 2’ Park at Your Own Risk signs (see Exhibit "C").
   - (60) 1’ x 1’ corner flags for the fields (see Exhibit "C").
   - The current whatcomsoccer.com website would be updated with the Phillips 66 Soccer Park logo that will be present throughout the website pages.
   - All programming literature (schedules, field maps, tournament venues, programs, etc.) prominently states activities are at Phillips 66 Soccer Park.
   - Any other exterior signage mutually agreed upon by both parties and costs will be negotiated between both parties.
7. Signage and Branding Costs. WS&R will be responsible and will incur the cost for maintaining, and if necessary replacing, all signage to have in presentable condition.

8. Whatcom Sports & Recreation Rights Reserved: WS&R retains the right to continue to pursue and secure sponsorship of individual fields and other advertising signage at the Soccer Park for the benefit of the facility. WS&R reserves the right to have FC Rangers signage on covered benches and bleachers on the turf fields and on the existing office building.

9. Name Change: In the event the Phillips 66 Corporation, through merger or acquisition, has a name change, Phillips 66 shall have the right to change the name of the Soccer Park. All costs associated with renaming the Soccer Park shall be the responsibility of Phillips 66.

10. Contingency: This Agreement is contingent upon the WS&R acquiring an extension of the Lease beyond the term of this Agreement.

Phillips 66 Corporation

By__________________________ Date

Whatcom Sports & Recreation

By__________________________ Date

N:\WP\ICTL\SOCCER\WSC\Phillips 66\Agreement.docx
**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>
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<td>1/15/16</td>
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**TITLE OF DOCUMENT:** Amendment No. 4 of the 2016 Budget

**ATTACHMENTS:** Ordinance, Memoranda & Budget Modification Requests

<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>
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<tr>
<td>SEPA review completed?</td>
<td>( ) Yes ( X ) NO</td>
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<td></td>
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</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.)

Supplemental #4 requests funding from the Conservation Futures Fund:

1. To reappropriate $400,000 to fund Lummi Island Heritage Trust Conservation and Access Easement.

From Real Estate Excise Tax Fund I:

2. To appropriate $300,000 to partially fund East Whatcom Regional Resource Center expansion project.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

1/26/2016: Introduced 7-0

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO.
AMENDMENT NO. 4 OF THE 2016 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 2016 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tbody>
<tr>
<td>Conservation Futures Fund</td>
<td>400,000</td>
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<td>400,000</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund I</td>
<td>300,000</td>
<td></td>
<td>300,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>700,000</td>
<td></td>
<td>700,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ______________________, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

BARRY BUCHANAN, CHAIR OF THE COUNCIL

APPROVED AS TO FORM:

Civil Deputy Prosecutor

( ) Approved    ( ) Denied

Jack Louws, County Executive

Date: ___________________
<table>
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<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>
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</thead>
<tbody>
<tr>
<td>Conservation Futures Fund</td>
<td>To reappropriate funding for Lummi Island Heritage Trust Conservation and Access Easement.</td>
<td>400,000</td>
<td>-</td>
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<tr>
<td>Real Estate Excise Tax Fund I</td>
<td>To partially fund East Whatcom Regional Resource Center expansion project.</td>
<td>300,000</td>
<td>-</td>
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<tr>
<td>Total Supplemental</td>
<td></td>
<td>700,000</td>
<td>-</td>
<td>700,000</td>
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</table>
MEMORANDUM

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

FROM: Michael McFarlane, Director

DATE: January 13th, 2016

RE: Budget Supplemental #2126- Lummi Island Heritage Trust Conservation and Access Easement

Attached for your approval is a budget supplemental number 2126 in the amount of $400,000 to purchase a conservation and public access easement from the Lummi Island Heritage Trust. This request is for a reappropriation of a supplemental that was approved by Council in November last year.

Due to delays in reviewing the easement document, this transaction was delayed beyond the calendar year.

Please contact me at 5855 if you have any questions or require additional information.

Thank you
Supplemental Budget Request

Status: Pending

Parks & Recreation

SuppID # 2126  Fund 175  Cost Center 17500  Originator: Michael McFarlane

Expenditure Type: One-Time  Year 2 2016  Add'l FTE  Add'l Space  Priority 1

Name of Request: Reappropriate Lummi Island Heritage Trust Easement

X 1/13/16
Department Head Signature (Required on Hard Copy Submission) Date

Costs:

<table>
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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>7320</td>
<td>Land</td>
<td>$400,000</td>
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</table>

Request Total $400,000

1a. Description of request:
The County will cost share with the Lummi Island Heritage Trust on the acquisition of the 105 acre rock quarry on Lummi Island. The Heritage Trust will own and manage the property and the County will hold a conservation and public access agreement on the property. The property consists of the 20 acre rock quarry, 80 acres of forested uplands and approximately 4,000 feet of saltwater frontage on Hale Passage.

1b. Primary customers:
The public. Benefits include access to the shoreline and upland areas for passive recreation.

2. Problem to be solved:
The Lummi Island Heritage Trust has put together a funding strategy to acquire the quarry property. Public shoreline access on Lummi Island is very limited and the community has concerns regarding future mining and water availability. In a lead capacity, the Trust has made application for restoration and acquisition grants and will undertake the long term management of the property. With limited resources and grant funding, the Trust has requested the County partner to help in acquiring the site. In return for providing funding, the County will have a conservation and public access easement on the property.

3a. Options / Advantages:
The cost of the acquisition is $1,550,000 with the County being asked to provide $400,000 in funding. The Trust will own, restore and manage the site while the County will retain a conservation and public access easement. This will ensure future protection of the site and its resources while providing public access for passive recreational purposes. The Heritage Trust will incur the future costs for restoration and management.

3b. Cost savings:
Partnering with the Trust is a cost effective strategy to restoring the site and providing public access. The Trust has pulled together a funding coalition consisting of the Northwest Straits Foundation, Whatcom County, Washington Department of Natural Resources and private donors to help fund the $1,550,000 acquisition.

4a. Outcomes:
Title to the property has been transferred to the Lummi Island Heritage Trust. Upon approval and recording of the conservation and public access easements, payment will be made to the Trust.

4b. Measures:
The Lummi Island Heritage Trust will own the property and the County will own the easements. The Trust will proceed with plans to restore the site and the public will have access.

5a. Other Departments/Agencies:
The Trust will need the appropriate County, State and Federal permits. Other agencies involved in permitting include Department of Ecology, Department of Natural Resources, Department of Fish and Wildlife, and Washington State Water Resource Center.
### Supplemental Budget Request

**Parks & Recreation**

<table>
<thead>
<tr>
<th>Supp ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>2126</td>
<td>175</td>
<td>17500</td>
<td>Michael McFarlane</td>
</tr>
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</table>

Wildlife, US Fish & Wildlife and Army Corps of Engineers.

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

N/A

6. **Funding Source:**

Conservation Futures ($400,000)
Supplemental Budget Request

Non-Departmental

<table>
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<td>M Caldwell</td>
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</table>

Expenditure Type: One-Time  Year 2  2016  Add'l FTE  Add'l Space  Priority 1

Name of Request: REET Trf to support EWRRC Expansion Project

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
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<th>Costs:</th>
<th>Object</th>
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<tr>
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</table>

1a. Description of request:
Transfer to support the East Whatcom Regional Resource Center's food bank distribution center construction project. See EWRRC Project Budget Supplemental ID 2123.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
REET I
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<td>1/26/16</td>
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<td>1/15/16</td>
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**TITLE OF DOCUMENT:** Amendment No. 7 to Ordinance No. 2008-025 Project Budget No. 2 (Which Established the Initial East Whatcom Regional Resource Center Project Budget)

**ATTACHMENTS:** Ordinance & Budget Modification Request

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
</tr>
</tbody>
</table>

**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.)

Amendment #7 requests funding for the East Whatcom Regional Resource Center Fund:

1. To appropriate $1,050,000 to fund expansion of the East Whatcom Regional Resource Center to include a food bank distribution center as well as other multi-use programming space.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th>COUNCIL ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/26/2016: Introduced 7-0</td>
</tr>
</tbody>
</table>

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. ____________

AMENDMENT NO. 7 TO ORDINANCE NO. 2008-025 PROJECT BUDGET NO. 2
(WHICH ESTABLISHED THE INITIAL EAST WHATCOM REGIONAL RESOURCE CENTER PROJECT BUDGET)

WHEREAS, the initial construction of the East Whatcom Regional Resource Center (EWRRC) was substantially completed in 2011, and

WHEREAS, the Opportunity Council has secured a $750,000 Community Development Block Grant, and Whatcom County has committed $300,000 of Real Estate Excise Tax I funds, to add a food bank distribution center and space for multi-use programming to the East Whatcom Regional Resource Center,

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2008-025 is hereby amended adding $1,050,000 of expenditure authority to the original project budget and subsequent amendments, for a total amended project budget of $6,097,571.

ADMITTED this ____ day of _____, 2016.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk Barry Buchanan, Chair of the Council

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: ______________________

30
Supplemental Budget Request

Executive

Supp ID # 2123  Fund 334  Cost Center 334100  Originator: Suzanne Mildner

Expenditure Type: One-Time  Year 2 2016  Add'l FTE  Add'l Space  Priority 1

Name of Request: EWRRC Expansion Project

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
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<th>Object Description</th>
<th>Amount Requested</th>
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Request Total  $0

1a. Description of request:
Expansion project for the East Whatcom Regional Resource Center to construct a new food bank distribution center as well as other multi-use programming space. This project is partially funded by a Community Development Block Grant (CDBG) from the Washington State Department of Commerce ($750,000), which grant will be passed through to the Opportunity Council as subrecipient. There is also funding from the County's Real Estate Excise Tax Fund I ($300,000).

1b. Primary customers:
Low and moderate income residents in east Whatcom County

2. Problem to be solved:
The project is described in the CDBG grant application approved by Council in Spring 2015. We are now entering into a Subrecipient Agreement with Opportunity Council, who will complete the project scope of work and fulfill the grant contract requirements.

3a. Options / Advantages:
N/A

3b. Cost savings:
N/A

4a. Outcomes:
Completion of new construction of an expansion of the EWRRC building, and delivery of occupancy permit.

4b. Measures:
Ongoing reports will be required of the Opportunity Council, who will be working under supervision of our County Facilities staff.

5a. Other Departments/Agencies:
County Parks Department will continue to maintain an operating agreement with Opportunity Council for the EWRRC, and the County Facilities staff will have some oversight of the construction process. The Opportunity Council will be managing the project.

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

6. Funding Source:
HUD, through Washington State Department of Commerce's CDBG Program ($750,000)  
Real Estate Excise Tax Fund I transfer - in ($300,000)

Wednesday, January 13, 2016
**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>
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<td>1-29/2016</td>
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<td>2/9/16</td>
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<td>Dept. Head:</td>
<td></td>
<td>1/29/16</td>
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<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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<td>2/1/16</td>
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<tr>
<td>Executive:</td>
<td></td>
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</table>

**TITLE OF DOCUMENT:** Resolution to set hearing to sell Tax-Title property by negotiation  
 Req. #TR2016-01

**ATTACHMENTS:** Map, Property Profile & Letter from applicant

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

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

**SUMMARY STATEMENT OR LEGAL NOTICE:** The Property Management Committee determined the property be sold by negotiation as per R.C.W. 36.35.150(4); when no acceptable bids were received at the attempted public auction of the property, if the sale is made within twelve month from the date of the attempted public auction.

Parcel No. 370406.266098.0000 / PID 30379  
Suddlen Valley Div 15 Lot 7 TWN 37N RGE 04E SEC 06

For no less than the principal taxes, interest, penalties, title search and foreclosure costs of $3,839.35

**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).
SPONSORED BY: ____________________________
PROPOSED BY: Treasurer
INTRODUCTION DATE: ____________________________

RESOLUTION NO. ___

TO SET HEARING AND
NOTICE OF HEARING OF THE
SALE OF COUNTY TAX TITLE PROPERTY
BY NEGOTIATION

REQUEST NO. TR2016-01

WHEREAS, the following described property is now, and has been the property of
the County of Whatcom, State of Washington since: as noted per parcel below; and,

WHEREAS, the Whatcom County Property Management Committee recommends
the resolution be passed to effectively meet the legal requirement for the disposal by
negotiation pursuant RCW 36.35.150(4) when no acceptable bids were received at the
attempted public auction of the property, if the sale is made within twelve month from the
date of the attempted public auction; and,

WHEREAS, the Whatcom County Property Management Committee recommends
its sale by negotiation; and,

WHEREAS, the Whatcom County Property Management Committee recommends
the Whatcom County Treasurer enter into negotiations with the applicant; and,

WHEREAS, the principal taxes, interest, penalties, title search and foreclosure costs
total $3,839.35; and,

WHEREAS, the Whatcom County Council does deem it in the best interest of the
County and the people thereof that said property be sold for no less than the principal
taxes, interest, penalties, title search and foreclosure costs; and,

WHEREAS, Resolution 95-005 designated the Whatcom County Treasurer as
negotiator in such sales; and,

WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price for
said units of property and to determine whether or not a contract will be allowed, or if it will
be a cash price;
NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to sell for a price to be negotiated by the Whatcom County Treasurer, the following Tax-Title property acquired 11/20/2015,

Parcel No. 370406.266098.0000 / PID 30379
SUDDEN VALLEY DIV 15 LOT 7 TWN 37N RGE 04E SEC 06

For no less than the principal taxes, interest, penalties, title search and foreclosure costs of $3,839.35

BE IT FURTHER RESOLVED by the Whatcom County Council, that a public hearing on the matter of the sale of said property, under said terms, be held on the __ day of ___________ 2016, at ___ p.m., at the ________________________, Whatcom County, Washington; and,

BE IT FURTHER RESOLVED that the Clerk of the Whatcom County Council shall give notice of such hearing in the manner prescribed by law under RCW 36.34.030.

APPROVED this ______ day of _________ 2016

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

________________________
Barry Buckanan, Chair of the Council

APPROVED AS TO FORM:

________________________
Civil Deputy Prosecuting Attorney
**WHATCOM COUNTY REAL PROPERTY INVENTORY**  
**PARCEL PROFILE**

<table>
<thead>
<tr>
<th>Item #</th>
<th>1074</th>
<th>Parcel #</th>
<th>370406-266098-0000</th>
<th>Custodian</th>
<th>PID #</th>
<th>30379</th>
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<tr>
<td>Date Acquired</td>
<td>11/20/2015</td>
<td>Purchase Price</td>
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<tr>
<td>Location</td>
<td>30 HOLLY VIEW WAY BELLINGHAM</td>
<td>Facility</td>
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<td>SUDDEN VALLEY DIV 15 LOT 7</td>
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<td>Current Use</td>
<td>9110 RESIDENTIAL</td>
<td>Zoning</td>
<td>RR3 RES RURAL 3DU/A</td>
<td>Acreage</td>
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<td>Estimated or Actual Cost</td>
<td>Land</td>
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<td>Building</td>
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<td>$5,462.00</td>
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**Special Characteristics**

**Physical Inspection**

**Date Last Reviewed**

**Purpose**

**Surplus**

**Saleability Remarks**

**Sale Status**

**Lease Info**

**Deed #** 5514  **Treasurer's Deed**  12/8/2015  **Auditor's File #** 2015-1200926  **Volume,Page**

-36
20023 11th Place W.
Lynnwood, WA 98036
January 5, 2016

Steven N. Oliver, Whatcom County Treasurer
Attn: Debbie Hayes
311 Grand Avenue, Suite 104
Bellingham, WA 98225

Re: Parcel Number 370406-266098-0000/PID 30379

Pursuant to RCW 36.35.150 (4), enclosed please find our application and related application fee to purchase the referenced property through a ‘sale by negotiation’.

We own the home on the adjacent property and would like to purchase this lot so that we can maintain the rural setting around our property. Our intention would be to keep this lot in a natural state so that it can remain a scenic border and habitat for wildlife. We are aware of the accumulated costs and taxes as of the prior auction and understand that there will also be additional fees. We have sufficient cash to purchase the property without financing and can close in a timely manner if approved.

Please contact me at (815) 353-4145 or prlcpa0625@gmail.com should you require any additional information. Thank you for consideration of our interest in purchasing this property.

Sincerely,

Paul R. Lee
TITLE OF DOCUMENT:

Local Agency Standard Consultant Supplemental Agreement No. 1 between Whatcom County and Shearer Design LLC

ATTACHMENTS:  1. Cover Memo
                  2. Agenda Bill
                  3. Contract Information Sheet
                  4. Local Agency Standard Consultant Supplemental Agreement No. 1

SEPA review required? (X) Yes ( ) NO
SEPA review completed? (X) 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.)

This supplement will provide for professional engineering support during the bidding and construction phase for the South Pass Road/Saar Creek Bridge No. 212 Replacement project and it will update the hourly rates to 2016 rates.

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 The Honorable Members of the Whatcom County Council

Through: John Hutchings, Director

From: Joseph P. Rutan, P.E., Assistant Director/County Road Engineer
James E. Lee, P.E., Engineering Manager

Date: January 21, 2016

Subject: South Pass Road/Saar Creek Bridge No. 212 Replacement Project, CRP 911004 Local Agency Standard Consultant Agreement Supplement No. 1 with Shearer Design LLC, WCC No. 201410010

Enclosed for your review and signature are two (2) originals of a Local Agency Standard Consultant Agreement – Supplement No. 1 between Whatcom County and Shearer Design LLC.

Requested Action
Public Works respectfully requests that the County Executive, upon approval by the Whatcom County Council, sign the enclosed originals of the Local Agency Standard Consultant Agreement – Supplement No. 1 with Shearer Design LLC.

Public Works would like to note that approval of this supplement will also be taken as approval to close South Pass Road at Bridge No. 212 from approximately June 2016 through November 2016 for the construction of this bridge replacement project.

Background and Purpose
The existing South Pass Road/Saar Creek Bridge No. 212 is considered structurally deficient. The original consultant agreement with Shearer Design provides for the design and preparation of bid ready plans and specifications for the South Pass Road/Saar Creek Bridge No. 212 Replacement project. Supplement No. 1 will provide professional engineering support during the bidding and construction phases of the project.

Funding Amount and Source
The original contract amount was $55,868. This supplement adds an additional $29,944.80 to the existing contract with Shearer Design, LLC for a new total contract amount of $85,812.80. Sufficient budget authority exists within the project-based budget for this project expenditure. This project is listed as item 28 on the approved 2016 Annual Construction Program.

Please contact Amelia Seagrave at extension 6283 if you have any questions or concerns regarding the terms of this agreement.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>James E. Lee, Engineering Manager</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Shearer Design, LLC</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>No ☐ Yes ☒</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).

$$\text{Contract Amount: (sum of original contract amount and any prior amendments):}$$
$$\text{This Amendment Amount:}$$
$$\text{Total Amended Amount:}$$

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: This contract supplement will provide for professional engineering support during the bidding and construction phase for the South Pass Road / Saar Creek Bridge No. 212 Replacement project and it will update the hourly rates. The South Pass Road/ Saar Creek Bridge 212 Replacement project is listed as item No. 28 on the approved Annual Construction Program.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>Not to Exceed</th>
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<tbody>
<tr>
<td>Expiration Date:</td>
<td>12-31-2016</td>
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Contract Routing:
1. Prepared by: JEL
2. Attorney signoff: Daniel L. Gibbons 06/16
3. AS Finance reviewed: bbennett 06/16
4. IT reviewed (if IT related): 01/21/16
5. Contractor signed: AMSS 01/21/16
6. Submitted to Exec.: 01/25/16
7. Council approved (if necessary): 01/26/16
8. Executive signed: 1-28-16
9. Original to Council: 

Last Edited 060414
## Supplemental Agreement

<table>
<thead>
<tr>
<th>Number</th>
<th>Original Agreement Number</th>
<th>Organization and Address</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>201410010</td>
<td>Shearer Design LLC, 3613 Phinney Ave N #B, Seattle, WA 98103</td>
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<table>
<thead>
<tr>
<th>Project Number</th>
<th>CRP No. 911004</th>
<th>Execution Date</th>
<th>October 29, 2014</th>
<th>Completion Date</th>
<th>December 31, 2016</th>
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<table>
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<tr>
<th>Description of Work</th>
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<tbody>
<tr>
<td>This supplement will provide for professional engineering support during the bidding and construction phase for the South Pass Road / Saar Creek Bridge No. 212 Replacement project and it will update the hourly rates.</td>
</tr>
</tbody>
</table>

The Local Agency of **Whatcom County**
desires to supplement the agreement entered in to with **Shearer Design LLC**
and executed on **10/29/2014** and identified as Agreement No. **201410010**

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.
The changes to the agreement are described as follows:

1. Section 1, SCOPE OF WORK, is hereby supplemented with the following:
   
   See Exhibit A

2. Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: **No change**

3. Section V, PAYMENT, shall be amended as follows:
   
   See Exhibit B

as set forth in the attached Exhibits, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: **Shearer Design LLC**

By: **Whatcom County**

[Signature]

[Signature]

Approved as to form: **Daniel L. Gibson**

**01/28/16**

Chief Civil Deputy Prosecutor
January 14, 2016

Whatcom County Public Works
322 Commercial St Suite 301
Bellingham, WA 98225

Subject: South Pass Road/Saar Creek Bridge No. 212 Construction Support

Attn: Amelia Seagrave/ Doug Ranney

Dear Ms. Seagrave:

We are happy to provide continued engineering services to the County for the Bridge 212 project. The following scope of services details the construction support for this project.

**General.** This contract shall encompass engineering support during the construction phase of Bridge 212. We have split the work into task as described below;

**Task 1 Bid Period Assistance & Pre-Construction Meeting**

This task will cover the review of the current bid documents, response to questions during the bid process and attendance at the pre-construction meeting.

**Task 2 RFI & Shop Drawings**

Under this task we will review and comment on project submitted shop drawings and request for information (RFI) from the Contractor that pertain to bridge drawings prepared by Shearer Design in the bid set.

**Areas Covered**

- P/S Girders
- Reinforcement Shop Drawings
- Material Review
- Railing

**Task 3 Routine Inspections**

This task will cover onsite inspections for compliance with the bid documents or for construction problem solving. Inspections will be provided at the request of the County for:

- Foundation Prep
- Pile Installation
- Reinforcement (foundation, deck, barrier)
- Wall Reinfocing
- Final Punch list
Task 4 Project Management

This task will cover the general project coordination and project meeting points. Included will be:

- Conference calls with the County to discuss the project progress.
- Communicate periodically through the advancement of the construction to discuss any interim results, challenges and directions.
- Invoicing.

*Items not included in this proposal:*

Full time onsite inspection (Assumed to be by the County).
Materials testing services.

Please see the enclosed spreadsheet for a summary of our estimated cost & hours for this phase of the project. We look forward to working with you again on this project. If you have any questions please feel free to call.

Please see the enclosed spreadsheet for a summary of our estimated cost and hours for this project. We look forward to working with you again on this exciting project. If you have any questions please feel free to call.

Sincerely,

David R. Shearer S.E.
Principal Bridge Engineer
SHEARER DESIGN
## EXHIBIT "B"
### COMPENSATION

<table>
<thead>
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<th>Shearer Design LLC.</th>
<th>Task Estimate</th>
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<td>South Pass Road/ Saar Creek Bridge 212</td>
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<tr>
<td><strong>Date</strong></td>
<td>1/14/2016</td>
</tr>
<tr>
<td><strong>Prepared By</strong></td>
<td>DRS</td>
</tr>
<tr>
<td><strong>Shearer Design</strong></td>
<td>Whatcom County</td>
</tr>
<tr>
<td></td>
<td>Doug Ranney</td>
</tr>
<tr>
<td></td>
<td>(206) 781-7830</td>
</tr>
<tr>
<td></td>
<td>(360) 776-6210</td>
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### Construction Support

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<th>Description</th>
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<td>Task 1</td>
<td>Bid Period Assistance &amp; Pre-Con Meeting</td>
<td>$3,734.40</td>
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<tr>
<td>Task 2</td>
<td>RFI &amp; Shop Drawings</td>
<td>$15,956.20</td>
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<td>Task 3</td>
<td>Routine Inspections</td>
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<td>Task 4</td>
<td>Project Management</td>
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<td><strong>Total</strong></td>
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**EXHIBIT "B"**
**COMPENSATION**

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<td><strong>Date</strong></td>
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<td><strong>Prepared By</strong></td>
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<tr>
<th>Principal</th>
<th>Senior Engineer</th>
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<table>
<thead>
<tr>
<th>Shearer S.E.</th>
<th>Dotney</th>
<th>Lindstrom</th>
<th>Pruit</th>
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### Task 1  Bid Period Assistance & Pre-Con Meeting

#### 1.1 Bid Assistance

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<th>Quantity</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Bid Assistance</td>
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<tr>
<td>Pre-Con Meeting</td>
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<td></td>
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| Sub Totals         | 16       | 0      | 16     | 0      |
| Billing Rates      | $134.40  | $112.80| $99.00 | $85.20 |
| $2,150.40           | $0.00    | $1,584.00| $0.00 |
| Sum totals          |          |        | A      |
| Total Billing      |          |        | $3,734.40 |

| Mileage             | 0       | $0.55  | $0.00  |
| Film, Plotting, postage (Included in O.H. Rate) | |
| Cad Plotting 12 Sheets @$40 ea | |

| Expense Total       | $0.00   | Expenses B $0.00 |
| Subconsultants      | $       | Subconsultants C $0.00 |

Total A+B+C $3,734.40
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<td>2.2 Shop Drawings</td>
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<tr>
<td></td>
<td>Girders</td>
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<td>Rebar</td>
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<td>Total A+B+C</td>
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**Shearer Design LLC**

**Task Estimate**

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<th>Project</th>
<th>South Pass Road/ Saar Creek Bridge 212</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>1/14/2016</td>
</tr>
<tr>
<td>Prepared By</td>
<td>DRS</td>
</tr>
<tr>
<td>Principal</td>
<td>Engineer</td>
</tr>
<tr>
<td>$134.40</td>
<td>$122.80</td>
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<td>Shearer S.E.</td>
<td>Doherty</td>
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**EXHIBIT "B"**

**COMPENSATION**

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<th>Task 2</th>
<th>RFI &amp; Shop Drawings</th>
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</thead>
<tbody>
<tr>
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<td>2.1 RFI</td>
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<td>2.2 Shop Drawings</td>
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<td>Girders</td>
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<td></td>
<td>Railing</td>
</tr>
<tr>
<td></td>
<td>Materials</td>
</tr>
<tr>
<td></td>
<td>Sub Totals</td>
</tr>
<tr>
<td></td>
<td>Billing Rates</td>
</tr>
<tr>
<td></td>
<td>Mileage</td>
</tr>
<tr>
<td></td>
<td>Cad Plotting</td>
</tr>
<tr>
<td></td>
<td>Expense Total</td>
</tr>
<tr>
<td></td>
<td>Subconsultants</td>
</tr>
<tr>
<td></td>
<td>Total A+B+C</td>
</tr>
</tbody>
</table>

**Shearer Design**

**(206) 781-7830**

**Whatcom County**

**Doug Ranney**

**(360) 778-6210**

**Summary Totals**

<table>
<thead>
<tr>
<th></th>
<th>Total Billing A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$15,955.20</td>
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**Quantity**

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$0.55</td>
<td>$0.00</td>
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**Cad Plotting 12 Sheets @$40 ea**

<table>
<thead>
<tr>
<th>Expense Total</th>
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</thead>
<tbody>
<tr>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Subconsultants**

<table>
<thead>
<tr>
<th>Total A+B+C</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,955.20</td>
</tr>
</tbody>
</table>
### Task Estimate

**Shearer Design LLC.**

<table>
<thead>
<tr>
<th>Project</th>
<th>South Pass Road/ Saar Creek Bridge 212</th>
<th>Shearer Design</th>
<th>(206) 781-7830</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>1/14/2016</td>
<td>Whatcom County</td>
<td>Doug Ranney</td>
</tr>
<tr>
<td>Prepared By</td>
<td>DRS</td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Task 3</th>
<th>Routine Inspections</th>
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</thead>
<tbody>
<tr>
<td>Foundation</td>
<td>4</td>
</tr>
<tr>
<td>Reinforcement</td>
<td>2</td>
</tr>
<tr>
<td>Girder Set</td>
<td>4</td>
</tr>
<tr>
<td>Piling</td>
<td>8</td>
</tr>
<tr>
<td>Final Punch List</td>
<td>8</td>
</tr>
</tbody>
</table>

| Sub Totals | 26 | 0 | 52 | 0 |
| Billing Rates | $134.40 | $112.80 | $99.00 | $65.20 |
| Subtotals | $3,494.40 | $0.00 | $5,148.00 | $0.00 |
| Sum Totals | $8,642.40 |

<table>
<thead>
<tr>
<th>Mileage</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Film, Plotting, postage (Included in O.H. Rate)</td>
<td>0</td>
<td>$0.55</td>
<td>$0.00</td>
</tr>
<tr>
<td>Cad Plotting 12 Sheets @$40 ea</td>
<td>Expense Total</td>
<td>$0.00</td>
<td>Expenses</td>
</tr>
<tr>
<td></td>
<td>Subconsultants</td>
<td>C</td>
<td>$0.00</td>
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<tr>
<td>Subconsultants</td>
<td>Total A+B+C</td>
<td>$8,642.40</td>
<td></td>
</tr>
<tr>
<td>Task 4</td>
<td>Project Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1 Project Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly Invoices</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Coordination</td>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Sub Totals | 12 | 0 | 0 |
| Billing Rates | $134.40 | $112.80 | $99.00 | $85.20 |
| $1,612.80 | 0.00 | 0.00 | 0.00 | Sum totals | Total Billing | A | $1,612.80 |
| Quantity | Rate | Total |
| Mileage | 0 | $0.55 | $0.00 |
| Film, Plotting, postage (Included in O.H. Rate) | | |
| Cad Plotting 12 Sheets @$40 ea | | |
| Expense Total | $0.00 | Expenses | B | $0.00 |
| Subconsultants | $ | Subconsultants | C | $0.00 |
| Total A+B+C | | | | $1,612.80 |
### WHATCOM COUNTY COUNCIL AGENDA BILL

**Title:** Contract between Whatcom County and the Whatcom Family & Community Network.

**ATTACHMENTS:**
1. Executive Memo
2. Information Sheet
3. 2 copies of proposed contract

**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.)

The contract reduces risk for substance use and poor mental health by providing evidence-based programming. Services include mentoring, family programming, case management and wrap around supports, and training on restorative and conflict resolution practices. Outreach and education to the community will also be part of the coordinated efforts.

---

**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.
Enclosed are two (2) originals of a contract between Whatcom County and the Whatcom Family & Community for your review and signature.

- **Background and Purpose**
The contract reduces risk for substance use and poor mental health by providing evidence-based programming. Services include mentoring, family programming, case management and wrap around supports, and training on restorative and conflict resolution practices. Outreach and education to the community will also be part of the coordinated efforts.

- **Funding Amount and Source**
Funding for this contract, in an amount not to exceed $65,000, is from the Chemical Dependency/Mental Health Program Fund. These funds are included in the 2016 budget. This contract requires Council approval because the contract budget exceeds $20,000. An agenda bill is attached.

- **Differences from Previous Contract**
This is a new contract. The County has contracted with Whatcom Family & Community Network for similar youth prevention services in the past.

Please contact Joe Fuller at extension 6045, if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program/Project: (i.e. Dept. Division and Project)</td>
<td>Human Services</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Joe Fuller</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Whatcom Family &amp; Community Network</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>
<tr>
<td>(per WCC 3.08.100 (a)) Original Contract #:</td>
<td></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>
<tr>
<td>CFDA#:</td>
<td></td>
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</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>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract the result of a RFP or Bid process?</th>
<th>Yes ☑ No ☐</th>
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</thead>
<tbody>
<tr>
<td>If yes, RFP and Bid number(s): 15-68</td>
<td></td>
</tr>
<tr>
<td>Cost Center: 124100</td>
<td></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.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Contract Amount:(sum of original contract amount and any prior amendments):</th>
<th>$ 65,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Amendment Amount:</td>
<td></td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td></td>
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</table>

| Summary of Scope: | |

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>1 year</th>
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</thead>
<tbody>
<tr>
<td>Expiration Date:</td>
<td>2/14/2017</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract</th>
<th>1. Prepared by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Routing:</td>
<td>2. Attorney signoff:</td>
</tr>
<tr>
<td></td>
<td>3. AS Finance reviewed:</td>
</tr>
<tr>
<td></td>
<td>4. IT reviewed (if IT related):</td>
</tr>
<tr>
<td></td>
<td>5. Contractor signed:</td>
</tr>
<tr>
<td></td>
<td>6. Submitted to Exec.:</td>
</tr>
<tr>
<td></td>
<td>7. Council approved (if necessary):</td>
</tr>
<tr>
<td></td>
<td>8. Executive signed:</td>
</tr>
<tr>
<td></td>
<td>9. Original to Council:</td>
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<td>Pi</td>
</tr>
<tr>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td></td>
<td>Date: 1/29/16</td>
</tr>
<tr>
<td></td>
<td>Date: 1-25-16</td>
</tr>
<tr>
<td></td>
<td>Date: 1-29-16</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.
- Professional Service Contract Amendments that have an increase greater than $20,000 and other contracts with a cumulative increase greater than $50,000.

RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.
CONTRACT FOR SERVICES AGREEMENT
Family & Community Network – Building Healthy Families

Whatcom Family & Community Network, 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 11,
- Exhibit B (Compensation), pp. 12 to 13,
- 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 15th day of February, 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 14th day of February, 2017.

The general purpose or objective of this Agreement is to deliver youth prevention programs designed to reduce substance abuse and promote healthy youth and families, 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 $65,000. 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 25th day of January, 2016.

CONTRACTOR:

Whatcom Family & Community Network

[Signature]
Kristi Slette, Executive Director

STATE OF WASHINGTON

COUNTY OF Whatcom

On this 25th day of January, 2016, before me personally appeared Kristi Slette to me known to be the Executive Director of the Whatcom Family & Community Network and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]
VICTORIA L. McCOOLE
NOTARY PUBLIC in and for the State of Washington, residing at.

CONTRACTOR INFORMATION:
Whatcom Family & Community Network
Kristi Slette, Executive Director
1231 N. Garden St. Suite 210
Bellingham, WA 98225
Phone: 360-738-1196
Kristi.slette@wfcn.org

HL_021516_Whatcom_Family_Community_Network

52
WHATCOM COUNTY:
Recommended for Approval:

Anne Deacon, Human Services Division Manager 1/26/16
Regina Delahunt, Health Department Director 1/27/16

Approved as to form:

Prosecuting Attorney 1/27/16

Approved:
Accepted for Whatcom County:

By: __________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON    ss
COUNTY OF WHATCOM

On this _______ day of ____________________, 2016, 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:
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year, and for a total of no longer than three years.

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: Not Applicable

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:
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:
When the Contractor creates any copyrightable materials or invents any patentable property, the Contractor may copyright or patent the same, but the County retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover, or otherwise use the materials or property and to authorize other governments to use the same for state or local governmental purposes. Contractor further
agrees to make research, notes, and other work products produced in the performance of this Agreement available to the County upon request.

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 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.

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
Property Damage per occurrence - $500,000.00
General Liability & Property Damage for bodily injury- $1,000,000.00

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 shall waive all rights of subrogation. The County insurance shall be noncontributory.

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 subcontracts 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:

Joe Fuller, CPP, ICPS, Program Specialist
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225
Phone: 360-778-6045
Email: JFuller@co.whatcom.wa.us

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: 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.
EXHIBIT "A"
(SCOPE OF WORK)

Background

The services provided under this contract have been designed to prevent youth substance abuse and poor mental health by reducing risks for those behaviors. Research shows that youth are more at risk of anti-social behaviors if they are socially isolated, do not feel like they belong, and have no hope or sense of purpose. In Whatcom County, many youth are struggling with issues that challenge their ability to connect and build resilience. About one in three (29%) twelfth grade students reported ‘feeling more alone than not’ in the past year; and only 28% of students reported feeling satisfied with their lives. While most are looking forward to the future, about 15% demonstrated low hope for the future. This relates to the fact that one third of 12th grade students reported being depressed, one in five has considered suicide, and 26% of 12th graders have used marijuana in the past month. Individuals who feel connected and ‘bonded’ to peers, family, school, and community are less likely to use drugs, commit crimes, join gangs, or engage in other unhealthy behaviors.

The purpose of this contract is to provide opportunities for youth and families to participate in healthy activities that strengthen relationships. The Contractor will provide youth development classes, parent skill building activities, community training, mentoring, and multiple evidence-based best-practice programming, which can be found at http://www.nrepp.samhsa.gov/AllPrograms.aspx.

The activities included are federally recognized best-practice programs that have demonstrated:

- 88% of parents reported a decrease in harsh discipline and 76% reported an increase in positive parenting
- 76% of parents reported decreased antisocial behavior in their child
- 79% of youth reported increased emotional competence and 75% reported improved concentration/attention
- 83% of students meet their academic performance standards
- Reduced rates of skipping school
- 25% reduction in the rate of child maltreatment
- 33% reduction in the rate of out-of-home placements – e.g., in foster homes
- 35% reduction in the rate of hospitalizations or emergency room visits for child maltreatment injuries
- Reduced rates of initiating alcohol and other substance use
- Decreased rates of past month use of alcohol and other substance use

The use of evidence-based activities in this project will help achieve positive behavioral outcomes, as well as demonstrate financial benefits to the public, as outlined at http://www.wsipp.wa.gov/rptfiles/04-07-3901.pdf. Research has also shown that individuals who develop skills (communication, peer refusal, conflict resolution, etc) while increasing knowledge about risks develop essential resilience to negative behaviors.

Statement of Work

The primary target locations for this initiative are the schools and surrounding communities for the Birchwood neighborhood of Bellingham, Kendall/East County, Nooksack Valley, Lynden, and Ferndale. Other sites may be included if they have demonstrated heightened levels of substance abuse, gang activity, poverty, child abuse, and other identified risk factors.

This initiative will target 300 youth (grades 6-12), their families, and over 500 community members. An emphasis on outreach will be made to Latino, Native, and other minority youth and families, as well as youth where family substance use, poverty, and gang activity are prevalent. The program will select youth who are particularly vulnerable to significant anti-social behaviors and are at risk of developing mental health or substance abuse problems.

HL_021516_Watcom_Family_Community_Network
Some of the following services will be provided through the use of subcontracts to community providers who have already demonstrated success with the programs. All subcontracts will be subject to the review and approval of the County.

The Contractor will provide the following services:

- **Restorative and Conflict Resolution Practices** - training/classes and support will be provided 1-2 hours per week to one hundred (100) students in grades 6-12, including youth in the Bellingham, Mt. Baker, Lynden, and Ferndale school districts during the school year.

- **Mentoring Services** - target twenty-five to forty youth in grades 6-12. Community and peer mentors will be linked to youth for 1-2 hours weekly during the school year at targeted schools in the Bellingham and Ferndale School districts. Mentoring services will provide one on one support and positive engagement between mentors and mentees.

- **Wrap Around Supports** - target one-hundred youth in grades K-12th for weekly support during the school year in Bellingham and Ferndale schools. This will included identifying unique youth/family needs and connecting them to available local resources.

- **Social Norming/Community Engagement Activities** - delivered in the Birchwood neighborhood, Kendall, Ferndale, and Nooksack Valley. Monthly strategies will include the development of community-building, educational, and strategic actions designed by youth, families, and community residents. Where appropriate, supplement efforts by utilizing educational and social-norming messages to promote positive messages about youth, and for youth, in the community. Social-norming messages provide factual information on real behaviors (i.e., substance use) to counter misperceptions. In the case of substance use, youth significantly overestimate the number of peers that drink or use other drugs. When accurate information is provided and misperceptions are corrected, individuals adjust their behavior away from the "perceived norm" toward the "actual norm." In this case, substance use decreases.

- **Community Service Activities and Outreach to Gang-involved Youth** - provided for 1-3 hours weekly during the year through multiple school-based and community youth groups and programs that will be linked to this initiative. Target communities for these activities will be Lynden, Ferndale, Bellingham, Mt. Baker, and Nooksack Valley and engage one hundred (100) youth. The Youth Coordinator will perform outreach to engage high risk youth in prevention services as part of these efforts. This includes face-to-face interaction or other direct communication with young people. Outreach to youth may also require connecting with parents to gain their support for youth participation, and includes both initial and ongoing interaction with clients in the community to encourage sustained behavior changes. Efforts may also include support of youth development activities and related training.

- **Professional Parenting Coach Program (PPC)**: PPC will target families in the Shuksan Middle School catchment area, focusing on families with children ages 0-5 in Head Start and Early Head Start Programs, and also among ages 5-14. One-hundred (100) parents and one-hundred (100) children will be served by the PPC program, with at least 15 people served each month. A Professional Parenting Coach will conduct an initial one-hour session to engage parents with Motivational Interviewing and trauma informed strategies, clarify the unique risk and protective factors of each family, and develop a PPC plan to address the program’s targeted risk and protective factors. Recommendations will then be made to one of three evidence-based best-practice programs best designed to address their needs. The number of sessions can range from 0-12 but is expected to average four sessions per family. The three best-practice programs include:

1. Incredible Years
2. Triple P
3. Parent Child Interaction Therapy
Incredible Years is a program guided by developmental theory on the role of multiple interacting risk and protective factors in the development of conduct problems. The program is designed to work jointly to promote emotional and social competence and to prevent, reduce, and treat behavioral and emotional problems in young children.

The Triple P—Positive Parenting Program is a multilevel system or suite of parenting and family support strategies for families with children from birth to age 12, with extensions to families with teenagers ages 13 to 18. Triple P is designed to prevent social, emotional, behavioral, and developmental problems in children by enhancing their parents’ knowledge, skills, and confidence. Triple P has five intervention levels of increasing intensity to meet each family’s specific needs. Triple P has a great deal of flexibility and is very effective with parents more complex mental health needs and creates a therapeutic relationship that deals with case management issues and behavioral plans.

Parent-Child Interaction Therapy (PCIT) is a treatment program for young children with conduct disorders that place emphasis on improving the quality of the parent-child relationship and changing parent-child interaction patterns. PCIT was developed for children ages 2-7 years with externalizing behavior disorders.

Two-hundred (200) hours of outreach will be provided to both families and referring organizations as part of PPC. Outreach for will include delivering at least one (1) group coaching session in association with a school-run family activity event at Shuksan Middle School, or feeder elementary school. Outreach will also include additional meetings and presentations to referring organizations.

The Contractor will also:

- Encourage youth to participate in school prevention clubs where youth can engage in healthy social opportunities through community service and leadership activities.
- Convene members of the Whatcom Prevention Coalition and the Gang Prevention Team at least quarterly to discuss ongoing implementation of this project and its activities.
- Information about services delivered through this contract will be shared with school staff in the targeted areas. School staff can refer students or families to the available services. Similarly, youth and families served through this contract will be made aware of resources available in school settings.
- Participate in County evaluation efforts, including evaluation planning, data collection, and reporting.
- Reports will be submitted on at least a quarterly basis according to the following timetable:

<table>
<thead>
<tr>
<th>Service Period</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February - April</td>
<td>May 31st</td>
</tr>
<tr>
<td>May - July</td>
<td>August 31st</td>
</tr>
<tr>
<td>August - October</td>
<td>November 31st</td>
</tr>
<tr>
<td>November - January</td>
<td>February 28th</td>
</tr>
</tbody>
</table>

Quarterly reports will include the following information, in addition to any other outcome/output measures that are developed through County evaluation efforts:

- Number of program participants served in each domain (youth, families, schools, community members) from each of the designated approaches
- Number of recurring service events provided (groups, classes, etc.) and number of individuals reached through those efforts
- Number of single service events provided (community events, trainings, etc.) and number of individuals reached through those efforts
- Number of youth and families referred to other supportive services (mental health treatment, chemical dependency treatment, social services, etc.)
• Additional documentation for specific service areas can include:
  a. Training/Classes- Copies of flyers, sign-in sheets, or other documentation that provides the titles and dates of training events. Subcontractors will also identify the number of individuals that participated.
  b. Mentoring & Wrap Around Services- Documentation to support the number of active matches for each month of service. Prior to formalized matches, subcontractor can include the number of matches being formed.
  c. Social Norming/Community Events-Copies of flyers, sign-in sheets, developed materials, or other documentation that demonstrates efforts. Identify the number of individuals that participated in activities.
  d. Community Service Activities and Outreach to Gang-involved Youth- documentation of the hours spent (including dates and times), as well as the total number reached.
  e. Professional Parenting Coach Program (PPC)- Copies of any outreach materials developed, community events participated in, and a total number of youth/adults served.

• Outcome reports will be submitted annually or more frequently as appropriate for the area of service. Anticipated outcomes include, but are not be limited to:

  • Best-practice programs will utilize evaluation tools designed by program developers.
  • 80% of youth participating in services will demonstrate improvements in behavior (school success, delinquency, etc.), when measured
  • 80% of youth participating in services will increase skills (social skills, social skills, drug refusal skills, etc.), when measured
  • 80% of attendees (youth and/or adults) of prevention trainings will increase knowledge of the training topic (substance abuse, conflict resolution, youth development, etc.)

Additional outcome measures for the program will be developed and defined in consultation with County. Data may be collected through program records, pre/post surveys, output data, school records, interviews with providers, Healthy Youth Survey, and community indicators. Partners will also provide associated data such as youth crime, gang involvement, and other activities they track.
EXHIBIT "B"
(COMPARISON)

The source of funding for this contract, in an amount not to exceed $65,000.00, is Whatcom County Chemical Dependancy/Mental Health Program Fund.

The budget for services is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Documentation needed with invoice</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor Services</td>
<td>Approved hourly billing rate and timesheet showing total hours and hours charged to this contract</td>
<td>$21,000</td>
</tr>
<tr>
<td>• Coordinator (salary, benefits, and taxes)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Youth Coordinator (salary, benefits, and taxes)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mileage</td>
<td>Mileage log to include name of traveler, dates, start and end point, and purpose. Reimbursement will be at the federal rate (<a href="http://www.gsa.gov">www.gsa.gov</a>)</td>
<td>$2,000</td>
</tr>
<tr>
<td>Supplies, Materials, and Printing</td>
<td>Receipts</td>
<td>$2,090</td>
</tr>
<tr>
<td><strong>Subcontracted Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Mentoring and Wrap Around Support</td>
<td>Subcontractor's invoice with dates of service, # of participants</td>
<td>$4,000</td>
</tr>
<tr>
<td>• Restorative and Conflict Resolution Practices</td>
<td>Subcontractor's invoice with dates of classes, # of participants</td>
<td>$10,000</td>
</tr>
<tr>
<td>• Professional Parenting Coach Program</td>
<td>Subcontractor's invoice with dates of service, # of participants</td>
<td>$20,000</td>
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<tr>
<td>Administration @ 10%</td>
<td></td>
<td>$5,910</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>$65,000</td>
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</tbody>
</table>

The Contractor may transfer funds between budget line items with prior County approval, but under no circumstances will the Administration rate exceed 10%.

**Invoicing**

2. The Contractor shall submit itemized invoices on a monthly basis in a format approved by the County. Monthly invoices must be submitted by the 15th day of the month following the month of service.

3. The Contractor shall submit invoices to *(include contract #)*:

   Business Office
   Whatcom County Health Department
   509 Girard St.
   Bellingham, WA 98225
   HL-BusinessOffice@co.whatcom.wa.us

4. 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.
5. 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.

6. **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.
**CERTIFICATE OF LIABILITY INSURANCE**

**DATE (MM/DD/YYYY):** 4/1/2015

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**

Rice Insurance LLC  
1400 Broadway  
P.O. Box 639  
Bellingham WA 98227

**INSURED**

Whatcom Family & Community Network  
1231 N Garden St #210  
Bellingham WA 98225-5162

**COVERAGES**

<table>
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<tr>
<th>INSURER</th>
<th>INSURER B</th>
<th>INSURER C</th>
<th>INSURER D</th>
<th>INSURER E</th>
<th>INSURER F</th>
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**INSURER A:** Philadelphia Indemnity Ins Co

| CERTIFICATE NUMBER: CL154128563 | REVISION NUMBER: |

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<th>ADDL. INSUR.</th>
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**AUTOMOBILE LIABILITY**

- ANY AUTO  
- ALL OWNED AUTOS  
- HIRED AUTOS  

**UMBERLLA LIAB**  
- OCCUR: CLAIMS-MADE

**EXCESS LIAB**  
- CLAIMS-MADE

**DEED RENTENTION $**

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Whatcom County, its departments, elected and appointed officials, employees, agents and volunteers are listed as Additional Insureds. Coverage is primary and non-contributory and waiver of subrogation applies per the attached endorsements.

**CERTIFICATE HOLDER**

Whatcom County Health Department  
509 Girard Ave,  
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:  
James Fritts/TLB

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**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>
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<td>Brenner</td>
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<tr>
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<td>Prosecutor:</td>
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**TITLE OF DOCUMENT:**
Discussion regarding small un-manned aircraft

**ATTACHMENTS:**
Information

**SEPA review required?** ( ) Yes ( ) 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.)
Discussion regarding the use of un-manned aircraft technology.

**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).
TITLE OF DOCUMENT:
Alternatives analysis for the Slater Road/Jordan Creek Fish Passage Project

ATTACHMENTS:
1. Memo
2. Lummi Natural Resources Department – Letter of Support
3. Slater Road/Jordan Creek Fish Passage Project – Alternatives Study Report

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 respectfully requests that the County Council provide approval to move forward with final design of the recommended alternative to replace the existing deteriorated culvert with a single span bridge utilizing a full road closure during construction.

Public Works would like to give a short presentation to Council (no more than 20 minutes) to go over the alternatives analysis recently completed for this project.

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

To: The Honorable Jack Louws, Whatcom County Executive and The Honorable Members of the Whatcom County Council
Through: Jon Hutchings, Director
From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
James E. Lee, P.E., Engineering Manager
Date: January 25, 2016
Re: Slater Road/Jordan Creek Fish Passage Project
CRP No. 915007
Slater Road/Jordan Creek Fish Passage Project – Alternatives Study Report

Enclosed for your review is the “Slater Road Jordan Creek Fish Passage Project – Alternatives Study Report” prepared by TranTech Engineering for Whatcom County Public Works and a letter of support from the Lummi Nation for the above-referenced project.

Requested Action
Public Works respectfully requests that the County Council provide approval to move forward with the report’s recommended alternative which is to replace the existing culvert with a single span bridge utilizing a full road closure during construction.

Background and Purpose
The existing Slater Road/Jordan Creek culvert is a 7-foot high by 10-foot wide arch type metal culvert. The culvert is roughly 190-feet in length located under approximately 20-feet of road fill which carries Slater Road. The existing culvert has deteriorated to the point that an in-place repair is not feasible. This culvert is also considered a fish passage barrier.

During the winter of 2014/2015 there was settlement of the roadway above the culvert and in response an emergency roadway stabilization project was undertaken which included injecting a high density polyurethane foam into the roadway fill to stabilize the soils around the culvert. This work is temporary in nature and immediately afterwards an alternatives analysis was initiated to determine a suitable long-term repair at the site. The attached “Slater Road/Jordan Creek Fish Passage Project – Alternative Study Report” is the result of this work.

Funding Amount and Source
With County Council approval, as a next step Public Works will work to prepare a supplement to TranTech Engineering’s contract which will allow them to proceed with the final design, permitting and real estate work for the preferred alternative. Sufficient budget authority exists for this work. The Slater Road/Jordan Creek Fish Passage project is listed as Item No. 3 on the 2016 Annual Construction Program.

Please contact James Lee at extension 6264 should you have any questions or concerns.
December 17, 2015

Mr. James E. Lee, P.E.,
Bridge & Hydraulic Manager
Whatcom County Public Works
322 N. Commercial Street, Suite 301
Bellingham, WA 98225

Re: Lummi Nation Support for analysis-recommended bridge replacement option for the Slater Road/Jordan Creek Fish Passage Project.

Dear Mr. Lee:

With this letter, I am confirming the support by the Lummi Natural Resources Department of the analysis-recommended bridge replacement option for the Slater Road/Jordan Creek Fish Passage Project.

As a fisheries resource co-manager, the Lummi Nation has been involved in the Slater Road/Jordan Creek Fish Passage project development process, including the consultant selection, and creation of the alternatives analysis. Through those processes, their products, and after thorough review and investigation by our staff experts, and in consultation with County and WDFW staffs, we have concluded that the bridge replacement option, incorporating a roughened channel fish passage design, is the preferred alternative for the restoration and maintenance of fish passage at the crossing.

As always, please feel welcome to contact us with any further information or assistance needs that you might have in connection with this project. Our point contact person for this project is Gregg Dunphy. He may be reached by telephone at 360-410-1743 or via e-mail at greggd@lummi-nsn.gov.

Sincerely,

Merle B. Jefferson Sr., Executive Director
Lummi Natural Resources Department
SLATER ROAD JORDAN CREEK FISH PASSAGE PROJECT – ALTERNATIVE STUDY REPORT

Prepared for:

Whatcom County Public Works - Engineering

November 2015
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## APPENDICES

A Surveying Map
B Geotechnical Investigations Technical Memo
C Hydrology, Geomorphology and Fish Passage Technical Memo
D Mobility of Traffic Technical Memo
E Alternatives Plan and Profile
F Alternatives Opinion of Cost
1. INTRODUCTION

The project site is located near the west end of Slater Road in Whatcom County (Township 39 North, Range 1 East, and Section 34). The existing Slater Road/Jordan Creek culvert is a 7-foot high by 10-foot wide arch type corrugated metal pipe culvert. The culvert is approximately 190-feet in length located under approximately 20-feet of road fill. This culvert crosses under the Slater Road, which is an important County arterial that feeds significant truck traffic to the petroleum refineries located to the west. The existing culvert has deteriorated to the point that an in-place repair is not feasible and a permanent replacement needs to be implemented. The existing culvert has also been identified as a barrier to fish passage which will be corrected as a part of this project.

To achieve the aforementioned goal, The County has selected TranTech's team to perform an alternative study as part of the Phase 1 design activities associated with this project. Upon successful submittal of the Phase 1 report and at County's discretion, TranTech's contract may be amended so that the design team can advance the County's chosen alternative to the 100% design level. These design phases are described in further detail below:

- Phase 1 of the project includes completing an alternatives analysis for four options for the culvert replacement project, including at least one bridge option.
- Phase 2; at the County's discretion the consultant's contract may be amended to include the detailed design of the preferred alternative.

The four selected viable alternatives, as identified by the design team, are;

Alt 1 - Bridge structure with full closure construction
Alt 1A – Bridge with staged construction
Alt 2 – 3-sided precast concrete culvert with strip foundation
Alt 3 – 3-sided precast concrete culvert with mat foundation

Phase 1 scope of work includes the following tasks:

- Initial kick off meeting with Consultant and County personnel to define alternatives to be analyzed
- Development of preliminary designs for the four studied alternatives. This work will encompass the following engineering investigations;
  - Field investigation/research and surveying
- Structural
- Hydraulic/geomorphology/fish passage
- Geotechnical
- Transportation and traffic impacts
- Environmental

- Development of preliminary conceptual plans and associated cost estimates for the studied alternatives

- Preparation of a finalized technical memorandum describing plans and cost estimates for the studied alternatives and recommendation of preferred alternative including exhibits suitable for initial permitting submittals.

Federal funds may be used in the planning, design, and/or construction of the project. Accordingly, the procedures outlined in the Local Agency Guidelines (LAG manual) will be used during development of the project.

A Location Map of the project site is provided below.
2. ALTERNATIVE STUDY ANALYSES

In order for this alternative study to be prepared, many design team members in various engineering disciplines had to provide contributions to support this investigation effort. In the following a summary of these engineering activities is provided while detailed reports are provided in the appendices of this report.

2.1 SURVEYING

Larry Steele & Associates (LSA) is providing the surveying services for this project. LSA performed the surveying & mapping tasks to meet the Alternative Study Report's needs in accordance with the following project datum projections:

Horizontal Datum: NAD 83/91 Washington State Plane

North Zone Vertical Datum: NAVD 88

Stationing layout as required was determined per best fit alignments for stationing.

The survey included locating utilities to the best practical manner, wetland and creek channel delineation. All wetland flagging was provided by the County and the channel delineations were provided by R2 Resources (R2).

Roadway Topo survey was provided approximately 500 linear feet along Slater Road, with a width of about 80 to 100 feet depending on roadway side slopes.

The Jordan Creek Topo was performed in cross sections that included top of banks, toe of banks, ordinary high water, and bottom of creek for a total 100 feet upstream from existing culvert, and 100 feet downstream from existing culvert.

The Surveying will include locating all boring locations.

The Survey results are put together in an AutoCAD basemap with all Right-of-Way (ROW) delineated. A copy of the prepared basemap for the project is provided in Appendix A.
2.2 Geotechnical

GeoEngineers is performing geotechnical investigations and recommendations for the design team. The goal of the project is to replace the existing failing Jordan Creek culvert with a fish passable option. The scope of work includes an alternatives analysis for the four options, one of which includes a bridge option. The options consist of the following:

- A bridge approximately 120 feet long constructed utilizing a full road closure with an expected construction timeline of 9 months.
- A bridge approximately 120 feet long constructed in a staged manner using a temporary shoring system along the center of the road.
- A three-sided box culvert or arch culvert, could be installed using conventional cut and cover techniques. We understand that the preliminary sizing is on the order of 20 to 30 feet wide and 10 feet tall. Installation would require temporary road closure.
- A four-sided box culvert or similar structure with a base/bottom. The width would likely be the same; the height might be taller in order to put habitat/streambed material inside the structure.

Appendix B presents the detailed draft geotechnical report. Four borings were drilled on April 27 through 29, 2015 at the approximate locations shown in Appendix B. As discovered from the boring, Slater Road at this location is a tall fill prism on the order of 20 feet above the adjacent grade in the drainage; up to 25 feet at the actual culvert location.

The site conditions consist of loose to medium dense sand/very soft to medium stiff silt/clay fill embankment over a very deep soft clay (glaciomarine drift) over a very dense sand/hard silt glacially consolidated unit that was encountered at 107 to 110½ feet below ground surface (bgs). We are providing a discussion of foundation support considerations for the alternatives that are identified above.

A. Bridge Alternative

As previously mentioned, we expect that a bridge would be on the order of 120 feet long. If the road can be closed, the bridge can be constructed all at once. If only half the road can be closed, then one-half the bridge could be constructed while one lane of traffic can be left open. Sheet piles may be used for temporary support of half the roadway while the bridge is
constructed on the other one-half. This staged construction will add expense and time to the construction schedule.

Pile support of the bridge will be necessary because of the poor condition of the existing fill embankment and presence of soft clay. Since significant embankment material and associated loading would be removed to construct the bridge, we expect that differential settlement between the bridge and embankment approaches would be limited. Typically, two pile foundation options are considered in this type of environment:

- Driven Friction Piles: Many of the bridges in Whatcom County are supported on "cast-in-place concrete" driven piles gaining their strength from friction in the clay soils. These have typically been 12-inch-diameter steel pipe piles driven on the order of 80 to 90 feet to achieve a vertical capacity of 55 tons. The pipe piles are then filled with concrete and reinforcement steel added to resist lateral loads. Some limited settlement can occur as loads are applied to the friction piles.

- Drilled Shafts: Glacially consolidated soils are encountered at the approximate bridge abutment locations at depths of 107 and 110½ feet. High capacity drilled shafts could penetrate into the glacially consolidated soils to achieve a high capacity. The diameter and depth/capacity would be determined based on collaboration with the structural engineer if this alternative is chosen. For planning purposes, a 3-foot-diameter shaft could provide a vertical capacity on the order of 500 tons. Because of saturated sand lenses within the glaciomarine drift and potential bulging of the very soft clays, we recommend that drilled shafts be installed using temporary casing. These piles typically do not exhibit significant settlement because of the firm bearing condition.

B. Three-Sided Structures
Three sided box culverts or arch structures could be used to achieve fish passage. We anticipate that this type of structure would be installed using conventional cut and cover techniques which would require a temporary road closure. Typically at least 4 to 6 feet of soil is located above the box/arch structure to allow installation of buried utilities. The culverts can
be long to avoid wing walls, or can be shortened using retaining systems to retain the embankment fill above the culvert and wing walls to limit the amount of fill in the drainage. The loads from the culvert and embankment fill over the culvert are transmitted by continuous footings along the base of the box/arch culvert structure. These loads tend to be quite high, and the bearing conditions would consist of the soft glaciomarine drift soils. The differential settlement between the culvert and embankment would need to be considered in this design, but likely can be tolerated by the system. We conclude that two types of foundation options are appropriate in this type of environment:

- The box/arch culvert footings could be designed as grade beams and supported on a pile foundation as described above. Our preliminary conclusion is that the friction piles might be the more desirable option because the loads for this type of structure would not be as high as the longer bridge option.
- Ground improvement may also be a viable option. Depending on the type of structure, two ground improvement options appear to be feasible:
  - It may be feasible to over-excavate several feet of the soft clay and place a "burrito wrap" of quarry spalls. We would expect this might need to be on the order of 4 foot thick and twice as wide as the footing. This might require significant excavation of embankment material and/or temporary shoring which would need to be considered in the cost and planning.
  - Another ground improvement strategy is to use a type of stone column/aggregate piers to support the footings on the improved bearing condition. Oftentimes this is a proprietary design/build option by a company such as Geopier Foundations. Typically an allowable bearing capacity of 4 to 5 ksf can be obtained with this type of ground improvement.
C. Four-Sided Structures

A four-sided box culvert or similar structure could also be used to achieve fish passage. This was successfully completed on Marine Drive located approximately 3 miles southeast of the site. We anticipate this type of structure would be installed using conventional cut and cover techniques which would require temporary road closure and be a similar design to the three-sided structure described above. However, because it is a four-sided structure with a full base/bottom, the loads from the culvert and embankment fill over the culvert are transmitted more uniformly across the base, which essentially serves as a mat foundation.

This allows the loads to be reduced such that we expect only nominal ground improvement would be required for foundation support. We expect that the ground improvement could be limited to over-excavation of a few feet (1 to 2) of the soft clay and place a "burrito wrap" of quarry spalls. These types of structures typically must be installed with a deep base such that several feet of habitat/streambed materials can be placed over the base. This embedment, including for the ground improvement, might require significant excavation of embankment material and/or temporary shoring which would need to be considered in the cost planning. The differential settlement between the culvert and embankment would likely be very limited with this option.
2.3 Permitting

Whatcom County is performing permitting services for this project. The County will start the permitting activities following receiving the draft 30% plans submittal.

From a permitting standpoint, we believe that a bridge option will likely provide the least duration for obtaining the required environmental permitting documentation.

Whatcom County has already begun to engage with the Lummi Nation and WDFW to discuss the project and obtain early design feedback.

Lummi Nation is a key stakeholder on the project on many fronts; the following exemplifies some of the more major aspects of the project that requires full coordination with the Lummi Nation:

- Preferred fish passage design.
- Obtaining public utility and drainage easements on Tribal Trust Lands located on the southern side of Slater Road. The southern half of Slater Road is within the tribal reservation.
- Water main shoring/ relocation issues.
2.4 Hydrology, Geomorphology, and Fish Passage

R2 Resource Consultants, Inc. (R2) is performing Hydrology, Geomorphology, and Fish Passage engineering for the design team. In the following a summary of their investigations is presented. R2's detailed report is showcased in Appendix C.

R2’s task is to design upstream fish passage options at a perched and failing culvert located on Jordan Creek under Slater Road in Whatcom County. R2’s report investigates general conditions affecting upstream fish passage at the culvert, and identifies alternatives for culvert replacement. The intent of the report is to provide supporting technical design information for (i) review by NMFS and WDFW fish passage specialists and Lummi Nation technical staff as needed, (ii) assisting the County with selecting its preferred alternative, and (iii) use in developing the preferred fish passage design specifications.

To assist in this evaluation, a HEC-RAS model was developed from the recently collected survey data. The model was used at this stage of the design to evaluate (i) bank-full flow characteristics for assessing hydrology and identifying approximate target channel dimensions under a bridge or through a culvert, and (ii) accordingly assess approximate flood stage and width to define general geometric constraints on bridge and culvert designs. The model will be refined and will be used to further develop the alternative of choice selected by the County in collaboration with project stakeholders.

A. Geomorphology

A topographic and longitudinal stream profile survey performed jointly by Larry Steele & Associates, Inc. and R2 for this project indicates that there is a substantial discontinuity in stream gradient at the Slater Road Culvert (Figure 1). This discontinuity is especially evident in a long profile extracted from a LiDAR DEM provided by the Lummi Tribe, which indicates the stream profile is at similar grades above and below the culvert, with equal slopes (0.44%) above and below, but the two reach scale profiles are offset by approximately 2.85 feet at the culvert (Figure 2). Another section of Jordan Creek farther downstream has a similar gradient and is approximately in line with the grade of the channel below the culvert, separated by a 'hump' in the profile (Figure 2).
Figure 1. Longitudinal profile of Jordan Creek surveyed in the vicinity of Slater Road.

Figure 2. Longitudinal profile of Jordan Creek extracted from a LiDAR DEM. Large scale reach slopes (S) are indicated by dashed regression lines.
In the vicinity of Slater Road, the upstream grade is approximately 4 feet higher than the local grade immediately downstream of the culvert, which has a similar slope as the reach overall (Figure 1). The cause of the offset therefore likely reflects long term adjustment to a hydraulic constriction at the Slater Road crossing and local degradation below. In contrast, the stream grade does not appear to have been affected by the Elder Road crossing upstream (Figure 2).

The key inference from Figure 1 with respect to formulating alternatives is that the channel upstream of the Slater Road culvert may be expected to downcut by approximately 3-4 feet if an adjustable streambed simulation design is implemented as part of the design.

B. Hydrology

From a Flood-Hydrology standpoint, there are no continuously-recorded stream gage data for Jordan Creek. Limited stream flow measurements are available from work performed for the Bureau of Indian Affairs and the Lummi Nation that can be used to assess low flow hydrology, but not high flow. Flood hydrology for the site was instead developed by evaluating USGS regional regression predictions (Sumioka et al. 1997, embodied in StreamStats; http://water.usgs.gov/osw/streamstats/) at a gaged location nearby (Washington Department of Ecology (Ecology) station 01Q070 on Dakota Creek, the nearest, smallest stream with available continuous flow records). The flood frequency quantile predictions at the gage location were compared to values derived using measured peak flows, and the ratio of the two estimates were used to adjust regression predictions for Jordan Creek accordingly, assuming both locations have comparable geology, climate and rainfall-runoff characteristics. In addition, hydraulic modeling of bankfull flow was used to estimate the magnitude of the channel forming flood flow, and compare it with the adjusted 2 year flood regression estimate (which approximates the channel forming flood; e.g., Leopold et al. 1995).

The correspondence between the bankfull flow (140± cfs) and the adjusted regression estimate (146 cfs) indicates that the adjusted regression estimates of flood frequency quantiles are reasonable for use in design. For stability design, a safety factor can also be used to increase the 100 year design flood magnitude.

The resulting flood flow estimates are summarized in Table 1.
Figure 3. HEC-RAS model predictions of flood levels in Jordan Creek for existing conditions at a location downstream of the culvert where a bankfull morphologic feature is distinguishable on the cross-section profile.

Table 1. Estimated flood magnitudes for various recurrence intervals, Jordan Creek at Slater Road.

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<th>Recurrence Interval (years)</th>
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<tr>
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C. Fish Passage

The corresponding physical and biological fish passage criteria that will be used to guide the conceptual and final designs are summarized below.

Maps of documented fish distribution above Slater Road in WDFW’s SalmonScape website (http://apps.wdfw.wa.gov/salmonscape) indicate the key species of concern for upstream passage design in Jordan Creek is presently coho salmon (Oncorhynchus kisutch). In addition, WDFW's database identified bull trout (Salvelinus confluentus) as presumed present based on professional judgment of WDFW biologists, and winter steelhead
trout (O. mykiss) and fall chum salmon (O. keta) as being capable of using habitat in upper Jordan Creek; SASSI (WDFW & WWIT 1994) indicates chum salmon are more likely to be found in Jordan Creek than steelhead.

Fish passage designs for culvert replacement projects should include consideration of both adult and juvenile salmonids, and where feasible, native, non-salmonid species. In general, if upstream passage is possible for juveniles, other species should be able to move upstream as well. As a consequence, WDFW generally prefers designs involving stream simulation or roughened channels, which allow bedload to pass downstream unimpeded and provide a more natural functioning upstream passage corridor. This type of design may be constructed using either an oversized culvert or a bridge.

Passage criteria for constructed channels include providing for passage over a wide range of flows, ranging from the 10% exceedance flow at the upper end and down to the 95% exceedance flow at the lower end of the flow range (NMFS 2011; Barnard et al. 2013). Species and lifestage periodicities were used to define which months to evaluate exceedance flows for fish passage. Periodicities were determined through review of SASSI (WDFW & WWIT 1994). Juvenile salmonids were taken as being present year-round, although the stream is known to go dry in the summer (James Lee, Whatcom County, personal communication). The high fish passage design flow reflected hydrology during coho and chum salmon upstream passage/spawning months, the primary species documented using or suspected of using Jordan Creek.

Since this project involves complete replacement of a failing culvert and a bridge is an option under consideration, it is assumed that a 4-sided replacement culvert with baffles is not an option that would receive an HPA unless other options are cost prohibitive or infeasible. In addition, a raised tailwater option with a short fish passage reach downstream is not considered a suitable alternative for this project because that approach is more commonly used as a retrofit solution. Our recent experience has been that WDFW also no longer recommends constructing stepped channels using logs, and instead favors the use of rock streambeds to form a more natural
appearing and functioning channel that allows smaller native fish species to also swim upstream rather than having to leap over a series of steps.

Fish passage designs involving rock substrates to form a natural appearing channel vary depending on slope and whether the bed is intended to be mobile or fixed in place. The corresponding design types are termed stream simulation and roughened channel, respectively. Both types facilitate bedload transport in addition to fish passage. The following basic alternatives involving a rock bed were accordingly conceived to provide a passable route for fish (Figure 4):

- A stream simulation that meets the slope ratio criterion $SR < 1.25$ following Barnard et al. (2013), where $SR = \text{constructed channel slope} / \text{stream slope}$;

- A longer roughened channel with as low a slope as feasible ($S \approx 1.8\%$) while extending to a point upstream where the existing elevation is close to the downstream-projected grade of the existing channel upstream (to minimize potential for a headcut to form), and with a scour-resistant pool below it to allow fish to stage before continuing upstream and for energy dissipation; and

- A shorter, steeper roughened channel constructed in the footprint of the existing culvert, steeper section of channel upstream of the culvert, with an existing elevation close to the downstream-projected grade of the existing channel upstream and a scour-resistant pool below.

Alternatives 2 and 3 have further options of constructing (i) strictly a rock ramp, or (ii) a series of alternating pools and even steeper intervening rock ramps. In both cases, it is an inherent feature of roughened channels that the selected design will need to be stable. These alternatives are evaluated and compared in Figure 4.
Figure 4. Longitudinal profiles of the three general alternatives considered in this report for providing fish passage in Jordan Creek

D. Flood Conveyance

At this stage of design, a first order approximation can be developed of the general width and depth of the 100 year flood at the Slater Road crossing that represents an upper conceptual design envelope for dimensions of a bridge or culvert, for all passage design alternatives considered here. The streambed simulation alternative is a convenient surrogate because (i) its slope is similar to the channel downstream, where an empirical estimate of bankfull width and depth can be derived from Figure 3, and (ii) its lower slope will be associated with greatest flow depth of the three alternatives for the given bankfull width and additional floodplain width (e.g., Barnard et al. 2013 recommend a minimum floodplain width in a streambed simulation equal to 0.2xbankfull width + 2 feet).

Barnard et al. (2013) recommend the structure be at least 3 feet above the 100 year flood water surface for debris clearance, which is also reflected in WAC 220-660-190 regarding bridge design. Hence, the lowest soffit/low chord elevation above the floodplain for a streambed simulation channel is expected to be approximately 40.5 feet and 40.4 feet (NAVD88) at the upstream and downstream extents of the base of the road prism, respectively.

A similar exercise may be performed iteratively for various design alternatives. For example, if a 20 feet wide box culvert is proposed, its minimum sofit
elevation should be approximately 40.8 feet and 40.3 feet (NAVD88) at the upstream and downstream extents of the base of the road prism, respectively.

E. Concluding remarks

The results of this evaluation indicate several potential alternative fish passage designs involving a rock streambed may be applied feasibly (with respect to meeting upstream passage criteria) to this site. Geomorphically, a roughened channel is likely to be a better solution than a streambed simulation given the amount of sediment that has accumulated upstream since the first time a culvert was installed. All alternatives are compatible with either a bridge or culvert design, as long as the soffit/low chord elevation is higher than approximately 41 feet elevation (NAVD88 datum). This is about 20 feet below the present road surface elevation.

A site visit with WDFW and Lummi Nation representatives is recommended, at which time the alternatives and analysis results may be discussed. More detailed analyses can then be performed for the selected alternative design.
2.5 MOT

Transportation Engineering NorthWest (TENW) is providing Mobility of Traffic (MOT) engineering for the design team. TENW's draft MOT Memorandum is presented in Appendix D. The memorandum evaluates traffic impacts of the potential construction alternatives under consideration by the Project Team during replacement of the Jordan Creek fish culvert on Slater Road west of Elder Road in Whatcom County, WA. Below, a summary of the TENW report is presented.

Several construction options consider full closure of Slater Road, which would require detour routing of both local traffic and regional truck traffic to vicinity heavy refinery/manufacturing facilities at Cherry Point. The analysis includes:

- Documentation of existing traffic conditions in the site vicinity.
- Evaluation of alternative traffic control scenarios to address both partial and full closure options.
- Recommended traffic control option to minimize traffic impacts, with overview of flagging, detour route, variable message signage, and other considerations.

All roads in the County have been designated with functional classifications. The classification of a road depends on the types of trips that occur on it, the basic purpose for which it was designed, and the relative level of traffic volume it carries. All roads exist to serve two purposes: mobility and access. The following paragraphs summarize existing arterial and local roadways that serve the site vicinity.

Slater Road is classified as a rural major collector, with two 11-foot travel lanes, varying widths of paved shoulders from 4-6 feet, and a posted speed limit of 45 mph. Slater Road serves as a primary route between the Sandy Point community, one of the primary routes to/from the Cherry Point refineries/manufacturing plants, the Silver Reef Casino/Resort and the I-5 corridor. With a current Average Daily Traffic (ADT) volume of approximately 5,640 daily vehicles west of Haxton Way recorded in 2013, approximately 170 trucks/buses utilize this roadway daily. At its intersection with Lake Terrell Road (west of the site), an all-way stop controls traffic, and a signalized intersection serves its intersection with Haxton Way east of the project site.

Elder Road is a north-south local road connecting Slater Road to Unick Road, also intersecting the other major east-west corridor of Mountain View Road. Elder Road is approximately 20-feet in width with a bituminous pavement structure and paved shoulders ranging from 0-2 feet. The speed limit is posted at 35mph. Current ADT was recorded most recently in 2012 at approximately 760 daily vehicles.
Lake Terrell Road is a rural major collector roadway, with two 11-foot travel lanes and 6-foot paved shoulders. With a posted speed limit of 45 mph, this collector arterial serves as a major north-south connection on Cherry Point between Slater Road and Mountain View Road, providing access to the Alcoa Aluminum Smelter, the Chevron Refinery, and the Barlean's manufacturing/wholesale store. With a current ADT of approximately 2850 vehicles counted in 2015, approximately 185 daily truck/bus trips utilize this roadway segment north of Slater Road.

Unick Road is a local east-west roadway that parallels Slater Road to the north. It is approximately 20 feet in width with 0-2 foot paved shoulders, comprised of a bituminous pavement, and has a posted speed limit of 35 mph. At its intersection with Elder Road, stop control is provided on the Elder Road approaches only. Current ADT is unknown but estimated at between 500 and 700.

The Project Team is considering two basic types of fish passage replacement structures for the Jordon Creek culvert on Slater Road. The options include a bridge alternative, that lends itself to both a staged construction, allowing for a partial roadway closure during construction (i.e., a single-lane), and a full closure construction. The other option is the installation of a culvert structure which, due to its required deep excavation, would require a full roadway closure of Slater Road for cut and cover construction purposes.

Under the bridge option, a 120-foot wide structure would be constructed to traverse the Creek using a staged or full closure method. Temporary shoring would be necessary to support the remaining roadway bed or partial bridge constructed during a phased approach. Under this scenario, a minimum 14-foot wide paved surface is required. Within this 14-foot width, a temporary jersey barrier adjacent to the open trench would be needed to protect the work area and keep vehicles outside of the work zone. Given the span length, it is likely that temporary surface recovery at night or on weekends is not viable, and as such, temporary traffic signals would be the recommended approach.

Within immediate proximity to the Jordan Creek fish passage work zone, there are several driveways east that serve commercial properties, including a storage business and gas station/convenience market. Left turning restrictions to/from these commercial driveways directly onto Slater Road are
recommended, and can be replaced by retaining left turn allowances at the Elder Road/Slater Road intersection. Under this traffic control scenario, installation of all-way stop control on a temporary basis at the Elder Road/Slater Road intersection is recommended to balance turning movements, reduce delays, and manage traffic flow in advance of the signalized traffic management area for construction. A temporary easement and directional signage between the adjacent commercial uses may be required to allow for cross-circulation between the storage use and Elder Road for movements easterly back onto Slater Road.

There appears to be no existing/regular access to properties west of the Jordan Creek fish passage work for at least 850 feet. As such, no private or commercial driveways appear to be impacted by temporary turning restrictions that would be striped along Slater Road in advance of the temporary signal control locations. A construction staging area is currently being considered by the Project Team west of the Jordan Creek crossing, with likely vehicular access within 200 feet of the culvert. The incorporation of this potential access into the work zone area should be weighed against extending turning restrictions to private driveways further west. Outside of the immediate work zone, advanced signage notifying of travel delays and available alternative routes are recommended for the general traveling public.

The Project Team/County should work closely with the local school districts and the Whatcom County Fire District once the schedule and duration of this construction operation is determined to prioritize these travel needs above general flow. When the construction zone is manned, the project foreman on duty should be available at all times with a dedicated two-way radio to coordinate fire/emergency service calls through the construction zone on an as needed basis. Mail delivery, refuse collection, or other regular service providers should also be notified of potential travel delays/restrictions.

Under this construction traffic management scenario, regular and occasional truck deliveries to private residents, commercial uses, and the refineries can continue to utilize Slater Road through the construction zone. Advanced notification via fixed temporary signage or variable message signage is recommended westbound prior to Ferndale Road on Slater Road (to allow for driver decision on available alternative routes) and at key egress locations from the refineries at Mountain View Road/Lake Terrell Road, and on the west legs of the Unick Road/Lake Terrell Road and Slater Road/Lake Terrell Road intersections. Construction zone notification with possible delay signage is most appropriate.

In summary, viable MOT is feasible for both staged and full closure construction options.
2.6 ROADWAY/STORMWATER MANAGEMENT/EXISTING UTILITIES

The current Slater road facility is a two lane road with one-lane each way with approximately 5,000 ADT. The facility is conveyed over Jordan Creek via a steel arch culvert structure. As the existing culvert is failing, the County desires to replace the culvert with a new bridge or culvert structure. The new roadway facility crossing Jordan Creek shall be designed to current Whatcom County Public Works roadway standards. The facility is designated as a Rural Major Collector and as such it shall satisfy County's roadway standard associated with this classification. Please refer to County Standard Drawing 505.B-3 below.

The preliminary plan and profile of the studied alternatives are provided in Appendix E. It shall be noted that for the bridge alternative, the profile of the roadway is raised to ensure that the lowest point of the sag curve does not occur within the limits of the bridge structure. This is done to prevent direct discharge of untreated stormwater runoff into the creek below.

Stormwater Management

Application of stormwater management techniques is highly varied from project to project. The following assessment summary outlines our rational and analysis for the alternatives assessed.

A. Design Criteria

The 2012 DOE SWMMWW (here-in-after referred to as the "DOE Manual") will be used for assessing all stormwater management impacts
of the project in concert with the County’s NPDES Phase II Permit. As the project lies outside the NPDES, in conjunction with the DOE Manual, the 2012 Western Washington Hydrology Manual (WWHM) will be used in developing facility water quality and quantity sizes if necessary.

B. Erosion and Sediment Control

The project is required to prepare a formal Erosion and Sediment Control Plan for approval and per the DOE Manual with the project meeting the appropriate Sedimentation Control Plan Minimum Requirements.

C. Stormwater Quality & Quantity Methodology

Regardless of the alternative selected, the total amount of new impervious pollution generating surface area is expected to be below 5,000 sf and per County Municipal Code, stormwater quality and quantity management is not required as the project lies outside the NPDES Phase II area as per figure provided below.

D. Stormwater Conveyance Piping

The primary proposed modes of conveyance are sheet flow across the roadway and then to either infiltration through dispersion or discharge to adjacent ditches and adjacent water bodies. We do not anticipate proposing significant amount of traditional conveyance piping as the County has had past maintenance issues arising from clogged pipes in rural conditions such as these.

In summary, existing site conditions support alternatives including grass lined ditches with quarry spall check dams through steeper sections, quarry spall lined ditches, or open channel corrugated metal “half-piping” for particularly steep slopes where quarry spall lined ditches aren’t appropriate based on soil conditions.

Existing Utilities

Known existing utilities at and around the existing culvert are the overhead power utilities owned by PSE on the north side of the roadway and an underground 8" Lummi Nation water main serving the Silver Reef Casino which crosses over the culvert at an elevation of approximately 10 feet bgs. These utilities shall be preserved and maintained at all times during the culvert replacement or bridge construction. This is especially important for the 8" water main as it serves as primary fire-flow protection for the casino. The project is not expected to impact power pole location.
Whatcom County NPDES Phase II Area - September 2012

Legend
- Watershed Management Areas
- Public Roads
- NPDES Permit Area
- City

Project Site

Ferndale

Bellingham
2.7 STRUCTURAL

With engineering input provided from our design team members, whom their contributions are described in prior sections, conceptual structural design for the four studied viable culvert replacement alternatives are undertaken, namely:

Alt 1 - Bridge with full closure construction
Alt 1A – Bridge with staged construction
Alt 2 – 3-sided precast concrete culvert with strip foundation
Alt 3 – 3-sided precast concrete culvert with mat foundation

Appendix E presents the preliminary conceptual plans developed for the aforementioned alternatives.

In the following each alternative is described in further detail:

Bridge Alternative

Per surveyed information regarding channel topography and the required creek crossing skew angle with the roadway, the bridge crossing is made possible via an approximately 125-foot long bridge structure. The width of this bridge structure is determined by the County roadway standards and it is approximately 40 feet.

A low maintenance bridge concept is a one span bridge structure with a superstructure composed of precast pre-stressed concrete girders that are approximately 4 feet deep, and a 7.5” cast-in-place concrete deck.

The bridge's substructure is composed of cast-in-place concrete abutments founded on multiple 12” steel pipe piles (i.e., 15-18 per abutment) driven to depths of 80 to 90 feet to provide adequate friction resistance. Alternatively, the abutments may be founded on fewer 3-foot in diameter concrete shafts (i.e., 6 per abutment) that extend well into the hard substratum layers found at approximate depths of 100 to 120 feet below the ground surface.

As the existing roadway is on a sag curve at its creek crossing and in order to avoid constructing a bridge on a sag curve, the roadway's vertical profile is proposed to be raised such that the bridge structure is built on a 0.7% tangent line connecting two adjacent sag vertical curves.

Please refer to Appendix E for Alt 1’s preliminary plans.
It should be noted that Alt 1A's preliminary plans are not shown and they are similar to Alt 1's except for the fact that the bridge will be constructed in two halves.

**Culvert Alternatives**

Both of the studied viable culvert alternatives (i.e. Alt2 and Alt3) are composed of precast 3-sided culverts that are approximately 8-foot tall and 30-foot wide. Per survey topography data and the creek's skew angle with respect to the roadway, the length of the culverts alternatives need to be approximately 200 feet.

![Image of a culvert](image)

The main difference between these two alternatives is in their foundation system. Alt 2 is founded on a deeper cast-in-place strip footing while Alt 3 is founded on a shallower cast-in-place mat foundation. The combination of the three-sided precast culvert and its mat footing, makes it like a four-sided concrete culvert.

Both of these alternatives require a full closure construction scenario. Please refer to Appendix E for the Alt 2 and Alt 3 preliminary plans.
2.8 \textbf{ALTERNATIVE STUDY}

The design team studied a variety of analytical methods to be used for comparative study amongst the aforementioned alternatives.

For the sake of providing a simpler and broader level of comparative study that is appropriate for the current level of design, we have compared the aforementioned alternatives from a cost, environmental permitting, Right-of-Way (ROW) Acquisition, Construction Duration, Traffic Impacts, Long-term Maintenance, and Fish Passage perspective as described below.

\textbf{Cost Analysis}

The preliminary cost data associated with all 4 alternatives are presented in Appendix F.

As seen, the costliest alternative is Alt 1A at $3.82M, while Alt 1’s cost is $3.58M and Alts 2 and 3 costs are $3.49M and $3.16M respectively.

A higher contingency factor of 30\% is utilized to reflect the current level of design and its associated cost analysis.

\textbf{Environmental Permitting}

Benefits to fish can be quantified and compared approximately in terms of miles of accessible stream habitat for various fish specimen. Benefits to wetlands are less readily quantified and are thus discussed in a relative qualitative sense.

All alternatives are associated with the same level of accessibility to stream habitat and wetlands. Yet, alternatives 1 and 1A provide an enhanced fish crossing due to their day-lighted stream crossing feature.

Also these alternatives provide safer conditions for wildlife movement across the roadway.

All-in-all Alts 1 and 1A provide more stream-lined environmental permitting process than Alts 2 and 3.
ROW

From a ROW viewpoint, all of the studied alternatives require approximately the same amount of temporary and permanent easement / ROW. The envisioned project ROW needs are depicted on the conceptual alternative presented in Appendix E.

Construction Duration

It is estimated that Alts 1, 2 and 3 require a construction duration of approximately 9 months, while Alt 1A requiring a construction duration of 12 months.

Traffic Impacts

Due to availability of a good short detour route, it is anticipated that the impacts of a full closure construction scenario to be not significant. In fact, a staged construction may prove to be a non-preferred construction scenario for the drivers aiming to get to the destinations to the west of the project site, like the Sandy Point Community.

Long-term Maintenance

Alternatives 1 and 1A possess the least amount of long-term maintenance and operation cost associated with them, mainly due to their non-confined and day-lighted creek crossing attribute which will not only make the future structural inspection activities easier but also it provides a more convenient damage repair environment. Moreover, in the wake of an earthquake event, it is envisioned that the performance of Alts 1 and 1A’s to be superior to Alts 2 and 3 due to the fact that their foundation structure penetrates into the non-liquefiable substratum layers.

Fish Passage

All alternatives possess good to very good fish passage attributes. Alts 1 and 1A provide very good fish passage characteristics due to their day-lighted channel feature.

In the following table, we have summarized all the studied attributes associated with aforementioned alternatives in one table for comparison purposes:
Alternative Attributes Comparison Summary Table

<table>
<thead>
<tr>
<th>Item</th>
<th>Alt 1 - bridge (full closure)</th>
<th>Alt 1A - bridge (staged const.)</th>
<th>Alt 2 - 3-sided culvert</th>
<th>Alt 3 - 4-sided culvert</th>
</tr>
</thead>
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<tr>
<td>Estimate of Probable Cost</td>
<td>3,589,000*</td>
<td>$3,825,000*</td>
<td>$3,493,000*</td>
<td>$3,163,000*</td>
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<td>minimal</td>
<td>moderate</td>
<td>moderate</td>
</tr>
<tr>
<td>Right of Way Requirements</td>
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<td>Right of way required</td>
<td>Right of way required</td>
<td>Right of way required</td>
</tr>
<tr>
<td>Construction Duration</td>
<td>9 months</td>
<td>12 months</td>
<td>9 months</td>
<td>9 months</td>
</tr>
<tr>
<td>Traffic Impacts</td>
<td>2 mile detour</td>
<td>one-lane traffic through site</td>
<td>2 mile detour</td>
<td>2 mile detour</td>
</tr>
<tr>
<td>Long-term maintenance requirements</td>
<td>minimal</td>
<td>minimal</td>
<td>moderate</td>
<td>moderate</td>
</tr>
<tr>
<td>Fish Passage</td>
<td>Very Good</td>
<td>Very Good</td>
<td>Good</td>
<td>Good</td>
</tr>
</tbody>
</table>

*Estimate of Probable Cost reflect the projected 2017 construction cost and it does not include costs associated with Design, Permitting, ROW, and Construction Management.

3. CONCLUDING REMARKS AND RECOMMENDATIONS

Four viable culvert replacement alternatives were studied in conjunction with the existing damaged and failing Jordan Creek Culvert on Slater Road.

All the studied alternatives provide sufficient flow capacity and good to very good fish passage attributes.

The four alternatives were compared from cost, environmental permitting, Right-of-Way (ROW) Acquisition, Construction Duration, Traffic Impacts, Long-term Maintenance, and Fish Passage perspectives.

Alternative 1 appears to provide the most benefits with respect to the studied attributes and therefore is recommended to be advanced to the full design stage.
Appendix A - Surveying Map
Appendix B - Geotechnical Investigations Technical Memo
Introduction

The purpose of this memorandum is to provide preliminary geotechnical results and a discussion of alternatives for the above referenced project. These services are being performed in accordance with our contract dated April 1, 2015 with TranTech Engineering, LLC.

The goal of the project is to replace the existing falling Jordan Creek culvert with a fish passable option. The scope of work includes an alternatives analysis with up to three options, one of which includes a bridge option. The options have not been finalized as yet, but we assume the options will consist of the following:

- A bridge approximately 80 feet long. The bridge could be constructed one lane at a time, using a temporary shoring system along the center of the road if keeping traffic open is required by Whatcom County.
- A three-sided box culvert or arch culvert, which would be installed using conventional cut and cover techniques. We understand that the preliminary sizing is on the order of 20 feet wide and 10 feet tall. Installation would require temporary road closure.
- A four-sided box culvert or similar structure with a base/bottom. The width would likely be the same; the height might be taller in order to put habitat/streambed material inside the structure.

Subsurface Conditions

We drilled four borings April 27 through 29, 2015 at the approximate locations shown in the attached Site and Exploration Plan. The draft boring logs are also attached. Slater Road at this location is a tall fill prism on the order of 20 feet above the adjacent grade in the drainage; up to 25 feet at the actual culvert location. The subsurface conditions are summarized below:

- Pavement Section: The pavement section at the boring locations consisted of 8 to 9 inches of asphalt concrete, 2 to 3 inches of gravel base, and an upper layer of sand of variable character and thickness.
- Fill: The fill thickness ranged from approximately 17 to 27 feet deep at the boring locations, with the greatest depth in B-2 and B-3, which are closest to the existing culvert and expected greatest depth of ravine. The fill ranged from loose to medium dense sand to very soft to medium stiff clay with variable gravel and organic matter. The organic matter generally consisted of straw, wood fibers and actual wood/rooting up to 1 inch in diameter. A relict topsoil layer was encountered in B-1 at approximately 20½ feet below ground surface (bgs).
- Alluvium: Soft to medium stiff sandy clay/clayey fine sand was encountered in B-1 from approximately 21 to 24½ feet bgs. We interpret this unit to be a thin layer of creek alluvium.
Glaciomarine Drift: Very soft to medium stiff clay/silty clay was encountered below the fill/alluvium to 107 feet bgs in B-1 and 110½ feet bgs in B-4. Borings B-2 and B-3 were terminated at shallower depths within this unit. This deposit is typically unsorted, unstratified silt and clay with varying amounts of sand, gravel, cobbles and occasional boulders derived from sediment melted out of floating glacial ice that was deposited on the sea floor when ground surface was 500 to 600 feet below present day elevations. The very soft to medium stiff glaciomarine drift possesses low shear strength and moderate to high compressibility characteristics.

Consolidated Glacial Deposits: Very dense silty sand/hard sandy silt was encountered below the glaciomarine drift in borings B-1 and B-4 at 107 and 110½ feet bgs and extended to the full depth explored (119 feet bgs). This unit had characteristics similar to glacial tills that are found throughout Puget Sound.

Groundwater: A perched groundwater condition was encountered within the fill in B-1, which can occur randomly throughout fill soils. Groundwater was also observed in the native soils below the creek level.

Preliminary Conclusions
The site conditions consist of loose to medium dense sand/very soft to medium stiff silt/clay fill embankment over a very deep soft clay (glaciomarine drift) over a very dense sand/hard silt glacially consolidated unit that was encountered at 107 to 110½ feet bgs. We are providing a discussion of foundation support considerations for the alternatives that are identified above. This information can be used by the rest of the design team while considering the various permit, hydraulic, structural, economic and other factors to determine a preferred alternative.

Bridge Alternative
As previously mentioned, we expect that a bridge would be on the order of 80 feet long. If the road can be closed, the bridge can be constructed all at once. If only half the road can be closed, then one-half the bridge could be constructed while one lane of traffic can be left open. The Davis Slough Bridge in Skagit County was constructed using this methodology on the South Skagit Highway. Sheet piles were used for temporary support of half the roadway while the bridge was constructed on the other one-half, which added significant expense and time to the construction schedule.

Pile support of the bridge will be necessary because of the poor condition of the existing fill embankment and presence of soft clay. Since significant embankment material and associated loading would be removed to construct the bridge, we expect that differential settlement between the bridge and embankment approaches would be limited. Typically, two pile foundation options are considered in this type of environment:

- Driven Friction Piles: Many of the bridges in Whatcom County are supported on “cast-in-place concrete” driven piles gaining their strength from friction in the clay soils. These have typically been 12-inch-diameter steel pipe piles driven on the order of 80 to 90 feet to achieve a vertical capacity of 55 tons. The pipe piles are then filled with concrete and reinforcement steel added to resist lateral loads. Some limited settlement can occur as loads are applied to the friction piles.

- Drilled Shafts: Glacially consolidated soils were encountered at the approximate bridge abutment locations at depths of 107 and 110½ feet. High capacity drilled shafts could penetrate into the glacially consolidated soils to achieve a high capacity. The diameter and depth/capacity would be determined based on collaboration with the structural engineer if this alternative is chosen. For planning purposes, a 3-foot-diameter shaft could provide a vertical capacity on the order of 500 tons. Because of saturated sand
lenses within the glaciomarine drift and potential bulging of the very soft clays, we recommend that drilled shafts be installed using temporary casing. These piles typically do not exhibit significant settlement because of the firm bearing condition.

Three-Sided Structures
Three sided box culverts or arch structures could be used to achieve fish passage. We anticipate that this type of structure would be installed using conventional cut and cover techniques which would require a temporary road closure. Typically at least 4 to 6 feet of soil is located above the box/arc structure to allow installation of buried utilities. The culverts can be very long to avoid wing walls, or can be shortened using retaining systems to retain the embankment fill above the culvert and wing walls to limit the amount of fill in the drainage. The loads from the culvert and embankment fill over the culvert are transmitted by continuous footings along the base of the box/arc culvert structure. These loads tend to be quite high, and the bearing conditions would consist of the soft glaciomarine drift soils. The differential settlement between the culvert and embankment would need to be considered in this design, but likely can be tolerated by the system. We conclude that two types of foundation options are appropriate in this type of environment:

- The box/arc culvert footings could be designed as grade beams and supported on a pile foundation as described above. Our preliminary conclusion is that the friction piles might be the more desirable option because the loads for this type of structure would not be as high as the longer bridge option.

- Ground improvement may also be a viable option. Depending on the type of structure, two ground improvement options appear to be feasible:
  - It may be feasible to overexcavate several feet of the soft clay and place a “burrito wrap” of quarry spalls. We would expect this might need to be on the order of 4 feet thick and twice as wide as the footing. This might require significant excavation of embankment material and/or temporary shoring which would need to be considered in the cost and planning.
  - Another ground improvement strategy is to use a type of stone column/aggregate piers to support the footings on the improved bearing condition. Oftentimes this is a proprietary design/build option by a company such as Geopier Foundations. Typically an allowable bearing capacity of 4 to 5 ksf can be obtained with this type of ground improvement.

Four-Sided Structures
A four-sided box culvert or similar structure could also be used to achieve fish passage. This was successfully completed on Marine Drive located approximately 3 miles southeast of the site. We anticipate this type of structure would be installed using conventional cut and cover techniques which would require temporary road closure and be a similar above-ground design to the three-sided structure described above. However, because it is a four-sided structure with a full base/bottom, the loads from the culvert and embankment fill over the culvert are transmitted more uniformly across the base, which essentially serves as a mat foundation. This allows the loads to be reduced such that we expect only nominal ground improvement would be required for foundation support. We expect that the ground improvement could be limited to overexcavation of a few feet (1 to 2) of the soft clay and place a “burrito wrap” of quarry spalls. These types of structures typically must be installed with a deep base such that several feet of habitat/streambed materials can be placed over the base. This embedment, including for the ground improvement, might require significant excavation of embankment material and/or temporary shoring which would need to be considered in the cost and planning. The differential settlement between the culvert and embankment would likely be very limited with this option.
LIMITATIONS

We have prepared these preliminary recommendations for TranTech Engineering, LLC for the Slater Road – Jordan Creek Fish Passage Barrier Removal project in Whatcom County. This memorandum is not for design or construction. TranTech Engineering may distribute copies of this memorandum to the County or County’s authorized agents and regulatory agencies as may be required for the project. Once the specific alternative is selected and preliminary design details determined, we recommend that project specific geotechnical recommendations be provided.

Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments should be considered a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

Attachments:
Figure 2. Site and Exploration Plan
Figures A-1 through A-5. Logs of Boring
## Soil Classification Chart

<table>
<thead>
<tr>
<th>Major Divisions</th>
<th>Symbols</th>
<th>Typical Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravel and Gravely Soils</td>
<td>GW</td>
<td>Well-Graded Gravels, Gravel, Sand Mixtures</td>
</tr>
<tr>
<td></td>
<td>GP</td>
<td>Poorly-Graded Gravels, Gravel, Sand Mixtures</td>
</tr>
<tr>
<td></td>
<td>GM</td>
<td>Silty Gravels, Gravel, Sand, Silty Mixtures</td>
</tr>
<tr>
<td></td>
<td>GC</td>
<td>Clayey Gravels, Gravel, Sand, Clay Mixtures</td>
</tr>
<tr>
<td>More Than 50% of Coarse Fraction Retained on No. 4 Sieve</td>
<td>SW</td>
<td>Well-Graded Sands, Gravely Sands</td>
</tr>
<tr>
<td></td>
<td>SP</td>
<td>Poorly-Graded Sands, Gravely Sand</td>
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<td>SM</td>
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<tr>
<td></td>
<td>SC</td>
<td>Clayey Sands, Sand, Clay Mixtures</td>
</tr>
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<td>Sand and Sandy Soils</td>
<td>ML</td>
<td>Inorganic Silts, Rock Flour, Clayey Silts with Slight Plasticity</td>
</tr>
<tr>
<td></td>
<td>CL</td>
<td>Inorganic Clays of Low to Medium Plasticity, Gravely Clays, Sandy Clays, Silty Clays, Loamy Clays</td>
</tr>
<tr>
<td></td>
<td>OL</td>
<td>Organic Silts and Organic Silty Clays of Low Plasticity</td>
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<td></td>
<td>MH</td>
<td>Inorganic Silts, Micaceous or Diatomaceous, Silty Soils</td>
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<td></td>
<td>CH</td>
<td>Inorganic Clays of High Plasticity</td>
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<td></td>
<td>OH</td>
<td>Organic Clays and Silts of Medium to High Plasticity</td>
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<tr>
<td>More Than 50% Passing No. 200 Sieve</td>
<td>PT</td>
<td>Peat, Humus, Swamp Soils with High Organic Contents</td>
</tr>
</tbody>
</table>

**Note:** Multiple symbols are used to indicate borderline or dual soil classifications.

### Sampler Symbol Descriptions

- 2.4-inch L.D. split barrel
- Standard Penetration Test (SPT)
- Shelby tube
- Piston
- Direct-Push
- Bulk or grab
- Continuous Coring

Blowcount is recorded for driven samplers as the number of blows required to advance sampler 12 inches (or distance noted). See exploration log for hammer weight and drop.

A "P" indicates sampler pushed using the weight of the drill rig.

### Additional Material Symbols

<table>
<thead>
<tr>
<th>Symbols</th>
<th>Typical Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>Asphalt Concrete</td>
</tr>
<tr>
<td>CC</td>
<td>Cement Concrete</td>
</tr>
<tr>
<td>CR</td>
<td>Crushed Rock/Quarry Spalls</td>
</tr>
<tr>
<td>TS</td>
<td>Toscals/Forest Duff/Sod</td>
</tr>
</tbody>
</table>

## Groundwater Contact

- Measured groundwater level in exploration, well, or piezometer

## Graphic Log Contact

- Distinct contact between soil strata or geologic units

## Material Description Contact

- Approximate location of soil strata change within a geologic soil unit

## Laboratory / Field Tests

- %F Percent fines
- AL Alteberg limits
- CA Chemical analysis
- CP Laboratory compaction test
- CS Consolidation test
- DS Direct shear
- HA Hydrometer analysis
- MC Moisture content
- MD Moisture content and dry density
- OC Organic content
- PM Permeability or hydraulic conductivity
- PI Plasticity Index
- PP Pocket penetrometer
- PPM Parts per million
- SA Sieve analysis
- TX Triaxial compression
- UC Unconfined compression
- VS Vane shear

### Sheen Classification

- NS No Visible Sheen
- SS Slight Sheen
- MS Moderate Sheen
- HS Heavy Sheen
- NT Not Tested

### Key to Exploration Logs

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**Figure A-1**

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Note: The reader must refer to the discussion in the report text and the logs of explorations for a proper understanding of subsurface conditions. Descriptions on the logs apply only at the specific exploration locations and at the time the explorations were made; they are not warranted to be representative of subsurface conditions at other locations or times.
### Log of Boring B-1

**Project:** Slater Road-Jordan Creek Fish Passage  
**Project Location:** Ferndale, Washington  
**Project Number:** 0484-094-00  

---

<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Depth (feet)</th>
<th>Interval</th>
<th>Blown/foot</th>
<th>Collected Sample</th>
<th>Sample Name</th>
<th>Testing</th>
<th>Water Level</th>
<th>Group Classification</th>
<th>Material Description</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AC</td>
<td>8 inches asphalt concrete</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>0</td>
<td>15</td>
<td>9</td>
<td>^SA</td>
<td></td>
<td></td>
<td></td>
<td>GP</td>
<td>2 to 3 inches gravel base course</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>18</td>
<td>4</td>
<td>14</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td>SM</td>
<td>Brown and gray silt to coarse sand with gravel and clay (loose, moist) (fill)</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td>18</td>
<td>0</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td>SC/CL</td>
<td>Gray clayey fine to coarse sand to sandy clay with occasional organic matter (wood fibers) (very soft/very loose, wet)</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td>TML</td>
<td>Brown and blue-gray sandy clayey silt with organic matter (soft, moist to wet)</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td>18</td>
<td>3</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td>CL/SC</td>
<td>Blue-gray and brown silt to clayey fine to medium sand, with occasional gravel (very soft/very loose, wet)</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>15</td>
<td>15</td>
<td>0</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>With decreased sand and silt content with occasional organic matter</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td>18</td>
<td>0</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>With organic material (fibers and wood approximately 1-inch-diameter)</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>20</td>
<td>20</td>
<td>4</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dark brown organic silt (soft, wet) (relief topsoil)</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td>18</td>
<td>6</td>
<td>^MC</td>
<td></td>
<td></td>
<td></td>
<td>ML</td>
<td>Gray sandy clayey silt with trace organic material (fibers) (soft, wet) (alluvium)</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CL/SC</td>
<td>Gray sandy clayey fine to medium sand, with occasional organic material (decomposed wood) (medium stiff, wet)</td>
<td></td>
</tr>
</tbody>
</table>

* Blow counts overstated due to rock in sampler shoe  

Perched groundwater encountered at approximately 6 feet at time of drilling.
<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Interval</th>
<th>Depth (feet)</th>
<th>Water Level</th>
<th>Graph ic Log</th>
<th>Group Classification</th>
<th>Material Description</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>0</td>
<td>p3s</td>
<td></td>
<td></td>
<td>CL</td>
<td>Gray clay (very soft, wet) (glaciomarine drift)</td>
<td>AL (LL = 50, PI = 29)</td>
</tr>
<tr>
<td>24</td>
<td>1</td>
<td>11 p</td>
<td></td>
<td></td>
<td>Clay appears shiny/greasy</td>
<td></td>
<td>Full Shalby sample</td>
</tr>
<tr>
<td>35</td>
<td>2</td>
<td>12 p</td>
<td></td>
<td></td>
<td>With 2-inch thick silt interbeds with faint laminations, becomes soft</td>
<td></td>
<td>Variable drilling action between 37.5 and 42.5 feet, possible sand interbeds</td>
</tr>
<tr>
<td>40</td>
<td>1</td>
<td>14 p</td>
<td></td>
<td></td>
<td>With silt, sand and occasional gravel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>1</td>
<td>15 p</td>
<td></td>
<td></td>
<td>CL</td>
<td>Gray silty clay with sand and occasional gravel (very soft, wet)</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>6</td>
<td>p3s</td>
<td></td>
<td></td>
<td></td>
<td>Becomes medium stiff</td>
<td></td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.

Log of Boring B-1 (continued)

Project: Slater Road-Jordan Creek Fish Passage
Project Location: Ferndale, Washington
Project Number: 0484-094-00

Figure A-2
Sheet 2 of 5
Sample appears medium stiff

With decreased sand and gravel content, silt grades out

CL
Gray clay with silt, sand and occasional gravel (very soft, wet)
Grades with sand and trace shell fragments
Shell fragments grade out
With increased sand content

Note: See Figure A-1 for explanation of symbols.

Log of Boring B-1 (continued)

Project: Slater Road-Jordan Creek Fish Passage
Project Location: Ferndale, Washington
Project Number: 0484-094-00

Figure A-2
Sheet 3 of 5
### Field Data

<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Depth (feet)</th>
<th>Interval</th>
<th>Blown foot</th>
<th>Collected Sample</th>
<th>Water Level</th>
<th>Group</th>
<th>Classification</th>
<th>Remarks</th>
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<tr>
<td>85</td>
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<td>14</td>
<td>0</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>95</td>
<td></td>
<td>2</td>
<td>25</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>100</td>
<td></td>
<td>18</td>
<td>0&quot;</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
<td>18</td>
<td>60</td>
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<td>110</td>
<td></td>
<td>18</td>
<td>47</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Material Description**

- **CL**: Gray clay with sand and gravel (medium stiff, wet)
- **ML**: Gray sandy silt with clay and gravel (medium stiff, wet) (transitional beds)
- **SMML**: Gray silty fine to coarse sand to sandy silt, with gravel (very dense/hard, wet) (till-like) (consolidated glacial deposits)
- **SM**: Gray silty fine sand with gravel (dense, wet)

**Remarks**

- With decreased sand content
- Slight change in drilling action
- Rods dropped below drill due to soft clayey soils
- Blow count not representative

---

### Log of Boring B-1 (continued)

**Project:** Slater Road-Jordan Creek Fish Passage  
**Project Location:** Ferndale, Washington  
**Project Number:** 0484-094-00  

Figure A-2  
Sheet 4 of 5
<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Depth (feet)</th>
<th>Interval</th>
<th>Recovered (in)</th>
<th>Group</th>
<th>Classification</th>
<th>Material Description</th>
<th>Moisture Content (%)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>17</td>
<td>74/11*</td>
<td>PS2</td>
<td></td>
<td></td>
<td>Sand grades coarser with increased gravel content and discontinuous silt lenses; becomes very dense</td>
<td>13</td>
<td></td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.
<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Depth (feet)</th>
<th>Interval</th>
<th>Recovered (in)</th>
<th>Grain Size</th>
<th>Sample Name</th>
<th>Water Level</th>
<th>Graphic Log</th>
<th>Group Classification</th>
<th>Material Description</th>
<th>Moisture Content (%)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>9 AC</td>
<td>9 inches asphalt concrete</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>2 inches gravel base course</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>Brown fine to coarse sand with silt and gravel (loose, moist) (fill)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>GP</td>
<td>Increased sand and organic matter (charcoal pieces)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>Brown and gray sandy clayey silt interbedded with approximately 2 to 3 inch alternating layers of silt and sand to siltly fine to medium sand with occasional organics (charcoal) (medium stiff to stiff/loose, moist)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>ML/SM</td>
<td>Dark brown and gray sandy silt with organic material (wood fibers) and discontinuous lenses of blue-gray clay (soft, moist)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>SM</td>
<td>SM</td>
<td>SM</td>
<td>SM</td>
<td>SM</td>
<td>Brown silty fine to coarse sand with clay, occasional organic material and occasional gravel (loose, moist)</td>
<td>13-31</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>Gravels brown and gray with increased organic matter (charcoal, woody fibers) and medium stiff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>Brown-gray mottled silty clay with sand and occasional organic matter (straw, wood fibers) (stiff, moist)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>Becomes medium stiff with iron staining</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>Gray with iron staining silty clay with sand and occasional organic matter (charcoal pieces, fresh wood, straw pieces) (very soft, moist)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>Silt content decreases ¼-inch organic lens in sampler shoe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>CL</td>
<td>¼ full Shelby sampler</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.
<table>
<thead>
<tr>
<th>Depth Interval</th>
<th>Filled Sample</th>
<th>Sample Name</th>
<th>Water Level</th>
<th>Group Classification</th>
<th>Material Description</th>
<th>Moisture Content (%)</th>
<th>Density, G/C (lbs/ft^3)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>FS Fish</td>
<td></td>
<td></td>
<td>ML</td>
<td>Brown sandy silt with organic matter (fresh to partially decomposed wood) and lenses of medium to coarse sand (medium stiff, wet)</td>
<td>A1.33</td>
<td></td>
<td>Groundwater encountered at approximately 25.5 feet at time of drilling</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>S11</td>
<td></td>
<td>CL</td>
<td>Gray clay (very soft, wet) (glaciomarine drift)</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>S12</td>
<td></td>
<td></td>
<td>With greasy/shiny texture</td>
<td>47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>S13</td>
<td></td>
<td></td>
<td></td>
<td>47</td>
<td></td>
<td>Al (LL = 42, PI = 19)</td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.

Log of Boring B-2 (continued)

Project: Slater Road-Jordan Creek Fish Passage
Project Location: Ferndale, Washington
Project Number: 0484-094-00
FIELD DATA

MATERIAL DESCRIPTION

REMARKS

Note: See Figure A-1 for explanation of symbols.
<table>
<thead>
<tr>
<th>Depth (feet)</th>
<th>Interval</th>
<th>Blown Lock</th>
<th>Collected Sample</th>
<th>Water</th>
<th>Group</th>
<th>Classification</th>
<th>Description</th>
<th>Moisture Content (%)</th>
<th>RemarKs</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>0</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td>12</td>
<td>With greasy/shiny texture and streaks of graphite at approximately 33.2 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>2</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td>14</td>
<td>Gray clay (soft to very soft, wet)</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>3</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td>11</td>
<td>Decreased silt and sand content; Gray fine sand seams along fractures; soft</td>
<td>37</td>
<td></td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.
### FIELD DATA

**Elevation (feet)** | **Depth (feet)** | **Interval** | **Blender Foot** | **Collected Sample** | **Material Description** |
--- | --- | --- | --- | --- | --- |
AC | 0 | 9 inches asphalt concrete |
GP | 4 | 2 to 3 inches gravel base course |
SM | 14 | Brown silty fine to coarse sand with gravel (loose to medium dense, moist) (fill) |
SP-6M | 18 | Brown-gray fine to coarse sand with silt and gravel (medium dense, moist) |
SMMML | 8 | Gray-brown silty fine to coarse sand to clayey sandy silt with occasional gravel and organic matter (loose/medium stiff to stiff, moist) |
CL | 5 | Blue-gray silty clay with sand, gravel and occasional organic material with lenses of silty fine to coarse sand (medium stiff, moist) |
 | 10 | With increased organic content (wood) and decreased silt content |
CL | 3 | Dark brown and blue-gray silty clay with sand and numerous organic materials (woody) (soft, moist to wet) |
CL | 18 | Brown-gray silty clay with occasional organic matter (wood) in upper 6 inches and occasional gravel (medium stiff, moist) (glaciomarine drift) |
CL | 20 | Brown clay with discontinuous gray fine sand seams (¼-inch) (medium stiff, moist) |

**Graphic Log**

**Remarks**

Note: See Table A-1 for explanation of symbols.
<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Interval</th>
<th>Recovered (in)</th>
<th>Bow/Root</th>
<th>Collected Sample</th>
<th>Material Name</th>
<th>Testing</th>
<th>Water Level</th>
<th>Graphic Log</th>
<th>Group Classification</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>18</td>
<td>2</td>
<td>P</td>
<td>9</td>
<td>Grades brown to gray, soft, wet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>41</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Groundwater encountered at approximately 29 feet at time of drilling</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Full Shelby sampler</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>18</td>
<td>2</td>
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<td></td>
<td>With greasy/shiny texture</td>
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<td>47</td>
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<td>Grades very soft</td>
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</tr>
<tr>
<td>10</td>
<td>18</td>
<td>2</td>
<td></td>
<td></td>
<td>Grades medium stiff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>47</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>5</td>
<td>18</td>
<td>5</td>
<td></td>
<td></td>
<td>With occasional sand and silt lenses (approximately 1 inch thick), grades soft</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>39</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>18</td>
<td>2</td>
<td></td>
<td></td>
<td>Increase sand and silt lenses; grades medium stiff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: See Figure A-1 for explanation of symbols.
<table>
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**MATERIAL DESCRIPTION**

- Grades with sand and gravel
- Gray sandy clay with occasional gravel (very soft, wet)
- Gray clay with sand and gravel (soft, wet)
- Grass/shiny texture grades out

**REMARKS**

- Slough in hole, rods approximately 5 to 10 feet above sample depth. Driller attempting to pump out
- Gravelly drilling
- Clay in auger, had to flush with water to get clay out
- Driller backed out of hole 5 feet, redrilled to remove clay
- "Blow count not representative due to slough"
- 1/4 full Shelby sampler
- No cuttings coming up

Note: See Figure A-1 for explanation of symbols.

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**Log of Boring B-4 (continued)**

**GeoEngineers**

- **Project:** Slater Road-Jordan Creek Fish Passage
- **Project Location:** Ferndale, Washington
- **Project Number:** 0484-094-00
- **Figure A-5**

Sheet 3 of 5
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**Material Description**

- With larger gravel
- Grades very soft
- Gray silty clayey fine to coarse sand to silty clay, with sand and occasional gravel (medium dense/stiff, wet) (transitional deposit)
- Grades to loose/medium stiff
- Increased sand and gravel content; medium dense/very stiff
- Gray silty fine to medium sand to sandy silt with clay and gravel (very dense/hard, moist) (till-like/glacially consolidated soils)

**Remarks**

- No change in drilling chatter
- Slower drilling

Note: See Figure A-1 for explanation of symbols.

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Log of Boring B-4 (continued)

Project: Slater Road-Jordan Creek Fish Passage
Project Location: Ferndale, Washington
Project Number: 0484-094-00

Figure A-5
Sheet 4 of 5
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Appendix C - Hydrology, Geomorphology and Fish Passage
Technical Memo
Technical Memorandum No. 1

Date: August 27, 2015  Project Number: 2087.01/TM001

To: Kash Nikzad, TranTech Inc.

From: Paul DeVries, Ph.D., P.E.

Subject: Development of Upstream Fish Passage Design Alternatives, Jordan Creek at Slater Road, Whatcom County

1. BACKGROUND

R2 Resource Consultants, Inc. (R2) was contracted as a sub to TranTech to evaluate and assist in the design of upstream fish passage options at a perched and failing culvert located on Jordan Creek under Slater Road, Whatcom County. This technical memorandum describes R2’s evaluation of general conditions affecting upstream fish passage at the culvert, and identifies alternatives for culvert replacement. The intent of this document is to provide supporting technical design information for (i) review by NMFS and WDFW fish passage specialists and Lummi Nation technical staff as needed, (ii) assisting the County with selecting its preferred alternative, and (iii) use in developing the preferred fish passage design specifications.

To assist in this evaluation, a HEC-RAS model was developed from the recently collected survey data. The model was used at this stage of the design to evaluate (i) bankfull flow characteristics for assessing hydrology and identifying approximate target channel dimensions under a bridge or through a culvert, and (ii) accordingly assess approximate flood stage and width to define general geometric constraints on bridge and culvert designs. The model will be refined and used to further develop the preferred alternative when it is selected.

2. GEOMORPHIC CONSIDERATIONS FOR ALTERNATIVES

A topographic and longitudinal stream profile survey performed jointly by Larry Steele & Associates, Inc. and R2 for this project indicates that there is a substantial discontinuity in stream gradient at the Slater Road Culvert (Figure 1). This discontinuity is especially evident in a long profile extracted from a LiDAR DEM provided by the Lummi Tribe, which indicates the stream profile is at grade above and below the culvert, with equal slopes (0.44%) above and below, but the two reach scale profiles are offset by approximately 2.85 ft at the culvert (Figure 2). Another section of Jordan Creek farther downstream has a similar gradient and is approximately in line with the grade of the channel below the culvert, separated by a ‘hump’ in the profile (Figure 2).
Figure 1. Longitudinal profile of Jordan Creek surveyed in the vicinity of Slater Road. Downstream and upstream reach grades are from Figure 2; local reach grade immediately below culvert is a line with slope same as the reach grade, fit by eye.

Figure 2. Longitudinal profile of Jordan Creek extracted from a LiDAR DEM. Large scale reach slopes (S) are indicated by dashed regression lines; the gradients of respective reaches above and below the culvert are projected downstream and upstream respectively to show the larger scale profile discontinuity that exists at Slater Road.
In the vicinity of Slater Road, the upstream grade is approximately 4 ft higher than the local grade immediately downstream of the culvert, which has a similar slope as the reach overall (Figure 1). The cause of the offset therefore likely reflects long term adjustment to a hydraulic constriction at the Slater Road crossing and local degradation below. In contrast, the stream grade does not appear to have been affected by the Elder Road crossing upstream (Figure 2).

The key inference from Figure 1 with respect to formulating alternatives is that the channel upstream of the Slater Road culvert may be expected to downcut by approximately 3-4 ft if an adjustable streambed simulation design is implemented as part of the design. If this option were followed, it is probable that the stream would undercut a channel-spanning logjam located upstream of an elevated footbridge. There are extensive deposits of fine sediment and small gravel presently stored upstream of the jam that would then be likely to be transported downstream. In the near term, temporary passage barriers could conceivably form as one or more headcuts while the stream reworks its grade.

Alternatively, the discontinuity would need to be preserved via either a scour resistant roughened channel of some form, or by a concrete bottomed structure with baffles.

In either case, there is a deep scour hole located below the culvert. The hole has been carved into the clay glaciomarine drift deposit identified by GeoEngineers (2015). This hole would need to be filled with coarse sediments under all likely alternatives to prevent undermining of the constructed streambed upstream. The clay is exposed on the stream bed as hydraulic controls at two locations downstream of the scour hole, but the respective crest elevations are generally in line with the grade downstream (Figure 1) such that long term degradation downstream of the scour hole is not expected to be significant.

3. FLOOD HYDROLOGY

There are no continuously-recorded stream gage data for Jordan Creek. Limited stream flow measurements are available from work performed for the Bureau of Indian Affairs and the Lummi Nation that can be used to assess low flow hydrology, but not high flow. Flood hydrology for the site was instead developed by evaluating USGS regional regression predictions (Sümiooka et al 1997, embodied in StreamStats; http://water.usgs.gov/osw/streamstats/) at a gaged location nearby (Washington Department of Ecology (Ecology) station 01Q070 on Dakota Creek, the nearest, smallest stream with available continuous flow records). The flood frequency quantile predictions at the gage location were compared to values derived using measured peak flows, and the ratio of the two estimates were used to adjust regression predictions for Jordan Creek accordingly, assuming both locations have comparable geology, climate and rainfall-runoff characteristics. In addition, hydraulic modeling of bankfull flow was used to estimate the
magnitude of the channel forming flood flow, and compare it with the adjusted 2 year flood regression estimate (which approximates the channel forming flood; e.g., Leopold et al. 1995).

The specific procedure involved:

- Comparing StreamStats predictions of the 2 year flood for the Dakota Creek gage (290 cfs) against an estimate derived by plotting peak flows (~600 cfs) extracted from 15-minute data measured between 2007 and 2014) on log-probability paper, and applying the resulting correction factor to the Jordan Creek regression estimate ($Q_{Peak,Gage} = 2.07Q_{Peak,Regression}$; $Q_{2,Jordan} = 146$ cfs);

- As a rough corroboration, scaling the preceding gage-based estimate of the 2-year flood for Dakota Creek by the drainage area (DA) ratio of the two sites (21.4 mi$^2$/5.17 mi$^2$ = 3.75; $Q_{2,Jordan} = 600$ cfs/3.75 = 160 cfs); and

- Comparing the 2 year flood magnitude estimate for Jordan Creek against a bankfull flow estimate derived from field-surveyed cross-sections downstream of the culvert and HEC-RAS modeling output (~140 cfs; Figure 3).

The correspondence between the bankfull flow (140± cfs) and the adjusted regression estimate (146 cfs) indicates that the adjusted regression estimates of flood frequency quantiles are reasonable for use in design. For stability design, a safety factor can also be used to increase the 100 year design flood magnitude.

The resulting flood flow estimates are summarized in Table 1.

![HEC-RAS model predictions of flood levels in Jordan Creek for existing conditions at a location downstream of the culvert where a bankfull morphologic feature is distinguishable on the cross-section profile. The flow depicted is 140 cfs, which approximates a bankfull depth of ~2.5 feet at this and the next cross-section upstream.](image)
Table 1. Estimated flood magnitudes for various recurrence intervals, Jordan Creek at Slater Road.

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4. FISH PASSAGE CRITERIA

The corresponding physical and biological fish passage criteria that will be used to guide the conceptual and final designs are summarized below.

4.1 Fish Species/Life Stages

Maps of documented fish distribution above Slater Road in WDFW’s SalmonScape website (http://apps.wdfw.wa.gov/salmonscape) indicate the key species of concern for upstream passage design in Jordan Creek is presently coho salmon (*Oncorhynchus kisutch*). In addition, WDFW’s database identified bull trout (*Salvelinus confluentus*) as presumed present based on professional judgment of WDFW biologists, and winter steelhead trout (*O. mykiss*) and fall chum salmon (*O. keta*) as being capable of using habitat in upper Jordan Creek; SASSI (WDFW & WWTIT 1994) indicates chum salmon are more likely to be found in Jordan Creek than steelhead.

Fish passage designs for culvert replacement projects should include consideration of both adult and juvenile salmonids, and where feasible, native, non-salmonid species. In general, if upstream passage is possible for juveniles, other species should be able to move upstream as well. As a consequence, WDFW generally prefers designs involving stream simulation or roughened channels, which allow bedload to pass downstream unimpeded and provide a more natural functioning upstream passage corridor. This type of design may be constructed using either an oversized culvert or a bridge.

4.2 Fish Passage Design Flows (Hydrology)

Passage criteria for constructed channels include providing for passage over a wide range of flows, ranging from the 10% exceedance flow at the upper end and down to the 95% exceedance flow at the lower end of the flow range (NMFS 2011; Barnard et al. 2013). Species and lifestage periodicities were used to define which months to evaluate exceedance flows for fish passage. Periodicities were determined through review of SASSI (WDFW & WWTIT 1994). Juvenile
salmonids were taken as being present year-round, although the stream is known to go dry in the summer (James Lee, Whatcom County, personal communication). The high fish passage design flow reflected hydrology during coho and chum salmon upstream passage/spawning months, the primary species documented using or suspected of using Jordan Creek.

Fish passage flows were evaluated using two approaches:

- Regional regression model, per Appendix G of WDFW’s 2013 Water Crossing Design Manual (Barnard et al. 2013); and
- Daily flow duration characteristics were estimated for the project site using gage data from Dakota Creek, the nearest, smallest stream with available continuous flow records and scaling by the drainage area ratio (the results in Section 3 indicate that the Dakota Creek gage data can also be scaled down to generate reasonable estimates of fish passage exceedance flows).

The resulting exceedance flow estimates and corresponding biological bases were:

- 10% exceedance flow (entire year; juvenile salmonids) = 25.7 cfs
- 10% exceedance flow (Sept.-Nov.; adult coho and chum) = 16.5 cfs
- 95% exceedance flow (entire year; juvenile salmonids) = 0.6 cfs
- 95% exceedance flow (Sept.-Nov.; adult coho and chum) = 0.6 cfs

For comparison, the regional regression approach in Appendix G of Barnard et al. (2013) yields high fish passage flow estimates of 32 cfs (=regression mean) for January (adult salmon passage) and 7.6 cfs for May (adult resident trout passage), using a mean annual precipitation equal to 30 inches (which was derived from StreamStats). Thus the gage-derived estimates listed above appear to be reasonable hydrologic design criteria for fish passage at the site.

5. FISH PASSAGE ALTERNATIVES DEVELOPMENT

Since this project involves complete replacement of a failing culvert and a bridge is an option under consideration, it is assumed that a 4-sided replacement culvert with baffles is not an option that would receive an HPA unless other options are cost prohibitive or infeasible. In addition, a raised tailwater option with a short fish passage reach downstream is not considered a suitable alternative for this project because that approach is more commonly used as a retrofit solution. Our recent experience has been that WDFW also no longer recommends constructing stepped channels using logs, and instead favors the use of rock streambeds to form a more natural appearing and functioning channel that allows smaller native fish species to also swim upstream rather than having to leap over a series of steps.
Fish passage designs involving rock substrates to form a natural appearing channel vary depending on slope and whether the bed is intended to be mobile or fixed in place. The corresponding design types are termed stream simulation and roughened channel, respectively. Both types facilitate bedload transport in addition to fish passage. The following basic alternatives involving a rock bed were accordingly conceived to provide a passable route for fish (Figure 4):

1. A stream simulation that meets the slope ratio criterion SR<1.25 following Barnard et al. (2013), where SR = constructed channel slope / stream slope;

2. A longer roughened channel with as low a slope as feasible (S~1.8%) while extending to a point upstream where the existing elevation is close to the downstream-projected grade of the existing channel upstream (to minimize potential for a headcut to form), and with a scour-resistant pool below it to allow fish to stage before continuing upstream and for energy dissipation; and

3. A shorter, steeper roughened channel constructed in the footprint of the existing culvert, steeper section of channel upstream of the culvert, with an existing elevation close to the downstream-projected grade of the existing channel upstream and a scour-resistant pool below.

Alternatives 2 and 3 have further options of constructing (i) strictly a rock ramp, or (ii) a series of alternating pools and even steeper intervening rock ramps. In both cases, it is an inherent feature of roughened channels that the selected design will need to be stable (a condition that is colloquially referred to as being “bomb-proof”) so that a headcut does not form or where the channel re-grades to create a shorter, steep section at the upstream end of the constructed channel footprint that could present a partial upstream passage barrier. Also, both alternatives are laid out so that the change to a lower gradient slope occurs below the culvert location, such that bedload does not deposit near the upstream end of the crossing location and potentially form a passage restriction in the future.

These alternatives are evaluated and compared below.
Figure 4. Longitudinal profiles of the three general alternatives considered in this report for providing fish passage in Jordan Creek at the Slater Road crossing. The reach average grade between Slater and Elder roads depicted in Figure 2 is projected downstream to the culvert location as the thick blue dashed line; channel slopes of each alternative are also depicted.

5.1 Alternative 1: Streambed Simulation

A streambed simulation involves designing for a mobile bed, and is the closest to reconstructing a naturally functioning streambed of all the options considered here. The constructed bed gradient and grain size distribution may adjust to prevailing hydrology and sediment supply, but it is generally desired that the head drop across the road prism footprint is sufficiently low that if the bed regrades and armors, it does not do so severely. In the case of Slater Road, however, the gradient ratio SR>>1.25. Consequently, given the long profiles above and below the culvert have similar large scale gradients around 0.44%, and the upstream profile is offset higher by as much as ~4 ft (Figure 1), implementing a streambed simulation would very likely be associated with creation of a headcut and eventual regrading to a profile in the reach that may be closer to its historic level. This option would involve an increased supply of sediment to spawning areas observed downstream (Lummi Nation data), however, and probably for an extended period of time.

5.2 Alternative 2: Longer, Lower Gradient Roughened Channel

A steeper channel appears to be required at the crossing location if it is desired that the upstream grade remain as-is. WDFW’s general guideline is that a roughened channel is preferred over a
streambed simulation when SR>1.25 (Barnard et al. 2013). In general, as low a slope as feasible is the preferred option for ensuring both long term stability and creating more favorable upstream passage conditions by reducing energy dissipation per unit length of stream. A roughened channel should be designed to remain stable and not re-grade, while allowing throughput of bedload from upstream. Barnard et al. (2013) and NMFS (2011) provide guidance for design of roughened channels so that they are considered acceptable for permitting and construction. The design process generally necessitates following NMFS’ and WDFW’s ‘Hydraulic Design Option’. The general design requirements for a roughened channel are to ensure, accordingly:

- Ensuring low flows do not infiltrate excessively into the constructed riverbed;
- Average velocity at the high passage design flow (10% exceedance flow during adult salmon/trout upstream passage months) does not exceed criteria;
- Velocities are not excessive for juvenile upstream passage over most or all of the design flow range;
- The Energy Dissipation Factor (EDF) meets upstream passage criteria if feasible, or is not excessive beyond reason; and
- The bed is stable at the 100 year design flood;

The corresponding design decisions concern identifying the general layout of materials forming the channel, what the cross-section profile should look like, what the slope should be, how the material should be configured to maximize the likelihood of upstream fish passage by the largest and smallest fish species/lifestages of concern, and what size rock material should be used to form a stable channel bottom and sides.

While not strictly required for a roughened channel design, a design goal should be to provide sufficient depth for upstream passage of adults during the low passage design flow, to the extent feasible as dictated by hydraulics.

Given that the larger scale reach below the culvert appears to be at a long term, established grade, and that the local grade immediately below the culvert is at an even lower elevation (Figure 1), it appears that the downstream end of the roughened channel may not need to be protected from long term degradation. Degradation appears to have already occurred locally down to the clayey marine drift stratum, possibly in response to excessive deposition of bedload upstream of the culvert compared to what the channel would transport otherwise. It is plausible that the reach immediately downstream of the culvert could aggrade in response to increased transport of bedload from upstream once the backwater effect of the existing culvert is eliminated.
5.3 Alternative 3: Shorter, Higher Gradient Roughened Channel

This alternative requires less rock volume to construct than Alternative 2, but will require a larger size distribution to ensure stability. Similar design criteria and considerations apply as for Alternative 2, but the design becomes more difficult to meet criteria across the entire passage flow range because of the steeper gradient, and a wider floodplain may be required to reduce velocities and energy dissipation in the main channel. However, the design may benefit from considering the use of boulder cluster fields that help establish grade and also provide passage routes in between, and with smaller (but still relatively large and stable) rock placed across the channel between the boulders; periodic pools may or may not be included as part of the design.

5.4 Flood Conveyance: Channel/Floodplain Widths, Bankfull Depths, and Peak 100 Year Flood Stage

At this stage of design, a first order approximation can be developed of the general width and depth of the 100 year flood at the Slater Road crossing that represents an upper conceptual design envelope for dimensions of a bridge or culvert, for all passage design alternatives considered here. The streambed simulation alternative is a convenient surrogate because (i) its slope is similar to the channel downstream, where an empirical estimate of bankfull width and depth can be derived from Figure 3, and (ii) its lower slope will be associated with greatest flow depth of the three alternatives for the given bankfull width and additional floodplain width (e.g., Barnard et al. 2013 recommend a minimum floodplain width in a streambed simulation equal to 0.2×bankfull width + 2 ft).

The bankfull depth at the cross-section depicted in Figure 3 is approximately 2.5 ft and bankfull width is approximately 20 ft. Similar values were suggested by the next cross-section upstream where a bankfull morphology was also observed. For replacement bridges, BPA’s HIP III conditions for meeting ESA obligations require a floodplain width under the crossing that is at least 50% of the bankfull width. In general, the wider the floodplain, the higher the flow upstream passage is likely to be feasible at, because more water flows over the floodplain than over the channel bottom. For this assessment, then, the more conservative BPA requirement was adopted, which equates to a culvert that is 30 ft wide, or a bridge crossing with a 30 foot wide channel and floodplain combined. A HEC-RAS model geometry was created accordingly that reflected these dimensions and the profile for Alternative 1, and is depicted in Figure 4; a trapezoidal channel with 1H:1V sidewalls was assumed, such the toe width equaled 15 ft. The model predicted a 100-year flood water surface elevation equal to 37.5 ft and 37.4 ft (NAVD88) at the upstream and downstream extents of the base of the road prism, respectively.

Barnard et al. (2013) recommend the structure be at least 3 ft above the 100 year flood water surface for debris clearance, which is also reflected in WAC 220-660-190 regarding bridge
design. Hence, the lowest soffit/low chord elevation above the floodplain for a streambed simulation channel is expected to be approximately 40.5 ft and 40.4 ft (NAVD88) at the upstream and downstream extents of the base of the road prism, respectively.

A similar exercise may be performed iteratively for various design alternatives. For example, if a 20 ft wide box culvert is proposed, its minimum soffit elevation should be approximately 40.8 ft and 40.3 ft (NAVD88) at the upstream and downstream extents of the base of the road prism, respectively.

The estimated bankfull flow (~140 cfs) is much higher than the 10% exceedance flow for juvenile (25.7 cfs) and adult salmon upstream passage (16.5 cfs). The HEC-RAS model representation of the streambed simulation alternative with a 20 ft wide bankfull channel with a flat bottom predicts a flow depth and mean velocity equal to 0.7 ft and 1.5 ft/s, respectively at 26 cfs. These results indicate a need to design a ‘V’ shaped low flow channel to increase flow depth over a broader range of flows if a streambed simulation is selected; similar results may be expected for a roughened channel alternative, where the steeper slope and larger grain size roughness are expected to offset each other and result in similar order of magnitude passage conditions.

6. CONCLUSIONS/RECOMMENDATIONS

The results of this evaluation indicate several potential alternative fish passage designs involving a rock streambed may be applied feasibly (with respect to meeting upstream passage criteria) to this site. Geomorphically, a roughened channel is likely to be a better solution than a streambed simulation given the amount of sediment that has accumulated upstream since the first time a culvert was installed. All alternatives are compatible with either a bridge or culvert design, as long as the soffit/low chord elevation is higher than approximately 41 ft elevation (NAVD88 datum). This is about 20 ft below the present road surface elevation.

A site visit with WDFW and Lummi Nation representatives is recommended, at which time the alternatives and analysis results should be discussed. More detailed analyses can then be performed for the selected alternative design.
7. TECHNICAL REFERENCES


Appendix D - Mobility of Traffic Technical Memo
MEMORANDUM

DATE: November 6, 2015
TO: Kash Nikzad, PhD, PE, Principal, TranTech Engineering, LLC
FROM: Michael Read, PE, Principal, TENW
SUBJECT: Slater Road/Jordan Creek/Slater Road Fish Passage Project
Mobility of Traffic during Culvert Construction

This memorandum evaluates traffic impacts of the potential construction alternatives under consideration by the Project Team during replacement of the Jordan Creek fish culvert on Slater Road west of Elder Road in Whatcom County, WA. Several construction options consider full closure of Slater Road, which would require detour routing of both local traffic and regional truck traffic to vicinity heavy refinery/manufacturing facilities at Cherry Point. The analysis includes:

1. Documentation of existing traffic conditions in the site vicinity.
2. Evaluation of alternative traffic control scenarios to address both partial and full closure options.
3. Recommended traffic control option to minimize traffic impacts, with overview of flagging, detour route, variable message signage, and other considerations.

Existing Transportation Conditions

All roads in the County have been designated with functional classifications. The classification of a road depends on the types of trips that occur on it, the basic purpose for which it was designed, and the relative level of traffic volume it carries. All roads exist to serve two purposes: mobility and access. The following paragraphs summarize existing arterial and local roadways that serve the site vicinity. Figure 1 provides a project site vicinity map, noting the approximate location of the Jordan Creek fish culvert replacement project.

Slater Road is classified as a rural major collector, with two 11-foot travel lanes, varying widths of paved shoulders from 4-6 feet, and a posted speed limit of 45 mph. Slater Road serves as a primary route between the Sandy Point community, one of service primary routes to/from the Cherry Point refineries/manufacturing plants, the Silver Reef Casino/Resort and the I-5 corridor. With a current average daily traffic (ADT) volume of approximately 5,640 daily vehicles west of Haxton Way recorded in 2013, approximately 170 trucks/buses utilize this roadway daily. At its intersection with Lake Terrell Road (west of the site), an all-way stop controls traffic, and a signalized intersection serves its intersection with Haxton Way east of the project site.

Elder Road is a north-south local road connecting Slater Road to Thornton Road, also intersecting the other major east-west corridor of Mountain View Road. Elder Road is approximately 20-feet in width with a bituminous pavement structure and paved shoulders ranging from 0-2 feet. The speed limit is posted at 35 mph. Current ADT was recorded most recently in 2012 at approximately 760 daily vehicles.
Lake Terrell Road is a rural major collector roadway, with two 11-foot travel lanes and 6-foot paved shoulders. With a posted speed limit of 45 mph, this collector arterial serves as a major north-south connection on Cherry Point between Slater Road and Mountain View Road, providing access to the Alcoa Aluminum Smelter, the Chevron Refinery, and the Barlean's manufacturing/wholesale store. With a current ADT of approximately 2,850 vehicles counted in 2015, approximately 185 daily truck/bus trips utilize this roadway segment north of Slater Road.

Unick Road is a local east-west roadway that parallels Slater Road to the north. It is approximately 20 feet in width with 0-2 foot paved shoulders, comprised of a bituminous pavement, and has a posted speed limit of 35 mph. At its intersection with Elder Road, stop control is provided on the Elder Road approaches only. Current ADT is unknown but estimated at between 500 and 700 ADT.

Traffic Mobility Analysis of Culvert Replacement Alternatives

The Project Team is considering two basic types of fish passage replacement structures for the Jordan Creek culvert on Slater Road. The options include a bridge alternative, that lends itself to a staged construction allowing for a partial roadway closure during construction (i.e., a single-lane), and installation of a culvert structure which, due to its required deep excavation, would require a full roadway closure of Slater Road for cut and cover construction purposes. At this time, construction durations of these alternative structural replacement options are not available.

Partial Roadway Closure during Construction

Under the bridge option, an 80-foot wide structure would be constructed to traverse the creek using a staged method. Temporary shoring would be necessary to support the remaining roadway bed or partial bridge constructed during a phased approach. Under this scenario a minimum 14-foot wide paved surface clear of above pavement obstructions would be necessary to provide a single-lane operation of traffic flow. Within this 14-foot width a temporary jersey barrier adjacent to the open trench would be needed to protect the work area and keep vehicles outside of the work zone. Depending upon project duration, flagging control or portable signal control systems to manage alternating directional flows of traffic through the construction zone would be required. However, temporary traffic signals are preferable to flaggers for long term projects and activities or conditions that would require flagging at night (i.e., 24-hour construction operations, operations at night, or periods in which the work area/trench remain open). Given the span length, it is likely that temporary surface recovery at night or on weekends is not viable, and as such, temporary traffic signals would be the recommended approach.

Peak one-hour directional flows on Slater Road currently average approximately 500 vehicles per hour (in both directions) and occur between 4:00 pm and 6:00 pm. With a peak directional arrival rate of approximately 5 vehicles per minute eastbound, and about 3.5 vehicles per minute westbound would require processing by flagging or signal control under a single-lane operation. Assuming a 300-foot construction zone along Slater Road (100 feet of active construction and 100-foot staging/equipment areas on either side), and a buffer area for flagging control of 150 feet on either end, a single vehicle queue of up to 10 vehicle could enter and depart the construction area approximately each minute. As such, without diversion, cycling the peak directional flow of traffic every minute would appear to accommodate existing peak demand assuming ideal conditions as the service and dwell every 2 minutes would average up to 10 eastbound vehicles and 7 westbound vehicles. Adjustment of this cycle length
during non-peak hours would be recommended to avoid frustration by drivers with no oncoming flow during late evening/early morning hours.

Figure 2 provides an overview of this traffic control scenario (Figure 6H-12) from the 2009 Manual on Uniform Traffic Control Devices (updates effective May 2014) for use in implementing along Slater Road. Within immediate proximity to the Jordan Creek fish passage work zone, there are several driveways that serve commercial properties, including a storage business and gas station/convenience market. Left turning restrictions to/from these commercial driveways directly onto Slater Road are recommended, and can be replaced by retaining left turn allowances at the Elder Road/Slater Road intersection. Under this traffic control scenario, installation of all-way stop control on a temporary basis at the Elder Road/Slater Road intersection is recommended to balance turning movements, reduce delays, and manage traffic flow in advance of the signalized traffic management area for construction. A temporary easement and directional signage between the adjacent commercial uses may be required to allow for cross-circulation between the storage use and Elder Road for movements easterly back onto Slater Road.

There appears to be no existing/regular access to properties west of the Jordan Creek fish passage work for at least 850 feet. As such, no private or commercial driveways appear to be impacted by temporary turning restrictions that would be striped along Slater Road in advance of the temporary signal control locations. A construction staging area is currently being considered by the Project Team west of the Jordan Creek crossing, with likely vehicular access within 200 feet of the culvert. The incorporation of this potential access into the work zone area should be weighed against extending turning restrictions to private driveways further west.

Outside of the immediate work zone, advanced signage notifying of travel delays and available alternative routes are recommended for the general traveling public. The Project Team/County should work closely with the local school districts and the Whatcom County Fire District once the schedule and duration of this construction operation is determined to prioritize these travel needs above general flow. When the construction zone is manned, the project foreman on duty should be available at all times with a dedicated two-way radio to coordinate fire/emergency service calls through the construction zone on an as needed basis. Mail delivery, refuse collection, or other regular service providers should also be notified of potential travel delays/restrictions.

Under this construction traffic management scenario, regular and occasional truck deliveries to private residents, commercial uses, and the refineries can continue to utilize Slater Road through the construction zone. Advanced notification via fixed temporary signage or variable message signage is recommended westbound prior to Ferndale Road on Slater Road (to allow for driver decision on available alternative routes) and at key egress locations from the refineries at Mountain View Road/Lake Terrell Road, and on the west legs of the Unick Road/Lake Terrell Road and Slater Road/Lake Terrell Road intersections. Construction zone notification with possible delay signage is most appropriate.

Figure 3 overviews this traffic management scenario for partial roadway closure under a bridge construction scenario.
Figure 2
Single-Lane Closure Traffic Management Through Construction Zone

Figure 6H-12. Lane Closure on a Two-Lane Road Using Traffic Control Signals (TA-12)

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Typical Application 12
Full Roadway Closure during Construction

Under either culvert option currently under review (e.g., a three-sided culvert or four-sided box culvert), full closure of Slater Road would be required to allow for a "removal, installation, and cover" type construction method based on depth requirements. With a full closure of Slater Road, detour of all through traffic would be required between Lake Terrell Road and Elder Road. While detour of typical traffic volumes and vehicle types can be accomplished using vicinity local roads, larger vehicle types (long wheel-based trucks and possibly school buses, depending upon their route) would require alternative detour routes beyond local roadways to allow for safe and efficient mobility, as inadequate roadway width and turning radii at local intersections could not be provided without impact of shoulder/open ditch sections, private property, utility poles, and existing traffic control signage. In addition, utilization of the local detour roadways of Unick Road and Elder Road by heavy vehicles would likely impact existing bituminous pavement structure or subgrade during even a short-term construction period. As such, two distinct detour efforts would be required under a full closure option.

Figure 4 outlines the local traffic detour route for most vehicle types. As noted in the Existing Transportation Conditions section of this memorandum, approximately 170 average daily truck trips of the approximate 5,640 daily vehicle trips would require an alternative truck route. In addition to typical advanced signage of detour route signage for the local detour, installation of a temporary all-way stop control is recommended at the intersections of Elder Road and Unick Road & Slater Road intersections. Local access only signage beyond the designated detour routes will be required, with a "Roadway Closed" signage/designation in the westbound direction immediately west of the commercial driveway that serves the storage use (approximately 300 feet west of Elder Street), and approximately 3,700 feet in the eastbound direction beyond the Lake Terrell Road intersection.

Truck detour routes would begin at the Interstate 5 and Slater Road interchange, with other notifications of truck detours north and south of Slater Road on major truck routes. Other advanced detour notification signage on minor arterial approaches to Slater Road are also recommended. Trucks traveling along the Interstate 5 corridor would be directed to detour to the Grandview Drive (SR 548 and Interstate 5 interchange) at milepost 266, approximately 6 miles north of the Slater Road interchange (milepost 260). This alternative route (SR 548 - Grandview Road) is an all-weather arterial route that serves the major Cherry Point refineries to the north, and provides adequate geometric roadway sections and turning radii to accommodate large trucks. Variable message signage on northbound Interstate 5 prior to Slater Road, southbound Interstate 5 prior to Slater Road and Grandview Road (SR 548) are recommended.

To reduce the overall volume of traffic traveling through the local detour route, advanced notification for general traffic to encourage use of alternative routes is also recommended. This would reduce the overall traffic impact on Elder Road and Unick Road segments that would comprise the local detour route shown in Figure 4. Depending upon the expected duration of this construction method, signage could take the form of temporary placement (stands) or more permanent temporary installation (wood post) as deemed appropriate by Whatcom County Engineering.

If you have any questions regarding information presented in this memo, please contact me at (206) 361-7333 x 101 or mikeread@tenw.com.
Appendix E - Alternatives Plan and Profile
Appendix F - Alternatives Opinion of Cost
## Slater Road Jordan Creek Fish Passage

### Engineer's Preliminary Opinion of Cost

**ALT-1 Precast Concrete Bridge (Full Closure Construction)**

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**Subtotal:** $2,504,100  
**Contingency @30%:** $751,230  
**Total 2015 Construction Cost:** $3,255,330  
**Total 2017 Construction Cost with Inflation @5% / Year:** $3,589,001
Slater Road Jordan Creek Fish Passage

Engineer's Preliminary Opinion of Cost

ALT-1A Precast Concrete Bridge (Staged Construction)

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Subtotal: $2,669,100

Contingency @30%: $800,730

Total Construction Cost: $3,469,830

Total 2017 Construction Cost with Inflation @5% / Year: $3,825,488
## Slater Road Jordan Creek Fish Passage

### Engineer's Preliminary Opinion of Cost

#### ALT-2 Three-sided Precast Concrete Culvert (Full Closure Construction)

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**Subtotal:** $2,437,125

**Contingency @30%:** $731,138

**Total Construction Cost:** $3,168,263

**Total 2017 Construction Cost with Inflation @5% / Year:** $3,493,009
### Slater Road Jordan Creek Fish Passage

#### Engineer's Preliminary Opinion of Cost

**ALT-3 Four-sided Precast Concrete Culvert (Full Closure Construction)**

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**Contingency @30%:** $662,198

**Total Construction Cost:** $2,869,523

**Total 2017 Construction Cost with Inflation @5% / Year** $3,163,649
### TITLE OF DOCUMENT:
Presentation of Courthouse Condition Survey

### ATTACHMENTS:
- Whatcom County Courthouse Exterior Envelope Assessment, November 2015

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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.)

Presentation of Whatcom County Courthouse Exterior Envelope Assessment completed by HKP Architects and presented by HKP Architects.

### 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 COURTHOUSE
Exterior Envelope Assessment
November, 2015
Executive Summary
EXECUTIVE SUMMARY

Property Address: 311 Grand Street, Bellingham, Washington
Existing Uses: County Administration, Court and Juvenile Detention

Scope of Work

The A/E Team was tasked with providing an Exterior Envelope Assessment of the Whatcom County Courthouse. This report of the above grade building envelope is based upon destructive testing and visual inspection of the building. Multiple site visits were performed, typically after hours and on weekends, and documented with photographs, meeting notes and annotated documents. Our consultants for this work, and their respective areas of involvement, include:

- Tatley-Grund: Contractor providing overall building access, material removal and repairs at destructive testing locations.
- Wetherholt and Associates: Roof and Wall survey and reporting.
- Anderson Consulting: Glazing, Curtain Wall and Storefront survey and reporting.
- QED LABS: In-place testing of Windows and Glazing.
- Arup: Double Skin Facade solution evaluation.

Assisting the A/E Team from Whatcom County Facilities were Garrett H. Maupin, FAIA, Construction Coordinator and Michael Russell, Facilities Manager.

Included in this assessment are findings associated with windows, brick panels, brick veneer, EIFS, roofs, flashings and building seismic joints. Potential solutions are presented along with associated costs.

Building Description

The Courthouse consists of the original 1948 Courthouse, a 1972 addition and a 1992 addition which approximately doubled the size of the facility. The original six story Courthouse construction consists primarily of cast-in-place concrete walls with a mechanically attached Exterior Insulated Finish System (EIFS) added with the 1992 addition. Roofs consist of built-up-roofing with a mineral surfaced cap sheet and/or gravel surface. Lower roofs appear to have been reroofed in the recent past with a membrane system and were not included in the evaluation report by request of the County. The majority of the windows are the original steel framed windows with single pane glazing.

The 1972 single story addition consists of cast-in-place concrete construction with post tensioned concrete beams. Windows consist of precast concrete units with insulated aluminum framed window inserts. The original exterior concrete walls have brick veneer infill areas. Both the concrete and brick are covered with EIFS that was installed during the 1992 addition. Roofing appears to be a membrane system and was not included in this evaluation report by request of the County.

The 1992 addition consists of a one story administrative wing to the south, a new rotunda entrance to the north and a six story addition to the east which includes new council chambers, prosecuting attorney offices and County administration. Juvenile Detention is located on the top floor. The one story administrative wing has exterior walls constructed of metal studs with brick veneer and EIFS. The rotunda is constructed of precast concrete with a portion composed of brick veneer attached to concrete or metal stud walls. The six story component features metal studs with panelized brick, brick veneer, precast concrete and EIFS. Windows are a storefront system with components that span from one to four stories. Roofs consist of built-up-roofing with a mineral surfaced cap sheet and/or gravel surface. Lower roofs appear to have been reroofed in the recent past with a membrane system and were not included in the evaluation report by request of the county.

Kapoor 
architects
Issues and Complications

Generalized findings include: significant water intrusion into the exterior wall cavities, which in most cases is not evident from the interior of the building; EIFS that has been improperly flashed and has numerous surface breaches allowing water to saturate the system; the storefronts have a number of broken hermetic seals and also leak under simulated wind loads; sealants are failing; roofing is in need of replacement; and general flashing is inadequate to current standards of detailing. Most importantly for future work on the building, the A/E team discovered during the building investigation that in many cases the “as-constructed” conditions varied from the “as-built” documents furnished by the County.

Areas deserving immediate attention include all elevator lobby windows and the north public restroom on the sixth floor. In both situations, failed flashing is allowing exterior moisture into the wall framing. Please reference the Wetherholt roof report for suggested maintenance and replacement of existing roofing areas.

It has been stated by the County that they intend for the building to remain fully occupied during construction of whichever option is selected. Construction phasing will then need to be extensively coordinated with the County to minimize impacts to the occupants and to avoid influencing the “business of the building.” The major assumption in the cost estimates are that all work will be performed between 2:00 pm and 10:30 pm, with no significant noise or vibration happening before 4:30 pm. During this after-hours construction the building will be lit as bright as day.

As noted above, discrepancies were discovered between the “as constructed” conditions vs. the “as built” documents. In evaluating these repair options, impacts to building occupants, phasing costs, additional studies to address construction ambiguities, “first cost” of construction and ongoing costs of maintenance and operation will need to be considered by Whatcom County.

Proposed Solutions

Common repair solutions for the 1948 and 1972 portions of the Courthouse are proposed.

- On the 1948 construction, metal siding or stone veneer installed over existing EIFS would be provided. Materials shall have a minimum forty year life span and reflect the civic importance of the Courthouse to the City, County and State. The EIFS would remain, providing insulative properties, and a rain screen system would be installed on the EIFS, providing ventilation of the wall cavity and drying of any latent moisture. All windows would be replaced with insulated units.

- The 1972 addition would have a portion of the EIFS removed and a new brick veneer installed to relate to the adjacent brick veneer at the rotunda. Windows would remain. On both the 1948 and 1972 components roofing would be repaired or replaced as described in the Roof Condition Assessment.

The 1992 addition, in which repair will likely impact the occupants to a greater extent, is being investigated with two repair solutions.

1. “Replace in Kind.” This option is a conventional solution including replacing the facades with similar design configuration but simplified, in a more contemporary manner. Brick veneer would replace brick panels, a new storefront system will replace existing, and EIFS is to be replaced with metal panels or stone veneer.

2. The “Glazed Box.” This option proposes a double facade solution as an alternative approach to replacement of the 1992 addition. EIFS would be again be replaced by metal siding or stone veneer. Brick panels and veneer would be repaired. Storefront glazed units with failed seals will be replaced. Existing exterior wall systems would remain virtually intact. The key element of this solution and most visible element is a second, glazed wall system constructed approximately thirty inches exterior to
the existing south, east and north brick panels and storefront at floors two through five. The glazing would have fritted glass in select locations and catwalks for maintenance access could also act as sunscreens. There is also the possible use of hydronic piping installed in the airspace to preheat water for the building or preheating air used for building heat. Impact to the operation of the building and to the building occupants should be reduced. While more expensive than the "Replace in Kind" option, this solution should greatly reduce the impact on the building occupants and users.

**Alternative Contracting**

Both proposed options are complicated by the County's need to maintain occupancy of the building. The "Replace in Kind" option will involve removal of the exterior skin of the 1992 addition. As discovered during our investigations, the as-built conditions often did not match what is illustrated in the bid documents provided by the County and there is some ambiguity regarding as-built conditions. These issues exist in the "Glazed Box" solution as well, though possibly to a slightly lesser extent. A General Contractor/Construction Manager (GC/CM) delivery method may be used to address these complications for the improvements by providing advisory professional management assistance to the County prior to construction and offering schedule and budget and constructability advice during the project planning phase. In our opinion both solutions could benefit by the GC/CM process.

As per RCW 39.10.340, GC/CM may be used for public works projects with a total contract cost at or above $10 Million where the project has at least one of the following:

1. Implementation of the project involves complex scheduling, phasing, or coordination;
2. The project involves construction at an occupied facility which must continue to operate during construction;
3. The involvement of the general contractor/construction manager during the design stage is critical to the success of the project;
4. The project encompasses a complex or technical work environment;
5. The project requires specialized work on a building that has historic significance; or
6. The project is, and the public body elects to procure the project as, a heavy civil construction project. However, no provision of this chapter pertaining to a heavy civil construction project applies unless the public body expressly elects to procure the project as a heavy civil construction project.

In our opinion, whether the "Replace in Kind" or "Glazed Box" option is pursued this project would apply to criteria (1) & (2) and the complexities of the building and the unknowns, would show a benefit to criteria (3), involvement of the GC during design.

As noted in the Robinson Company's cover letter in referencing the use of traditional bidding methods: "With such a variety of materials, locations and limited access for destructive testing, the contractors will have to base their anticipated costs on general information and the assumption that one condition will be the same as another. This will invariably lead to a significant amount of change orders, schedule delays and potential claims."
A Maintenance and Repair Option

A third option would involve not replacing the envelope components and instead maintaining the building as is. Cracked masonry would be resolved by removing the existing brick, polishing the exposed reinforcing to remove surface rust, applying an epoxy coating to the reinforcing to resist rust and then manually cutting new brick and mortaring it into place while the whole panel remains in place. It is our understanding that this can be accomplished for approximately $300-$400 per brick. At the existing glazing, units with failed hermetic seals would be replaced and all windows “wet sealed” with new sealant between the glazing and aluminum frames at each glazed unit. Roofing and flashing would be replaced as described above. Existing 1992 EIFS and sheathing would be removed and replaced with similar, though better flashed and drained, materials. 1948 and 1972 EIFS would remain. 1948 single-pane windows would be replaced with new double-pane insulated units. Sealant and seismic joints would need to be replaced. The County would need to install a regular inspection, maintenance and repair system to identify and repair newly cracked bricks. Repairs would be localized in nature and could be completed with little impact on building occupants. However, the repairs would not be a systematic fix, but rather an ongoing repair process until either the Replace-in-Kind, Glazed Box or other solution can be implemented. This repair/maintenance option would require an annual maintenance budget and is not costed in this study as the County chose to have the two above options investigated.

Cost Model Estimates

After a period of relatively flat inflation we are being advised by various cost estimators to plan for 5-6% annual inflation for the foreseeable future. In evaluating the expressed costs for the two options noted above it is advisable to also take into account the intangible costs of impacts to the building occupants and the “business of the building” during construction along with the very tangible costs of inflation.

As noted later in this report, the estimated construction cost of Option One: Replace in Kind, with roofing replacements and the common solutions for the 1948 and 1972 sections described previously is $20,198,858, based on a typical design-bid-build process and a May, 2018 start of construction. With “soft costs” added, the estimated total project cost is $28,282,442. “Soft Costs” are items outside of the bid and include: Professional Fees, Owners Consultants, Testing and Inspection costs, Construction Management Fees and State and County Sales Tax.

The estimated construction cost for Option Two: The Glazed Box, with roofing replacements and the common solutions for the 1948 and 1972 sections described previously is $24,333,096, based on a typical design-bid-build process and a May, 2018 start of construction. With soft costs added, the estimated total project cost for the Glazed Box option is $34,071,201. While the costs for the Glazed Box option are higher, the construction period is shorter and this option may significantly lessen the physical and operational construction-based impacts to the occupants of the building.

The costs shown for either of the repair options may be at a level where the County might consider replacement with a new facility. Such a solution is outside of the scope of this report but would be worthy of investigation in comparison to the repair options.
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<td>2/1/16</td>
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**TITLE OF DOCUMENT:** Jail Capital Improvement Plan Discussion

**ATTACHMENTS:** Memo and Jail Improvement Plan

**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.)

Executive Louws respectfully requests the opportunity to engage the Council on the preliminary Jail Improvement Plan.

**COMMITTEE ACTION:**  

**COUNCIL ACTION:**

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

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MEMORANDUM

TO: Whatcom County Council Members
FROM: Jack Louws, County Executive
DATE: January 21, 2016
SUBJECT: Capital Improvement for Existing Jail and Work Center

This memo serves as an update regarding the ongoing efforts dedicated to the failing infrastructure and life-safety issues surrounding the Whatcom County jail. With a deteriorating building that has constantly overcrowding issues and lacks adequate space for mental health and medical space there are several infrastructure issues that require action. The Sheriff and I are working to develop a thorough action plan that will allow us to address these critical issues until the existing jail is replaced.

Since it is unlikely that the existing jail will be replaced in the next 5-6 years I have requested an assessment of the critical deficiencies of our jail infrastructure. We are developing an RFQ process to identify solutions to the structural needs. The RFQ will be presented to council in the very near future and is intended to have a consultant to examine;

- The main jail and the work center to determine the work needed to safely and efficiently operate the facilities prior to the existing jail is replaced.
- The structural and system changes to be made in the jail and work center to strengthen the structure, improve life-safety, as well as provide increased space for mental and medical health services.
- The capital and structural improvement costs that will be included in the ongoing per diem rates.

This analysis will also provide the elected officials and public with a cost-benefit analysis to compare the wisdom of spending funds on the existing facility or implementing a plan to replace the jail.

Facilities management and the jail staff have started this effort. We continue to address these needs on a daily basis and several issues are actively being pursued. At the January 26, 2016 council meeting the Council approved a sole source contract to replace the aging and failing security controls system in the Work Center. This is a life and safety issue requiring replacement of the system before it completely fails. Waiting for the unit to fail would cause
major disruption, as it takes up to 6 weeks to order, program and install a replacement system during which safety could be compromised at the Work Center.

A preliminary capital improvement plan¹ and some of the high priority needs included in the assessment are listed below;

<table>
<thead>
<tr>
<th>Main Jail</th>
<th>Work Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitchen</td>
<td>Kitchen</td>
</tr>
<tr>
<td>Laundry</td>
<td>Laundry</td>
</tr>
<tr>
<td>Plumbing main sewer and water lines</td>
<td>Plumbing (fixtures)</td>
</tr>
<tr>
<td>Security Doors and Hardware</td>
<td>Security Controls</td>
</tr>
<tr>
<td>HVAC/Electrical</td>
<td>HVAC</td>
</tr>
<tr>
<td>Structural deficiencies</td>
<td>Upgrades to harden walls &amp; ceilings</td>
</tr>
<tr>
<td>Enhance Medical &amp; Treatment Space</td>
<td></td>
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</tbody>
</table>

Exhibit A articulates the “rough” cost estimates to accomplish the tasks listed above. If the work to be accomplished triggers the requirements of the American with Disabilities Act and the Prison Rape Elimination Act, the costs will exponentially increase related to this capital improvement plan. Furthermore, costs associated with providing additional programming space, bed space at the minimum security facility, and an area of refuge in the event of a fire at the main jail will add to the project cost.

To properly address these issues I am asking for Council’s support in going out for an RFQ to help inform the appropriate next steps. This starts with a thorough analysis of how much investment into our existing facilities is needed prior to the construction of a new jail while also prioritizing the emergent and critical life/safety Improvements. This analysis will also inform us of the value of investing in aging infrastructure compared to investing in new facilities.

I look forward to working with you to address these serious life and safety issues and developing an action plan related to the jail’s failing infrastructure.

¹ Please see Exhibit A for the preliminary Main Jail and Minimum Security Jail capital improvement plan

*Costs are rough estimates only
### Min-Security Jail Capital Improvement Plan*

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total</th>
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<tbody>
<tr>
<td>Main Jail Kitchen Relocation</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Utilize Laundry</td>
<td>$25,000</td>
</tr>
<tr>
<td>Add Plexiglas in Cells Over 50% of Fencing</td>
<td>$30,000</td>
</tr>
<tr>
<td><strong>Repair Security Controls</strong></td>
<td>$700,000</td>
</tr>
<tr>
<td>Upgrade Failing Door Locks Controls</td>
<td></td>
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<tr>
<td>Engineering For CCTV System</td>
<td></td>
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<tr>
<td>Upgrade CCTV System</td>
<td></td>
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<tr>
<td>Engineering for Video Visitation</td>
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<tr>
<td>Video Visitation System</td>
<td></td>
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<tr>
<td>Fence Alarm</td>
<td></td>
</tr>
<tr>
<td>Lighting Control Panel Equipment</td>
<td></td>
</tr>
<tr>
<td><strong>Security Upgrades</strong></td>
<td>$690,000</td>
</tr>
<tr>
<td>Replace Porcelain Toilets With Stainless Steel Fixtures</td>
<td></td>
</tr>
<tr>
<td>Replace Tile Showers and Shower heads with Stainless</td>
<td></td>
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<tr>
<td>Replace Residential Sink with Stainless Steel Fixtures</td>
<td></td>
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<tr>
<td>Engineering for Steel Walls</td>
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<tr>
<td>Security Upgrades / Cell Wall from sheet rock to Steel</td>
<td></td>
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<tr>
<td><strong>HVAC System</strong></td>
<td>$55,000</td>
</tr>
<tr>
<td>Replace Water Tempering System</td>
<td></td>
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<tr>
<td>Upgrade Dampers and Valves Acuators</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Security Jail Estimated Total:</strong></td>
<td>$4,000,000</td>
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</table>

*All figures are estimated and will be refined by consultant through the RFQ process. **MH Triage Expansion not included.**
# Main Jail Capital Improvement Plan*

<table>
<thead>
<tr>
<th><strong>Structural Needs</strong></th>
<th><strong>$4,000,000</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Replace Flush Valves / Sink</strong></td>
<td><strong>$140,000</strong></td>
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<tr>
<td><strong>100 Flush Valves</strong></td>
<td></td>
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<tr>
<td><strong>100 sink Valves</strong></td>
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<tr>
<td><strong>Upgrade Water Tempering System Controllers</strong></td>
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<tr>
<td><strong>Replace 38 Failing Solenoid Valves</strong></td>
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<tr>
<td><strong>200 Shut-Off Valves</strong></td>
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<tr>
<td><strong>Kitchen Repair for Main Jail</strong></td>
<td><strong>$250,000</strong></td>
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<tr>
<td><strong>- Replace</strong></td>
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<tr>
<td><strong>Dishwasher</strong></td>
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<td><strong>Warming Table</strong></td>
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<tr>
<td><strong>Deep Sink</strong></td>
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<tr>
<td><strong>Remove Garbage Disposal / Start Food Recycle Program</strong></td>
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<tr>
<td><strong>Freezer/ Cooler Unit</strong></td>
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<tr>
<td><strong>Steam Boiler / Steam Kettle</strong></td>
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<td><strong>Ice Maker</strong></td>
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<tr>
<td><strong>Laundry Equipment</strong></td>
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<tr>
<td><strong>- Washer #1 has 3-4 Years Life Cycle</strong></td>
<td></td>
</tr>
<tr>
<td><strong>- Washer #2 has 4-5 Years Life Cycle</strong></td>
<td></td>
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<tr>
<td><strong>- Both Dryers has 1-2 Years Life Cycle</strong></td>
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<tr>
<td><strong>Security Door Repair and Replacement</strong></td>
<td><strong>$600,000</strong></td>
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<td><strong>High Security Doors</strong></td>
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<td><strong>Visiting Booth Doors</strong></td>
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<td><strong>All Door Position Switches</strong></td>
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<td><strong>Electronic Locks</strong></td>
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<tr>
<td><strong>Main Jail Elevators Replacement</strong></td>
<td><strong>$650,000</strong></td>
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<td><strong>Main Jail Electrical, Electronics, and Controls</strong></td>
<td><strong>$100,000</strong></td>
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<td><strong>Main Jail Lighting</strong></td>
<td><strong>$400,000</strong></td>
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<td><strong>Main Jail Lighting</strong></td>
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<td><strong>All Main Shaft Bearing and Motors</strong></td>
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<td><strong>All Coils Clean and Pressure Test</strong></td>
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<td><strong>Upgrade/Replace Pump Around System</strong></td>
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<tr>
<td><strong>Replace the Pump-Around System</strong></td>
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<tr>
<td><strong>Mechanical End of Life Cycle Study</strong></td>
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<td><strong>Steam Clean All Cells</strong></td>
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<tr>
<td><strong>Main Jail Subtotal:</strong></td>
<td><strong>$6,250,000</strong></td>
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*All figures are estimated and will be refined by consultant through the RFQ process. **MH Triage Expansion not included**
**CLEARANCES**

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**Division Head:** 

**Dept. Head:** 

**Prosecutor:** 

**Purchasing/Budget:** 

**Executive:** 2/1/16

**TITLE OF DOCUMENT:** Capital Improvement Discussion

**ATTACHMENTS:** n/a

**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.)

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**COMMITTEE ACTION:** 

**COUNCIL ACTION:**

**Related County Contract #:** 

**Related File Numbers:** 

**Ordinance or Resolution Number:**

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WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

Initial Date Date Received in Council Office Agenda Date Assigned to:
Originator: Cliff Strong CS 1/27/2016 2/9/2016 Public Works Committee
Division Head: Mark Personius
Dept. Head: Sam Ryan Sr 1-28-16
Prosecutor: Royce Buckingham
Purchasing/Budget:
Executive: Jack Louws

TITLE OF DOCUMENT:
Briefing and discussion on Comprehensive Plan Chapter 5 (Utilities).

ATTACHMENT:
1. Cover memo

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

Should Clerk schedule a hearing? ( ) 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.)

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to present an overview and discuss Comprehensive Plan Chapter 5 (Utilities) with Public Works Committee.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: AB2016-047

Ordinance or Resolution Number:

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Memorandum

TO: The Honorable Jack Louws, Whatcom County Executive
The Honorable Whatcom County Council

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: January 27, 2016

SUBJECT: Comp Plan Update – Chapter 5 (Utilities)

As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. The Comprehensive Plan update and UGA review is being conducted in close coordination with the seven cities in Whatcom County.

The County Council will review the Comprehensive Plan over a six month period between January and June 2016. This review will include staff briefings, review of Planning Commission recommendations, city presentations, public hearings, and consideration of public input. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review by the June 30, 2016 state deadline.

Staff would like to present an overview and discuss Comprehensive Plan Chapter 5 (Utilities) with the Council’s Public Works Committee on February 9, 2016. The proposed Comprehensive Plan amendments to Chapter 5 will be posted on the County’s website at: http://www.whatcomcounty.us/1170/Comprehensive-Plan-Updates.

Chapter 5 addresses a number of issues relating to utilities, including planning facilities for conveyance of electrical power, natural gas, petroleum products, telecommunications, public water and sewage treatment systems, and solid waste management. It also addresses coordination with non-County service providers (e.g. special purpose districts, private companies, cities) regarding utility user access, locational criteria and public safety standards. Draft staff-recommended changes to Chapter 5 are summarized below:

- Revise background text regarding population and water systems and the need for integration of land use and water resource planning;
- Update policies on ensuring utilities are designed appropriate to the land use designation and scaled for population growth;
- Clarify policies on utility installation in urban areas;
- Update policies on water supply, providers, and coordination and amend text and narrative to reflect current water supply planning initiatives;
- Add policy on application of state water regulations;
- Revise solid waste text and policies; and
- Remove action plan items where completed or addressed elsewhere.

Thank you for your consideration of this matter. We look forward to discussing it with you.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**

Briefing, discussion and preliminary Council direction on urban growth areas, which are addressed in Comprehensive Plan Chapter 2 (Land Use). This meeting will also include discussion on Sudden Valley.

**ATTACHMENT:**

1. Cover letter
2. Sudden Valley Community Association letter

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<th>SEPA review required?</th>
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**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.)

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) by June 30, 2016 (RCW 36.70A.130). Planning and Development Services would like to discuss UGAs and receive preliminary direction from the Council on the UGA proposals. Whatcom County Comprehensive Plan Chapter 2 (Land Use) addresses UGAs. The Sudden Valley Community Association has also requested to make a presentation at Council Committee of the Whole.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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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 Jack Louws, Whatcom County Executive
    The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: January 27, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 2 (Land Use – UGAs) and Sudden Valley

As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. The Comprehensive Plan update and UGA review is being conducted in close coordination with the seven cities in Whatcom County.

The County Council will review the Comprehensive Plan, including UGA proposals, over a six month period between January and June 2016. This review includes staff briefings, review of Planning Commission recommendations, city presentations, public hearings, and consideration of public input. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review by the June 30, 2016 state deadline.

The cities made UGA presentations on January 26, 2016. The County Planning & Development Services Department would like to make a presentation relating to non-city UGA proposals to the Council’s Committee of the Whole on February 9. This meeting is an opportunity for Council to provide preliminary direction on the 10 UGA proposals and associated goals & policies. Additionally, the Sudden Valley Community Association has requested to make a presentation at Council Committee of the Whole on February 9.

As you know, proposed Comprehensive Plan amendments are posted on the County’s website at: http://www.whatcomcounty.us/1170/Comprehensive-Plan-Updates.

Thank you for your consideration of this matter. We look forward to discussing it with you.
The Executive Committee of the Board of Directors for the Sudden Valley Community Association hereby submits its full comments regarding the latest draft of the 2016 update to the County's Comprehensive 20-Year Development Plan. RCW 36.70A.13 requires, every 8 years, a review of the County's Comprehensive 20-Year Development Plan. Pursuant thereto, the County "initiated a multi-year project to update its Comprehensive Plan".

The Sudden Valley Board thanks the Planning Commission for this opportunity to comment in greater detail on the recent draft update. As noted in our previous filing, Sudden Valley would be the fourth largest city in the County if it were a municipality, and there are still many vacant platted lots allowing future growth. Over the last 20 years, Sudden Valley has almost doubled in size to more than 7000 residents according to the 2014 census (http://quickfacts.census.gov/qfd/states/53/5368200.html). According to the Auditor’s website, there were close to 3200 registered voters in the Sudden Valley precincts as of the last election for District 1.

In 2003 the County granted Sudden Valley status as a Provisional Urban Growth Area (PUGA). This status would have given Sudden Valley the ability to benefit from many County and State programs, but that status was subsequently revoked. Despite the loss of PUGA status, and access to those important programs, the people and corporation of Sudden Valley, as well as the businesses located within the community, contribute a significant amount in property and other taxes to the County's annual revenue.

If only by virtue of its population and fiscal contribution to the County, Sudden Valley's needs and wishes must be weighted at least as highly as those of other County residents and communities. A full, thorough consideration of Sudden Valley's concerns — in all County planning and development processes — will allow the County both to properly update its Comprehensive Plan now, and avoid future conflicts as Sudden Valley continues to grow and become ever more integral to the County. The SVCA Board looks forward to full partnership with the Planning Commission and the Council in the future.

OVERVIEW

Land Use

Sudden Valley understands the need to reduce and correct outdated text in the County’s existing Comprehensive Plan. However, removal of almost any reference to Sudden Valley from Chapter 2 is not the most appropriate approach to such a revision effort. Sudden Valley has an extensive history in Whatcom County, has an extensive
population, and reflects a very special location within the Lake Whatcom watershed at the mouth of the largest water input to the Lake. Sudden Valley is a Washington Nonprofit Corporation, with a democratically elected governing Board and paid management staff, all working for a city-sized permanent resident population. Many of our amenities are open to residents of the County at large. Therefore, Sudden Valley's circumstances and needs must be fully reflected in all relevant sections of the Comprehensive Plan. Suggested language is attached, in particular suggesting that some form of UGA status (such as those of Birch Bay, Columbia Valley, or Cherry Point) should be discussed with Sudden Valley to facilitate Sudden Valley residents having better access to adequate services and resources.

Environment

Sudden Valley has had a long history of harmonious interface with the environment, contributing even to improvement of the watershed. The community occupies only about three square miles of land at the mouth of Austin Creek, over half of which land is recreational “common” area with many parks and trails. In fact, almost all of that land is grassy or wooded, with many forested trails. (Attached are maps showing Sudden Valley's parks, trails and similar amenities, as well as of its major creeks, and – as specific examples – pictures of the Little Strawberry Creek park/trail area and an overview of the Marina recreation complex.) Further, all single-family lots must maintain at least 50% green space.

Sudden Valley's large population is only possible in such a small area due to small residential lot sizes and many condominiums. Our community was intended from the outset to be an “undevelopment”—preserving far more of the natural environment than is usual for a residential development. Streets were kept narrow, with unpaved, open swales to convey rainwater runoff. Sudden Valley’s environmentally sensitive home building practices were the model on which the County later created its own first watershed regulations.

By vote of the members in 1993, Sudden Valley voluntarily gave up all opportunity to develop over 1400 lots within its boundary. Sudden Valley does very much appreciate the financial contribution that the City, the County and the Water District made in order to permit that withdrawal of properties from potential development. Nonetheless, the loss of over 1400 dues-paying lots amounts to a loss of approximately $1 million each and every year. This is a significant amount of money that is no longer available for facility maintenance and other critical community programs.

Funding for critical infrastructure maintenance and capital projects must now be borne by the remaining residents. This lack of funding for overall operation and community services continues to contribute to the degradation of Sudden Valley's infrastructure.
Such degradation has a direct negative impact on property values, thus reducing property taxes collected by the County.

Sudden Valley's actual impact on the watershed is small, and potentially of some benefit to the watershed. As demonstrated by the data published over the last several years by Western Washington University, the water flowing from Austin Creek is as clean as the water of the ostensibly "undeveloped" Smith Creek on the other side of Basin Three. This is despite the facts that (1) a very large proportion of the Austin Creek drainage basin is still subject to periodic logging, and (2) a higher level of phosphorus has been measured entering Sudden Valley from the Stimpson Reserve than leaves via Austin Creek. Additionally, the amount of water flowing from Austin Creek is greater than that of Smith Creek only due to the much larger size of the Austin Creek basin.

Also, Sudden Valley has worked very closely with City and County staff, and as a member of the Lake Whatcom Policy Group, addressing areas of environmental concern. Sudden Valley consulted with City staff when recently updating its forest management plan. That forest plan is itself just one part of a comprehensive community stormwater management program, the final version of which has already been presented to County staff for review and comment. (Relevant background material is attached, including a recent tree survey, some results of the recent runoff-basin study, and an overview of some recent major runoff remediation projects.) Finally, Sudden Valley is quite eager to participate with the County, the City and others in using its considerable physical assets for potential environmental opportunities.

Recreation

It is critical for Sudden Valley's needs, concerns and resources to be reflected in County recreational planning. That is completely in line with the County's overall planning goals. For instance, cooperative planning is referenced repeatedly throughout Chapter 2–Land Use. Sudden Valley could contribute much to the County's recreational land use.

Nonetheless, the County has a widely publicized, longstanding desire to increase recreational use of forested areas within the Lake Whatcom watershed. There is a high potential for detrimental impact from such usage on Sudden Valley's residents and operations, due to increased traffic and attendant parking. For example, Lookout Mountain Park attendees who are not residents of Sudden Valley have already had an adverse impact by parking without permission on the narrow Sudden Valley residential streets adjacent to that Park. Since that seems actually to have increased following completion of the new parking facility on Lake Louise Road, it is likely that increasing public use of all the nearby County recreational facilities will put increasing strain on Sudden Valley and its limited ability to ensure resident and non-resident safety.

Transportation
In the transportation chapter, as well, the needs of Sudden Valley's residents are insufficiently met. There is no consideration of the urgent need for improved pedestrian and cyclist safety along the major arteries through Sudden Valley, one of which is a truck route. Immediately implementing the recommendation to improve bus service could alleviate the roadway clogging that regularly occurs during rush hours, particularly during road maintenance, and could also reduce the impact of automotive traffic on the watershed. Of enormous future importance, there is no alternate way in or out of the area should access to Cable Street and Alger be lost. County transportation planning must take into account the critical need for emergency access to Sudden Valley's 7,000 residents, and all nearby areas, during potential major disasters such as earthquake, landslide and fire.

Utilities

The following short comments do not necessarily require changes in the proposed text. However, they reflect issues that have not been explicitly addressed in the current proposal:

+ Sudden Valley supports Goal 5H promoting greater development of renewable energy projects, and looks forward to cooperating in their development as much as possible with its physical assets.

+ All utility distribution facilities in Sudden Valley are underground. However, electric and telecommunication services entering the community are subject to many weather and vegetation related interruptions every year. Sudden Valley is eager to assist in planning for improved reliability. Moreover, the use of locally stored propane in Sudden Valley is high, and the Board encourages the County to work with natural gas utilities in expanding underground gas service. We would also appreciate the County's assistance in improving coordination with utility providers when underground facilities are repaired or replaced, in order to reduce unnecessary traffic interruptions and duplicative roadwork.

+ Given the close and mutually supportive collaboration between Sudden Valley and the Lake Whatcom Water and Sewer District, we look forward to continue assisting the Water District and the County in protecting and properly allocating an abundant, safe and accessible water supply, including the appropriate expansion of sewage systems where that will improve Lake Whatcom water quality.
RECOMMENDATIONS

Following from all of the above comments and concerns, the Sudden Valley Board suggests that the following indicated language and data be inserted at the noted places within the identified draft Chapters:

Chapter 2—Land Use

Sudden Valley is not a Master Planned Resort area, and has not been developed in that manner for decades. Instead, it is a tightly configured, commonly owned residential community, incorporated as a nonprofit homeowners association. Land for growth is not an issue for Sudden Valley, as there is no means to acquire such land, and no funds with which to do so. There are still a number of already-platted residential lots left within the existing boundary for the level of development accepted by the community, by vote, in 1993. Moreover, Sudden Valley already has "existing public facility and service capacity to serve such development." However, Sudden Valley residents do still need much better access to services and goods. Policies 2A-3 and 2A-6 (as renumbered) both support revising the land use designation of Sudden Valley to address these needs.

Sudden Valley already meets the necessary criteria for an Urban Growth Area (UGA) as described in the "purposes" portion of the Urban Growth Areas section. Moreover, the following points – all derived from various Land Use Policies – also apply to Sudden Valley:

+ The County decided at one point that it would not support incorporation of Sudden Valley as a municipality, as it may do for Birch Bay or Columbia Valley. Although that decision could be revisited, Sudden Valley does not have any economic base to support municipalization. However, it is a concentrated, well-defined area of permanent residential (and recreational) use, that would be the fourth largest city in the County were it already incorporated.

+ Sudden Valley is not an industrial site like Cherry Point. However, it has already been designed, developed and successfully operated over all the decades of its existence to minimize impacts on agricultural land, forestry, mineral resources, watersheds, water resources, and critical areas." Moreover, Cherry Point is itself not intended ever to become a municipality.

+ It may not be practical for Sudden Valley ever to be annexed by Bellingham, given such factors as that "costly transportation improvements [would be] required ... prior to annexation." However, development of single-family and multi-family residential areas in Sudden Valley long ago established "land use patterns [entirely consistent with Policies

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2P-4 and 2Q-1 (as renumbered) that [already prevent any additional] in-filling at urban densities." Moreover, it could easily be considered that the small residential lot sizes in Sudden Valley, and the number of long-existing multi-family units, already make Sudden Valley an urban density area located within, and coexisting with, a well-preserved forested area, as well as an established "system of neighborhood parks, greenbelts and open space."

For at least the above reasons, Sudden Valley requests, at the minimum, that the following section be added to Chapter 2, entirely consistent with the Birch Bay and Columbia Valley UGA descriptions, and Policy 2Q-3 (as renumbered):

**Sudden Valley**

Sudden Valley is a semi-urban residential area located along the western shore of Lake Whatcom, entirely within the Lake Whatcom watershed near the middle of Basin 3, and surrounding Lake Louise. Sudden Valley is organized by common ownership of common-use land, under a homeowners association in the form of a nonprofit corporation. It has a permanent resident population of more than 7000 as of 2014, about double what it was in 1995, with substantial amounts of existing residential and recreational development. This non-municipal area is characterized by a mix of permanent residents, primarily, with some recreational units and second homes, reflecting primarily the population growth that has occurred in the unincorporated areas of Whatcom County in addition to the originally planned recreational nature of this area.

Water and sewer are provided by the Lake Whatcom Water and Sewer District, which has a network of water and sewer lines throughout a much larger geographic area. Public transit service is provided by the Whatcom Transportation Authority (WTA). Natural gas is available only to limited portions of Sudden Valley. Security is provided by a very small, private, contracted force and the Sheriff's Department. There is a small commercial area surrounded by Sudden Valley, and an immediately neighboring station of the South Whatcom Fire Authority. The area includes Lake Whatcom shoreline with lake access, as well as wetlands, natural preserves, and land that will remain forever undeveloped. Of its 1,545 acres, 835 acres — over half — are permanent open space with established parks, trails, and recreational areas, with an additional 140 acres of golf course.

In the early 2000s, Sudden Valley held Provisional UGA (PUGA) status, and consideration was given to incorporation as a municipality; however,
that effort failed. One of the main reasons is that it is unlikely that municipalization would be financially feasible given the lack of a tax base and the community’s level of service needs. PUGA status was revoked, and no further consideration of municipalization has been given since that time.

Goal 2BBB: Immediately begin considering recognition of Sudden Valley as a county urban growth area not associated with an existing city.

Policy 2BBB 1: Establish an advisory committee to consider all the potential impacts, and possible mitigation strategies, of Sudden Valley being
(a) included in a Subarea Plan similar to those for Cherry Point-Ferndale or Urban Fringe, and/or
(b) given full status as a non-city-associated UGA similar to Birch Bay and Columbia Valley.
Such an advisory committee, consistent with Policy 2U-10 (as renumbered), should consist of the same members as for the Lake Whatcom Policy Group: the Sudden Valley Board, the Board of Water District 10, the Council of the City of Bellingham, and the County Council.

Policy 2BBB 2: Recognize the impacts of recreational development on residents of Sudden Valley, and provide for mitigation of any adverse impacts.

Policy 2BBB 3: Explore effective traffic impact mitigation including:
(a) more frequent and non-stop bus service to Sudden Valley, and
(b) consideration of additional commercial and limited light industrial development within existing Neighborhood Commercial and Resort Commercial zones to create a fuller service community to limit shopping and journey-to-work trips.

Chapter 6—Transportation

The Sudden Valley Board supports Goal 6D and the six policies supporting that goal. However, they are drafted primarily from the perspective of discouraging transportation improvements. Only Policy 6D-6 is directed at better coordination of housing development with transportation infrastructure. We note that ongoing and proposed
construction of a number of very large multifamily dwelling units in Bellingham will soon impose dramatically increased traffic pressure on the intersections of Lakeway Drive most used by Sudden Valley residents to access downtown Bellingham and the Interstate—particularly the already busy commercial intersection at Lincoln Street.

This looming congestion will further degrade the already limited ability of our residents to access jobs and necessary services within reasonable travel times, since Lakeway is the primary corridor available to Sudden Valley (and other South County) residents. Making this situation even more serious is the fact that—since Lakeway is so heavily relied upon only because the Cable/Lakeway corridor is the sole means of South Whatcom and Sudden Valley access to Bellingham—a major disaster (such as earthquake) will mean that many thousands of people will be completely cut off from, or severely limited in access to, emergency assistance or other critical support. Especially if the only other point of egress (toward Alger) is blocked, then—to put it bluntly—many people will die simply from lack of transportation. Thus, we suggest that an additional Policy be added as follows:

*Policy 6D-7: Encourage transportation improvements that promote emergency access and reduce expected traffic congestion, always consistent with applicable comprehensive plans, policies, or zoning, such as by non-developable “parkway” routes.*

Goals 6E and 6F are extremely important not only for reducing traffic and improving health, but also for ensuring the safety of those bicycling and walking. Sudden Valley has a major thoroughfare through it—Lake Whatcom Boulevard—that has no sidewalks and very few locations suitable for biking, especially given that it is a truck route into Bellingham. This is simply unacceptable for a community of over 7000 that needs to use at least a portion of that roadway within its midst to access local retail services. Moreover, there are no marked pedestrian crossings, warning lights or lower speed limits along that very same section. It is unacceptable to wait for a fatality or even serious injury to improve safety in that area. Particularly so since lower speed areas exist in several nearby locations, and Policies 6F-2 and 6F-4 do not seem to have been followed during the most recent upgrades to the Boulevard. For these reasons, we suggest adding another bullet item to policy 6F-4:

*The local community organization or governing structure has made repeated requests for safety improvements, has improved its own infrastructure safety features, and is willing to coordinate with the County in designing and implementing such improvements.*
While in-depth discussion of environmental issues are perhaps better left to Chapter 11, we suggest revising Goal 6J to include the following (underlined) additional language:

Reduce the need for costly capacity-increasing roadway construction projects, and minimize air and other emissions from combustion of fossil fuels, through the use of motor vehicle travel demand reduction programs, transit, and intelligent transportation technology.

The Sudden Valley Board very much appreciates inclusion of new Policy 6J-8. However, given the clear need for improved bus service to Sudden Valley, during rush hours at least, we suggest the following modified (underlined) language be used instead:

Immediately begin discussions with Sudden Valley regarding mutually beneficial ways in which to best begin providing enhancements to bus service to Sudden Valley to reduce the impacts of traffic in the Lake Whatcom watershed.

Chapter 9—Recreation

In furtherance of Policies 9A-4, 9C-13, 9C-17, 9C-19, and 9C-20 (all as revised), as well as the provision of multi-use camping parks, we suggest that Policy 9I-9 be modified as noted below (by underlining):

Galbraith/Lookout Mt. - Develop and implement a plan to cooperatively acquire Rights of Way for trail corridors and for the purchase or lease of additional park acreage, along with pursuit of formal usage and mitigation agreements with private individual or corporate land owners, to preserve or expand the recreational value for residents and tourists with reasonably limited impact on local residents and the environment.

The Board also suggests including at least the major Sudden Valley recreational areas in Map 9-1: the golf course, the Marina complex, the old campground, and the AM/PM Beach complex (see attached maps). While these are private facilities, subject to use fees for some purposes, they are already in common use by non-residents of Sudden Valley.
Chapter 11—Environment

Sudden Valley concurs with the findings summarized in the updated Comprehensive Plan regarding ongoing climate warming and the risks posed by major earthquake. These clearly present the most damaging near-term hazards. Recognition of these risks has informed Sudden Valley’s comments regarding the need for improved emergency transportation alternatives and ongoing preservation of water resources, as well as its active participation on the Lake Whatcom Policy Group, in accord with Goals 11I and 11K, and Policy 11K-10 (as renumbered). (We note that the Lake Whatcom Water and Sewer District as referred to in this Chapter continues to be referred to in other parts of the Plan.)

Sudden Valley has for many years actively pursued the lot consolidation activity described in Policy 11K-5 (as renumbered), as well as the Best Management Practices of Policy 11K-8 (as renumbered), and Goal 11G (as renumbered). Further, Policy 11K-16 (as renumbered) has already been fully accomplished. We have also demonstrated continual successful operation in support of Goal 11L, especially Policies 11L-4, 11L-5 and 11L-7, as well as Goal 11N (as renumbered). For all of the above reasons, we suggest:
(a) removing Policy 11K-16 (renumbering the rest as necessary), and
(b) adding references to homeowners associations to the lists of entities with which the County should collaborate in Policies 11G-3, 11H-3 and 11K-4 (as renumbered).
Note: Appendix G refers to Sudden Valley as a "Rural Community" (page APX G-4, lines 12-13). This may not be an appropriate designation, at least in light of other references throughout the Plan, and is subject to change should Sudden Valley become some form of UGA. Also, page Apx G-3 refers to all streams flowing into Lake Whatcom as not meeting fecal coliform bacteria standards. As we read the data, Sudden Valley believes that statement is quite incorrect regarding Austin Creek and its tributaries, including Beaver Creek. Finally, the Appendix appears not to reference the Lake Whatcom Policy Group and its ongoing activities to coordinate the efforts of the major jurisdictional bodies within the Lake watershed, including Sudden Valley, in addressing and mitigating contamination via runoff, as well as prevent problems from invasive species in Lake Whatcom and other nearby waterbodies. These matters should be considered and corrected as appropriate.

Thank you for your consideration of these comments.

Leslie McRoberts, President,
SVCA Executive Committee,
SVCA Board of Directors, 2016

Via: L.W. Brown, Political Outreach Representative

WITH ATTACHMENTS
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 10:30 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Rud Browne, Barry Buchanan, Pete Kremen and Carl Weimer

Absent: Ken Mann and Satpal Sidhu

SURFACE WATER WORK SESSION (AB2015-024)

1. FLOODPLAINS BY DESIGN VISIONING PROCESS

Paula Cooper, Public Works Department, stated create a regional vision of all the different local visions for watersheds on the Puget Sound. The Floodplains by Design group asked the County to compile a narrative of its vision, where the County is at, and where the County is headed. It will be context for future grant applications to help with bigger projects. The information is due at the end of September. They propose to use the existing system-wide improvement framework (SWIF) interagency coordination teams. They will use information from the comprehensive flood plan and salmon recovery plan to develop the text. They met with the interagency coordination committee and several other boards and committees. The feedback from committees is that this doesn’t get into the details of a flood plan and it needs to better-reflect the business needs of agriculture. They will add a more detailed analysis in the Comprehensive Flood Hazard Management Plan update.

Cooper and John Thompson, Public Works Department, submitted and read from a presentation on the reach strategies and designations, improving the Ferndale levee and fish habitat for each reach.

Kremen asked if there are costs associated with each action item. They need an idea of the cost-benefit ratio to make smart, informed decisions. These look like ideas they’ve talked about for a long time. Cooper stated that as they developed the SWIF plan, the cost information will be included. They have already done some updated cost estimates, but not gotten that detailed information to the Council. They will bring the consultants to the Council, so the Council gets the benefit of what they’ve been working on.

Thompson stated this is a visioning. It will take more work to come up with reasonable numbers.

Vincent Buys, Washington State House of Representatives, 42nd District, stated the Army Corps of Engineers has been opposed to vegetation on levees. He asked if they’ve
commented, and if they have authority over these levees. Cooper stated the Corps national standards are historically opposed to vegetation on the levees, but have changed their position. A tree has to be causing a problem, not just exist. The Corps has been involved in and supports the SWIF process.

Larry Helm asked if this is integrated with the Puget Sound Nearshore Ecosystem Restoration Project (PSNRP), which is funded in many counties, but not Whatcom County. Cooper stated the PSNRP plan, which was developed in Olympia without consultation with Whatcom County, looks like the 1999 plan from which the County has moved away. She invited the PSNRP people to a SWIF team meeting, and they spoke to the farmer who owns the land. There is a lot of forward movement. The County would love to take advantage of the funding, but the PSNRP people have to approve the County’s plan.

Cooper and Thompson continued the presentation on reaches two through four.

Browne asked why they would move the Sandy Williams levee back where the 1933 channel was if the land there now is forested. Cooper stated this is what the Diking District came up with. This is where they want that line to be.

Browne stated that if they don’t have infrastructure to protect, there is forest land or pasture land that can tolerate being flooded, and the original channel is further away from the river, they could build it where the river wants to go. Cooper stated that is alternative two, to put the levee on the back side of the forest instead of in the middle of the forest. It provides more area to convey the water, more roughness to dissipate energy, and makes it easier to access the levee.

Buys asked who is the property owner and what is his or her intended purpose. He asked what becomes of the property if they choose alternative three. Cooper stated they’ve been talking to the landowners, who are involved with the Diking District.

Buys asked what happens to those property rights. Cooper stated that if a property is protected, the County would acquire that land based on fair market value, if they can come to terms with the landowners.

Buys asked where the taxable value of the land goes. Cooper stated they wouldn’t collect property tax, but they also wouldn’t need to continually repair the levee. It is one of the most repaired levees. It currently has damage that will cost about $400,000 to repair. That economic analysis is part of the SWIF.

Browne stated he is the Council representative on the Flood Control Zone District Advisory Committee, which looked at a project that protects about 20 acres of good land worth about $25,000 per acre. However, the cost of doing the project would have been over $100,000 per acre. From a community perspective, the choice was whether or not to spend $2 million to protect land that was worth about one-quarter of that.

Buys stated that’s what the Flood District money is for.

Browne stated there is a limited amount of money, so they have to spend it wisely. He’d much rather spend $2 million protecting land that is worth $5 million than protecting land worth a couple hundred thousand dollars.
Buys stated they need to be blind to the value of the land and recognize that it is private property. Regardless of the value of the property, it’s the duty of the County flood district to protect the land.

Browne stated they have a limited amount of money. They have to spend it where it will do the most good.

Cooper and Thompson continued the presentation on reach four, flood planning on the north and middle forks of the river, Washington State’s preferred alternative for bridges in Glacier, Jones Creek deflection berms and a potential new bridge, the Acme repetitive flood loss area and alternatives for protecting existing development, and habitat strategies.

Brenner asked about dredging and when they will get to discuss the topic. Cooper stated the U.S. Geological Survey (USGS) is doing a two and a half year study, which will provide the scientific basis to know what sediment is doing, in terms of affecting flood levels.

Brenner stated fine sediment is very destructive for fish eggs. They need to create cooler water zones. It seems like they talk about everything but dredging. Thompson stated the cool water zones in the south fork include fine sediment issues, but it’s more related to source control. The strategy has been to identify where cooler groundwater is coming in from the hillside or from an alluvial fan, and locate log jams in the lower South Fork to have those pools spaced out to provide that thermal refuge.

Brenner stated dredging should be a top proposal, and they shouldn’t take two and a half years. Cooper stated they developed a proposal for a pilot project. The feedback they received was that they need a lot more science to justify the project and an environmental impact statement. Pierce County is leading that work now. They are spending close to $2 million on the environmental impact statement (EIS).

Brenner stated Whatcom County stopped dredging because Canada stopped. Canada started dredging again, and Whatcom County is still testing. A lot of that science work could come from what Canada has already done.

Cooper stated she would like the Council’s support to move this forward to Olympia. This is a fuzzy vision of where they are and where they think they are headed, without committing the County to anything. As the County develops specific grant proposals, this will provide a context for how it fits into the overall vision. This was a good exercise to start with the Comprehensive Flood Hazard Management Plan (CFHMP) update, identify a list of components that need to be included, and indicate where the different represented groups are at.

Weimer asked if this plan is the wish list that talks about the County’s vision and keeps the County in the running for funding from Olympia. Cooper stated that’s correct.

Helm stated he would like the Agricultural Advisory Committee to get a presentation from Cooper and review the plan. There is a concern about a loss of infrastructure. They’re talking about taking the land with the best soil and a large amount of the farmer’s profit.
The total farm community is worried about where this is going. They would like to know where this is going.

Weimer stated the timeline is tight, and they need to move this vision forward. It’s just a vision plan, and they aren’t planning any projects.

Buys stated he finds the structured draft in the interlocal agreement troubling. A group not included is the water improvement districts (WIDs), which are government agencies. He asked if they are involved in the process and if they have been notified. Cooper stated WIDs are new. Many advisory committee members are also WID board members. WIDs may not have existed when they set up the interagency coordination team. They can certainly broaden the interagency coordination team to include the WIDs.

Buys asked about drainage ditch cleaning. The County has done a terrible job of maintaining drainage ditches. There’s nothing in this plan. Cooper stated drainage has become a bigger issue. One of the proposals on Fishtrap Creek was to enable some riparian restoration that includes plumbing the ditches and creates a pump station. The drainage districts do most of the ditch work. The County works with them, but a separate entity is most involved with ditches. The County is replacing culverts that improve drainage.

Buys asked when the County’s culverts will be replaced. Cooper stated she can only speak to the culverts in the flood plain and in the context of the SWIF. The Corps wants the County to inspect culverts every five years. The County will hopefully propose to replace many of those as funding becomes available. The County really needs outside funding, because flood control is very expensive.

**Brenner moved** to forward this to the Agricultural Advisory Committee.

Helm stated the advisory committee can have a meeting within a week.

Kremen stated move forward, and modify the motion to incorporate the points brought up by Mr. Helm, Representative Buys, and others today. Cooper stated include language that indicates they will continue to involve the farmers. It can be in the cover memo.

**Brenner amended her motion and moved** to write a cover memo that incorporates today’s comments, send this to Olympia by the deadline of September 30, and also send it to the Agricultural Advisory Committee. The memo should say that they don’t consider this a final plan. She asked what they are committing to. Cooper stated they are committing to nothing.

Kremen seconded the motion.

The motion carried by the following vote:

**Ayes:** Brenner, Browne, Buchanan, Weimer and Kremen (5)

**Nays:** None (0)

**Absent:** Mann and Sidhu (2)

2. **CWSP/JOINT BOARD/PLANNING UNIT UPDATE**
Gary Stoyka, Public Works Department, gave an update on the Planning Unit meeting schedule. Committees are meeting regularly. The Planning Unit is doing an annual review of the work plan and preparing a 2016 budget. They have received an application for caucus support. That application will go to the full Planning Unit and then to the Council for final approval.

Browne stated he would like an update of the Planning Unit progress if the caucuses are going to start asking for money. Stoyka stated they are looking at the status of all the items in the work plan as part of the annual review. They will present that information at the next surface water work session.

Browne stated that as they look at funding, he needs to know something productive has come out of the Planning Unit, including accomplishments, the work product, and what the community is getting in exchange for the investment. He fully supports the intent of the group and the time members have donated to the effort. However, they need to get something out of it.

Brenner stated the Nooksack vision plan didn’t go to the Planning Unit. Stoyka stated it’s gone through the flood committee, which reviews flood issues. They don’t normally schedule flood issues before the Planning Unit. Flood control is different from water resource control and water quality.

Brenner stated the document also talks about how flooding is disturbing water quality. It’s not just about water quantity. Anything related to water in Whatcom county would have something to do with the water resource inventory area (WRIA).

Weimer stated the Planning Unit is looking for direction from the Council about what it should be working on. There are a lot of water things that don’t go to the Planning Unit. Some things come up that the Planning Unit would like to see. The Council can discuss their direction at the next surface water work session. The Planning Unit also voted to become a more official advisory committee, so the Council needs to look at that.

Linda Twitchell stated Mr. Stoyka told the Planning Unit that they weren’t being asked to report to the Council today. They were told that comes later. Stoyka stated the Planning Unit is scheduled to be at the next meeting in October.

Stoyka continued with the Joint Board update. They amended their budget to accept $170,000 from the Puget Sound Partnership to develop a two-year and five-year WRIA recovery plan, which goes into the overall Puget Sound recovery plan. The work will mostly be done by outside entities. The first deliverable is due September 30. He also reported on phase one of the groundwater modeling project. There is only funding through the end of this year. Phases two and three aren’t funded. The Joint Board will prepare its 2016 budget for approval in December.

He continued with the Coordinated Water System Plan (CWSP) update and the Water Utility Coordinating Committee (WUCC). The plan will help quantify the long-term needs and existing needs of the public water systems. They will be done preparing the plan by the end of this year, when they will send it out to all the stakeholders to look at. The WUCC subcommittees are on design standards and fire flow and on utility service procedure review.
Karen Brown, Planning Unit-Well Owners Caucus, stated the well owners were told they didn’t need to be involved in this. However, they’re talking a lot about well owners.

Weimer asked when is the next phase for the out of stream study supposed to start, which was supposed to involve well owners. Stoynka stated it won’t happen this year. They need to finish the CWSP process first. They may be able to use some of the $170,000 from the Puget Sound Partnership for the next phase because it’s considered part of the overall plan.

Weimer asked about when the contract for Planning Unit facilitation comes up. Stoynka stated the contract runs through January.

Weimer stated the Planning Unit passed a motion to ask the Council to make the Planning Unit a formal advisory committee, recognizing their statutory authority for instream flow and approving plans. The Council would start to think about what it wants that committee to focus on and have a discussion with the Planning Unit about facilitation. He asked if he can start a process with the administration to formalize what an advisory committee would like.

Brenner stated she’s hearing different feedback from the Planning Unit.

Weimer stated the Planning Unit wants the Council’s help to make sure they are in the loop on a variety of issues. Some of the Planning Unit members also want the Council to help give focus.

Twitchell stated there hasn’t been a motion to make the Planning Unit an advisory committee. The Planning Unit would like a liaison with Council. In addition to its WRIA responsibilities, the County Council has asked the Planning Unit to act as an advisory board. They are looking for a direct liaison for more information. They aren’t reorganizing or forming an advisory committee.

Weimer stated they should get clarity. The Planning Unit sidestepped the Path Forward by saying they want to move on as an advisory committee for things other than what their statutory authority covers.

Twitchell stated that the motion was to act as an advisory body to the Council in addition to its statutory requirements.

Weimer stated he can start to work on that.

Brown asked about funding from the State for WRIA activities.

Vincent Buys, Washington State House of Representatives, 42nd District, stated there was about $75,000 in the State operating budget, but it’s not there anymore. He will continue to try to get that funding in the State budget. He wants to make sure it’s used properly.

Browne stated that the Council has a mandate from the State that is effectively unfunded.
Buys stated the Planning Unit was a contributing factor in creating the salmon recovery plan. Stoyka stated it was not.

Weimer stated the salmon recovery plan was separate from the watershed plan.

3. COLLABORATIVE NATURAL RESOURCES STRUCTURE – STAFF PROPOSAL FOR TRANSITION OF WRIA STRUCTURE

Gary Stoyka, Public Works Department, read from a presentation and gave a staff report on a brief history of the local process, background and description of the proposal, and a list of the recommended next steps.

Greg Brown stated the chronology should include the period the Planning Unit was not funded and was inactive, from June 2009 to September 2013.

Brenner stated the Joint Board has been making decisions that have not come to the Council for approval first. The Council passed a resolution that said these things need to come to the Council. She is concerned that items aren’t going to the Council for approval before going to the Joint Board for approval. Stoyka stated that isn’t true in the last year.

Jon Hutchings, Public Works Department Director, stated the way this Joint Board has functioned is in the role of implementing what has been legislated. The Planning Unit developed a watershed management plan that was then approved by the County Council and other legislative bodies. It followed up with a detailed implementation plan, which was also approved by legislative bodies. The Joint Board, the executive level organization for implementation, carried the work forward as prescribed by the detailed implementation plan.

The legislative bodies address that implementation work at the budget level. There was a lot of State money and Flood Control Zone District money went into a Joint Board budget with prescriptions about how the money was allocated and to finance the implementation of the work. Along the way, there were updates on specific lines of work being accomplished. That’s how this has carried forward.

The lower Nooksack strategy has nothing in it that hasn’t been approved. The questions are the level of detail that the legislative bodies want to engage in during every step of the process and when they want to receive the information on the decision-making process. For the administration, it’s difficult to know where to take various aspects of this water resource work. There are several entities that represent agricultural interests and there is the Flood Control Zone District Advisory Committee to advise the Council on flood control.

Brenner stated the Council is supposed to oversee the budget, including the contracts. Hutchings stated all the purchasing and contracting rules still apply to that program.

Brenner stated there were agreements by the Joint Board instead of the Council to spend money in certain ways. Hutchings stated the Executive clarified those expectations.
Stoyka continued the presentation on the staff proposal, the Lower Nooksack Strategy goals, and a staff work plan for 2016-2020. They reviewed objectives for the next five years, including funding for an instream flow negotiation, groundwater model development, water availability and supply, and annual flow and water quality monitoring. In total, they need about $2 million for the next five years. By the third quarter of 2016, the Joint Board will have no funds. The Joint Board fund has been funded in the past by the Flood Control Zone District and grant funds. No money has been put in the fund since 2005 or 2006.

Stoyka stated the discussion about funding lead to a discussion of whether the Joint Board is necessary anymore. Options are to disband the Joint Board, keep the status quo, or to restructure. They are in a modified phase two of the detailed implementation plan. He described the recommended restructure of the Salmon Recovery Board and Joint Board, the Planning Unit, and all the related caucuses, including new interlocal agreements. The Joint Board approves the concept. The next steps are to make sure the restructure is legal and to provide opportunity for public input in the transition process. There is a lot of jurisdictional overlap among the entities. Each jurisdiction would have to approve this interlocal agreement.

Browne asked who will fund the $2 million budget. Stoyka stated that hasn’t been decided.

Browne asked how it’s been funded in prior years. Stoyka stated money has generally come from the State or County. Other entities outside the Joint Board have done projects that benefit the effort.

Brenner stated the Council has approved Flood Control Zone District money for water quality issues. They use flood money for issues that don’t have to do with flooding. It’s confusing when WRIA can’t deal with both. Sediment is coming down the rivers with floods, which is destroying salmon habitat and water quality. Hutchings stated the WRIA 1 process carries out projects in the detailed implementation plan. The County has other water resource management work to do. The question is what scope of that other work should be under the Planning Unit auspices. Today the processes are disparate. The Flood Control Zone District Advisory Committee works on flood. The Planning Unit is focused on implementation of the watershed management plan. Agricultural Advisory folks work on land use interests. There is no clarity on where that information should go.

Brenner stated the purpose of the Planning Unit is water resource management. She asked how that could not include flooding issues. Hutchings stated it could include it. There is a balance between being too complex and having too many advisory committees and having too few advisory committees.

Brenner stated she envisioned that all the committees would be funneled through the Planning Unit and then go to the Council, similar to the Planning Commission. That’s not happening.

Weimer stated it’s the Council’s job to clarify what issues the Planning Unit will work on. When he was on the Planning Unit, it was never interested in water quality issues. It was interested in water quantity. The Council has never asked the Planning Unit to talk about Lake Whatcom or stormwater issues in Birch Bay, which are also water issues.
Browne stated the Planning Unit role should be to do things that aren’t being done by other groups. Don’t funnel all the water issues through the WRIA 1 Planning Unit, which is a volunteer group with limited resources.

Brenner stated that changes all the time. The Planning Unit members want to be involved in a broad spectrum of water issues.

Browne stated they may want to be involved, but the community has a limited amount of resources. They need to focus those resources.

Brenner stated they have many committees to deal with many separate issues. The Planning Unit puts them all together for the Council.

Browne stated it is the job of the Council to put all the issues together.

Twitchell asked if State funding would be available if the County dissolved the Planning Unit and Joint Board and replaced them with a water management board, per State law.

Stoyka stated that is only available for fully adjudicated basins. Whatcom County wouldn’t be eligible.

Hutchings stated the next step is adjudication of water rights, which is about water quantity. They are stuck in a state of uncertainty about what they want the various boards to do to inform decisions. The statute focuses on water quantity, even though it allowed for the community to engage in other interests as well.

(Clerk’s Note: Councilmembers Kremen and Buchanan left the meeting.)

ADJOURN

The Council lost its quorum at 12:20 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  

September 29, 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 discussion with Whatcom County Public Works staff regarding a potential property acquisition for the Whatcom County Flood Control Zone District (AB2015-018). 

Buchanan moved to authorize the Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to move forward with and complete acquisition of three properties, as long as the purchase price of the properties does not exceed the amount discussed in executive session. The motion was seconded. 

The motion carried by the following vote:  
Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)  
Nays:  None (0)  

CITIZEN BOARD AND COMMITTEE VACANCIES  

Weimer announced a vacancy on the Planning Commission.  

PUBLIC HEARINGS  

1. RESOLUTION APPROVING THE WHATCOM COUNTY SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2016 THROUGH 2021 (AB2015-271)  

Weimer opened the public hearing, and the following people spoke:
Mark Greenberg, Parkstone Community Association, stated the plan is good for the county. The plan must continue to include funding for a crosswalk on Lakeway in proximity to Parkstone Lane. A study’s determination requires continued consideration. A crosswalk is the most viable, cost-effective, and fiscally responsible solution to the ongoing issue of pedestrian and bicycle safety.

Carol Dittrich stated there has been an increase in traffic on Lakeway Drive at Parkstone Street. The amount of traffic continues to increase. She supports having a crosswalk in that area.

Lorraine Baumgarten stated it’s difficult to cross Lakeway Drive at Parkstone Street. She once had to wait for 33 cars to cross before she could pull out. Keep this project on the list.

Dave Rogers stated he lives on Oriental Avenue near Lakeway Drive. The contractor who developed Parkstone was supposed to put in a crosswalk. The bicycle lanes outside the city limits are wider than in the city limits. There was also supposed to be a center lane. He asked what happened to those funds. Eventually there will be a fatality at that location.

Eileen Kadish stated funds were designated for a project, but the Public Works Department hasn’t implemented the project. Money for the project recommended by the County staff would have to come from grants, but other projects in the Puget Sound area would be higher priorities. This will delay the crosswalk project for many years. Other projects in the county have been done that don’t meet the warrants. The latest traffic count was done during the summer. Residential growth and the latent demand for walking have not been considered. Crosswalks are the safest place to cross according to a National Highway Traffic Safety Administration study. Motorists don’t understand that pedestrians have the right-of-way at unmarked crosswalks. The location at Parkstone Lane has the best sight distance in the area. It is centrally-located and could serve several neighborhoods. Install a low cost crosswalk at Parkstone Lane and Lakeway Drive in 2016.

Victor Insera stated he lives near the Parkstone neighborhood. He bikes his daughter to school many days. There’s no safe crossing at Lakeway. They are also concerned that there isn’t safe access for bus stops. He supports a crosswalk project in that area.

Cleo Callen stated provide more money for the Slater Road and Aldrich Road connection. The Ferndale City Council passed a resolution asking for the Slater Road connection. The Lummi Tribe supports it. More than 20,000 people support the connection. There is $50,000 for engineering, which is a small portion of what’s required. The Lummis can provide grant money to support the project, but it needs to be ready to go to bid. Developers are interested in a public-private partnership to develop the connector, which can lessen the County’s cost for the project. He doesn’t have anything against Horton Road, which the administration moved above the Slater Road connection. The Horton Road connection is simply a project to help Costco. Include enough money for Slater Road to fund right-of-way acquisition, permitting, and engineering to get the project ready to bid, so they can find grant funds for construction.

Hearing no one else, Weimer closed the public hearing.
Kremen moved to refer to the Public Works Committee. The motion was seconded.

Joe Rutan, Public Works Department, stated the projects discussed are all on the six-year program in year one and will be part of the annual construction program. They can hold this in committee or pass it tonight. Once passed, they will discuss it in the context of the annual construction program in two weeks and they can discuss these projects specifically. The six-year program is a planning document. The annual construction program is a financial document.

Brenner stated keep it in committee. Things need to be done. Jack Petree provided comments on other issues that need to be included in the six-year road program. The Lakeway crosswalk needs to be more than a placeholder. The Slater Road connector should eventually go to the Guide Meridian. The Council has never focused on Horton Road as much as on Slater Road. Horton Road seems to be a very special interest for Costco. It makes no sense except to get people to the new Costco. That was supposed to be done with money from the City of Bellingham, not Whatcom County. Whatcom County road money is for roads in the unincorporated area, not in the city. Focus on the Slater Road connector, which is for people in the unincorporated area. She would like this referred back to her committee.

Kremen stated the Council was told that the projects in the Six-Year Transportation Improvement Plan are not in priority order. Rutan stated that’s correct.

Kremen stated it’s premature to pass the plan at this time. It should go into committee. All these projects are important. The Council should consider it more thoroughly.

Mann stated they discussed these projects in committee. He’s comfortable sending it forward as it is. Slater Road will also connect two segments of Bellingham. That is part of their job. The unincorporated areas are paying the road taxes. The same argument could be made about Slater Road that was made about Horton Road. He will vote against the motion to hold. They’ve already discussed it in committee.

Brenner stated the Slater Road connector is more central than the Horton Road connector. Developers in the area have offered to help pay for it. It also goes to areas in the county. Many people come back from the refineries at the end of the day who want to go east. It’s more about unincorporated Whatcom county than it is a project-specific goal. Jack Petree’s letter had brought up many questions for which she needs answers.

Kremen asked if there is a time constraint with keeping it in committee.

Jon Hutchings, Public Works Department Director, stated there are no pressing concerns requiring them to pass this immediately. However, this is not the right document about which to have these debates. Begin looking at the annual program, which will be where they designate funding for specific projects. He referenced Council packet page 242 and stated three projects are focused on the Slater Road project, which are the intersection, extension, and ancillary investments. It is funded for predesign in 2016. The Horton Road project has $1.2 million associated with it, because the developer proposes to accomplish its development goals by finishing Horton Road, pursuant to the City’s needs. The extension
goes through the county to Northwest Road. The $1.2 million is developer money that goes into design of the County’s portion. It doesn’t address construction, which will happen in 2019 or later. It will likely also have associated grant funds for engineering. All those projects exist in the annual program for 2016.

The Lakeway crosswalk project is also in the annual plan. There is $400,000 that carries over from this year, which is earmarked for a crosswalk somewhere in the vicinity of Parkstone. The Council has not yet decided where. That decision will come forward. Move this resolution forward to queue up the conversation that these folks want to have.

Kremen asked if moving forward on this resolution allows them to make modifications or adjustments, and re-prioritize any of the projects on the list. Hutchings stated that’s correct. Grant funds associated with specific projects can’t be moved, but they can adjust anything else.

Kremen withdrew his motion.

Mann moved to approve the resolution. The motion was seconded.

Sidhu stated this is an annual process they go through every year. The six-year plan is a vision plan that is updated every year. The spending authority goes with the annual plan, which the Council can change.

Brenner stated they still have to renegotiate the other years, which can’t be done in the annual program. Most of these projects are multi-year projects. She asked if they have to redo the six-year program, which has to be amended unanimously. Hutchings stated that if the Council wants to move forward with a project, the remaining part of the work would be rolled over in the six-year plan next year.

Joe Rutan, Public Works Department, stated the annual construction program matched the six-year plan identically only once in the years he’s worked here. It’s more common for it to be slightly different.

Weimer stated he supports the motion. Have the discussion in the annual plan. He’s not interested in rushing forward with the Slater Road project, because many rural residents don’t see what’s coming up. They need more time to consider it.

Kremen stated there is $400,000 for the Lakeway Drive crosswalk project. He’s satisfied with moving forward. There is time and opportunity to fine-tune the six-year program.

Brenner stated the crosswalk has been a placeholder, but hasn’t moved forward. There has been enough evaluation of the area. The Council majority doesn’t agree with the administration. Don’t delay the project because of that argument.

Buchanan asked when the six-year plan is submitted to the Council of Governments (COG). Rutan stated it is sent to the COG and Statewide Transportation Improvement Program (STIP) as soon as it’s adopted.
Brenner asked if there is grant money for Slater Road. Rutan stated the Slater Road project did not compete well for the grant money. The Horton Road project has a $1 million grant. Grant funds are often judged on multi-jurisdictional coordination.

Brenner asked why they did not submit a joint grant proposal with the Lummi Nation and the City of Ferndale on the Slater Road project. Rutan stated it was not yet very developed. The County acquired the right-of-way in the 1980s. The Horton Road project competed well and was able to get a million in grant funds.

Brenner asked if they tried to get grant funds for Slater Road. Rutan stated they only submitted one. They compared all the projects to see which would score best and compete best for the funds. The Horton Road project was the superior project by far. If they had submitted the Slater Road project, they would not have gotten any funds. The Slater Road project simply did not score based on the criteria of that grant.

Brenner asked when they can apply again. Rutan stated this funding source is biannual, but there are other funding sources. They will come back in 2016 with a development plan that includes sequencing and different funding sources.

Browne stated it's worthwhile remembering that they currently have 32 projects listed on the road capital construction project list. Thirty of those were identified before the Parkstone community project. Each of those projects affects different communities around the county. Those citizens have an expectation that their needs will be met. How quickly the County can do these projects is a function of how much the citizens are willing to tax themselves and how much the State and federal governments are willing to contribute. Be mindful that they can't take a pet project and put it to the top of the list. Everyone else has an expectation that their project is being done as well.

Brenner stated it's not a pet project. It makes a lot of sense to her. They have talked about this for years. She thought part of the money the County was getting was for the Slater Road connector to Aldrich Road. She didn't realize it would all be tied up with Horton Road. This has been on the Council's agenda for a long time.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** Brenner (1)

2. **ORDINANCE ESTABLISHING A REDUCED SPEED LIMIT ON A PORTION OF SAMISH WAY (AB2015-274)**

Weimer opened the public hearing, and the following people spoke:

Paulette Peterson asked if this meets warrants. The parking is an issue on the warmest weekends of the summer. On a daily basis, there is nothing going on there. Instead of reducing the speed limit, use other caution methods to warn people.

Adam Morvee stated there is a significant increase in traffic at the Galbraith parking lot and overflowing of the parking lot. He supports the lower speed limit. He asked to eliminate the entire 50 mile per hour zone. Fewer signs would be needed for reduced speeds and the changing speed zones. Safety concerns include more residences in that
area. The area continues to grow. Excessive speeding will decrease. People won’t slow
down to a safe speed before reaching the Galbraith parking lot. It would increase the safety
of pedestrians and cyclists throughout the zone. The road is a route for cycling events.
Road noise in the area will decrease. Icy conditions in the winter are a safety concern south
of Galbraith Lane, which gets very icy. Road maintenance would cost less if the speed limit
were lower.

Mike Diehl stated the Galbraith parking lot is often full, not just on weekends.
People from all over the region come to ride on Galbraith Mountain. Many times, cars will
attempt to pass slower traffic, causing a safety concern. Extending the 35 mile per hour
zone well past the parking lot will increase safety for cyclists and pedestrians. He supports
the resolution.

Browne asked about extending the 35 mile speed limit all the way to the freeway.
Diehl stated it makes sense. A very short distance remains at 50 miles per hour.

Eric Brown, Whatcom Mountain Bike Coalition Trail Director, stated there are
dangerous conditions at the Galbraith parking area when people attempt to pull out of the
lot. Parking on the north side of Samish Way and the 50 mile per hour signs are a problem.
It’s not a problem just on the weekend. Mountain biking clubs use the parking area.
Getting across the road is scarier than mountain biking on the trails. He supports the
slower speed limit. It’s a public safety issue.

Hearing no one else, Weimer closed the public hearing.

**Mann moved** to adopt the ordinance. The motion was seconded.

**Browne moved** to amend to extend the slower speed limit to the freeway or the
next logical change.

Joe Rutan, Public Works Department, stated the staff struggled with that question.
It doesn’t meet warrants past this area. They are comfortable changing the speed limit past
Galbraith because they are seeing a speed differential. As people approach the Galbraith
area, they slow down because of all the cars and movement. When there is a lot of traffic
at the Galbraith intersection, the actual speeds are a little over 40 miles per hour.
Extending it past Galbraith Road will be a little bit of an enforcement issue. He’s
comfortable with the staff recommendation. The speed differential is as much a problem as
speed itself. The concern is with setting the speed limit artificially.

Browne asked where it converts back to 35 miles per hour. Rutan stated it converts
back to 35 miles per hour at the interchange with Interstate 5 at Samish.

Mann asked about the 85th percentile and if people travel at 50 miles per hour
because that’s the speed limit. Rutan stated 85 percent of people will drive a road at what
is comfortable and safe, regardless of the actual speed limit. He recommends that the
speed limit be set at that 85th percentile.

Mann asked if widening and straightening roads encourages people to drive faster.
Rutan stated it potentially does, but accident rates will go down. The number one thing to
do to make a road safer is to create a shoulder that acts as a clear zone recovery area.
Speeds will go up, but accidents and fatalities will go down. The geometrics of a roadway influences driver behavior more than the speed limit.

Sidhu stated they will go through this process to change the speed limit again in another few years. Just do it now.

Karen Frakes, Prosecutor's Office, stated they would need to re-advertise the ordinance for a public hearing to make the change.

Browne asked what are the current and proposed speed limits. Rutan described the current speed limits and the proposed new speed limits along the road. The stretch of road where the speed limit is 50 miles per hour is less than a mile long. It is a wide open, straight road with a large shoulder. A speed limit of 35 miles per hour feels abnormally slow to people. People will not drive that speed. The County will have a continual problem with people complaining about speeding. It will become an enforcement issue. Speed differentials will develop and can cause as much of a problem as speed itself.

Browne stated he's open to doing something outside the warrants if it's safer, but not if it's less safe. Rutan stated the warrants don't recommend going to a speed limit of 35 miles per hour for that stretch of road.

Browne withdrew his motion to amend.

Brenner moved to refer to the Public Works Committee. She would like to have more discussion. They haven't really discussed this option.

Jon Hutchings, Public Works Department, described the speed limits along the entire stretch of the road.

Brenner withdrew her motion to refer to committee. It makes sense if the speed limit increases to 50 miles per hour approaching the freeway. She asked about a zigzag on Samish Way. Rutan stated it is a striping technique that has been used for years in Europe. It designates the potential for pedestrians. It's not adopted into the current Manual on Uniform Traffic Control Devices (MUTCD). It's something that may be allowed as experimental. He'll look into it.

Mann stated he supports the ordinance. There are many cars at that parking lot. This is an example of recreation economy bringing tourists to the area. Now the County must adjust to the reality, slow down the speed limit, and fix the parking.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

Nays: None (0)

3. ORDINANCE ESTABLISHING A PARKING RESTRICTION ON A PORTION OF SAMISH WAY (AB2015-275)

Weimer opened the public hearing, and the following people spoke:
Eric Brown stated they want safer access and sight distance. Long-term signage would be great for people who use the mountain and for the neighbors in the area.

Browne stated they are dropping the speed limit in the area, which makes the egress across from the parking safer. He’s concerned about shutting down the parking, and asked what people will do. Brown stated they have asked for the north side of Samish Way, so people can see when they pull out of the parking area. There’s no visibility when pulling out.

Hearing no one else, Weimer closed the public hearing.

Brenner asked what steps the County is taking to create safe parking that doesn’t interfere with neighbors.

Joe Rutan, Public Works Department, stated the Parks Department is negotiating with the City of Bellingham to develop a parking lot up there. This is an interim solution.

Kremen moved to adopt the ordinance. The motion was seconded.

Mann stated they need a solution soon. He assumes it’s the City’s job, since it’s their park across the street. He asked if something like that would be on the six-year transportation plan. Rutan stated it is a park plan, not a transportation plan.

Mann stated folks from all over the region use the park. The visibility is extremely dangerous. There’s nowhere for pedestrians if cars are using up the shoulders. He supports this solution.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

Nays: None (0)

**OPEN SESSION**

The following people spoke:
- John Patton submitted a handout *(on file)* and spoke about property rights versus critical areas.
- Peter Willing submitted and read from a handout *(on file)* and spoke about enforcement of the Glen Echo Garden conditional use permit.
- Theresa Sygitowicz submitted a handout *(on file)* and spoke about integrity in public service.
- Lynn Barton spoke about appointments to the Wildlife Advisory Committee.

**CONSENT AGENDA**

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through six and eight through 13. There is a substitute for Consent Agenda item 12. Item seven is held in committee.
The motion to approve Consent Agenda items one through six, and eight through 13 carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON DEPARTMENT OF SOCIAL & HEALTH SERVICES, DIVISION OF BEHAVIORAL HEALTH AND RECOVERY, FOR SUBSTANCE ABUSE PREVENTION SERVICES, IN THE AMOUNT OF $286,853 (AB2015-281)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON DEPARTMENT OF SOCIAL & HEALTH SERVICES, DIVISION OF BEHAVIORAL HEALTH AND RECOVERY FOR SUBSTANCE ABUSE TREATMENT SERVICES, IN THE AMOUNT OF $964,115 (AB2015-282)

3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND KULSHAN SERVICES LLC FOR THE CONTINUATION OF PRIVATE STORMWATER FACILITY MAINTENANCE EDUCATION AND INSPECTION PROGRAM FOR WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT COMPLIANCE, IN THE AMOUNT OF $41,648 (AB2015-283)

4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A LAND LICENSE AGREEMENT BETWEEN WHATCOM COUNTY AND ROB RIENSTRA OF BACKYARD BEES, LLC FOR ACCESS ONTO A PORTION OF COUNTY PROPERTY KNOWN AS LAUREL PIT AND F34 PIT TO USE FOR PLACEMENT AND SERVICING OF BEE HIVES (AB2015-284)

5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND VAN NESS FELDMAN, LLP, FOR OUTSIDE LEGAL REPRESENTATION, IN THE AMOUNT OF $15,000 (AB2014-136D)


7. REQUEST AUTHORIZATION FOR THE APPROVAL OF THE PORT OF BELLINGHAM’S REQUEST FOR EDI FUNDING IN THE AMOUNT OF $3,000,000 AS RECOMMENDED BY THE EDI BOARD FOR THE SUPPORT OF THE ALL AMERICAN MARINE EXPANSION PROJECT AS A LOAN IN THE AMOUNT OF $2,000,000 AND A GRANT, IN THE AMOUNT OF $1,000,000 (AB2015-286)

8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE PURCHASE OF SNOW AND ICE CONTROL PRODUCTS FOR THE REMAINDER OF 2015 AND THROUGH 2016 FROM VENDOR LTI, INC., USING
WASHINGTON STATE CONTRACT #02714, IN AN AMOUNT NOT TO EXCEED $80,000 (AB2015-287)

9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE PURCHASE OF AUTO BODY REPAIR SERVICES FOR THE REMAINDER OF 2015 USING THE WASHINGTON STATE CONTRACT #01909, THROUGH THE CEI GROUP AND AUTHORIZED LOCAL VENDOR GITT’S AUTOBODY, IN AN AMOUNT NOT TO EXCEED $80,000 (AB2015-288)

10. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-58 AND ENTER INTO A CONTRACT FOR THE ANNUAL SUPPLY OF DELIVERED FUEL TO THE CENTRAL SHOP, THE LUMMI FERRY AND SILVER LAKE PARK TO THE LOWEST BIDDER, REISNER DISTRIBUTOR, INC., IN THE AMOUNT OF $531,928.50 (AB2015-289)

11. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND RESOURCES FOR THE PROVISION OF YOUTH WASTE REDUCTION AND RECYCLING EDUCATION PROGRAMS IN THE AMOUNT OF $35,000 (AB2015-290)

12. RESOLUTION TO ADD AN ALTERNATE DIRECTOR TO THE WASHINGTON COUNTIES RISK POOL (WCRP) BOARD (AB2015-291)

13. RESOLUTION ORDERING THE CANCELLATION OF UNCLAIMED CHECKS MORE THAN TWO YEARS OLD (AB2015-251)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, TENTH REQUEST, IN THE AMOUNT OF $165,635 (AB2015-276)

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, FOURTH REQUEST, IN THE AMOUNT OF $340,000 (AB2015-277)

(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.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

3. RESOLUTION REQUESTING THE COUNTY EXECUTIVE CONTINUE TO NEGOTIATE WITH THE CITY OF BELLINGHAM ON A NEW LONG TERM JAIL FACILITY USE AGREEMENT (JFUA) WHILE THE VOTERS CONSIDER BALLOT PROPOSITION NO. 1, JAIL FACILITIES SALES AND USE TAX (AB2015-278)

Browne moved to approve the substitute resolution. The motion was seconded.

Mann stated he does not support the resolution. They have a clear idea of the financial implications of a jail this size. There is no agreement with Bellingham. Do not vote in favor of anything regarding the jail facility use agreement, because it implies he supports the jail project, which he doesn’t. Vote against this motion. Don’t send the message that they are happy with where they are going.

Brenner stated she supports the project, especially with the additional space and services for people with mental health and substance abuse issues and to help people with training and education. She hopes the County and City will come up with a workable agreement.

Browne stated the purpose of this is to try and break the logjam in negotiations. He respects that the City of Bellingham, members of community, and Councilmember Mann have concerns about the size and character of the jail as proposed. It’s fair to say there are still unanswered questions. The biggest questions will be raised by the Incarceration Prevention and Reduction Task Force, which won’t produce results of their deliberations until the next year. The purpose of this is to acknowledge that there are significant motivators, including the universally agreed upon fact that the current jail needs to be replaced. The issues with the size of the jail and the funding mechanism aren’t going to be resolved between now and when the ballot measure is decided. The point is simply to acknowledge where they all agree, where they still have work to do, and that they aren’t going to get this done before the ballot initiative passes. Move ahead and secure the funding for both the jail replacement and the other programs they want to do. If they don’t get the funding, everything else is moot. This is not approval of anyone’s view of the jail. This is silent on which jail option to choose. It simply says they should move forward with obtaining funding to continue working on the agreement.

Mann stated he’s not comfortable telling the people that they want a sizeable tax increase, because they don’t know how it will be spent or apportioned.

Sidhu stated continuing discussions since August between the County and City have shed light on many issues. The City has pinpointed its issues. This process continues. They are finding more points of both agreement and disagreement. They must continue. If the voters pass this increase, they have a place to start.

Browne submitted a separate resolution (on file) which is the next step to develop models to answer key questions, such as jail size, financing model, and current use by different parties. Part of the reason they’ve struggled in answering these questions is because they haven’t had the tools necessary for a deal this size and this complex. He will ask the County and City to work together and come up with models to answer these
questions, make those models available to the citizens, and allow everyone to try different scenarios. That will develop a good answer about the right size of the jail and the financial model.

Brenner stated the State could create tougher sanctions on some activities, such as drunk driving. When someone drives drunk, they are operating a loaded weapon. That shouldn’t be a misdemeanor. The whole purpose of the new jail is to create something that is extremely different from many other types of jails. There is a large focus on preventing recidivism and giving people tools to make better choices. If they pass this, they will still refine how to get to completion. People agree they need a new, humane jail. She has concerns about spending money wisely, but waiting longer makes it more expensive. The final product will provide people with many alternatives. If they have any extra room in the jail, they can use it for social services and other things they are focused on.

Mann stated it’s not okay to approve this tax without knowing what size of jail they need. They don’t know yet whether Bellingham will be a member and what the alternatives and measurements should be. He is not comfortable asking the voters to tax themselves so the County can build a huge project without knowing the size and the cost. It’s contrary to what they say they believe in as responsible stewards of public finances.

Brenner stated she’s taken enough time to meet with the Sheriff, consultants, and Executive’s Office to be convinced in the purpose and plan. Nothing in the ballot proposal prevents them from making necessary changes.

Browne stated that if the ballot measure passes and they have a funding source, the ultimate decisions, including jail contracts, are with the Council. The jail won’t get built until the Council is satisfied that it is meeting the needs of the community. Passing the ballot measure doesn’t lock in the decision about what the jail and programs will look like. The Council still has control over that through the budget process.

Weimer stated he supports the resolution, even though he has some problems with it. The resolution talks about the County and City of Bellingham continuing to negotiate. They must include the small cities in the negotiation. The City had the sense that the County was providing only one option and wasn’t willing to negotiate. Regardless of whether the ballot measure passes, the County must send a clear signal to the City of Bellingham that it has heard their concerns and wants to keep talking and negotiating.

Brenner stated the County Council voted to meet with the Bellingham City Council, but they didn’t want to. She doesn’t know where the City gets the opinion that the County Council doesn’t want to negotiate.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Kremen (6)
Nays: Mann (1)

4. CONSIDERATION OF APPOINTMENT TO FILL THE COUNCIL’S LEGISLATIVE ANALYST POSITION (AB2015-043)

Mann moved to appoint Forrest Longman to the legislative analyst position. The motion was seconded.
Brenner stated she is opposed to the position, but she met Mr. Longman and approves of his appointment. He is extremely qualified.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. NOMINATION AND APPOINTMENT TO FILL VACANCIES ON THE WILDLIFE ADVISORY COMMITTEE, VARIOUS POSITIONS - APPLICANT(S): BARRY WENGER, CHRISTOPHER KAZIMER, VIKKI JACKSON, JOHN MCLAUGHLIN, FRANK BOB, GREG DUNPHY, WENDY HARRIS (AB2015-175A)

Browne moved to hold in Council for two weeks to receive more applications. The motion was seconded.

Browne stated the application deadline is extended to one week from today.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF MICHELE ZLOTTEK TO THE BELLINGHAM-WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE (AB2015-292)

Buchanan moved to confirm the appointment. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

2. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF BAOZHEN LUO TO THE NORTHWEST SENIOR SERVICES BOARD (AB2015-293)

Browne moved to confirm the appointment. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)
3. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF GWEEN VANDERHAGE TO THE WHATCOM COUNTY LIBRARY SYSTEM (RURAL LIBRARY) BOARD (AB2015-294)**

   *Kremen moved* to confirm the appointment. The motion was seconded.

   The motion carried by the following vote:
   - **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
   - **Nays:** None (0)

**COMMITTEE REPORTS**

There were no committee reports.

**OTHER ITEMS AND COUNCILMEMBER UPDATES**

   *Browne moved* to introduce the following item for discussion at the next meeting:

   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) (AB2015-295).

   The motion carried by the following vote:
   - **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
   - **Nays:** None (0)

Mann asked for an update on the Glen Echo Gardens issue.

Tyler Schroeder, Executive’s Office, stated the Executive has talked to neighbors in the area. This is a situation that includes enforcement cases involving the conditional use permit process. The Hearing Examiner places conditions on a property owner to run his or her business associated with those conditions. The property seems to not be running the business within those conditions. There are steps in the Hearing Examiner conditional use permit process to have a discussion on whether or not the conditions are being accomplished. He will give a report to the Council on the exact status in the near future.

Karen Frakes, Prosecutor’s Office, stated don’t get too involved in whether there is a violation. An appeal of the Hearing Examiner decision on whether there is a violation could come to the Council for consideration.

Kremen stated this is an Executive branch issue at this point. The Council should refrain from dealing with this. Schroeder stated he agrees.

Weimer stated that during the last budget discussion, the Council included money for better enforcement. They could discuss how that effort is going. Schroeder stated he can make a presentation in committee. This is an example of enforcement complications and how long it can take to enforce land use decisions.
Mann stated get rid of the conditional use permits altogether. They’re difficult to obtain and difficult to enforce.

Browne stated the purpose of a conditional use permit is to allow a variance from the rules. It works for those in compliance. This is a situation in which someone is out of compliance. Schroeder stated there are a number of conditional use permits in Whatcom county in which property owners are following the conditions. The Council and Executive don’t hear about those permits. Don’t jump to the conclusion that conditional use permits may not work. There are many in the county that abide by their conditions.

Browne reported on a seminar he attended on management of small timber holdings, hosted by Tom Westergreen and Washington State University Cooperative Extension. ...

Mann reported on the first Incarceration Prevention and Reduction Task Force meeting on September 21. The next meeting is this Monday morning at 9 a.m. in the Courthouse Fifth Floor Conference Room.

Sidhu reported he has been meeting many new people in the county and hearing about their issues.

**ADJOURN**

The meeting adjourned at 9:00 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 Chair Carl Weimer called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Carl Weimer, Barbara Brenner, Sam Crawford, Rud Browne, Barry Buchanan, and Ken Mann
Absent: Pete Kremen

1. PUBLIC SESSION

No one spoke.

2. DIRECTOR/HEALTH OFFICER REPORT

Greg Stern, Public Health Officer, gave an update about this season’s flu shot and flu season. The flu vaccine is available. Effectiveness varies from year-to-year. It’s early in the year, so its effectiveness is uncertain yet.

Brenner asked about a possible reaction when she received the vaccine. Stern stated it’s possible another virus was circulating or the vaccine wasn’t in full effect yet. Another possibility is that some can get an immune response to the vaccine that creates some flu-like symptoms.

Browne asked how long it takes to develop a flu vaccine for a newly-identified virus. Stern stated that when the H1N1 virus was identified in March or April, they had selected the vaccine strain within a month, and the vaccine was available in October. That was incredibly fast. He described the process for developing a vaccine.

Stern continued the update about tuberculosis and the E.coli outbreak at the Northwest Washington Fair. The tuberculosis outbreak was a cluster of unrelated cases. They are spending time doing outreach to medical practices to develop a more robust tuberculosis prevention and control system in the county. The Centers for Disease Control and Prevention (CDC) is developing a final report. The staff learned that animals don’t have to be present for E.coli outbreaks to occur. The first case was a high school student who helped set up the event. The strain was present prior to the event. The Health Department is reconsidering how to permit temporary food services in animal contact areas, such as the barns at the fairgrounds. The staff are meeting with the Fair management.

Brenner asked if there is a chance that the bacteria can be airborne. Stern stated it is in the dust. They are thinking of how it can get on food if it’s in the air. They’re looking
at what’s protecting the food and the ventilation stream. They are seeing if it’s possible to safely serve food at these events through a variety of techniques.

Browne asked if the food handler license requires a periodic refresher. Stern stated it does.

Browne stated provide a brief food handling refresher before an event. Stern stated a person is in charge for making sure everyone has a permit and the rules are followed. The question is whether it’s more effective to make food handlers or managers accountable.

Browne stated require an online or video course of people before they turn up and do the work. Stern stated they would have to develop a local ordinance that is more stringent than the State requirements.

Browne stated a recent study found that a testing lab in Canada didn’t have time to train its staff. Stern stated that’s why it’s important to have redundancy in controls to check human errors and engineering failures.

Browne stated refresher courses are valuable. He’s witnessed a restaurant worker who was not following food safety regulations. Stern stated that if people see things happening that shouldn’t be, they should report it to the Food Program.

Weimer asked if the industry is pushing more vaccinations. Stern stated it’s good news that there are new vaccines and more effective vaccines. The reasons for the recommendations are published on the CDC website, and are based on whether they’re safe and effective. Industries don’t make much money on one-time vaccines.

Brenner asked about a meningitis vaccine. Stern described the new vaccine. It’s a vaccine for people who live in close contact groups, such as military recruits and kids on college campuses. It’s not a general vaccine for everyone.

Regina Delahunt, Health Department Director, introduced the new Whatcom Alliance for Health Advancement (WAHA) Director. She submitted a handout (on file) and gave an update on the 2015-2019 Strategic Plan. The Public Health Advisory Board (PHAB) and Health Department staff have been learning how to have an impact on and change public policy. The City of Bellingham is considering an ordinance related to smoke-free City property. The County Board of Supervisors could consider a similar ordinance.

Brenner asked how something like that would be enforced. Delahunt stated it would be enforced by posting signs and creating a civil infraction, but it mainly is a step toward changing the culture. Staff is talking to the PHAB about the possibility and about avoiding unintended consequences.

Browne stated a consequence they must consider is the ability of people to pay for a citation they receive, especially of homeless or young people.

Sidhu stated promote volunteer healthy exercise programs in the workplace, which have positive long-term effects and no cost. It helps to provide alternatives to smoking. Delahunt stated they have discussed self-care in the workplace.
Weimer stated he appreciates having a policy agenda for next year. He would like the Health Board to weigh in on topics such as the City of Bellingham’s anti-smoking ordinance. The Health Board meeting timing doesn’t allow much of a discussion. Make sure they set time aside on regular Council days for those discussions. Delahunt stated they can bring topics to the Council’s Public Works, Health, and Safety Committee.

Browne asked the plan to address recommendations on how to deal with the problem of spice, the synthetic marijuana.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Ben Scholtz, Public Health Advisory Board Chair, stated the PHAB recently discussed healthy workplaces, and can answer questions on that topic. He can also provide perspective on food handling requirements.

He reported on the Healthy Planning collaboration, including analyses and studies he reviewed. Public planning began as a healthy planning effort to respond to health effects of rapid urban development. Eventually, public health and land use efforts split. Now, there is a demand for sustainable planning, so planners want to reconnect with the public health discipline.

The six qualities of sustainable design include a livable built environment, harmony with nature, resilient economy, healthy community, and responsible regionalism. Programs have to do with active living, emergency preparedness, environmental health, food and nutrition, health and human services, social cohesion, and mental health. They are dealing with these issues locally.

The most frequent strengths in case studies was the ability to leverage diverse funding streams, interdepartmental collaboration, and partnership with community groups and private organizations. Sustainable public health cooperations are happening interdepartmentally and with community organizations.

Case studies have identified that the area that need improvement is the collection and use of health data, including numerical plans and targets. It’s important to look at that information early in the process.

Mann asked what kind of data is suitable in the comprehensive planning process. Scholtz stated he would defer to staff to answer that question. They could use data on the number of people who are biking, for example, and the percentage of areas connected by bus transportation.

4. HEALTHY PLANNING RESOLUTION

Astrid Newell, Health Department, gave a staff update on the proposed resolution. Staff and the Public Health Advisory Board (PHAB) have been actively involved in the comprehensive plan updates for the County and the cities.

Buchanan described how the PHAB developed the resolution. He moved to approve the resolution. The motion was seconded.
Brenner asked if there are any locations in Whatcom County that aren’t considered livable, but people are living there anyway. Stern stated they don’t have the dense inner-urban areas here, but they do have more invisible equivalents, especially in rural areas. Often times there are not regulations that address issues such as water damage and mold. People live in compromised areas, but they can’t afford to live anywhere else.

Sidhu stated he supports the resolution, but it doesn’t address the growing senior population. Planning efforts must include access to services without making people in the county come to Bellingham.

Browne stated the growing number of seniors will be heavy users of services, and they vote. He is concerned about whether that will be at the expense of the younger generation. He is a strong advocate of focusing on prenatal and children’s issues. Dealing with health and education issues with children provides benefits that impact their entire lives. He’s concerned the aged will be very vocal in demanding that they’re taken care of, at the expense of a population that can’t legally vote. He wants to see more emphasis on childhood issues and early intervention.

Brenner stated don’t create a competition between seniors and children. They do place a lot of emphasis on prenatal care and children. Keep doing that, but they need a balance.

Sidhu stated the amount of wealth carried by people over 65 is different from the amount of wealth controlled by people under 25. The affordability of services is an issue in addition to the demand for services. A section of the older population that are poor and have no other resources have programs such as social security and Medicare. Younger people may not have those resources available or the knowledge that older people have about accessing and influencing these things. Planning efforts must balance how services are delivered.

Brenner stated Medicare and social security won’t be around in the future. There seems to be a change in the emphasis on the elderly. They understand the promise to provide prenatal care and care to young children, which provides financial benefits. The elderly don’t have that emphasis.

Melissa Morin, Health Department, stated the resolution states the PHAB will be tasked with returning to the Board of Health with recommendations on tools and resources by the end of January. She submitted and read from a presentation on implementation.

Weimer stated he would like the Health Department and PHAB to also consider the six-year transportation improvement program. Morin stated they will spend time looking at where these tools can be applied, such as to the road plan.

Brenner stated the tools for healthy planning could use data from smaller counties. Morin stated they can look at other places for tools to adapt to Whatcom County. For the data, they are working with peer counties.

Brenner stated she didn’t know why they include a health impact assessment (HIA) for alcohol and food in the primary planning topics to be addressed. Also, many elderly
people could be using alternative transportation. She asked if there are statistics on the
number of elderly who use alternative transportation.

Sidhu stated it would be interesting to see the information and data from
communities of similar size north of the border.

Browne stated providing services to both children and seniors aren’t competing
objectives, but they can’t take care of the aged population without a healthy youth
population to provide the tax base and labor force. The resolution doesn’t provide enough
emphasis or focus on health and education early intervention. The youth need to be healthy
and educated if they are going to provide support to seniors. Also, a health issue in the
transportation policy should include creating marked, shared bike lanes that indicate cyclists
should ride with the traffic direction, and pedestrians should walk facing the traffic. Morin
stated the community in East County is doing education about proper pedestrian and bicycle
behavior when there isn’t a dedicated facility.

Weimer stated he supports the resolution.

Brenner stated she also supports the resolution.

The motion to approve the resolution carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)
Nays: None (0)
Absent: Kremen (1)

ADJOURN

The meeting adjourned at 11:55 a.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
Special Surface Water Work Session

October 20, 2015

CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 10:30 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Rud Browne, Barry Buchanan, Ken Mann and Carl Weimer
Absent: Pete Kremen and Satpal Sidhu

SURFACE WATER WORK SESSION (AB2015-024)

1. 2016 FLOOD CONTROL ZONE DISTRICT BUDGET

Jon Hutchings, Public Works Department Director, stated that additional programs from the water resources action plan need a long-term source of planning from the flood fund or elsewhere. Because they are new programs, the expenditures aren’t as well developed as they will be. They are still figuring out the long term expenditure for the National Pollutant Discharge and Elimination System (NPDES) phase II, for example. In the future, they will demonstrate early investment in the program and long-term expenditures to carry forward the program. In the meantime, there will be some uncertainty as they gather information to develop long-term funding.

The budget will focus on deliverability of capital projects so they get a good sense of the scope, timing, and cost of delivering the project. He’s asked staff to write the budget considering project delivery, which means putting off some capital projects to future years, when there is certainty they can be delivered on budget and on time. There are constraints on budgeting this year. Staff have met those expectations. They’re trying to make sure they can carry forward the additional burdens in future budgets and resolve long-term funding.

Today they will look at the river and flood budget. At next work session, they will take a broader view of fund balances and a view into the next few years.

Weimer asked the timeline for passing the budget. He asked if it will be passed the second meeting in November. Hutchings stated it will be.

Weimer stated he would like to make sure they get the level of detail they would like. Hutchings stated councilmembers can tell him what kind of detail they’re looking for.
Gary Stoyka, Public Works Department, stated the water resources improvement plan is the work plan for stormwater and other things. It is coming forward for introduction at the next meeting and adoption at the November 10 Council meeting.

Paula Cooper, Public Works Department, described each cost center for Flood Maintenance and Operation as shown in the revised packet information (on file).

Mann asked for the difference between the Systemwide Improvement Framework (SWIF) and Comprehensive Flood Hazard Management Plan (CFHMP). Cooper stated the SWIF is narrowly focused on levee deficiencies. The CFHMP is for the resource agencies to look at the levees and the entire floodplain. Both efforts integrate fish habitat into flood planning.

She continued describing each cost center.

Weimer asked who does the facilitation for the SWIF and the CFHMP. Cooper stated David Robinson from Kulshan Services is the facilitator for the interagency team.

Mann stated the national flood insurance program saves people 20 percent. He asked how much that percentage is. He would like to know that information. They probably spend a lot more to stay in the program. Cooper stated they primarily regulate development consistent with minimum requirements of the flood insurance program. Levee maintenance is more about floodplain management.

Mann asked about a conflict with the U.S. Army Corps of Engineers about the vegetation management plan, and if the County would have been removed from the national flood insurance program (NFIP). Cooper stated they are two separate things.

Mann stated the 20 percent discount seems like a good benefit for the little amount of money the County spends.

Browne stated that regarding the amount of money the community puts into the flood program, demonstrate the return on investment to the community. Cooper stated they will incorporate a cost-benefit analysis into the comprehensive flood update. That’s why she budgeted some money to survey the structures. They need to know their elevation, compare it to the flood elevation, do damage analysis, and compare it to cost estimate.

Browne stated he would like an overview of what those programs are, what the County spends on them, and what the County gets in return. He would like to know what the County spends on things that improve the county flood insurance rating and what is the benefit to the community by improving the rating.

Weimer asked if there is still an early warning system on Jones Creek. Cooper stated there is. The subzone pays for it.

She continued the presentation on the Flood Construction and Improvements cost centers.
Weimer stated he would like to know in the future the rate they’re paying for the jail work crew and how the cost is calculated. Cooper stated the cost is going up, but the work crew is a good source for labor.

Brenner stated she would like to know what is offered to the inmates regarding their sentence for working on the jail work crew.

Brown stated it would be nice to know the comparable cost on an arm’s length contract with a private contractor.

Brad Bennett, Administrative Services Department, stated they’re paying for the crew, the sheriff’s employee who oversees the inmates, and their transportation and tools.

Brown stated he would like to know if they’re paying more, less, or equal. He would also like to know whether the inmates can elect to work on the work crew.

Cooper continued the presentation on the Flood Hazard Reduction cost center.

Brenner asked if there is financial cooperation from the Lummi Nation on the work on the Lower Nooksack. Cooper stated they participate in the SWIF, but not with specific projects. The County has a $1.2 million grant from the State on the Floodways By Design Deming Levee project and a hazard mitigation grant for three acquisitions in Marietta. The Lummi Nation is not providing any financial help, but they are helping the residents find a place to live outside of Marietta. She concluded the presentation on the 2016 Flood Control Zone District Budget.

Stoyka continued the presentation on the Natural Resources cost center.

Brenner asked what they’re spraying noxious weeds with.

John Thompson, Public Works Department, stated what they use to spray weeds depends on the specific species and situation.

Brenner asked for specific information on spraying policies. Thompson stated they would get that information from Laurel Baldwin.

Brenner asked if the County is using the Washington Conservation Corps (WCC) crew or NSEA for spraying. Stoyka stated they sponsor a crew with Nooksack Salmon Enhancement Association (NSEA). The County contributes $60,000 as a cost share. He continued to describe the cost centers.

Brenner referenced the small farm technical and financial assistance and asked if they are doing downstream and upstream tests on problematic properties through the best management practices (BMP) program with the Conservation District. Stoyka stated they can if they have access.

Weimer asked why the budget amount is less for the pollution identification and control (PIC) outreach and technical assistance, even though they haven’t cleaned up any of the shellfish areas. Stoyka stated they got a grant to do the work, which shifted the work
to other line items. The amount for technical assistance went down because it was accidentally double-counted in 2015.

Brenner asked how they are going to notify people about septic system training.

Holly Faulstich, Public Works Department, stated they have to be in the focus watershed. The Health Department sends out postcards to landowners about the classes. The information is also on the Health Department website. The plan eventually is to do all the watersheds.

Brenner stated that as a councilmember, she would like to be notified of all the classes.

Stoyka continued the presentation on the Aquatic Invasive Species cost center.

Mann stated he would like to know about the enforcement expenditure that is transferred to the Planning Department for enforcement. He would like a report on what they have done. Stoyka stated he will provide some of that information later in this meeting.

Brenner asked if they are working with the Department of Ecology on enforcement for onsite septic systems (OSS). Stoyka stated it depends on what they are enforcing. The Health Department deals with OSS enforcement. Critical areas enforcement is done through the Natural Resources division.

Brenner stated the amount for aquatic invasive species (AIS) has been increasing. Stoyka stated the amount is the same as last year. Last year, part of the County’s expense was in developing an online program. This year, the program expanded to smaller non-motorized boats.

Weimer asked if they will talk about changing the fees to offset some costs. Stoyka stated he understands it will be on the next Council agenda.

Weimer asked about the amount budgeted each year for the water demand study. Stoyka stated this year they spent it on the coordinated water system plan. Next year they will spend it on the water demand study.

Stoyka continued describing the additional services requests for outreach and education in the natural resources program, including a new position to do outreach in the Natural Resource program.

Weimer stated the Council gave the Planning Department money last year for more outreach for critical areas. He hasn’t seen anything come from that yet. Perhaps they need to reallocate that money to this additional services request (ASR) position.

Browne asked what flood outreach would do. Stoyka stated they would like to do more outreach to other cities about what the County is doing, what is in the flood program, what are the planned projects, and how they fit in the overall SWIF and CHFMP processes. It seems like there isn’t a lot of knowledge about the flood program. Create a better
website presence and an annual flyer on past accomplishments and upcoming projects. The purpose is to let people know what the program is about and how the various projects fit in.

Cooper stated they have a lot of technical work that has not been transferred to the new website. They also have an extensive database of elevation certificates. Anyone who buys in the floodplain has to get flood insurance. The elevation certificate is what they use to get their insurance rating. The County maintains those certificates. If the County has a certificate, it can save a homeowner $500 to $1,000, so they don’t have to hire a surveyor to get them. The department gets a lot of those inquiries. The County can put them on the website. There’s a lot to do to make people understand and have access to their work.

Browne stated all the departments do outreach. He wonders if there is an opportunity to coordinate all the County outreach programs in one central database for the community. Stoyka stated there is little capacity for a coordinated outreach effort now. When necessary, they hire a contractor for that task. Some staff help out with getting the website up-to-date. There is some capacity in the PIC program for outreach, for which they’ve hired someone.

Stoyka concluded the presentation on outreach and education for the Lake Whatcom watershed.

2. COORDINATED WATER SYSTEM PLAN (CWSP)/JOINT BOARD/PLANNING UNIT

Gary Stoyka, Public Works Department stated the next Planning Unit meeting is tomorrow. They’re working on the 2016 work plan and budget. Staff received an application for caucus support. The last Joint Board meeting was in September. Members are still looking at the staff team proposal. There’s nothing new to report. Staff will prepare a 2016 budget for the Joint Board, which will come to the Council.

Brenner asked if that budget will come forward with any contracts, which are supposed to come to the Council first. Stoyka stated he will bring them to the Council.

Stoyka stated they will run out of money in 2016 for funding the groundwater modeling project. The Joint Board members will have to figure out how to fund it going forward. The next meeting is December 10.

At the last Water Utility Coordinating Committee (WUCC) meeting in August, two subcommittees formed. The first subcommittee will address utility service review procedures. The other subcommittee will address design standards and fire flow requirements. Those two subcommittees have finished their work and will come back to the WUCC. They should finish all components of the coordinated water system plan by December. They will have the final product to the WUCC for a vote in early 2016. If the WUCC approves it, it will go through the adoption process through the Planning Department, the Council, a public hearing, and to the Department of Health. The adoption process will take 6 months, but most of the work will already be done. There were 15 subcommittee meetings to get this done, so the budget is running low. The next WUCC meeting is tomorrow.

3. DISCUSSION WITH PLANNING UNIT
Linda Twitchell, Planning Unit Member, Land Development Caucus, introduced Dick Whitmore, Dan Isis, Terry Montagne, and Andy Ross. Since the Planning Unit convened in 2013, it has had to rebuild. Their biggest accomplishment is that they are a changed group that is working together, getting agreement, and moving forward. They hope to get over the issue of some planning unit members who want the Planning Unit to be dissolved. There are two subcommittees of the Planning Unit.

Dan Isis, Planning Unit Member, Water District Caucus, described the creation, purpose, and work of the two subcommittees for in-stream flow and governance and funding. One recommendation of the governance and funding subcommittee to County Council is to update the Comprehensive Water Resources Plan, which is more like a simple budget document, not a comprehensive plan. It puts all the water resources issues and plans in one location. The instream flow subcommittee recommendation is for the Council to designate a councilmember as a liaison with the Planning Unit. The Planning Unit will designate a contact to work with the Council. The subcommittee is still working on the Lower Nooksack Strategy and Instream Flow Action Plan.

Andy Ross, Planning Unit Member, Nongovernment Water Systems Caucus, reported on the status of the work plan, budget, path forward document, and proposed interlocal agreement. The Planning Unit submitted its budget pursuant to the request from the Joint Board and regarding the Water Action Plan. There are communications issues. They want to work with the County Council. The path forward work was unnecessary, contentious, redundant, and not asked for. The facilitator insisted upon it.

Twitchell described the background of the path forward document and stated communication with the County administration and County Council can be better.

Ross continued the presentation on the outcome of the path forward document process, which took four hours of time and which was to reaffirm the dual role, come to consensus, and complete the path forward document process. They didn’t ask for it, but they dealt with it and moved past it.

Mann asked if there are specific caucuses that always vote against something when there is no consensus. Twitchell stated it changes, depending on the topic.

Ross described the interlocal agreement presentation and discussion at the Planning Unit. The Planning Unit will provide comments on the interlocal agreement. The dual role of the Planning Unit is not included in the interlocal agreement. The Planning Unit appears to be an advisory committee to the County Council, but the Revised Code of Washington (RCW) 90.82 as it regards the watershed management plan review and update is not included. Focus should return to reviewing and revisiting the 2005 Watershed Management Plan.

Browne stated his concern is that there isn’t funding from the State to continue the Planning Unit in its role authorized by the RCW. Twitchell stated they don’t have funding, but the only option according to State law is to dissolve both it and the Joint Board in favor of creating a county watershed planning committee.
Browne stated the RCW also does not address the obligation to continue funding it. Twitchell stated the Planning Unit represents a lot of folks who don’t have ready access to the Joint Board members. It’s a valuable advisory group to the County Council and the joint management jurisdictions.

Ross asked if the Planning Unit and Joint Board could request funding from the State. Browne stated he has no problem requesting money from the State or the federal governments. The advisory group role makes sense and is consistent with the way they do other things. He is reluctant to encourage the County to assume a financing obligation that was created by the State, when the State has now created an unfunded mandate.

Dick Whitmore, Planning Unit Member, Forestry Caucus, stated the County does not have a vision for the future of the Nooksack River. None of the agencies coordinate with each other. The Planning Unit can help create that vision for the future. There is also a lack of public awareness of the County’s efforts regarding water resources. The timber industry spent millions of dollars and gave up thousands of acres for habitat and water quality and quantity, including culvert replacement. Other industries and agencies need to give something to this effort. The Planning Unit is trying to move that effort forward.

Terry Montagne, Planning Unit Member, Fisheries Caucus, described the problem of trying to restore fisheries and wild fish population. Fish hatcheries and farms contribute to the decline of the wild fish population. Many things have to be done that are beyond the capability of Whatcom County and the water resource inventory area (WRIA). His caucus hopes to get members from seven different areas, including: coastal, lower mainstream Nooksack, upper mainstream Nooksack, the three forks, and Squalicum Creek. Saturation fishing offshore is a big problem. He hopes the Council will talk to the Puget Sound Partnership and others about revitalizing fisheries in the Salish Sea.

Twitchell stated the main point is that they need a better liaison with the Council, County, and management team to resolve communication problems.

Weimer stated they haven’t seen a proposal to update the multi-jurisdictional comprehensive water plan. They need to create a proposal, work plan, and budget request by November. The Council is working to formalize an advisory relationship, which could include a Council representative or staff support for the Planning Unit. The County hasn’t yet discussed what that will look like. It could address a lot of the concerns.

Brenner stated she’s not reluctant to keep both functions of the Planning Unit. She likes the idea of the Planning Unit being involved with the Joint Board. She’s not anxious to drop both functions of the Planning Unit. She doesn’t agree with having the Planning Unit be just an advisory committee.

Whitmore stated they were working better without the facilitator. At the same time, they can work with the management team to get the plan together.

Browne stated he wants the Planning Unit to be functional. It was dysfunctional for a time. As a citizen, he wants his money’s worth. If he’s going to spend money on supporting a particular group, he wants to get something out of it that’s equal to or greater than the value he’s spending. The work should not be duplicative. Regarding the State
requirements, the original State funding was significant. The County is unable to match the State’s original funding. The Planning Unit role has to change from what the State requires, unless the funding is found from somewhere. Twitchell stated the funding depends on what they’re expected to do. If the Planning Unit is expected to write reports, as the old Planning Unit did, that work was grant-based.

Isis stated the significant money, up to about $10 million, from the State and the County went into developing the 2005 Watershed Management Plan. The Planning Unit and Council approved the 2005 plan. It was expected that the plan would be implemented. Planning Unit is part of that implementation. The plan incorporates adaptive management, so implementation would be monitored to see if things work. He described the 2005 plan and 2007 detailed implementation plan. If they implement both plans, the Planning Unit is part of that implementation, which is the Planning Unit’s statutory role. The Planning Unit can help get public buy-in for funding both of those plans.

Stoyka stated the Planning Unit did vote to have a facilitator, it was a close vote.

Ross stated the minority opinion was to have a coordinator, not a facilitator, and get more caucus support. That request will come up again.

Twitchell stated they need secretarial support.

Mann stated he supports the Planning Unit’s requests for support. He assumed staff would do that work. If the Planning Unit is still feeling isolated from the County Council, it’s a problem. He appreciates all their work.

Weimer stated the Council needs clear recommendations from the Planning Unit on facilitation versus staff support and coordination.

4. PLANNING UNIT CAUCUS SUPPORT FUNDING REQUEST GUIDANCE

Gary Stoyka, Public Works Department, described the applications for caucus support, including the process for submitting an application and the applications received so far.

Andy Ross, Planning Unit Member, Nongovernment Water Systems Caucus, described the past caucus application and contract processes. Mr. Stoyka is looking into costs for postage and printing.

Stoyka stated payment is only made after the work is done and an invoice is submitted. The County can run postage through its postage machine and probably find a printer who can bill the County directly. The current application is from the nongovernment water systems caucus in the amount of $9,000. They would develop a periodic newsletter to mail to caucus members and for the consultant to attend and coordinate meetings. The Planning Unit will discuss the application at its next meeting. If the Planning Unit agrees, it will forward the application to the Council for funding approval. He asked if the Council accepts that approach, is agreeable to paying the invoices as they are submitted, wants to set a deadline for applications, or intends to set up an ad hoc committee for evaluating the applications.
Weimer asked if the application and funding request is to pay for work that has already been done. Ross stated the work has partly been done.

Weimer stated that the County doesn’t give other advisory committee members any money, so this will be a new thing, especially if they are giving caucuses money to hire staff.

Ross stated caucus consultants have been hired before, with condition. They cannot be technical consultants and do not get paid to attend Planning Unit meetings. They can do public involvement and education and two other functions. Skip Richards has been reducing all the information into something they can all digest, which is not a small task.

Browne asked if a budget has been approved to pay the invoices and if the Planning Unit has had a full vote on requesting the work to be done. Ross stated the money was put up by the County Council in the amount of $10,000 for caucus support. The Planning Unit understood it was to be for nongovernment caucus support. The private well owners and nongovernment water system caucuses were the only two caucuses interested in the funding. It has taken them several months to figure out what the process was that was used in the past.

Browne asked if the invoice from Catalyst was for work done that was requested by the Planning Unit.

Weimer stated this was work done for one caucus, not the Planning Unit.

Ross stated the nongovernment water systems caucus contracted with Skip Richards of Catalyst Consulting, to do this work. He billed the nongovernment water systems caucus.

Browne stated the County government is not in the practice of backdating approvals for work that has been done. He wants to see the spending authority for the work. Ross stated the money was set aside and there is a whole application process for funding.

Brenner stated the money was set aside to allow caucuses to do mailing and paying for postage. She is concerned that he is already working for that group. She would consider it if the Planning Unit supported the application.

Twitchell stated the Planning Unit never knew what the caucus support was supposed to be for. Skip Richards has done more support work for the Planning Unit than anyone else. He has been extremely helpful. He has been providing the staff support the Planning Unit didn’t otherwise have. That contract was with the caucus, not the Planning Unit.

Weimer stated he’s fine with the Planning Unit discussing what the process ought to be. However, the Council doesn’t approve contracts. The Council shouldn’t be in the position of approving every invoice. Ross stated this package would be in the contract, and the invoice would go to Mr. Stoyka.

Mann stated he’s uncomfortable giving caucus facilitation support in principle, as discussed. He would rather give clerical support to the Planning Unit. It’s not obvious why County government would pay for postage and caucus communication. His higher priority is the entire Planning Unit.
Weimer stated one thing to talk about is whether or not they should get rid of the caucus structure.

Twitchell stated the County gets the Planning Unit with the caucuses, or it gets something that is not the Planning Unit.

Browne stated the County government is regulated by State law in the way it issues contracts and spends money. The idea of someone submitting an invoice to the County, with their version of a contract, and asking the County to agree, is completely outside any governance structure or the way the County works. At the very best, assuming the County approves, the caucus does projects like this, it has to go through the normal administrative process of the County to be in compliance with State law. The County doesn’t have the ability to do this.

Weimer stated they did previously. As a caucus member, he had an agreement with the County that if he did certain things that were written in an agreement and that meet purchasing requirements, he would get reimbursed. They don’t have that system set up now.

Stoyka stated he suspects the application will be resubmitted since they’ve amended their funding request.

Ross stated the previous process was in compliance with State law. He doesn’t know that State law has changed. Regarding Councilmember Mann’s point, a big difference between a caucus and assigning someone to represent all well owners is that the person isn’t responsible for actually representing the well owners. They would represent their own well. With the caucus structure, there is an expectation that the person reaches out to other well owners. That is a lot to ask of an individual. It quickly gets expensive. They need a caucus structure to get community support.

Mann asked if there are any other situations in which they need to make decisions, have representation, lobby in Olympia, lobby to the Council, or coordinate anything. Ross stated there aren’t any of those situations. This request is to help the caucus function and do outreach.

Mann stated he assumed there was a formal association that accepted member dues to pay for those tasks. Ross stated that is how it functioned in the early 2000’s. The caucus got money from caucus support funds and also raised revenue from within the caucus. However, now they’re starting over. They don’t have the funding base now. They need to reestablish it.

Twitchell asked if the Council supports the Planning Unit taking a vote on paying the secretarial request, and then let the Council discuss the legalities of contract work with this caucus separately.

Weimer stated any input from the Planning Unit will be helpful. Then the Council will have to discuss whether it can move forward on work that has already occurred, for which there was no agreement.
Browne stated an advisory committee structure is significantly cheaper than a caucus-driven structure, which requires money for caucus outreach, inviting people to serve in a caucus role, and going through an appointment process that ensures the caucus member represents the majority view of its members. That's an ongoing expense. It wouldn't surprise him if it cost a couple hundred thousand a year just to run the caucus structure with authority. They have to validate that the person is representing the caucus.

Twitchell stated one structure is the Planning Unit, and the other structure is not the Planning Unit.

Browne stated that they can get the intention and benefits of the Planning Unit in an advisory group structure at a much lower cost.

Ross stated he strongly disagrees with that.

Brenner stated she also strongly disagrees with that. The Planning Unit worked. It needs some fixing now, but these comments should go to the Planning Unit to work on. This is about the money allocation. Some of the caucuses weren’t able to mail information out to many members, but some of them wanted to do that. There wasn’t a discussion about paying for a consultant for an individual caucus. She wants to hear from the Planning Unit about what they think will work best with the limited amount of money. The Council can check to see what is legal.

Weimer stated the Council needs to create some limits. Back in the day, the County spent $50,000 per year for caucus support. That only lasted a year or two.

Brenner stated that was for facilitators. They don’t need a facilitator anymore. They need someone to do the clerical work.

Weimer stated the next step is to get the Planning Unit work plan and budget ideas to the Council. The Council needs to decide if the relationship with the Planning Unit will become advisory.

Whitmore stated that when the Planning Unit was developed years ago, the caucus structure gave more power to the people, not to the government, which would be running the process. They kept checks and balances on the bureaucracy that was helping the Planning Unit write the plan. That is the importance of an autonomous caucus structure.

Ross stated the caucus structure will give the Council a lot of outreach for the difficult decisions and expenses that are coming up regarding water issues. It’s less likely that people will be blindsided.

Browne stated there is a financial cost to give the body a legitimacy through outreach and selection of caucus members. The Council must decide if that cost is best spent on supporting that structure or on spending it elsewhere.

Isis stated there is a cost to it. The County received only one application so far from all the caucuses. The caucuses are taking on most of that cost. There are a lot of costs that the other caucuses are contributing to provide that representation, without asking the County for money. The County is getting a good benefit with that representation.
5. **UPDATE ON POLLUTION IDENTIFICATION AND CORRECTION PROGRAM**

(Clerk’s Note: This item was not discussed.)

**ADJOURN**

The meeting adjourned at 12:42 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  
Special Committee of the Whole  
  
October 27, 2015  

CALL TO ORDER  
  
Council Chair Carl Weimer called the meeting to order at 1:30 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  
  
1. DISCUSSION REGARDING THE PROPOSED RESOLUTION APPROVING THE WHATCOM COUNTY 2016 ANNUAL CONSTRUCTION PROGRAM (ACP) (AB2015-305)  
  
Jon Hutchings, Public Works Department Director, gave a staff report and stated this document is the precursor to the budget document. If the Council agrees on this document, the Council will introduce it tonight and schedule a public hearing on November 10.  

Mann stated this was discussed in committee, and the committee voted to add the Lakeway Drive corridor preliminary engineering study. He wanted to remove project R31, the $400,000 Lakeway crosswalk project, but the committee deadlocked on that vote. That’s why this discussion is in the Committee of the Whole today. He moved to remove item 23, project R31, from the annual construction program. The motion was seconded.  

Mann stated they have talked a lot about the crosswalk. It’s not a comprehensive solution. It’s a solution driven by members of the public. The objective criteria they use to evaluate these types of requests do not merit granting this request at this time. He foresees having to turn down any similar future requests that are based on popularity and are arbitrary. He sympathizes with the residents. It should be done as part of the corridor study. He wants a project the County Engineer can recommend. Do the corridor study first and come up with a comprehensive study.  

Browne stated he wants to see that any project is in accordance with safety standards, so the County’s engineering staff can approve it. There is conjecture about whether the concerns of the engineering staff are valid. He suggests getting an independent assessment of the safety of the project and whether any design would improve safety in the area. He does not want to put in a crosswalk that would reduce safety, according to nationally-accepted standards.
Weimer asked the scope of the corridor study and if the study would include a recommendation for the best location for a crosswalk between Birch Street and cable Street. Hutchings stated a corridor study would address that question and all multimodal questions. That road was built to rural standards many years ago. Over time, the community built up around that existing level of service. That fact demands improvements to the roadway. The question is whether or not those improvements are done one at a time, without consideration of the overall integrity and service level of the urban level of service. The plan for a crosswalk in this location does not meet national standards, and puts certain liability on the County that would not otherwise exist. For those reasons, it’s better to look at the corridor as a whole.

Weimer asked if the Whatcom Transit Authority (WTA) recommendations on better locations for bus stops would impact a decision on where crosswalks would go. Hutchings stated that’s correct. WTA has standards it must adhere to, based on need and use. The County Engineer has talked with WTA recently to ask that question. If the appropriate facilities are developed along the corridor, it changes the warrant calculation, whether or not they are successful in petitioning WTA to develop that transportation corridor in such a way those facilities are built. He can’t be certain that will happen. If the Council wants to consider the broader use of the corridor and make design parameters around improved multimodal facilities, the conversation becomes bigger and involves more people. It’s a more responsible way for approaching the problems.

Weimer stated the location can’t meet warrants because not enough people cross the streets, and WTA doesn’t want to put in a bus stop because people aren’t riding the bus. However, people won’t cross the street and ride the bus because it’s dangerous. People don’t ride the bus because there’s no bus stop now. He asked how that’s accounted for.

Joe Rutan, Public Works Department, stated the location meets 10 to 20 percent of the required warrants, so a few more people won’t make a difference.

Brenner stated she watched the intersection for two hours. No way is anyone going to try and cross the road in that area because of all the traffic. The Council has gone against warrants in the past. Don’t hire someone else to study it, because the Public Works Department will hire that contractor anyway. The cost for the crosswalk would be less than they’re told. It’s a horrible area to try and cross the road. There are many houses in the area. The traffic will only get worse. It’s time to make sure this gets done.

Kremen stated the Council has been dealing with this issue for some time. He’s frustrated. They have gone against warrants before. Now it seems to be a threshold that the staff refuses to cross. It makes sense to do the project, it won’t be prohibitively expensive, and residents in the area will be able to traverse from one side of the street to the other. It may not guarantee safety forever, but it will address the majority of the problem. It could be incorporated into a larger plan in the future. He doesn’t understand the strong push-back on this issue. This crosswalk does not preclude a corridor study. The community created this urban environment out there. It’s only fair and reasonable to implement this reasonable, modest crosswalk project at a reasonable, modest price. Move on and conduct the study.

Sidhu stated he agrees with Councilmember Kremen. They install crosswalks now, and still things happen at them. At every stoplight, there is a crosswalk. There will always
be accidents. A $400,000 budget for a crosswalk is too high. They can also do the corridor study.

Browne stated he doesn’t have a problem installing safer measures to go to a higher level of safety. He's concerned about installing anything that lowers the overall safety standard. A third-party evaluation will be useful because this issue has become so contentious. They could even invite the citizens to be involved in the selection process for an independent engineer.

Kremen stated he disagrees with Councilmember Browne. The City of Bellingham put in a more questionable crosswalk on Barkley Boulevard at the top of the hill in an area with impaired sight distance and a fast speed limit. A crosswalk on Lakeway Drive would be much safer. They won’t create a more dangerous situation.

Brenner stated they are not thinking about the growing population of seniors who will want to cross the street, but who won’t want to ride bicycles. There should be more crosswalks along Lakeway Drive as long as there is sight distance. They can make it work and make it safe.

Browne stated that if the City of Bellingham has built a crosswalk that is unsafe, it’s not justification for the County to also build one. If a crosswalk is built according to national standards, and a car hits a pedestrian at the crosswalk, the liability falls on the driver. If they build a crosswalk that is below national standards and a car hits a pedestrian, the liability can fall on the County. That’s his concern.

Brenner stated the County pledged to do things to help people get out of cars. If they design a crosswalk correctly, drivers will stop.

Weimer asked if the staff can do the corridor study in the first half of 2016 and the crosswalk study in the second half of 2016. Hutchings stated they can construct a crosswalk in 2016 or they can conduct a corridor study. It’s not reasonable to think they will complete a corridor study and build a crosswalk in the same year.

Weimer asked if they performed the corridor study in 2015. Hutchings stated the staff provided an initial response to the Council regarding whether or not a crosswalk was warranted and the safest location for a crosswalk, regardless of whether or not it met warrants. The staff has been consistent in its response that it does not meet warrants. However, if they are going to build a crosswalk on that section of Lakeway Drive, the safest location would be at the intersection with Oriental Avenue. Staff has been consistent in its response, but ultimately the decision is the Council’s. The Department will construct the safest crosswalk it can at the location the Council chooses. All their research has been done openly and with full disclosure. They asked the City of Bellingham to review their warrant analysis for accuracy.

Weimer asked if the cost of $400,000 can be reduced. Hutchings stated the cost includes the signal, crosswalk, drainage, sidewalk work, and to properly make the crosswalk Americans with Disabilities Act (ADA) compliant.

Brenner stated they can install the crosswalk now and install sidewalks later.
Mann stated that if the Council votes to include the crosswalk project, he would be content to remove the corridor study. It is one or the other, not both. Hutchings stated that if the Council desires to have the crosswalk installed, he prefers to not do the corridor study until a future year.

Sidhu stated there are many ways to create a crosswalk, not just one way. Hutchings stated ADA mandates certain construction standards when these kinds of facilities are built. The County and City of Bellingham have a list of compliance retrofits. All new facilities must be built according to those construction standards.

Brenner stated they don’t have to do all that stuff in addition to the crosswalk.

Rutan stated the $400,000 cost includes modifications of the sidewalk for a curb ramp that is deep enough to accept a wheelchair, right-of-way purchase, adding impervious surfaces, and possible stormwater treatment. They expect the cost will come in less than that. The draft estimate is less than $400,000 for a quality crosswalk that includes advanced notification and ADA features.

Hutchings stated that in the construction program for 2016, there is a project that includes a crosswalk at Parkstone Lane at a level of safety consistent around the county and around the city. They know it doesn’t meet warrants. The level of safety is for those people standing on the curb looking across the road, not the other users. The money is budgeted. They have to do a certain amount of ADA work and stormwater treatment work. If the Council wants staff to move forward regardless of the risk management question, it must give staff that direction.

Sidhu stated he supports the proposal to delay the corridor study until they are ready to do the construction. The factors of the study may change in five years.

Weimer asked where staff will build the crosswalk if the Council approves the project, and if the safest location is Oriental Avenue. Hutchings stated that is the safest location, but they will built it wherever the Council directs them to build it.

Weimer asked if Mr. Hutchings wants the Council to tell the staff where to build the crosswalk. Hutchings stated he does want that direction from the Council.

Browne stated he supports improving pedestrian facilities in the area. However, the Council just had to approve $91,000 that a previous engineer did that didn’t solve a problem. If they are going to vote, he will abstain. He doesn’t support a crosswalk that doesn’t meet safety warrants.

The motion to amend failed by the following vote:

**Ayes:** Mann and Weimer (2)

**Nays:** Buchanan, Sidhu, Brenner, and Kremen (4)

**Abstains:** Browne (1)

Sidhu moved to remove the engineering study, item 24, project R32. They may not use the study for a while, so there isn’t a reason to spend money on it. The motion was seconded.
The motion to amend carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Weimer stated he would like the crosswalk located at the safest location in that general area. He understands many people may potentially want a crosswalk at Oriental Avenue. When moving forward, locate the crosswalk in the safest place from Lowell Avenue to Oriental Avenue.

Brenner stated there is more sight distance at Parkstone Lane.

Mann stated the councilmembers should not choose a location based on their anecdotal experiences. They need a different process for that.

Browne stated he agrees with Councilmember Mann about the councilmembers not choosing the location.

Sidhu stated he also agrees.

Weimer stated provide staff a range of areas where the crosswalk could be.

Kremen asked if staff does not feel comfortable recommending a crosswalk at any location. Hutchings stated that’s correct.

Kremen asked why they would do a study for something they will never feel comfortable doing. Hutchings stated the study is not specifically about where to place a crosswalk. The study is about how to improve the entire corridor to urban standards, that include pedestrian, bicycle, transit, and vehicular uses.

Kremen asked if staff doesn’t want to provide any consultation or opinion on where the safest location for a crosswalk would be. Hutchings stated that work has been done, and is in the Council packet. There is a study that has recommendations that answer the question Council asked some time ago about where the safest place for a crosswalk is, regardless of whether the crosswalk would meet warrants.

Kremen stated those results were created in a vacuum, because they don’t consider where the use would be. He would like to know where the demand is.

Rutan stated the study they did considered several locations and crosswalk options. Council asked what the staff would recommend, so staff recommended a full signal at Oriental Avenue, because it would be the safest. Staff provided the Council different options to choose from. The staff’s recommendations have been consistent. Staff tried to find a warrant for this location to meet. Staff is not against what the community wants, and they did a lot of work trying to come up with evidence on which they could make a recommendation that would make everyone happy and be successful. However, they couldn’t do that. They were not able to find a warrant on which to base such a recommendation. The staff just make recommendations. They’ve made a recommendation that has been consistent and clear. They’ve also provided options to the Council on how to proceed.
Kremen stated the Council approved a stop sign not long ago that did not meet warrants. Staff’s statements have been consistent. Hutchings stated staff did not recommend it.

**Brenner moved** to locate the crosswalk at the safest place in the area as determined by the Public Works Department.

Weimer stated they already determined the safest location at Oriental Avenue.

Brenner stated she won’t say Oriental Avenue. It will be up to them.

The motion was seconded.

The motion to amend carried by the following vote:

- **Ayes:** Buchanan, Sidhu, Brenner, and Kremen (4)
- **Nays:** Mann and Weimer (2)
- **Abstains:** Browne (1)

Browne stated he read the materials, and staff’s statements have been consistent all along. When doing a final vote, he would like to vote separately on projects R5 and R8.

Weimer stated they will consult with legal staff about their ability to vote on those projects separately. Rutan stated legal counsel recommended keeping one ordinance, and just taking two separate votes.

**Brenner moved** to introduce as amended. The motion was seconded.

The motion carried by the following vote:

- **Ayes:** Browne, Buchanan, Sidhu, Brenner, and Kremen (5)
- **Nays:** Mann and Weimer (2)

**OTHER BUSINESS**

There was no other business.

**ADJOURN**

The meeting adjourned at 2:45 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
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 discussion regarding the proposed resolution approving the Whatcom County 2016 Annual Construction Program (ACP) (AB2015-305) during the Special Committee of the Whole meeting.

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through six. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

Nays: None (0)

1. BOARD OF HEALTH FOR MAY 5, 2015

2. REGULAR COUNTY COUNCIL FOR JUNE 9, 2015

3. SPECIAL COMMITTEE OF THE WHOLE FOR JUNE 23, 2015

4. REGULAR COUNTY COUNCIL FOR JUNE 23, 2015

5. BOARD OF HEALTH FOR JULY 14, 2015

6. SPECIAL COUNTY COUNCIL FOR AUGUST 4, 2015
PUBLIC HEARINGS

1. RESOLUTION APPROVING THE SALE OF AN ACCESS EASEMENT OVER WHATCOM COUNTY-OWNED PROPERTY (AB2015-309)

Weimer opened the public hearing, and hearing no one, Weimer closed the public hearing.

Brenner moved to approve the resolution. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

OTHER BUSINESS

Weimer described the Council’s role in approving the contract that contained a task to produce and mail an informational flyer to voters regarding the proposed new jail.

Jack Louws, County Executive, submitted and read from handouts (on file) including a memo to the Council dated October 27, 2015 regarding the Whatcom County Community Report on the Whatcom County Jail.

(Clerk’s Note: Discussion continued after the Open Session.)

OPEN SESSION

The following people spoke:

- Bob Burr spoke about the jail sales and use tax ballot measure community report mailer.
- Dena Jensen spoke about the jail sales and use tax ballot measure community report mailer.
- Marion Beddill submitted a handout (on file) and spoke about pollution and phosphorous removal facilities in the Lake Whatcom watershed.
- Barry Wenger spoke about the Wildlife Advisory Committee members.
- Christine Morrow, NAMI Whatcom County, spoke about the need for more behavioral health services in Whatcom county and the sales and use tax ballot measure.
- Theresa Hertz, National Alliance on Mental Health (NAMI) Whatcom County, spoke about the need for more behavioral health services in Whatcom county and the sales and use tax ballot measure.
- Pat Alesse spoke about the sales and use tax ballot measure.
- Dale Newman spoke about funding and building a new jail.
- James Peterson spoke about the jail sales and use tax ballot measure community report mailer and behavioral health services.
Joan Dow spoke about the jail sales and use tax ballot measure community report mailer.

Maureen Dunaway spoke about the jail sales and use tax ballot measure community report mailer.

Sandy Robson spoke about the jail sales and use tax ballot measure community report mailer.

Ray Baribeau spoke about the jail sales and use tax ballot measure community report mailer.

Jean Chadwick spoke about restorative justice in the school districts and the propose new jail.

Wendy Tarkin spoke about the jail sales and use tax ballot measure community report mailer, the proposed new jail, and behavioral health services.

Doralee Booth submitted and read from a handout (on file) and spoke about the proposed new jail and the jail sales and use tax ballot measure community report mailer.

Theresa Erickson spoke about the jail sales and use tax ballot measure community report mailer.

Irene Morgan submitted and read from a handout (on file) and spoke about the jail sales and use tax ballot measure community report mailer. The following speakers continued to read from the handout submitted by Irene Morgan:
- Deborah David
- Karen Price
- Joy Gilfilan

Doug Gustafson spoke about the proposed new jail.

Sherry Lambert spoke about the proposed new jail and behavioral health services.

Everett Barton spoke about the proposed new jail.

Tyler Ryan spoke about the jail sales and use tax ballot measure community report mailer and County contracts with ReSources.

Brooks Anderson spoke about the jail sales and use tax ballot measure community report mailer and the proposed new jail.

Carol MacDonald spoke about the proposed new jail and the jail sales and use tax ballot measure community report mailer.

Alan Hall spoke about the jail sales and use tax ballot measure community report mailer, the proposed new jail, and behavioral health services.

Deborah Hawley spoke about the proposed new jail and jail reform.

OTHER BUSINESS

Mann stated there needs to be an investigation after the election. The Council should not be seen as influencing anything at this point. He has not supported the jail tax. The problem with the mailer is that it uses taxpayer dollars to influence an election. That is not acceptable. The mailer was biased, misleading, and inaccurate. It had the wrong proposition number. It wrongly indicated that Bellingham has agreed to the jail use agreement. Two current candidates for office appeared in the mailer. Until last week, he had respect for the County administration. However, this was a deliberate program. They knew they were at the edge of ethics, and there needs to be an investigation about what
happened. He would like to know the administration’s goal for the mailer, why it was timed to arrive with the ballots, why they used a voter list, and who authorized the content. No one thinks this was an unbiased mailer. This was propaganda.

Brenner stated the mailer was a mistake. She has no idea whether or not it was intentional. She supports the new jail proposal. She’s concerned that this mailer will create so much controversy that it will hurt the jail proposal. As a person with a mental illness, she’s impressed with the jail design, and is appalled by the existing jail facilities. Services will be provided for people with mental illnesses and substance abuse. The County has done much to improve mental health and substance abuse services, but they get no media about it. There is going to be a new triage center, and all the new services have to be in place when the new jail opens. Don’t imply they are doing nothing except letting all the money go to the jail. That’s not what’s going on. People must take the time to know more about the issue. She hopes people will deal with what the County needs, and not the side issues. She agrees there needs to be an investigation about the mailer. When she agreed to the contract, she assumed they would work on the ballot statements for the voters pamphlet. The mailer doesn’t appear to be neutral. She hopes people will focus on the real issue of the jail.

Weimer stated it’s a gray area for the Council to talk about ballot measures one way or another. They can talk about the mailers, but not about being in support of the ballot measure one way or another.

Browne stated that at the end of the day, they have a document that has errors in it. It talks about the cities and County agreeing. There is misrepresentation because it talks about Proposition 1, instead of Proposition 2015-1. There is indifference to the inmates by the use of inmate images. He assumes those inmates will want to reenter society at some point. He doesn’t know whether they gave their permission to have their pictures sent to every household in the community. He also sees what he believes to be several breaches in State law. When one runs a large business, there are a lot of areas that a person touches that they don’t have direct experience. One way to evaluate the people hired as contractors or service providers for this work is to look at the work they do in which one does have direct experience. From his business experience, this is a document that is poorly done. It’s an unprofessional marketing document. It is full of inaccuracies. It brings into question the experience level of the people at DLR, whether DLR bid the contract on the basis of providing their experts and most competent people, and whether the work was then done by inexperienced staff. If that’s true, it raises questions about the quality of the rest of the work the County gets from DLR.

Kremen stated this episode is sad, because the Whatcom County organization is excellent overall. They have a lot of things they need to do that require support from the County’s constituents. He doesn’t believe that anyone set out to do anything illegal. He is concerned about the County Council’s reputation. The County Council technically has some culpability, but none of the councilmembers had any knowledge of what went on. The Council never would have approved what was mailed, when it was mailed, and to whom it was mailed. The content could have included more about the opposing point of view. He doesn’t think the mailer will make a difference with the election. Those who are upset about the mailer are likely to oppose the ballot measure anyway, and vice versa. The mailer won’t have much impact on the election, but it impacts the public trust.
Weimer stated he has concerns about the content and timing of the mailer and the lack of communication with the Council. There isn’t a lot the Council can do about the mailer. There’s been at least one complaint filed with the Public Disclosure Commission and possibly the County’s Ethics Commission.

Jack Louws, County Executive, stated it has never been his intent to do anything incorrectly. As the Executive, he is responsible for the delivery and publication of the informational mailer. He received notification this afternoon that the Public Disclosure Commission is doing a preliminary investigation, and asked for his response by November 10. He will work cooperatively with the Commission and through any resulting concerns brought up related to it. He appreciates all the concerns and comments related to the mailer.

Dave McEachran, Prosecutor, stated two of his attorneys reviewed this matter when Executive Louws asked if this would be lawful. He represents all of Whatcom County. He talked to the Public Disclosure Commission, but they do not give opinions on this. He reviewed past opinions of the Commission and determined this flyer fell within the guidelines. They also reviewed a Skagit County flyer and other ballot measure flyers from the school districts.

Mann stated this is not on the agenda. It’s not part of their investigation. The administration will have its chance to state its side of the story. It’s not appropriate to do that right now.

Browne stated he would like to hear Mr. McEachran.

Kremen stated he would also.

McEachran stated legal counsel looked at this flyer, the Skagit County flyer, and other flyers that relate specifically to ballot measures. One of the propositions from the Public Disclosure Commission indicates that it is not only the right, but the responsibility, of local government to inform the public on issues that come up on the ballot. He felt that this flyer fell within that guideline and determined it is appropriate. This is not something Executive Louws did without consulting legal counsel.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through five.

(Clerk’s Note: The Council took a break at 8:50 p.m. to 8:53 p.m. Councilmember Sidhu left the meeting.)

Browne reported again for the Finance and Administrative Services Committee and restated his motion to approve Consent Agenda items one through five.

Weimer withdrew item five.
The motion to approve Consent Agenda items one through four carried by the following vote:

- **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
- **Nays:** None (0)
- **Absent:** Sidhu (1)

1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND FHB CONSULTING TO INCLUDE THE NEW GOALS OF POLICY FRAMEWORK AND PROCEDURES FOR GOVERNING AND MITIGATING FOR CONVERSION OF AGRICULTURAL LANDS, AND SCALE UP AGRICULTURE-WATERSHED CHARACTERIZATION AND MAPPING, IN THE AMOUNT OF $112,600 (AB2015-312)

2. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND HERRERA ENVIRONMENTAL CONSULTANTS, INC. FOR UPDATING THE CAPITAL PROJECTS SECTION OF THE LAKE WHATCOM COMPREHENSIVE STORMWATER PLAN, IN THE AMOUNT OF $137,157 (AB2015-313)

3. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #15-62 AND ENTER INTO A CONTRACT FOR THE EAST WHATCOM REGIONAL RESOURCE CENTER HVAC UPGRADES TO LOWEST BIDDER, HILLCO CONTRACTING, IN THE AMOUNT OF $91,842 (AB2015-314)

4. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE PURCHASE OF THREE HALF-TON CREW CAB 4WD PICKUP TRUCKS FROM VENDOR CORWIN FORD, USING WASHINGTON STATE CONTRACT #03813, IN THE AMOUNT OF $97,329.49 (AB2015-315)

5. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM ALLIANCE FOR HEALTH ADVANCEMENT (WAHA) FOR FACILITATION SERVICES FOR THE INCARCERATION PREVENTION AND REDUCTION TASK FORCE, IN AN AMOUNT NOT TO EXCEED $150,000 (AB2015-316)

Browne reported for the Finance and Administrative Services Committee and stated the committee recommends amendments.

Weimer stated he spoke with Anne Deacon at the Health Department, who provided additional information. He prefers to revert back to the original proposed contract that is in the Council packet.

Anne Deacon, Health Department, submitted information *(on file)* and stated the contract has been signed by the Whatcom Alliance for Health Advancement (WAHA) Chief Executive Officer (CEO). If the Council changes it, they will have to start over. She understands the concern with item 16. They included language about seeking consultants because the Task Force discussed it. They included language about additional funds because the Task Force is a 23-member entity that has a lot of requests. They wanted to add flexibility in case the Task Force insisted on having a consultant that was out of the
control of the facilitator. It didn’t seem reasonable to hold the facilitator accountable for something they may not be responsible for. The language as it is doesn’t allow WAHA assurance of anything. It just allows them to seek additional money to cover a consultant with Council approval.

Browne reported the concerns of the Finance and Administrative Services Committee being that the contract is open-ended and the money could be rapidly-consumed, allowing for requests for more money. He also has concerns that it doesn’t say how much time and money will be spent to ensure the information provided by the Task Force is verified and reliable. Deacon stated it is open-ended because the Task Force has not done much work. The Task Force is a diverse group with many opinions and levels of expertise. It’s up to the Chairs and Task Force to work with the facilitator on direction. Making the contract too prescriptive doesn’t allow the Task Force to be fluid. There has to be a balance. They also did background work and created the Gantt chart for the different phases required by the ordinance. They also worked on the approximate number of hours to be spent on those activities that area listed. Much of the background work has been done, but she didn’t put it into the contract, because it would be very prescriptive, and it would have to be amended every time the Task Force went into a different direction.

Brenner stated she feels strongly that this group must be able to come up with things that people can agree on. She’s concerned that it’s really open-ended. She doesn’t want them to think they can spend the money and come to the Council for more. Deacon stated they don’t think that way. There is a clear expectation. That’s why the tasks were outlined and the hours required to accomplish the goals are budgeted. The facilitator knows they can’t come back and ask for more money for their work. This is the amount they get, and they still have to bill it as work is done. They don’t automatically get the money.

Brenner asked if the Task Force approves things by majority or consensus.

Mann stated they approve votes by majority. He doesn’t know what process there is for the Task Force to hire extra help. He assumes the Task Force would have to approve such a request, so there is one layer of approval that prevents WAHA from hiring a contractor without approval. He’s aware of the costs. The Executive’s designee is also on the Task Force. The Task Force won’t burn through a bunch of consultants.

Brenner stated that she voted to appoint people on the Task Force based on their expertise. Item 16 was a surprise. Hiring an expert consultant isn’t necessary given the wealth of expertise on the Task Force. Deacon stated she cannot think of an expert consultant they need at this time. There may be something that comes up that they simply know nothing about, but the Health Department has done significant research on all the behavioral health best practices. The Prosecuting Attorney’s Office and Public Defender’s Office have looked at many other legal issues. It’s really a matter for the Task Force to start looking at those in a sequential way to determine what they can implement, what makes sense, and what it would cost.

Kremen stated he is concerned about the process of bringing forward a contract that has already been signed by the contractor, which may allow the contractor to hire consultants. Leaving it in the contract gives the impression to that group that the Council has approved them hiring more consultants. They should instead try to avert consultant costs. Deacon stated it is standard practice to have the contractor sign the contracts before
they come forward. The County still administers the contract. If they determine that a consultant isn’t needed, the contractor can’t hire a consultant.

Kremen stated he will reluctantly support the contract and move forward since Ms. Deacon oversees the contract.

Weimer stated the level of detail in the information that Ms. Deacon sent in preparing the contract satisfies his concerns. He has a lot of trust in Ms. Deacon and WAHA. He moved to approve the contract as it is presented in the Council packet. The motion was seconded.

Browne stated he will support the motion. There are two minor issues. First, the fact that it is signed by the other party should not be an impediment to the Council from changing it. That is just a convenience. He expects that any party understands it is still subject to Council approval, and it may come back with amendments, which they can accept or reject. Second, they have now hired their second or third facilitator for groups. If they are going to do this on an ongoing basis, it should be an in-house position. It would be much more cost-efficient.

Brenner stated she also trusts the Task Force, but the language doesn’t feel right. She will support the motion.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Sidhu (1)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, ELEVENTH REQUEST, IN THE AMOUNT OF $208,657 (AB2015-308)

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, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Sidhu (1)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT (WCFCZD) AND SUBZONES TO CLARIFY THAT THE WCFCZD WILL ADOPT BUDGETS ANNUALLY, AS REQUIRED BY STATE LAW (AB2015-311)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)
**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.

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*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 (6)

**Nays:** None (0)

**Absent:** Sidhu (1)


*Mann* reported for the Planning and Development Committee and **moved** to approve the request.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** None (0)

**Absent:** Sidhu (1)

4. **RESOLUTION REQUESTING THE COUNTY EXECUTIVE DEVELOP SPREADSHEET MODELS TO MAKE IT EASIER FOR THE WHATCOM COUNTY COUNCIL, THE CITY OF BELLINGHAM, AND OTHER INTERESTED PARTIES TO UNDERSTAND THE IMPACTS OF THE VARIOUS PROPOSALS RELATED TO A NEW LONG TERM JAIL FACILITY USE AGREEMENT (JFUA) (AB2015-295)**

*Browne* stated his intent is to address a couple of key questions and to eliminate any misunderstandings or concerns that people were working with different numbers.

*Brenner* stated she doesn’t support the resolution. The timing is not good. Wait until after the election. They’ve already approved an option that is on the ballot.

*Browne* stated this does not propose other options. In the process of listening to the discussions and attending the City of Bellingham meetings to listen to the public hearings, it became clear there are areas of misunderstanding on three key points. The first is the City of Bellingham’s actual use of the jail. The second is the impact of the City’s proposed financing options. The third point is about the assumptions used to determine the size of the jail. The point of this resolution is simply to capture all the data, put it into a model, and to allow someone to easily see the impacts of model variations. Two people with opposing views can immediately see answers to their questions. Such a spreadsheet allows that analysis as they’re having the discussion. He doesn’t propose a different jail size, financing model, or jail use formula. He’s simply trying to give everyone the tool necessary so that everyone has the same knowledge and understanding. When considering different scenarios, it will be easy to understand the impacts. He **moved** to approve the resolution. The motion was seconded.

*Kremen* stated this proposal may be valid, but is premature. Wait on the outcome of the election. It may not be necessary. The election will tell them much about how to go forward.
Browne stated these are simply tools to bring people to a common understanding of the impact of various things, such as the City’s actual use of the jail. Until the parties agree, it’s difficult for the Bellingham City Council to agree to the County’s proposals. The City wanted a different jail financing model, and they must know that impact. He respects that they will understand the voters’ appetite for the current ballot proposal in a week. If they all believe they will build a new jail at some point, these questions have to be answered.

Brenner stated no one is saying they shouldn’t be answered at some point. Leave the work that has been done alone until after the election. It sends the wrong message. It’s time for the Council to stay out of it until after the election.

Weimer stated he supports the motion. He’s heard the same concerns from the City of Bellingham. A variety of people are not communicating. He also shares concerns that the timing may be off, but they also passed a resolution saying they want to continue talking with the City of Bellingham regardless of the outcome of the vote. If passed, they need clarity on the numbers. If the ballot measure doesn’t pass, the model may have to be different. Passing the resolution would put the City on notice that the County wants a mathematical model that can be changed to provide clarity on basic facts.

The motion carried by the following vote:

Ayes: Mann, Browne, Buchanan, Weimer (4)
Nays: Brenner and Kremen (2)
Absent: Sidhu (1)

5. RESOLUTION ESTABLISHING REGULAR COUNTY COUNCIL MEETING DATES FOR 2016 (AB2015-320)

Mann moved to approve the resolution. The motion was seconded.

Brenner stated this is not in the public interest to not have a more specific schedule. There would be more public participation if they designated the first and third or the second and fourth Tuesdays of the month, if not weekly.

Mann asked if the Council Office gets feedback from the other departments to change the dates.

Dana Brown-Davis, Clerk of the Council, stated they avoid election day.

Mann stated he would like to reschedule the summer break. Brown-Davis stated the County staff began taking a break in August so the department staff could prepare the budget during those last few weeks in August.

The motion carried by the following vote:

Ayes: Mann, Browne, Buchanan, Weimer and Kremen (5)
Nays: Brenner (1)
Absent: Sidhu (1)
COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. NOMINATION AND APPOINTMENT TO THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE-GEOGRAPHIC AREAS REPRESENTATIVE, APPLICANT: FRED “SONNY” KUNCHICK (AB2015-296)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Browne moved to appoint Fred “Sonny” Kunchick. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Sidhu (1)

2. NOMINATION AND APPOINTMENT TO FILL VACANCIES ON THE WILDLIFE ADVISORY COMMITTEE - APPLICANT(S): CHRISTOPHER KAZIMER, WENDY HARRIS, PAUL WOODCOCK, GUY OCCHIOGROSSO, CRAIG BROWN (AB2015-175A)

Brenner stated the current seven technical members should review the applicants and make recommendations on whom to appoint.

Browne stated he will read a statement into the record, because he was questioned on his position on the wildlife committee:

BROWNE: True sustainability is best achievable when something meets the test of equal environmental, economic and political sustainability. There is no greater goal I seek than stable sustainability - not the raucous tug-of-war where business wins one, then enviro’s the next and so on and so on.

If Whatcom County is to be better we have to move past the constant “we vs. they” mentality which is now what unfortunately defines sustainability efforts. We need people on boards and commissions from a cross section of interests who historically have had competing interests. It produces better recommendations, which are more likely to receive broad community support, and survive as legislative control flips back and forth between conservatives and progressives.

It takes courage to work together with mixed interests on committees like the wildlife committee we are now creating. I am not looking for appointees who will yell the loudest; rather I prefer committee members who will listen the longest and educate their colleagues about the others’ concerns. As a councilmember, I am looking for community plans that can attract broad support. My ideal committee is one where say members focused on environmental concerns and members focused on affordable housing will be able to join together to present a common vision to the Council on how to solve a problem.
The vision needs to include a solution to having more affordable housing in an appropriate area, which enhances our environment and provides great places for our kids to play. Environmental, economical, and political sustainability. Anyone who tips the scale in any one direction limits the chances of any stable sustainability and wastes the time and energy of all, with little potential for the committees work to go anywhere.

Browne stated he approached working on the Wildlife Advisory Committee with this philosophy. He was very strong and adamant that he wanted the committee to have a mix of professionally-trained people with environmental credentials, which they have achieved. They were fortunate that more than seven people applied for the seven positions. When discussing the formation of this committee, the idea was to fill the other four positions with people who would be directly impacted and may be normally considered as oppositional to efforts to put controls on land use and protection for wildlife and habitat. Two of the five applicants tonight meet the second criteria he seeks, which are Guy Occhiogrosso and Christopher Kazimer. He would like to support these two applicants and continue to look for two more who meet the criteria of being able to represent the interests of the development or construction industries. He wants those people to join the committee and work with the environmental interests to provide a recommendation everyone can live with. He moved to nominate and appoint Guy Occhiogrosso and Christopher Kazimer and continue seeking applicants for the remaining two positions.

Kremen seconded the motion.

Mann stated he’s concerned about picking and choosing through the applicants with the hope someone better will come along. It’s difficult to get people to apply for these committees in the first place. All the applicants seem like good, smart, and accomplished people. He would be happy to vote for four tonight.

Buchanan stated that in consideration of Councilmember Brenner’s idea of having the existing committee members look at the applications and make recommendations, there is still room to add people to the advisory committee if they desire. He would put all five applicants to the current advisory committee members for their consideration, if that’s the direction the Council wants to go. Otherwise, there is no reason to go that direction.

Browne stated he’s not looking for better applicants. They have five great applicants. He’s looking for people who meet the specific criteria of the other four positions, which was that they represent the economic interests impacted by the decisions of this committee. The other option is to ask the current committee members for their recommendations, leave it open for other people to apply, and deal with it in a couple of weeks. The original process discussed for the advisory committee is to not appoint these four people until six months after the technical committee has been meeting. There is no urgency to appoint these four positions.

Weimer stated the Council included a sunset date on the committee. If they wait six months, these positions will be appointed when the committee only has two months left to operate.

Browne stated this committee should be permanent.
Weimer stated he is prepared to vote for four people.

Kremen withdrew his second to Councilmember Browne’s motion. Move forward now and select four applicants.

Browne withdrew his motion.

Mann nominated all five applicants. Buchanan seconded the nomination.

Weimer stated he’s known Paul Woodcock for years. He was a supervisor for the Whatcom Transit Authority (WTA) for years until he retired. He’s been active leading bird trips. He can’t think of anyone else who has been involved in both sides and who really enjoys wildlife and gets along with everyone.

Browne stated he would only vote for two. He voted for Occhiogrosso and Kazimer.

Buchanan voted for Brown, Kazimer, Occhiogrosso, and Woodcock.

Mann voted for Harris, Kazimer, Occhiogrosso, and Woodcock.

Weimer voted for Harris, Kazimer, Occhiogrosso, and Woodcock.

Brenner voted for Harris, Kazimer, Occhiogrosso, and Woodcock.

Kremen voted for Harris, Kazimer, Occhiogrosso, and Woodcock.

The Council appointed Harris, Kazimer, Occhiogrosso, and Woodcock.

Browne stated he thanks all who applied. They all are fine people. He always appreciates people willing to serve on volunteer boards and committees.

INTRODUCTION ITEMS

Brenner moved to accept Introduction Items one through six, including substitute pages for Introduction Items one and six. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

Nays: None (0)

Absent: Sidhu (1)

1. RESOLUTION APPROVING THE WHATCOM COUNTY 2016 ANNUAL CONSTRUCTION PROGRAM (ACP) (AB2015-305)

2. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER’S DECISION ON APL2015-0005 FILED BY JACK SWANSON FOR DALE AND DAWN MARR (AB2015-279)
3. ORDINANCE ESTABLISHING THE STORMWATER FUND (AB2015-317)

4. RESOLUTION REGARDING WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT SIX-YEAR WATER RESOURCES IMPROVEMENT PROGRAM FOR THE YEARS 2016 THROUGH 2021 (AB2015-318)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

5. RESOLUTION AMENDING THE BYLAWS OF THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS (AB2015-319)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

6. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATED TO DEVELOPMENT REGULATIONS IN LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRDS) (AB2015-085A)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan reported for the Natural Resources Committee on the discussion regarding the Aquatic Invasive Species (AIS) Program (AB2015-324) and on the update on the Pollution Identification and Correction (PIC) Program (AB2015-321).

Mann reported for the Planning and Development Committee on the discussion regarding the proposed ordinance amending Whatcom County Code Title 20 and the Whatcom County Comprehensive Plan related to development regulations in limited areas of more intensive rural development (LAMIRDS) (AB2015-085A).

Mann stated there is not yet a tribal member on the Incarceration Prevention and Reduction Task Force. The Council sent the Tribes letters inviting them to join. He moved for the Council to give him permission to resend the letter to Tim Ballew and Bob Kelley.

Browne stated he’s talked to Tribal members who have expressed an interest in participating. He’s awaiting a response from the Lummi Law and Justice or Lummi Indian Business Council.

Weimer stated he’s talked to a number of people at the Lummi Nation who are interested. It’s a process thing. He’s happy to vote to invite them again.

Brenner stated they need to send the invitation to the Tribal chairs. It’s the proper way to do it.

Mann stated that’s what the Council did. The letters were originally sent to Bob Kelley, the Chair of Nooksack, and Time Ballew. He doesn’t know what happened on their
end, but the Council’s records show that the letters were sent. Informal feedback he received was a request for the Council to please resend the letter.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Sidhu (1)

Buchanan stated the Council’s new legislative analyst will begin next month. The Council must come up with a list of projects for the staff person.

Browne stated a suggestion was to get the staff person to review all the boards and commissions. It will be a good start. The Council doesn’t seem to hear from many of the boards and commissions. He would like to set up a schedule for reports and feedback.

Weimer stated Councilmember Kremen indicated someone in the Council Office needs to begin organizing the coal port issue that will come before the Council, including having discussions with Tyler Schroeder about the timing and whether the Code needs to be changed to allow the Council more time.

Brenner stated she attended an afternoon workshop on community food security. Regarding the discussion regarding the proposed ordinance amending Whatcom County Code Title 20 and the Whatcom County Comprehensive Plan related to development regulations in limited areas of more intensive rural development (LAMIRDS) (AB2015-085A), it is important to be able to allow larger grocery stores in LAMIRDs, particularly in the east County area. There should be an exception allowed for grocers in that area. The food needs to be nearby and affordable. If the store isn’t big enough, the food will be more expensive.

Browne stated he agrees. It’s also necessary as a component of disaster preparedness to have a large food retail outlet in that area, if the roads become blocked for some reason. The people will become isolated.

Weimer stated he agrees. He suspects it’s about the economics of placing a grocery store. They’re not going to subsidize a grocery store in the east County.

Brenner stated there was an issue of a large store that wanted to locate out there, but wasn’t allowed.

Browne stated they aren’t talking about subsidizing grocery stores. They are simply making sure land use laws allow it.

He reported that he attended the Nooksack Salmon Enhancement Association (NSEA) open house. He thanks the efforts of all the volunteers.

Brenner stated she also attended the open house for NSEA. It’s a wonderful new location.
ADJOURN

The meeting adjourned at 9:46 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 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 discussion with Chief Civil Deputy Prosecutor Daniel Gibson regarding potential litigation related to an agency contract (AB2015-018) in executive session during the Committee of the Whole meeting.

Weimer also announced there was discussion with legal counsel regarding Lake Whatcom TMDL (total maximum daily load) (AB2015-018) in executive session during the Committee of the Whole meeting.

Mann moved to accept the Lake Whatcom Total Maximum Daily Load clarification document submitted by the Washington Department of Ecology in their letter to the County Executive dated November 12, 2015, and consider the Lake Whatcom Total Maximum Daily Load dispute to be resolved, and request that the County Executive transmit a letter to the Department of Ecology stating such. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

Weimer announced vacancies on various County boards and commissions, including the Planning Commission.

SPECIAL PRESENTATION

1. PRESENTATION OF THE BEHAVIORAL HEALTH REVENUE ADVISORY COMMITTEE QUARTERLY AND ANNUAL REPORTS TO COUNTY COUNCIL (AB2015-117B)
Bill Elfo, County Sheriff, gave a presentation and stated this quarter focuses on services provided to youth and families through school-based contracts. Services are delivered in all seven school districts. The number of students who received services in the 2014-2015 school year was 1,361. The total number of contacts is 10,454, with an average of four to five contacts per student. Five hundred eighty two students were referred to mental health and/or substance abuse services. Total referrals equaled 1,004, and some students were referred more than once.

More than 90 percent of the students who received services experienced a similar or lower number of truancy issues, suspensions, absences, and discipline problems. Eighty-seven percent of the students maintained their grades. Total program funding last year was $627,000 and is $677,000 for this year.

Browne stated he supports the program. The more operative statistic is what is changing downward in terms of negative behavior, as opposed to remaining the same. He asked if there are numbers on how things have improved. Elfo stated the schools reported static or improvement. To keep antisocial behaviors from deteriorating and becoming worse is an accomplishment. Many youth deteriorate quickly when becoming involved in addiction or mental health disorders.

Browne stated he agrees. He would like to see how they are quantifying where certain programs are creating improvements. Elfo stated he will take that request to the Health Department staff to see if there is a way to quantify the results for next year’s report.

Brenner asked if there is an overlap in the mental health and substance abuse statistics. Elfo stated that information is in the report. Those students receiving both referrals were eight percent. Seventy-five percent of services are provided by school districts outside the city of Bellingham.

Weimer stated this is a good example of taking action earlier. Elfo stated the most recent Incarceration Prevention and Reduction Task Force meeting included a very good presentation on the effects of fetal alcohol syndrome, and how that affects future criminal behavior. Upstream efforts pay off big dividends in the end.

Brenner asked if this information is sent to the media. Elfo stated the Health Department sends it.

Browne stated the statistics within a year are interesting. The statistics that really show success are ones that show impacts over three to five years. Show the trend throughout the entire school experience. Elfo stated that would be a success, but an issue with quantifying success is whether the population is static or changes. Many kids come in and go out of the school districts.

Joe Fuller, Health Department, introduced Kate Foster with the Bellingham School District.

Kate Foster, Bellingham School District, stated many programs are available in the community to students, and many are funded by the one-tenth of one percent sales tax.
She is impressed with the prevention and intervention strategies for substance abuse, mental health, suicide prevention, and restorative justice. There is impressive data on handling kids with behavior problems differently and teaching them social skills rather than excluding them from school. She thanked the Council for the great things that are going on. The students in the high schools have case managers and liaisons to help with their referrals to mental health or substance abuse programs. Most middle schools and high schools have prevention clubs.

**PUBLIC HEARINGS**

1. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR 2016 (AB2015-329)**

   Weimer opened the public hearing and, hearing no one, closed the public hearing.

   **Brenner moved** to adopt the ordinance. The motion was seconded.

   Brenner stated they aren’t raising taxes.

   The motion carried by the following vote:
   
   Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
   Nays: None (0)

2. **ORDINANCE LIMITING THE 2016 GENERAL FUND PROPERTY TAX LEVIES (AB2015-330)**

   Weimer opened the public hearing and, hearing no one, closed the public hearing.

   **Browne moved** to adopt the ordinance. The motion was seconded.

   The motion carried by the following vote:
   
   Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
   Nays: None (0)

3. **ORDINANCE AUTHORIZING THE LEVY OF 2016 PROPERTY TAXES FOR COUNTY ROAD PURPOSES (AB2015-331)**

   Weimer opened the public hearing and, hearing no one, closed the public hearing.

   **Kremen moved** to adopt the ordinance. The motion was seconded.

   The motion carried by the following vote:
   
   Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
   Nays: None (0)

4. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR CONSERVATION FUTURES PURPOSES FOR 2016 (AB2015-332)**
Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Browne moved** to adopt the ordinance. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

5. **RESOLUTION ADOPTING THE 2016 BUDGET FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND SUBZONES (AB2015-335)**

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Browne moved** to approve the resolution. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

6. **RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2016 (AB2015-336)**

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Kremen moved** to approve the resolution. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)


(Council acting as the Point Roberts Transportation Benefit District Board.)

Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Kremen moved** to approve the resolution. The motion was seconded.

Brenner stated there doesn’t seem to be consensus in Point Roberts about what should be done with the money. She asked if this commits the Council to spending the money or just sets the money aside.
Joe Rutan, Public Works Department, stated the Point Roberts Transportation Benefit Committee asked the County to do some shoulder construction and an intersection analysis. They will look at different options for the intersection and make a recommendation with the Point Roberts Transportation Benefit Committee to the Executive and Council. There is a lot of opportunity to still work with the community.

Brenner asked how much it will cost to do the analysis. Rutan stated it will take a staff person a couple of days.

Kremen stated the feeling is that a new roundabout in Point Roberts would not be cost-effective at that intersection.

Brenner stated staff should also meet with the people in Point Roberts. Rutan stated they are working on what the Point Roberts committee proposed. They are working with the committee and will let the Council know when they meet with the committee again.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

8. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATED TO DEVELOPMENT REGULATIONS IN LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRDS) (AB2015-085B)

Weimer opened the public hearing, and the following person spoke:

Kristin Reid, Belcher Swanson Law Firm Attorney, stated her firm represents Doug Pullar and Sam Boulos, two property owners at the Smith Road and Guide Meridian limited area of more intense rural development (LAMIRD) area and the Birch Bay-Lynden Road and Valley View Road LAMIRD, respectively. Her clients are involved in litigation of the Hearings Board decision from 2013. The adoption of the proposed changes to the zoning code will resolve the litigation. The parties have already executed a settlement agreement. These changes are a term of the agreement. Adopt the ordinance as proposed.

Hearing no one else, Weimer closed the public hearing.

Mann moved to adopt the ordinance. The motion was seconded.

Mann reported for the Planning and Development Committee on this item. He supports the ordinance.

Brenner stated she hesitates due to size restrictions, but staff explained there is land in the area that allows a 35,000 square foot grocery store, which the community needs and has requested for years.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)
OPEN SESSION

The following people spoke:

- Roger Elliott submitted a handout (on file) and spoke about personal property tax exemption for farming equipment.
- Max Perry spoke about the proposed Comprehensive Water Advisory Committee (AB2015-363).
- Carol Alongi spoke about Opportunity Council funding, accountability, and oversight.
- Carol Perry spoke about proceeding with the new jail project.
- Everett Barton spoke about the request for more cars for the Sheriff’s Office.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through six, eight through 14, and 16.

Brenner withdrew item 16.

The motion to approve items one through six and eight through 14 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 BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE MILITARY DEPARTMENT TO SUSTAIN AND ENHANCE THE WHATCOM COUNTY SHERIFF’S OFFICE DIVISION OF EMERGENCY MANAGEMENT PROGRAM, WITH FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM, CFDA #97.042, IN THE AMOUNT OF $67,048 (AB2015-344)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY TO FUND SOLID WASTE COMPLIANCE MANAGEMENT AND LITTERING AND ILLEGAL DUMPING ENFORCEMENT SERVICES, IN THE AMOUNT OF $132,163 (AB2015-345)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY TO FUND OPERATION OF A FIXED TOXICS FACILITY USED FOR PROPER DISPOSAL AND RECYCLING OF MODERATE RISK WASTES AND THREE RURAL WASTE OIL AND ANTIFREEZE COLLECTION STATIONS, IN THE AMOUNT OF $341,320 (AB2015-346)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON
STATE DEPARTMENT OF ECOLOGY FOR ACADEMY ROAD STORMWATER IMPROVEMENTS, IN THE AMOUNT OF $424,310.03 (AB2015-347)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY TO FUND ADMINISTRATIVE AND ACTION PROJECTS FOR THE WHATCOM COUNTY MARINE RESOURCES COMMITTEE, IN THE AMOUNT OF $73,000 (AB2015-348)

6. RESOLUTION IN THE MATTER OF IDENTIFYING 2016 AND 2017 SALARIES AND BENEFITS FOR ELECTED OFFICIALS (AB2015-349)

7. RESOLUTION AMENDING RESOLUTION NO. 2014-067 IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES EFFECTIVE JANUARY 1, 2015, THROUGH DECEMBER 31, 2016 (AB2015-350)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution with the replacement page.

Mann stated he thought the councilmembers were to get a list of the department heads and their salary ranges.

Jack Louws, County Executive, stated staff emailed that information to the Council earlier in the day. He read the list of department heads from the email (on file).

Mann stated they discussed earlier whether the Clerk of the Council was a department head, and he thought the answer was that she is. Louws stated she is not.

Brenner stated some of the councilmembers are interested in making some changes, but they will bring it up another time. Louws stated the Council falls under the payroll hierarchy. If the Council Chair wants to review Council staff, the administration would conduct a rating and ranking of similar internal positions and external positions in other jurisdictions, and then recommend whether it fits the policy.

Sidhu stated the email from staff said they were getting rid of all the subcategories. Over time, they are trying to eliminate the subcategories. Louws stated that’s correct. They created some categories in the past to address some challenges, and now they’re trying to correct the categories. The reasons for the subcategories included a premium pay that has since been eliminated.

Mann moved to hold to December 8. The motion was seconded.

The motion to hold in Council carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

8. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AMEND THE STIMPSON FAMILY NATURE RESERVE TRAIL EASEMENT TO INCLUDE ADDITIONAL PARCELS (AB2015-351)
9. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND EBERLE VIVIAN FOR ADMINISTRATION AND CLAIMS PROCESSING FOR THE SELF-INSURED WORKERS’ COMPENSATION PROGRAM IN THE AMOUNT OF $47,000 (AB2015-352)

10. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND PITNEY BOWES, USING WASHINGTON STATE CONTRACT #02713, FOR NEW MAIL SERVICES EQUIPMENT, IN THE AMOUNT OF $54,007.80 (AB2015-353)

11. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ACCEPT SUN LIFE STOP-LOSS POLICY FOR INSURANCE PROTECTION FOR THE SELF-INSURED MEDICAL PROGRAM FOR 2016 (AB2015-354)

12. RESOLUTION APPROVING THE 2016 RECOMMENDED CONVENTION CENTER ALLOCATIONS FOR TOURISM-RELATED FACILITIES AND ACTIVITIES AS DEFINED THROUGH RCW 67.28.1816 (AB2015-355)

13. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE PURCHASE OF TWO UNMARKED PATROL 2016 FORD POLICE INTERCEPTOR PUVS FOR THE SHERIFF’S OFFICE, USING THE WASHINGTON STATE CONTRACT #03713, FROM VENDOR COLUMBIA FORD, IN THE AMOUNT OF $68,237.66 (AB2015-356)

14. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE PURCHASE OF TWELVE MARKED PATROL 2016 FORD POLICE INTERCEPTOR PUVS FOR THE SHERIFF’S OFFICE, USING THE WASHINGTON STATE CONTRACT #03713, FROM VENDOR COLUMBIA FORD, IN THE AMOUNT OF $408,945.13 (AB2015-357)

15. RESOLUTION ORDERING THE CANCELLATION OF ACCOUNTS RECEIVABLE MORE THAN A YEAR OLD (AB2015-358)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution. He stated the resolution is for cancellation of accounts receivable. He read through the list and did a bit of research. Several names on the list have the capacity to pay. He would like to know further why the County is writing off these debts when it’s clear these people have the assets to pay.

Mann stated he agrees with Councilmember Browne. He would like information from the Treasurer to figure out why the County is not collecting the debts.

Brenner moved to refer to Finance Committee on December 8. The motion was seconded.

Sidhu stated the total amount is $200,000. Some of these accounts are from 2002, some are below $50, and some are several thousand dollars. He would like to know the
criteria used for writing off these accounts, what actions staff have taken to collect the money, and why the money is deemed uncollectable.

    Jack Louws, County Executive, stated staff will present a report. Most are land use fines. Some issues are resolved through a settlement, and a condition of the settlement is that they don't have to pay the fine. It takes a legislative authority to get those fines off the books.

Browne stated he would like to know about the large amounts owed by people who have the demonstrated capacity to pay.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Buchanan, Weimer and Kremen (6)
Nays: Mann and Browne (2)

16. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS MORE THAN A YEAR OLD (AB2015-359)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution. A warrant refers to an obligation of the County to pay money. It is not a warrant for the person named in a document.

Brenner moved to refer to Finance Committee on December 8. There is one that seemed unclear why it would be uncollected.

Weimer stated these aren’t uncollected. These are are checks from the County that people haven’t cashed.

Brenner withdrew her motion.

Sidhu stated the term “warrant” implies they are talking about warrants that are issued through the criminal justice system to arrest people. They should use a different term to reference these uncollected checks.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

OTHER ITEMS

1. ORDINANCE ESTABLISHING THE SOUTH PASS ROAD/SAAR CREEK BRIDGE NO.212 FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR SOUTH PASS ROAD/SAAR CREEK BRIDGE NO.212 REPLACEMENT PROJECT (AB2015-333)

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. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, TWELFTH REQUEST, IN THE AMOUNT OF $3,472,111 (AB2015-334)

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)

3. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, FIRST REQUEST, IN THE NET AMOUNT OF $7,389,037 (AB2015-326A)

Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance. The committee recommends an amendment that $200,000 be designated from the existing jail fund in the 2016 budget for a criminal justice or jail planner to assist the Council in moving forward with jail planning efforts.

Kremen stated designate funds for something broader than a jail planner. He moved to clarify the intent to designate $200,000 from the existing jail fund in the 2016 budget for jail planning purposes. The motion was seconded.

The motion to amend carried by the following vote:
Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays:  None (0)

Brenner moved to set aside $40,000 from Public Works to augment Planning Unit efforts, and use of the money must come to the Council for approval. The money would be used for staff assistance, meeting minutes, and other related issues.

Weimer stated the Planning Unit asked for $40,000 for outreach to their members, and another unspecified amount for staff assistance and administrative uses. He asked if this money is for both.

Brenner stated it is. If they need more, they can request it.

The motion was seconded.

Sidhu stated the request has been clear that the Planning Unit wants an unquantified amount for staff assistance. They want an additional $40,000 that is clearly earmarked for outreach. He would support the request for staff support.

Brenner stated the Planning Unit is not here to define what they mean by outreach. Set the money aside.

Jack Louws, County Executive, stated they have fully budgeted for allocation of staff time. They don’t need to transfer money to pay for existing staff. It seems the Council is
asking for an allocation of staff time to support the Planning Unit. That would be best asked for through a resolution or by simply asking when the time comes, not by creating funding. If they don’t have the staff time for it, the allocation money would need to go to outside resources or more staff. He needs a definition of how much staff support is needed. Regarding the $40,000 for outreach, the Council needs to decide to fund it from the general fund, not the road fund. The motion needs to identify where the money is. Realistically, he will work with the Council on the Planning Unit and a water committee when it comes up. He will make the appropriate adjustments necessary, based on what the Council would like at that particular time. The Council can make the public statement tonight and make sure they have the paperwork done correctly, or take care of it holistically in a couple of months.

Brenner stated they didn’t do a resolution on the money for criminal justice planning. She wants to allocate this money in the same way, and have it as money set aside from the general fund to augment the Planning Unit, with the caveat that spending requests come through the County Council for approval. It doesn’t matter how they think the money will be spent. When the requests come to the Council, there will be a specific request for the Council to vote on at that time, rather than the Council trying to figure out what it means now.

Browne stated he is reluctant to approve money without a clear request from the Planning Unit. He’s particularly concerned about the suggestion they will provide funding for the Planning Unit for outreach when the Planning Unit has made it clear that they believe they have a separate statutory authority. He’s concerned about confusion of the Planning Unit sending out messages to the public under the banner of Whatcom County, without approval of the Executive or the Council. That could cause confusion and conflict with other programs. Follow the Executive’s suggestion to delay this for several months until there is clarity about what any of this money will be used for.

Brenner stated they don’t have clarity on what the criminal justice planning effort will do, either. The money for the Planning Unit would be to augment the Planning Unit efforts and would have to come to the Council for spending approval. That was her motion.

Weimer asked if it’s correct that there is no money for the Planning Unit or staff support as of January 1.

Jon Hutchings, Public Works Department, stated the Planning Unit allocations were from the Flood Control Zone District fund in 2015. The conversation is to designate funding from the general fund or another source that is not the Flood Control Zone District. The additional staff time required will depend on the scope of work of that staff person. Existing staff can provide a basic level of support, but not facilitation.

Weimer stated he won’t support at this point. It sounds like the basic staff support is covered. The Planning Unit said it would begin to self-facilitate. They don’t need the $40,000. Until the Council has a deeper discussion about another type of water advisory committee, he’s not interested in letting them start doing $40,000 of outreach at this point.

Brenner stated her motion isn’t for outreach.

Weimer stated Councilmember Brenner hasn’t defined what it is if it’s not outreach. They’ve said they will do their minutes.
Brenner stated those requests will be defined when they come to the Council. This is to set money aside. If they don’t bring anything worthwhile to the Council, none of the money will be used.

Sidhu asked if this is the only way to make the change. He asked what happens if they need $40,000 in a few months. He asked if the Council has no authority to approve $40,000 after today.

Louws stated the Executive must initiate budget amendments mid-year. This is the Council’s opportunity to put the money in the budget. If the Council puts $40,000 into the budget now, it also takes an Executive willing to sign the contract next year. If the Council designates the money, that doesn’t mean he will spend it. The reality is that they need to work together to make all of this happen. The Council and Executive must support each other’s role. He is committed to working with the Council to make sure the money that the Planning Unit spends is spent appropriately. The Planning Unit has unspent money that was allocated this year. In March, when decisions are made, he will support moving a budget amendment through if the Planning Unit puts together a good plan. In this instance, that would be an appropriate place to take care of it.

Sidhu stated the Council isn’t required to do this tonight. If there is a reasonable proposition to carry on the work or do other work, they will do that.

Louws stated the Council has big decisions to make next year. It’s working with other jurisdictions on the Joint Board. Deciding on whether the Council wants another water advisory committee that may be more flexible than the Planning Unit would not shut down the Planning Unit, which does have statutory authority. He looks forward to working through those decisions with the Council. The Council and Executive need to work together.

Kremen stated the Council needs to decide if it is serious about the Planning Unit. If the Council decides to have the Planning Unit, it must fund them so they can do their work. If the Council is not serious about the Planning Unit and wants to take a different direction, it can. Don’t penalize the Planning Unit for not expending its 2015 appropriation. At least set aside $40,000 without having to go to the Executive in the future on this matter. Don’t go through any exercise that they’re not serious about. The Planning Unit has something to offer. They’re not all satisfied with the Planning Unit’s progress, but give them a reasonable chance of succeeding. He supports the motion. They must always work with the administration. The Council needs to demonstrate its support or nonsupport of the Planning Unit.

Browne stated he will support the Planning Unit, a comprehensive water advisory committee, both, or neither, based on the clarity of what they’re asking for, the amount of support they’re asking for, and what they’re likely to deliver to the County in exchange for the support the County provides. His concern with the Planning Unit is that the County has supported them for two and a half years, and he hasn’t seen substantive progress. He’s reluctant to give them funding ahead of them telling the County what they will do to move forward and what they will produce. They must tell the Council what the Council will receive for its support and the timelines. If that offers a good return on investment for the County citizens, he will support it.
Brenner stated that’s what her motion does, which is set aside the money. This is the Council’s only opportunity to make this decision itself. Otherwise, they have to hope the Executive will bring forward a recommendation. If the Council doesn’t believe that any requests coming from the Planning Unit are worthy, then the Council can vote against them. This just makes sure there is a placeholder.

The motion to amend carried by the following vote:
- **Ayes:** Brenner, Mann, Sidhu, Buchanan and Kremen (5)
- **Nays:** Browne and Weimer (2)

The motion to adopt as amended carried by the following vote:
- **Ayes:** Weimer, Brenner, Mann, Sidhu, Browne, Buchanan and Kremen (7)
- **Nays:** None (0)

4. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT ESTABLISHING DEDICATED FUNDING FOR THE STORMWATER FUND 123, IN THE AMOUNT OF $1,167,956 (AB2015-343)**

(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)

5. **RESOLUTION AMENDING RESOLUTION 2015-025 (ORDER VACATING A PORTION OF DELTA LINE ROAD) TO ALLOW FOR A DUE DATE EXTENSION (AB2015-115B)**

Brenner reported for the Public Works, Health, and Safety Committee and moved to approve the resolution.

The motion carried by the following vote:
- **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
- **Nays:** None (0)


Mann reported for the Planning and Development Committee and moved to approve the request.

The motion carried by the following vote:
- **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
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.

Nays: None (0)

INTRODUCTION ITEMS

Buchanan moved to accept Introduction Items one through six. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

1. RECEIPT OF APPLICATION FOR THE WHATCOM COUNTY PLANNING COMMISSION, DISTRICT 2 POSITION, APPLICANT: STEPHEN JORDAN (AB2015-342) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. ON DECEMBER 1, 2015)

2. ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A PLAN OF CONVERSION, ARTICLES OF CONVERSION, A CERTIFICATE OF FORMATION, AND A BEHAVIORAL HEALTH ORGANIZATION (BHO) INTERLOCAL OPERATING AGREEMENT IN CONNECTION WITH THE CONVERSION OF NORTH SOUND MENTAL HEALTH ADMINISTRATION (AB2015-360)

3. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, THIRTEENTH REQUEST, IN THE AMOUNT OF $88,554 (AB2015-361)

4. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, SECOND REQUEST, IN THE AMOUNT OF $188,333 (AB2015-362)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan reported for the Natural Resources Committee on the discussion regarding a proposed ordinance to establish a Whatcom County Comprehensive Water Advisory Committee (AB2015-363) and stated the committee voted to have the Planning Unit and organizations listed in the proposed ordinance review the ordinance, and also to have the legislative analyst prioritize his work to review the advisory committees to find similarities and overlaps that could exist between existing committees and this potential committee. This item was held in committee until February.

Mann reported for the Incarceration Prevention and Reduction Task Force and stated he would like Council input on whether the Task Force priorities of reporting on a triage facility and also working on overall diversion programs can be adjusted given the timeline. The required design report due in January can be informed by a lot of other work the task force is doing later in the year. He asked how the Task Force should proceed. He asked if the Council wants a less specific triage center report in January or a more detailed report later.
Brenner stated she would like a review on what the triage center is doing now. At this point, the triage center doesn’t seem to be functioning as a triage center now, but maybe it is.

Mann stated the Task Force is going to give a report in January or February that will include an update on the status of the triage center and all the other work being done by the Task Force. He can provide updates on specific questions. Task Force subcommittees are working on a variety of issues. Everyone is very engaged and working well together. It is a very functional committee.

Brenner stated she would like an update on the beginning efforts of the Task Force. There will be more updates on what needs to be done as they go along.

Mann stated there are three specific report deadlines in the original ordinance. It sounds like the Council wants him to continue to prioritize the triage facility report, including a review, design, programming, location, costs, budget, and benchmarks against national standards, and do it as soon as possible.

The Council concurred.

Weimer stated there is less urgency to receive the reports from the Task Force since the jail sales and use tax was not approved, but they still need to figure out what they want as they move forward.

Mann stated the initial January report deadline was created to catch up to the extended jail design that had already been done. Now that the jail is on hold, they have a little more time to catch up. It’s still a priority.

Browne stated there is less urgency in incorporating this information into the jail construction plan. He supports giving the Task Force an extra month or so if necessary.

Sidhu stated that this will be part of any new jail plan they come up with, so whatever the Task Force comes up with, it will have to be tweaked.

Browne reported on an article he read regarding invasive species and problems with phosphorous and algae blooms from a newspaper in South Dakota. The problems they’re dealing with here are also occurring across the country. They are serious problems that aren’t isolated to Whatcom County.

Buchanan reported on the recent Peacebuilder Awards event by the Whatcom Dispute Resolution Center. Many great things are happening in Whatcom County. There was a very interesting poetry contest that many young kids entered.

Councilmembers wished everyone a Happy Thanksgiving.

ADJOURN

The meeting adjourned at 8:45 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
Council packet pages 268 through 297 intentionally left blank
Resolution Adopting the 2016 Whatcom County Comprehensive Parks, Recreation and Open Space Plan

Request County Council adopts the 2016 Whatcom County Comprehensive Parks, Recreation and Open Space Plan.

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: Jack Louws, Executive
FROM: Michael McFarlane, Director
DATE: January 28th, 2016
RE: Resolution Adopting the 2016 Whatcom County Comprehensive Parks, Recreation and Open Space Plan

Attached is the authorizing resolution for the 2016 Comprehensive Parks, Recreation and Open Space Plan. The Parks & Recreation Commission recommended approval at their January 21st meeting. I am requesting Council hold a public hearing on the evening of February 9th and adopt the plan at their February 23rd meeting. This will allow the SEPA determination to be issued prior to Council action. The plan needs to be adopted prior to March 1st to qualify for certain grant programs available this year.

Please contact me at 5855 if you have any questions or require additional information.
RESOLUTION NO. ______________

RESOLUTION ADOPTING THE 2016 COMPREHENSIVE PARKS, RECREATION AND OPEN SPACE PLAN

WHEREAS, the Whatcom County Parks & Recreation Department has requested the adoption of the updated 2016 Whatcom County Comprehensive Parks, Recreation and Open Space Plan; and

WHEREAS, the public, agencies and others participated in numerous meetings, surveys, and discussions pertaining to the development of the plan; and

WHEREAS, The Recreation and Conservation Funding Board requires Whatcom County to have a qualifying Parks, Recreation and Open Space Plan pursuant to Manual 2; Planning Policies and Guidelines dated February 14th, 2014 to maintain eligibility for certain grant programs; and

WHEREAS, the Recreation and Conservation Funding Board’s timelines and update of the Comprehensive Parks, Recreation and Open Space Plan do not coincide with the timelines of the County’s Comprehensive Plan update; and

WHEREAS, the Growth Management Act does not require that the Recreation and Conservation Funding Board’s planning requirements be integrated into the County’s Comprehensive Plan or Growth Management Act; and

WHEREAS, a Determination of Non-Significance was issued by the SEPA Official on January 29th, 2016 (no. SEP2016-00005);

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

1. The Whatcom County Comprehensive Parks, Recreation and Open Space Plan is hereby adopted as a departmental planning document for the Parks & Recreation Department.

2. This plan will be used to provide guidance and direction to the Parks & Recreation Department in capital development and planning efforts.

3. The plan will be used to assist in informing the parks, trails and open space elements of the County’s Comprehensive Plan.
4. The plan will assist the Parks & Recreation Department in providing a basis for calculating levels of service, programming and fees.

5. Adoption of the plan will maintain eligibility for grant funding through the Washington State Recreation and Conservation Office.

6. This plan will provide direction to the County for recreation and open space planning through the year 2021.

APPROVED this ____________ day of February, 2016

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Senior Deputy Prosecuting Attorney
TO VIEW:

WHATCOM COUNTY COMPREHENSIVE PARKS, RECREATION AND OPEN SPACE PLAN FOR 2016

Please go to:

http://www.whatcomcounty.us/documentcenter/view/14547
TITLE OF DOCUMENT:
Ordinance regarding the temporary installation of stop signs on North Lake Samish Road Bridge No. 107 with Project Update

ATTACHMENTS:
1. Cover Memo
2. Agenda Bill
3. Ordinance
4. Lake Samish Bridge No. 107 Update

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.)

To comply with RCW 36.32.120 and 46.61.200, it is found necessary and expedient to install temporary traffic control signs on North Lake Samish Road Bridge No. 107.

COUNCIL ACTION:
1/26/2016: Introduced 7-0
Memorandum

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

Through: Jon Hutchings, Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
       James E. Lee, P.E., Engineering Manager

Date: January 12, 2016

Re: Ordinance regarding installation of temporary stop signs on the North Lake Samish Road Bridge No. 107

Enclosed for your review is the Project Update package for the North Lake Samish Road Bridge No. 107 Replacement project (CRP No. 913006).

Requested Action
Public Works respectfully requests that the County Council adopt the proposed ordinance to install temporary stop signs on North Lake Samish Road Bridge No. 107.

Background and Purpose
The existing North Lake Samish Road Bridge No. 107 is a 250’ long timber structure built in 1963. During the most recent bridge inspection there were areas of wood rot found in the tops the girders. A new load rating required that the bridge be severely weight restricted, to the point that school buses and fire district vehicles cannot use the bridge. The recommended short term solution is a stop sign controlled restriction of the bridge center span down to one lane. This option allows school bus and fire department traffic to utilize the structure during design and construction of a replacement. The County Road Engineer is recommending that these stop signs be installed as a temporary safety measure, until such time as the construction project to repair the deficiencies is completed.

Information
This ordinance will allow the temporary installation of stop signs for traffic control that is needed on North Lake Samish Road Bridge No. 107. This ordinance is necessary to comply with RCW 36.32.120 and 46.61.200 to install traffic control signs.

Please contact Doug Ranney at extension 6252 with any questions regarding this contract.
PROPOSED BY: Public Works - Engineering

INTRODUCTION DATE: 01/26/2016

ORDINANCE NO._______

AN ORDINANCE REGARDING TEMPORARY INSTALLATION OF STOP SIGNS ON THE NORTH LAKE SAMISH ROAD NO. 107

WHEREAS, in compliance with RCW 36.32.120 and 46.61.200, it is found necessary and expedient to install traffic control signs on certain County Roads; and

WHEREAS, the North Lake Samish Road Bridge No. 107 recently had a load rating inspection and it was determined that weight restrictions are necessary; and

WHEREAS, stop-controlled, single-lane traffic over the bridge center span will allow the bridge to meet the weight restriction requirements and allow the least amount of inconvenience to traffic; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that stop signs be installed on the North Lake Samish Road Bridge No. 107 at both ends of the single lane restriction.

BE IT FURTHER ORDAINED that when the construction of the North Lake Samish Road Bridge No. 107 replacement is completed, the stop signs will be removed.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ____ day of __________, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

APPROVED AS TO FORM:

( ) Approved     ( ) Denied

Jack Louws, Executive

Daniel L. Gibson, Civil Deputy Prosecutor

Date: ________________________
LAKE SAMISH BRIDGE NO. 107 UPDATE

BACKGROUND
The existing North Lake Samish Road Bridge No. 107 is a five-span, 250’ long timber structure built in 1963. The bridge consists of wood glulam girders with timber piles and caps. This bridge provides access across the north end of Lake Samish and has an ADT of approximately 885. This project is listed as Item No. 30 on the 2016 Annual Construction Program.

PROBLEM
During the most recent in-depth bridge condition inspection there were areas of wood rot identified in the tops of most of the laminated girders supporting the wooden deck. This rot necessitated completion of a new load rating for the bridge to determine the loads that the bridge can safely carry. During work on the new load rating it also came to light that since the previous load rating had been completed in 2004 the American Institute of Timber Construction issued a technical memorandum requiring the allowable stresses for the type of glulam beams used in this bridge be reduced by 25%. The new load rating requires that the bridge be severely weight restricted, to the point that school buses and fire district vehicles cannot use the bridge.

SHORT TERM SOLUTION
To address this issue in the short term, the three alternatives below were investigated to address the load restriction in a manner that would allow use of the bridge by school buses and fire district vehicles:

1) **Removing and replacing the center span glulam girders with new glulam girders.**
   Estimated cost is $250,000; will take approximately 12 weeks to implement; may be considered permanent repair

2) **Bolstering the center span by installing steel girders to assist the glulam girders.**
   Estimated cost is $450,000; will take approximately 12 weeks to implement, may be considered permanent repair

3) **Restricting the bridge to one lane by installing channelization devices and signage.**
   Estimated cost is $15,000; will take approximately 3 weeks to implement; temporary repair

Multiple factors were considered when comparing these alternatives; cost, constructability and designation of temporary vs permanent repair status (the County’s ability to obtain federal grant funding through the Bridge Replacement Advisory Committee (BRAC) is greatly reduced if a repair to a structure is determined to be a permanent repair).

RECOMMENDATION
After careful consideration we are recommending alternative 3, restriction of the bridge center span down to one lane. This option allows school bus and fire department traffic to utilize the structure while maintaining eligibility for BRAC funding as the structurally deficient designation is retained.
The attached plan sheets show the proposed center span lane reduction channelizing devices and associated signage for alternative #3.

Public outreach will be of importance for this traffic revision for notification of the new single lane condition. As such an informative mailer will be sent to the impacted local residents and a project page will be setup on the Whatcom County website to provide additional information and updates as needed.

LONG TERM SOLUTION
The long term solution is to begin work to develop a replacement of the existing bridge. As noted earlier, this project is listed as Item No. 30 on the 2016 Annual Construction Program with $150,000 in preliminary engineering funds to begin work on a type, size and location (TS&L) study and preliminary engineering of the selected bridge replacement type.
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**

2016 Annual Appointments to Boards and Commissions

**ATTACHMENTS:**

Vacancy list and applications

**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.)

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**COMMITTEE ACTION:**

**COUNCIL ACTION:**

1/12/2016: See next page

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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**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 COUNCIL

BOARDS AND COMMISSION VACANCIES (Council-Appointed)
Through January 31, 2016
(January 13, 2015)

COMMUNITY NETWORK: 1 Vacancy, 3-year term
Board members shall be citizens who live within the network boundary and have no fiduciary interest. The Community Network is a nonprofit organization. Twenty three members represent the diversity of civic and resident leadership in our community. The 23-member Board meets quarterly to hold strategic dialogue on critical issues facing the community’s children, youth, and families and to shape the agenda for Network action. First priority in appointment shall be given to members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations. Meets quarterly.

Applicant: David Ramirez

PORTAGE BAY SHELLFISH PROTECTION DISTRICT: 1 vacancy, 4-year term
Members must have a direct interest in the shellfish protection district. Duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Portage Bay Shellfish Protection District.

Applicant: Fred Likkel (incumbent)
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Fred Likkel
Street Address: 949 19th St
City: Lynden
Zip Code: 98264
Mailing Address (if different from street address):
Day Telephone: ___________ Evening Telephone: ___________
Cell Phone: 3154301
E-mail address: fred3@gmail.com

1. Name of board or committee—please see reverse:
   Portage Bay Shellfish Advisory Comm.
   Portage Bay Shellfish Advisory

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: current

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.
   Environmental consultant

10. Please describe why you’re interested in serving on this board or commission:
    I work with the Water Quality Improvement District as their water quality coordinator.

References (please include daytime telephone number):
    Mark Kaufman, Dept of Ed.
    Erika Douglas

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.
Board and Commission Application

Step 1
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided 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.

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<tr>
<td>Primary Telephone</td>
<td>360-527-5617</td>
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<tr>
<td>Secondary Telephone</td>
<td>360-306-5600</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:davidramirez@byu.net">davidramirez@byu.net</a></td>
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Step 2

1. Name of Board or Committee | Field not completed. (Whatcom Family & Community Network)
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? | Yes
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<td>If yes, please list dates:</td>
<td>January 2014 - January 2016</td>
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<td>7. 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?</td>
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<td>You may attach a resume or detailed summary of experience, qualifications, &amp; interest in response to the following questions</td>
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<tr>
<td>8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education</td>
<td>President of Ramirez Business Group LLC CFO - Home Front Therapies Boy Scouts of America - Whatcom District Commissioner</td>
</tr>
<tr>
<td>9. Please describe why you're interested in serving on this board or commission</td>
<td>I have been serving on the Whatcom Family Community Network board for over 2 years. I enjoy helping an organization that helps youth and families in our community.</td>
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<tr>
<td>References (please include daytime telephone number):</td>
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<td>Signature of applicant:</td>
<td>David Ramirez</td>
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# WHATCOM COUNTY COUNCIL AGENDA BILL

**NO.** 2016-081

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**TITLE OF DOCUMENT:** Appointment to the Point Roberts Community Advisory Committee.

**ATTACHMENTS:** Application

**SEPA review required?** ( ) Yes ( ) NO
**SEPA review completed?** ( ) Yes ( ) NO
**Should Clerk schedule a hearing?** ( ) Yes ( ) 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.)

County Executive Jack Louws requests confirmation of his appointment of Linda Hughes to the Point Roberts Community Advisory Committee.

**COMMITTEE ACTION:**

<table>
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<th>RELATED COUNTY CONTRACT #:</th>
<th>RELATED FILE NUMBERS:</th>
<th>ORDINANCE OR RESOLUTION NUMBER:</th>
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**COUNCIL 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](http://www.co.whatcom.wa.us/council).
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Linda C. Hughes
Street Address: 525 Boundary Bay Road
City: Point Roberts WA
Zip Code: 98281
Mailing Address (if different from street address): 347 Evergreen Way, 98281
Day Telephone: 360 945-0812 Evening Telephone: Same Cell Phone: None
E-mail address: usranch@pointroberts.net

1. Name of board or committee-please see reverse:
Point Roberts Community Advisory Committee
At Large Citizen

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?

5. Are you a US citizen?

6. Are you registered to vote in Whatcom County?

7. Have you ever been a member of this Board/Commission?

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:

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: I believe the PRCAC is a valuable tool for effective communication with the County. I have over 25 years experience in effective communications and have the necessary skill set and experience to listen well to fellow citizens and form plans for consideration in the best interest of all.

References (please include daytime telephone number):
Joel Lantz, Chair PRCAC, 360 945-1942.
Christopher Carleton, Chief, WCFD 5 (360) 945-3473.
Bill Mearson, Commissioner and Chair, WCFD 5, (360) 945-1840.

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.
### TITLE OF DOCUMENT: Appointments to the Whatcom County Developmental Disabilities Board

### ATTACHMENTS: Applications for Appointments; Staff Memorandums regarding board nominations

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<th>SEPA review required?</th>
<th>( ) Yes</th>
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**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.)

County Executive Jack Louws requests confirmation of his appointment of Ken Larson and Aaron Perzigian to the Developmental Disabilities Board.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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**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.
January 29, 2016

TO: Jack Louws, County Executive

FROM: Jessica Lee, Program Specialist, Developmental Disabilities

RE: Nomination for Initial Appointment to the Developmental Disabilities Advisory Board

I am pleased to forward the nomination of Ken Larson for initial appointment to the Developmental Disabilities Advisory Board (DDAB)

The DDAB voted unanimously to recommend Ken's appointment at the January 25, 2016 Advisory Board meeting.

Ken has lived in Bellingham for many years, and brings experience as an advocate and leader within the disability community including involvement in People First, the Developmental Disabilities advisory board from 2008-2012 and Disability Rights Washington (DRW). He has used his skill and expertise as an advocate to assist young adults with developmental disabilities to speak up for themselves and for others.

As you can see, Ken brings valuable experience in areas that will assist the Board in its work improving the lives of people with developmental disabilities.

Thank you, Jack, for considering this nomination for appointment.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ken Larson
Street Address: 3427 Northwest Apt. 230
City: Bellingham, WA.
Mailing Address (if different from street address):
Day Telephone: 360-738-2060
Evening Telephone:
Cell Phone: 360-441-0110
E-mail address: KenLarson@netaonline.net

1. Name of board or committee—please see reverse: Developmental Disabilities Board

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: 2007-2008

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.
   I have been a community advocate for people with Developmental Disabilities for over 25 years and have a lot of experience as my community and professional background indicates.

10. Please describe why you’re interested in serving on this board or commission: I love to be involved in the lives of persons of all abilities in helping them to reach their Best potential. This is my #1 priority in my life and would welcome being involved and helping you all with this.

References (please include daytime telephone number):
Meredith Moyer - Retired People First of WA 89
Donna Lowery - People Firsty WA Administrator 1-800-758-1123

Signature of applicant: Kenneth Raymond Larson

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.
1993-1995 aktion club president with Kiwanis
1995-2005 people-first president of Whatcom County
1996-2002 ARC of Whatcom County Board of directors
2000-2003 people first State Board president
2003-2005 people-first first Board president
2002-2005 Whatcom County Disabilities Board co-chair chair
2006-2013 ARC of Whatcom County Board president
2014-2015 disability Rights Board of directors/seattle
2015-present recently elected president for out and about
support group with the center of independence
2008 to fall of 2010 sail or self advocate in leadership
president thru the arc of washington and the developmental
Disability council in Seattle

this is my community and volunteer list

I have also been involved with the Bellingham food
community meal program that runs January
thru October last Sunday of month at the
assumption gym for over 22 years

people first of washington had a region representative
position come open and they gave me a chance to
be the region 3 representative until the next election
and I accepted the position 10/20/2015 appointment
January 29, 2016

TO: Jack Louws, County Executive

FROM: Jessica Lee, Program Specialist, Developmental Disabilities

RE: Nomination for Initial Appointment to the Developmental Disabilities Advisory Board

I am pleased to forward the nomination of Aaron Perzigian for initial appointment to the Developmental Disabilities Advisory Board (DDAB).

The DDAB voted unanimously to recommend Aaron’s appointment at the January 25, 2016 Advisory Board meeting.

Aaron is a newer transplant to Whatcom County but brings many years of experience in special education with a particular interest in the civic and community engagement of young adults with disabilities. Aaron currently works at Western Washington University preparing future teachers to work with students with a wide range of disabilities.

He is particularly interested in getting to know our local resources and to improve outcomes for, and the inclusion of, individuals with DD.

As you can see, Aaron provides valuable expertise in areas that will assist the Board in its work improving the lives of people with developmental disabilities.

Thank you, Jack, for considering this nomination for appointment.
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIRD IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided 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.

First Name          Aaron
Last Name           Perzigian
Date                12/1/2015
Street Address      516 High Street MS9040
City                Bellingham
Zip                 98225
Do you have a different mailing address? Field not completed.
Primary Telephone   262-893-3232
Secondary Telephone Field not completed.
Email Address       aaron.perzigian@wwu.edu

Step 2

1. Name of Board or Committee
   Developmental Disabilities Board

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes
5. Are you registered to vote in Whatcom County? No

6. Have you ever been a member of this Board/Commission? No

7. 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? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

I am a professor of special education at Western Washington University. I earned a PhD in rehabilitation psychology and special education from the University of Wisconsin-Madison. I am a former special education high school teacher and have experience working with individuals with a variety of disabilities. In my current position at Western Washington University, I prepare future teachers to serve students with high and low incidence disabilities, including individuals on the developmental and intellectual disability continuum. Further, my research and professional interests include the civic and community engagement of adolescents and adults with low incidence disabilities.

9. Please describe why you’re interested in serving on this board or commission

I would like to serve my community relative and use my professional experience to help make Whatcom County the best place to live for people with differing abilities.

References (please include daytime telephone number): Dr. Keith Hyatt 360.650.2353

Signature of applicant: Aaron Perzigian

Place Signed / Submitted Bellingham, WA
### Clearances

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### Title of Document:

Res adopt. statement of principles for Criminal Justice & Behavioral Health Systems

### 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 adopting a statement of incarceration prevention, criminal justice, and jail planning principles for Whatcom County's Criminal Justice and Behavioral Health Systems.

### Committee Action:

### Council Action:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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</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.
RESOLUTION NO. ________

ADOPTING A STATEMENT OF INCARCERATION PREVENTION, CRIMINAL JUSTICE, AND JAIL PLANNING PRINCIPLES FOR WHATCOM COUNTY’S CRIMINAL JUSTICE AND BEHAVIORAL HEALTH SYSTEMS

WHEREAS, Whatcom County and its municipalities and Tribes desire to coordinate, contribute, and cooperate in enhancing public safety, and in particular our communities’ criminal justice and behavioral health systems; and

WHEREAS, the Whatcom County Executive has recently asked for input and leadership by the County Council and other legislative bodies to guide future jail planning, and has sought constructive engagement with other elected officials throughout the county; and

WHEREAS, all parties believe there is a need for an improved County jail, and we believe that the failed ballot measure reflects voters’ concerns with the particular proposal, and that voters will approve a proposal that addresses the communities’ full range of needs and values.

NOW THEREFORE BE IT RESOLVED, that the Whatcom County Council adopts the attached Statement of Incarceration Prevention, Criminal Justice, Jail Planning Principles; and

BE IT FURTHER RESOLVED, that due to a large number of other infrastructure investments that the County needs to make, and the ever escalating costs of such investments, time is of the essence for getting another proposal to the voters as soon as possible; and

BE IT FINALLY RESOLVED, that the Whatcom County Council asks the other legislative authorities that have a stake in our shared criminal justice system to as soon as possible also adopt this Statement of Incarceration Prevention, Criminal Justice, Jail Planning Principles, or similar statements that make clear how incarceration prevention, criminal justice, and jail planning needs to proceed; and

APPROVED this __________ day of __________, 2016.

ATTEST:  WHATCOM COUNTY COUNCIL
Dana Brown Davis, Clerk of the Council  WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
Statement of Principles on Incarceration Prevention, Criminal Justice, and Jail Planning
February 2016

Following the recent failure of the jail tax proposal in November 2015, the Whatcom County Council would like to establish guiding principles for incarceration prevention, criminal justice, and jail planning, and requests the participation of the Lummi Nation, Nooksack Tribe, and all the Cities of Whatcom County. As elected leaders, we believe that inaction would be irresponsible, and the defeat of one particular proposal necessitates the active search for a better set of ideas and principles that will find broad support.

We would like to start where we agree, and work to create behavioral health and criminal justice systems that reflect community values. We believe our communities are not divided on the commitment to public safety, justice, fiscal responsibility, fair treatment, harm reduction, healing, and prevention as public priorities.

While there is a national discussion on incarceration and behavioral health, we see an opportunity to become a model for other communities across the country. We believe success will be measured not by how many people are punished for their transgressions, but by how many people return to full and successful lives, or avoid falling into the criminal justice system in the first place. We should strive for conditions where the cycle of incarceration is broken rather than perpetuated.

We desire to create transparency in the planning process, not just more process. We want to move beyond a narrow discussion of current jail conditions, to a more fruitful discussion of desired outcomes and priorities. We believe decisions must be based on data and evidence, and that crucial information has been lacking. We also want to start new conversations with judicial leaders and court officials, to understand procedural and philosophical reforms that might be needed, but that are beyond legislative authority. Bail, probation, and incarceration policies and practices have been subject to successful reforms elsewhere, and could be right for Whatcom County.

We are fortunate that the process of thorough analysis is underway, with the creation of the Incarceration Prevention and Reduction Task Force. Subcommittees of the Task Force are focusing their efforts on creation of a Crisis Triage Facility, Behavioral Health Programs, and Criminal Justice System procedure and process reforms. At the same time, members of the public and service agencies are coming together to provide their own voices and perspectives.

Therefore, in order to guide the public process and County administrative plans and actions, we do hereby put forward the following set of Incarceration Prevention, Criminal Justice, and Jail Planning Principles for our communities:

1. The people of unincorporated Whatcom County, the Lummi Nation, the Nooksack Tribe, and the Cities are best served by a shared jail facility or a combination of shared facilities, and by a coordinated and integrated response to behavioral health issues that can help alleviate the use of the criminal justice system.

2. The following are inextricably linked: responsible stewardship of public funds, ensuring public safety, and providing adequate countywide behavioral health services.

3. In recognition of the importance of prevention, treatment, re-entry and jail alternatives, the Council established the Incarceration Prevention and Reduction Task Force (IPRTF). The IPRTF’s specific recommendations will influence the direction of our future crisis triage facility, our jail facility, pre-booking
and pre-trial diversions, jail alternatives, and behavioral health programming. The Task Force needs to be continually supported in their work, and the recommendations from this dedicated group need to be seriously considered, and implemented when possible.

4. Commit funding towards community-based preventive services. We need post-release support to maximize successful re-entry and minimize recidivism. These actions now can hold down recurring criminal justice response costs in the future. It is better, from a public policy perspective as well as a financial perspective, to provide whenever possible behavioral health services within the community, rather than inside the jail. “An ounce of prevention is worth a pound of cure.”

5. Pursue construction and operation of an enlarged triage facility, implementation of criminal justice process reforms, and creation of relevant behavioral health programs regardless of the outcome of jail proposals.

6. Provide better data to decision-makers and the public, including relevant demographic, statistical, and jail usage information. For crucial data points, information is either totally lacking or incomplete, making it difficult to identify opportunities for efficiencies or policy improvements. As described in Whatcom County Resolution 2015-042, spreadsheet models for jail utilization, jail financing, and jail size must be made available to the public for examination and incorporated into decision-making.

7. The size of jail facilities needs to be based on a holistic local criminal justice policy. While accurate measures of current incarceration rates adjusted for future population growth are important, we have to also consider national, state, and local trends towards improvements in prevention, alternatives, behavioral health, and re-entry support.
   - Size of facilities drives many of the costs, so reducing jail size has immediate and long-term cost savings over the life of the facility. Minimizing the size is therefore a high priority.
   - The mix of cell sizes (single, double, quad) and security levels should be carefully evaluated to ensure we only build the minimum of the most expensive cell types.

8. Locate any new jail facility where it can work best for all of our partners, the public, and related businesses (attorneys, bail bonds, etc.). The Ferndale location for the new jail has not been adequately explained for all our jail use partners and the public. A more robust explanation of this decision needs to occur to see if a consensus on this decision can be formed or whether alternatives need to be pursued. Questions that are still being asked that deserve greater examination and explanation to move toward consensus include:
   - Why was property that Whatcom County owns or can build or re-build on adjacent to the County Courthouse not chosen for the new jail site?
   - Initial siting criteria, such as a County policy limiting jail locations within one mile of a school, steered the selected location to a more rural area. Are these criteria, chosen years ago, valid in a county that is becoming more urban?
   - Building a vertical jail could be efficient and operationally successful. Was this option adequately considered?
   - The existing jail is presumed by many to be unsalvageable. What professional technical and engineering studies have been performed that indicate it is structurally unsound or beyond rehabilitation?

9. Consider the IronGate minimum security facility as a valuable piece of the criminal justice continuum. This facility could be retained for certain existing jail populations and programs, or expanded to include a crisis triage facility, a re-entry support facility, a behavioral health facility, or medical facility. The Incarceration Prevention and Reduction Task Force may provide some insight on this issue.
10. Apportion construction and operating costs separately and fairly among jail users based on actual use, or best estimates of actual future use. Maintain jail operating costs at appropriate levels and transparently report them on a regular basis. Over time, operating costs will be more of a serious financial challenge than capital construction costs. Elements that deserve greater examination include:
   ♦ Overall, jail expenditures have been increasing over the past 15 years faster than total General Fund expenditures. Those jail-operating costs need to be examined more closely and explained more clearly to all of our partners.
   ♦ Other county jails have lower bed rates and offer similar or better services; Whatcom County, Lummi Nation, Nooksack Tribe, and the Cities may be able to save money by using other facilities for some of our inmates, starting immediately.
   ♦ Per diem rate was expected to jump 20% higher with the failed jail proposal. Why would the single new facility be so much more expensive to run if it was being designed for operational efficiency compared to the current two jails, which have been said to be inefficient?
   ♦ A considerable amount of the current 0.1% jail levy has been used to subsidize current jail operations, diverting limited resources away from capital projects and treatment. The County also has access to banked property tax capacity that could potentially provide some of the capital costs and the operating costs on an ongoing basis. What mix and use of taxes would create the most efficient and equitable funding system?

11. Work with the County Prosecutor’s Office, the District, Superior and Lummi Tribal Court leadership on bail-setting practices and probation procedures, as well as broader criminal justice issues, which are not under County legislative control but affect the size of the jail population. Encourage Whatcom County leadership to enter into agreements with local jurisdictions and with the Lummi Nation and Nooksack Tribe to foster more efficient, equitable and shared use of criminal justice resources.

12. Initiate steps to issue an RFP for a Criminal Justice Planner. While the work of our IPRTF and community groups remains valid and vital, it is essential to hire a professional Criminal Justice Planner to evaluate the additional aspects of our system and our jail needs. Considerations such as financial commitments, jail location and size, diversion programs, and bail and prosecution reforms must be examined and reported on by an established, impartial expert.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** 2016 Supplemental Budget Request #5

**ATTACHMENTS:** Ordinance, Memoranda & Budget Modification Requests

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<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.)

Supplemental #5 requests funding from the General Fund:

1. To appropriate $119,714 in Health to fund Nurse Family Partnership Program expansion from grant proceeds.
2. To appropriate $42,060 in Health to fund Marijuana Prevention Program from grant proceeds.
3. To appropriate $79,998 to fund Federal Fiscal Year 2015 State Homeland Security Program from grant proceeds.

From the Emergency Management Fund:

4. To appropriate $2,000,000 in Non-Departmental to fund C Street Terminal Infrastructure Rehabilitation Project EDI loan.
5. To re-appropriate $3,000,000 in Non-Departmental to fund All American Marine Expansion Project EDI loan and grant.

**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></td>
<td></td>
</tr>
</tbody>
</table>
ORDINANCE NO.
AMENDMENT NO. 5 OF THE 2016 BUDGET

WHENAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHENAS, changing circumstances require modifications to the approved 2015-2016
budget; and,
WHENAS, 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 2016 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
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<tbody>
<tr>
<td>Health</td>
<td>161,774</td>
<td>(194,784)</td>
<td>(33,010)</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>161,774</td>
<td>(194,784)</td>
<td>(33,010)</td>
</tr>
<tr>
<td>Emergency Management Fund</td>
<td>79,998</td>
<td>(79,998)</td>
<td>-</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>5,000,000</td>
<td>(5,000,000)</td>
<td>-</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>5,241,772</td>
<td>(5,274,782)</td>
<td>(33,010)</td>
</tr>
</tbody>
</table>

In addition, the Authorized Position listing in the 2015-2016 Budget Ordinance should be
amended to provide for the following FTE change:

• Add 1 FTE Public Health Nurse in Health

ADOPTED this ____ day of ________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

( ) Approved   ( ) Denied

Jack Louws, County Executive

Date: _________________________
## WHATCOM COUNTY
### Summary of the 2016 Supplemental Budget Ordinance No. 5

<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>
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</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To fund Nurse Family Partnership Program expansion from grant proceeds.</td>
<td>119,714</td>
<td>(149,360)</td>
<td>(29,646)</td>
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<tr>
<td>Health</td>
<td>To fund Marijuana Prevention Program from grant proceeds.</td>
<td>42,060</td>
<td>(45,424)</td>
<td>(3,364)</td>
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<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>161,774</td>
<td>(194,784)</td>
<td>(33,010)</td>
</tr>
<tr>
<td><strong>Emergency Management Fund</strong></td>
<td>To fund Federal Fiscal Year 2015 State Homeland Security Program from grant proceeds.</td>
<td>79,998</td>
<td>(79,998)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Public Utilities Improvement Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Non Departmental</td>
<td>To fund C Street Terminal Infrastructure Rehabilitation Project EDI loan.</td>
<td>2,000,000</td>
<td>(2,000,000)</td>
<td>-</td>
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<tr>
<td>Non Departmental</td>
<td>To fund reappropriation of All American Marine Expansion Project EDI loan and grant.</td>
<td>3,000,000</td>
<td>(3,000,000)</td>
<td>-</td>
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<tr>
<td><strong>Total Public Utilities Improvement Fund</strong></td>
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<td>5,000,000</td>
<td>(5,000,000)</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>5,241,772</td>
<td>(5,274,782)</td>
<td>(33,010)</td>
</tr>
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</table>
Supplemental Budget Request

Health

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Patty Proctor</td>
</tr>
</tbody>
</table>

Expenditure Type: Ongoing  Year: 2016  Add'l FTE: ✓  Add'l Space: □  Priority: 1

Name of Request: HVSA Expansion Funding

Department Head Signature (Required on Hard Copy Submission)  Date: 11/25/16

<table>
<thead>
<tr>
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<th>Object</th>
<th>Object Description</th>
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<td>6255</td>
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<td>6259</td>
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<td>6655</td>
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<td>Telephone</td>
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<tr>
<td>6780</td>
<td>Travel-Educ/Training</td>
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<tr>
<td>6869</td>
<td>Equip Rental-Interfund</td>
<td>$5,280</td>
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</tr>
</tbody>
</table>

Request Total: ($29,646)

1a. Description of request:

Through a grant received from Thrive Washington, we are expanding our Nurse-Family Partnership program that will require the addition of a 1.0 FTE Public Health Nurse and a 0.3 FTE Cultural Liaison. The Nurse-Family Partnership is an intensive home visiting program that serves low-income first-time moms and their families. Both positions will be grant-funded. This expansion will allow us to forge a partnership with the Lummi Tribal Health Clinic to serve at least 12 Lummi families at any one time in our program.

1b. Primary customers:

Lummi Tribal families

2. Problem to be solved:

We have been implementing the Nurse-Family Partnership since 2012. It has been an important addition to our community's efforts to improve the health and well-being of children and families but, due to limited

Monday, January 25, 2016  Rpt: Rpt Suppl Regural
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Health</th>
<th>Community Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 1</td>
<td>Cost Center</td>
</tr>
</tbody>
</table>

resources, we have been only running a half program with two nurses. A county of our size would typically be served by a four-nurse team. This expansion will allow us to serve more families overall and provide dedicated services to Lummi families.

3a. Options / Advantages:

Based on our Community Health Assessment, we know that there are pockets of vulnerability in our County in need of extra support, including Lummi. Providing intensive support to young families through the Nurse-Family Partnership can result in a lifetime of improved health and education outcomes for the families. Nurse-Family Partnership has been identified as a program of choice due to its strong evidence-based as a national model of family support as an early childhood intervention.

3b. Cost savings:

Taking less tangible savings (like potential gains in work and wages) into account along with resource cost savings to government, a recent report on Nurse-Family Partnership estimated $9.56 return on investment to society for every dollar invested in the program.

4a. Outcomes:

We will have enrolled 12 Lummi families by the end of 2016.

4b. Measures:

Overall, Nurse-Family Partnership outcomes include reduction in smoking during pregnancy; reduction in preterm births; increase in breastfeeding; reduction in childhood injuries; improved kindergarten readiness and reduction in child maltreatment.

5a. Other Departments/Agencies:

We will partner with the Lummi Tribal Health Clinic which will allow us to provide dedicated services to Lummi families.

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

6. Funding Source:

We have been awarded a grant from Thrive Washington that will fund the expansion of the program. This grant includes administrative indirect in the amount of $29,646. The grant period is January 1, 2016 through December 31, 2016.
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Health</th>
<th>Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
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<th>Add'l Space</th>
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<td>Patty Proctor</td>
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<td></td>
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</tr>
</tbody>
</table>

Expenditure Type: Ongoing

<table>
<thead>
<tr>
<th>Name of Request: Prevention Program Marijuana</th>
</tr>
</thead>
</table>

Department Head Signature (Required on Hard Copy Submission)  1/25/16

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4334.04699</td>
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<tr>
<td>6320</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>($3,364)</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
Substance abuse prevention services will be delivered. Case management services will be provided, as well as community education and outreach for substance abuse. Case management will be provided by Communities In Schools (CIS), which has been evaluated as an effective approach to reduce risk for substance abuse, while increasing academic success.

1b. Primary customers:
Middle School Youth will be the primary recipients of services. Family members, siblings, and the larger public will be secondary recipients.

2. Problem to be solved:
Youth who initiate substance use early are more likely to experience issues of addiction as adults, have less academic success while in school, and have more involvement in the criminal justice system. When youth can be connected to essential support services and systems, they have increased ability to exhibit healthy behaviors. Case management services help to facilitate a connection between student needs with existing resources, improving academic success while reducing risks for unhealthy behaviors.

3a. Options / Advantages:
Use of these funds was limited by the state to 12 specific programs. All 12 programs were reviewed for feasibility of implementation, and case management services were identified as the most beneficial to address local needs, while also demonstrating sufficient local support to implement.

3b. Cost savings:
Elements of Communities In Schools demonstrate up to as much as an 80% Benefit-Cost Percentage. According to the Washington State Institute on Public Policy, "The statute defining evidence-based practices requires that, when possible, a benefit-cost analysis be conducted. We use Washington State Institute on Public Policy’s benefit-cost model to determine whether a program meets this criterion. Programs that do not have at least a 75% chance of a positive net present value do not meet the benefit-cost test. The Washington State Institute on Public Policy model uses Monte Carlo simulation to test the probability that benefits exceed costs. The 75% standard as deemed an appropriate measure of risk aversion."

4a. Outcomes:
The primary outcomes of these services will include staying in school, progressing to the next grade level, and ultimately graduating from high school. The reduction in risk factors to achieve these positive outcomes will also reduce risk for substance abuse, poor mental health, and other negative
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Health</th>
<th>Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supp1D ID # 2134</td>
<td>Fund 1</td>
</tr>
</tbody>
</table>

consequences.

4b. Measures:

Academic success is tracked for recipients of Communities in Schools services. The program will track and report the successful progression of Communities in Schools services participants from one grade to the next, compliance with academic improvement goals, rates of staying in school, and graduation rates. These are built-in measures to the program implementation.

5a. Other Departments/Agencies:

This request will not impact other departments, but will provide additional resources to Communities in Schools (CIS) of Whatcom County. The additional resources will increase their staffing capacity to deliver case management services in targeted locations, allowing more students to be served.

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

 Communities In Schools will deliver the service, and the Executive Director will oversee all operations of the staff and programs. Kathryn DeFilippo is the current Executive Director of Communities In Schools. The contract with Communities In Schools will be managed by Health Department staff.

6. Funding Source:

Dedicated marijuana tax funding from the State of Washington Department of Health and Social Services, Division of Behavioral Health award. Whatcom County contract number 20150911. This grant includes administrative indirect in the amount of $3,364.
MEMO
JAN 25 2016

To: Jack Louws, County Executive
From: Sheriff Bill Elfo, Director
John Gargett, Deputy Director
Whatcom County Sheriff's Office Division of Emergency Management

Subject: Supplemental Budget Request ID # 2133

Date: January 21, 2016

The attached Supplemental Budget Request seeks authority to expend $79,998 to be reimbursed from the US Department of Homeland Security State Homeland Security Program Grant for Federal Fiscal Year 2015.

- Background and Purpose
Whatcom County Sheriff's Office Division of Emergency Management (DEM) was awarded $79,998 from the US Department of Homeland Security (DHS) State Homeland Security Program for Federal Fiscal Year 2015 (SHSP-2015). This grant flows from DHS through the Washington State Military Department – Emergency Management Division and Snohomish County to Whatcom County. This is the 13th year that Whatcom County has received an SHSP award.

DHS provides SHSP funds for projects supporting efforts to build, sustain, and deliver core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas to achieve the National Preparedness Goal of a secure and resilient Nation.

SHSP-15 funds will be used to support planning, training, and exercise activities, public education and outreach efforts, and supplies and small tools/equipment acquisition.

The performance period for this grant runs from September 1, 2015 through June 30, 2017.

- Funding Amount and Source
$79,998 from a Federal Grant: DHS, SHSP-2015, Contract #E16-053-Whatcom

Please contact John Gargett or Frances Burkhart if you have any questions.
Supplemental Budget Request

Sheriff

Emergency Management

Supp ID # 2133  Fund 167  Cost Center 16782  Originator: Frances Burkhart

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

Name of Request: SHSP-2015

Department Head Signature (Required on Hard Copy Submission)  Date

X  1/25/16

Costs:

<table>
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<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
<td>4333.8705</td>
<td>St Homeland Sec Grt Prg</td>
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</tr>
<tr>
<td>6120</td>
<td>Extra Help</td>
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<tr>
<td>7410</td>
<td>Equipment-Capital Outlay</td>
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</table>

Request Total  $0

1a. Description of request:

The US Dept of Homeland Security (DHS) FFY2015 State Homeland Security Program (SHSP-2015) grant awarded $79,998 to Whatcom County Sheriff's Office Division of Emergency Management (WCSO-DEM) to support the building, sustainment, and delivery of core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas that are essential to achieving the National Preparedness Goal of a secure and resilient Nation. This is the 13th year that Whatcom County has received an SHSP grant. WCSO-DEM is requesting budget authority to begin work on grant deliverables.

1b. Primary customers:

Local emergency management, partner agencies, and the residents of Whatcom County.

2. Problem to be solved:

Whatcom County is at risk from a number of natural and man-made hazards, including floods, wildfires, earthquakes, tsunamis, volcanoes, severe weather, hazardous materials, and terrorist activities. Catastrophic events that are not prevented, prepared for, or responded to quickly and effectively have the potential to inflict great harm on the people, property, economy, and environment of Whatcom County.

3a. Options / Advantages:

SHSP funds are awarded specifically for projects that would otherwise have to be funded with local monies, postponed, or eliminated.

Sunday, January 24, 2016
Supplemental Budget Request

Sheriff

Emergency Management

Supp'ID # 2133

Fund 167  Cost Center 16782

Originator: Frances Burkhart

3b. Cost savings:

$79,998

4a. Outcomes:

SHSP-2015 funds will support planning activities, training and exercise, public education and outreach, and small tools/equipment purchases. The small tools and equipment budget includes Personal Protective Equipment (PPE) for the Sheriff's Office. The capital equipment budget is earmarked for an access control/intrusion detection system for the Whatcom Unified Emergency Coordination Center.

4b. Measures:

DEM will monitor program projects and expenditures against contract deliverables.

5a. Other Departments/Agencies:

In developing plans, training, and exercises, DEM works with a number of partner agencies, including municipal jurisdictions, law enforcement, fire services, public works, medical providers, transit agencies, educational institutions, Red Cross, and private industries. This coordination provides a whole community approach to emergency management.

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

N/A

6. Funding Source:

Federal Grant: DHS, SHSP-2015, CFDA # 97.067
MEMORANDUM

TO: Whatcom County Council members

FROM: Jack Louws, County Executive

RE: EDI Program – 2 Interlocal Loan & Grant Agreements with The Port of Bellingham

DATE: January 21, 2016

Attached are two Supplemental budget requests for spending authority on two EDI Interlocal Loan and Grant Agreements for which budget authority is required.

1) **C Street Terminal Infrastructure Rehabilitation Project.** In 2013, the Council adopted the EDI Board’s recommendation to provide $3-million in EDI-program funding for this project. The Port expected to commence work in 2015, and partial funding was authorized ($1-million grant). Project work has been delayed, and the current status indicates that work will be completed by late Fall of 2016. Accordingly, the $1-million is being reappropriated, and we are now requesting budget authority for the additional $2-million, for loan funding.

2) **All American Marine Expansion Project.** EDI funds in the amount of $3-million were appropriated for this project in November of 2015. Immediately thereafter, a project scope modification was proposed by the Port, and approved by Council in December 2015. This modification delayed the completion of the EDI Interlocal Loan and Grant Agreement. The agreement is now in place. The Port expects to complete this project in 2016 as well; therefore, we are requesting budget authority for the full $3,000,000 ($2-million loan and $1-million grant).

This program funding is derived from the Public Utilities Improvement Fund.

If you should have any questions regarding either of these supplemental budget requests, please contact me.
Supplemental Budget Request

Executive

Supp1ID # 2132  Fund 332  Cost Center 3322233  Originator: Suzanne Mildner

Expenditure Type: One-Time  Year 2 2016  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: EDI loan - POB C Street Rehab

X

Department Head Signature (Required on Hard Copy Submission)  Date 1/21/16

Costs:

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<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
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<td>$2,000,000</td>
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</table>

1a. Description of request:
This request is for budget authority for EDI loan funding for the Port of Bellingham’s C Street Terminal Rehabilitation Project.

1b. Primary customers:
Port of Bellingham

2. Problem to be solved:
In the Fall of 2013, the County Council authorized EDI funding in the amount of $3,000,000 for the Port of Bellingham’s C Street Terminal Rehab project. An Interlocal Agreement and $1,000,000 for grant funding was authorized in 2015. It is expected that the project will be completed in 2016. Therefore, authorization for the remaining $2,000,000, which is for loan funding, is being requested at this time to allow for completion of this project by Port of Bellingham.

3a. Options / Advantages:
The EDI Board and County Council previously determined that this project meets the objectives of the EDI Program project guidelines.

3b. Cost savings:
N/A

4a. Outcomes:
Project completion is estimated to be late 2016.

4b. Measures:
Final project report and budget summary.

5a. Other Departments/Agencies:
Port of Bellingham

5b. Name the person in charge of implementation and what they are responsible for:
Port of Bellingham personnel will submit payment requests and final report on the project.

6. Funding Source:
Public Utilities Improvement Fund
Supplemental Budget Request

Executive

<table>
<thead>
<tr>
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<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
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<tbody>
<tr>
<td>2131</td>
<td>332</td>
<td>332234</td>
<td>Suzanne Mildner</td>
</tr>
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</table>

Expenditure Type: One-Time  Year: 2016  Add'l FTE:  Add'l Space:  Priority: 1

Name of Request: Reappropriation POB All American EDI

X  

1/21/16

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
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<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>$3,000,000</td>
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1a. Description of request:
This is a reappropriation request for the EDI Program funding for the Port of Bellingham's All American Marine Expansion project.

1b. Primary customers:
Port of Bellingham

2. Problem to be solved:
Funds were appropriated for this project in November of 2015. Then a project scope modification request was submitted by Port of Bellingham and approved by County Council in December of 2015. This process delayed the completion of the Interlocal Agreement. Now an Interlocal Agreement is in place and has been approved by County Council, and we need to reappropriate the funding for 2016. The All American Marine expansion project involves an expansion of this boat manufacturing company's facilities on the waterfront, and has received EDI Board and County Council approval for $3,000,000 in EDI loan and grant funding.

3a. Options / Advantages:
The EDI Board and County Council previously determined that this project meets the objectives of the EDI Program project guidelines.

3b. Cost savings:
N/A

4a. Outcomes:
Project completion is expected to be 4th quarter of 2016

4b. Measures:
Final project report and budget summary

5a. Other Departments/Agencies:
Port of Bellingham

5b. Name the person in charge of implementation and what they are responsible for:
Port of Bellingham personnel will submit payment requests and final report on the project.

6. Funding Source:
Public Utilities Improvement Fund

Wednesday, January 20, 2016
# 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>
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<td>L</td>
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<td>Purchasing/Budget</td>
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<tr>
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<td>F</td>
<td>2/17/16</td>
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</table>

**TITLE OF DOCUMENT:**
Ordinance regarding installation of stop signs on Jackson Road at the intersection of Bay Road.

**ATTACHMENTS:**
1. Memo to County Executive
2. Ordinance
3. Vicinity Map for intersection of proposed stop sign locations
4. Stop Sign and Multi-Way Stop Warrant Analysis

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( X ) Yes</th>
<th>( ) NO</th>
<th>Requested Date: 2/23/2016</th>
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<td>( X ) NO</td>
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</tbody>
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**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.)

To comply with RCW 46.61.200 and 47.36.110, it is found necessary to modify traffic control signs on Jackson Road at the intersection of Bay Road.

**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, 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: January 27, 2016

Re: Ordinance to Install Stop Signs on Jackson Road

Requested Action:
This ordinance will allow for placement of stop signs on Jackson Road at the intersection of Bay Road, thereby creating an all-way stop condition.

Background and Purpose:
Citizen have expressed concerns related to the operation of the intersection of Jackson and Bay roads. Drivers not obeying the existing stop signs on Bay Road along with excessive speeds on Jackson Road create the potential for high speed T-bone type collisions.

Public Works is requesting the lowering of the speed limits entering this intersection under a separate agenda bill and ordinance. This will allow for the installation of stop signs, thereby creating an all-way stop condition under Section 28.07 Option D of the Manual of Uniform Traffic Control Devices (MUTCD).

Information:
Bay Road currently is a stop condition at Jackson Road.

Jackson Road currently is a through (non-stop) condition at Bay Road
ORDINANCE NO._______
INSTALLING STOP SIGNS ON ROADS WITHIN THE COUNTY

WHEREAS, stop sign installation has been requested by a citizen; and

WHEREAS, it is found possible to install stop signs to help control traffic, at the intersection of Jackson Road with Bay Road; and

WHEREAS, it is necessary that the existing intersection of Jackson Road and Bay Road be modified to an all-way stop.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.16 as follows:

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Direction</th>
<th>Cross Street</th>
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<tr>
<td>Jackson Road</td>
<td>-Stopping</td>
<td>Bay Road</td>
</tr>
<tr>
<td></td>
<td>Northbound</td>
<td></td>
</tr>
<tr>
<td>Jackson Road</td>
<td>Southbound</td>
<td>Bay Road</td>
</tr>
</tbody>
</table>

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ___ day of____________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved  () Denied

Daniel L. Gibson, Chief Civil Deputy Prosecutor
Jack Louws, Executive

Date: ___________________________
Bay Road & Jackson Road Intersection

- **Collision History**, 2010 to present (attached):
  
  10/9/10, NB RT turn, ran off road, DUI, property damage
  1/12/11, EB RT Turn struck SB, hit and run, injury
  5/16/13, WB disregard stop sign, struck SB LT Turn, property damage

- **Traffic Volumes** (attached):
  
  Jackson Road north of Bay Road (2015) - 1239
  Jackson Road south of Bay Road (2015) - 1059

  Bay Road west of Jackson Road (2015) - 1112
  Bay Road east of Jackson Road (2015) - 1384

- **Roadway classifications**:
  
  Jackson Road - Urban Minor Collector (18)
  Bay Road - Urban Local Access (19)

- **Current Signing**:
  
  Bay Road stops eastbound and westbound at Jackson Road

  Posted Speed Limits:
  Bay Road, west of Jackson Road - 25 MPH, 85th % - 27 MPH
  Bay Road, east of Jackson Road - 35 MPH, 85th % - 35 MPH

  Jackson Road, north of Bay Road - 25 MPH, 85th % - 33 MPH
  Jackson Road, south of Bay Road - 40 MPH, 85th % - 39 MPH

Multi-Way Criteria (Analysis & MUTCD Section 2B.07 attached)
A. - No
B. - No
C1.- No
C2.- No
C3.- No
D. - No

Multi-Way Stop Option D – Yes, if entering speeds to intersection lowered to 25mph.
Section 2B.07 Multi-Way Stop Applications

Support:

Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.

The restrictions on the use of STOP signs described in Section 2B.04 also apply to multi-way stop applications.

Guidance:

The decision to install multi-way stop control should be based on an engineering study.

The following criteria should be considered in the engineering study for a multi-way STOP sign installation:

A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.

C. Minimum volumes:
   1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and
   2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
   3. If the 85th percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.

D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

Option:

Other criteria that may be considered in an engineering study include:

A. The need to control left-turn conflicts;
B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.
## Multi-Way Stop Analysis

**Major Road**  
Name: Jackson Road  
Roadlog #: 21950  
Milepost: 0.42  
FFC: 18  
ADT: 1149

**Minor Road**  
Name: Bay Road  
Roadlog #: 23500  
Milepost: 0.23  
FFC: 19  
ADT: 1248

Avg. PM Delay: ----

85th % Speed: 33/39 MPH  85th % Speed: 27/35 MPH

### Major Road - Entering Volume

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<tr>
<th>Interval</th>
<th>Direction</th>
<th>NB</th>
<th>SB</th>
<th>Total</th>
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**Minor Road - Entering Volume**

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<th>Minor</th>
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<td>200</td>
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Date: 7/8/15  
Day of Week: Wednesday  
Multi-Way Stop  
Minimum Entering Volumes
| ROAD NAME   | LEG  | CROSS ROAD      | BEGAN  | ENDED   | TOTAL VOLUME
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<td>ADT WEEKDAY</td>
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2010 to present
2010 to present

## Collision Summary

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**Combined:** 1589 2132 1449 997 981 1115 1028 1142.0 1327.3

**Split (%):** 51.7 48.3 50.0 50.0 45.9 54.1 47.1 52.9 48.7 51.3 49.6 50.4 49.2 50.8 49.5 50.5 49.1 50.9

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\[ 997 + 981 + 1115 + 1142 = 1059 \]

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\[
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Totals: 889 1147 1228 1286 1154 685 629 529 511 509 562 576 539 592 626.0 670.6 787.4 760.6

Combined: 2036 2514 1839 1158 1020 1138 1131 1296.6 1548.0

Split (%): 43.7 56.3 50.1 15.2 26.8 37.2 54.3 45.7 50.1 49.9 49.4 50.6 47.7 52.3 48.3 51.7 50.9 49.1

**Peak Hours**

- **12:00 AM - 12:00 PM**
  - Volume: 90 71 123 65 149 50 66 30 67 37 58 48 52 33
  - Factor: 0.80 0.71 0.92 0.74 0.88 0.84 0.58 0.85 0.71 0.76 0.55 0.80 0.71 0.90 0.62

- **12:00 PM - 1:15 PM**
  - Volume: 78 112 123 182 113 77 58 66 43 55 48 56 45 67 50.4 62.4 65.6 70.9
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85 Truck

27.0 2.7%
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Combined: 2128 2508 1998 1389 1357 1444 1347 1333 1737.3

Split (%): 59.2 40.8 59.9 40.1 40.2 59.8 50.3 49.7 52.4 47.6 53.3 46.7 56.0 44.0 54.7 45.3 53.4 46.6

### Peak Hours

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Volume: 1357 + 1494 + 1347 = 1384

Factor: 0.91
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
An Ordinance Regarding Establishment of Speed Limits on portions of Jackson Road and Bay Road in the Birch Bay area.

**ATTACHMENTS:**
1. Memo to County Executive and County Council
2. Speed Limit Ordinance
3. Vicinity Map

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<th>Yes/No</th>
<th>SEPA review completed?</th>
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<th>Should Clerk schedule a hearing?</th>
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**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.)

To comply with RCW 46.61.415, it is found necessary and expedient to modify speed limits on portions of Jackson Road and Bay Road in the Birch Bay area.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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**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 Jack Louws, 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: January 27, 2016

Re: Ordinance Regarding Change of Speed Limits for Bay and Jackson Roads

Requested Action:
Adoption of an ordinance for the change of speed limits on portions of Jackson Road and Bay Road in the Birch Bay area.

Background and Purpose:
Citizen have expressed concerns related to the operation of the intersection of Jackson and Bay roads. Drivers not obeying the existing stop signs on Bay Road along with excessive speeds on Jackson Road create the potential for high speed T-bone type collisions.

Public Works is requesting that this intersection be made an all-way stop condition under a separate agenda bill and ordinance. The adoption of this ordinance to reduce speed limit will make all four legs of the intersection 25 MPH. This allows for the creation of an all-way stop condition by the meeting Section 28.07 Option D.

Information:
The existing speed limit on Bay Road East of Jackson Road is 35mph. This ordinance would make the first 500-feet east of Jackson Road 25mph.

The existing speed limit on Jackson Road South of Bay Road is 40mph. This ordinance would make the first 500-feet south of Bay Road 25 mph.

The existing speed limit on Jackson Road north of Bay Road as well as Bay Road west of Jackson Roads is 25 mph.
ORDINANCE NO. ________
TO ESTABLISH SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, it is found possible to reduce the speed limit on Jackson Road and Bay Road; and

NOW, THEREFORE, BE IT ORDAINED that speed limits be established as follows:

25 MPH on Bay Road from Jackson Road east for 500 feet, and

25 MPH on Jackson Road from Bay Road south for 500 feet

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Section 10.04.030.

ADOPTED this _____ day of ______, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive
Proposed Speed Limit Change for Bay and Jackson Roads

- Speed Limit Change 40 MPH to 25 MPH for 500' South of Bay Road
- Speed Limit Change 35 MPH to 25 MPH for 500' east of Jackson Road

Proposed Speed Change 40 MPH and 35 MPH to 25 MPH

1 inch = 1,000 feet
Ordinance to amend Whatcom County Ordinance 2010-040 to authorize additional capital projects for which unexpended bond proceeds may be used by the County.

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:

TO: Whatcom County Council
DATE: January 28, 2016
FROM: Tyler Schroeder, Deputy Executive
RE: Ordinance to amend Whatcom County Ordinance 2010-040

Background and Purpose:

In October 2010, Whatcom County passed Ordinance No. 2010-040 resulting in the issuance Limited Tax General Obligation, 2010B (Taxable Recovery Zone Economic Development Bonds – Direct Payment) for the purpose of financing a portion of the costs to replace the security electronics in the jail and juvenile detention facility, to replace the jail fire alarm system and to create additional emergency exits in the jail housing units.

The aforementioned project is near completion and we project the remaining balance of the bond proceeds to be approximately $700,000.

The attached ordinance amends Ordinance No. 2010-040 to expand the uses of the bond so that the remaining unspent Bond proceeds may be used to:

1) Replace the security controls at the County’s minimum security facility.
2) Study of the deficiencies of the jail and minimum security facility.
3) Make improvements to either facility.

Addressing these needs is a good use of the remaining bond proceeds however the remaining proceeds will not be adequate to address all the facility deficiencies of the jail and work center,

Funding:

The purpose of this ordinance amendment is to authorize additional capital projects using remaining bond proceeds.
ORDINANCE NO. 2016-____

AMENDING ORDINANCE NO. 2010-040 TO AUTHORIZE ADDITIONAL CAPITAL PROJECTS FOR WHICH UNEXPENDED BOND PROCEEDS MAY BE USED BY THE COUNTY

WHEREAS, the County Council of Whatcom County, Washington (the "County") passed Ordinance No. 2010-040 on October 12, 2010 (the "Bond Ordinance"), providing for the issuance of the County's Limited Tax General Obligation Bonds, 2010B (Taxable Recovery Zone Economic Development Bonds - Direct Payment) (the "Bonds") for the purpose of financing a portion of the costs of replacement of the security electronics in the County jail and juvenile detention facility, replacement of the fire safety systems in the County jail and creation of additional emergency exits in the housing areas of the facility (the "County Jail Project"); and

WHEREAS, the County issued and sold the Bonds on October 25, 2010 in the aggregate principal amount of $1,825,000; and

WHEREAS, the County Jail Project has been completed and the County Council finds it in the public interest to amend the Bond Ordinance, in order to provide authorization for the expenditure of unspent Bond proceeds;

NOW, THEREFORE, BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL,

Ordinance No. 2010-040 is amended as follows:

Section 1. Amendment to Section 1 of Ordinance No. 2010-040. Section 1 of Ordinance No. 2010-040, is hereby amended to read as follows (additions are underscored and deletions are shown as stricken):

Section 1. Definitions.

. . . .

Project means the replacement of the security electronics in the County jail and juvenile detention facility, replacement of the fire safety systems in the County jail, and creation of additional emergency exits in the housing areas of the facility, and, following completion of the foregoing, remaining unspent Bond proceeds may also be used for the replacement of the jail controls at the County's minimum security facility and a contract for a study of the deficiencies in the County jail and minimum security facility and the undertaking of related improvements.

. . . .
Section 2. Amendment to Section 7 Ordinance No. 2010-040. Section 7 of Ordinance No. 2010-040, is hereby amended to read as follows (additions are underscored and deletions, if any, are shown as stricken):

Section 7. Application of Bond Proceeds and Redemption of the Refunded Bonds.

(a) Project Fund. The Treasurer has heretofore established a special fund of the County designated as the "2010 Jail Improvement Fund" (the "Project Fund"). The proceeds of sale of the Improvement Bonds and the 2010B Bonds shall be deposited in the Project Fund and shall be expended solely to pay the cost of issuing and selling the Improvement Bonds and the 2010B Bonds and, together with other available moneys of the County, shall be used to pay the costs of the Project. Money in the Project Fund shall be invested by the Treasurer, pending disbursement, in any legal investment for County funds.

Any portion of the proceeds of the 2010B Bonds remaining in the 2010 Jail Improvement Fund after all costs of the Project have been paid may be used for any capital purpose of the County or may be transferred to the Bond Fund.

...

Section 3. Confirmation of Ordinance No. 2010-040. Ordinance No. 2010-040, as amended by this amendatory ordinance, is hereby ratified, approved and confirmed.

Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption.

ADOPTED this __________ day of __________, 2016.

WHATCOM COUNTY COUNCIL
ATTEST: WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Clerk of the Council

______________________________
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

______________________________
Daniel L. Gibson
Civil Deputy Prosecutor

______________________________
Jack Louws, County Executive

( ) Approved ( ) Denied

Page 2
CERTIFICATE

I, the undersigned, Clerk of the County Council of Whatcom County, Washington, (the “County”) and keeper of the records of the County Council (“Council”), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 2016- ___ of the Council (herein called the “Ordinance”), duly adopted at a regular meeting thereof held on the ___ day of February, 2016.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such regular meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of February, 2016.

__________________________
Dana Brown-Davis, Clerk of the 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>
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<tbody>
<tr>
<td>Originator:</td>
<td>DH</td>
<td>1/29/2016</td>
<td></td>
<td>2/9/16</td>
<td>Introduction</td>
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<tr>
<td>Division Head:</td>
<td></td>
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<td></td>
<td>2/23/16</td>
<td>Hearing</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>1/29/16</td>
<td></td>
<td></td>
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<tr>
<td>Prosecutor:</td>
<td></td>
<td>2-27-16</td>
<td></td>
<td></td>
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<tr>
<td>Purchasing/Budget:</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Executive:</td>
<td></td>
<td>2/11/16</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
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**TITLE OF DOCUMENT:** Resolution to sell Tax-Title property by negotiation \(\text{Req.} \#\text{TR2016-01}\)

**ATTACHMENTS:** Map, Map, Property Profile & Letter from applicant

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

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**
The Property Management Committee determined the property be sold by negotiation as per R.C.W. 36.35.150(4); when no acceptable bids were received at the attempted public auction of the property, if the sale is made within twelve month from the date of the attempted public auction.

Parcel No. 370406.266098.0000 / PID 30379
Sudden Valley Div 15 Lot 7 Twn 37N Rge 04E Sec 06

For no less than the principal taxes, interest, penalties, title search and foreclosure costs of $3,839.35

**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.
RESOLUTION NO.

TO SELL COUNTY TAX TITLE PROPERTY
BY NEGOTIATION

REQUEST NO. 2016-01

WHEREAS, RCW 36.35.120 allows the County to sell real estate acquired by tax foreclosure where it is found to be in the best interest of Whatcom County to sell the same; and,

WHEREAS, the Whatcom County Property Management Committee recommends the resolution be passed to effectively meet the legal requirement for the disposal by negotiation pursuant RCW 36.35.150(4) when no acceptable bids were received at the attempted public auction of the property, if the sale is made within twelve month from the date of the attempted public auction; and,

WHEREAS, the Whatcom County Property Management Committee recommends the Whatcom County Treasurer enter into negotiations the applicant; and,

WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price for said unit of property; and,

WHEREAS, the Whatcom County Code as well as the state law allows the County to reserve from the sale coal, oil, gas, gravel, mineral, ores, fossils, timber or other resources if the Council finds that it is in the best interest to reserve these; and

WHEREAS, the principal taxes, title search and foreclosure costs, total $3,389.35

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to sell:

Parcel No. 370406.266098.0000 / PID 30379
SUDDEN VALLEY DIV 15 LOT 7 TWN 37N RGE 04E SEC 06

By negotiation for no less than $3,389.35.

BE IT FURTHER RESOLVED that said price shall not be allowed under contract and shall be paid in either cash, certified check, or money order to the Whatcom County Treasurer at the time of sale; and,

BE IT FURTHER RESOLVED that said parcel shall be sold subject to restrictive covenants allowing for imposition of Community Association fees, if any, as set forth in Whatcom County Resolution No. 88-37; and,
BE IT FURTHER RESOLVED that this sale transfers to the owners all coal, oil, gas, gravel, minerals, ores, fossils, timber or other resources on or in said land and the right to mine for and remove the same in conformity with zoning regulations in force and effect; and,

BE IT FURTHER RESOLVED that the Whatcom County Treasurer is hereby directed to sell such property at not less than a certified price and said sale shall take place in accordance with the duties as established in RCW 36.35.120.

APPROVED this ______ day of _____________________, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecuting Attorney
**WHATCOM COUNTY REAL PROPERTY INVENTORY**  
**PARCEL PROFILE**

<table>
<thead>
<tr>
<th>Item #</th>
<th>1074</th>
<th>Parcel #</th>
<th>370406-266098-0000</th>
<th>Custodian</th>
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<tbody>
<tr>
<td>PID #</td>
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<td>Date Acquired</td>
<td>11/20/2015</td>
<td>Purchase Price</td>
<td>$3,839.35</td>
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<td>Location</td>
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<td>Facility</td>
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<td>SUDDEN VALLEY DIV 15 LOT 7</td>
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<table>
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<tr>
<th>Current Use</th>
<th>9110 RESIDENTIAL</th>
<th>Zoning</th>
<th>RR3 RES RURAL 3DU/A</th>
<th>Acreage</th>
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<table>
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<th>Land</th>
<th>Building</th>
<th>Total</th>
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<td>$5,462.00</td>
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**Special Characteristics**

**Physical Inspection**

**Date Last Reviewed**

**Purpose**

**Surplused**

**Saleability Remarks**

**Sale Status**

**Lease Info**

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<tr>
<th>Deed #</th>
<th>5514</th>
<th>Treasurer's Deed</th>
<th>12/8/2015</th>
<th>Auditor's File #</th>
<th>2015-1200926</th>
<th>Volume, Page</th>
<th></th>
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</thead>
</table>

369
20023 11th Place W.
Lynnwood, WA 98036
January 5, 2016

Steven N. Oliver, Whatcom County Treasurer
Attn: Debbie Hayes
311 Grand Avenue, Suite 104
Bellingham, WA 98225

Re: Parcel Number 370406-266098-0000/PID 30379

Pursuant to RCW 36.35.150 (4), enclosed please find our application and related application fee to purchase the referenced property through a ‘sale by negotiation’.

We own the home on the adjacent property and would like to purchase this lot so that we can maintain the rural setting around our property. Our intention would be to keep this lot in a natural state so that it can remain a scenic border and habitat for wildlife. We are aware of the accumulated costs and taxes as of the prior auction and understand that there will also be additional fees. We have sufficient cash to purchase the property without financing and can close in a timely manner if approved.

Please contact me at (815) 353-4145 or prlcpa0625@gmail.com should you require any additional information. Thank you for consideration of our interest in purchasing this property.

Sincerely,

Paul R. Lee