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**TITLE OF DOCUMENT:**
Presentation by NW Clean Air Agency on Columbia Valley air quality

**ATTACHMENTS:**

**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.)

**COMMITTEE ACTION:** | **COUNCIL ACTION:**

**Related County Contract #:** | **Related File Numbers:**

**Ordinance or Resolution Number:**

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

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WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Approving recommendations on 2016 applications for Open Space Current Use Assessment

ATTACHMENTS:

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.)

Please find the attached 2016 Open Space Applications and supporting documentation. Three applications to Open Space Land and one application to Open Space Farm and Agriculture Conservation Land.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

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

THROUGH: Mark Personius, Assistant Director, Planning and Development Services

FROM: Chris Elder, Open Space Land Administrator

DATE: November 7, 2017

SUBJECT: 2016 Open Space Current Use Program Applications

Four (4) applications for the Open Space Current Use Assessment have been reviewed by the Whatcom County Planning Commission and PDS staff. The four applications include the following:

Open Space Land (OSL)

OSP2016-00001 – Lummi Island Heritage Trust
Parcel A: GEO ID: 370124 065212 0000
Parcel B: GEO ID: 370124 175195 0000
Parcel C: GEO ID: 370124 191084 0000

GEO ID: 380310 390311 0000

OSP2016-00003 – Michael J & Kathleen M Craig
GEO ID: 405124 455387 0000

Open Space Farm and Conservation Land (OSFCL)

OSP2016-00004 – Ed Lofquist
GEO ID: 390416 461085 0000

The Whatcom County Planning Commission received the staff report on these four Open Space applications and held a public hearing at their Oct 26, 2017 meeting. Based on the staff report and public hearing, Commissioners voted unanimously in support of all 4 applications.

The attached packet includes the following supporting documents:
- Staff report and recommendations including Individual Application Evaluation Forms and Maps, Whatcom County Open Space Policies and Criteria and Public Benefit rating System (PBRS), and 2014 Department of Revenue Open Space Taxation Act Publication
- Draft resolution based on findings that were made by the Whatcom County Planning Commission at that October 26 public hearing

I look forward to discussing the merits of these four (4) applications. Thank you.
RESOLUTION NO: ________________

APPROVING RECOMMENDATIONS ON APPLICATIONS FOR OPEN SPACE CURRENT USE ASSESSMENT

WHEREAS, The Open Space Taxation Act codified as Chapter 84.34 RCW, gives counties authority to approve applications for current use classification and reclassification for the following classifications: Farm and Agricultural Land, Open Space Land, Farm & Agricultural Conservation Land, and Timber Land; and

WHEREAS, Pursuant to Whatcom County Code, Section 3.28.020, applications for the classification of Open Space Land and Farm & Agricultural Conservation Land are received and evaluated by Whatcom County Planning and Development Services Department staff, and the results of this evaluation are then presented to the Whatcom County Planning Commission for their review and consideration in making recommendations to the County Council on whether to approve the applications in whole or in part; and

WHEREAS, Pursuant to RCW 84.34.055 and WAC 458-30-330 Whatcom County has adopted a Public Benefit Rating System (PBRS) by Ordinance # 95-040, which is used by staff to rate applications for Open Space Land and Open Space Farm & Agricultural Conservation Land; and

WHEREAS, Applications for Open Space Land and Open Space Farm & Agricultural Conservation Land are evaluated with the Public Benefit Rating System and assigned a Public Benefit Rating (PBR) that corresponds with a staff recommendation of approval or denial, and must receive a score of 45 or above for a staff recommendation of approval; and

WHEREAS, In accordance with the Whatcom County Open Space Policies and Public Benefit Rating System, public access is a condition of approval for Open Space Land applications, except that this requirement may be waived by the Council when the purpose of the classification is for the conservation of wetlands; or when there is a documented occurrence of: State or Federal Threatened Endangered Species, Federal Proposed Endangered or Threatened Species, State Sensitive or Monitor Species; or when there is a known or potentially significant archaeological site; and
WHEREAS, On October 26, 2017 the Whatcom County Planning Commission held a public hearing and considered staff recommendations and considered all input from the public on applications; and

WHEREAS, Pursuant to WAC 197-11-800(6)(c), matters relating to Open Space Current Use Assessment are determined not to be major actions and thus exempt from environmental review under the State Environmental Policy Act (SEPA); and

WHEREAS, Pursuant to RCW 36.70.390, the statutory requirements regarding legal notice have been met; and

WHEREAS, The County Council has adopted the following Findings of Fact and Reasons for Action:

1. In 2016, Whatcom County Planning and Development Services received four applications to classify or reclassify land under the open space current use program (Chapter 84.34. RCW) on lands located within the jurisdiction of Whatcom County.

2. Of these four applications: three are for Open Space Land (OSL), and one application is for the classification of Open Space Farm and Agricultural Conservation Land (OSFAC). Upon receipt of these applications, Planning and Development Services staff evaluated the open space land application with the Public Benefit Rating System (PBRS), and also for conformance with Subsection 84.34.041 of the Open Space Taxation Act (RCW 84.34).

3. Staff prepared a report for the Planning Commission with recommendations on whether to approve in whole or in part or to deny these applications based on review with the applicable evaluation criteria and scores assigned. This report was presented to the Whatcom County Planning Commission and to members of the public who were present at the Whatcom County Planning Commission public hearing held on October 26, 2017. Staff presented each of the four individual applications, followed by a public comment period.

4. Staff recommended approval on the three applications for Open Space Land and the one application for Open Space Farm and Agricultural Conservation Land. Staff recommendation of approval on these applications was based on an assigned Public Benefit Rating (PBR) score of 45 points or higher which is consistent with a staff recommendation of approval pursuant to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System.

5. Whatcom County Planning Commissioners considered staff findings and recommendations as well as public comments received during the public hearing on the three Open Space Land applications and one Open Space Farm and Conservation Land application and voted to recommend approval on all 4 applications.
NOW, THEREFORE, BE IT RESOLVED BY THE WHATCOM COUNTY COUNCIL:

1. Recommendations on applications for open space current use assessment referenced in Master File Number OS2013-1 listed below are hereby approved subject to conditions and applicable scores as noted herein:

A. Open Space Land (OSL)

1. **OSP2016-00001 – Lummi Island Heritage Trust**  
   Application to Reclassify: Designated Forestland to Open Space Land  
   Parcel A: GEO ID: 370124 065212 0000  
   Parcel B: GEO ID: 370124 175195 0000  
   Parcel C: GEO ID: 370124 191084 0000  
   Parcel acres = 113.57; OSL acres = 113.57:  
   **Public Benefit Rating 130**  
   ESTIMATED SHIFT IN TAXES IF APPROVED: **$75.69**

   Staff recommended **approval** subject to the following conditions:
   1. Public Access in accordance with the Public Access Statement referenced File No. OSP2016-00001
   2. Posted Open Space Sign near the property entrance at the end of Beach Avenue, visible to persons entering the site.
   3. Public Access Statement & Proposed Rules of Conduct as noted in the file record
   4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00001
   5. Hold Harmless Agreement

   GEO ID: 380310 390311 0000  
   Parcel acres = 5.0; OSL acres = 4.0:  
   **Public Benefit Rating 53.04**  
   ESTIMATED SHIFT IN TAXES IF APPROVED: **$332.46**

   Staff recommended **approval** subject to the following conditions:
   1. Public Access to individuals or small groups by appointment in accordance with the owners Public Access Statement referenced File No. OSP2016-00002.
   2. Posted Open Space Sign near the property entrance at 1563 Mt Baker Highway
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00002
5. Hold Harmless Agreement

3. OSP2016-00003 – Michael J & Kathleen M Craig
   GEO ID: 405124 455387 0000
   Parcel acres = 8.48; OSL acres = 8.48:
   **Public Benefit Rating: 90.78**
   **ESTIMATED SHIFT IN TAXES IF APPROVED:** -$1,704.58

   Staff recommended approval subject to the following conditions:
   1. Public Access in accordance with the Public Access Statement referenced File No. OSP2016-00003
   2. Posted Open Space Sign near the property entrance on Harborview Road
   4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00003
   5. Hold Harmless Agreement

**B. Open Space Farm and Conservation Land (OSFAC)**

1. OSP2016-00004 – Ed Lofquist
   Application to reclassify Open Space Farm and Agriculture to Open Space Farm and Agriculture Conservation Land
   GEO ID: 390416 461085 0000
   Parcel acres = 9.95; OSL acres= 9.95:
   **Public Benefit Rating 73.92**
   **ESTIMATED SHIFT IN TAXES IF APPROVED:** $630.06

   Staff recommended approval subject to the following conditions:
   1. Public Access to individuals or small groups by appointment in accordance with the owners Public Access Statement referenced File No. OSP2016-00004
   2. Posted Open Space Sign near the property entrance on Siper Lane
   4. All uses of the land must be compatible with the purposes of the Open Space Farm and Agricultural Conservation Land classification as approved and as described in File No. OSP2016-00004
5. Hold Harmless Agreement

2. The Whatcom County Council directs the Assessor to place the above referenced parcels into the appropriate open space current use classification.

3. Adjudication of invalidity of any of the sections, clauses, or provisions of this resolution shall not affect or impair the validity of the resolution as a whole or any part thereof other than the part so declared to be invalid.

APPROVED this __________ day of __________________________, 2017

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis
Clerk of the Council

Barry Buchanan
Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

STAFF RECOMMENDATIONS TO THE WHATCOM COUNTY PLANNING
COMMISSION ON THREE APPLICATIONS TO CLASSIFY LAND AS “OPEN
SPACE LAND” AS AUTHORIZED UNDER CHAPTER 84.34 RCW &
WHATCOM COUNTY ORDINANCE NO. 1995-040

Open Space Applications 2016

Introduction:

This report summarizes staff findings and recommendations on a total of four
applications for classification of land as “Open Space Land” as authorized under the
Open Space Taxation Act, Chapter 84.34 RCW, and Whatcom County Ordinance No.
1995-040.

This report is prepared for the October 26, 2017 Whatcom County Planning
Commission meeting where staff will present these applications and ask that the
Planning Commission consider them and make recommendations as to whether
they should be approved in whole or in part, or denied. At the conclusion of the
Planning Commission work session, staff will forward recommendations made by
the Planning Commission to the Whatcom County Council acting as granting
authority, for its review in making a final decision on each application.

The report is composed of five main parts:

1. Summary of four applications to classify land pursuant to applicable state
   and local regulations;

2. Application review, staff findings of fact, proposed conclusions, and staff
   recommendations;

3. Background information on the Open Space Taxation Act;

4. Role of Staff, Planning Commission, and County Council in application review,
   approval or denial;

I. Applications Summary

Open Space Land (OSL)

1. OSP2016-00001 – Lummi Island Heritage Trust

New application to reclassify property from Designated Forestland and Residential to Open Space Land (113.57 OSL acres)

1103 Beach Avenue, Lummi Island

Parcel A: GEO ID: 370124 065212 0000:
= 39.75 Open Space Land application acres (39.75 total parcel acres)
Parcel B: GEO ID: 370124 175195 0000:
= 9.00 Open Space Land application acres (9.00 total parcel acres)
Parcel C: GEO ID: 370124 191084 0000:
= 64.82 Open Space Land application acres (64.82 total parcel acres)

Public Benefit Rating: 130
ESTIMATED SHIFT IN TAXES IF APPROVED: $75.69


Application to reclassify property from Open Space Agriculture to Open Space Land (4 OSL Acres)

1563 Mt Baker Highway, Bellingham

GEO ID: 380310 390311 0000: 4 Open Space Land application acres (5 total parcel acres)

Public Benefit Rating: 53.04
ESTIMATED SHIFT IN TAXES IF APPROVED: $332.46

3. OSP2016-00003 – Michael J & Kathleen M Craig

New application to reclassify property as Open Space Land (8.48 OSL Acres)

Harborview Road

GEO ID: 405124 455387 0000: 8.48 Open Space Land application acres;
(8.48 total parcel acres)

Public Benefit Rating: 90.78
ESTIMATED SHIFT IN TAXES IF APPROVED: -$1,704.58
Open Space Farm and Agriculture Conservation Land (OSFAC)

4. OSP2016-00004 – Ed Lofquist

New application to reclassify property as Open Space Farm and Conservation Land (9.95 +/- OSFAC Acres)

Siper Lane

GEO ID: 390416 461085 0000: 9.95 +/- Open Space Land application acres; (9.95 total parcel acres)

Public Benefit Rating: 73.92
ESTIMATED SHIFT IN TAXES IF APPROVED: $630.06

II. Application Review & Staff Findings

Staff findings for 2016 Open Space applications are listed in summary below.

All applications have been reviewed by staff, and have received a site inspection. Attached for reference at the end of this report are site evaluation worksheets, maps, and other supporting documents. A power point slide show of each property along with staff comments and recommendations will be presented at the October 26, 2017 Planning Commission Meeting and Public Hearing.

Open Space Land (OSL) Applications for Open Space Land are evaluated by staff in accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (1995), often referred to as the Whatcom County PBRS. A Public Benefit Rating or PBR (evaluation score) is calculated based on overall aggregate points assigned after review with the PBRS, based on a formula developed by the County Assessor. Applications must receive a Public Benefit Rating of at least 45 points for a staff recommendation of approval.

Open Space Land (OSL)

1. OSP2016-00001 – Lummi Island Heritage Trust

113.57 OSL acres

Parcel A: GEO ID: 370124 065212 0000:  
= 39.75 Open Space Land application acres (39.75 total parcel acres)
Parcel B: GEO ID: 370124 175195 0000:  
= 9.00 Open Space Land application acres (9.00 total parcel acres)
Parcel C: GEO ID: 370124 191084 0000:  
= 64.82 Open Space Land application acres (64.82 total parcel acres)
Public Benefit Rating: 130  
ESTIMATED SHIFT IN TAXES IF APPROVED: $75.69

Discussion: On March 15, 2016 Planning & Development Services Department received an application from Lummi Island Heritage Trust Executive Director Rebecca Rettmer to classify approximately 113.57 acres, currently known as the Aiston Preserve, as Open Space Land. This land contains one acre that is currently assessed at true and fair value (market value) and 112.57 acres currently assessed as Designated Forestland.

The Aiston Preserve application consists of three parcels: Parcel A, Parcel B, and Parcel C as shown on the attached maps is located within the Lummi Island Watershed and is subject to a Rural Forestry designation in the Comprehensive Plan, and zoning regulations located in Title 20, Chapter 20.42 – Rural Forestry (RF) District, with a density of one dwelling unit per 20 acres. The site contains a 20 acre Mineral Resource Lands (MRL) Special District which is an overlay zone, meaning that the MRL Special District overlays 20 acres of the underlying Rural Forestry zoning.

The property is located at adjacent to Hale Passage at the end of Beach Avenue on Lummi Island. The property is accessible directly off of Beach Avenue. The proposal narrative submitted with the application indicates that the purpose of classification is for preservation of the land in its natural state that will serve to: protect the land’s ecological functions, plant and wildlife habitat, and water quality, and to facilitate public access for low-impact recreation.

Lummi Island Heritage Trust purchased the Lummi Rock quarry in 2015 with the explicit purpose of reclamation and restoration of the site to restore ecosystem function and provide low-impact access by land and sea. Interim management plans are currently adhered to while restoration on the site occurs and public safety concerns are addressed.

It is noted that the total open space land application acreage (113.57 acres) includes the land that was occupied by a former residence; however, the residence has been removed and the open space classification request applies to the entirety of all parcels.

The subject property includes approximately 20 acres designated as Mineral Resource Land which was disturbed by gravel and rock mining. The remaining 85 acres of associated uplands contains rocky cliffs and forested terrain, and 3,500 feet of rocky shoreline, pocket beaches, and eelgrass beds. Washington State Department of Fish and Wildlife Priority Habitat and Species list notes the following species at the site: hard shell clam, pinto abalone, Dungeness crab, golden eagle breeding area. Nearby is also located a biodiversity area and corridor and cliffs that are known to contain a peregrine falcon aerie and is near to a bald eagle breeding area.
In accordance with Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (PBRS) public access will be provided generally during daylight hours once ecological restoration and public safety hazards have been addressed.

After evaluating this application with the Public Benefit Rating System, staff has assigned it a Public Benefit Rating (PBR) of 130 (for details, please see attached evaluation worksheet sheet OSP2016-00001). The hypothetical tax shift if approved is a net increase for the taxing district of $75.69.

Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system.

A Public Benefit Rating of at least 45 points must be attained to receive a staff recommendation of approval. The application has received a PBR greater than 45, and therefore staff recommends that the Lummi Island Heritage Trust application for Open Space Land classification be approved subject to conditions listed below.

Staff Recommendation:

Approval, subject to the following attached special conditions:

1. Public Access during posted hours.
2. Posted Open Space Sign near the property entrance at the end of Beach Avenue, visible to persons entering the site.
3. Public Access Statement & Proposed Rules of Conduct as noted in the file record
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00001
5. Hold Harmless Agreement


4 OSL Acres

GEO ID: 380310 390311 0000: 4 Open Space Land application acres (5 total parcel acres)

Public Benefit Rating: 53.04
ESTIMATED SHIFT IN TAXES IF APPROVED: $332.46
Discussion: On December 29, 2016, Planning & Development Services Department received an application from property owners William T. & Ruth M. Geyer & Josh V.S. McConnell to classify approximately 4 acres of a 5 acre parcel as Open Space Land as shown on the attached maps (OSP2016-00002). The land is currently assessed at Open Space Farm & Agricultural value (current use value).

The property is located at 1563 Mt Baker Highway just east of Bellingham city limits. The property is accessible by a private driveway, directly off of Mt Baker Highway.

The Geyer property is designated Rural in the Whatcom County Comprehensive Plan, and is subject to zoning regulations located in Title 20, Chapter 20.36 – Rural (R) District.

At this time the property has a designated site for future building area that is not being considered under this application. The remaining 4 acres has a wetland mitigation project on site that is currently protected through a conservation easement. With the exception of the driveway and future building site the property is almost completely vegetated with a diverse assemblage of native plants with some mature conifers, deciduous species and native understory which lend to the site a park like atmosphere. A pipeline easement crosses the parcel and provides a more pasture-like opening between the forested sections on either side of the easement. The site is adjacent to other scattered residential, agricultural, and habitat uses.

Proposed public access was discussed verbally between the applicant and staff, and proposed rules of public access indicate that access to the site as proposed is by appointment only. Subject to the Open Space Land classification, the site would be available to individuals or small groups for scientific study, or educational opportunities by appointment. There is ample off street parking, with room for up 3-4 passenger vehicles, and an open space sign may be posted near the property entrance at Mount Baker Highway. The applicants have stated that they will contact local schools and educational groups to make this opportunity known to them.

After evaluating this application with the Public Benefit Rating System, staff assigned it a Public Benefit Rating (PBR) of 53.04 (for details, please see attached evaluation worksheet sheet OSP2016-00002). The hypothetical tax shift if approved is a net increase of $332,46. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system. Note: More information about the “tax shift” is provided in an attachment to this report.

A Public Benefit Rating of at least 45 points must be attained to receive a staff recommendation of approval. The application has received a PBR
greater than 45, and therefore staff recommends that the Geyer application for Open Space Land classification be approved subject to conditions listed below.

Staff Recommendation:

Approval, subject to the following attached special conditions:

1. Public Access to individuals or small groups by appointment in accordance with the owners Public Access Statement referenced File No. OSP2016-00002.
2. Posted Open Space Sign near the property entrance at 1563 Mt Baker Highway
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00002
5. Hold Harmless Agreement

3. OSP2016-00003 – Michael J & Kathleen M Craig

8.48 OSL Acres

GEO ID: 405124 455387 0000: 8.48 Open Space Land application acres; (8.48 total parcel acres)

Public Benefit Rating: 90.78
ESTIMATED SHIFT IN TAXES IF APPROVED: -$1,704.58

Discussion: On December 29, 2016, Planning & Development Services Department received an application from property owners Michael J. & Kathleen M. Craig to classify approximately 8.48 +/- acres as Open Space Land as shown on the attached maps (OSP2016-00003). The land is currently assessed at true and fair value (market value).

The property is located on Harborview Road just North of Anderson Road and North of Birch Bay.

The Craig property is designated Urban Residential in the Whatcom County Comprehensive Plan and is located within the Urban Growth Area of Birch Bay. Zoning regulations that apply to development of the subject parcel are located in Title 20, Chapter 20.20 – Urban Residential (UR) District.

Site is undeveloped and contains an unimproved walking trail through the property. The site is vegetated with mixed deciduous-coniferous forest and
native understory and also contains a unique aspen grove on the East side of
the parcel. The National Wetlands Inventory also shows the site as
containing significant wetland coverage of the parcel.

The proposal narrative submitted with the application indicates that the
purpose of classification is to preserve the land in its natural state, retain
native plant species, protect soil resources, and preserve wetlands that
provide water surface storage and filtration, protect wildlife and wildlife
habitat, and offer educational, recreational opportunities to the general
public.

Proposed public access was discussed verbally between the applicant and
staff, and proposed rules of public access indicate that access to the site as
proposed is during daylight hours only. Applicants have expressed an
interest in improving the quality of the walking trails on the site. Subject to
the Open Space Land classification, the site would be available to the general
public as a walking trail and natural area.

There is on street parking nearby and the site is available as a walk-in
destination. An open space sign will be posted at the point of public access
as shown on the attached maps.

After evaluating this application with the Public Benefit Rating System, staff
assigned it a Public Benefit Rating (PBR) of 90.78 (for details, please see
attached evaluation worksheet sheet OSP2016-00003). The hypothetical tax
shift if approved is $1,704.58. Information about the tax shift is listed for
consideration by the Planning Commission and County Council, so that they
may consider the overall shift in taxes relative to the merits of the
application as measured with the public benefit rating system. Note: More
information about the “tax shift” is provided in an attachment to this report.

A Public Benefit Rating of at least 45 points must be attained to receive a
staff recommendation of approval. The application has received a PBR
greater than 45, and therefore staff recommends that the Craig application
for Open Space Land classification be approved subject to conditions listed
below.

Staff Recommendation:

Approval, subject to the following attached special conditions:

1. Public Access in accordance with the Public Access Statement
   referenced File No. OSP2016-00003
2. Posted Open Space Sign near the property entrance on Harborview
   Road
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00003

5. Hold Harmless Agreement

**Open Space Farm and Agriculture Conservation Land (OSFAC)**

4. **OSP2016-00004 – Ed Lofquist**

9.95 +/- OSFAC Acres

GEO ID: 390416 461085 0000: 9.95 +/- Open Space Farm and Conservation Land application acres; (9.95 total parcel acres)

**Public Benefit Rating: 73.92**

ESTIMATED SHIFT IN TAXES IF APPROVED: **$630.06**

**Discussion:** On August 23, 2016, Planning & Development Services Department received an application from property owner Ed Lofquist to reclassify approximately 9.95 +/- acres as Open Space Farm and Conservation Land as shown on the attached maps (OSP2016-00004). The land is currently assessed at its open space agricultural value (current use value).

The property is located on Siper Lane off of Siper Road. The Lofquist property is designated Rural (R) in the Whatcom County Comprehensive Plan. Zoning regulations that apply to development of the subject parcel are located in Title 20, Chapter 20.36 – Rural (R) District.

Site has an unimproved agricultural building and has been used for hay production for many years. The site is vegetated mainly with pasture grass and contains some forestland in the Northeast corner of the parcel.

The proposal narrative submitted with the application indicates that the purpose of reclassification is to preserve the soil for future agricultural use. Additionally the applicant wishes to protect the conservation easement area for watershed and habitat purposes.

Proposed public access was discussed verbally between the applicant and staff, and proposed rules of public access indicate that access to the site as proposed is only available by appointment. The applicant will be raising crops and animals onsite and must ensure that public access does not negatively impact the agricultural production onsite.

There is on-farm parking and an open space sign will be posted at the point of public access with contact information to schedule public access as shown on the attached maps.
After evaluating this application with the Public Benefit Rating System, staff assigned it a Public Benefit Rating (PBR) of **73.92** (for details, please see attached evaluation worksheet sheet OSP2016-00004). The hypothetical tax shift if approved is a net increase of **$630.06**. Information about the tax shift is listed for consideration by the Planning Commission and County Council, so that they may consider the overall shift in taxes relative to the merits of the application as measured with the public benefit rating system. Note: More information about the “tax shift” is provided in an attachment to this report.

A Public Benefit Rating of at least 45 points must be attained to receive a staff recommendation of approval. The application has received a PBR greater than 45, and therefore staff recommends that the Craig application for Open Space Land classification be approved subject to conditions listed below.

**Staff Recommendation:**

**Approval**, subject to the following attached special conditions:

1. Public Access in accordance with the Public Access Statement referenced File No. OSP2016-00004
2. Posted Open Space Sign near the property entrance on Siper Lane
3. Public Access Statement with Proposed Rules of Conduct and Owner Contact Information
4. All uses of the land must be compatible with the purposes of the Open Space Land classification as approved and as described in File No. OSP2016-00004
5. Hold Harmless Agreement

**III. Background Information**

The Open Space Taxation Act was passed by the Washington State legislature in 1970. In part, the law was created to provide a solution to and address a statewide concern that lands in the state were being irrevocably converted to uses inconsistent with commercial agriculture, commercial forestry, and the conservation or preservation of farmland, shorelines, wetlands, scenic vistas, historical sites of importance, and recreational opportunities.

The Open Space Taxation Act codified in Chapter 84.34 of the Revised Code of Washington (84.34 RCW) gives counties the authority to assess the value of property on the basis of its current use rather than what might be considered highest and best use i.e. fair market value. Lands classified under the open space current use program receive a significant reduction in assessed value (tax reduction); thereby providing a financial incentive to
property owners to voluntarily conserve and preserve open space lands as defined in state law and further defined by county ordinance.

Classifications

There are three major classifications and one sub-classification authorized by the Open Space Taxation Act (Chapter 84.34 RCW):

1. **Open Space Land** [RCW 84.34.020(1)]
   - **Farm and Agricultural Conservation Land**

2. **Farm and Agricultural Land** [RCW 84.34.020(2)]

3. **Timber Land** [RCW 84.34.020(3)] (Note: Whatcom County terminated its Timber Land program under Whatcom County Ordinance No. 2014-055. As a result of this action, all lands formerly classified as timber land became Designated Forest Land, a program administered by the County Assessor in accordance with RCW 84.33.)

In accordance with Whatcom County Code, Title 3, Chapter 3.28, Planning & Development Services Department is charged with administration of Open Space Land and its sub-classification Farm and Agricultural Conservation Land. Pursuant to Chapter 84.34 RCW, the County Assessor's Office is charged with administration of applications for the classification of Farm and Agricultural Land (No. 2 above). Staff from PDS and the Assessor's Office work closely and function as a team in monitoring and maintaining existing agreements on approved applications, as well as processing new applications. Applications and fees for Open Space Land and Farm and Agricultural Conservation Land are received by Planning & Development Services Department.

**IV. Application Processing - Roles of Staff, Planning Commission, County Council & Assessor’s Office in Processing Applications for Open Space Current Use Taxation.**

Applications that are the subject of this report are located within the jurisdiction of unincorporated Whatcom County. Please note that the County also receives and processes applications on lands within incorporated areas (cities), but in processing applications on lands within the cities, the granting authority is composed of members from both legislative bodies (both the county and the city).

When land that is the subject of application is located within an unincorporated area, Whatcom County planning staff evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications. The Planning Commission in turn makes
recommendations to the County Council as to whether individual applications should be approved in whole or in part or denied. Whatcom County Council is the granting authority, and pursuant to state law is charged with approving in whole or in part or denying each application.

When land that is the subject of application is located within an incorporated area, Whatcom County planning staff evaluates each application in accordance with the appropriate evaluation criteria, and based on application scores, makes recommendations to the Whatcom County Planning Commission on whether to approve or deny the applications, who in turn make recommendations to the County Council as to whether individual applications should be approved in whole or in part or denied. The granting authority on applications in an incorporated area is composed of the legislative authorities of the city and county in which the application is located, the granting authority may meet together as one body, or by taking separate action. To approve an application when meeting separately, actions taken by each jurisdiction must be identical.

Upon approval or denial, and upon successful execution of an open space taxation agreement between the county and the applicant/owner, the county assessor is notified, who then makes adjustments on the basis of the approved current use value of the parcel, and notifies the owner of the new ‘official value’.

As discussed earlier in this report, the three subject applications are to classify land that is currently assessed at market value as Open Space Land. Applications for Open Space Land are evaluated with the Whatcom County Space Policy and Criteria and Public Benefit Rating System, 1995 (PBRS). A copy of the PBRS is attached at the end of this report for reference. The PBRS authorizes the Planning Commission to make recommendations to the County Council on applications for Open Space Land after considering the potential loss of revenue or shift in taxes that would occur as a result of approval relative to the public benefit of the resource being conserved or preserved as measured with the Public Benefit Rating System. This important distinction helps define the role of the Planning Commission in making recommendations to the County Council on whether to approve or deny applications for Open Space Land, and in understanding how the Public Benefit Rating System is applied.

Public Hearing

Prior to issuing a decision on an application for open space land, the granting authority is required to hold a public hearing.

V. Evaluation Systems

Open Space Land and its sub-classification Farm and Agricultural Conservation Land are evaluated with the Whatcom County Public Benefit Rating System (PBRS). The PBRS was originally approved by Council in 1987

**Whatcom County Open Space Policy & Public Benefit Rating System**

The Public Benefit Rating System is an evaluation tool consisting of natural resource, recreation, historical site, and agricultural land priority resource categories that correspond to a range of potential points that may be assigned relative to the amount of benefit that may be provided to the public as a result of approving each application, as measured with the Public Benefit Rating System. Generally, resources of importance identified in the PBRS include lands that preserve, protect, conserve or enhance farmland, streams, shorelines and associated buffers, critical areas, ground water protection areas, threatened or endangered wildlife and wildlife habitat, opportunities for public recreation, scenic views and vistas, historic property, cultural resources, and others.

Applications for Open Space Land are also evaluated on the quality of the applicant’s proposed public access. It is part of the Whatcom County Public Benefit Rating System Public Access Policy to require public access unless there is known habitat for an endangered species of wildlife, or where there is a known archeological site, or when the purpose of the open space is for wetland conservation.

In cases such as those listed above, when the County Council is acting as the granting authority, the requirement of public access may be waived at Council discretion. The Public Access Policy also contains a requirement that owners of property approved as Open Space Land post an Open Space sign that displays the rules of conduct for public access when public access is required.

Although the open space current use program is a State mandate and applies statewide, not all counties have adopted a Public Benefit Rating System. The purpose of the Public Benefit Rating System is to assist the granting authority in developing a measure of consistency in awarding reduction in assessed value according to a point system that corresponds to the relative importance of the resource being conserved. One reason a county may elect to adopt a PBRS is because decisions made by the granting authority (County Council), whether to approve or deny applications may only be appealed to Superior Court for *arbitrary and capricious* actions, and a PBRS may help to ensure uniformity and consistency when the PBRS is applied as a tool to determine reduction in market value.
Local priority resources that have been identified as providing public benefit if conserved, preserved, protected and enhanced, along with the corresponding range of potential points awarded for preserving or conserving those resources (i.e. the Public Benefit Rating System) were all adopted after consideration by the Planning Commission, and adopted by Council who heard from the public on this matter at a series of public hearings in the late 1980's. The PBRS was originally approved by Council in 1987 by resolution, amended in 1989 by resolution, and then later revised and adopted by ordinance in 1995 (WC Ord. 95-040). The last revision to the PBRS in 1995 added new criteria for evaluating applications in accordance with amendments to open space taxation act in 1993. The PBRS update in 1995 added a new sub-classification of open space land, farm and agricultural conservation land and removed timber land from the Public Benefit Rating System; otherwise the PBRS has not changed in the last 25 years or so.

Even though the PBRS has a point system, at its core the PBRS is a qualitative as opposed to a quantitative system. Many observers, Planning Commissioners, Council Members, and members of the public alike, have indicated that the PBRS appears to be too subjective. In response, staff has begun a practice to address this point. Whenever staff reviews and evaluates an application for Open Space Land or Farm & Agricultural Conservation Land, research is conducted and past reviews are considered, so that there is some measure of consistency in scores assigned. When staff reviews a new group of applications, similar applications that have been evaluated and approved in the past are also considered by comparison so that for any particular group of applications reviewed, comparable points are being assigned to similar priority resources or amenities in the current group of applications being processed.

Listed below is a brief summary of some of the resources that have been identified in the County’s Public Benefit Rating System.

- Conserve or enhance natural, cultural or scenic resources; or
- Protect streams, stream corridors, wetlands, natural shorelines and aquifers; or
- Protect soil resources and unique or critical wildlife and native plant habitat; or
- Promote conservation principles by example or by offering educational opportunities; or
- Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces; or
- Enhance recreational opportunities; or
- Preserve historic and archeology sites; or
- Affect any other factors relevant in weighing benefits to the general welfare of the public by preserving the current use of the property.
Once staff review has been completed and points are awarded, they are computed with a formula developed by the County Assessor resulting in a score that is called a Public Benefit Rating (PBR). A Public Benefit Rating of at least 45 points must be attained to receive a **staff recommendation of approval**. The PBR represents the degree of conformance with the county’s adopted Basic Value and Public Benefit Value criteria that are part of the PBRS. The Public Benefit Rating (PBR) is used as a factor applied to another computed value to arrive at a new current use per acre value for the property, once approved. Attached to this report for reference is a document that gives a hypothetical example describing this formula, and also contains a discussion of the shift or off-set in taxes resulting from approving an application for Open Space Land. In addition, staff has also included “estimated tax shift if approved” at the Public Benefit Rating assigned by staff in the discussion on each individual application for open space land or farm and agricultural conservation land.

*Special Note: The attached document entitled “Hypothetical Example of Applied Public Benefit Rating” uses a consolidated levy rate of 10 dollars per every one thousand dollars of assessed value. The consolidated levy rate is not always the same for every parcel, as it depends on which taxing districts apply to the land that is the subject of application. The staff report lists “hypothetical estimated tax shift, if approved” on individual applications referenced in this report. This “estimated tax shift” is based on an applied consolidated levy rate (total tax rate) per every one thousand dollars of assessed property value. Although parcel valuation information is based on information provided by the Assessor’s Office, it is provided here as a reference to assist decision makers with an understanding of the potential tax shift; however, only the Assessor’s office can give exact information about the change in taxation as it applies to any given application approval.

Please find attached individual evaluation sheets that include a detailed description of the public benefit offered and assigned scores for each criterion, and a spreadsheet provided by the Assessor’s Office estimating the shift in taxes that would occur if the individual applications referenced in this report are approved.

**ATTACHMENTS**

- 2016 Open Space Application Vicinity Map;
- Individual Application Evaluation Forms and Maps(3);
- Whatcom County Open Space Policies and Criteria and Public Benefit Rating System (PBRS);
- 2014 Department of Revenue Open Space Taxation Act Publication;

Report Prepared for the Whatcom County Planning Commission by:

Chris Elder, Open Space Administrator
## Open Space Land
**Public Benefit Rating System-Evaluation Form**

<table>
<thead>
<tr>
<th><strong>Property Owner(s):</strong></th>
<th>Lummi Island Heritage Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Classification:</strong></td>
<td>Open Space Land</td>
</tr>
<tr>
<td><strong>Street Address:</strong></td>
<td>PO BOX 158</td>
</tr>
<tr>
<td><strong>Status:</strong></td>
<td>New Application</td>
</tr>
<tr>
<td><strong>City:</strong></td>
<td>Lummi Island</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td>WA Zip: 98262</td>
</tr>
<tr>
<td><strong>Site Address:</strong></td>
<td>1103 Beach Ave</td>
</tr>
<tr>
<td><strong>Assessor’s Parcel No.(s):</strong></td>
<td>Parcel/OSL</td>
</tr>
<tr>
<td>370124 065212 0000</td>
<td>Parcel A: 39.75/39.75</td>
</tr>
<tr>
<td>370124 175195 0000</td>
<td>Parcel B: 9.00/9.00</td>
</tr>
<tr>
<td>370124 191084 0000</td>
<td>Parcel C: 64.82/64.82</td>
</tr>
<tr>
<td><strong>Watershed:</strong></td>
<td></td>
</tr>
<tr>
<td>3rd Order: Lummi Island</td>
<td></td>
</tr>
<tr>
<td>2nd Order: Bellingham Bay</td>
<td></td>
</tr>
<tr>
<td>1st Order: Coastal</td>
<td></td>
</tr>
<tr>
<td><strong>Total OSL Acres:</strong></td>
<td>113.57</td>
</tr>
<tr>
<td><strong>Comprehensive Plan Designation:</strong></td>
<td>Rural Forestry (RF)</td>
</tr>
<tr>
<td></td>
<td>Mineral Resource Lands (MRL)</td>
</tr>
<tr>
<td><strong>Historical Land Use:</strong></td>
<td></td>
</tr>
<tr>
<td>Rock and gravel mine, forest</td>
<td></td>
</tr>
<tr>
<td><strong>Parcel Acres:</strong></td>
<td>Total 113.57</td>
</tr>
<tr>
<td><strong>Open Space Land Application Acre(s):</strong></td>
<td>113.57</td>
</tr>
<tr>
<td><strong>Zoning Designation:</strong></td>
<td>Rural Forestry 1 Dwelling Unit per 20 Acres (RF)</td>
</tr>
<tr>
<td><strong>Shorelines:</strong></td>
<td>Conservancy/Aquatic</td>
</tr>
<tr>
<td><strong>Soil/Type Capabilities:</strong></td>
<td></td>
</tr>
<tr>
<td>4 Andic Xerochrepts – Rock outcrop complex, 60-90% slopes</td>
<td></td>
</tr>
<tr>
<td>109 Nati loam, 15-30% slopes</td>
<td></td>
</tr>
<tr>
<td>110 Nati silt loam, 30-60% slopes</td>
<td></td>
</tr>
<tr>
<td>156 Squalicum gravelly loam, 5-15% slopes</td>
<td></td>
</tr>
<tr>
<td>157 Squalicum gravelly loam, 15-30% slopes</td>
<td></td>
</tr>
<tr>
<td><strong>Comments:</strong></td>
<td>Lummi Island Heritage Trust acquired the Lummi Rock mine in 2015 and is working to restore the ecosystem, address public safety concerns, and convert the site into a public access destination catering to both land and water access options. The site contains approximately 85 acres of intact forested uplands and nearshore habitats.</td>
</tr>
<tr>
<td>Basic Value (BV)</td>
<td>Score</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td><strong>Conserves or Enhances Natural, Cultural or Scenic Resources:</strong></td>
<td>10</td>
</tr>
<tr>
<td>Site contains approximately 4,000 ft. of saltwater shoreline including pocket beaches and critical near-shore habitats. Additionally restoration of the disturbed area will address restoration of effective watershed processes.</td>
<td></td>
</tr>
<tr>
<td><strong>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</strong></td>
<td>10</td>
</tr>
<tr>
<td>Preserve intact coniferous &amp; deciduous tree canopy and restores ecosystem processes on disturbed areas. Site has known presence of Priority Habitats and Species such as hard shell clam, pinto abalone, Dungeness crab, and a golden eagle breeding area.</td>
<td></td>
</tr>
<tr>
<td><strong>Promotes Conservation Principles by Example/Offer Educational Opportunities:</strong></td>
<td>10</td>
</tr>
<tr>
<td>Posted Open Space Signage will communicate that site is currently being restored through an interim management plan. Once restoration is complete, the site will provide daylight hour public access both by land and by sea. Restoration education will be present.</td>
<td></td>
</tr>
<tr>
<td>The site is restoring ecosystem function, improving wildlife habitat, and developing the site into a public park. The site is adjacent to forestland on two sides and the Bellingham Bay on a third side.</td>
<td></td>
</tr>
<tr>
<td><strong>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</strong></td>
<td>10</td>
</tr>
<tr>
<td><strong>Enhances Recreation Opportunities:</strong> Public access hours are still being determined though the site, once completed, will be open to the public during daylight hours.</td>
<td>5</td>
</tr>
<tr>
<td><strong>Preserves Historic and Archeological Sites</strong></td>
<td>0</td>
</tr>
</tbody>
</table>

| Total | 65 | 70 | Total | 100% | 100% |

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula: \( BV+ (BV \times PBV) = PBR \) \( 65+ (65 \times 1) = 130 \)

OSP2016-00001 Public Benefit Rating (PBR) = 130

Must receive at least 45 points for a staff recommendation of approval
Open Space Land - New Application
OSP2016-00001 – Lummi Island Heritage Trust
APN#: 370124 065212 - 39.75 Ac.
APN#: 370124 175195 - 9.00 Ac.
APN#: 370124 191084 - 64.82 Ac.

Subject Parcels
Open Space Land - New Application
OSP2016-00001 – Lummi Island Heritage Trust
APN#: 370124 066212 - 39.75 Ac.
APN#: 370124 175195 - 9.00 Ac.
APN#: 370124 191084 - 64.82 Ac.

Subject Parcels
Comprehensive Plan Designation
Rural Forestry
Mineral Resource Lands
Open Space Land - New Application
OSP2016-00001 – Lummi Island Heritage Trust
APN#: 370124 065212 - 39.75 Ac.; APN#: 370124 175195 - 9.00 Ac.
APN#: 370124 191084 - 64.82 Ac.

- Subject Parcel
- Watershed Boundary
- National Wetlands Inventory
- Designated Priority Species - Bald Eagle
- Bald Eagle Buffer (330'660')
- Designated Priority Habitats - Biodiversity Area/Corridor
- Hardshell Clam
**Open Space Land**  
**Public Benefit Rating System-Evaluation Form**

File # **OSP2016-0002**

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Classification: Open Space Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>William T &amp; Ruth M Geyer &amp; Joshua V S McConnell</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Status: New Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1008 16th Street</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City:</th>
<th>State: WA Zip: 98225-6606</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Address: 1563 MT Baker Hwy.,</th>
<th>Assessor's Parcel No.(s): Parcel/OSL Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham, WA 98226</td>
<td>380310 390311 0000 Parcel: 5/4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed:</th>
<th>Parcel Acre(s): Total 5</th>
</tr>
</thead>
</table>
| • 4th Order: Upper Squalicum  
• 3rd Order: Squalicum Subwatershed  
• 2nd Order: Bellingham Bay  
• 1st Order: Coastal |                |

<table>
<thead>
<tr>
<th>Comprehensive Plan Designation: Rural</th>
<th>Open Space Land Application Acre(s) Eligible Acres* 4.00</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Historical Land Use: Forest/Pasture/Vacant</th>
<th>Zoning Designation: Rural 1 Dwelling Unit per 5 Acres (R5A)</th>
</tr>
</thead>
</table>

| Soil/Type Capabilities: # 179 Whatcom silt loam, 3% to 8% slopes, very deep, moderately well drained soil. Native vegetation is mainly conifers and shrubs.  
# 180 Whatcom silt loam, 8% to 15% slopes, | Shorelines: N/A |
|-------------------------------------------|----------------|

| Comments: Woodland and vegetated understory, mostly gradual terrain. Wetland mitigation site protected through a conservation easement. |                          |

*Classification of land as Open Space Land applies to land only; there is approximately 1 acre of land upon which is designated for future home site, and this acre is administratively removed from this review.*
<table>
<thead>
<tr>
<th>Basic Value (BV)</th>
<th>Score</th>
<th>MAX</th>
<th>Public Benefit Value (PBV)</th>
<th>Score</th>
<th>MAX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conserves or Enhances Natural, Cultural or Scenic Resources:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foraged site is visible from Mount Baker Highway and provides valuable scenic resources.</td>
<td>5</td>
<td>10</td>
<td><strong>Public Access:</strong> Posted Open Space Sign; Public Access by Appointment in accordance with 1995 Whatcom County Open Space Policies and Criteria and Public Benefit Rating System; Applicants will contact local schools to offer field trip destination to explore local ecosystems and wetlands.</td>
<td>20%</td>
<td>40%</td>
</tr>
<tr>
<td><strong>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site is adjacent to identified Urban Natural Open Space as designated by Washington State Department of Fish and Wildlife’s Priority Habitats and Species program. Noted as important enclave of wildlife habitat and bald eagle nesting area.</td>
<td>7</td>
<td>10</td>
<td><strong>Wildlife Habitat:</strong> Applicant area has received wetland site modifications to encourage effective water retention with native plants installed on the site. Applicant area will be maintained as ecosystem to the benefit of local wildlife and watershed processes.</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Promotes Conservation Principles by Example/Offers Educational Opportunities:</strong> Applicant has offered to contact local schools and educational programs to offer access to the site for wetland and local ecosystem learning experiences.</td>
<td>5</td>
<td>10</td>
<td><strong>Parcel Size</strong> Total Parcel acreage is 5.00 acres. Future home site is approximately 1.00 acre leaving 4.00 acres for consideration under Open Space Land designation.</td>
<td>-10%</td>
<td></td>
</tr>
<tr>
<td><strong>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</strong> Property is adjacent to identified priority habitat and abuts forested parcel on one side.</td>
<td>5</td>
<td>10</td>
<td><strong>Linkage with other Open Space</strong> Adjacent to Open Space Ag on one side.</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Enhances Recreation Opportunities:</strong> Public access by appointment for educational purposes.</td>
<td>5</td>
<td>10</td>
<td><strong>Natural Areas</strong> Approximately 90% of the site is covered with native vegetation. While subject to the open space classification, the land will remain in a naturally vegetated condition for the duration of the open space taxation agreement.</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Preserves Historic and Archeological Sites</strong></td>
<td>0</td>
<td>10</td>
<td><strong>Financial Advantage</strong></td>
<td>0%</td>
<td>40% ( +/- )</td>
</tr>
</tbody>
</table>

**Total** 34 | **Total** 56 | 100% |

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula: \( BV + (BV \times PBV) = PBR \) 34 + (34 x .56) = 53.04

**OSP2016-00001** Public Benefit Rating (PBR) = 53.04

*Must receive at least 45 points for a staff recommendation of approval*
Open Space Land - Reclassification
(OSAG to Open Space)

OSP2016-00002 – William T. & Ruth M. Geyer; Joshua VS McConnell
APN#: 380310 390311 (ptn.) - 4.00 Ac.

Subject Parcels
## Open Space Land Public Benefit Rating System-Evaluation Form

**File # OSP2016-0003**

<table>
<thead>
<tr>
<th>Property Owner (s)</th>
<th>Classification: <strong>Open Space Land</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael J. &amp; Kathleen M. Craig</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Status: <strong>New Application</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>181 Cozy Land</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City:</th>
<th>State: WA</th>
<th>Zip: 98940</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronald</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessor's Parcel No.(s): Parcel/OSL Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>405124 455387 0000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 3rd Order: Semiahmoo</td>
</tr>
<tr>
<td>• 2nd Order: Birch Bay</td>
</tr>
<tr>
<td>• 1st Order: Coastal</td>
</tr>
</tbody>
</table>

| Total OSL Acres = 8.48 |

<table>
<thead>
<tr>
<th>Comprehensive Plan Designation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Growth Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historical Land Use:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest and forested wetland</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open Space Land Application Acre(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Acres: 8.48</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning Designation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>JR4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Soil/Type Capabilities:</th>
</tr>
</thead>
<tbody>
<tr>
<td># 45 Edmonds-Woodlyn Loams – 0-2 % slopes, very deep somewhat poorly drained soils, native vegetation is mainly trees and shrubs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodland and vegetated understory. Mapped forested wetland complex.</td>
</tr>
<tr>
<td><strong>Conserves or Enhances Natural, Cultural or Scenic Resources:</strong> The site conserves natural resources associated with a larger forested wetland complex and protects aesthetically valuable forest.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td><strong>Public Access:</strong> Posted Open Space Sign; Public Access in accordance with 1995 Whatcom County Open Space Policies and Criteria and Public Benefit Rating System; trail will be available to the trail during daylight hours.</td>
</tr>
<tr>
<td><strong>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</strong> Vegetated site preserves hydrologic processes of a forested wetland complex in the Semiahmoo sub-watershed.</td>
</tr>
<tr>
<td><strong>Water Resource Protection:</strong> Preserved in its natural state, the site will support wetland ecosystem functions. This is especially important as this site is part of a larger wetland complex.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</strong> Site contains a unique stand of aspen trees and has a high diversity in songbird and other wildlife species. Diverse plants present support the diversity in wildlife species.</th>
<th><strong>Score</strong></th>
<th><strong>MAX</strong></th>
<th><strong>Wildlife Habitat:</strong> Site contains a good mix of conifer and deciduous forests in various successional stages. Several different wildlife species were noted onsite.</th>
<th><strong>Score</strong></th>
<th><strong>MAX</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>10</td>
<td>20%</td>
<td>20 %</td>
<td></td>
</tr>
<tr>
<td><strong>Promotes Conservation Principles by Example/Offers Educational Opportunities:</strong> Site will provide trail access to the public as well as educational groups.</td>
<td>7</td>
<td>10</td>
<td><strong>Parcel Size</strong> Total parcel acreage is 8.48 acres.</td>
<td>0%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</strong> Property is bordered on one side by designated forestland and bordered on two sides by undeveloped forestland.</th>
<th><strong>Score</strong></th>
<th><strong>MAX</strong></th>
<th><strong>Linkage with other Open Space</strong> Property is bordered on one side by designated forestland and bordered on two sides by undeveloped forestland.</th>
<th><strong>Score</strong></th>
<th><strong>MAX</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td>10</td>
<td>3%</td>
<td>5 %</td>
<td></td>
</tr>
<tr>
<td><strong>Enhances Recreation Opportunities:</strong> Public access during daylight hours This site provides a hiking trail in an area of the County with limited trail options.</td>
<td>9</td>
<td>10</td>
<td><strong>Natural Areas</strong> Approximately 100% of the site is covered with native vegetation. While subject to the open space classification, the land will remain in a naturally vegetated condition for the duration of the open space taxation agreement.</td>
<td>5%</td>
<td>5 %</td>
</tr>
<tr>
<td><strong>Preserves Historic and Archeological Sites</strong></td>
<td>0</td>
<td>10</td>
<td><strong>Financial Advantage</strong></td>
<td>0%</td>
<td>40 % (+/-)</td>
</tr>
<tr>
<td><strong>Discretionary Value</strong></td>
<td>0%</td>
<td>40 % (+/-)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Total** | **51** | **0 - 70** | **Total** | **78%** | **0 - 180 %** |

**The Public Benefit Rating is calculated using the following formula:**

Public Benefit Rating Formula  \[ BV+ (BV \times PBV) = PBR \times 51 \times (1.78) \]  =90.78

**OSP2016-00001**  
Public Benefit Rating (PBR) = 90.78

**Must receive at least 45 points for a staff recommendation of approval**
Open Space Land - New Application
OSP2016-00003 – Michael J. & Kathleen M. Craig
APN#: 405124 455387 - 8.48 Ac.

Subject Parcel
Open Space Land - New Application
OSP2016-00003 – Michael J. & Kathleen M. Craig
APN#: 405124 455387 - 8.48 Ac.

Comprehensive Plan Designation

Subject Parcel
Urban Growth Area
Zoning Boundary
Rural

Open Space Applications 2016
- Craig
### Open Space Land

**Public Benefit Rating System-Evaluation Form**

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Classification: <strong>Open Space Farm &amp; Conservation Land</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed Lofquist</td>
<td></td>
</tr>
<tr>
<td><strong>Street Address:</strong></td>
<td></td>
</tr>
<tr>
<td>PO Box 218</td>
<td></td>
</tr>
<tr>
<td><strong>City:</strong> Deming</td>
<td></td>
</tr>
<tr>
<td><strong>State:</strong> WA Zip: 98224</td>
<td></td>
</tr>
<tr>
<td><strong>Site Address:</strong> 3645 Siper Ln., Everson, WA 98247</td>
<td></td>
</tr>
<tr>
<td><strong>Watershed:</strong></td>
<td></td>
</tr>
<tr>
<td>3rd Order: Dale</td>
<td></td>
</tr>
<tr>
<td>2nd Order: Sumas River</td>
<td></td>
</tr>
<tr>
<td>1st Order: Fraser</td>
<td></td>
</tr>
<tr>
<td><strong>Assessor's Parcel No.(s):</strong>  Parcel/OSL Acres</td>
<td></td>
</tr>
<tr>
<td>390416 461085 0000</td>
<td>Parcel: 9.95/9.95</td>
</tr>
<tr>
<td><strong>Total OSL Acres = 9.95</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Comprehensive Plan Designation**

Rural

**Parcel Acre(s):** Total 9.95

**Historical Land Use:**

Pasture, corn, grass silage

**Open Space Land Application Acre(s)**

Eligible Acres* 9.95

**Zoning Designation:**

Rural 1 Dwelling Unit per 5 Acres (R5A)

**Soil/Type Capabilities:**

# 3 Brisco-Coridia, 0 - 2% slopes, very deep, poorly drained. It formed in alluvium and native vegetation is mainly conifers and shrubs

# 107 Mt. Vernon fine sandy loam, 0 - 2% slopes, very deep, moderately well drained soil is on river terraces and floodplains. It formed in alluvium with a mixture of volcanic ash. Native vegetation is mainly conifers and shrubs

**Shorelines:** NA

**Comments:** A 200’ conservation easement follows the ditch across the West side of the parcel. The property was historically used to support a local dairy.
<table>
<thead>
<tr>
<th>Basic Value (BV)</th>
<th>Score</th>
<th>MAX</th>
<th>Public Benefit Value (PBV)</th>
<th>Score</th>
<th>MAX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conserves or Enhances Natural, Cultural or Scenic Resources:</strong> Provides pastoral view from Siper Road that demonstrates agricultural uses alongside habitat and conservation uses.</td>
<td>8</td>
<td>10</td>
<td>Public Access: Posted Open Space Sign; Public Access by Appointment in accordance with 1995 Whatcom County Open Space Policies and Criteria and Public Benefit Rating System;</td>
<td>20%</td>
<td>40%</td>
</tr>
<tr>
<td><strong>Protect Streams, Stream Corridors, Wetlands, Shorelines and Aquifers:</strong> 200' conservation easement crosses Western edge of parcel protecting water quality.</td>
<td>10</td>
<td>10</td>
<td>Water Resource Protection: The conservation easement area provides protection of surface water. Applicant intends to grow marketable crops organically using sustainable agriculture techniques to further protect water resources.</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Protects Soil, Unique or Critical Wildlife, Native Plant Habitat:</strong> Majority of the site is soil #107 Mount Vernon Sandy Loam which is listed as all areas prime.</td>
<td>10</td>
<td>10</td>
<td>Wildlife Habitat: Property owner is aware of conservation easement on property that protects/restores 100' buffer of either side of wetland/riparian area. Application also includes a small forested area.</td>
<td>15%</td>
<td>20%</td>
</tr>
<tr>
<td>Promotes Conservation Principles by Example/Offer Educational Opportunities: Property owner is aware of conservation easement on property that protects/restores 100' buffer of either side of wetland/riparian area. Visual promotion of conservation principles and site visit by appointment.</td>
<td>5</td>
<td>10</td>
<td>Parcel Size: Total Parcel acreage is 9.95 acres Agricultural building, access road, and associated development area represents approximately 1.00 acre leaving 8.95 acres for consideration under Open Space Land designation.</td>
<td>5%</td>
<td>&gt;20 acres = +10% max; &lt; 5 acres = -10% max</td>
</tr>
<tr>
<td><strong>Enhances Value of Abutting Parks, Forests, Wildlife Preserves, or other Open Spaces:</strong> Property borders forestry zoned parcels and ag zoned parcels, both of which provide wildlife habitat values.</td>
<td>6</td>
<td>10</td>
<td>Linkage with other Open Space: Adjacent to multiple other Open Space designated parcels including Designated Forestlands and Open Space Agriculture.</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Enhances Recreation Opportunities:</strong> Public access by appointment pursuant to Whatcom County Open Space Policy and Criteria and Public Benefit Rating System (1995).</td>
<td>5</td>
<td>10</td>
<td>Natural Areas: Approximately 15% of the site is protected with a conservation easement. The remainder of the parcel, excluding the agricultural building, is managed for hay and crop production.</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Preserves Historic and Archeological Sites</strong></td>
<td>0</td>
<td>10</td>
<td>Financial Advantage</td>
<td>0%</td>
<td>40% (+/-)</td>
</tr>
<tr>
<td><strong>Discretionary Value</strong></td>
<td>0%</td>
<td>40% (+/-)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total 44

Total 68 100%

The Public Benefit Rating is calculated using the following formula:

Public Benefit Rating Formula \( BV + (BV \times PBV) = PBR \) 44 + (44 \times 0.68) = 73.92

OSP2016-00001 Public Benefit Rating (PBR) = 73.92

Must receive at least 45 points for a staff recommendation of approval

Open Space Applications 2016
- Lofquist

Open Space Land - Reclassification (OSAG to OSFAC)

OSP2016-00004 - Ed Lofquist
APN#: 390416 461085 - 9.95 Ac.

Subject Parcel
Open Space Land - Reclassification (OSAG to OSFAC)
OSP2016-00004 – Ed Lofquist
APN#: 390416 461085 - 9.95 Ac.

- Subject Parcel
- Watershed Boundary
- National Wetlands Inventory

Canopy Height
- <1 ft.
- 8-20 ft.
- 100-150 ft.
- 1-2 ft.
- 20-50 ft.
- 150-200 ft.
- 2-8 ft.
- 50-100 ft.
- >200 ft.
Whatcom County

Open Space Policy and Criteria

and

Public Benefit Rating System, 1995
SUMMARY OF WHATCOM COUNTY OPEN SPACE POLICIES

I. **Public Benefit Rating System:** All applications for open space-open space and open space-farm and agriculture conservation will be rated according to the Whatcom County Public Benefit Rating System described in the following pages. A Public Benefit Rating of at least 45 must be attained in order to be recommended for approval. In addition, the amount of tax reduction to be granted to open space applications will be based on the Public Benefit Rating. The greater the public benefit provided by keeping the property in open space use, the greater the tax reduction.

II. **Public access:** As a condition of approval, owners of open space parcels must agree to provide a certain degree of public access according to the Whatcom County Public Access Policy listed on Page 12. All applications shall be accompanied by the owner’s proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined in the Whatcom County Public Access Policy. **Note:** On parcels where there is a documented occurrence of a State or Federal Endangered or Threatened species; Federal Proposed Endangered or Threatened Species; and State Sensitive or Monitor Species; or where there is a known or potentially significant archaeological site; or when the purpose of the open space is for wetland conservation, the public access requirement may be waived by the Council.

III. **Open Space Sign:** As a condition of approval, owners of open space parcels must agree to post a sign in a location visible to passing motorists, in accordance with the Whatcom County Open Space Sign Policy on Page 13 indicating the parcel’s open space status and the availability of public access. As with the public access requirement, the requirement for posting of a sign may be waived in some instances.

IV. **Hold Harmless Agreement:** All open space property owners must sign a hold harmless agreement, freeing Whatcom County of any liability which may arise as a result of open space approval. A copy of the hold harmless agreement is included on Page 14.
WHATCOM COUNTY OPEN SPACE POLICY AND CRITERIA
AND PUBLIC BENEFIT RATING SYSTEM

I. APPROVAL CRITERIA: OPEN SPACE/OPEN SPACE AND OPEN
SPACE/FARM & AGRICULTURE CONSERVATION

Washington State law specifies that:
In determining whether an application made for open space current use taxation status should
be approved or disapproved, pursuant to RCW 84.34.020, subsection (1)(b) (Open
Space/Open Space) or subsection (c) (Open Space/Farm & Agriculture Conservation), the
Whatcom County Planning Commission will consider in its recommendations to the County
Council whether or not preservation of the current use of the land, when balanced against the
resulting revenue loss or tax shift from granting the application will:

1. Conserve or enhance natural, cultural or scenic resources, or
2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers, or
3. Protect soil resources and unique or critical wildlife and native plant habitat, or
4. Promote conservation principles by example or by offering educational
opportunities, or
5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves,
nature reservations or sanctuaries or other open spaces, or
6. Enhance recreation opportunities, or
7. Preserve historic and archaeological sites, or
8. Affect any other factors relevant in weighing benefits to the general welfare of
preserving the current use of the property.

II. PUBLIC BENEFIT RATING SYSTEM

A. Based on the first seven (7) approval criteria listed above in conjunction with
number eight (8) above, the Planning Department staff will assign each
application for Open Space/Open Space and Open Space/Farm &
Agriculture Conservation a PUBLIC BENEFIT RATING using the method
described below.

B. A parcel must receive a PUBLIC BENEFIT RATING of at least forty five
(45) to be recommended for approval.

C. The PUBLIC BENEFIT RATING will be used by the County Assessor’s
office in determining the amount of tax reduction for Open Space/Open Space
and Open Space/Farm & Agriculture Conservation parcels.
III. PUBLIC BENEFIT RATING CALCULATION

A. BASIC VALUE
The Planning and Development Services Department will review each Open Space/Open Space and Open Space/Farm & Agriculture Conservation application and will assign to each a BASIC VALUE that represents the degree of conformance with the BASIC VALUE CRITERIA listed in Section IV below.

B. PUBLIC BENEFIT VALUE
The BASIC VALUE will be increased (or decreased) by a percentage (PUBLIC BENEFIT VALUE) representing the benefit to the general welfare of preserving the current use of the property, based on conformance with the factors listed in section V below.

C. PUBLIC BENEFIT RATING FORMULA
The PUBLIC BENEFIT RATING will be calculated using the following formula:

\[ PBR = BV + (BV \times PBV) \]
where:

- \( PBR = \text{PUBLIC BENEFIT RATING} \)
- \( BV = \text{BASIC VALUE} \)
- \( PBV = \text{PUBLIC BENEFIT VALUE} \)

IV. BASIC VALUE CRITERIA:

A. Open Space/Open Space
A maximum of ten points for open space/open space applications may be assigned for each of the 7 items based upon conformance with the criteria listed below.

1. Conserve or enhance natural, cultural or scenic resources.

   **Criteria for approval:**

   a. lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways;

   b. lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitations;
c. lands which can serve to prevent the spread of high density residential development into less developed areas;
d. lands located adjacent to airports.

2. Protect streams, stream corridors, wetlands, natural shorelines and aquifers.
Criteria for approval:

a. lands within a 100-year floodplain;
b. lands within or adjacent to areas of domestic water supply;
c. lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general functioning of the regime;
d. lands which provide for preservation of bogs or swamps;
e. lands adjacent to bodies of water, both marine and fresh;
f. lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public access agreement due to biological sensitivities).

3. Protect soil resources and unique or critical wildlife and native plant habitat.
Criteria for approval:

a. lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
b. lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
c. lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On parcels where there this documentation, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

4. Promote conservation principles by example or by offering educational opportunities.

Criteria for approval:

a. lands which are an example of application of conservation principles;
b. lands which offer opportunities for conservation education such as
5. **Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces:**

Criteria for approval:

a. land that the local County Park Board has identified for possible future park acquisition;

b. land designated in County Parks, Recreation and Open Space Study and other documents as significant park land, open space or conservation areas;

c. lands which, as open space, may help to provide for successful implementation of County Trail Plan;

d. lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, schools or other open space lands classified under RCW 84.33 or RCW 84.34;

6. **Enhance recreation opportunities.**

Criteria for approval:

a. lands possessing private recreational facilities which are available to the public without charge;

b. lands which provide opportunities for passive recreational activities such as, but not limited to, hiking, horseback riding, hunting, fishing, bird watching, and nature observation;

7. **Preserve historic and archaeological sites.**

Criteria for approval:

a. areas or sites which have been identified as significant on local, state or national Historic Registers;

b. areas or sites of known or potential archaeological significance. On parcels where there is a known or potentially significant archaeological site, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

**B. Open Space/Farm & Agriculture Conservation**

Only parcels consistent with RCW 84.34.020(8)(a)(b) may be considered for Open Space/Farm & Agriculture Conservation.
A maximum of fifteen (15) points for Open Space/ Farm & Agriculture Conservation applications may be assigned for each of the first two (2) items listed below, and a maximum of five (5) points may be assigned for the remaining eight (8) items listed below based upon conformance with the criteria listed.

1. Traditional or potential farmland.

   **Criteria for approval:** lands which have historically been used for agriculture; and/or lands that have not been devoted to a use inconsistent with agricultural uses.

2. Soil Value

   **Criteria for approval:**
   a. lands which contain prime farmland as defined by the U.S. Department of Agriculture; or
   b. lands which contain capability classification I-IV according to the US Department of Agriculture Land Capability Classification system.

3. Comprehensive Plan Designation

   **Criteria for approval:** Lands which are designated Agriculture or Incentive Agriculture in the Whatcom County Comprehensive Plan.

4. Conserve or enhance natural, cultural or scenic resources.

   **Criteria for approval:**
   a. lands which possess unique scenic vistas available to the public or are within the visual corridor of scenic roads or highways;
   b. lands which, when left in their natural state, would serve as buffers between areas of commercial or industrial activity and areas of human habitations;
   c. lands which can serve to prevent the spread of high density residential development into less developed areas;
   d. lands located adjacent to airports.
5. Protect streams, stream corridors, wetlands, natural shorelines and aquifers.

Criteria for approval:
- lands within a 100-year floodplain;
- lands within or adjacent to areas of domestic water supply;
- lands near or adjacent to streams or rivers where, if alterations were to occur, a resulting loss of quality would also occur in the conditions of water and the general functioning of the regime;
- lands which provide for preservation of bogs or swamps;
- lands adjacent to bodies of water, both marine and fresh;
- lands including and adjacent to wetlands and tidal areas (these lands would not necessarily be approved contingent upon public access agreement due to biological sensitivities).

6. Protect soil resources and unique or critical wildlife and native plant habitat.

Criteria for approval:
- lands where slopes exceed 25% or areas where underlying geology and soils are known to produce unstable conditions;
- lands where, if alterations were to occur, a resulting high risk of soil erosion would follow;
- lands which represent habitats for unique or critical wildlife or native plants, or where there is a documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species as listed in the Washington Department of Wildlife Nongame Data System. On these parcels the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.

7. Promote conservation principles by example or by offering educational opportunities.

Criteria for approval:
- lands which are an example of application of conservation principles;
- lands which offer opportunities for conservation education.
such as interpretive centers or trails.

8. **Enhance the value to the public of abutting or neighboring parks, forests, agricultural lands, wildlife preserves, nature reservations or sanctuaries or other open spaces.**

   **Criteria for approval:**
   a. land that the local County Park Board has identified for possible future park acquisition;
   b. land designated in County Parks, Recreation and Open Space Studies and other documents as significant park land, open space or conservation areas;
   c. lands which, as open space, may help to provide for successful implementation of County Trail Plan;
   d. lands which are near or adjacent to existing public parks, forests, wildlife preserves, nature reservations, sanctuaries, schools or other open space lands classified under RCW 84.33 or RCW 84.34;

9. **Enhance recreation opportunities.**

   **Criteria for approval:**
   a. lands possessing private recreational facilities which are available to the public without charge;
   b. lands which provide opportunities for passive recreational activities such as but not limited to hiking, horseback riding, hunting, fishing, bird watching, and nature observation;

10. **Preserve historic and archaeological sites.**

   **Criteria for approval:**
   a. areas or sites which have been identified as significant on local, state or national Historic Registers;
   b. areas or sites of known or potential archaeological significance. On parcels where there is a known or potentially significant archaeological site, the Department shall automatically recommend approval with a recommendation that a sign and public access shall not be required.
V. PUBLIC BENEFIT VALUE CRITERIA
The following list of open space characteristics have been determined to have a high priority in providing (or detracting from) benefit to the general welfare will be used to determine the PUBLIC BENEFIT VALUE for each Open Space/Open Space and Open Space/Farm & Agriculture Conservation application. The total PUBLIC BENEFIT VALUE will increase (or decrease) the BASIC VALUE by a certain percentage. It is possible to attain a PUBLIC BENEFIT VALUE of up to 140%, resulting in a maximum possible increase of 140%.

A. PUBLIC ACCESS (Maximum 40% increase)
1. Shoreline access
2. Recreation access
3. Public road frontage
4. Availability of off-street parking
5. Quality of access in terms of accessibility and owner's Proposed rules of conduct and access management

B. WATER RESOURCE PROTECTION (Maximum 20% increase)
1. Watershed of domestic water supply
2. Aquifer recharge area
3. Preservation of hydrologic processes:
   - streams and natural drainage courses
   - wetlands, swamps, bogs
   - lakes

C. WILDLIFE HABITAT (Maximum 20% increase)
1. State or Federal Endangered Species; State or Federal Threatened Species; Federal Proposed Endangered or Threatened Species; or State Sensitive or Monitor Species.
2. Abundance and diversity of wildlife (associated with "edge" type habitat and areas of vegetative and topographic diversity).

D. PARCEL SIZE (Maximum 10% increase)
1. Twenty (20) acres or larger
2. Smaller than five (5) nominal acres (Maximum 10% decrease for OS Open Space applications; Required 40% decrease for OS Farm and Agriculture Conservation applications)

E. LINKAGE WITH OTHER OPEN SPACES (Maximum 5%
Adjacent to other Open Space, parks, or open areas associated with Planned Unit Developments, Cluster Subdivisions, or Binding Site Plans.

F. NATURAL AREAS (Maximum 5% increase)
Based on how much of parcel is in natural cover and not developed with homesite, outbuildings, and clearings.

G. FINANCIAL ADVANTAGE (Maximum 40% decrease)
The use to which the land is put derives a financial advantage for it owners.

H. DISCRETIONARY VALUE (Maximum 40% increase)
(Minimum 40% decrease)
Discretionary value may be added or subtracted where land provides or detracts from public benefits other than those specifically listed above. If discretionary value is added or subtracted, the provision of or detraction from public benefits shall be set forth in detail on the supplemental application form and on the scoring sheet.
PUBLIC ACCESS

All applications for Open Space/Open Space and Open Space Farm & Agriculture Conservation shall be accompanied by the owners' proposed rules of conduct and a description of how public access is to be managed, within the limitations outlined below.

The term "Public Access" is limited and defined as the right of any individual to request permission to enter and visit the premises on foot for legitimate recreational purposes such as bird watching, scenic observation, scientific investigation, picnicking during daylight hours, and strolling and general relaxation on the premises. This right is subject to the execution by the visitor of:

1. An agreement to abide by any reasonable rules of personal conduct required by the owners while on the premises, and

2. A general release of the owner from liability for any injury suffered by the visitor while on the premises. Permission will be granted without discrimination, EXCEPT in the case of a person in disorderly or apparently intoxicated condition in which case permission will be denied. Any permission previously granted shall become automatically revoked, and the visitor deemed to be a trespasser upon the premises.

Owners retain and reserve the power to officially post and enforce rules not inconsistent with the foregoing provisions and conditions for public entry upon the premises.

DATED this ________ day of ___________, 2000

SIGNED:

__________________________

owner

__________________________

owner
OPEN SPACE SIGN POLICY

As a condition of approval of your open space application, you must post a two foot (2' x 2') sign on your property to indicate open space status, public access, and the Open Space Agreement number within one month of executing the Open Space Agreement.

The sign must be located on the property’s road frontage in as conspicuous a location as possible.

Construction of the sign will be the responsibility of the applicant and will be in accordance with the specifications on file with the Planning and Development Services Department. It is the property owner's responsibility to assure that the sign remains in place during the period of the open space agreement.

This policy affects all Open Space/Open Space and Open Space/Farm and Agricultural Conservation applications.
Whatcom County Council

AFFIDAVIT OF POSTING OF OPEN SPACE SIGN PURSUANT TO WHATCOM COUNTY OPEN SPACE SIGN POLICY AND SPECIFICATION

, being first duly sworn upon oath, deposes and says:

That I have posted a two foot by two foot Open Space Sign in accordance with the Whatcom County Open Space Sign Policy and the Whatcom County Open Space Sign Specification, in a conspicuous location, visible to passing motorists, indicating the Open Space status of the following Open Space parcel(s):
Assessor’s Parcel Number(s):

I understand that it is the property owner’s responsibility to assure that the sign(s) remains in place during the period of the Open Space Agreement; that posting of the Open Space sign is subject to verification by County personnel; and that failure to maintain the sign is a violation of the Open Space Agreement and may result in withdrawal of Open Space status with attendant taxes and penalties payable pursuant to RCW 84.34.

Signature of Property Owner or other person posting property

I certify that I know or have satisfactory evidence that signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated
Signature of
Notary Public

Title
My Appointment
Expires
WHATCOM COUNTY OPEN SPACE SIGN SPECIFICATION

As a condition of approval of your Open Space application, you must post at least one Open Space sign on the property's road frontage in a conspicuous location, visible to passing motorists. It shall be the property owner's responsibility to assure that the sign remains in place during the period of the Open Space Agreement.

A typical sign and mounting are illustrated below. The sign shall be purchased from the Whatcom County Planning and Development Department for $5.00 plus tax of .39 cents. The sign shall be permanently attached to a weather-resistant solid backing at least two feet by two feet in size. You may also post reasonable rules of personal conduct while on the premises, pursuant to Whatcom County Public Access Policy. Such rules shall be approved by the Planning Department prior to posting.

TYPICAL SIGN AND MOUNTING

[Diagram showing dimensions and specifications of the sign]
HOLD HARMLESS AGREEMENT

Owner Name

Owner Name

In consideration for Whatcom County's approval of the attached Open Space Application, with any conditions that may be imposed, hereby agree to defend, indemnify and hold harmless Whatcom County, its officers and employees from any claim that may arise against Whatcom County as a result of the approval of the attached application with conditions.

This agreement shall become binding only after the Whatcom County Council has approved the attached application.

Parcel number(s):

DATED: This ______ day of __________________, 2008

SIGNED:

______________________________
Owner Name

______________________________
Owner Name
Open Space Taxation Act

What is the Open Space Taxation Act?
The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm and agricultural, and timber lands valued at their current use rather than at their highest and best use. The Act states that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens.

Lands qualifying for current use classification
The law provides three classifications:

Open space land
Farm and agricultural land
Timber land

Open space land is defined as any of the following:

1. Any land area zoned for open space by a comprehensive official land use plan adopted by any city or county.
2. Any land area in which the preservation in its present use would:
   a. Conserve and enhance natural or scenic resources.
   b. Protect streams or water supply.
   c. Promote conservation of soils, wetlands, beaches or tidal marshes. (As a condition of granting open space classification, the legislative body may not require public access on land classified for the purpose of promoting conservation of wetlands.)
   d. Enhance the value to the public of neighbouring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.
   e. Enhance recreation opportunities.
   f. Preserve historic sites.
   g. Preserve visual quality along highway, road, and street corridors or scenic vistas.
   h. Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative authority granting the open space classification.

3. Any land meeting the definition of “farm and agricultural conservation land,” which means either:
   a. Land previously classified under the farm and agricultural classification that no longer meets the criteria and is reclassified under open space land; or
   b. “Traditional farmland,” not classified, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

This fact sheet provides general information regarding the Open Space Taxation Act. The information is current at the date of publication. Please note subsequent law changes may supersede or invalidate some of this information.
3. Any parcel of land that is five acres or more but less than 20 acres, is devoted primarily to agricultural uses, and has standing crops with an expectation of harvest within:
   a. Seven years and a demonstrable investment in the production of those crops equivalent to $100 or more per acre in the current or previous calendar year.
   b. Fifteen years for short rotation hardwoods and a demonstrable investment in the production of those crops equivalent to $100 or more per acre in the current or previous calendar year.

4. For parcels of land five acres or more but less than 20 acres, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs.

5. Any parcel of land less than five acres devoted primarily to agricultural uses and has produced a gross income of:
   a. Prior to January 1, 1993, $1,000 or more per acre per year for three of the five calendar years preceding the date of application for classification.
   b. On or after January 1, 1993, $1,500 or more per acre per year for three of the five calendar years preceding the date of application for classification.

6. “Farm and agricultural land” also includes any of the following:
   a. Incidental uses compatible with agricultural purposes, including wetland preservation, provided such use does not exceed 20 percent of the classified land.
   b. Land on which appurtenances necessary for production, preparation, or sale of agricultural products exist in conjunction with the lands producing such products.
   c. Any non-contiguous parcel one to five acres, that is an integral part of the farming operations.
   d. Land on which housing for employees or the principal place of residence of the farm operator or owner is sited provided the use of the housing or residence is integral to the use of the classified land for agricultural purposes, the housing or residence is on or contiguous to the classified land, and the classified land is 20 or more acres.
   e. Land that is used primarily for equestrian-related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed. Depending on the number of classified acres, the land may be subject to minimum gross income requirements.
   f. Land that is primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not. For additional criteria regarding this use, please refer to RCW 84.34.020(2)(h).
Timber land is defined as the following:
Any parcel of land five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than 10 percent of the land may be used for such incidental uses.

It also includes the land which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

The timber land classification may be unavailable in some counties. As a result of the passage of Senate Bill 6180 in 2014, counties have the option to merge their timber land classification into their designated forest land program under chapter 84.33 RCW. To determine whether your county offers the timber land classification, you may contact the county assessor or visit the Department of Revenue's website at: www.dor.wa.gov.

Who may apply?
An owner or contract vendee may apply for current use assessment. However, all owners or contract vendees must sign the application for classification, and any resulting agreement.

When may I apply?
Applications may be made for classification at any time during the year from January 1 through December 31. If approved, current use assessment will begin on January 1 following the year the application was submitted.

Where do I get the application?
Application forms for the farm and agricultural land classification are available from the county assessor's office. Application forms for the open space and timber land classifications are available from either the county assessor's office or by contacting the county legislative authority.

Where do I file the application?
An application for open space classification is filed with the county legislative authority.

An application for farm and agricultural land classification is filed with the county assessor.

An application for timber land classification is filed with the county legislative authority. Timber land applications require that a timber management plan also be filed.

Is there an application fee?
The city or county legislative authority may, at their discretion, establish a processing fee to accompany each application. This fee must be in an amount that reasonably covers the processing costs of the application.

What happens after I file my application for open space classification?
Applications for classification or reclassification as "open space land" are made to the appropriate agency or official called the "granting authority." If the land is located in the county's unincorporated area, the county legislative authority is the granting authority on the application. If the land is located within an incorporated area of the county, the application is acted upon by both the county and city legislative authorities.

If the application is subject to a comprehensive plan that has been adopted by any city or county it will be processed in the same manner in which an amendment to the comprehensive plan is processed. If the application is not subject to a comprehensive land use plan, a public hearing on the application will be conducted, but a notice announcing the hearing must be published at least 10 days prior to the hearing.

The granting authority must approve or reject the application within six months of receiving the application. In determining whether an application made for classification or reclassification should be approved or denied, the granting authority may consider the benefits to the general welfare of preserving the current use of the property.
They may require that certain conditions be met, including but not limited to the granting of easements.

If the application is approved, the granting authority will, within five calendar days of the approval date, send an agreement to the applicant for signature showing the land classification and conditions imposed. The applicant may accept or reject the agreement. If the applicant accepts, he or she must sign and return the agreement to the granting authority within 30 days after receipt.

The approval or denial of the application for classification or reclassification is a legislative determination and is reviewable only for arbitrary and capricious actions. Appeal can be made only to the superior court of the county where the application was filed.

Within 10 days of receiving notice of classification of the land from the granting authority, the assessor submits the notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

If approved, current use assessment will begin on January 1 following the year the application was submitted. The criteria for classification continue to apply after classification has been granted.

How does a public benefit rating system work?
If the county legislative authority has established a public benefit rating system (PBRS) for the open space classification, the criteria contained within the rating system governs the eligibility and valuation of the land subject to the application.

When a county creates or amends a PBRS, all classified open space land will be rated under the new PBRS. Land that no longer qualifies for classification will not be removed from classification, but will be rated according to the PBRS. Within 30 days of receiving notification of the new assessed value established by the PBRS, the owner may request removal of classification of the land without imposition of additional tax, interest, and penalty.

What happens after I file my application for farm and agricultural land classification?
Upon application for classification or reclassification, the assessor may require applicants to provide data regarding the use of the land, including, but not limited to, the productivity of typical crops, sales receipts, federal income tax returns, other related income and expense data, and any other information relevant to the application.

The application will be considered approved unless the assessor notifies the applicant in writing prior to May 1 of the year after the application was submitted. The criteria for classification continue to apply after classification has been granted.

What is an "advisory committee"?
The county legislative authority must appoint a five-member committee representing the active farming community within the county. This committee will serve in an advisory capacity to the assessor in implementing assessment guidelines as established by the Department of Revenue for the assessment of open space lands, farm and agricultural lands, and timber lands.

How do I appeal a denial of my farm and agricultural land application?
The owner may appeal the assessor's denial to the board of equalization in the county where the land is located. The appeal must be filed with the board on or before July 1 of the year of the determination or within 30 days after the mailing of the notice of denial, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

What happens after I file my application for timber land classification?
Applications for timber land classification or reclassification are made to the county legislative authority. A timber management plan is required at the time of application or when a sale or transfer of timber land occurs and a notice of continuance is signed.

The application form requests information about forest management, restocking, fire protection, insect and disease control, weed control, and any other summary of experience and activity that supports the growth and harvest of timber for commercial purposes.
The application is acted upon in a manner similar to open space land applications and within six months of receiving the application.

Approval or denial of a timber land application is a legislative determination and is reviewable only for arbitrary and capricious action. Appeal can be made only to the superior court of the county where the application was filed.

Within 10 days of receiving notice of classification of the land from the granting authority, the assessor submits the notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

If approved, current use assessment will begin on January 1 following the year the application was submitted. The criteria for classification continue to apply after classification has been granted.

How is the value of classified land determined?
The assessor is required to maintain two values for each parcel that is classified. The first is the value that would be placed on the land if it was not classified. This is commonly referred to as the "fair market value." The second is the current use land value based on its current use, not highest and best use, as classified by the granting authority.

Open space land located within a county that has adopted a public benefit rating system will be valued according to the criteria of the rating system.

In the absence of a rating system, the per acre value can be no less than the lowest per acre value of classified farm and agricultural land in the county.

In determining the current use value of farm and agricultural land, the assessor considers the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years. This earning or productive capacity is the "net cash rental" and is capitalized by a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

Timber land is valued according to a schedule prepared by the Department of Revenue according to chapter 84.33 RCW. The Department of Revenue annually adjusts and certifies timber land values to be used by county assessors in preparing assessment rolls. The assessors assign the timber land values to the property based upon land grades and operability classes.

How long does the classification last?
The land continues in its classification until a request for removal is made by the owner, the use of land no longer complies, a sale or transfer to an owner that causes land to be exempt from property taxes, or the ownership has changed and the new owner has not signed a Notice of Continuance. The notice of removal is recorded with the county auditor in the same manner as the recording of state tax liens on real property. Additional tax, interest, and penalties will apply if the land is removed and the removal does not meet one of the exceptions listed in RCW 84.34.108(6).

How do I withdraw from classification?
If intending to withdraw all or a portion of the land from classification after 10 years of classification, the owner must give the county assessor two years prior notice. This notice can be filed after the eighth assessment year of the initial 10-year classification period.

If a portion of the land is removed from classification, the remaining portion must meet the requirements of original classification unless the remaining land has different income or investment criteria.
What happens after I file a request to withdraw?
Upon receipt of a request for withdrawal, the assessor notifies the granting authority that originally approved the classification, and, when two years have elapsed, the assessor withdraws the land from classification. The land withdrawn from classification is subject to seven years of additional tax and interest, but not a 20 percent penalty.

What if I want to change the use of my classified property?
An owner changing the use of land from a classified use must notify the county assessor within 60 days of this action. The assessor will remove the land from classified status and impose an additional tax equal to the difference between the tax paid on the current use value and the tax that would have been paid on the land had it not been classified. The additional tax is payable for the last seven tax years, plus interest at the same rate as charged on delinquent property taxes, plus a penalty of 20 percent of the total amount.

Upon removal from classification, what taxes are due?
At the time the land is removed from classification, any taxes owing from January 1 of the removal year through the removal date, and any additional tax, applicable interest, and penalty owing are due and payable to the county treasurer within 30 days of the owner being notified.

What if the additional taxes are not paid?
Any additional tax, applicable interest, and penalty become a lien on the land at the time the land is removed from classification. This lien has priority over any other encumbrance on the land. Such a lien may be foreclosed upon expiration of the same period after delinquency in the same manner as delinquent real property taxes. If unpaid, interest is charged on the total amount due at the same rate that is applied by law to delinquent property taxes. Interest accrues from the date of the delinquency until the date the total amount is paid in full.

If the assessor removes my land from classification, may I appeal?
Yes, the owner may file an appeal of the removal from classification to the county board of equalization on or before July 1 of the year of the determination, or within 30 days of the date the notice was mailed by the assessor, or within a time limit of up to 60 days adopted by the county legislative authority, whichever is later.

What is done with the additional tax, interest, and penalty paid when land is removed from classification?
Upon collection, the additional tax is distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed. The applicable interest and penalties are distributed to the county's current expense fund.
How do I change the classification of my property?
Land may be reclassified, upon request by the owner, subject to all applicable qualifications for each classification, without additional tax, interest, and penalty for the following:

1. Land classified as farm and agricultural land may be reclassified to timber land; timber land may be reclassified to farm and agricultural land.

2. Land classified as either farm and agricultural land or timber land under chapter 84.34 RCW, or forest land under chapter 84.33 RCW may be reclassified to open space land.

3. Land classified as farm and agricultural land or timber land may be reclassified to forest land under chapter 84.33 RCW.

4. Land previously classified as farm and agricultural land may be reclassified to open space land as “farm and agricultural conservation land” and subsequently be reclassified back to farm and agricultural land.

Applications for reclassification are acted upon in the same manner as approvals for initial classification.

The county assessor approves all applications for farm and agricultural classifications and reclassifications.

The county legislative authority (and in some cases, the city legislative authority) approves all land classifications or reclassifications for timber land and open space land, including farm and agricultural conservation land.

Is supporting information required to change classifications?
The assessor may require an owner of classified land to submit data regarding the use of the land, productivity of typical crops, income and expense data, and similar information regarding continued eligibility.

Laws and Rules
It is helpful to read the complete laws, Revised Code of Washington, chapters 84.33 and 84.34 (RCW) and rules, Washington Administrative Code, chapter 458-30 (WAC) to understand requirements of the classifications and the tax liabilities incurred.

Need More Information?
Requirements for making application for current use classification are available at the county assessor’s office or by contacting the county legislative authority.

For general information contact:
- Department of Revenue, Property Tax Division
  P.O. Box 47471
  Olympia, Washington 98504-7471
  (360) 534-1400
- Website dor.wa.gov
- Telephone Information Center
  1-800-647-7706
- To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715.
- Teletype (TTY) users please call 1-800-451-7985.
Reactivation of the Wildlife Advisory Committee

Proposal to reactivate the Wildlife Advisory Committee to continue working on wildlife related issues and opportunities.

COMMITTEE ACTION:

COUNCIL ACTION:
11/8/2017: Introduced 7-0

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

TO: Honorable County Councilmembers
    Honorable Executive Louws

THROUGH: Mark Personius, Assistant Director, Whatcom County PDS

FROM: Chris Elder, Planner

DATE: 10/23/2017

SUBJECT: REACTIVATION OF THE WILDLIFE ADVISORY COMMITTEE

The Whatcom County Wildlife Advisory Committee presented the 2017 Ecosystem Report to the Natural Resources Committee of the Council on Sept. 12, 2017. One of the recommendations within the 2017 Ecosystem Report was to extend the duration of the Wildlife Advisory Committee. During discussion at the Natural Resource Committee, councilmembers expressed their interest to reactivate the Wildlife Advisory Committee and have committee members, as one of their first tasks, reassess the full list of recommendations identified in the Ecosystem Report and come back to Council with a more strategic or targeted list including any specific financial requests associated with that list.

Respectfully, members of the Wildlife Advisory Committee request County Council reactivate the Wildlife Advisory Committee, so that the committee may continue working on wildlife related issues and opportunities in Whatcom County.
ORDINANCE NO. _________

AMENDING WHATCOM COUNTY CODE 2.118, REACTIVATING THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to engage in comprehensive land use planning; and

WHEREAS, the GMA indicates that Whatcom County’s comprehensive land use planning efforts should foster land use patterns and develop a local vision of rural character that will be compatible with the use of the land by wildlife and for fish and wildlife habitat; and

WHEREAS, goal nine (9) of the GMA, in Revised Code of Washington (RCW) 36.70A.020, is to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities; and

WHEREAS, in RCW 36.70A.160, the GMA directs local governments to identify open space corridors within and between urban growth areas useful for recreation, wildlife habitat, trails and connections between critical areas; and

WHEREAS, habitat conservation areas must be identified, designated and protected through the use of best available science, according to RCW 36.70A.172; and

WHEREAS, goal eleven (11) of the GMA is to encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts; and

WHEREAS, Whatcom County citizens have expressed to the County Council their desire for the County to incorporate wildlife management and conservation planning for fish and wildlife habitat into the Whatcom County land use planning process; and

WHEREAS, the Whatcom County Council would benefit from the advice and recommendations of those with background and technical expertise, including but not limited to, in wildlife management, conservation science, and wildlife biology, when making land use policy decisions, and
WHEREAS, the County Council acknowledges the community has finite resources requiring good fiscal and environmental stewardship, and the community would benefit from achievable wildlife management recommendations, and;

WHEREAS, the County Council recognizes people are part of the landscape and within a watershed diverse uses interact and depend on limited resources, requiring balanced wildlife management recommendations which provide visible community and ecological services, and;

WHEREAS, the County Council authorizes Planning and Development Services Department to fund a .25 FTE to staff the wildlife advisory committee.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.118, creating the Whatcom County Wildlife Advisory Committee, is hereby established as outlined in Exhibit A of this ordinance.

ADOPTED this _____ day of __________, 2017.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved  ( ) Denied

Date Signed: __________________
EXHIBIT A

Chapter 2.118
WILDLIFE ADVISORY COMMITTEE

Sections:
2.118.010 Established
2.118.020 Purpose
2.118.030 Function
2.118.040 Qualifications
2.118.050 Membership
2.118.060 Term of Office
2.118.070 Organization – Meetings
2.118.080 Committee Staffing

2.118.010 Established.
The Wildlife Advisory Committee is hereby established.

2.118.020 Purpose.
The committee will advise the Whatcom County Planning and
Development Services Department staff and the Whatcom County Council
on the value of wildlife and habitat management issues as they relate to
the Whatcom County Comprehensive Plan, with the goal of integrating
wildlife management and protection into the community planning process.

2.118.030 Function.

A. The committee will provide recommendations on integrating wildlife
management and protection issues relative to fulfilling goal nine (9) of
the Washington State Growth Management Act (GMA): to retain open
space, enhance recreational opportunities, conserve fish and wildlife
habitat, increase access to natural resource lands and water, and
develop parks and recreation facilities. The full committee shall provide
a recommendation on the need for an ongoing wildlife advisory
committee.

B. Each committee recommendation will consist of
   i. Identified issue or constraint
   ii. Discussion of ecological process, function or species addressed
   iii. Range of solutions considered
   iv. Preferred solution
   v. Cost of implementation. A cost benefit analysis is required when an
      existing industry recognized method is available; at a minimum a
discussion of project costs and positive or adverse impacts where
community and ecological uses intersect.
   vi. Cited and reviewed references
The Technical Advisory sub-committee, as defined in Section 2.118.050(B), will:

i. Prior to the end of 2015, develop the periodic updates to the Ecosystem Report that includes initial inventory, characterization, and assessment, which includes an analysis of risk, of existing ecosystem conditions (Existing Condition Report), and to make management recommendations using best available science that will provide appropriate habitat conditions for local species, with an emphasis on biodiversity and healthy ecosystem processes and functions. This may include recommendations regarding wildlife corridors, landscape ecological planning, wildlife management, avoiding human/wildlife conflict.

ii. Continue to provide periodic updates to the Existing Condition Report or to address technical questions from the Whatcom County Council, Whatcom County staff, or the Wildlife Management Committee.

2.118.040 Qualifications.
To qualify for County Council appointment to fill any vacancy on a board, committee, or commission, a person shall be a qualified registered voter and be a member or employee of the agency or group he or she is appointed to represent.

2.118.050 Membership.

A. The committee shall consist of 11 members.

B. Seven of the 11 members will have technical expertise in wildlife and habitat management or current or past professional experience such as, but not limited to, at least one of the following: wetlands manager, wildlife biologist, population biologist, natural resources manager, watershed scientist, conservation specialist, forestry protection, and tribal representative.

C. The County Council will appoint the voting committee members. Member terms will be four years.

DG. The committee members shall serve without compensation.

2.118.060 Term of Office.
The committee shall serve until July 31, 2016.

2.118.070 Organization – Meetings.

A. Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.
B. The committee shall determine its own meeting schedule, but shall meet at least bimonthly as needed to address wildlife related planning needs.

C. The committee shall be responsible for taking complete and accurate written records.

D. Whatcom County staff shall be responsible for assuring the meetings are audio recorded.

E. Written and audio recordings of meetings, resolutions, findings, and recommendations shall be kept, and such records shall be public.

F. The committee shall comply with Whatcom County Code 2.03 – Boards and Commissions.

G. The committee shall adopt its own rules and procedures for the conduct of business.

H. The committee shall elect a chairperson from among its members who shall preside at its meetings.

2.118.080 Committee Staffing.

A. The Whatcom County Planning and Development Services Department and Whatcom County Public Works Department shall provide geographic information system (GIS) data and other information to the committee as requested.

B. The Whatcom County Planning and Development Services Department and the Whatcom County Public Works Department shall provide technical assistance and assist with meeting coordination.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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RECEIVED
NOV 13 2017
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Proposed ordinance establishing a stormwater utility district in the Lake Whatcom watershed to generate revenue to partially fund implementation of the Lake Whatcom Management Program.

ATTACHMENTS:
Memo
Proposed Ordinance

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

Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 12/5/17

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 staff will introduce for discussion and possible adoption an ordinance establishing a stormwater utility district in the Lake Whatcom watershed to generate revenue to partially fund implementation of the Lake Whatcom Management Program.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

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

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager

DATE: October 27, 2017

RE: Proposed Ordinance Establishing a Stormwater Utility District in
the Lake Whatcom Watershed

At the November 21, 2017 Natural Resources Committee meeting, Public Works staff
will introduce for discussion a proposed ordinance to establish a stormwater utility
district in the Lake Whatcom watershed with a public hearing and potential adoption by
the Council scheduled for December 5, 2017.

Background
On September 26, 2017, the Council adopted a resolution requesting that staff prepare
an ordinance to establish a special district for the Lake Whatcom watershed to provide
partial funding to implement the Lake Whatcom Management Program. On October 17,
2017, the Council decided that the special district should be a stormwater utility district
established under RCW 36.89. The proposed ordinance establishes the district and its
boundaries, but does not establish a schedule of fees and charges. Public Works staff
has issued a Request for Proposals to hire a consultant to engage in a process,
including public outreach and continued discussions with Council, to establish the fees
and charges in 2018. A separate Council action will be required to implement fees and
charges.

Requested Action
Public Works is requesting discussion of the proposed ordinance by County Council and
adoption, if it meets the Council’s needs.

Please contact Gary Stoyka at extension 6218 if you have any questions regarding this
information.

Attachment
ORDINANCE NO. 2017-_______

ESTABLISHING THE
LAKE WHATCOM STORMWATER UTILITY DISTRICT

WHEREAS, Lake Whatcom is the drinking water source for approximately 100,000 Whatcom County residents; and

WHEREAS, concerns about the Lake’s water quality have been expressed by various citizens and entities since at least 1988; and

WHEREAS, in 1992 the City of Bellingham, Whatcom County, and the predecessor of the Lake Whatcom Water and Sewer District jointly formed the Lake Whatcom Management Program and thereby declared their intention to work together to protect and manage Lake Whatcom; and

WHEREAS, Lake Whatcom was first listed on the 303(d) list of impaired water bodies under the federal Clean Water Act for low levels of dissolved oxygen related to excessive levels of phosphorus and excessive levels of fecal coliform in tributaries in 1998; and

WHEREAS, the Lake Whatcom Management Program coordinates actions of the member governments to improve the Lake, including, but not limited to reducing phosphorus and fecal coliform entering the Lake; and

WHEREAS, a Total Maximum Daily Load (TMDL) Report of Findings for total phosphorus and fecal coliform in the Lake Whatcom Watershed was approved by the Washington State Department of Ecology (DOE) and the United States Environmental Protection Agency (EPA) in 2016; and

WHEREAS, the TMDL requires the development of an implementation plan identifying measures to be taken by the City of Bellingham and Whatcom County to reduce total phosphorus and fecal coliform in Lake Whatcom, which will become incorporated into the National Pollutant Discharge Elimination System (NPDES) stormwater permit for western Washington when that permit is renewed; and,

WHEREAS, as permittees, the City of Bellingham and Whatcom County have committed to substantial investments in stormwater infrastructure and private homeowner incentives to improve water quality; and

WHEREAS, in 2017 Whatcom County approved an update to the Lake Whatcom Comprehensive Stormwater Plan that identifies specific projects needed to reduce phosphorus-laden runoff entering the Lake to fulfill the requirements in the TMDL implementation plan; and
WHEREAS, the City of Bellingham has established a stormwater utility to provide a funding source to address the phosphorus reduction funding needs within the incorporated portion of the Lake Whatcom watershed; and

WHEREAS, a funding source is needed to address the phosphorus reduction funding needs in the unincorporated portion of the Lake Whatcom watershed; and

WHEREAS, RCW 36.89 authorizes counties to establish stormwater utilities to fund the cost and expense of maintaining and operating storm water control facilities and the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities in all or portions of a county; and

WHEREAS, it is the intent of the Whatcom County Council to authorize an assessment for the collection of revenue for fulfilling the TMDL implementation plan including the Lake Whatcom Comprehensive Stormwater Plan; and

WHEREAS, a map and legal description of the Lake Whatcom Stormwater Utility District is included in this resolution as Exhibit "A"; and

WHEREAS, on September 26, 2017, the Whatcom County Council passed a resolution calling for the development of a special funding district in the unincorporated portion of the Lake Whatcom watershed to provide local fees to be used in conjunction with other funding to address water quality concerns specific to Lake Whatcom and requesting staff to bring forth an ordinance establishing such a district to the County Council for approval; and

WHEREAS, on October 17, 2017, the Whatcom County Council selected a stormwater utility district established under RCW 36.89 as the special funding district for the Lake Whatcom watershed; and

WHEREAS, a public hearing was held on December 5, 2017, for the establishment of the Lake Whatcom Stormwater Utility District at the regular Whatcom County Council meeting.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Lake Whatcom Stormwater Utility District is hereby established, as enabled by RCW 36.89, with its boundaries set as described in Exhibit A, attached hereto and incorporated by reference.

ADOPTED this _________ day of _________, 2017.

ATTEST

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved        ( ) Denied

Date Signed: ____________
EXHIBIT "A"

Lake Whatcom Stormwater Utility District as formed under RCW 36.89

Boundary Legal Description

THE LAKE WHATCOM STORMWATER UTILITY DISTRICT CONTAINING ALL OR PORTIONS OF SECTIONS 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 AND 36, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M., SECTIONS 1, 2, 3, 11, 12, 13 AND 24, TOWNSHIP 37 NORTH, RANGE 3 EAST, W.M., SECTIONS 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34 AND 35 TOWNSHIP 38 NORTH, RANGE 4 EAST, W.M., SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, AND 35, TOWNSHIP 37 NORTH, RANGE 4 EAST, W.M., AND SECTIONS 30 AND 31, TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M., SAID DISTRICT BOUNDARY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST 100.00 FEET OF LOT 1, AS MEASURED ALONG THE SOUTH LINE THEREOF, IN BLOCK 1, MCCUE'S GARDEN TRACTS, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 42, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHEASTERLY CORNER OF LOT 3, GINA LYNEE SHORT PLAT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SHORT PLAT TO THE NORTHWEST CORNER OF LOT 2 OF SAID SHORT PLAT; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2 AND THE EXTENSION THEREOF TO THE SOUTHERLY RIGHT OF WAY MARGIN OF YORK STREET; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY MARGIN TO THE NORTHWEST CORNER OF LOT 4, CEDARBROOK 1ST ADDITION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 4 TO THE NORTHWEST CORNER OF LOT 5 OF SAID CEDARBROOK 1ST ADDITION; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 5 TO THE NORTHEASTERLY CORNER OF SAID LOT 5; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 5 TO THE SOUTHEASTERLY CORNER OF SAID LOT 5; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5, SAID SOUTHWEST CORNER ALSO BEING A POINT ON THE WEST LINE OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M.; THENCE SOUTHERLY ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M.; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 34 TO THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 34 TO THE QUARTER SECTION CORNER COMMON TO SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, W.M. AND SECTION 3, TOWNSHIP 37 NORTH RANGE 3 EAST W.M.; THENCE SOUTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 3 TO THE CENTER OF SAID SECTION 3; THENCE EASTERLY ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 3 TO THE EAST QUARTER CORNER OF SAID SECTION 3; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 3 TO THE NORTHWEST CORNER OF SAID SECTION 11, TOWNSHIP 37 NORTH, RANGE 3 EAST, W.M.; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 11 TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11 TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE EASTERLY ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 11 TO THE EAST QUARTER CORNER OF SAID SECTION 11; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 11 TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTH QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 3 EAST, W.M.; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER.
SAID SOUTHEASTERLY RIGHT OF WAY MARGIN TO THE MOST WESTERLY CORNER OF LOT 2,
BLOCK 6 OF SAID GLENHAVEN LAKES DIV. NO. 10; THENCE SOUTHEASTERLY ALONG THE
SOUTHERLY LINE OF SAID LOT 2 TO THE MOST SOUTHEASTERLY CORNER OF SAID LOT 2, ALSO
BEING A POINT ON THE NORTHWESTERLY RIGHT OF WAY MARGIN OF FERNHAVEN LANE; THENCE
NORTHEASTERLY TO THE SOUTHWESTERN CORNER OF LOT 20, BLOCK 5 OF SAID GLENHAVEN
LAKES DIV. NO. 10, ALSO BEING A POINT ON THE SOUTHEASTERLY RIGHT OF WAY MARGIN OF
FERNHAVEN LANE; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 20 TO
THE SOUTHEASTERLY CORNER OF SAID LOT 20, ALSO BEING A POINT ON THE NORTHWESTERLY
RIGHT OF WAY MARGIN OF CAIN LAKE ROAD; THENCE SOUTHEASTERLY TO THE
NORTHWESTERLY CORNER OF LOT E, UNRECORDED PARK RANCHETTES, ALSO BEING A POINT ON
THE SOUTHEASTERLY RIGHT OF WAY MARGIN OF CAIN LAKE ROAD; THENCE SOUTHEASTERLY
ALONG THE NORTHERLY LINE OF SAID LOT E TO THE NORTHEASTERLY CORNER OF SAID LOT E;
THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT E TO THE NORTHWEST
CORNER OF LOT A, CAMPOS SHORT PLAT; THENCE EASTERNLY ALONG THE NORTH LINE OF SAID
CAMPOS SHORT PLAT TO THE NORTHWESTERLY CORNER OF LOT B OF SAID SHORT PLAT; THENCE
SOUTHERLY ALONG THE EASTERLY LINE OF SAID SHORT PLAT TO THE NORTHEASTERLY CORNER OF
LOT 2, SOUTH BAY RIDGE SHORT PLAT; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID
SHORT PLAT TO THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID SHORT PLAT; THENCE WESTERLY
ALONG THE SOUTH LINE OF SAID LOT 4 TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED
UNDER WHATCOM COUNTY AUDITOR’S FILE NO. 2016-040120S; THENCE SOUTHWESTERLY ALONG
THE EASTERLY LINE OF SAID PARCEL TO THE CENTERLINE OF A CREEK AS SHOWN ON THAT
CERTAIN RECORD OF SURVEY RECORDED UNDER WHATCOM COUNTY AUDITOR’S FILE NO.
2000800578; THENCE SOUTHWESTERLY ALONG SAID CREEK TO THE WEST LINE OF THE WEST HALF
OF THE NORTHEASTERLY QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 37
NORTH, RANGE 4 EAST, W.M.; THENCE CONTINUING ALONG SAID CREEK TO THE NORTHEAST
CORNER OF A PARCEL DESCRIBED UNDER WHATCOM COUNTY AUDITOR’S FILE NO. 1991202345;
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL TO THE NORTH LINE OF THE
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 37 NORTH, RANGE
4 EAST, W.M.; THENCE EASTERNLY ALONG SAID NORTH LINE TO THE WEST LINE OF SECTION 28,
TOWNSHIP 37 NORTH, RANGE 4 EAST W.M.; THENCE NORTHERLY ALONG SAID WEST LINE TO THE
NORTHWEST CORNER OF A PARCEL DESCRIBED UNDER WHATCOM COUNTY AUDITOR’S FILE NO.
205101389; THENCE EASTERNLY ALONG THE NORTH LINE OF SAID PARCEL TO A POINT ON THE
EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE
SOUTHERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID SECTION 28; THENCE EASTERNLY
ALONG SAID SOUTH LINE TO THE NORTH QUARTER CORNER OF SECTION 33, TOWNSHIP 37 NORTH,
RANGE 4 EAST, W.M.; THENCE SOUTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID
SECTION 33 TO THE CENTER OF SAID SECTION 33; THENCE EASTERNLY ALONG THE EAST-WEST
CENTERLINE OF SAID SECTION 33 TO THE NORTHWESTERLY RIGHT OF WAY MARGIN OF CAMP 2
ROAD; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY MARGIN TO THE DIVIDING LINE
BETWEEN WHATCOM COUNTY AND SKAGIT COUNTY; THENCE EASTERNLY ALONG SAID DIVIDING
LINE TO THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 37 NORTH, RANGE 4 EAST, W.M.;
THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 35 TO THE SOUTHWEST CORNER OF
SECTION 25, TOWNSHIP 37 NORTH, RANGE 4 EAST, W.M.; THENCE EASTERNLY ALONG THE SOUTH
LINE OF SAID SECTION 25 TO THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 37 NORTH,
RANGE 5 EAST, W.M.; THENCE EASTERNLY ALONG THE NORTH LINE OF SAID SECTION 31 TO THE
NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTHERLY ALONG THE NORTH-SOUTH
CENTERLINE OF SAID SECTION 31 TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED UNDER
WHATCOM COUNTY AUDITOR’S FILE NO. 2101100490; THENCE EASTERNLY ALONG THE NORTH LINE
OF SAID PARCEL TO THE WESTERLY RIGHT OF WAY MARGIN OF STATE ROUTE NO. 9; THENCE
NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY MARGIN TO THE SOUTH LINE OF SECTION 30,
TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M.; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE
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OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE NORTHERLY
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WHATCOM AS SHOWN ON THE MAP OF LAKE WHATCOM SHORE LANDS; THENCE SOUTHWESTERLY TO THE INTERSECTION OF THE EAST-WEST CENTERLINE OF SAID SECTION 27 WITH THE SOUTHWESTERLY BANK OF LAKE WHATCOM; THENCE WESTERLY ALONG SAID EAST-WEST CENTERLINE TO THE NORTHWEST CORNER OF THE "GURTNER PARCEL" AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 901231198; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID "GURTNER PARCEL" AND THE EXTENSION THEREOF TO THE NORTHWEST CORNER OF THE PLAT OF MAPLEBROOK; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PLAT TO THE NORTHEAST CORNER OF THE PLAT OF BROOK VIEW; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PLAT OF BROOK VIEW AND THE EXTENSION THEREOF TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION LYING WITHIN THE LIMITS OF THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON. LINES AND RIGHT OF WAY MARGINS TO BE LENGTHENED OR SHORTENED AS NECESSARY.
Lake Whatcom Stormwater Utility District as formed under RCW 36.89

Legend

City Limits
Public Roads
Tax Parcel Boundaries
Lake Whatcom Stormwater Utility District

Date: 11/8/2017

USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:
Whatcom County Disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Ordinance establishing WCC 2.126, Climate Impact Advisory Committee

**ATTACHMENTS:**

**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.)

Ordinance establishing WCC 2.126, Whatcom County Climate Impact Advisory Committee

**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.
TWO VERSIONS OF THE PROPOSED ORDINANCE ARE INCLUDED FOR DISCUSSION ON NOVEMBER 21, 2017

COUNCIL WILL CHOOSE ONE VERSION TO INTRODUCE
PROPOSED BY: WEIMER
INTRODUCTION DATE: 11/21/2017

ORDINANCE NO. _______

ESTABLISHING WHATCOM COUNTY CODE 2.126, WHATCOM COUNTY CLIMATE IMPACT ADVISORY COMMITTEE

WHEREAS, a near consensus of the scientific community agrees that human activities are causing detrimental climate change, and historic pollution is already causing climate impacts that ensure some amount of future climate change will continue to occur for the foreseeable future; and

WHEREAS, the Whatcom County Council supports the 2015 United Nations Paris Agreement on Climate Change; and

WHEREAS, the Paris Agreement recognizes "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge"; and

WHEREAS, the Paris Agreement recognizes that people "may be affected not only by climate change, but also by the impacts of the measures taken in response to it"; and

WHEREAS, the Paris Agreement recognizes "the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change"; and

WHEREAS, the Paris Agreement recognizes the need to take "into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs"; and

WHEREAS, the Paris Agreement affirmed "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels" regarding climate change "; and

WHEREAS, the Paris Agreement recognized "the importance of the engagement of all levels of government" regarding climate change; and

WHEREAS, in 2007 Whatcom County adopted a Climate Action Plan to reduce the emissions that cause climate change in both municipal operations and the community at large; and

WHEREAS, one of the proposed future steps of the 2007 Climate Action Plan was the creation of a Climate and Energy Advisory Committee to provide a conduit to educate and receive information from the community, provide oversight for implementation of the plan, and make future recommendations; and

WHEREAS, in 2016 the Whatcom County Council added Policy 10D-6 to the Comprehensive Plan calling for the creation of a Climate Impact Advisory Committee to in part review the implementation of the 2007 Climate Action Plan.
NOW THEREFORE BE IT ORDAINED, by the Whatcom County Council, that Whatcom County Code Chapter 2.126, Whatcom County Climate Impact Advisory Committee, is hereby established as outlined in Exhibit A to this ordinance.

BE IT FURTHER ORDAINED, that the Whatcom County Council establishes the goal of 100% renewable energy use within County Operations by 2025 and a goal of 100% renewable energy use in the larger Whatcom County community by 2050, and directs the Whatcom County Climate Impact Advisory Committee to work diligently toward that goal.

APPROVED this __________ day of __________, 2017.

ATTEST:

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date Signed: _____________________
EXHIBIT A
(ESTABLISHING WCC 2.126, CLIMATE IMPACT ADVISORY COMMITTEE)

Chapter 2.126
WHATCOM COUNTY CLIMATE IMPACT ADVISORY COMMITTEE

Sections:
2.126.010 Established.
2.126.020 Purpose.
2.126.030 Function.
2.126.040 Membership – Term of office.

2.126.010 Established.
There is hereby established the Whatcom County Climate Impact Advisory Committee.

2.126.020 Purpose.
The Whatcom County Climate Impact Advisory Committee provides review and recommendations to the Whatcom County Council and Executive on issues related to the preparation and adaptation for, and the prevention and mitigation of, impacts of climate change.

2.126.030 Function.
To advise the County Council or the Executive on the following functions:

A. Evaluating and reporting on Whatcom County’s compliance with meeting targets for greenhouse gas reduction set forth in the 2007 Climate Action Plan and the 100% renewable energy targets established in Ordinance 2017-______; and

B. Periodically recommending to the County Council new or revised targets that meet or exceed state and federal greenhouse gas reduction and renewable energy goals; and

C. Updating the Climate Action Plan, at a minimum every five years, or as needed to meet targets; and

D. Make recommendations to the Whatcom County Council about policies and budget priorities that will support a stable and just transition for workers and businesses, wherever possible encouraging and supporting a predictable shift towards clean energy and low carbon alternatives within the same or similar industry; and

E. Review available science, and recommend to the County Council the adoption of standardized guidelines for anticipated future sea level rise, risk of flood, fires, drought and other impacts of climate change to be used in community planning and capital facilities development; and

F. Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County’s goals to mitigate climate change, and prevent, adapt to, and prepare for climate change impacts; and
G. Recommend updates to Whatcom County land use policies and development regulations to support Whatcom County's goals to prevent, adapt to, and prepare for climate change impacts.

H. Serve as a conduit for public education, information exchange, and engagement in support of Whatcom County's climate change mitigation and impact prevention, adaptation, and preparation goals.

I. Make recommendations relevant to Whatcom County's climate change mitigation and impact prevention, adaptation and preparation goals to the Whatcom County Council and Whatcom County Executive regarding state and federal policy priorities.

2.126.040 Membership – Term of office.
A. The committee shall consist of 11 voting members. A minimum of seven of the members will have previous work or educational experience in subjects including climate change, renewable energy development, energy conservation, waste reduction and recycling, farming, food security, land use planning, and flood mitigation and planning. A quorum shall consist of at least half of the appointed members.

B. The County Council shall appoint the committee members. Member terms will be three years; provided, that the terms of members first appointed will be staggered so that five of the initial committee members shall be appointed for two years. Members of the committee shall serve without compensation.

2.126.050 Organization – Meetings.
Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. At every meeting, the committee will schedule an open session to take public comment on issues associated with the committee. Written records of meetings, resolutions, research, findings and recommendations shall be kept and such records shall be public. The committee shall adopt its own rules and procedures for the conduct of business. The committee shall elect a chairperson from among its members who shall preside at its meetings. The committee shall determine its meeting schedule and agenda, but shall meet at least quarterly. The committee may form and appoint ad hoc committees to work on specific issues, so long as at least two committee members are also members of each ad hoc committee.

2.126.060 Committee staffing.
The committee is encouraged to operate and hold its meetings as independent of county staffing and resources as possible. Staffing and other resources for the Committee shall be requested through the County Executive's Office. The committee is authorized to request from the executive's office information from administrative departments as necessary.
PROPOSED BY: WEIMER  
INTRODUCTION DATE: 11/21/2017

ORDINANCE NO. ________

ESTABLISHING WHATCOM COUNTY CODE 2.126, WHATCOM COUNTY CLIMATE IMPACT ADVISORY COMMITTEE

WHEREAS, a near consensus of the scientific community agrees that human activities are causing detrimental climate change, and historic pollution is already causing climate impacts that ensure some amount of future climate change will continue to occur for the foreseeable future; and

WHEREAS, the Whatcom County Council supports the 2015 United Nations Paris Agreement on Climate Change; and

WHEREAS, the Paris Agreement recognizes "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge"; and

WHEREAS, the Paris Agreement recognizes that people "may be affected not only by climate change, but also by the impacts of the measures taken in response to it"; and

WHEREAS, the Paris Agreement recognizes "the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change"; and

WHEREAS, the Paris Agreement recognizes the need to take "into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs"; and

WHEREAS, the Paris Agreement affirmed "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels" regarding climate change "; and

WHEREAS, the Paris Agreement recognized "the importance of the engagement of all levels of government" regarding climate change; and

WHEREAS, in 2007 Whatcom County adopted a Climate Action Plan to reduce the emissions that cause climate change in both municipal operations and the community at large; and

WHEREAS, one of the proposed future steps of the 2007 Climate Action Plan was the creation of a Climate and Energy Advisory Committee to provide a conduit to educate and receive information from the community, provide oversight for implementation of the plan, and make future recommendations; and

WHEREAS, in 2016 the Whatcom County Council added Policy 10D-6 to the Comprehensive Plan calling for the creation of a Climate Impact Advisory Committee to in part review the implementation of the 2007 Climate Action Plan.
NOW THEREFORE BE IT ORDAINED, by the Whatcom County Council, that Whatcom County Code Chapter 2.126, Whatcom County Climate Impact Advisory Committee, is hereby established as outlined in Exhibit A to this ordinance.

APPROVED this ________ day of ____________, 2017.

ATTEST:

Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

(  ) Approved  (  ) Denied

Date Signed: ____________________
Chapter 2.126
WHATCOM COUNTY CLIMATE IMPACT ADVISORY COMMITTEE

Sections:
2.126.010 Established.
2.126.020 Purpose.
2.126.030 Function.
2.126.040 Membership – Term of office.

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A. Evaluating and reporting on Whatcom County’s compliance with meeting targets for greenhouse gas reduction set forth in the 2007 Climate Action Plan; and

B. Periodically recommending to the County Council new or revised targets that meet or exceed state and federal greenhouse gas reduction and renewable energy goals; and

C. Updating the Climate Action Plan, at a minimum every five years, or as needed to meet targets; and

D. Make recommendations to the Whatcom County Council about policies and budget priorities that will support a stable and just transition for workers and businesses, wherever possible encouraging and supporting a predictable shift towards clean energy and low carbon alternatives within the same or similar industry; and

E. Review available science, and recommend to the County Council the adoption of standardized guidelines for anticipated future sea level rise, risk of flood, fires, drought and other impacts of climate change to be used in community planning and capital facilities development; and

F. Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County’s goals to mitigate climate change, and prevent, adapt to, and prepare for climate change impacts; and

G. Recommend updates to Whatcom County land use policies and development regulations to support Whatcom County’s goals to prevent, adapt to, and prepare for climate change impacts.

H. Serve as a conduit for public education, information exchange, and engagement in support of Whatcom County’s climate change mitigation and impact prevention, adaptation, and preparation goals.
I. Make recommendations relevant to Whatcom County’s climate change mitigation and impact prevention, adaptation and preparation goals to the Whatcom County Council and Whatcom County Executive regarding state and federal policy priorities.

2.126.040 Membership – Term of office.
A. The committee shall consist of 11 voting members. A minimum of seven of the members will have previous work or educational experience in subjects including climate change, renewable energy development, energy conservation, waste reduction and recycling, farming, food security, land use planning, and flood mitigation and planning. A quorum shall consist of at least half of the appointed members.

B. The County Council shall appoint the committee members. Member terms will be three years; provided, that the terms of members first appointed will be staggered so that five of the initial committee members shall be appointed for two years. Members of the committee shall serve without compensation.

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2.126.060 Committee staffing.
The committee is encouraged to operate and hold its meetings as independent of county staffing and resources as possible. Staffing and other resources for the Committee shall be requested through the County Executive’s Office. The committee is authorized to request from the executive’s office information from administrative departments as necessary.
Finance will present its quarterly report to Council

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.)

Finance Manager Bennett’s quarterly report to Council.

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.
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<thead>
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<th>CLEARANCES</th>
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<td>Finance &amp; Admin Servs</td>
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**TITLE OF DOCUMENT:**
Facilities will present its report to Council

**ATTACHMENTS:**

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

Facilities Management to present its semi-annual report to Council.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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### WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**

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<td>GPK</td>
<td>10/31/17</td>
<td>10/31/17</td>
<td>11/08/17</td>
<td>Introduction</td>
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<td>JMR</td>
<td>10/31/17</td>
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<td>11/21/17</td>
<td>Finance / Council</td>
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<td>#</td>
<td>10/31/17</td>
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<tr>
<td>Daniel L. Gibson</td>
<td>DG</td>
<td>10/31/17</td>
<td></td>
<td></td>
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<tr>
<td>Brad Bennett</td>
<td>BB</td>
<td>10/31/17</td>
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<tr>
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<td>TLS</td>
<td>10/31/17</td>
<td></td>
<td></td>
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</tr>
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</table>

**TITLE OF DOCUMENT:**

Amendment No. 4 to Ordinance No. 2012-050 associated with the Birch Bay Drive and Pedestrian Facility Project Based Budget fund (cost center 339100, CRP #907001). This amendment will add budget authority in the amount of $7,850,000 for the Construction Contract and associated Construction Engineering Services for a new current project budget expenditure amount of $11,450,000.

**ATTACHMENTS:**

1. Cover Memo to County Executive and Council
2. Ordinance
3. Exhibit A - Project Budget Request Form
4. Project Narrative

**SEPA review completed?**  
( ) Yes  ( x ) No

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

Requesting Council approval for the additional budget authority in the Birch Bay Drive and Pedestrian Facility Project Based Budget fund, for a new current budget expenditure amount of $11,450,000. This authorization will fund the Construction Engineering Services and the Construction Contract.

Current project status is design at 90% complete, all permits submitted and working through regulatory channels, and 95% of the property acquisition completed.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th>Council Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/8/2017: Introduced 7-0</td>
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**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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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 P. Karcher, P.E., Engineering Manager

Date: October 23, 2017 Revised October 31, 2017

Subject: Amendment No. 4 to Ordinance 2012-050 Amending the Birch Bay Drive and
         Pedestrian Facility Project Based Budget Fund, Cost Center 339100, CRP #907001

Enclosed for your review and signature is Amendment No. 4 to Ordinance 2012-050 associated with
the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund.

Requested Action
Public Works respectfully requests that the County Council and the County Executive sign the
ordinance amending the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund.

Background and Purpose
The Birch Bay Drive and Pedestrian Facility Project Based Budget Fund was established by Ordinance
2012-050 for an amount of $1,072,324. Ordinance 2014-036 amended the project fund amount to
$2,200,000 for consultant design services. Ordinance 2016-069 amended the project fund amount to
$2,700,000 for consultant design services and property acquisition. Ordinance 2017-023 amended the
project fund amount to $3,600,000 for consultant design services and property acquisition. This request
is to increase the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund amount by
$7,850,000, for Construction and Construction Engineering (construction phase) services, bringing the
total project budget authority to $11,450,000.

Current project status is: Design at 90% complete; Property Acquisition at 95% complete; and Permits
submitted but working through regulatory channels, including an agreement with the Lummi Nation on
NEPA Section 106 (cultural).

Funding Amount and Source
The Construction and Construction Engineering work will be funded by a variety of sources including
Federal STP & TAP funds, EDI Program, BBWARM, and Road Funds as detailed in the attached
documents. This request fully funds the Birch Bay Drive and Pedestrian Facility Project.

Please contact Jim Karcher at extension 6271, if you have any questions or concerns regarding the
terms of this agreement.
ORDINANCE NO.__________

AMENDMENT No. 4 TO ORDINANCE No. 2012-050 ESTABLISHING THE BIRCH BAY DRIVE AND PEDESTRIAN FACILITY PROJECT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR CRP No. 907001

WHEREAS, the preliminary engineering (design phase) of the Birch Bay Drive and Pedestrian Facility is over 90% complete, with all permits submitted and property rights acquisition over 95% complete, and;

WHEREAS, it is necessary to add to the project budget to continue with the construction and construction engineering services, and;

WHEREAS, there is $4.2 million of existing budget authority in the approved 2017 Road Fund Capital Budget for a transfer into this project fund, and;

WHEREAS, there is $2.36 million of secured outside funding commitments ($1.61 million federal STP, $500,000 EDI and $250,000 BBWARM), and;

WHEREAS, there is a $1.29 million budget supplement request of the road fund concurrently moving forward, and;

WHEREAS, a County Road Project identified as CRP No. 907001 titled “Birch Bay Drive and Pedestrian Facility” is listed as project priority No. 1 on both the STIP and ACP, and

WHEREAS, this is a multi-year capital project requiring budget approval, and the time frame associated with the work is anticipated to extend into 2020, and;

NOW, THEREFORE, BE IT ORDAINED, by the Whatcom County Council, that Ordinance No. 2012-050, associated with establishing the project based budget and initiating the construction phase, is hereby amended by adding an additional amount of $7,850,000 of expenditure authority to the project budget for a new current project budget expenditure amount of $11,450,000 as described in Exhibit “A”.

ADOPTED this ___ day of ____________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Chief Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, Executive Date
Supplemental Budget Request

Public Works

Fund 339  Cost Center 339100

Engineering Design/Const

Suppl ID #: 2497

Originator: James P. Karcher

Expenditure Type: One-Time  Year 1 2017  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Birch Bay Dr and Ped Facility - Suppl for Constr

Department Head Signature (Required on Hard Copy Submission) Date

10/31/17

<table>
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<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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<td>STP (Surface Trans Pror)</td>
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<td>8301.108</td>
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Request Total $0

1a. Description of request:
This Birch Bay community-driven project is located parallel to Birch Bay Drive and consists of a Public Works project to construct a 1.58 mile separated berm with pathway to encourage pedestrian use along the waterfront from Cedar Avenue to the mouth of Terrell Creek. Several key attributes of the project will be pedestrian safety with the separated trail, and a soft shore berm to protect the Birch Bay Drive roadway from storm damage. In addition, the project will provide mitigation for beach erosion. It is the #1 priority project for the Public Works Department's 2018 Annual Construction Program.

This supplemental budget request will add expenditure authority of $7,850,000 to the existing project based budget for a new total expenditure authority of $11,450,000. The additional expenditure authority will fund the completion of any remaining items in the project's preliminary engineering phase (design, permitting and R/W), as well as fully fund the construction phase (bid contract and construction engineering services).

1b. Primary customers:
The primary customers of this project are the citizens of Whatcom County, residents of the Birch Bay community, and anyone who benefits from the recreational use of the Birch Bay waterfront beach.

2. Problem to be solved:
Collaboration with the local Indian Tribes to finalize the Memorandum of Agreement as part of the NEPA process and land acquisition negotiations have incurred unforeseen delays. Although, the cost of the aforementioned items is minor, a supplemental budget request is required to ensure that there will be adequate budget to complete the design phase of the project. Upon completion of the permitting and land acquisition, the bid process will be initiated quickly to facilitate having a construction contract in place by the time the tourism work window opens in September 2018. This supplemental budget request will provide the budget authority to proceed with the construction phase of the project without delay.

3a. Options / Advantages:
Due to the unsure nature of right of way and permitting there may not be sufficient budget authority.

Tuesday, October 31, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Engineering Design/Const</th>
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</thead>
<tbody>
<tr>
<td>Fund 339</td>
<td>Cost Center 339100</td>
</tr>
<tr>
<td>Originator: James P. Karcher</td>
<td></td>
</tr>
</tbody>
</table>

required for the completion of the design phase, thus, public works will be required to go to council for a budget supplement request. If during this request Public Works receives the remaining budget for the construction phase this will allow for a seamless transition to the construction phase and Public Works will be able to avoid any delay that may result from another budget supplement request. This will also enable Public Works to get a construction contract in place when the tourism work windows opens. This option is the best option because it allows for a seamless transition from the design phase to the construction phase on a project that may gain a momentum at any time and has several restrictive work windows.

3b. Cost savings:
The cost savings will come from the time savings from only needing to utilize personnel for one supplement budget request instead of two. This cost consists of the labor to prepare and review supplemental budget request, and is estimates to be between $500 to $800, not including Council and Executive efforts.

4a. Outcomes:
The outcome will be that there is sufficient budget authority to move into the construction phase without delay and administer the contract immediately succeeding the completion of the design phase. When all acquisition rights have been secured to accommodate the design, and all associated permits received, then the project will be bid and constructed.

4b. Measures:
When all property rights have been acquired to accommodate the project design, and all permit issues completed, then FHWA and WSDOT will certify the property acquisition and permitting phases which allow the project to proceed to the construction phase. Success will be measure by achieving the ‘certifications’, and when the construction phase is authorized, then Whatcom County can obligate additional federal grant funds related to construction ($1,610,000).

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
The funding source is the Road Fund (108).
Exhibit "A"

**Project Based Budget - Budget Request Tracking Sheet**

Project Title: Birch Bay Drive and Pedestrian Facility  
Project Codes: CRP No. 907001; Cost Center 339100  
Project Based Budget Request: No. 4  

<table>
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<th>Project Activity</th>
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**TOTAL** $3,600,000 $7,850,000 $11,450,000

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<td>8301</td>
<td>EDI (CN funds)</td>
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<td>$500,000</td>
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<tr>
<td>8301</td>
<td>Local Funds (transfer from Road Fund)</td>
<td>$1,400,000</td>
<td>$5,490,000</td>
<td>$6,890,000</td>
</tr>
</tbody>
</table>

**TOTAL** $3,600,000 $7,850,000 $11,450,000

* Funds not yet obligated
Whatcom County Public Works
Project Narrative

**Birch Bay Drive and Pedestrian Facility**
**CRP #907001**

**Construction Funding Year(s):** 2018 / 2019 / 2020

**Project Narrative:**
This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek, in Sections 30 and 31, T40N, R1E, and Sections 24 and 25, T40N, R1W. This is a 1.58 mile separated berm with pathway to encourage pedestrian use along Birch Bay Drive to support safety and to protect the roadway from storm damage. In addition, the project will provide mitigation for both beach erosion and roadway protection. This project is listed #R1 on the 2017-2022 Six-Year Transportation Improvement Program.

**Project Status:**
Phase I of the Feasibility Study was completed in 2006. Phase 2A (Preliminary Construction Cost Estimate) was completed in 2007, and updated in spring of 2013. Preliminary Engineering began in late 2013 (90% complete), R/W acquisition began in 2016 (95% complete) and construction is planned for 2018 / 2019 / 2020. Additional funding sources will be pursued as they become available.

---

| Total Estimated Project Cost: | $11,450,000 |
| Expenditures to Date: | $2,850,000 |

**Funding Sources:**
- **Federal** $3,172,000 (STP and TAP)
- **State** $0
- **Local** $8,278,000

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

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

**County Forces (Estimate)**
N/A
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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<td>Purchasing/Budget:</td>
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<td>10/30/17</td>
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**TITLE OF DOCUMENT:** Flood Control Zone District and Subzones 2017 Supplemental Budget Request #4

**ATTACHMENTS:** Resolution, Memoranda and Budget Modification Requests

<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>

<table>
<thead>
<tr>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( x ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested Date:</td>
<td></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 #4 requests funding from the Flood Control Zone District Fund:

1. To appropriate $83,765 in Natural Resources to fund USGS stream gaging from grant proceeds.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**

11/8/2017: Introduced 7-0, (Council acting as the FCZDBS)

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
RESOLUTION NO._________

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 4 OF THE 2017 BUDGET

WHEREAS, the 2017 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 22, 2016; and,

WHEREAS, changing circumstances require modifications to the approved 2017 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2017 budget as approved in Resolution 2016-046 is hereby amended by adding the following additional amounts to the budgets included therein:

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<tr>
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<th>Net Effect</th>
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<tbody>
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<td>83,765</td>
<td>(83,765)</td>
<td>-</td>
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<tr>
<td>Total Supplemental</td>
<td>83,765</td>
<td>(83,765)</td>
<td>-</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ______________________, 2017

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]

Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones</th>
<th>Budgets Amendment #4</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
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<tr>
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<td>To fund USGS stream gaging from grant proceeds.</td>
<td>83,765</td>
<td>(83,765)</td>
<td>-</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td></td>
<td>83,765</td>
<td>(83,765)</td>
<td>-</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Jack Louws, County Executive for the Flood Control Zone District

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager

DATE: October 23, 2017

RE: Supplemental Budget Request

Requested Action

The Public Works Natural Resources Division is requesting supplemental budget authority for FY 2017 for continuation of stream monitoring activities.

Whatcom County has a variety of water quality and quantity issues that need to be addressed to ensure there is water of adequate quantity and quality to meet our instream and out of stream needs. Stream monitoring provides the basic information that is vital to addressing these issues. In the past, the WRIA 1 Joint Board funded these stream monitoring activities. The Flood Control Zone District (FCZD) contracted with the U.S. Geological Survey (USGS) to provide these services on behalf of the Joint Board. The WRIA 1 Joint Board has since dissolved and there are no longer funds available for this work. Public Utility District No. 1 of Whatcom County (PUD) has access to funds to fund one year of stream monitoring while a stable funding source is being identified. The PUD will provide funding to the Flood Control Zone District for this work via an interlocal agreement. This supplemental budget request provides $83,765 in funding authority to execute a new one year contract with the USGS to provide these continuous monitoring services. These costs will be completely offset by funding from the PUD in a separate interlocal agreement.

This request is for funding is from the Flood Control Zone District fund balance.

Please contact Gary Stoyka at extension 6218, if you have any questions or concerns regarding this request.

Attachment
Supplemental Budget Request

Public Works

Supp'ID # 2501  Fund 169  Cost Center 169121  Originator: Gary Stokey

Expenditure Type: One-Time  Year: 2017  Add'l FTE  Add'l Space  Priority: 1

Name of Request: USGS Stream Gaging 2017-18

X  
Department Head Signature (Required on Hard Copy Submission)

Date: 10/24/17

<table>
<thead>
<tr>
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<th>Object</th>
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<tr>
<td>7210</td>
<td>Intergov Prof Svcs</td>
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<td></td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
Lower Nooksack Watershed stream monitoring

1b. Primary customers:
WRIA 1 Watershed Management Board partners

2. Problem to be solved:
Whatcom County has a variety of water quality and quantity issues that need to be addressed to ensure there is water of adequate quantity and quality to meet our instream and out of stream needs. Stream monitoring provides the basic information that is vital to addressing these issues. In the past, the WRIA 1 Joint Board funded these stream monitoring activities. The Flood Control Zone District (FCZD) contracted with the U.S. Geological Survey to provide these services on behalf of the Joint Board. The WRIA 1 Joint Board has since dissolved and there are no longer funds available for this work. Whatcom PUD has access to funds to fund one year of stream monitoring while a stable funding source is being identified. The PUD will provide funding to the Flood Control Zone District for this work via an interlocal agreement.

3a. Options / Advantages:
Whatcom County has worked with other WRIA 1 Watershed Management Board partners to identify a long-term funding source for stream monitoring. A source has not been identified at this time and the current contract for monitoring services expired on September 30, 2017. The Whatcom PUD recently obtained access to funds to pay for stream monitoring activities for one year while work continues on identifying a long-term funding source. These funds will be made available to the Flood Control Zone District to fully cover the cost of these activities. The PUD could contract directly with the USGS for these services; however, the FCZD has had a contract with the USGS for many years and it was deemed to be too administratively disruptive to have the PUD enter into a contract with the USGS for just one year.

3b. Cost savings:
This supplemental budget request is fully funded with outside funds and there will be no net impact to FCZD funds.

4a. Outcomes:
Maintaining a continuous record of stream monitoring data for future water planning and further refinement of a forthcoming groundwater model.

4b. Measures:
Monitoring data will be received and the continuous record will be maintained. Continuous monitoring will be obtained from 8 monitoring stations for one year.

5a. Other Departments/Agencies:

Wednesday, October 25, 2017
### Supplemental Budget Request

**Public Works**

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
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<tbody>
<tr>
<td>2501</td>
<td>169</td>
<td>169121</td>
<td>Gary Stoyka</td>
</tr>
</tbody>
</table>

**Natural Resources**

Yes. The FCZD will contract with U.S. Geological Survey to conduct the stream monitoring. The FCZD will enter into an interlocal agreement with the Whatcom PUD to receive full funding for this contact.

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

- US Geological Survey - Darrin Miller
- PUD #1 of Whatcom County - Stephan Jilk

**6. Funding Source:**

The Whatcom PUD will provide all of the funding for this SBR. The FCZD will pay for this contract from cost center 169121.
SUPPLEMENTAL BUDGET REQUEST #13

1. To appropriate $1,290,000 to fund transfer in support of Birch Bay Drive and Pedestrian Facility Project Budget.

2. To appropriate $5,287 to fund extra help chemical dependency professional in Drug Court.

3. To appropriate $519,690 to fund EMS ALS provider contracts and to decrease County contribution in accordance with ALS plan.

4. To appropriate $16,000 to fund GR36 courtroom video storage.

5. To appropriate $500,000 in Non Departmental to fund EDI transfer in support of Birch Bay Drive and Pedestrian Facility Project.

6. To appropriate $2,000,000 in Human Resources to fund unexpected medical claims.
PROPOSED BY: Executive
INTRODUCTION DATE: 11/08/17

ORDINANCE NO.
AMENDMENT NO. 13 OF THE 2017 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and, WHEREAS, changing circumstances require modifications to the approved 2017-2018 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 2017-2018 Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following additional amounts to the 2017 budget included therein:

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<th>Expenditures</th>
<th>Revenues</th>
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<tbody>
<tr>
<td>Road Fund</td>
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<td>-</td>
<td>1,290,000</td>
</tr>
<tr>
<td>Behavioral Health Program Fund</td>
<td>5,287</td>
<td>-</td>
<td>5,287</td>
</tr>
<tr>
<td>Countywide Emergency Management Fund</td>
<td>519,690</td>
<td>833,333</td>
<td>1,353,023</td>
</tr>
<tr>
<td>Trial Court Improvement Fund</td>
<td>16,000</td>
<td>-</td>
<td>16,000</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>500,000</td>
<td>-</td>
<td>500,000</td>
</tr>
<tr>
<td>Administrative Services Fund - Human Resources</td>
<td>2,000,000</td>
<td>-</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>4,330,977</td>
<td>833,333</td>
<td>5,164,310</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of _____________________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
Dana Brown-Davis, Council Clerk
WHATCOM COUNTY, WASHINGTON
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM: ( ) Approved ( ) Denied
Civil Deputy Prosecutor
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>Road Fund</td>
<td>To fund transfer in support of Birch Bay Drive and Pedestrian Facility project budget.</td>
<td>1,290,000</td>
<td>-</td>
<td>1,290,000</td>
</tr>
<tr>
<td>Behavioral Health Program Fund</td>
<td>To fund extra help chemical dependency professional in Drug Court</td>
<td>5,287</td>
<td>-</td>
<td>5,287</td>
</tr>
<tr>
<td>Countywide Emergency Management Fund</td>
<td>To fund EMS ALS provider contracts and to decrease County contribution in accordance with ALS plan.</td>
<td>519,690</td>
<td>833,333</td>
<td>1,353,023</td>
</tr>
<tr>
<td>Trial Court Improvement Fund</td>
<td>To fund GR36 courtroom video storage.</td>
<td>16,000</td>
<td>-</td>
<td>16,000</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>To fund EDI transfer in support of Birch Bay Drive and Pedestrian Facility project budget.</td>
<td>600,000</td>
<td>-</td>
<td>500,000</td>
</tr>
<tr>
<td>Administrative Services Fund - Human Resources</td>
<td>To fund unexpected medical claims.</td>
<td>2,000,000</td>
<td>-</td>
<td>2,000,000</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td><strong>4,330,977</strong></td>
<td><strong>833,333</strong></td>
<td><strong>5,164,310</strong></td>
</tr>
</tbody>
</table>
MEMORANDUM

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

Through: Jon Hutchings, Director

From: Randy Rydel, Public Works Financial Services Manager

Date: October 31, 2017

Subject: Supplemental Budget Request (SBR)-2500, a companion to SBR-2497 supplementing the Birch Bay Drive and Pedestrian Facility Project Based Budget fund for construction

Enclosed for your approval is Supplemental Budget Request (SBR)-2500 from the Road Fund that accompanies SBR-2497. Both requests move the Birch Bay Drive and Pedestrian Facility Project to construction.

Requested Action
Public Works respectfully requests that the County Council and the County Executive approve SBR-2500 which transfers funds from the Road Fund to the Birch Bay Drive and Pedestrian Facility Project Fund.

Background and Purpose
The Birch Bay Drive and Pedestrian Facility Project Based Budget Fund was established by Ordinance 2012-050 for an amount of $1,072,324. Ordinance 2014-036 amended the project fund amount to $2,200,000 for consultant design services. Ordinance 2016-069 amended the project fund amount to $2,700,000 for consultant design services and property acquisition. Ordinance 2017-023 amended the project fund amount to $3,600,000 for consultant design services and property acquisition. SBR-2497 increases project expenditure authority by $7,850,000 for Construction and Construction Engineering (construction phase) services, bringing the total project expenditure authority to $11,450,000.

SBR-2500 authorizes a transfer from the Road Fund to fully fund the project budget.

Funding Amount and Source
The Construction and Construction Engineering work will be funded through multiple sources with the balance of funding coming from the Road Fund. The requested transfer of $1.29 million was planned for the 2018 capital construction supplemental, but is more appropriately timed as a companion to SBR-2497. This request fully funds the Birch Bay project.

Please contact Randy Rydel at extension 6271, if you have any questions or concerns regarding the terms of this request.
Supplemental Budget Request

Status: Pending

Public Works

Expenditure Type: One-Time
Year: 2017
Add'l FTE: 
Add'l Space: 
Priority: 1

Name of Request: Birch Bay Dr and Ped Facility 2017 Transfer to PBB

Department Head Signature (Required on Hard Copy Submission)

1a. Description of request:

This request is made in conjunction with SBR-2497 which requests additional expenditure authority for the Birch Bay Dr and Ped Facility project based budget. The companion SBR-2497 calls out all of the remaining project funding sources and has identified the remaining road funding portion of $5.49 million. Of this total, $4.20 million was previously budgeted in the 2017 capital budget. This request will authorize the remaining $1.29 million of project funding to be transferred from the Road fund to the Project Fund to fully fund the road portion of the project.

Any road funds left unspent at the end of the project will be turned back to the road fund.

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:

Fund Balance. This transfer of funds from the road fund to the project based budget fund was previously projected in the 2018 capital budget. The anticipated passage of this request has resulted in a reduction to the 2018 Road Fund budget request.
Supplemental Budget Request

Superior Court

Status: Pending

<table>
<thead>
<tr>
<th>Suppl'ID #</th>
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<th>Originator</th>
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<td>124200</td>
<td>David Reynolds</td>
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Expenditure Type: Ongoing  Year 1 2017  Add'l FTE  Add'l Space  Priority 1

Name of Request: Extra Help CDP

X

Department Head Signature (Required on Hard Copy Submission)  Date

10-18-17

Costs:

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<tr>
<td>6269</td>
<td>Unemployment-Interfund</td>
<td>$6</td>
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Request Total  $5,287

1a. Description of request:

The Incarceration Reduction and Prevention Task force has recommended a part time Chemical Dependency Professional be hired to allow expanding Adult Drug Court. The position will free up the Drug Court Coordinator's time and allow them to focus on program expansion.

1b. Primary customers:

Drug Court clients

2. Problem to be solved:

Drug Court's Coordinator spends a large amount of time doing the work of a Chemical Dependency Professional, which doesn't allow time for program development and expansion. In order to increase the capacity of Drug Court, the Coordinator's time needs to be freed up to work in such activities.

3a. Options / Advantages:

We have looked at all other options, and this is the best at this time as it allows for expansion and growth without increasing Drug Court's expenses significantly

3b. Cost savings:

There are no immediate cost savings

4a. Outcomes:

Free up coordinator's time to focus on drug court expansion.

4b. Measures:

When the staff is hired and can take over these duties.

5a. Other Departments/Agencies:

Impact on the Prosecutor's Office, Public Defender, and Court.

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

6. Funding Source:

Funding is from 1-10th Mental Health dollars.
MEMORANDUM

To: Whatcom County Council Members
From: Tyler Schroeder, Deputy Executive
Subject: Budget Supplemental – EMS ALS Provider Contracts
Date: September 22, 2017

BACKGROUND
With the successful passage of the EMS Levy, efforts have been made to fulfill the recommendations of the Funding Work Group (FWG) adopted by County Council in March, 2016. The FWG recommendations outlined revised ALS Service Fees which were included in the EMS Levy Budget as well as compensation for Medical Program Director Services.

The County has worked with the ALS providers and Medical Program Director to develop new 6 year professional service agreements that include the new per unit cost for ALS services and a professional services Agreement for the Medical Program Director. Those contracts are anticipated for County Council approval in November.

This budget supplemental increased the budget to accommodate the new ALS service fee. It also includes the return of pre-levy contribution of $833,333 to the General Fund.

ACTION:
The County Executive requests council review and approval of this budget supplemental in the amount of $1,353,023 for 2017 EMS budget adjustments.
Supplemental Budget Request

Non-Departmental

Fund 130  Cost Center 130100  Originator: T Helms

Expenditure Type: One-Time  Year 1 2017  Add'l FTE  □  Add'l Space  □  Priority 1

Name of Request: Emergency Medical Services ALS Provider Contracts

[Signature]  10/27/17
Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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<td>7210</td>
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<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$1,353,023</td>
</tr>
</tbody>
</table>

1a. Description of request:
Adjust EMS budget resulting from new contract resulting from EMS Levy passage which approved new ALS Fee per unit cost as well as Countywide Medical Program Director Services.

1b. Primary customers:
Whatcom County EMS system providers, Whatcom County and citizens of Whatcom County

2. Problem to be solved:
This budget supplemental adjusts the EMS budget consistent with the new 2017 ALS Service Fees approved through the Funding Work Group Recommendations in their EMS Levy Budget.

3a. Options / Advantages:
There is no other option. The 2014 - 2016 ALS service agreements were amended to include service year 2017. With the success of the EMS Levy a new 6-year agreement has been negotiated for 2017- 2023 which includes the new ALS rates recommended by the EMS Funding Work Group and approved by the EMS Oversight Board, the County Council and ultimately through the new EMS Levy.

3b. Cost savings:
The pre-levy contribution in the amount of $833,333 will be returned to the General Fund.

4a. Outcomes:
The ALS providers will be compensated for the difference between the former 2017 ALS rate and the adjusted 2017 ALS rates. The ALS rates are based on the work accomplished by the EMS Funding Work Group which developed the EMS Levy Budget. The County wide Medical Program Director will be compensated for Medical Program Director services.

4b. Measures:
The ALS providers will be compensated at the new ALS rate.

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
EMS Levy tax collection
## EMS - 2017

<table>
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<th>Sub Account</th>
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<td>Intergov Prof Svcs-BFD ALS Service Fee</td>
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<td>7210</td>
<td></td>
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<td>405,425</td>
<td>611,709</td>
<td>(206,284)</td>
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<td>00130</td>
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<td>7210</td>
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<td>1,849,770</td>
<td>(92,405)</td>
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<td>00130</td>
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<td>Professional Services - MPD</td>
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<td><strong>Contracted Services Adjustment</strong></td>
<td><strong>7,541,099</strong></td>
<td><strong>8,060,789</strong></td>
<td><strong>(519,690)</strong></td>
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### County Contribution Adjustment

<table>
<thead>
<tr>
<th>Fund</th>
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<th>Object</th>
<th>Sub Account</th>
<th>Account Description</th>
<th>Current Budget</th>
<th>Revised Budget</th>
<th>Difference Adjusted</th>
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<td>00130</td>
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<td>Return GF pre-levy contribution</td>
<td>(833,333)</td>
<td>-</td>
<td>(833,333)</td>
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**Total Adjustments**

(1,353,023)
MEMO TO: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: October 14, 2017
RE: Supplemental Budget Request – Transfer fund from the Court Improvement fund for the Recording Equipment to meet the General Rule 36 (GR-36). This rule requires video cameras within a Courthouse to maintain a 7 day archive of all video cameras within a Courthouse.

Background and Purpose

Please allow this memo to serve as a request for approval of the accompanying Budget Supplemental to meet the GR-36 recording requirements. This supplemental request will provide for the appropriation of funding and spending authority to implement the requirement of the GR-36 rule.

The County has met all of the requirements of this rule with the exception of the archiving of the video cameras. Once approved the process to complete the archiving requirements will be met in the next 60 to 90 day, depending on equipment availability and programming.

Facilities is asking that the funds identified in the Court Improvement fund be made available so that we can properly manage this project.
Supplemental Budget Request

Non-Departmental

Supp't ID # 2494  Fund 135  Cost Center 135100  Originator: T. Helms

Expenditure Type: One-Time  Year 1  2017  Add'l FTE  Add'l Space  Priority 1

Name of Request: GR 36 Courtroom Video Storage

X  
Department Head Signature (Required on Hard Copy Submission)  10/27/17

Costs:

<table>
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<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>7420</td>
<td>Computer-Capital Outlays</td>
<td>$16,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$16,000</td>
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</tbody>
</table>

1a. Description of request:

General Rule 36 (GR 36) is a new rule intended to encourage incident reporting and well-coordinated efforts to provide basic security and safety measures in Washington courts. Whatcom County provides many security and safety measures to ensure members of the public can expect safe and secure courthouses. To ensure all GR36 requirements are met Whatcom County must expand the capacity to retain security camera footage for 7 days. The current capacity is only 3 or 4 days of security camera footage. To accomplish this the County will expand the capacity on the server in order to contain the additional days of camera footage.

1b. Primary customers:

Whatcom County Courts and the Public.

2. Problem to be solved:

General Rule 36 suggests the retention of 7 days of courthouse camera footage. The County currently only retains 3 or 4 days worth of camera footage. By expanding the capacity on the server the County will be able to retain at least 7 days worth of security camera footage as suggested in General Rule 36.

3a. Options / Advantages:

Expanding the server capacity to retain more security camera footage will ensure the County has met all of the requirements of General Rule 36.

3b. Cost savings:

N/A

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:

Trial Court Improvement Fund

Monday, October 16, 2017
Supplemental Budget Request

Non-Departmental

<table>
<thead>
<tr>
<th>Supp# ID #</th>
<th>2509</th>
<th>Fund</th>
<th>332</th>
<th>Cost Center</th>
<th>332100</th>
<th>Originator: M Caldwell</th>
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</table>

Expenditure Type: One-Time

<table>
<thead>
<tr>
<th>Year</th>
<th>2017</th>
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</table>

<table>
<thead>
<tr>
<th>Add'l FTE</th>
<th>Add'l Space</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Name of Request: EDI Trf to support Birch Bay project

X

10/5/17

Department Head Signature (Required on Hard Copy Submission) Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>8351</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$500,000</td>
</tr>
</tbody>
</table>

1a. Description of request:

Companion supplemental to project budget amendment to provide funding for Birch Bay Drive and Pedestrian Facility (Suppl # 2497)

Council approved the use of the 500K from EDI on October 25, 2016.

"Request approval for the Public Works Department’s request for Economic Development Investment (EDI) grant funding for the Birch Bay Drive and Pedestrian Facility Project, in the amount of $500,000 (AB2016-313)"

Approved Consent 7-0"

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:

Public Utilities Improvement Fund Balance

Tuesday, October 31, 2017
Supplemental Budget Request

Administrative Services

Suppl ID # 2504  
Fund 507  
Cost Center 507340  
Originator: Karen S. Goens

Human Resources

Expenditure Type: One-Time  
Year 1 2017  
Add'l FTE  
Add'l Space  
Priority 1

Name of Request: Unexpected Medical Claims

Department Head Signature (Required on Hard Copy Submission)  
Date 10/27/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>7120.901</td>
<td>Paid Claims</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

1a. Description of request:
During the second half of this year, medical claims costs will exceed the expenditure level set for the 2017 budget.

1b. Primary customers:
Employees and family members covered by the County's self-insured medical plan.

2. Problem to be solved:
We have been notified of some significantly high dollar claims. Once a claim reaches $375,000, the excess insurance carrier will reimburse costs, however the County must expend the dollars up front.

3a. Options / Advantages:
The County is obligated to cover the costs for all medical claims which occur during any claim year. If expenditures for the year are higher than revenues (collected from departments per eligible employee), it becomes necessary to tap the medical reserves.

3b. Cost savings:
None.

4a. Outcomes:
The County will fulfill its obligation to medical plan participants and will meet state fiscal requirements under RCW 48.62.

4b. Measures:
The State Risk Manager requires and audits annual reports for all self-insured medical programs.

5a. Other Departments/Agencies:
No.

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

6. Funding Source:
The County maintains contingent medical reserves within the Administrative Services Fund to insulate the program against unusual severity and/or frequency of medical claims.
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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</thead>
<tbody>
<tr>
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<td>MDC</td>
<td>10/27/17</td>
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<td>11/08/17</td>
<td>Intro</td>
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<td>Division Head:</td>
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<tr>
<td>Dept. Head:</td>
<td></td>
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<tr>
<td>Prosecutor:</td>
<td>AG</td>
<td>10/27/17</td>
<td></td>
<td>11/21/17</td>
<td>Finance Committee; Council</td>
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<td>10/27/17</td>
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<tr>
<td>Executive:</td>
<td>TJS</td>
<td>10/06/17</td>
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</table>

TITLE OF DOCUMENT: Ordinance Amending the 2018 Budget – Amendment No. 1

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests, Add’l information requested by Council

<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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<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 #1 requests funding from the General Fund:

1. To move $2,217,245 out of Non-Departmental wage and benefit reserves and distribute to all General Fund Departments in accordance with 2018 wage settlements and benefit adjustments.
2. To appropriate $82,703 in Assessor to fund extension of Administrative Assistant position.
3. To decrease appropriation by $10,000 and record revenue reduction of $58,000 in District Court.
4. To record revenue reduction of $130,000 in District Court Probation.
5. To appropriate $32,000 and record revenue increases of $132,000 in various fee for service and permit programs in Health.
6. To appropriate $780,241 and record $967,535 of grant revenues in Health to fund various grant program adjustments.
7. To appropriate $135,539 in Health to fund Account Clerk III and Clerk Supervisor positions.
8. To appropriate $27,900 in Juvenile to fund Parent 4 Parent program from grant proceeds.
9. To appropriate $72,464 to fund the recently added Planning Technician position and record $200,000 in revenue adjustments in Planning and Development.
10. To appropriate $172,332 in Sheriff to fund additional patrol deputy and one-time costs for vehicles, hiring, training and equipment.
11. To appropriate $14,500 in Sheriff to fund increased transcription services and office chairs.
12. To appropriate $227,525 in Non Departmental to fund General Fund transfer in support of new ballot processing system.
13. To appropriate $46,843 in Non Departmental to fund General Fund transfer in support of Hydrologist FTE in Natural Resources/Flood.
14. To record 2018 revenue adjustments of $890,000 in Non-Departmental.

Continued on next page

COMMITTEE ACTION:

11/8/2017: Discussed

COUNCIL ACTION:

11/8/2017: Introduced 7-0

Related Contract #: 126
Related File Numbers:
Ordinance or Resolution Number:
2018 Budget Supplemental #1 continued:

15. To appropriate $82,591 in Non Departmental to fund Medical Examiner contract and Sheriff/Fire District dispatch fee increases.

16. To appropriate $206,172 in Non Departmental to fund Juvenile electronics hardware refresh, Prox-Lock AMAG upgrade and repairs, and thermostatic mixing valves for the Courthouse.

17. To appropriate $75,000 in Non Departmental to fund evaluation of financial software system.

18. To appropriate $528,382 in Non Departmental to fund General Fund transfer to Jail Fund in support of security system hardware refresh projects and replacement of thermostatic mixing valves.

19. To appropriate $7,000,000 in Non Departmental to fund transfers to capital project funds for various capital improvement projects including Jail renovations.

20. To appropriate $700,000 in Non Departmental to fund increased transfer to Jail in support of increased operational expenditures.

21. To appropriate $650,000 in Non Departmental to fund additional reserve for 2018 wages and benefits.

22. To defund General Fund transfer of $2,700,000 for countywide EMS as a result of passage of tax levy.

From the Road Fund:

23. To appropriate $85,000 in Public Works to permitting, design, engineering and utility work for vector truck building.

24. To appropriate $7,601,375 in Public Works to fund annual road program.

From the Election Reserve Fund:

25. To appropriate $1,140 to fund wage and benefit settlements.

26. To appropriate $427,525 to fund ballot processing system replacement.

From the Jail Fund:

27. To record per diem revenue reduction of $300,000.

28. To appropriate $28,693 to fund wage and benefit settlements.

29. To appropriate $194,756 to fund the addition of two Correction Deputy FTEs plus one-time expenses.

30. To appropriate $176,000 to fund new dishwasher, GED contract increase, additional overtime, increased medical lab expenses and Yakima contracted jail beds.

31. To record $700,000 transfer in from the General Fund in support of increased operational expenditures.

32. To appropriate $528,155 to fund security system hardware and thermostatic mixing valve replacements from General Fund transfers.

From the Homeless Housing Fund:

33. To appropriate $56,869 and record revenue of $70,681 to fund various fee and grant adjustments.

From the Behavioral Health Program Fund:

34. To appropriate $37,902 in Superior Court – Drug Court to fund extra help, training and client incentives.

35. To appropriate $4,215 in Superior Court – Drug Court to fund wage and benefit settlements.

From Countywide Emergency Medical Services Fund:

36. To appropriate $2,209,401 to fund adjustments to the 2018 EMS program budget from revenue adjustments.

From Solid Waste Fund:

37. To appropriate $1,833 in Health to fund wage and benefit adjustments.

38. To appropriate $57,039 and record revenue of $472,000 in Health to fund Solid Waste Fund adjustments.

39. To appropriate $6,266 to fund increased Litter Control program from grant proceeds.

From Convention Center Fund:

40. To appropriate $78,000 in Non-Departmental to fund increases in tourism activities.

From Victim-Witness Fund:

41. To appropriate $443 in Prosecuting Attorney to fund wage and benefit settlements.
2018 Budget Supplemental #1 continued:
From Conservation Futures Fund:
42. To appropriate $2,792 in Planning & Development to fund wage and benefit settlements.

From Whatcom County Emergency Management Fund:
43. To appropriate $11,605 in Sheriff to fund wage and benefit settlements from fee for service activities.
44. To appropriate $5,000 in Sheriff to fund CERT from program revenues.

From Public Utilities Improvement Fund:
45. To appropriate $300,000 in Non Departmental to fund EDI expanded scope for Tri-Funder Agreement.

From the Ferry Fund:
46. To appropriate $19,764 in Public Works to fund wage and benefit settlements.

From Equipment Rental & Revolving Fund:
47. To appropriate $476,000 in Public Works to fund additional capital equipment.

From the Administrative Services Fund:
48. To appropriate $5,929 in Facilities Management to fund wage and benefit settlements.
49. To re-appropriate $14,400 in Information Technology to fund performance evaluation software.

This ordinance also amends the Authorized Position list to include the addition of 4 FTEs and a one-year extension of another FTE.
ORDINANCE NO.
AMENDMENT NO. 1 OF THE 2018 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and,
WHEREAS, changing circumstances require modifications to the approved 2017-2018 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 2017-2018 Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following additional amounts to the 2018 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<td>50,609</td>
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<tr>
<td>Council</td>
<td>91,559</td>
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<td>County Clerk</td>
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<td>68,762</td>
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<td>District Court</td>
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<td>Juvenile</td>
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<td>Parks</td>
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<td><strong>Road Fund</strong></td>
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<td>Election Reserve Fund</td>
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<td>Jail Fund</td>
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<td>Homeless Housing Fund</td>
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<td>Behavioral Health Program Fund</td>
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<td>(13,812)</td>
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<td>Countywide Emergency Medical Services Fund</td>
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<td>(4,658,083)</td>
<td>(2,448,682)</td>
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<td>Victim-Witness Fund</td>
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<td>Conservation Futures Fund</td>
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<tr>
<td>Whatcom County Emergency Management Fund</td>
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<td>Public Utilities Improvement Fund</td>
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<td>Ferry Fund</td>
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<td>Equipment Rental and Revolving Fund</td>
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<td>Administrative Services Fund</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td>20,456,067</td>
<td>(10,835,734)</td>
<td>9,620,333</td>
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</table>
BE IT FURTHER ORDAINED by the Whatcom County Council that Section II. B.) of the 2017-2018 budget ordinance be amended as follows:

B) For purposes of purchasing and award, all assets, projects, and improvements included in capital appropriations shall be considered adopted by a capital budget appropriation ordinance and shall be administered pursuant to WCC Chapter 3. 08. 100 A.(2) and A.(3) using the process prescribed for capital budget appropriation ordinance.

- Capital items included in this budget ordinance are listed in the attached Exhibit B Capital Appropriations.
- Capital appropriations adopted in this ordinance lapse at the end of the fiscal year except as provided in WCC 3.02.050 Budgeting — Continuing appropriation.
- Capital expenditures Contracts for goods and services on individual items or projects listed in Exhibit B may be exceeded by up to 10%, provided capital expenditures in total do not exceed capital appropriation adopted for each department of the general fund or for each fund for other county funds.
- The Public Works Director may make substitutions for individually listed vehicles and equipment provided the vehicles and equipment substituted meet established replacement criteria and are the same a similar purpose, vehicle type, equipment type and size as the original asset identified in Exhibit B.

2018 Exhibit B is attached with changes presented.

BE IT FURTHER ORDAINED by the Whatcom County Council that Exhibit C Authorized Positions in the 2017-2018 Budget Ordinance should also be amended to provide for the following FTE changes:

- Add 1 FTE Hydrologist in Public Works - Natural Resources/Flood
- Extend a second Administrative Assistant FTE in Assessor another year. Position was originally unfunded in 2018 so as to use budget authority from an appraiser vacancy to be closed. Both positions will continue for 2018.
- Add 1 FTE Deputy in Sheriff
- Add 2 FTE Corrections Deputies in Sheriff (Corrections)

ADOPTED this ___ day of ______________________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Atkison
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

( ) Approved      ( ) Denied

Jack Louws, County Executive

Date: ____________________________

I:\BUDGET\SUPPLS\2018_Suppl\Supplemental #1-2018.docx
<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tbody>
<tr>
<td>General Fund</td>
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<td></td>
</tr>
<tr>
<td>Assessor</td>
<td>To fund extension of Administrative Assistant position</td>
<td>82,703</td>
<td>-</td>
<td>82,703</td>
</tr>
<tr>
<td>Assessor</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
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<td>-</td>
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<td>Auditor</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>50,609</td>
<td>-</td>
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</tr>
<tr>
<td>Council</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>91,559</td>
<td>-</td>
<td>91,559</td>
</tr>
<tr>
<td>County Clerk</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>68,762</td>
<td>-</td>
<td>68,762</td>
</tr>
<tr>
<td>District Court</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>76,968</td>
<td>-</td>
<td>76,968</td>
</tr>
<tr>
<td>District Court</td>
<td>To record District Court revenue reduction</td>
<td>(10,000)</td>
<td>58,000</td>
<td>48,000</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>94,486</td>
<td>-</td>
<td>94,486</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>To record Adult Probation revenue reduction</td>
<td>-</td>
<td>130,000</td>
<td>130,000</td>
</tr>
<tr>
<td>Executive</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>44,997</td>
<td>-</td>
<td>44,997</td>
</tr>
<tr>
<td>Health</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>482,717</td>
<td>-</td>
<td>482,717</td>
</tr>
<tr>
<td>Health</td>
<td>To record increased revenues from food permits and OSS</td>
<td>-</td>
<td>(100,000)</td>
<td>(100,000)</td>
</tr>
<tr>
<td>Health</td>
<td>To record Food Handler Test Fees adjustments</td>
<td>32,000</td>
<td>(32,000)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund North Sound HOT SUDS program</td>
<td>97,154</td>
<td>(111,227)</td>
<td>(14,073)</td>
</tr>
<tr>
<td>Health</td>
<td>To fund NSBHO Mental Health Block Grant program</td>
<td>168,389</td>
<td>(168,389)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund NSBHO - Dedicated Marijuana Account program</td>
<td>194,500</td>
<td>(216,000)</td>
<td>(21,500)</td>
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<tr>
<td>Health</td>
<td>To fund DOH DMJ Regional (Marijuana Prevention) program</td>
<td>204,430</td>
<td>(359,588)</td>
<td>(155,158)</td>
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<tr>
<td>Health</td>
<td>To fund contract increase for Developmental Disabilities program</td>
<td>78,355</td>
<td>(78,355)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To eliminate Skagit County DD contract</td>
<td>(8,000)</td>
<td>8,000</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund DBHR Marijuana Prevention Program</td>
<td>42,060</td>
<td>(45,424)</td>
<td>(3,364)</td>
</tr>
<tr>
<td>Health</td>
<td>To remove CPG Enforcement Grant</td>
<td>(159,066)</td>
<td>188,108</td>
<td>29,042</td>
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<tr>
<td>Health</td>
<td>To fund CPWI Opiate STR program</td>
<td>57,659</td>
<td>(63,961)</td>
<td>(6,302)</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Foundational Public Health grant program</td>
<td>104,760</td>
<td>(120,699)</td>
<td>(15,939)</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Account Clerk ill position</td>
<td>61,820</td>
<td>-</td>
<td>61,820</td>
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<tr>
<td>Health</td>
<td>To fund Clerk Supervisor position</td>
<td>73,919</td>
<td>-</td>
<td>73,919</td>
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<td>Hearing Examiner</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>4,554</td>
<td>-</td>
<td>4,554</td>
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<tr>
<td>Juvenile</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>182,360</td>
<td>-</td>
<td>182,360</td>
</tr>
<tr>
<td>Juvenile</td>
<td>To fund Parent 4 Parent program</td>
<td>27,900</td>
<td>(27,900)</td>
<td>-</td>
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<tr>
<td>Parks</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>142,952</td>
<td>-</td>
<td>142,952</td>
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<tr>
<td>Planning &amp; Development Services</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>217,574</td>
<td>-</td>
<td>217,574</td>
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<tr>
<td>Planning &amp; Development Services</td>
<td>To fund Permit Center Planning Technician</td>
<td>72,464</td>
<td>(200,000)</td>
<td>(127,536)</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>135,488</td>
<td>-</td>
<td>135,488</td>
</tr>
<tr>
<td>Public Defender</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>109,584</td>
<td>-</td>
<td>109,584</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>314,460</td>
<td>-</td>
<td>314,460</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund additional Patrol FTE</td>
<td>108,299</td>
<td>-</td>
<td>108,299</td>
</tr>
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</table>
## WHATCOM COUNTY

### Summary of the 2018 Supplemental Budget Ordinance No. 1

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff</td>
<td>To fund one-time expenses for additional Patrol FTE</td>
<td>60,833</td>
<td>-</td>
<td>60,833</td>
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<tr>
<td>Sheriff</td>
<td>To fund training for additional Patrol FTE</td>
<td>3,200</td>
<td>-</td>
<td>3,200</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund increased transcription services</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund office chairs</td>
<td>4,500</td>
<td>-</td>
<td>4,500</td>
</tr>
<tr>
<td>Superior Court</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>94,257</td>
<td>-</td>
<td>94,257</td>
</tr>
<tr>
<td>Treasurer</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>38,234</td>
<td>-</td>
<td>38,234</td>
</tr>
<tr>
<td>WSU Extension</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>8,675</td>
<td>-</td>
<td>8,675</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To distribute 2018 General Fund Wage Reserve</td>
<td>(2,217,245)</td>
<td>-</td>
<td>(2,217,245)</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To partially fund ballot processing system replacement</td>
<td>227,525</td>
<td>-</td>
<td>227,525</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund transfer in support of Hydrologist FTE</td>
<td>48,843</td>
<td>-</td>
<td>46,643</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To record 2018 General Fund revenue adjustment</td>
<td>-</td>
<td>(890,000)</td>
<td>(890,000)</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund Medical Examiner contract increase</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund increase in Sheriff/Fire District What-Comm dispatch fees</td>
<td>72,591</td>
<td>-</td>
<td>72,591</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund Juvenile electronics hardware refresh</td>
<td>146,670</td>
<td>-</td>
<td>146,670</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund evaluation of financial software system</td>
<td>75,000</td>
<td>-</td>
<td>75,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund Prox-Lock AMAG upgrade and repairs</td>
<td>21,699</td>
<td>-</td>
<td>21,699</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund transfer for Jail security system hardware refresh projects</td>
<td>452,548</td>
<td>-</td>
<td>452,548</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund replacement of thermostatic mixing valves in the Courthouse</td>
<td>37,803</td>
<td>-</td>
<td>37,803</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund transfer for replacement of Jail thermostatic mixing valves</td>
<td>75,607</td>
<td>-</td>
<td>75,607</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund transfer for Capital Improvement projects</td>
<td>7,000,000</td>
<td>-</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund increased transfer from General Fund to Jail</td>
<td>700,000</td>
<td>-</td>
<td>700,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund additional reserve for 2018 wages and benefits</td>
<td>650,000</td>
<td>-</td>
<td>650,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To remove General Fund transfer to fund countywide EMS</td>
<td>(2,700,000)</td>
<td>-</td>
<td>(2,700,000)</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td><strong>8,123,365</strong></td>
<td>(2,029,435)</td>
<td><strong>6,094,530</strong></td>
</tr>
</tbody>
</table>

### Road Fund

| Public Works - M&O    | To provide funding for permitting, design, engineering, and utility work for vector truck building | 85,000                            | -                             | 85,000                                        |
| Public Works - Construction | To fund annual Road Program                     | 7,601,375                         | (2,426,000)                   | 5,175,375                                     |
| **Total Road Fund**   |                                                      | **7,686,375**                     | (2,426,000)                   | **5,260,375**                                 |

### Election Reserve Fund

| Auditor               | To fund 2018 wage & benefit settlements             | 1,140                             | -                             | 1,140                                         |
| Auditor               | To fund ballot processing system replacement        | 427,525                           | (227,525)                     | 200,000                                       |
| **Total Election Reserve Fund** |                                                  | **428,665**                       | (227,525)                     | **201,140**                                   |

### Jail Fund

<p>| Jail                  | To record per diem revenue reduction               | -                                 | 300,000                       | 300,000                                       |
| Jail                  | To fund 2018 wage &amp; benefit settlements            | 28,693                            | -                             | 28,693                                        |</p>
<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail</td>
<td>To fund two Correction Deputy FTEs</td>
<td>179,012</td>
<td>-</td>
<td>179,012</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund two Correction Deputy FTEs’ one time expenses</td>
<td>8,376</td>
<td>-</td>
<td>8,376</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund testing for new hires</td>
<td>7,368</td>
<td>-</td>
<td>7,368</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund new hire training academy</td>
<td>2,000</td>
<td>-</td>
<td>2,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund new dishwasher</td>
<td>17,000</td>
<td>-</td>
<td>17,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund GED contract increase</td>
<td>9,000</td>
<td>-</td>
<td>9,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund additional overtime</td>
<td>30,000</td>
<td>-</td>
<td>30,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund additional medical lab expenses</td>
<td>20,000</td>
<td>-</td>
<td>20,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund Yakima contracted jail beds</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
</tr>
<tr>
<td>Jail</td>
<td>To record increase in General Fund transfer to Jail</td>
<td>-</td>
<td>(700,000)</td>
<td>(700,000)</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund replacement of Jail thermostatic mixing valves</td>
<td>75,607</td>
<td>(75,607)</td>
<td>-</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund Main Jail security system hardware refresh project</td>
<td>213,577</td>
<td>(213,577)</td>
<td>-</td>
</tr>
<tr>
<td>Jail</td>
<td>To fund Jail Work Center security system hardware refresh project</td>
<td>238,971</td>
<td>(238,971)</td>
<td>-</td>
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<tr>
<td><strong>Total Jail Fund</strong></td>
<td></td>
<td><strong>929,604</strong></td>
<td>(928,155)</td>
<td>1,449</td>
</tr>
<tr>
<td><strong>Homeless Housing Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To record reduction in funding for Homeless Housing</td>
<td>(7,985)</td>
<td>92,026</td>
<td>84,041</td>
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<tr>
<td>Health</td>
<td>To record reduction in revenues from document recording fees</td>
<td>(125,103)</td>
<td>41,062</td>
<td>(84,041)</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Dept of Commerce HEN grant program increase</td>
<td>17,304</td>
<td>(17,304)</td>
<td>-</td>
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<tr>
<td>Health</td>
<td>To fund Emergency Solutions 2018 grant amendment</td>
<td>172,653</td>
<td>(186,465)</td>
<td>(13,812)</td>
</tr>
<tr>
<td><strong>Total Homeless Housing Fund</strong></td>
<td></td>
<td><strong>56,869</strong></td>
<td>(70,681)</td>
<td>(13,812)</td>
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<tr>
<td><strong>Behavioral Health Program Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superior Court</td>
<td>To fund extra help Chemical Dependency Professional, training, and client incentives.</td>
<td>37,902</td>
<td>-</td>
<td>37,902</td>
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<tr>
<td>Superior Court</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>4,215</td>
<td>-</td>
<td>4,215</td>
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<td><strong>Total Behavioral Health Program Fund</strong></td>
<td></td>
<td><strong>42,117</strong></td>
<td>-</td>
<td><strong>42,117</strong></td>
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<tr>
<td><strong>Countywide Emergency Medical Services Fund</strong></td>
<td>To fund adjustments to 2018 EMS program budget</td>
<td><strong>2,209,401</strong></td>
<td>(4,658,083)</td>
<td>(2,448,682)</td>
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<td><strong>Solid Waste Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>1,833</td>
<td>-</td>
<td>1,833</td>
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<tr>
<td>Health</td>
<td>To fund Solid Waste Fund adjustments</td>
<td>57,039</td>
<td>(472,000)</td>
<td>(414,961)</td>
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<tr>
<td>Health</td>
<td>To fund increased Litter Control program from grant proceeds</td>
<td>6,266</td>
<td>(7,250)</td>
<td>(984)</td>
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<td><strong>Total Solid Waste Fund</strong></td>
<td></td>
<td><strong>65,138</strong></td>
<td>(479,250)</td>
<td>(414,112)</td>
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<td><strong>Convention Center (Lodging Tax) Fund</strong></td>
<td>To fund increased tourism projects</td>
<td>78,000</td>
<td>-</td>
<td>78,000</td>
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<td><strong>Victim-Witness Fund</strong></td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>443</td>
<td>-</td>
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<tr>
<td><strong>Conservation Futures Fund</strong></td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>2,792</td>
<td>-</td>
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<tr>
<td><strong>Whatcom County Emergency Management Fund</strong></td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>11,805</td>
<td>(11,805)</td>
<td>-</td>
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<tr>
<td>Sheriff</td>
<td>To fund CERT program</td>
<td>5,000</td>
<td>(5,000)</td>
<td>-</td>
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<tr>
<td><strong>Total Whatcom County Emergency Management Fund</strong></td>
<td></td>
<td><strong>16,605</strong></td>
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<td>-</td>
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<tr>
<td>Department/Fund</td>
<td>Description</td>
<td>Increased (Decreased) Expenditure</td>
<td>(Increased) Decreased Revenue</td>
<td>Net Effect to Fund Balance (Increase) Decrease</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>To fund EDI- Expanded Scope for Tri-Funder Agreement</td>
<td>300,000</td>
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<td>Ferry Fund</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>19,764</td>
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<td>Equipment Rental and Revolving Fund</td>
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<td></td>
<td></td>
<td></td>
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<td>Equipment Rental and Revolving</td>
<td>To fund ER&amp;R 2018 Capital Equipment Budget changes</td>
<td>425,000</td>
<td>-</td>
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<tr>
<td>Equipment Rental and Revolving</td>
<td>To fund additional 2018 capital equipment</td>
<td>51,000</td>
<td>-</td>
<td>51,000</td>
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<tr>
<td>Total Equipment Rental and Revolving Fund</td>
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<td>476,000</td>
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<td>476,000</td>
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<tr>
<td>Administrative Services Fund</td>
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<tr>
<td>Facilities Management</td>
<td>To fund 2018 wage &amp; benefit settlements</td>
<td>5,929</td>
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<tr>
<td>Information Technology</td>
<td>To reappropriate performance evaluation software</td>
<td>14,400</td>
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<td>14,400</td>
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<td>Total Administrative Services Fund</td>
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<tr>
<td>Total Supplemental</td>
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<td>(10,835,734)</td>
<td>9,620,333</td>
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Exhibit B
Capital Appropriations
2017-2018 Budget

<table>
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<th>Department</th>
<th>Fund</th>
<th>Base Budget</th>
<th>Capital Description</th>
<th>Budget Year</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Engineering</td>
<td>Road Fund</td>
<td>5440</td>
<td>Survey Robotic Total Station</td>
<td>2018</td>
<td>$40,000</td>
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<tr>
<td>AS Information Services</td>
<td>Admin Services</td>
<td>Base Budget</td>
<td>Computer Capital</td>
<td>2018</td>
<td>$80,000</td>
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<tr>
<td>AS Information Services</td>
<td>Admin Services</td>
<td>Base Budget</td>
<td>Capital Equipment Telecommunications</td>
<td>2018</td>
<td>$10,000</td>
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<td>Total</td>
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<td>$130,000</td>
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<tr>
<td>Facilities</td>
<td>REET I</td>
<td>Base Budget</td>
<td>Interior Painting</td>
<td>2018</td>
<td>$50,000</td>
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<tr>
<td>Facilities</td>
<td>REET I</td>
<td>Base Budget</td>
<td>Carpet Replacement</td>
<td>2018</td>
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* the following transfers are included in the 2017-2018 budget to provide funding for planned projects. Authority to establish a project fund and budget or amend an existing capital project budget will be requested from the Whatcom County Council in separate capital budget appropriation ordinances.
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<tr>
<th>Department</th>
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## Exhibit B
### Capital Appropriations
#### 2017-2018 Budget

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<th>Department</th>
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<th>Asset To Be Replaced</th>
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<th>Budget Year</th>
<th>Cost</th>
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### Proposed Change

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<td>Upgrade Tonnage upgrade from 1 ton to 1.5 ton</td>
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<td>2</td>
<td>Upgrade to high roof cargo van</td>
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<tr>
<td>3</td>
<td>Upgrade to ATV</td>
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<tr>
<td>4</td>
<td>Add Upgrade to Pickup Truck</td>
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<tr>
<td>5</td>
<td>Add Upgrade to F250 4 door Pickup</td>
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<td>Add Carryover from 2016 Equip Replace List</td>
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## Capital Appropriations 2017-2018 Budget

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**Road Fund Total**

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MEMORANDUM

TO: Whatcom County Council Members

FROM: Jack Louws, County Executive

DATE: October 21, 2017

RE: Funding Adjustments for the 2017-2018 Mid-Biennium Review

The Whatcom County Code Chapter 3.07 provides for a mid-biennium review and modification of the biennial budget. The administration has reviewed the 2018 budget based on our experience in 2017 and we are proposing adjustments described below and listed on the attached spreadsheet. The projected 2018 ending General Fund balance after these adjustments is $13.6 million. This is approximately $400,000 more than the projected 2018 ending fund balance in the adopted 2018 budget.

Revenues

In the General Fund, revenues are generally stable with a few exceptions. We are projecting retail sales tax to exceed the 2017 budget by about $900,000 or 6%. We are projecting this trend to continue into 2018 therefore we are proposing to increase the General Fund’s 2018 retail sales tax budget by $1,030,000. We are projecting building related revenues in Planning and Development Services to increase by $200,000 and the Health Department is projecting increased revenues from fees and grants totaling $1,100,000. We are anticipating a $240,000 decrease in marijuana enforcement revenue due to the state retaining a larger proportion of this revenue. District Court Probation revenues have been decreasing and we are proposing a reduction of $130,000 for 2018.

In other funds, we are making adjustments to the Countywide EMS Fund to record the EMS levy proceeds adopted by the voters in November 2016. We are also modifying the Solid Waste budget to reflect the inclusion of self-haulers in the Excise Privilege Tax.

Expenditures

All but one of our labor agreements has been settled. In the General Fund the wage increases for settled agreements can be accommodated by transfers from budgeted reserves. For open agreements and funds that did not have an adequate budgeted reserve, we have included an adjustment for increased wages.
We are proposing four new positions in this mid-biennium modification:

- One Sheriff’s deputy for the Crisis Intervention Team.
- Two Corrections Deputies to address impacts of renovation work at the Work Center and Jail.
- One Hydrologist to address water resource issues, including the impacts of the Hirst decision.

We are also proposing extending an Administrative Assistant position for one year in the Assessor’s office. Originally this position was to be funded with savings from eliminating one appraiser position; this staffing change will be revisited in the next biennium.

In addition, the mid biennium modification adds 2018 salaries and wages for all positions added through the supplemental budget process in 2017.

Other expenditure modifications include:

- Replace file server for prox-lock system.
- Jail controls computer refresh in Juvenile Detention Center, the Jail and the Jail Work Center.
- Replace failing hot water mixing valves in the Court House, Jail and Work Center.
- Consulting Services to evaluate the financial management system.
- Carry over funding for employee performance evaluation software from 2017 to 2018.
- Grant funded expenditures in the Health Department.
- Increased Lodging Tax expenditures
- Evaluation of building to store Vactor Truck
- Additional funding for chemical dependency coordination for Drug Court.
- Additional funding for EMS operations and oversight.
- Increases in What Comm dispatch fees
- Funding for Yakima contract jail beds
- Expansion of scope for the EDI Tri-Funder Agreement for economic development.
- Solid Waste and Homeless Housing Funds’ grant, tax and fee program adjustments

**Capital**

With the approval of the EMS Levy funds are available for other priorities. $5.2 million budgeted for EMS operations in 2017 and 2018 can be used for capital projects including the jail, courthouse and basement. We are proposing in the mid biennium modification the establishment of a capital reserve of $7,000,000 for the Jail and other capital needs. We are also proposing replacing our aging ballot processing system of which $227,525 will be funded from the General Fund and $200,000 from Election Reserve Fund. Not included in the attached documents are budget modifications needed to accomplish the one year road program. After the one year road program is approved by the County Council, we will propose changes to the
2018 Road Fund budget to accomplish the program. Capital adjustments also include additions to ER&R vehicle and equipment replacements.

Ordinances necessary to make these budget adjustments, including an updated 2018 capital appropriation exhibit will be submitted for introduction on November 8, 2017. In addition Tax Levy Ordinances for the General Fund, Road Fund, and Conservation Futures Fund will also be introduced. All property tax levy ordinances will be for the amount of 2017 tax increased only for the addition of new construction. Staff will be ready to discuss these supplementals in more detail at that meeting in preparation for Council discussion, public hearing and vote on the mid-biennium adjustments at the November 21, 2017 council meeting. Also listed on the attached spreadsheet are mid biennium supplementals that were not approved by the Executive. It is likely that we will review these requests for the next biennium.

I appreciate your review and consideration of these adjustments in advance of that meeting.
<table>
<thead>
<tr>
<th>Comment</th>
<th>Net Amount</th>
<th>Expenditure</th>
<th>Revenue</th>
<th>Requested Description</th>
<th>FTE &amp; Cost</th>
<th>Requested</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**2018 MID BIENNIAL SUPPLEMENT (DOES NOT INCLUDE FLOOD ARS)**

WHITCOM COUNTY
<table>
<thead>
<tr>
<th>Request Description</th>
<th>Department</th>
<th>General Fund</th>
<th>Commits</th>
<th>Remarks</th>
<th>Financial Summary</th>
<th>FY 17</th>
<th>FY 18</th>
<th>FY 19</th>
<th>FY 20</th>
<th>FY 21</th>
<th>FY 22</th>
<th>FY 23</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 Mid Biennial Supplemental (Does Not Include Food Assistance)</td>
<td>WHITCOM COUNTY</td>
<td></td>
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Updated October 27, 2017
<table>
<thead>
<tr>
<th>Office Chairs</th>
<th>2449 Sheet</th>
<th>2394 Sheet</th>
<th>2378 Sheet</th>
<th>2356 Sheet</th>
<th>2445 Sheet</th>
<th>2456 Sheet</th>
<th>2455 Sheet</th>
<th>2454 Sheet</th>
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<th>2452 Sheet</th>
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<tbody>
<tr>
<td></td>
<td>4500</td>
<td>10,000</td>
<td>3000</td>
<td>60,833</td>
<td>192,960</td>
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<td>2,215,574</td>
<td>1,870,035</td>
<td>1,370,083</td>
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<tr>
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<td>1,459,500</td>
<td>2,215,574</td>
<td>1,870,035</td>
<td>1,370,083</td>
<td>1,370,083</td>
<td>2,150,000</td>
<td>1,459,500</td>
<td>2,215,574</td>
<td>1,870,035</td>
<td>1,370,083</td>
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<td>1,370,083</td>
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<td>1,870,035</td>
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<td>1,459,500</td>
<td>2,215,574</td>
<td>1,870,035</td>
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</table>

<table>
<thead>
<tr>
<th>Department</th>
<th>2454 Sheet</th>
<th>2453 Sheet</th>
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<th>2450 Sheet</th>
<th>2449 Sheet</th>
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<tbody>
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**2018 MID BIENNIAL SUPPLEMENTAL (DOES NOT INCLUDE FLOOD ARES)**

**WHATCOM COUNTY**

Updated October 27, 2017.
**Watacom County**

2018 MID BIMINIUM SUPPLEMENTALS (DOES NOT INCLUDE FLOOD ARS)

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Fund - New Fire Training Academy</td>
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<tr>
<td>General Fund - Testing for New Fire</td>
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<tr>
<td>General Fund - 2 New Fire and Time Expresses</td>
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<tr>
<td>General Fund - 2 Connections Each Construction Middletown</td>
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<tr>
<td>General Fund - Reopen 2017 Connections Were A &amp; Ben Settle</td>
<td>1,000,000</td>
</tr>
<tr>
<td>General Fund - Review Re-election</td>
<td>200,000</td>
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<tr>
<td>Ballot Processing System</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Election Reserve Fund</td>
<td>500,000</td>
</tr>
<tr>
<td>Increased Funding for NDEPS Vendor Link Bldg</td>
<td>100,000</td>
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<tr>
<td>Capital Road Budget 2018</td>
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**Total General Fund**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Non-Departmental</td>
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<td>Non-Departmental</td>
<td>2401.00</td>
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<tr>
<td>Non-Departmental</td>
<td>2402.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2403.00</td>
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<td>2404.00</td>
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<tr>
<td>Non-Departmental</td>
<td>2405.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2406.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2407.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2408.00</td>
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<tr>
<td>Non-Departmental</td>
<td>2409.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2410.00</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>2411.00</td>
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<tr>
<td>Non-Departmental</td>
<td>2412.00</td>
</tr>
</tbody>
</table>

**Copy of: To Countwyme EMS**

- Remove GF T to Countwyme EMS
- Add Reserve for 2017 and West & Ben Settle
- Transfer for Capital Improvements - Jail/ICT
- TT Fund - Jail Thermostatic Middletown
- Replace Thermo Static Mixing Valves - GF
- Procurement AMEX Updates and Reports
- Evaluation of Functional System
- Return of Equipment to 2017 GS
- Support Hydrogeological FTE
- Request for BIMINIUM SUPPLEMENTALS

**Note:** Updated October 31, 2017.
### Solid Waste Fund

- **Total Solid Waste Fund**: Increased Budget Allocations for 2018
  - 2389 Health
  - 2390 Health
  - 2391 Health
  - 2392 Health
  - 2393 Health

- **Local Solid Waste Fund**: Increased Funding for Letter Control
  - 2394 Health

- **Solid Waste Fund Accounts**:
  - Solid Waste 2018 Wage and Benefit Settlement: No 140
  - Solid Waste 2017 Wage and Benefit Settlement: No 140
  - Solid Waste 2018 Wage and Benefit Settlement: No 140
  - Solid Waste 2017 Wage and Benefit Settlement: No 140

### CD/Mental Health Fund

- **Department of Community Health**:
  - 2499 Health
  - 2500 Health

- **Reduction in Revenues in Other Revenue Sources**:
  - 2499 Health
  - 2500 Health

### Homeless Housing

- **Reduction in Funding for Homeless Housing**:
  - 2499 Health
  - 2500 Health

### Emergency Magnt

- **Cert Program - DEM**: Record Dem 2018 Wage & Benefit Settlements: No 167
  - Record Dem 2018 Wage & Benefit Settlements: No 167

### Comments

- Request Description: FEMA
  - No 999
  - No 999
  - No 999
  - No 999
  - No 999

---

**2018 MID BIENNIAL SUPPLEMENTALS (DOES NOT INCLUDE FLOOD ASRS)**

**Whatcom County**

**Updated October 27, 2017**
<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>2018 Biennial Supplemental</th>
<th>2018 Biennium Review 10-27-17</th>
<th>McOsker</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 Biennial Supplemental (Does Not Include Food Aids)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTALS - ALL FUNDS**

- **2457 Technology**
  - Reappropriated Performance Ease. Software No 607 507111
- **2502 Facilities**
  - Record Admin Services & Benefit Settlement No 607 50710
- **Admin Services**
  - 2457 Facilities
  - 2018 Equipment Capital
  - 2018 Equipment Capital Budget Changes
  - 2018 Equipment Capital
- **Equipment Revolving Fund**
  - 2391 Public Works
  - Record Ferty 2018 Wage & Benefit Settlement No 444 44200
- **Ferry Fund**
  - 2439 Non Dependent
  - Expendable Scope For Fureka Agreement No 332 332219
- **Public Utilities Improvement Fund**
  - 2322 PDS
  - 2018 Equipment Wage & Benefit Settlement No 1750 14200
- **Conservation Funds Fund**
  - 2349 Processing Activity
  - Record 2018 Victim Witness Fund Wage & Benefit No 142 14200
  - 2018 Victim Witness Fund (Does Not Include Food Aids)

**FTE & Cost**

- 2443

**Revenue**

- 2443

**Expenditure**

- 2443

**Net Amount**

- 2443

**Approved**

- 2443

**Approved**

- 2443

**Add...**

- 2443

**Department**

- 2443

**No**

- 2443

**Supp**

- 2443

**Updated October 27, 2017**
### Expenditure Variance from Budget

<table>
<thead>
<tr>
<th>Category</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
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</thead>
<tbody>
<tr>
<td>Maintenance &amp; Operations</td>
<td>3%</td>
<td>4%</td>
<td>5%</td>
</tr>
<tr>
<td>Administration</td>
<td>1%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>General Government</td>
<td>2%</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>Education</td>
<td>5%</td>
<td>6%</td>
<td>7%</td>
</tr>
<tr>
<td>Health</td>
<td>6%</td>
<td>7%</td>
<td>8%</td>
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<tr>
<td>Transportation</td>
<td>4%</td>
<td>5%</td>
<td>6%</td>
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<tr>
<td>Public Safety</td>
<td>3%</td>
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<td>5%</td>
</tr>
<tr>
<td>Recreation</td>
<td>2%</td>
<td>3%</td>
<td>4%</td>
</tr>
</tbody>
</table>

### Adjusted Beginning Fund Balance

<table>
<thead>
<tr>
<th>Year</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjusted</td>
<td>6.0%</td>
<td>7.0%</td>
<td>8.0%</td>
<td>9.0%</td>
<td>10%</td>
</tr>
<tr>
<td>Budget</td>
<td>6.0%</td>
<td>7.0%</td>
<td>8.0%</td>
<td>9.0%</td>
<td>10%</td>
</tr>
</tbody>
</table>

### General Fund AS of 9/30/17

<table>
<thead>
<tr>
<th>Year</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjusted</td>
<td>6.0%</td>
<td>7.0%</td>
<td>8.0%</td>
<td>9.0%</td>
<td>10%</td>
</tr>
<tr>
<td>Budget</td>
<td>6.0%</td>
<td>7.0%</td>
<td>8.0%</td>
<td>9.0%</td>
<td>10%</td>
</tr>
</tbody>
</table>

**Account Description**

**Capital and General**

- Total Expenditures
  - General Government
    - Maintenance & Operations
    - Administration
    - General Government
    - Education
    - Health
    - Transportation
    - Public Safety
    - Recreation

- Federal Revenue
  - Grants
  - Loans

- State Revenue
  - Licenses & Permits
  - Taxes

- Local Revenue
  - Intergovernmental Revenue
  - Fees and Fines

- Miscellaneous Revenue
  - Investment Income

**Expenditures**

- Total Expenditures
  - General Government
    - Maintenance & Operations
    - Administration
    - General Government
    - Education
    - Health
    - Transportation
    - Public Safety
    - Recreation

- Federal Revenue
  - Grants
  - Loans

- State Revenue
  - Licenses & Permits
  - Taxes

- Local Revenue
  - Intergovernmental Revenue
  - Fees and Fines

- Miscellaneous Revenue
  - Investment Income

**Revenue**

- Adjusted Beginning Fund Balance
  - 2017
  - 2018
  - 2019
  - 2020
  - 2021

**Beginning Fund Balance**

- 2017: 2.32% of 2018
- 2018: 2.49% of 2019
- 2019: 2.63% of 2020
- 2020: 2.75% of 2021
- 2021: 2.89% of 2017
Supplemental Budget Request

Assessor

Supp1d # 2344  Fund 1  Cost Center 300  Originator: Keith Willmayer

Expenditure Type: One-Time  Year 2  2018  Add'l FTE ✔  Add'l Space ☐  Priority 1

Name of Request: Extension of the Administrative Assistant Position

X

Department Head Signature (Required on Hard Copy Submission)

Date 10/30/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6110</td>
<td>6210</td>
<td>6230</td>
<td>6245</td>
</tr>
<tr>
<td>Regular Salaries &amp; Wages</td>
<td>Retirement</td>
<td>Social Security</td>
<td>Medical Insurance</td>
</tr>
<tr>
<td>$53,190</td>
<td>$7,819</td>
<td>$4,069</td>
<td>$15,564</td>
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<tr>
<td>6255</td>
<td>6259</td>
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</tr>
<tr>
<td>Other H&amp;W Benefits</td>
<td>Worker's Comp-Interfund</td>
<td>Unemployment-Interfund</td>
<td></td>
</tr>
<tr>
<td>$1,472</td>
<td>$520</td>
<td>$89</td>
<td></td>
</tr>
</tbody>
</table>

Request Total  $82,703

1a. Description of request:

This position was reactivated in 2017. It provides administrative level program support and coordination for the Assessor's Office management team.

1b. Primary customers:

Assessor's Office Staff. Taxpayers and Taxing District Administrators who rely on professional property tax administrative support.

2. Problem to be solved:

This position was cut in 2010 through attrition and was reactivated in 2017. It was not filled until June. The Assessor's Office currently has 6 position vacancies, 3 Appraisal and 3 Clerical. This position has immediately transitioned into key support and coordination tasks to answer critical program area administrative requirements. Program area completions within an annual fiscal year expectation, must be met to continue statutorily required functioning. Current staff departures and vacancies have created an immediate departure from opportunity and implemented a crises situation. Every production operational task metric has expanded dynamically and continues to increase at higher and higher rates. i.e. Deed/Document recordings, Property subdivisions, new construction/building permit processing, senior citizen exemption program applicants, customer service activity. Expectations for operational efficiency gains as a result of recent technology implementations remains positive, however, the development of tangible outcomes to this expectation has been set back and seriously delayed by the immediacy of current unexpected demands.

3a. Options / Advantages:

We considered restructuring staff functionality to streamline workflow efficiencies. Current staff departures and vacancies have created an immediate departure from opportunity and implemented a crises situation.

3b. Cost savings:

Substantial current and future position vacancy savings will mitigate.

4a. Outcomes:

Stabilization within the next calendar year.

4b. Measures:

Friday, October 27, 2017

Rpt: Rpt Suppl Regular
<table>
<thead>
<tr>
<th>SuppID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2344</td>
<td>1</td>
<td>300</td>
<td>Keith Willnauer</td>
</tr>
</tbody>
</table>

Completions of statutorily required tasks within statutory recommended timelines.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
General fund (current and future position vacancy savings)
### Supplemental Budget Request

**Status:** Pending

**Assessor**

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
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<th>Cost Center</th>
<th>Originator</th>
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</thead>
<tbody>
<tr>
<td>2386</td>
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<td>300</td>
<td>M Caldwell</td>
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</table>

**Expenditure Type:** One-Time  
**Year:** 2018  
**Add'l FTE:**  
**Add'l Space:**  
**Priority:** 1

**Name of Request:** Record 2018 Assessor wage & benefit settlement

**Department Head Signature (Required on Hard Copy Submission):**

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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<tbody>
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<td>Other H&amp;W Benefits</td>
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<td>6269</td>
<td>Unemployment-Interfund</td>
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**Request Total:** $59,009

1a. Description of request:

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:

---

Friday, October 27, 2017  
Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

Auditor

Suppl ID # 2345  Fund 1 Cost Center  Originator: M Caldwell

Expenditure Type: Ongoing  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Record Auditor 2018 wage & benefit settlement

Date: 10/27/17

Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6110</td>
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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Council

Fund 1  Cost Center 1100  Originator: M Caldwell

Expenditure Type: One-Time  Year 1 2017  Add'l FTE  Add'l Space  Priority 1

Name of Request: Record Council 2018 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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Request Total  $91,559

1a. Description of request:

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:
Supplemental Budget Request

County Clerk

Supp't ID # 2347

Fund 1 | Cost Center | Originator: M Caldwell

Expenditure Type: One-Time | Year 2 | 2018 | Add'l FTE | Add'l Space | Priority 1

Name of Request: Record County Clerk 2018 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

Date 10/27/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

District Court

Status: Pending

Supp ID # 2349  Fund 1  Cost Center 1300  Originator: M Caldwell
Expenditure Type: One-Time  Year 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Record District Ct 2018 wage & benefit settlement

X
Department Head Signature (Required on Hard Copy Submission)

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<thead>
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1a. Description of request:
Increase in expenses due to the outcome of union contract negotiations as well as other county administrative actions.

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:
Supplemental Budget Request

Status: Pending

District Court

Fund 1  Cost Center 1300  Originator: M Caldwell/Bruce Van Glubt

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Reduction in 2018 District Ct revenues

Department Head Signature (Required on Hard Copy Submission)  Date 10/9/17

Costs:

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<th>Object</th>
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<td>6650.906</td>
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</table>

Request Total  $48,000

1a. Description of request:
Reduction in estimated District Court revenue.

1b. Primary customers:
County revenue received by District Court goes primarily to the general fund. Examples of other funds that receive District Court revenue are the law library, public defender, and the prosecutor’s office.

2. Problem to be solved:
The reduction in District Court civil fee revenue in this supplemental is primarily due to the reduction in the number of civil and small claims court filing case filings. Fluctuations in civil filings are unpredictable and the reasons causes are unknown. The civil court filings in recent years are as follows:
2015: 2873
2016: 2587
2017: 2016 (annualized based on filings through August, 2017.)
The small claims court filings in recent years are as follows:
2015: 508
2016: 418
2017: 361 (annualized based on filings through August, 2017.)

Although the criminal traffic cases filed by law enforcement and the Prosecutor’s Office have increased over the last couple of years, these cases take time to process through the system. In addition, the revenue resulting from these cases may take years to collect. Fluctuations in criminal filings can be based on the number of law enforcement officers assigned to traffic enforcement, staffing levels, and priorities of the various agencies that file cases with District Court. The criminal traffic filings in recent years are as follows:
2015: 2045
2016: 2172
2017: 2332

Overall District Court revenue has been negatively impacted by RCW changes that have increased the amount of first dollar revenue collected by the court that goes to the state, and changes in the number and types of violations that will suspend a defendant’s driving privileges. In addition, there have been changes

Monday, October 09, 2017
Supplemental Budget Request

<table>
<thead>
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<th>Suppl ID #</th>
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<th>Cost Center</th>
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<tr>
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<td>1</td>
<td>1300</td>
<td>M Caldwell/Bruce Van Glubt</td>
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Status: Pending

### District Court

in what kinds of unpaid court debt can be reported to a credit bureau.

3a. Options / Advantages:

There are no other options as the court accepts all cases filed.

3b. Cost savings:

4a. Outcomes:

Reduction in estimated revenue throughout the year.

4b. Measures:

Review of finance reports.

5a. Other Departments/Agencies:

The general fund.

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

6. Funding Source:
Supplemental Budget Request  

Status: Pending

District Court Probation

Suppl ID #: 2348  
Fund: 1  
Cost Center: 1310  
Originator: M Caldwell

Expenditure Type: One-Time  
Year: 2018  
Add'l FTE □  
Add'l Space □  
Priority: 1

Name of Request: Record District Ct Probation 2018 wages & benefits

X  
Department Head Signature (Required on Hard Copy Submission)  
1/27/17  
Date

<table>
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<tr>
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Request Total: $94,486

1a. Description of request:  
Increase in expenses due to the outcome of union contract negotiations as well as other county administrative actions.

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:  

Friday, October 27, 2017
Supplemental Budget Request

District Court Probation

Status: Pending

Supp1 ID #: 2420  Fund: 1  Cost Center: 1310  Originator: M Caldwell/Bruce Van Glubb

Expenditure Type: One-Time  Year: 2018  Priority: 1

Add'l FTE  Add'l Space

Name of Request: Reduction in 2018 Adult Probation Revenue

X

Department Head Signature (Required on Hard Copy Submission)  Date: 10/9/17

Costs:

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Request Total

$130,000

1a. Description of request:
Reduction in revenue received from probation cases referred by District Court.

1b. Primary customers:
District Court judges, prosecutors, and the public.

2. Problem to be solved:
Revenue from District Court probation cases have not been coming in as originally anticipated. There are a number of factors that may be influencing this revenue, including changes in collection agency laws, changes in RCW’s, court rules and sentencing guidelines. The most significant change is the requirement that the Judicial Officer conceder a defendant’s income and indigence status at sentencing. Prior to this change a defendant’s ability to pay was managed by setting up reasonable time pay amounts. Although the case months supervised have fallen slightly, the amount is not significant and does not adequately address the reduced fees. Case months supervised in recent years:

2015: 24,637
2016: 23,704
2017: 23,265 (Annualized based on cases months supervised through August, 2017.

3a. Options / Advantages:
Every effort has been made to collect the assessed probation fees from defendants.

3b. Cost savings:

4a. Outcomes:
Reduction in probation fees collected from District Court defendants.

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

Executive

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Expenditure Type: One-Time  Year: 2018  Add'l FTE □  Add'l Space □  Priority: 1

Name of Request: Record Executive 2018 wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)

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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Status: Pending

Health Administration

Suppl ID # 2351 Fund 1 Cost Center Originator: M Caldwell

Expenditure Type: One-Time Year 2 2018 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Record Health 2018 wage & benefit settlements

X

Department Head Signature (Required on Hard Copy Submission) 10/21/17

<table>
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Request Total $482,717

1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Health

Suppl ID # 2486
Fund 1
Cost Center
Originator: Patty Proctor
Expenditure Type: One-Time
Year 2 2018
Add'l FTE x Add'l Space x Priority 1

Name of Request: Increases revenues for food permits and OSS

X
Department Head Signature (Required on Hard Copy Submission)

10/10/17
Date

Costs:

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1a. Description of request:
This request increases revenue forecast for 2018 based on the 2016 and 2017 revenues received. As of the end of September 2017 93% of OSS revenues and 83% of food fees have been received. In 2016, OSS revenues exceeded forecast by 14% and food revenues exceeded forecast by 10%.

1b. Primary customers:
Whatcom County citizens

2. Problem to be solved:
Forecasts for fee revenues for 2018 were conservative. When reviewed for the 2018 mid-biennium cycle, the forecast, while still conservative, was revised based on trends from 2016 and 2017. The additional revenue will offset some of the additional wage and benefit increases resulting for the current union contracts.

3a. Options / Advantages:
The only other option was to use general fund to cover all the wage and benefit increases in 2018.

3b. Cost savings:

4a. Outcomes:
Assist the County in covering the increased cost of personnel in 2018.

4b. Measures:

5a. Other Departments/Agencies:
none

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

6. Funding Source:
Environmental Health fee for service.
1a. Description of request:
This request is to address a change in the posting of the food handler permit testing fee. The change records the fee as the gross amount and records the amount paid to Tacoma Pierce as an expense.

1b. Primary customers:
Whatcom County restaurant employees

2. Problem to be solved:
Tacoma Pierce County has been providing the online testing for food handler cards for several years. We had been recording the revenue received by the County from the food handler cards as a net of the revenue minus Tacoma Pierce fee. We recently changed the recording to gross amount of receipts as revenue and a recording of the portion paid to Tacoma Pierce as an expense. This budget supplemental reflects the change in recording practice. This request is to establish the budget for the expense.

3a. Options / Advantages:
Accounting practices require the change to properly account for revenue and expenses.

3b. Cost savings:
no change in net cost.

4a. Outcomes:
Entries for the fee will be recorded as required.

4b. Measures:

5a. Other Departments/Agencies:
No impact. This is only a change in the recording of the transaction.

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

6. Funding Source:
Fee for food handler testing.
Supplemental Budget Request

Health

Human Services

Suppl ID # 2369  Fund 1  Cost Center 675500  Originator: Patty Proctor

Expenditure Type: One-Time  Year 2  2018  Add'l FTE  □  Add'l Space  □  Priority 1

Name of Request: North Sound HOT SUDS

X  Regina A Delany

Department Head Signature (Required on Hard Copy Submission)  9/30/17

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1a. Description of request:

This is the 2018 portion of a grant received in 2017. Funding for one FTE substance use disorder (SUD) professional was provided as a team member on the Homeless Outreach Team (HOT). The professional will engage homeless people at camps and other venues within the community.

This professional will provide opiate street outreach, care coordination to get people into assessments and treatment. The professional will provide expertise to HOT and ensure appropriate care, including referrals to syringe exchange, treatment, mental health services, health services, and housing.

1b. Primary customers:

Opiate addicts and people with other substance use disorders that are homeless.

2. Problem to be solved:

The Homeless Outreach Team (HOT) lacked clinical support for substance use disorders (SUD), yet, more than 80% of the people they contact have SUD issues.

3a. Options / Advantages:

To ensure professional SUD services on the HOT and to ensure appropriate interventions for those who need services.

3b. Cost savings:

Services will be contracted with a local provider.

4a. Outcomes:

Ensure access to SUD services for opiate addicted people who are homeless and provide coordinated care to housing.

4b. Measures:

Number of people getting in for SUD assessment
Number of people served
Number of people getting into other SUD services, such as syringe exchange or Suboxone clinics.

5a. Other Departments/Agencies:

City of Bellingham
Whatcom County Homeless Service Center

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

Opportunity Council coordinates and directs the HOT team. This request provides an additional member for the team.

6. Funding Source:

Thursday, September 28, 2017
<table>
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<th>Human Services</th>
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<tr>
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<td><strong>Fund</strong>: 1 <strong>Cost Center</strong>: 675500 <strong>Originator</strong>: Patty Proctor</td>
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North Sound Behavioral Health Organization, Federal Substance Abuse Block Grant
Supplemental Budget Request

Status: Pending

Health

Suppl ID # 2370  Fund 1  Cost Center 671100  Originator: Patty Proctor

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: NSBHO-Mental Health Block Grant

X Regina A. [Signature]
Department Head Signature (Required on Hard Copy Submission)  Date 9/29/17

Costs:

<table>
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<th>Object</th>
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<tbody>
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<td>Contractual Services</td>
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Request Total $0

1a. Description of request:
This is a continuation of a grant received in 2017. North Sound Behavioral Health Organization has granted funding from the federal Mental Health Block Grant. The funds are used for supportive services to Medicaid eligible clients. The county will administer programs and services focused on housing supports.

1b. Primary customers:
Medicaid eligible individuals who are living with mental illness.

2. Problem to be solved:
Additional supports are required to help individuals attain and retain active recovery.

3a. Options / Advantages:
These additional funds to our community provide opportunities for supportive housing.

3b. Cost savings:
Actual dollar savings are unknown at this time.

4a. Outcomes:
Recipients of service will attain housing stability and connect to community health services.

4b. Measures:
North Sound Behavioral Health Organization requires monthly reports detailing how the funds are used to support housing stability.

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
North Sound Behavioral Health Organization, Federal Mental Health Block Grant
Supplemental Budget Request

Status: Pending

Health Fund 1 Cost Center 677410 Originator: Patty Proctor

Expenditure Type: One-Time Year 2 2018 Add’l FTE Add’l Space Priority 1

Name of Request: NSBHO-DMA

X

Department Head Signature (Required on Hard Copy Submission) Date

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<th>Object Description</th>
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<td>6610</td>
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<td><strong>Request Total</strong></td>
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<td><strong>($21,500)</strong></td>
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</table>

1a. Description of request:

This request is a continuation of a grant received in 2017 and will ensure that a portion of the tax revenue from the sale of cannabis and cannabis products is utilized for health care, research and substance use disorder prevention/treatment. Funding will be used to effectively establish programming in the community ranging from providing educational material to ensuring that evidence based/research based substance use disorder treatment services are in place.

1b. Primary customers:

Whatcom County youth and adults.

2. Problem to be solved:

Legalization of cannabis and cannabis products increased the likelihood of experimentation and ongoing use which increases the associated health risks for both youth and adults in the community. The 2016 Health Youth Survey reflects that although reported rates of teen marijuana use have remained steady in the past two years, a declining perceived risk of regular marijuana use is occurring. In 2016 about one in five 8th graders, one in three 10th graders, and nearly half of 12th graders surveyed perceived no/slight risk to regular use of marijuana.

3a. Options / Advantages:

This funding was first received in 2017 and will provide education, information and prevention/treatment programming to community members with a goal of supporting and increasing community knowledge, understanding and improving health. Ensuring accurate informational materials and updated research on the effects of cannabis use are available increases the likelihood of making informed decisions by both youth and adults in the community.

3b. Cost savings:

Undetermined.

4a. Outcomes:

Increased community knowledge and understanding of the impact marijuana use can have on health.

4b. Measures:

2018 Healthy Youth Survey will provide comparative data on youth perceptions of harmfulness and use of marijuana

5a. Other Departments/Agencies:

na
### Supplemental Budget Request

**Status:** Pending

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

6. **Funding Source:**
   - North Sound Behavioral Health Organization/DBHR Designated Marijuana Account
# Supplemental Budget Request

**Status:** Pending

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**Name of Request:** DOH Dedicated Marijuana Regional Grant

**Department Head Signature (Required on Hard Copy Submission):**

**Date:** 10/5/17

**Costs:**

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<tr>
<th>Object</th>
<th>Object Description</th>
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<tr>
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<td>Marijuana Prevention</td>
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<td>6780</td>
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**Request Total:** ($155,158)

### 1a. Description of request:

This request is a continuation of a grant received in 2017. A portion of the tax revenue from the sale of cannabis and cannabis products will be utilized for the implementation of the youth marijuana prevention and education efforts in Whatcom County and the North Sound Accountable Communities of Health Region. In mid-2017, Whatcom County assumed administrative responsibility for the regional efforts. The grant included funding for one FTE coordinator to support the programming. The coordinator was hired in 2017. Programming is being developed and implemented utilizing promising and best practices that target the reduction and prevention of youth marijuana use.

### 1b. Primary customers:

Whatcom County youth and adults, and other Local Health Jurisdictions in the North Sound Region.

### 2. Problem to be solved:

The 2016 Healthy Youth Survey shows that about one in four 12th grade students in Washington reported using marijuana in the past month. About one in five 8th graders, one in three 10th graders, and nearly half of the 12th graders surveyed perceived no/slight risk of regular use of marijuana. Research indicates that youth marijuana use can negatively impact brain health and development.

### 3a. Options / Advantages:

Services will be delivered to educate youth about the harms of marijuana, increase their perceived risk from use, and to decrease their potential use. This new funding will be used in the development, implementation, and evaluation of youth marijuana prevention and education activities.

### 3b. Cost savings:

Undetermined

### 4a. Outcomes:

Increased community awareness about the impact marijuana use can have on youth.

### 4b. Measures:

2018 Healthy Youth Survey data will provide comparative data on youth use of marijuana, as well as perception of harmfulness.

### 5a. Other Departments/Agencies:

The Health Department will contract with other Local Health Jurisdictions in the region.

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

### 6. Funding Source:

*Thursday, October 05, 2017*

*Rpt: Rpt Suppl Regular*
## Supplemental Budget Request

**Status:** Pending

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Washington State Department of Health - Consolidated Contract - Dedicated Marijuana Funds
# Supplemental Budget Request

**Status:** Pending

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**Expenditure Type:** One-Time  
**Year:** 2018  
**Add'l FTE:** No  
**Add'l Space:** No  
**Priority:** 1

**Name of Request:** Contract increase for Developmental Disabilities

![Signature](image)

Department Head Signature (Required on Hard Copy Submission)  
**Date:** 9/30/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Amount Requested</th>
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<tr>
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<td>Developmental Disability</td>
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<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$78,355</td>
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**Request Total:** $0

1a. Description of request:

The State reallocated developmental disability funding across the state which resulted in an increase in funding to Whatcom County. This pass-through funding primarily pays for employment services for people with developmental disabilities. As a result, the case rates for those providing employment services to clients is increasing.

1b. Primary customers:

People with developmental disabilities.

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

   Monitoring reports with number of clients served as well as services provided to clients

5a. Other Departments/Agencies:

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

6. Funding Source:

   Washington State DSHS-Division of Developmental Disabilities
Supplemental Budget Request

Health
Suppl # 2376
Fund 1
Cost Center 673600
Originator: Patty Proctor

Human Services

Expenditure Type: One-Time
Year 2 2018
Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Eliminate Skagit County DD contract

Department Head Signature (Required on Hard Copy Submission)

X
Regina A. Delcasa 9/29/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>($8,000)</td>
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</table>

Request Total $0

1a. Description of request:

The State of Washington Developmental Disabilities program changed the payment arrangements for Skagit clients seen in Whatcom County. We are now paid directly by the State.

1b. Primary customers:

Skagit County

2. Problem to be solved:

Previously, Whatcom County would bill Skagit County for the services. The revenue from the State would be paid to Skagit County and then Skagit County would pay Whatcom. The State amended the system to pay Whatcom County directly. This amount is included in the most recent amendment from the State of Washington. There is no loss of services to Whatcom County residents. This is a administrative adjustment only.

3a. Options / Advantages:

This streamlines the payment for services and increases efficiencies.

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:

State of Washington, DSHS, Division of Developmental Disability
Supplemental Budget Request

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<td><strong>Year 2</strong> 2018</td>
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<td><strong>Name of Request:</strong> Prevention Program Marijuana DBHR</td>
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<tr>
<td><strong>X</strong> Regina A. Delav</td>
<td>9/29/17</td>
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<tr>
<td><strong>Department Head Signature (Required on Hard Copy Submission)</strong></td>
<td><strong>Date</strong></td>
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### Costs:

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<td><strong>($3,364)</strong></td>
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</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. This is a continuation of a grant received in 2017.

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.

3a. **Options / Advantages:**

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. 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:**

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 graduation 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 consequences.

4b. **Measures:**
Supplemental Budget Request

Status: Pending

<table>
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<tbody>
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<tr>
<td>Fund 1</td>
<td>Cost Center 677260</td>
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<tr>
<td>Originator: Patty Proctor</td>
<td></td>
</tr>
</tbody>
</table>

Academic success is tracked for recipients. The program will track and report the successful progression of 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:

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

6. Funding Source:
   State of Washington, Department of Health and Social Services, Division of Behavioral Health,

Thursday, September 28, 2017
Rpt: Rpt Suppl Regular 175
Supplemental Budget Request

Health

Expenditure Type: One-Time
Year: 2018
Add'l FTE: □
Add'l Space: □
Priority: 1

Name of Request: CPG Enforcement Grant

Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
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<th>Object</th>
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<td>6429</td>
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<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>6625</td>
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<td>8301.140304</td>
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Request Total: $29,042

1a. Description of request:

The Washington State Department of Ecology Coordinated Prevention Grant was funded through the State Capital budget. The contract expired on June 30, 2017. The State has not passed a capital budget for the 2017-2019 biennium. This request eliminates the anticipated revenue. The lost revenue covered wages and expenses for solid waste enforcement. This cost will be moved to the Solid Waste Fund 140.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

We plan to shift the cost of this program to the Solid Waste Fund 140

3b. Cost savings:

No cost savings.

4a. Outcomes:

4b. Measures:
Supplemental Budget Request

<table>
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<th>Environmental Health</th>
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<td>Supp'l ID # 2376</td>
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**Status:** Pending

5a. Other Departments/Agencies:

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

6. **Funding Source:**
   Washington State Department of Ecology, Coordinated Prevention Grant.
Supplemental Budget Request

Health

Human Services

Status: Pending

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<td>Patty Proctor</td>
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Expenditure Type: One-Time  
Year: 2018  
Add'l FTE  
Add'l Space  
Priority: 1

Name of Request: CPWI Opiate State Targeted Response for 2018

Department Head Signature (Required on Hard Copy Submission)  
Date: 10/5/17

<p>|</p>
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Request Total: ($6,302)

1a. Description of request:
The Department of Social and Health Services Division of Behavioral Health and Recovery (DSHS/DBHR) aims to increase capacity to implement direct and environmental substance use prevention services in communities to implement identified evidence-based practices and programs to prevent and reduce the misuse and abuse of opioid drugs. These grants will provide funding to support quality and culturally competent replications of evidence-based and innovative substance use prevention strategies and programs to prevent and reduce opioid drug misuse and abuse while developing the operational community coalition infrastructure of the Community Prevention and Wellness Imitative (CPWI). This is a continuation of a grant received in 2017.

1b. Primary customers:
Whatcom County Youth.

2. Problem to be solved:
The misuse of and addiction to opioids — including prescription pain medicines, heroin, and synthetic opioids such as fentanyl — is a serious national problem that affects public health as well as social and economic welfare. Opioid use, morbidity, and mortality have increased nationally and across Washington State. Whatcom County had a 308% increase in publicly funded treatment admissions involving any Opiate between 2002 – 2013. (Opioid Trends Across Washington State, April 2015 – ADAI-IB 2015-01). Services provided with these grant funds will be the first step to reducing health disparities in East County. The Mt. Baker School District catchment area has been identified by DSHS/DBHR as qualified for these grant monies due to barrier to services because of location and geographical size. Distance prevents easy access to services.

3a. Options / Advantages:
This is an expansion to the existing school prevention programs of the Health Department.

3b. Cost savings:
unknown

4a. Outcomes:
The Whatcom County Health Department will work collaboratively with the Mt Baker School District, the Whatcom Family & Community Network and other local partners.

4b. Measures:
The Health Department monitors services monthly, with formal site visits occurring on an annual basis. Involvement in the project, however, means continual participation in the process.

5a. Other Departments/Agencies:

Thursday, October 05, 2017  
Rpt: Rpt Suppl Regular
5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:

Washington State Department of Health and Social Services, Division of Behavioral Health, State Targeted Response grant
Supplemental Budget Request

Health

Communicable Disease & Epidemiology

SuppTD # 2444  Fund 1  Cost Center 660525  Originator: Patty Proctor

Expenditure Type: One-Time  Year 2  2018  Add'l FTE ☑  Add'l Space ☐  Priority 1

Name of Request: 2018 Foundational Public Health

X

Department Head Signature (Required on Hard Copy Submission)  Date 10/5/17

Costs:

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Request Total  ($15,939)

1a. Description of request:

This is a continuation of a new grant in 2017 from the Department of Health, Foundational Public Health Funding will be utilized to expand the communicable disease surveillance efforts in Whatcom County. Current program will add one FTE to increase program ability to address communicable disease monitoring and prevention. Strategies include educating the community about communicable disease prevention; support and protection provided through surveillance of disease trends, identifying and controlling the sources of infection, preventing disease through investigation of disease cases, and responding quickly to outbreaks.

1b. Primary customers:

Whatcom County residents, primarily infants and children (and parents), the ill, and the elderly (and professional caregivers and agencies).

2. Problem to be solved:

The communicable disease investigation program has been understaffed especially during outbreaks such as the recent mumps and E.coli.

3a. Options / Advantages:

The State allocated new funding for foundational public health services focusing on communicable disease. This new funding will be used to expand the ability of the local health jurisdiction to address communicable disease monitoring and prevention.

3b. Cost savings:

4a. Outcomes:

Improved ability to perform surveillance and emergency response work.

4b. Measures:
## Supplemental Budget Request

**Health**

**Communicable Disease & Epidemiology**

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
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<td>Patty Proctor</td>
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**Status:** Pending

2019 program performance measures (inclusive of data from lab reports of notifiable conditions)

5a. Other Departments/Agencies:

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

6. **Funding Source:**

Washington State Department of Health Foundational Public Health. It is the Executive’s recommendation that continuation of positions supported by grants and external sources are contingent on continuation of funding.
1a. Description of request:
One FTE to share responsibilities between the environmental health front desk and the business office. While at the front desk, the position will provide staffing and support to environmental health customers, other clerks in the program, and visitors of all divisions entering the building. While in the business office, the position will provide vital records and accounting support.

1b. Primary customers:
Whatcom County residents, staff, funding sources, contractors.

2. Problem to be solved:
The Health Department seeks to solve two problems with the Accounting Clerk position. First, despite an increasing number of grants and contracts, the clerical support staff has not changed and the business office staff has been reduced.
- In 2016 the total number of grants, contracts, and agreements was 72. Through eight months of 2017 the total is 131.
- In 2017, the Health Department added over $1.3 million in revenues from grants and contracts.
- In the first eight months of 2017, vital records requested and issued increased 30% over the same period in 2016.

The Business Office cannot absorb additional work and remain audit finding free and compliant with all terms of contracts and grants.

The second problem the Health Department seeks to solve is to provide sufficient environmental health front desk staffing. Like the business office, environmental health clerks have sustained cuts in staffing and have experienced unsustainable growth in demands and work.
- OSS permit applications increased by 25% from 2015-2016 and the O&M evaluations processed by hand increased by over 2000 from 2015 to 2016.
- The Hirst Decision has added additional workload and pressure to provide timely answers to questions and concerns.
- Adding the Solid Waste fund and associated activities in 2015 had increased the volume of front desk contacts and workload for clerical staff.

Staff are unable to manage the workload in these areas and both are often short staffed, despite cross
training and shifting work.

3a. Options / Advantages:
We have done cross training and shifting of work to try and minimize the impact. The demand for support is not being fully met. We have considered a new FTE for each area of responsibility but opted to try sharing a person to see if that will meet the need for now.

3b. Cost savings:

4a. Outcomes:
Coverage will be improved and work can be balanced and cross trained.

4b. Measures:
Quicker response for customers at the front desk.
Support increased for meetings and projects.

5a. Other Departments/Agencies:
none

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

6. Funding Source:

2018 calculated cost at a grade 108 step 3 is $63,126 with benefits. This position is part of the indirect administrative cost and will be covered by additional indirect received from new grants. The environmental health portion of the position will be covered from replacement of an environmental specialist at a lower salary than the vacated position.

Indirect from Foundational Public Health grant $20,373
Portion of indirect from Department of Health Regional Marijuana grant $28,270
Replacement of EH specialist at lower wages $14,483
Supplemental Budget Request

Status: Pending

Fund 1  Cost Center 609900  Originator: Patty Proctor

Expenditure Type: One-Time  Year 2 2018  Add'l FTE ✓  Add'l Space □  Priority 1

Name of Request: Clerk Supervisor

Department Head Signature (Required on Hard Copy Submission)  Date: 9/29/17

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Request Total $73,919

1a. Description of request:
One FTE to supervise and centralize division of labor among all 10 health department clerks. The professional will set up systems for things like leave requests and cross-training, elevate skills, create efficiencies in work flow and assignments, and increase productivity of staff.

1b. Primary customers:
Service to clerks and entire department. Secondary customers are the public who interact via phone, email or in person with clerks.

2. Problem to be solved:
Supervision of clerks is decentralized and split between already busy managers and supervisors. A decentralized clerical staffing model is inefficient and doesn't use clerk skills effectively. Managers and program supervisors spend, on average, 10 hours per week both supervising current clerks and performing clerical tasks. Also due to the growth in staff and cuts in clerical support, employees who staff boards, committees, and other meetings report spending an average of 12-16 hours per month preparing materials and writing meeting minutes. By hiring a clerk supervisor, we can better coordinate work, increase cross training of clerks to ensure coverage, alleviate the clerical burden placed on managers and supervisors, and create efficiencies before analyzing if additional general clerks are needed.

3a. Options / Advantages:
The health department is growing with new grants, contracts and other funding opportunities and related professional staff will be added; the clerical supervisor position will allow the department to support new professional FTE without requesting general funds to increase clerical staffing. This position will also allow managers and supervisors to focus on their responsibilities, rather than completing time-consuming clerical tasks.

3b. Cost savings:
N/A

4a. Outcomes:
Improve clerical support, increase efficiencies, ensuring that all staff work at the top of their scope and abilities.
### Supplemental Budget Request

#### Health Administration

<table>
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**Status:** Pending

**4b. Measures:**
- Response time for public requests and phone calls
- Length of time to process meeting minutes, material collection and printing, logging data on clients at intake and over time
- Number of customer complaints about service
- Number of hours front desks are short staffed due to lack of cross training
- Number of hours saved by managers and supervisors in completing clerical tasks

**5a. Other Departments/Agencies:**

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

**6. Funding Source:**

2018 cost is calculated at a total of $76,831 based on unrepresented pay grade of 260 step 3.

Funded by:
- Reclassification of HIA Manager to an HIA Supervisor, $36,635
- Additional indirect funding from new grants:
  - North Sound Behavioral Health opiate outreach grant, $11,250
  - North Sound Behavioral Health dedicated marijuana grant, $15,500
  - Portion of Department of Health regional marijuana grant, $13,446
Supplemental Budget Request

Hearing Examiner

Supp'l ID # 2352  Fund 1  Cost Center 1600  Originator: M Caldwell

Expenditure Type: One-Time  Year 2  2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Record Hearing Examiner 2018 wage & benefits

X

Department Head Signature (Required on Hard Copy Submission)

Date: 8/27/17

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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Status: Pending

Juvenile Administration

Supp'l ID # 2353  Fund 1 Cost Center Originator: M Caldwell

Expenditure Type: One-Time Year 2 2018 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Record Juvenile 2018 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Status: Pending

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Expenditure Type: Ongoing  
Year 2 2018  Add'1 FTE ✓  Add'1 Space  
Priority 1

Name of Request: Parent 4 Parent Program

X  
10.3.17

Department Head Signature (Required on Hard Copy Submission)  
Date

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1a. Description of request:  
We have received an increase in reimbursement for our Parent 4 Parent program. The purpose behind the increase is to allow for expansion of the program, and the hiring of additional help.

1b. Primary customers:  
Parents who have children in the dependency process.

2. Problem to be solved:  
We have been experiencing an increase in dependency youth filings. This program provides structure, education and support for parents of dependent youth. The goal is to educate them on the dependency process by other parents who have successfully had their children returned to them.

3a. Options / Advantages:  
Increasing and expanding program capacity are the best options because it provides for more education and more services to parents.

3b. Cost savings:  
Savings are achieved by having children in a more timely manner, reducing foster care costs and placements as well as court expenses in the dependency process.

4a. Outcomes:  
1. Hire a parent ally to assist the coordinator  
2. Implement Dependency 201 program

4b. Measures:  
Hiring of the parent ally and implementation of Dependency 201.

5a. Other Departments/Agencies:  
There will be an direct impact to the Attorney General's office as well as Department of Children and Family Services.

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

6. Funding Source:

Tuesday, October 03, 2017
Rpt: Rpt Suppl Regular
Supplemental Budget Request

Parks & Recreation

Supp # 2354  Fund 1  Cost Center  Originator: M Caldwell

Expenditure Type: One-Time  Year: 2018  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Record Parks 2018 wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)

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1a. Description of request:

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:

Friday, October 27, 2017

Rpt: Rpt Suppl Regular

189
Supplemental Budget Request

Planning & Development Services  Administration

Suppl ID #: 2355  Fund 1  Cost Center  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Record PDS 2018 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
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<tr>
<th>Costs:</th>
<th>Object</th>
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1a. Description of request:

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:
Supplemental Budget Request

Status: Pending

Planning & Development Services

Supp ID # 2340  Fund 1  Cost Center 830  Originator: J.E. Sam Ryan & Mark Pers

Expenditure Type: Ongoing  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: PDS Permit Center Planning Technician

Department Head Signature (Required on Hard Copy Submission)  Date

1a. Description of request:
This is a continuation of the position approved in September 2017-1 FTE (Planning Technician) for Planning and Development Services Permit Center

1b. Primary customers:
Whatcom County Citizens, other agencies and county departments required to obtain permits for building and development activities.

2. Problem to be solved:
Since the staff cuts in 2008-2010, our Building Services staff has remained more or less static. However, our permit numbers and revenue have bounced back and continued to grow. Planning and Development Services (PDS) has seen a significant increase in both Residential and Natural Resource Assessment permits/applications. The steady increase in permit applications has been challenging for staff to keep pace and keep the turnaround times for critical area and permit review as timely as possible. In 2011 the total applications for Single Family Residences (SFR) were 297. PDS ended the year in 2016 with 503 SFR applications.

Planning and Development has tried many configurations for processing and reviewing applications but the volume of work requires an increase in staff to help facilitate active changes. Citizens are frustrated by the timeframes to obtain a Natural Resource approval and the follow up wait time to submit a building permit application. The additional position would assist in improving our processing and wait times.

The new Planning Technician would allow other Permit Center Staff more time to work on projects and permit/plan review. The Planning Technician would assist customers, perform cashiering, intake permits and generally assist with the timely processing of permits and applications. The new Permit Center Technician would be trained to evaluate and answer general Natural Resources questions and process incoming NR Assessment applications. This additional staff person will free up other Natural Resource staff so they are not required to have as many assigned "counter days" in the permit center. The new position would provide time for other permit center staff to assist Current Planning and Natural Resource

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Request Total  ($127,536)
staff with their project and permit review to help improve their timelines. The position would also free up the Permit Center Plans Examiner to concentrate on Plan review rather than general permit center tasks. The extra person would enable staff to open up more appointment times for permit intake.

3a. Options / Advantages:
PDS has tried a variety of structure changes and shifting of workload but the volume of work will be greatly assisted by additional staff in the permit center.

3b. Cost savings:
There are not specific cost savings. However PDS permit revenue is over budget expectations through the end of June 2017 and AS Finance projects the revenue to exceed budget by over $200,000.

4a. Outcomes:
Permit Center customers will have the wait times to submit their building permit improve and other departments will benefit by having to spend less time at the counter answering questions. The turnaround times for Natural Resource permits should also improve since less Natural Resource Planner time will be required at the counter. The two other current planners will be able to have release time from the permit center to focus on Natural Resource and Current Planning projects to help distribute the work load and improve time lines. The permit plan review turnaround should also improve since the counter Plans Examiner will not have to focus on general permit center tasks. The timelines should improve once the Planning Technician has adequate training.

4b. Measures:
Building Permit and project timelines from application to approval/issuance will be reduced and Natural Resource timelines will improve.

5a. Other Departments/Agencies:
This will benefit other county departments and other federal and state agencies that are required to obtain building and land use permits.

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

6. Funding Source:
Increased Permit and Plan Check Fees as a result of increased activity in the building industry
# Supplemental Budget Request

**Prosecuting Attorney**

<table>
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**Name of Request:** Record Pros Attny 2018 wage & benefit settlement

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**Request Total:** $135,488

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1a. **Description of request:**

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:**

---

Friday, October 27, 2017
Supplemental Budget Request

Public Defender

Supp ID # 2357  Fund 1  Cost Center  Originator: M Caldwell

Expenditure Type: One-Time  Year: 2018  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Record Public Defender 2018 wages & benefits

X

Department Head Signature (Required on Hard Copy Submission)  Date: 10/22/17

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1a. Description of request:

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:
Supplemental Budget Request

Sheriff Administration

Supp1 ID # 2358 Fund 1 Cost Center Originator: M Caldwell

Expenditure Type: One-Time Year 2 2018 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Record Sheriff 2018 wage & benefit settlements

X 10/21/17
Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:
This includes wage and benefit adjustments for Unreps and Master employees as well as medical benefit adjustments for the Deputies' Guild members. Guild wage settlement is still undetermined.

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:
1a. Description of request:

The Sheriff's Office requests funding to add one additional FTE in Patrol. See Supplemental ID# 2419 for corresponding one-time costs and ID# 2465 for one-time BLEA training cost.

The Sheriff's Office requests funding to add 1 additional deputy sheriff FTE to specialize and respond to calls involving persons in crisis, as well as work cooperatively with the mental health and social services agencies to assist those in need with the appropriate services and support (the Sheriff's Office originally requested 3 CIT deputies during the 2017-2018 budget process). The CIT deputy would receive advanced Crisis Intervention training and be the primary responding deputy to calls involving persons in crisis. This deputy would also conduct follow up with individuals and liaison with the appropriate mental health providers on a regular basis. The goal of the additional FTE will be to provide assistance to those in crisis and divert them from the criminal justice system when appropriate. In addition, the establishment of a CIT deputy will reduce the impact on limited law enforcement resources, freeing them up to handle calls for service and to conduct proactive contacts. The addition of CIT personnel trained in de-escalation techniques has been shown to reduce the number and severity of injuries to deputies and citizens.

The Sheriff's Office proposes to participate in a county-wide Crisis Intervention Team, which is a partnership between the Sheriff's Office and mental health professionals and providers. Based on similar models in Memphis, TN and Milwaukee, WI, the program is intended to assist persons in mental health crisis and provide alternatives to incarceration. In following the recommendations cited in the VERA Institute’s “Report to Whatcom County Stakeholders on Jail Reduction Strategies”, the Sheriff's Office seeks to partner with the Crisis Prevention Intervention Team (CPIT). The CIT deputy would partner with CPIT members and serve as a liaison for other deputies to assist in coordinating with CPIT to provide services for those in crisis rather than subjecting them to arrest and incarceration. In addition to law enforcement trained in CIT concepts and collaboration with CPIT, a successful CIT program should
include the following components:
• Community support and collaboration
• An accessible crisis system
• Behavioral health personnel trained in LE response and needs
• Consumer and family collaboration and education

1b. Primary customers:
Those in our community who have mental health issue and/or are experiencing crisis. Unfortunately, many with mental health issues find their way into the criminal justice system through no fault of their own. The local systems intended to deal with mental health issues does not have the funding or resources to support the services needed to keep persons in crisis from entering the criminal justice system. Law enforcement in regularly called to deal with persons in crisis, when family and behavioral health services are unable to find a solution to the problem.

2. Problem to be solved:
Over the past few years, the Sheriff’s Office has seen an increase in the number of calls involving persons in mental health crisis. In the last 24 months, the Sheriff’s Office has responded to approximately 1200 mental health calls, with a slight increase noted in 2017. Some of the increase can be attributed to legislation and reductions in state funding for services that provide assistance for persons in crisis. As a result, local government is left to deal with this growing problem. This also puts additional responsibility and workload on already limited law enforcement resources.

Recent legislation (RCW 43.101) requires that all peace officers in the state receive 8 hours of Crisis Intervention Training by 2021. Prior to this change, the Sheriff’s Office worked jointly with the Health Department to provide this training to all commissioned personnel during the 2015 in-service training. Additional crisis intervention training has been provided to deputies to ensure that they are able to identify a person in mental health crisis, as well as attempt to deescalate situations from becoming violent.

In 2014, Whatcom County Behavioral Health provided alternative services to incarceration to 4,224 individuals. During the same time frame, another 1341 jail inmates were assessed and/or provided behavioral health services while incarcerated. Of those served, 555 individuals were provided crisis stabilization services. An additional 63 were hospitalized for acute symptoms of mental illness. In 2016, Whatcom County Behavioral Health assisted 1699 incarcerated persons with psychiatric services and medication.

3a. Options / Advantages:
While others options to deal with persons in mental health crisis exist, the resources are limited to respond and deal with persons in the field. In addition, situations involving persons in crisis are volatile and present safety concerns for mental health service providers, thus requiring the assistance of law enforcement. Deputies are regularly called by friends and family when they are unable to deal with the person in crisis and/or fear for the safety of themselves and the person in crisis. It is imperative that deputies attempt to deescalate the situation and attempt to divert the subject from the criminal justice system when possible.

3b. Cost savings:
By diverting persons to the appropriate mental health services, we not only reduce the cost of incarceration and court proceedings, but also the continued impact on law enforcement resources due to response and the time that deputies must spend returning to deal with subjects.

4a. Outcomes:
Outcome will be increased assistance for those suffering from mental illness. In addition, it is expected that there will be a decreased impact on limited law enforcement resources and the criminal justice system.

4b. Measures:
When we see actual results as described above.

5a. Other Departments/Agencies:
5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:
   General Fund

Health Department, Prosecutor’s Office, Public Defenders Office
Supplemental Budget Request

Sheriff Operations

Suppl ID # 2419 Fund 1 Cost Center 2920 Originator: D Pierce / D Chadwick

Expenditure Type: One-Time Year 2 2018 Add'l FTE □ Add'l Space □ Priority □

Name of Request: Patrol - Additional FTE 2018 One-Time Costs

Department Head Signature (Required on Hard Copy Submission) Date

X

9/24/17

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Request Total: $60,833

1a. Description of request:
Supplemental Budget to fund one-time costs of hiring one additional Patrol deputy. See Supplemental ID# 2418 for corresponding ongoing costs and ID# 2465 for one-time BLEA training costs.

$3,220 Hiring costs (background investigation $2200, psych eval $375, physical $505, eye exam $140)
$2,190 Guild contract (clothing, duty belt/keepers, handcuffs/cases, duty weapon, holster, mag pouch)
$9,305 Equip (MDT $3800, radio $3685, armor/helmet $1190, portable breath test $480, tool kit $150)
$ 345 Basic Law Enforcement Academy clothing $345
$ 171 Supplies (badge/brass, belt liner, 1st aid kit, aerosol restraint)
$45,602 Vehicle
$60,833 Total one-time costs

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:

Friday, September 29, 2017

Rpt: Rpt Suppl Regular
## Supplemental Budget Request

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### 6. Funding Source:
- General Fund
Supplemental Budget Request

Sheriff

Operations

SuppID # 2465

Fund 1

Cost Center 2920

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 2 2018

Add'l FTE ☐ Add'l Space ☐ Priority ☒

Name of Request: Patrol - Additional FTE 2018 BLEA Training Cost

Department Head Signature (Required on Hard Copy Submission) Date

X

9/29/17

Costs:

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1a. Description of request:

Supplemental Budget to fund one-time BLEA training costs of hiring one additional deputy for Patrol. See Supplemental ID# 2418 for ongoing costs and ID# 2419 for corresponding one-time hiring costs.

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:
Supplemental Budget Request

Status: Pending

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Expenditure Type: One-Time Year 2 2018 Add'l FTE Add'l Space Priority 6

Name of Request: Transcription Services 2018

X

Department Head Signature (Required on Hard Copy Submission) Date 9/29/17

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1a. Description of request:

The Sheriff's Office Detective Division investigates a large number of major crimes and crime sprees involving persons and property. These cases require significant investigative resources and are complex in nature. Upon completion of the case, detectives are responsible for documenting the events and actions taken in the course of the investigative process. These reports are then routed to the Prosecuting Attorney's Office for review and use during prosecution of the case.

Due to the complexity of the cases and the large number of interviews that must be completed and accessible for both the prosecution and defense, many of the interviews are recorded and must be transcribed. Recorded statements were previously reserved for major cases such as homicides, and the detectives would transcribe the recordings into their reports. This was very time consuming and put a strain on limited investigative resources.

The Prosecutor's Office expected all recorded statements to be transcribed so they could be reviewed and passed on to the defense during discovery. In addition, the number of recordings needing transcription increased when the Sheriff's Office began recording interviews, not only for major cases, but for many other cases handled by the Detective Division. To improve efficiencies in completing and forwarding information to the Prosecutor's Office, the Sheriff's Office began using a transcription service.

Quality control issues required that detectives carefully review transcribed statements before they could be forwarded to the Prosecuting Attorney's Office. The additional time required to ensure the accuracy of the transcriptions placed further strain on already overburdened investigative resources, and the Sheriff's Office was compelled to transition to another transcription services provider.

The increase in cost is due to 1) expanded use and expectation of transcribed recorded statements 2) increased service fee for the new transcription service.

1b. Primary customers:

Sheriff's Office detectives, prosecuting attorney, defense counsel and the citizens they serve.

2. Problem to be solved:

With significant caseload and a limited number of detectives to take new cases and conduct follow up on existing cases, efficiencies are contemplated whenever possible. The practice of recording statements and having them transcribed by an external service provider frees up detectives to handle new investigation and complete current cases for the prosecution.

3a. Options / Advantages:

Detectives could take written statements and/or recorded statements that they transcribe themselves. Both these options require detectives to significant time away from their investigative duties to perform
clerical work.

The use of recorded statements and a transcription service ensures that statements are transcribed and available for review in a timely manner.

3b. Cost savings:
Additional time required for detectives to complete transcription of recorded statements could result in additional overtime costs if the completed files were needed and could not be completed during the regular work day/week.

4a. Outcomes:
Accurate transcription of recorded statements delivered in a timely manner.

4b. Measures:

5a. Other Departments/Agencies:
The Prosecutor's Office has relayed their expectation that all recorded statements be transcribed. In order to be efficient, detectives regularly record statements to save time for other investigative functions. Failure to record statements and utilize a transcription service will increase the time it takes to submit cases to the Prosecutor's Office and make them available for discovery. This may impact a defendant's right to a speedy trial.

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

6. Funding Source:
General Fund
1a. Description of request:
Purchase office chairs to replace old chairs currently in use at the Sheriff's Office. This purchase would outfit the remainder of the Sheriff's Office Basic Law Enforcement and Investigative Services (BLEIS) with comfortable, ergonomic chairs for work stations. Chairs will be utilized in Detectives, Traffic Unit, Crime Analysis, Report Room and Sergeants Offices. Purchase of new chairs for the conference room and Laurel Substation was completed in 2017.

1b. Primary customers:
Sheriff's Office personnel in Detectives, Traffic Unit, Crime Analysis, Sergeants Office, and deputies working in the report room.

2. Problem to be solved:
New chairs are needed to replace old chairs that have been in use with the Sheriff's office for over 20 years. Most of the old chairs were either purchased in 1994 or obtained through County surplus; many are broken, worn out, threadbare, and missing parts.

3a. Options / Advantages:
Some of the chairs would be ordered with adjustable arms which provide comfort at workstations where the employee spends the majority of the day at their desk. Others would be ordered without arms for deputies wearing gun belts. The chairs without arms would save about $40 per chair.

3b. Cost savings:
Rather than ordering full-fabric and full-adjustment chairs which are quite expensive, the Sheriff's Office will purchase more economical mesh-back chairs with only 3 adjustments. This will save on cost but still provide ergonomic comfort and a level of adjustment that meets the needs of the employees.

4a. Outcomes:
Employees will be outfitted with comfortable, ergonomic chairs that are in good condition.

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
General Fund

Friday, September 29, 2017
Rpt: Rpt Suppl Regular
Supplemental Budget Request

Superior Court

Supp'I ID # 2359  Fund 1  Cost Center  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Record Superior Ct 2018 wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)  Date

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1a. Description of request:

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:

Friday, October 27, 2017

Rpt: Rpt Suppl Regular
205
# Supplemental Budget Request

**Treasurer**  
*Status:* Pending

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**Name of Request:** Record 2018 Treasurer wage & benefit settlement

**Department Head Signature:**  
[Signature]  
**Date:** 27/7/17

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**Request Total:** $38,234

1a. *Description of request:*

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:*
Supplemental Budget Request

WSU Extension

Supp'l ID # 2361  Fund 1  Cost Center 2000  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Record 2018 Extension wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)  \( \frac{10/27/17}{\text{Date}} \)

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1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Non-Departmental

Supp'1ID # 2343  Fund 1  Cost Center 4075  Originator: M Caldwell

Expenditure Type: One-Time Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Distribute 2018 General Fund Wage Reserve

Department Head Signature (Required on Hard Copy Submission)  10/27/17

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1a. Description of request:
Distribute 2018 General Fund wage settlements for Unreps, Teamsters, Local 17 and WSNA to all General Fund departments from the Non Departmental wage settlement reserve account.

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:
Supplemental Budget Request

Non-Departmental

Supp'l ID # 2476  Fund 1  Cost Center 4530  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Funding for Ballot Processing System

X

Department Head Signature (Required on Hard Copy Submission)  Date 10/27/17

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1a. Description of request:
Companion to Election Reserve Suppl #2411 Ballot Processing System to provide adequate funding.

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:
General Fund

Monday, October 09, 2017
Supplemental Budget Request

Non-Departmental

Suppl ID # 2394   Fund: 1   Cost Center: 4530   Originator: M Caldwell

Expenditure Type: One-Time   Year: 2018   Add'l FTE: □   Add'l Space: □   Priority: 1

Name of Request: Trf out to support hydrologist FTE

Department Head Signature (Required on Hard Copy Submission): [Signature]   Date: 10/27/17

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1a. Description of request:
Companion request to ASR #2017-5703 Hydrologist for Natural Resources and Planning. Provides 50% of the funding for this new FTE to be paid by the General Fund.

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:
**Supplemental Budget Request**

**Non-Departmental**

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**Expenditure Type:** One-Time  
**Year:** 2018  
**Priority:** 1

**Name of Request:** Adjust 2018 General Fund Revenues

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**Department Head Signature (Required on Hard Copy Submission):**

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**Costs:**

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1a. **Description of request:**

Adjust 2018 general fund sales tax budgets to approximately 5% over 2017 projected amounts. Adjust 2018 PILT payment to 2017 amount plus a modest growth factor. Adjust state marijuana distributions budget based on decreases made by the state legislature in SSB 5883.

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:**
Supplemental Budget Request

Non-Departmental

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<th>Supp1 ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2474</td>
<td>1</td>
<td>2100</td>
<td>Tawni Helms</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time
Year 2 2018
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Medical Examiner

X

Department Head Signature (Required on Hard Copy Submission)

Date

i/c 27/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6630</td>
<td>Professional Services</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

Request Total $10,000

1a. Description of request:

Whatcom County is entering into a new three year contract for services for Medical Examiner Services. The cost of the contractual services will increase annually based on an annual CPI-U inflation adjuster. The amount of the increase for 2018 is anticipated at 3% or $10,000.

1b. Primary customers:

Whatcom County citizens

2. Problem to be solved:

The cost of services increase on an annual basis.

3a. Options / Advantages:

n/a

3b. Cost savings:

n/a

4a. Outcomes:

The contract will be renewed

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

General Fund
Supplemental Budget Request

Non-Departmental

Fund 1  Cost Center 4250  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Incr in 2018 Sheriff/Fire District What Comm bgt

X

Department Head Signature (Required on Hard Copy Submission)  12/27/17

Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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<tbody>
<tr>
<td>7210</td>
<td>Intergov Prof Svcs</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$72,591</td>
<td></td>
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</tbody>
</table>

1a. Description of request:
$72,591 to increase the 2018 What Comm ibudget n the General Fund to cover the Sheriff and Fire dispatches.

1b. Primary customers:

2. Problem to be solved:
What-Comm increased their dispatch budget for both Fire and Sheriff dispatches.

3a. Options / Advantages:
- n/a

3b. Cost savings:
- n/a

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:
- general fund
Supplemental Budget Request

Administrative Services  Facilities Management

Supp ID # 2440  Fund  Cost Center  Originator: Michael Russell

Expenditure Type: One-Time  Year 1 2018  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: Juvenile Detention Electronics Hardware Refresh

Department Head Signature (Required on Hard Copy Submission) Date

X M.E. Russell  9.27.2017

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>7420</td>
<td>Computer-Capital Outlays</td>
<td>$146,670</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$146,670</td>
</tr>
</tbody>
</table>

1a. Description of request:
To insure safe and dependable operation – Security hardware needs to be refreshed every 5 years. There are many components with finite life span both for operations and replacement availability. The software, programming and configuration are usually still applicable, and so can be upgraded into the new hardware.

The Juvenile Detention controls were commissioned in 2011. The equipment was purchased a full year before for development – therefore the equipment at this facility is approaching 8 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

1b. Primary customers:
All employees, contract employees, inmates and visitors to the Juvenile Detention Facility.

2. Problem to be solved:
The Juvenile Detention controls were commissioned in 2011. The equipment was purchased a full year before for development - therefore the equipment at this facility is approaching 8 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

3a. Options / Advantages:
There are no other options for this refresh. These are computers and they were out. To insure life safety of the operation of the Juvenile Detention, the computers need to be refreshed.

3b. Cost savings:
This will insure the life safety aspect of the controls as well as continued operation of the Juvenile Detention control system.

4a. Outcomes:
This will insure the life safety aspect of the controls as well as continued operation of the Juvenile Detention control system.
When the system is refreshed.

4b. Measures:
With a reliable control system for the Juvenile Detention

5a. Other Departments/Agencies:
Yes, The Juvenile Detention Facility

5b. Name the person in charge of implementation and what they are responsible for:
Michael Russell, Facilities Management

6. Funding Source:
The General Fund ?? REET???
Supplemental Budget Request

Status: Pending

Administrative Services
Supp'1 ID # 2470

Finance
Fund 1 Cost Center 4533 Originator: Brad Bennett

Expenditure Type: One-Time Year 2 2018 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Evaluation of Financial System

X Department Head Signature (Required on Hard Copy Submission)

Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6630</td>
<td>6630</td>
<td>Professional Services</td>
<td>$75,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$75,000</td>
</tr>
</tbody>
</table>

1a. Description of request:
Analysis of county's needs for a enterprise resource planning system (ERP) and assistance evaluating and selecting a software provider

1b. Primary customers:
All county administrative personnel.

2. Problem to be solved:
The County's current ERP is a text based system it does not include a graphical user interface which most system users are accustomed to using. The report writers are not user friendly. Users usually get frustrated before they are proficient using them. The system runs on an IBM Iseries and IT professionals that are knowledgeable in IBM I series operation are getting hard to find.

3a. Options / Advantages:
Delay ERP evaluation one budget cycle. Use P.C. tools and crystal reports to address the system's limitations. Work with departments to improve county processes

3b. Cost savings:
It is possible there will be a modest increase in productivity.

4a. Outcomes:
A new software vendor identified for the 2019-2020 budget cycle.

4b. Measures:
Success will be measured by successfully selecting a new software vendor in time for the 2019-2020 budget cycle.

5a. Other Departments/Agencies:
It will impact all county departments. Department impact will be in communicating their needs for a new ERP system evaluating alternative systems.

5b. Name the person in charge of implementation and what they are responsible for:
Perry Rice will need to evaluate the hardware aspects of a change in software.

6. Funding Source:
General Fund

Tuesday, October 10, 2017

Rpt: Rpt Suppl Regular

215
Supplemental Budget Request

Status: Pending

Administrative Services
Supp ID # 2473

Facilities Management

Expenditure Type: One-Time
Year 2 2018
Add'l FTE  □ Add'l Space  □ Priority 1

Name of Request: Prox Lock AMAG Upgrade and Repairs

X

Department Head Signature (Required on Hard Copy Submission)

Date 6/21/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$21,699</td>
<td></td>
</tr>
</tbody>
</table>

Request Total $21,699

1a. Description of request:

Replace our AMAG Prox-Lock Server, Upgrade the AMAG Software to the latest Version. Provide, Install and program an SDK Module to allow our CCTV Video System Program GENETIC to integrate with the AMAG System. This ASR will fund the installation of this equipment and integrate the two systems into one as it was designed to do.

1b. Primary customers:

Everyone who accesses the County Facilities that use the AMAG Prox System, it would also provide for more security for employees and the public that use the facilities.

2. Problem to be solved:

The server is 5 years old and is showing signs that it is reaching its end of service. The new server will accommodate the increased load that we have put on the system plus it will enable us to use our GENETIC CCTV Camera system full integrated into the AMAG Prox System that will enhance the Electronic Security system and help to provide a safer environment for County Staff and the Public that use these services. Essentially by having them together is the Video can provide a picture/video of the person or persons that are accessing a prox secured door and it can provide an electronic history of who accessed what door and when, plus provide a picture of the person of interest and it can provide this information in real time.

AMAG has recently Partnered with Security Center. (Our Video Surveillance and Analytics Software). This was an expected merger that we've been waiting for when the two Systems can come together. This will enhance our security technology with a very good, high quality, and well rounded Security System which protects everyone that uses the Courthouse. Eventually the system will be upgraded throughout all county facilities.

3a. Options / Advantages:

There are no other options. This is the best option because it is really the only option that will provide updates and upgrades that are needed for us to maintain our security systems.

3b. Cost savings:

I don't see a how to put a monetary number on this, it can help protect the people in the Facility and provide a digital and visual record of potential incidents.

4a. Outcomes:

The main outcome will be a reliable Access Control System that aligns with our CCTV security system.

4b. Measures:

When the new equipment is installed and all systems have been implemented and full operation has been thoroughly tested and is working as it should.

Friday, October 13, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Administrative Services</th>
<th>Facilities Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Suppl ID # 2473</strong></td>
<td><strong>Fund 1</strong></td>
</tr>
<tr>
<td><strong>Cost Center 4531</strong></td>
<td><strong>Originator: Mike Russell</strong></td>
</tr>
</tbody>
</table>

When everything is up and running and we continue to improve and provide very high quality Access Control and CCTV security system.

5a. **Other Departments/Agencies:**

This request impacts all the other departments that use the facilities in providing a very robust and reliable Access Control and CCTV System.

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

This request impacts all the other departments that use the facilities in providing a very robust and reliable Access Control and CCTV System.

Craig Cummings

6. **Funding Source:**

General Fund

*Rpt. Rpt Suppl Regular*
Supplemental Budget Request

Non-Departmental

Suppl ID # 2487  |  Fund 1  | Cost Center 4530  | Originator: M Caldwell

Expenditure Type: One-Time  | Year 2 2018  | Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Funding for Jail Security System Hardware projects

Department Head Signature (Required on Hard Copy Submission) 10/27/17

<table>
<thead>
<tr>
<th>Costs: Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
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<tbody>
<tr>
<td>8351.11801</td>
<td>Operating Transfer Out</td>
<td>$452,548</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$452,548</td>
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</tbody>
</table>

1a. Description of request:
Companion to supplemental IDs #2441 and #2442 to provide funding for security system hardware replacements.

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:
   General Fund
Supplemental Budget Request

Administrative Services
Supp'I ID # 2488

Facilities Management

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>1</td>
<td>4531</td>
<td>Michael Russell</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time  Year 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Replace Thermostatic Mixing Valves - GF

X

Department Head Signature (Required on Hard Copy Submission)

Date: 10/27/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>7060</td>
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<tr>
<td>Request Total</td>
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<td>$37,803</td>
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</tbody>
</table>

1a. Description of request:
GF companion to Supplemental ID #2433 for Thermostatic Mixing Valves for the Courthouse

1b. Primary customers:
This is a code and safety requirement to maintain the hot water temperatures below 120 degrees. This replacement will serve the public and employees using the Courthouse.

2. Problem to be solved:
The current mixing valves continue to fail. The most recent failure was discovered by the Department of Health and we are required to present a plan to correct this issue. By replacing these valves we will be updating our mixing valves to a much more reliable system and greatly reducing the failures that we have been experiencing.

3a. Options / Advantages:
There are no other options for this repair. The Courthouse system is 25 years old. By replacing this system with a current digital system we will increase the reliability of our hot water system to maintain code requirements.

3b. Cost savings:
The only cost savings would be to avoid monetary sanctions for code violations.

4a. Outcomes:
Once the replacement is completed the hot water system in the Courthouse will be much more stable.

4b. Measures:
When a new reliable system is installed and the temperatures are stabilized.

5a. Other Departments/Agencies:
This request will create a much more reliable hot water system for the Courthouse.

5b. Name the person in charge of implementation and what they are responsible for:
Michael Russell, Facilities Management

6. Funding Source:
General Fund

Friday, October 27, 2017
Supplemental Budget Request

Non-Departmental

Suppl ID # 2489  Fund 1  Cost Center 4530  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Transfer to fund Jail Thermostatic Mixing Valves

X

Department Head Signature (Required on Hard Copy Submission)

Date 10/27/17

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
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<td>8351.11801</td>
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</table>

1a. Description of request:
Companion supplemental to provide funding for Jail Thermostatic Mixing Valve replacement Suppl ID #2443

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:
General Fund
Supplemental Budget Request

Non-Departmental

Supp't ID # 2482  Fund 1  Cost Center 4530  Originator: T. Helms

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Transfers for Capital Improvements

X

Department Head Signature (Required on Hard Copy Submission)  Date 10/27/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
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<tr>
<td>Request Total</td>
<td></td>
<td>$7,000,000</td>
</tr>
</tbody>
</table>

1a. Description of request:

Capital improvements are designated for the existing jail, courthouse and other government buildings. Budget supplementals for operating transfers in will be forthcoming when those projects are ready to move forward.

The majority of funding will be dedicated to the existing jail. Design2Last presented Phase 1B of their work and prioritized the issues that need to be addressed. Recommendations include a list of tasks developed around the recommended priority issues. Cost estimates were included for each of the priority tasks for a total of $3.978M for construction. This budget supplemental request includes for $5.7M for this work; to include the construction cost estimates, contingency and contract administration. The logistics of relocating inmates, staff and programs will pose and additional cost to the County. Some of these costs are reflected in budget supplementals from the Sheriff's Office.

1b. Primary customers:

Whatcom County staff, inmates and visitors to the jail.

2. Problem to be solved:

The Jail and Work Center require several construction projects to be completed in order to recommended priority issues and improve the ongoing operations of both facilities.

3a. Options / Advantages:

Without addressing the construction needs of the existing jail the facility will fall into further disrepair.

3b. Cost savings:

No cost savings.

4a. Outcomes:

Ongoing operations of the facilities can continue.

4b. Measures:

Jail and Work Center will have some of the deficiencies and priority facility issues addressed.

5a. Other Departments/Agencies:

Sheriff's Office, Facilities, Executive Office

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

Sheriff Bill Elfo
Facilities Operations Manager, Rob Ney
Executive Louws

6. Funding Source:

General Fund

Friday, October 27, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Non-Departmental

Expenditure Type: One-Time Year 2 2018 Add'l FTE Add'l Space Priority 1

Name of Request: Increase General Fund transfer to Jail

Department Head Signature (Required on Hard Copy Submission) Date

Costs:

<table>
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<th>Object</th>
<th>Object Description</th>
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<tr>
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</table>

1a. Description of request:
Increase General Fund Transfer to Jail to cover addition of two deputies plus one-time costs, reduction in per diem revenues, additional wage and benefit settlement costs, new dishwasher, GED contract increase, overtime increase, medical lab cost increase and Yakima contracted jail beds.

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:
General Fund

Friday, October 27, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Non-Departmental

<table>
<thead>
<tr>
<th>Supp# ID #</th>
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<tbody>
<tr>
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<td>4075</td>
<td>M Caldwell</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time  Year 2 2018  Add’l FTE  Add’l Space  Priority 1

Name of Request: Additional reserve for 2018 wages & benefits

X

Department Head Signature (Required on Hard Copy Submission)  Date 10/21/17

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>6110</td>
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<td>Regular Salaries &amp; Wages</td>
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<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$650,000</td>
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</tbody>
</table>

1a. Description of request:
The expected Sheriff's Guild wage and benefit settlement will require more funding in the Non-Departmental wage reserve account to cover 2017 retro payments and new 2018 wage and benefit rates.

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:
   General Fund
Supplemental Budget Request

Non-Departmental

Suppl ID #  2490  Fund  1  Cost Center  4270  Originator:  M Caldwell

Expenditure Type: One-Time  Year: 2018  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Remove GF Trf to Countywide EMS

X

Department Head Signature (Required on Hard Copy Submission)  Date: 10/27/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>8351.130</td>
<td>Operating Transfer Out</td>
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</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>($2,700,000)</td>
</tr>
</tbody>
</table>

1a. Description of request:
Remove transfer to Countywide EMS fund as a result of the passage of the EMS levy in 2016. This transfer is no longer needed.

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:
MEMORANDUM

To: The Honorable Jack Louws, County Executive

Through: Jon Hutchings, PW Director

From: Eric Schlehuber, Equipment Services Manager

Subject: 2018 Supplemental Budget Request- Supp ID#2018-2412

Date: October 6, 2017

Enclosed for your review and signature is a supplemental budget request for the Road Fund No. 108 in the amount of $85,000.

- **Requested Action**
  Public Works requests that the County Executive and County Council authorize a supplemental budget request for 2018 in the amount of $85,000 in the Road Fund No. 108. This would appropriate 2018 capital building funds to carryover part of the originally approved budget amount of $300,000 from 2017 funding for permitting, design and engineering and utility work in the amount of $85,000 to accommodate a free standing building rather than an addition to the existing vector building and relocation of a gas line from under the soccer fields to along the Washke Road/Smith Road Central Shop entrance. It is anticipated that the building construction costs will be requested in the 2019/2020 biennium budget.

- **Background and Purpose**
  Funding was approved in 2017 for $300,000. Due to permitting, location change, increased design and engineering costs and relocating the main gas line to the Central Shop, carryover funding in the amount of $85,000 into 2018 is requested.

- **Funding Amount and Source**
  The supplemental budget request would be funded by the Road fund balance in the amount of $85,000.

Please contact me at extension 6405 if you have any questions or concerns regarding this request.
## Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Maintenance &amp; Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund:</strong> 108</td>
<td><strong>Cost Center:</strong> 108100</td>
</tr>
<tr>
<td><strong>Originator:</strong> Eric Schlehuber</td>
<td></td>
</tr>
</tbody>
</table>

**Expenditure Type:** One-Time  
**Year:** 2  
**Year:** 2018  
**Add'l FTE:** □  
**Add'l Space:** □  
**Priority:** 1

**Name of Request:** Increased funding for NPDES vector truck building

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### Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>$85,000</td>
<td>7350.594430</td>
<td>Buildings &amp; Structures</td>
<td></td>
</tr>
</tbody>
</table>

**Request Total**  
$85,000

---

1a. **Description of request:**

ASR #2017-5630 was approved for $300,000 in 2017 to building a two bay building for NPDES vector truck and supplies. Due to several significant permitting issues, increased design and engineering work and building location it has become necessary to make this a freestanding building (was originally going to be added onto the existing vector building with only 3 walls required) and potential gas line relocation from under the soccer fields to along Washke Rd./Smith Road shop entrance. At this time $85,000 is requested to perform the permitting, design and engineering and utility work necessary for building construction in 2019/2020.

1b. **Primary customers:**

NPDES

2. **Problem to be solved:**

Due to permitting, existing code restrictions, engineering & design cost increases and building cost escalations from delaying it by one year, it will not be possible to complete this work in the year budgeted, 2017, and a carryover amount of $85,000 for 2018 for permitting, design and engineering and utility work is requested.

3a. **Options / Advantages:**

Rent off-site heated storage space. Not convenient or practical due to crews dispatched out of the Central Shop.

3b. **Cost savings:**

None.

4a. **Outcomes:**

Final occupancy permit from PDS when building is completed in 2019/2020.

4b. **Measures:**

When building is complete.

5a. **Other Departments/Agencies:**

NPDES. Lack of heated storage space for NPDES vector truck #357 which cost approx. $470K.

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

N/A

6. **Funding Source:**

Road fund balance.
MEMORANDUM

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

Through: Jon Hutchings, Public Works Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
       Randy Rydel, Financial Services Manager

Date: October 25, 2017

Re: Supplemental Budget Request #2503 for the implementation of the 2018 Annual Construction Program

The enclosed Supplemental Budget Request #2503 grants expenditure authority to implement the approved Annual Construction Program (ACP) for 2018 based on the following schedule:

<table>
<thead>
<tr>
<th>Description</th>
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<td>Previously budgeted within project based budgets (PBB)</td>
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<td>Current Budget Expenditure Request</td>
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<tr>
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<td><strong>Net Request</strong></td>
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Please contact Randy Rydel at extension 6217 with any questions.

cc: Brad Bennett
Supplemental Budget Request

Public Works

Expenditure Type: One-Time
Year: 2018
Priority: 1

Name of Request: Capital Road Budget 2018 - Eng/ROW/County Forces

Department Head Signature (Required on Hard Copy Submission): [Signature]
Date: 10/26/17

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<th>Object</th>
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1a. Description of request:
This request authorizes expenditures for previously unbudgeted capital projects listed on the 2018 Annual Construction Program. It supplements existing budgets for preliminary/construction engineering, right of way acquisition, contract construction and county forces construction. This request does not fully fund the 2018 ACP. Public Works will come back for the remainder of ACP funding as it is necessary.

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:
Funding includes federal grants with the remainder from the Road Fund balance.
## Annual Construction Program

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Program</th>
<th>Project Name</th>
<th>Road #</th>
<th>Road Segment Information</th>
<th>BMP</th>
<th>EMP</th>
<th>FFC</th>
<th>Project Length (mi.)</th>
<th>Project Code</th>
<th>Environmental Assessment</th>
<th>County Funds</th>
<th>Other Funds</th>
<th>Program Source</th>
<th>Right of Way</th>
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<td>1</td>
<td>R1</td>
<td>CRP #076001 Birch Bay Drive &amp; Pedestrian Facility</td>
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<td>Road Name: Birch Bay Drive From: Loxa Lane To: Cedar Avenue</td>
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**Total Construction Costs:** $11,765,000.00

**Computed County Forces Limit:** $1,799,745.50

**Total County Forces Construction:** $1,086,000.00

**Date of Environmental Assessment:**

**Date of Final Adoption:**

**Ordinance/Resolution Number:**

**Grand Total (All 395):** $11,765,000.00

**Estimated Expenditures:**

**Dollars:**

- $3,000,000
- $1,610,000.00
- $600,000
- $100,000
- $4,000,000
- $4,700,000
- $25,000
- $25,000
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- $1,500,000
- $2,000,000
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<th>Other Funds</th>
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<td>CRP #11007 Marine Drive/Little Aquaticum Bridge No. 1 12790</td>
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</table>

231
Supplemental Budget Request

Auditor

Suppl ID #: 2392  Fund: 109  Cost Center: 10904  Originator: M Caldwell

Expenditure Type: One-Time  Year: 2018  Add'l FTE ☐  Add'l Space ☐  Priority: 1

Name of Request: Record 2018 Elections wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission) Date

<table>
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<tr>
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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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1a. Description of request:

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:
MEMORANDUM

To: Jack Louws, County Executive

From: Debbie Adelstein, Auditor

Date: September 25, 2017

Re: Supplemental Budget Request - Ballot System

We are submitting a Supplemental Budget Request for 2018 to enable the Auditor’s Office to purchase a new ballot processing system. Our existing system is 12 years old and it is reaching its end of life. We are faced with failing processors, outdated operating systems, and technological challenges that will be cured by moving to a more current system. New software covers the spectrum of ballot creation, ballot reviewing in preparation for counting, ballot counting and producing results for both local use and for transmitting to the State. Further, the support capability on our existing system is almost non-existent.

The efficiencies that will be gained and the improved confidence in the work product clearly give us reason to make such a change at this time. Moving to a new system will also allow us to begin ballot processing much earlier (with our current system, state law prohibits us from scanning ballots until the Monday before the election). We would then be able to report on election night more ballot results than were possible before.

We have recently had presentations from vendors who are certified in the state and we solicited input from local interested parties who attended these demonstrations as well. The vendors’ products were compared for functionality and pricing. This supplemental request is based on the results of those demonstrations.

If you have any questions, please feel free to contact me.
Supplemental Budget Request

Auditor

Expenditure Type: One-Time Year: 2018

Name of Request: Ballot Processing System

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1a. Description of request:

It is time to replace the 12 year old ballot processing system which we purchased with Federal HAVA funds. It is reaching its end of life and quite frankly the new ballot processing systems are far more developed since the time this was produced. We are faced with failing processors, outdated operating systems, and technological challenges that will be cured by moving to a more current system. New software covers the spectrum of ballot creation, ballot reviewing in preparation for counting, ballot counting and producing results for both local use and for transmitting to the State. The time has come to make this replacement/upgrade. We are also requesting to purchase a ballot sorting system which will provide time-saving efficiency in dealing with returned ballots as well as an electronic envelope opener. In addition, we need to purchase monitors for the new observer viewing system and for verification workstations. Breakdown is as follows:

  - Counting Equipment - $288,000
  - Ballot Sorting System - $90,425
  - Envelope Opener - $12,000
  - Observer/Verification Station Monitors - $7,100
  - Software Maintenance Costs - $30,000 (overlap between new system and old system)
  - Total - $427,525

1b. Primary customers:

Voters of Whatcom County, candidates, other interested individuals. We have included interested groups in our demonstrations and they are supportive of the recommendations being made.

2. Problem to be solved:

We are reaching end of life on the system we currently have, which has almost no support capability from the vendor and almost no one else in the state using it. It is time to install a current, state of the art system that will increase efficiency in operations and provide for more capabilities in reporting and in streamlining operations. The cost savings that will be created and the improved confidence in the work product clearly give us reason to make such a change at this time. Moving to a new system will also allow us to begin ballot processing much earlier (with our current system, state law prohibits us from scanning ballots until the Monday before the election). With the new system, the ballots begin to be processed the day they arrive into our office. No totals are processed until 8 p.m. but everything that is in house will be available to report on Election night.

Monday, October 09, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Auditor

Fund 109  Cost Center 10904  Originator: Debbie Adelstein

3a. Options / Advantages:
We have recently had presentations from counting system vendors who are certified in the state and solicited input from interested parties who attended these demonstrations as well. We have selected a proposal and are ready to bring it forward for implementation in 2018. Three vendors were reviewed and we compared each to the other. We've checked references with those counties that are currently using the systems and analyzed what we think brings the best improvements for our use. We will be able to piggyback on the contracts of other counties for the counting system and will go out for bid on the ballot sorting system.

3b. Cost savings:
Savings will be realized by hiring less staff than we currently do for Opening Board activities (processing and preparing ballots) because much less manual review of the ballot to determine if it can be read by the scanners is required. Temp staff hours will also be saved by the procedure of reviewing corrections and over-votes on screen rather than our current process of duplicating ballots. Duplicating requires any ballot that has one or more corrections on it or any marks that might keep it from being scanned accurately to be hand copied to a clean ballot. This is a very time consuming process, not only in the duplication procedure, but tracking the ballots as well. In the 2016 Presidential election we duplicated 15,000 ballots. Conservatively, we estimate this will reduce the need for Opening Board hours by 50%, possibly more once the system is fully implemented. For the Presidential, that would equal a savings of $15,443. Further savings accrue from a much faster ballot design process (several hours compared to three or more days full time, plus the several days currently being spent setting up the Accessible Voting Unit); utilizing COTS (Commercial Off The Shelf) hardware with local or regional tech. support (our current system costs us $2,000 for an on-site tech. support call beyond the one preventative maintenance service we get each year). Annual maintenance is also lower, with our current system costing $34,000+, and the new proposed system costing $20,130 annually.

4a. Outcomes:
There will need to be some modifications to space in the basement, but an ideal situation would be installation of the new equipment and all supporting systems to be in place in early 2018. We'd like to be fully operational using the system for the primary and general elections in 2018.

4b. Measures:
Completion of all parts of the installation. We can track various projected improvements and report back to the administration and Council.

5a. Other Departments/Agencies:
AS-IT will need to be available to assist with installation on the system but we expect that to be fairly minimal. Otherwise there will be no other departments affected at this time.

5b. Name the person in charge of implementation and what they are responsible for:
Perry Rice for AS-IT

6. Funding Source:
Election Reserve Fund $200,000
General Fund $227,525
1a. Description of request:
This Supplemental Budget request is to reduce the 2018 anticipated revenue for jail services.

1b. Primary customers:
The Municipalities of Whatcom County and the Lummi Nation.

2. Problem to be solved:
Budget estimates for revenues generated from jail services were made in the summer of 2016. Since that time, several substantive changes have occurred in this revenue stream. These include:

* Imposition of a jail population cap for the Downtown Jail. A cap of 212 offenders was imposed due to increased concern regarding the life/safety issues with the physical plant of this facility.

* As a result of the population cap, our local municipalities and the Lummi Nation began using the Yakima County Jail to house offenders post 1st appearance. This has reduce the bed day use by approximately 45% by Misdemeanant and Tribal offender in our County jail and consequently significantly reduced revenues paid for both booking fees and bed days.

* Compounding the issue will be some essential construction work on the housing and support areas of the jail. This will lead to further population reductions as units are taken off line for either days or weeks at a time. While we are working on a contingency plan to increase staffing at the work center to accommodate somewhat higher security offenders at the Work Center, there is a limit to the type of offenders who can safely be housing there. We are anticipating a further reduction in our ability to provide jail bed services.

* There will be an increase in the per diem rate for jail beds. While this may off-set some of the revenue loss, it may also contribute to it. Contracting agencies may elect to expand their alternatives to incarceration as the per day cost of a jail bed increases.

* In addition, our 2 largest contract users, the City of Bellingham and the Lummi Nation, have expanded their use of alternative to incarceration programs. This has also reduced the bed day use for both short term sentenced offenders and for Misdemeanor offenders being held pre-conviction.

There will be a number of new factors effecting this revenue account in 2018, leading us to be more conservative in our estimation of revenues from this source. Unfortunately, some of those factors will lead to additional expenditures, due to the nature of the anticipated changes.

3a. Options / Advantages:
Supplemental Budget Request

Jail

Supp# ID # 2447  Fund 118  Cost Center 118000  Originator: Wendy Jones

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:
### Supplemental Budget Request

**Jail**

<table>
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<th>Suppl ID #</th>
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<th>Cost Center</th>
<th>Originator</th>
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<td>118000</td>
<td>M Caldwell</td>
<td>Ongoing</td>
<td>2018</td>
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**Department Head Signature (Required on Hard Copy Submission)**

Initial: [Signature]

Date: 10/21/11

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1a. **Description of request:**

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:**
**Supplemental Budget Request**

**Jail**

**Fund** 118  **Cost Center** 118000  **Originator:** Wendy Jones

**Expenditure Type:** Ongoing  **Year:** 2018  **Add'l FTE:** Yes  **Add'l Space:** No  **Priority:** 3

**Name of Request:** Additional Corrections Deputies

**Department Head Signature (Required on Hard Copy Submission):**

9/29/17

**Costs:**

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**1a. Description of request:**

This Supplemental is for the addition of 5 new Corrections Deputies for the Sheriff's Office Corrections Bureau. The new Deputies will be used to increase staffing at the Work Center and the Downtown Jail in anticipation of the extensive retro-fitting and remodeling being planned for Corrections facilities, creating additional security and logistics issues.

**1b. Primary customers:**

Offenders housed in either of the 2 Corrections Facilities.

**2. Problem to be solved:**

A multi-year project has been started to address some of the safety issues with the downtown jail facility. This will involve closing housing units and moving offenders within the facility, between the downtown jail and the interim work center, and very probably, housing offenders at the Yakima County Jail. In order to accomplish these adjustments, additional Corrections Deputies are needed for transport, security and classification. The 5 additional Deputies will be needed if:

> The Interim Jail Work Center is temporarily repurposed for additional prisoner capacity, overflow or temporary holding.

> Due to facility reconfiguration, additional security measures will be necessary requiring additional floor deputies at the downtown jail.

> We anticipate, due to potential logistics issues, that increased transport and classification services will be needed. The need to move offenders within and between facilities more frequently, and create and manage the systems for integrating the building repairs and offender housing, needs including the use of the Yakima County Jail, will require additional staff. These positions will be used for everything from assisting in moving offenders from the Work Center to court or medical appointments, internal movement of offenders to different units within the Downtown jail, increased shakedowns due to the availability of

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Friday, September 29, 2017  Rpt: Rpt Supp Regular

239
additional contraband items, organizing the movement of offenders to and from Yakima County, and assisting with classification.

In order to meet the objective of keeping the Downtown Jail functioning until a new facility is constructed, these additional Corrections Deputies are needed. These positions could be moved to the new Jail facility when it is completed.

3a. Options / Advantages:

We have considered the following:
1) Not performing the repair work to the Downtown Facility.
2) Restructure the repair/remodel work in order to minimize the need to move offenders.
3) Significantly increasing Deputy overtime in order to provide coverage
4) Shut down portions of the Downtown Jail and move significant numbers of both post and pre-trial offenders to Yakima

The options listed above each have their own challenges. 1 & 2) Electing to either not do, or change the pace of, the repair work simply continues existing conditions. The Design2Last consultants have clearly outlined the risks involved in not performing the essential repairs needed to keep the Downtown Jail functional until such time as a new jail can be constructed. The preliminary logistical planning is focusing on coordinating the work of the various subcontractors in such a way as to control the need to move or re-house offenders, thus reducing both the chaos and the need to bring sub contractors back to the facility multiple times as the project moves forward.

3) Corrections Deputies already work a significant amount of overtime. The estimated dollar amount of that overtime for 2017 is $330,3410. Due to our lean staffing model, the length of time it takes to fill open positions, due in part to the increasing statewide demands for Corrections Deputies and the need to cover shifts for training, vacation, sick leave, etc., our overtime use is already high. This is a high intensity environment and the short and long term effects of working significant overtime over a period of time can range from increased illness for the Deputies to impairment in decision making at work and adverse effects on their home life.

4) The vast majority of our sentenced offenders are either sent to the Department of Corrections, sentenced and then immediately released or moved to jail alternative programs. The effect of moving pre-trial offenders to Yakima would be felt throughout the local criminal justice system. Defense attorneys would have to try and maintain contact with their clients between court appearances, offenders would be required to move back and forth to Yakima for court appearances, technology systems would most likely need to be installed to allow for video hearings, and the County would need to at least consider contracting with lawyers in Yakima to provide immediate access to an attorney. Families would be challenged by having to go to Yakima to visit, and the coordination needed to organize and make this effective would be significant. While these same issues are currently being managed by our Courts of Limited Jurisdiction, the breadth of such a program for the County, in order to make any meaningful difference in the population, would be significantly greater in terms of numbers and complexity. We do not have sufficient staff currently to take on such a process.

3b. Cost savings:

There are no quantifiable cost savings. The potential savings, based on liability issues connected with each option, could be significant.

4a. Outcomes:

By the end of the 2nd quarter of 2018, all new Corrections Deputies will have completed their hiring process and be moving forward in their In-house training program.

4b. Measures:

If all the positions are filled by 06-30-2018.

5a. Other Departments/Agencies:

Other departments that will be impacted will be County Human Resources, as they assist with the screening and hiring of new Corrections Deputies.
5b. *Name the person in charge of implementation and what they are responsible for:*
   HR Representatives Shara Struiksma and Bea Aclund (in her position as the Civil Service Examiner)

6. **Funding Source:**
   Jail sales tax fund
Supplemental Budget Request

Jail

Status: Pending

Supp ID # 2400 Fund 118 Cost Center 118000 Originator: Wendy Jones

Expenditure Type: One-Time Year 2 2018 Add'l FTE □ Add'l Space □ Priority 3

Name of Request: New Corrections Deputies one time expenses

Department Head Signature (Required on Hard Copy Submission) Date

X

1a. Description of request:
This Supplemental will provide the funds to outfit 5 new Corrections Deputies with uniforms, supplies, and a weapon.

1b. Primary customers:
The new Corrections Deputies

2. Problem to be solved:
New Corrections Deputies need to be provided with uniforms, equipment such as duty belts, initial uniforms, handcuffs, radios, and firearm. These are one time expenditures and are supplied in compliance with the Corrections Collective Bargaining Agreement. This supplemental is to cover the increase in cost for initial issue. The cost for a single Deputy for these items is $4,188.

3a. Options / Advantages:
Required by bargaining agreement.

3b. Cost savings:
There are no savings.

4a. Outcomes:
Within the first 2 weeks, a Corrections Deputy will be assigned all of the items with the exception of a handgun. That will be issued when the Deputy takes and passes the initial Firearms training class. The Deputies FTO (Field Training Officer) will make sure the Corrections Deputy has been issued her/his items.

4b. Measures:
The check-off list will be signed off and placed in the Deputy's training file.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Jail Sales Tax Fund
Supplemental Budget Request

Jail

Fund 118  Cost Center 118115  Originator: Wendy Jones

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 3

Name of Request: Testing for New Hires

X

Department Head Signature (Required on Hard Copy Submission)  Date 9/29/17

Costs:

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1a. Description of request:
This Supplemental will provide funding for the administrative hiring processes. This includes:
Background Investigation
Psychological Examination
Physical Examination
Eye Examination.

The cost covers the expense for 5 new Corrections Deputy and a new support position that will be functioning as a Liaison between the Courts and Jail Alternatives.

1b. Primary customers:
Sheriff's Office Administrative staff. These services are to provide information that will effect hiring decisions.

2. Problem to be solved:
In order to hire employees in the Sheriff's Office, a number of additional steps have to be taken as part of the overall process. These include full background investigations, Psychological examinations, Physical Examinations and Eye Examinations. All of these functions have been outsourced to private vendors and/or practitioners, as the Sheriff's Office does not have either the staff or the expertise to conduct these portions of the hiring process.

3a. Options / Advantages:
There are no other options at this time.

3b. Cost savings:
Long-term, the testing and investigations improve our hiring process by excluding individuals who are not appropriate for work in Corrections, thus reducing the risk to the County for negligent hiring.

4a. Outcomes:
Hard copy reports for each area are obtained and reviewed at each step to determine if a candidate is appropriate to be moved forward to the next step or for hiring. If they are not, the process is stopped at the point, saving on the expense of the subsequent steps.

4b. Measures:
Written reports are generated and forwarded to the Sheriff's Office Administrative staff. Success will be determined by either screening out inappropriate applicants or hiring individuals who have passed all of the screening.

5a. Other Departments/Agencies:
N/A

Friday, September 29, 2017
Supplemental Budget Request

Jail

Suppl ID # 2401  Fund 118  Cost Center 118115  Originator: Wendy Jones

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

6. Funding Source:
   Jail Sales Tax Fund
Supplemental Budget Request

Jail

Suppl ID # 2402  Fund 118  Cost Center 118195  Originator: Wendy Jones

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 3

Name of Request: New Hire Training Academy

X  Dates

Department Head Signature (Required on Hard Copy Submission)  Date

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1a. Description of request:
This amount covers the cost for 5 new Deputies attending the Corrections Officer Academy, which is a requirement under Washington State Law. The Washington State Legislature determined that Counties would have to cover this cost, beginning in 2016. Our current 2018 budget does provide funds for staff replacement, but did not anticipate the hiring of the additional 5 positions we are requesting under Supplemental 2398.

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:

Friday, September 29, 2017
Supplemental Budget Request

Jail

Supp'l ID # 2408
Fund 118  Cost Center 118150

Expenditure Type: One-Time  Year 2  2018  Add'l FTE  Add'l Space  Priority 9

Name of Request: New Dishwasher

X

Department Head Signature (Required on Hard Copy Submission)  Date: 9/29/17

Costs:

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1a. Description of request:
This supplemental is to provide funding for replacing the current dishwasher in the Downtown jail. Facilities has notified me of an increasing amount of repairs that are having to be done on the machine and have determined it needs to be replaced. Originally the request was made for this year, however after some discussion, they have decided they can probably keep it going until 2018. The amount listed on their initial estimate has been increased by a small amount to cover any changes in cost or local sales tax between 2017 and 2018. It is essential that we have a way of cleaning and sanitizing meal trays.

1b. Primary customers:
Offenders at the Whatcom County Jail.

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:
Supplemental Budget Request

Jail

SuppID # 2409  Fund 118  Cost Center 118000  Originator: Wendy Jones

Expenditure Type: Ongoing  Year: 2018  Add'l FTE  □  Add'l Space  □  Priority: 10

Name of Request: GED Contract Increase

X

Department Head Signature (Required on Hard Copy Submission)

Date: 9/24/17

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Request Total: $9,000

1a. Description of request:

This supplemental request is to increase funding for the Corrections GED program. We have contracted with Whatcom Community College for over 20 years to provide basic education classes to the offenders; first at the Downtown Jail, and then expanding to include the Work Center. WCC has supported this program at the same rate for the past 7 years, despite increasing wages for the instructor. In this same time period, the number of offenders participating in the program has increased 89%, with the largest increase, 129%, occurring between the 2015-2016 and the 2016-2017 school years.

This program assists offenders in moving back into the community. Approximately 70-75% of the offenders in jail do not have a high school diploma or a GED, presenting a major obstacle in finding a job. The work they start in the jail can, and frequently does, continue once they are released. Last year approximately 42% of the offenders who started their GED preparation classes here continued them once they were back in the community. With the increasing emphasis on factors which can reduce incarceration, basic education classes have been shown to be among the most effective. Funding this Supplemental will allow us to continue the program into the future.

1b. Primary customers:

Offenders seeking to earn their GED certification.

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:
Supplemental Budget Request

Jail

Fund 118  Cost Center 118000  Originator: Wendy Jones

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 5

Name of Request: Overtime

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
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<td>Social Security</td>
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</table>

1a. Description of request:
The funds from this Supplemental will be used to cover overtime for Corrections Deputies. It is anticipated that even if the additional Deputies requested in Supplemental 2396 is granted, overtime will be needed to cover increases in training in 2018 and to manage the logistics associated with the repair work in the Downtown Jail, slated to start in 2018.

1b. Primary customers:
Offenders housed in one of the two Corrections Facilities.

2. Problem to be solved:
Due to the lean staffing model that has been in place for years in the Corrections Bureau, coverage of most training and leaves are done with overtime. Most recent impacts have included expansion of the medical training to include the evaluation of the need for and the administration of Narcan for individuals who have overdosed on opiates, additional training on medical and mental health screening, PREA (Prison Rape Elimination Act) regulations, civil disturbance responses, use of less lethal responses, and firearms training. Unlike law enforcement officers, the state does not provide basic firearms training for Corrections Deputies so it must be done in-house. We have also seen a steady increase in overtime used to cover court appearances, shakedowns in the facilities and with our cooperative transport system. As the Department of Social and Health Services has increased the locations for mental health restoration services, our transport Deputies are routinely going to Chehalis to drop off or pick up our offenders who have been receiving treatment.

With the added factor of the beginning of the repair construction projects in the Downtown jail, the demands on staff are going to increase significantly. Part of the planning process for these projects has been the recognition of the need for more staff and more overtime resources to be in place as the project begins and is refined. As it is with other large physical plant projects on old and failing buildings, we need to plan for the unexpected. Approval of this supplemental is part of that planning.

3a. Options / Advantages:
Other options considered have included:
1) Moving funding from other portions of the budget. When the 2017-2018 budget was constructed, it was anticipated that there would be increases it items such as meal costs, medical costs, and salaries. The funds currently allocated within the 2018 budget are already dedicated to other items and are not available to cover Overtime increases.
2) Cut back on overtime: As mentioned previously, the OT is being used to cover essential services only.
Supplemental Budget Request

Jail

Supp ID # 2410

**Fund** 118  **Cost Center** 118000  **Originator:** Wendy Jones

We cannot simply not fill a position because someone calls in sick. There are established minimum staffing levels for both facilities. Those are tied to levels of supervision and tasks that have to be completed. The training we are supplying is in areas that are both mission critical and essential for Deputies to safely do their jobs.

3) Hire more staff. Please see Supplemental # 2398,

3b. Cost savings:

On an immediate basis, there are no cost savings. Over the long term, well trained Deputies make significantly fewer critical errors, reducing liability exposure for the County.

4a. Outcomes:

As of January 1, 2018, there will be sufficient funding available for the overtime needed throughout the year.

4b. Measures:

Monthly tracking of overtime expenditures.

5a. Other Departments/Agencies:

N/A

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

M/A

6. **Funding Source:**

Jail Sales Tax Fund.
Supplemental Budget Request

Jail

Suppl ID # 2413  Fund 118  Cost Center 118160  Originator: Wendy Jones

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 8

Name of Request: Medical Labs

[Signature]  Date 9/29/17

Department Head Signature (Required on Hard Copy Submission)

Costs:

<table>
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</table>

1a. Description of request:
This supplemental will provide the funding for diagnostic Lab tests for offenders housed at both of the Corrections Facilities.

1b. Primary customers:
Offenders with medical issues who are incarcerated at either the Downtown Jail or the Work Center.

2. Problem to be solved:
In 2017 there was a major change in Medicaid funding for medical payments for offenders. Until earlier this year, we have been allowed to bill Medicaid for medical testing for offenders who had a valid medical coupon. Coupons were valid in the month for which they were issued. This translated to if an offender was issued their medical coupon on the 1st of the month, were arrested on the 3rd of the month and needed lab tests done sometime within that same month, Medicaid would cover the costs. That has now changed. As soon as an offender is incarcerated their Medicaid status is suspended, and we can no longer use Medicaid to cover the cost of diagnostic tests. This has lead to an increase in costs to Whatcom County from approximately $2000.00 to approximately $5900 a month. There are insufficient funds budgeted in the 2018 budget to cover these increases.

3a. Options / Advantages:
Lab rates are fairly standard across companies providing this service and we are able to leverage language in Washington State law to be billed at Medicaid rates. This helps keeps the costs lower than they would be otherwise. However, given the changes in Washington regulations, there are no other funding services available to us.

3b. Cost savings:
There are no cost saving associated with this Supplemental.

4a. Outcomes:
There will be adequate funding for essential medical tests.

4b. Measures:
Lab bills are monitored monthly by the Jail's medical billing clerk, and the budget status is reviewed every month by Jail Administration.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Jail Sales tax fund.
Supplemental Budget Request

Jail

Supp ID # 2414  Fund 118  Cost Center 118000  Originator: Wendy Jones

Expenditure Type: One-Time  Year 2018  Add'l FTE □  Add'l Space □  Priority 6

Name of Request: Yakima Contracted Jail Beds

X

Department Head Signature (Required on Hard Copy Submission)  Date 9/29/17

Costs:

<table>
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</table>

1. Description of request:
   This Supplemental Budget request is to have funding available to pay for contracted jail beds at the Yakima County Jail.

2. Primary customers:
   Offenders who are in custody in one of the Whatcom County Corrections Facilities.

2. Problem to be solved:
   Beginning in 2018 the Downtown jail will be undergoing some significant repairs to the facility. We are anticipating the need to take entire housing units down in order for the work to be done. While we will be utilizing techniques that have been effective for us in the past to manage the housing logistics with the existing Corrections facilities, we are anticipating that we may need to utilize beds at Yakima County, starting mid-year 2018. The amount included in this supplemental would provide for up to 300 days a month for 6 months at a per diem of 57.20, with additional funds included to pay for any health care that may be needed. Any funds not used for this purpose would be returned to the Jail Sales tax fund at the end of the year.

3. Options / Advantages:
   1) Relocate offenders from the Downtown Jail to the Work Center: We will be doing this to some extent, however, the Work Center is not constructed to hold more serious offenders and higher security cells may be needed.
   2) Contract with another jail: We have investigated this possibility. There are very few other jails willing to contract for jail beds, as many of them are themselves struggling with high populations. In addition the per diem costs for those facilities are significantly higher than Yakima County.
   3) Use the Yakima beds for our sentenced offenders, opening some additional beds for the Municipalities. This would provide additional off-setting revue via the Municipalities use of our jail beds. While this is still an option, between 80-90% of our sentenced offenders are either in one of the jail alternatives programs, work as an Inmate worker, are sent to Prison within 5 days of being sentenced, or are on pre-trail status, go to court and are then released as time served the same day they are sentenced. This leaves very few sentenced Whatcom County Offenders to transfer to Yakima. Additionally, since approximately 56% of bed days are currently used by Whatcom County, it is more likely that making additional beds available would result in more Whatcom County offenders vs offenders from one of our Municipal or Tribal partners.

4. Cost savings:
   Contracting with Yakima County will be less expensive than contracting with either SCORE or, possibly, Snohomish County. It will, however, add to the net cost of the Corrections Bureau.

4. Outcomes:
   Beds will be available for transfer when they are needed. We anticipate this won't be until approximately

Friday, September 29, 2017
mid-year 2018, due to the status of the planning process for the repairs.

4b. Measures:
We will be tracking overall jail bed day use in addition to daily population counts and jail population configuration.

5a. Other Departments/Agencies:
Yakima County. They have agreed to enter into a contract with us to use their jail beds on an “as needed” basis. That contract was approved by the Whatcom County Council on 09/12/2017.

5b. Name the person in charge of implementation and what they are responsible for:
Administrator Ed Campbell. Director Campbell oversees the running of the jail services for Yakima County.

6. Funding Source:
Jail Sales Tax Fund.
Supplemental Budget Request

Jail

Supp ID #: 2495  |  Fund: 118  |  Cost Center: 118000  |  Originator: M Caldwell

Expenditure Type: One-Time  |  Year: 2018  |  Add'l FTE:  |  Add'l Space:  |  Priority: 1

Name of Request: Increase in General Fund trf to Jail

X

Department Head Signature (Required on Hard Copy Submission)  

10/27/17

Date

<table>
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<th>Object Description: Operating Transfer In</th>
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1a. Description of request:
Increase in General Fund transfer to Jail to cover per diem revenue reduction and increased costs of additional FTEs and other supplemental requests. Companion supplemental to #2483 Increase General Fund transfer to the Jail.

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:
Supplemental Budget Request

**Administrative Services**

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<tr>
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**Facilities Management**

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<th>Priority</th>
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<td>2018</td>
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**Name of Request:** Replace Thermostatic Mixing Valves - Jail

---

**Department Head Signature (Required on Hard Copy Submission):**

X [Signature]

**Date:** 10/21/17

---

### Costs:

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<td>Operating Transfer In</td>
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**Request Total:** $0

---

1a. **Description of request:**

This ASR will replace the Thermostatic Mixing Valves for the Main Jail and the Jail Alt’s building (the Jail Alt’s which also serves the Triage Center).

1b. **Primary customers:**

This is a code and safety requirement to maintain the hot water temperatures below 120 degrees. This replacement will serve the public, inmates, employees and the triage clients.

2. **Problem to be solved:**

The current mixing valves continue to fail. The most recent failure was discovered by the Department of Health and we are required to present a plan to correct this issue. By replacing these valves we will be updating our mixing valves to a much more reliable system and greatly reducing the failures that we have been experiencing.

3a. **Options / Advantages:**

There are no other options for this repair. The Main Jail system is 35 years old and the Jail Alt’s is 12 years old.

By replacing this system with a current digital system we will increase the reliability of our hot water system to maintain code requirements.

3b. **Cost savings:**

The only cost savings would be to avoid monetary sanctions for code violations.

4a. **Outcomes:**

Once the replacement is completed the hot water systems in these buildings will be much more stable.

4b. **Measures:**

When a new reliable system is installed and the temperatures are stabilized.

5a. **Other Departments/Agencies:**

This request will create a much more reliable hot water system for the Main Jail, Jail Alt’s and the Triage facilities.

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

Michael Russell, Facilities Management

6. **Funding Source:**

General Fund transfer
Supplemental Budget Request

Name of Request: Main Jail Security Electronics Hardware Refresh

1a. Description of request:
To insure safe and dependable operation – Security hardware needs to be refreshed every 5 years. There are many components with finite life span both for operations and replacement availability. The software, programming and configuration are usually still applicable, and so can be upgraded into the new hardware.

The Main Jails controls were commissioned in 2011. The equipment was purchased a full year before for development – therefore the equipment at this facility is approaching 8 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

1b. Primary customers:
All employees, contract employees, inmates and visitors to the Main Jail.

2. Problem to be solved:
The Main Jails controls were commissioned in 2011. The equipment was purchased a full year before for development – therefore the equipment at this facility is approaching 8 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

3a. Options / Advantages:
There are no other options for this refresh. These are computers and they ware out. To insure life safety of the operation of the Main Jail the computers need to be refreshed.

3b. Cost savings:
This will insure the life safety aspect of the controls as well as continued operation of the Main Jails control system.

4a. Outcomes:
This will insure the life safety aspect of the controls as well as continued operation of the Main Jails control system.

4b. Measures:
When the system is refreshed.
With a reliable control system for the Main Jail

5a. Other Departments/Agencies:
Yes, The Main Jail

5b. Name the person in charge of implementation and what they are responsible for:
Michael Russell, Facilities Management

6. Funding Source:
General Fund transfer to Jail Fund and then partial recovery through per diems

Friday, October 27, 2017
**Supplemental Budget Request**

**Status:** Pending

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<td></td>
<td>Cost Center 118000</td>
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<tr>
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<td>Originator: Michael Russell</td>
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**Expenditure Type:** One-Time  **Year:** 2018  **Add'l FTE** [ ]  **Add'l Space** [ ]  **Priority** 1

**Name of Request:** JWC Security Electronics HW Refresh/Addtl Cameras

**Department Head Signature (Required on Hard Copy Submission):**

X

10/27/17

**Date**

**Costs:**

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**Request Total** $0

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1a. **Description of request:**

To insure safe and dependable operation – Security hardware needs to be refreshed every 5 years. There are many components with finite life span both for operations and replacement availability. The software, programming and configuration are usually still applicable, and so can be upgraded into the new hardware.

The Work Center controls were commissioned in 2006. The equipment was purchased a full year before for development – therefore the equipment at this facility is approaching 12 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

The intercom system, PLC and PC’s for the door controls were replaced 2 years ago. However, the CCTV systems are original and past its end of life and parts are no longer available. The type of CCTV system on site is no longer used in the industry and a digital video system is recommended as the replacement.

1b. **Primary customers:**

All employees, contract employees, inmates and visitors to the Work Center.

2. **Problem to be solved:**

The Work Center controls were commissioned in 2006. The equipment was purchased a full year before for development – therefore the equipment at this facility is approaching 12 years old. Equipment with power supplies, spinning media and other electronics is not considered dependable at this age.

3a. **Options / Advantages:**

There are no other options for this refresh. These are computers and they were out. To insure life safety of the operation of the work Center the computers need to be refreshed.

3b. **Cost savings:**

This will insure the life safety aspect of the controls as well as continued operation of the Work Center control system.

4a. **Outcomes:**

This will insure the life safety aspect of the controls as well as continued operation of the Work Center control system.

4b. **Measures:**

When the system is refreshed.

With a reliable control system for the Work Center.

5a. **Other Departments/Agencies:**

Yes, The Work Center

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

---

**Friday, October 27, 2017**

Rpt: Rpt Suppl Regular
### Supplemental Budget Request

<table>
<thead>
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**Status:** Pending

Michael Russell, Facilities Management

**6. Funding Source:**

General Fund transfer to Jail Fund and then partial recovery through per diems
Supplemental Budget Request

Status: Pending

Health

Supp'l ID # 2388  Fund 122  Cost Center 122100  Originator: Patty Proctor

Expenditure Type: One-Time  Year 2 2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Reduction in funding estimate for Homeless Housing

X

Department Head Signature (Required on Hard Copy Submission)  9/28/17

<table>
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<tr>
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Request Total $84,041

1a. Description of request:
The current trend in revenues for the document recording fees is falling under estimates. This is a reduction in the original forecast for revenues and a corresponding adjustment to expense.

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:
   Document Recording Fees
Supplemental Budget Request

Health

Expenditure Type: One-Time
Year 2 2018
Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Reduction in forecast for revenues in Doc Rec Fees

X        9/30/17
Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:

The current trend in revenues for the document recording fees is falling under estimates. This is a reduction in the original forecast for revenues and a corresponding adjustment to expense.

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:
Supplemental Budget Request

Status: Pending

Health

Supp'ID # 2399
Fund 122
Cost Center 122600

Human Services

Originator: Patty Proctor

Expenditure Type: One-Time
Year 2 2018
Add'l FTE □
Add'l Space □
Priority 1

Name of Request: Dept of Commerce HEN grant increase

X

Regina A Delano

Department Head Signature (Required on Hard Copy Submission)
Date 9/29/17

<table>
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Request Total $0

1a. Description of request:

The new contract with the State of Washington Department of Commerce included a small increase to the Housing and Essential needs funding. This supplemental increases the revenue and the expense for this pass through grant.

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:

Washington State Department of Commerce, Housing and Essential Needs grant.
Supplemental Budget Request

Health

<table>
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Expenditure Type: One-Time
Year 2 2018
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: 2018 Emergency Solutions Grant Amendment

X Regina A. DeLaite

Department Head Signature (Required on Hard Copy Submission)

Date 9/29/17

Costs:

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1a. Description of request:
The Emergency Solutions grant provides support for the housing programs. A new contract was received 7/1/2017 and included an increase of 43% from the previous grant period. This supplemental increases the budget to the new funding level. The grant includes an 8% administration rate.

1b. Primary customers:
Homeless and low income residents.

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:
Washington State Department of Commerce

Thursday, September 28, 2017

261
Supplemental Budget Request

Superior Court

Fund 124  Cost Center 124200  Originator: David Reynolds

Expenditure Type: Ongoing  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Extra Help CDP, Training, Client Incentives

X

Department Head Signature (Required on Hard Copy Submission)  Date 10-13-17

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<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6120</td>
<td>Extra Help</td>
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<td>$19,433</td>
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<td>$1,487</td>
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<td>6259</td>
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<td>6269</td>
<td>Unemployment-Interfund</td>
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<td>$207</td>
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<tr>
<td>6320</td>
<td>Office &amp; Op Supplies</td>
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<td>$1,750</td>
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<tr>
<td>6780</td>
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<td>$15,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$37,902</td>
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</tbody>
</table>

1a. Description of request:
The Incarceration Reduction and Prevention Task Force has recommended a part time Chemical Dependency Professional be hired to allow expanding Adult Drug Court. This position will free up the Drug Court Coordinator's time and allow them to focus on program expansion.

The increase of $15,000 also provides adequate annual training for all drug court personnel.

$1,750 will provide incentives for Drug Court Clients

1b. Primary customers:
Drug Court Clients

2. Problem to be solved:
Drug Court's Coordinator spends a large amount of time doing the work of a Chemical Dependency Professional, which doesn't allow time for program development and expansion. In order to increase the capacity of Drug Court, the Coordinator's time needs to be freed up to work on such acuities.

Staff need regular and annual training to stay up to date on latest trends and best practices in drug court and the chemical dependency arena.

Adequate incentives are a key component to a successful drug court program.

3a. Options / Advantages:
We have looked at a number of other options, and this is the best at this time as it allows for expansion and growth without increasing Drug Court's expenses significantly.

Current training funds have been inadequate to assure staff are up to date, as well as needed continuing education credits to maintaining cerfication.

3b. Cost savings:
There are no specific savings at this time.

4a. Outcomes:
Free up coordinator's time to focus on drug court expansion

Friday, October 13, 2017
Supplemental Budget Request

Superior Court

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2479</td>
<td>124</td>
<td>124200</td>
<td>David Reynolds</td>
</tr>
</tbody>
</table>

Status: Pending

4b. Measures:
   CDP is hired.

5a. Other Departments/Agencies:
   Impact on the Prosecutor’s Office, Public Defender, and Superior Court.

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

6. Funding Source:
   1/10 Mental Health dollars
Supplemental Budget Request

Superior Court

Fund 124  Cost Center 124200  Originator: M Caldwell

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Record 2018 Drug Ct wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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</table>

1a. Description of request:

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:
### Supplemental Budget Request

**Non-Departmental**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2481</td>
<td>130</td>
<td>130100</td>
<td>T. Helms</td>
</tr>
</tbody>
</table>

**Expenditure Type:** One-Time  
**Year:** 2018  
**Priority:** 1  
**Name of Request:** 2018 EMS Service Agreements

**Department Head Signature:**  
**Date:** 10/21/17

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<thead>
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<td>4311.1000</td>
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<td>4317.4000</td>
<td>Forest Excise Tax</td>
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<td>4337.0002</td>
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<td>4342.2100</td>
<td>Emergency Medical Services</td>
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<td>4361.1100</td>
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<td>6429</td>
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<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>6780</td>
<td>Travel-Educ/Training</td>
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<td>6869.501</td>
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<td>State Timber Sales</td>
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<tr>
<td>8301</td>
<td>Operating Transfer In</td>
<td>$2,700,000</td>
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</table>

**Request Total:** ($2,448,682)

---

1a. **Description of request:**

Per the adopted EMS funding plan, this supplemental:

- adds an EMS administrator and vehicle for 12 months
- adds an administrative assistant for 12 months

*Tuesday, October 17, 2017*
Supplemental Budget Request

Non-Departmental

Status: Pending

Fund 130  Cost Center 130100  Originator: T. Helms

Supp1ID # 2481

adds office supplies, training allowance, fuel and ER&R expenses

This budget supplemental covers the 2018 ALS Service increases both ALS providers:
Bellingham Fire Department: $1,643,489. (for 3 ALS units and EMS 1)
Fire Protection District No.7: $ 271,259. (for 1 ALS Unit)

Reimburses Fire Districts, 4, 11 and 16 for local lost levy amounts due to passage of the countywide levy.

Professional Services: $100,000. Medical Program Director for 2017 and 2018 ($50k/yr.)

Contractual Services: $145,000. EPCR annual maintenance $125k/yr. Plus $20k for the Equipment Exchange Program (durable equipment exchanged between service providers, gurney replacement/repair, air splints, etc.)

Lastly, the 2018 budget included a General Fund contribution of $2,700,000 in the event the EMS Levy did NOT pass. The levy was successful and the operating transfer out from the GF is being returned.

1b. Primary customers:

2. Problem to be solved:

The new EMS Levy allowed for increased ALS service fees for the ALS providers. As a result new contracts have been developed to increase the ALS service fees per the adopted EMS Funding Work Group Budget.

With the acquisition of a new countywide Electronic Patient Care Reporting (EPCR) system, the EMS Oversight Board approved ongoing maintenance costs of $125k annually for the maintenance of the new EPCR system.

The countywide EMS system has utilized an Equipment Exchange program for the benefit of agencies transporting patients. Durable supplies are exchanged throughout the system on a 1:1 basis. The County will reimburse those supplies up to $20k/annually which are not included in the ALS service agreements.

These biennium adjustments include expenses in the approved EMS budget:
EMS Administrator wages
EMS Administrative Assistant wages
travel, training and ER&R
lost levy reimbursements to Fire Districts, 4, 11 & 16.

3a. Options / Advantages:

This budget supplemental adjusts the EMS budget according to the approved EMS Funding Work Group budget as afforded through the EMS Levy.

3b. Cost savings:

New service contracts have been developed for each of the ALS providers. New ALS service fees were included as a result of the successful EMS Levy.

4a. Outcomes:

Budget authority will be aligned with new approved EMS budget.

4b. Measures:

5a. Other Departments/Agencies:

No

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

N/A

Tuesday, October 17, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request  

<table>
<thead>
<tr>
<th>SuppID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
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<tbody>
<tr>
<td>2481</td>
<td>130</td>
<td>130100</td>
<td>T. Helms</td>
</tr>
</tbody>
</table>

Status: Pending

Non-Departmental

6. Funding Source:
   EMS Levy Tax Collection
## Supplemental Budget Request

**Status:** Pending

### Health

- **Suppl ID #:** 2379
- **Fund:** 140
- **Cost Center:** 140100
- **Originator:** Patty Proctor

### Environmental Health

- **Expenditure Type:** One-Time
- **Year:** 2018
- **Priority:** 1

### Name of Request: Solid Waste Fund Adjustments

- **Department Head Signature (Required on Hard Copy Submission):**
- **Date:** 10/5/17

### Costs:

<table>
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<tr>
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<td>4318.4500</td>
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<td>6190</td>
<td>Direct Billing Rate</td>
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<td>6429</td>
<td>Fuel-Interfund</td>
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<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>Other Miscellaneous</td>
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<td>8351.5015</td>
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</table>

**Request Total:** ($414,961)

### 1a. Description of request:

The request adds the approved increased revenue resulting from the recent amendment to the solid waste ordinance. Due to the changes in funding source for these activities, the request transfers expenses from fund one to the Solid Waste fund 140. There is an increase of $20,000 in tools and equipment to purchase new trash cans for Birch Bay. The current ones are old and breaking.

### 1b. Primary customers:

### 2. Problem to be solved:

The State of Washington has not passed a capital budget for the biennium. As a result, an enforcement program that was funded by a grant has not been received.

### 3a. Options / Advantages:

The grant did not fully fund the program. It was also funded with match funding from the Solid Waste fund as well as some general fund. Now that the Solid Waste fund has been moved to the Health Department, it no longer is necessary to keep the enforcement programs separate from the infrastructure programs.

### 3b. Cost savings:

### 4a. Outcomes:
Supplemental Budget Request  

<table>
<thead>
<tr>
<th>Health</th>
<th>Environmental Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suppl ID # 2379</td>
<td>Fund 140</td>
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</tbody>
</table>

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
   Solid Waste Fund
Supplemental Budget Request

Status: Pending

Health

Expenditure Type: One-Time

Year 2 2018

Add'l FTE Add'l Space Priority

Name of Request: Increased funding for Litter Control

Department Head Signature (Required on Hard Copy Submission) Date

9/27/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
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</tbody>
</table>

1a. Description of request:

The State of Washington awarded a litter control grant to the Health Department which included an increase in funding from the previous contract. The funding is used for highway Adopt-A-Road program and the correctional crew response to illegal dumping and litter clean up along County roads, parks and beaches.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

Additional funding will allow for increase cleanup.

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:

State of Washington Department of Ecology
Supplemental Budget Request

Non-Departmental

Suppl ID # 2466

Fund 141  Cost Center 14100

Originator: Tawni Helms

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Increased Tourism Projects 2018

X

Department Head Signature (Required on Hard Copy Submission)  Date

10/27/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
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<tbody>
<tr>
<td>6610</td>
<td>Contractual Services</td>
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</table>

Request Total $78,000

1a. Description of request:
In the fall of 2017, the Lodging Tax Advisory Committee (LTAC) held a meeting to review 2018 funding applications/proposals and determine 2018 funding allocations. After careful review and consideration of the applications and presentations, the LTAC unanimously approved funding awards (with a 5% contingency) in the amount of $702,975.

1b. Primary customers:
Residents of, and visitors to Whatcom County

2. Problem to be solved:
Based on projected revenue the 2017-2018 Lodging Tax budget was set at $625,000 for each year. 2017 revenue is projected to be $650,000, which allows for increased budget allocations.

3a. Options / Advantages:
Reduce the funding awards. Increased funding will allow for greater tourism opportunities which will ultimately benefit the community at large as well as the Lodging Tax Fund.

3b. Cost savings:
N/A

4a. Outcomes:
Funding will increase tourism through expanded programming and new offerings.

4b. Measures:
Each Lodging Tax Funding recipient is responsible for submitting year end reporting that includes numbers of tourists attracted to their event, how many stayed overnight and distance traveled.

5a. Other Departments/Agencies:
No

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

6. Funding Source:
Lodging Tax Fund

Friday, October 27, 2017
Supplemental Budget Request

Prosecuting Attorney

Suppl ID # 2364  Fund 142  Cost Center 14200  Originator: M Caldwell

Expenditure Type: One-Time  Year 2  2018  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: Record 2018 Victim Witness Fund wage & benefits

Department Head Signature (Required on Hard Copy Submission)  Date

X

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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<tbody>
<tr>
<td>6110</td>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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Request Total $443

1a. Description of request:

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:
# Supplemental Budget Request

**Status:** Pending

**Planning & Development Services**

- **Supp'l ID #:** 2383
- **Fund:** 175
- **Cost Center:** 17550
- **Expenditure Type:** One-Time
- **Year:** 2018
- **Priority:** 1

## Administration

- **Originator:** M Caldwell
- **Add'l FTE:** □
- **Add'l Space:** □
- **Date:** 6/27/17

**Name of Request:** Record PDR 2018 wage & benefit settlement

## Department Head Signature

** Costs: **

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<tbody>
<tr>
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<td>Regular Salaries &amp; Wages</td>
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1. **Description of request:**

2. **Primary customers:**

3. **Problem to be solved:**

4. **Options / Advantages:**

5. **Cost savings:**

6. **Outcomes:**

7. **Measures:**

8. **Other Departments/Agencies:**

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

6. **Funding Source:**

---

*Friday, October 27, 2017*
Supplemental Budget Request

Status: Pending

Sheriff

Emergency Management

Fund: 167  Cost Center:  Originator: M Caldwell

Expenditure Type: One-Time  Year: 2018  Add'l FTE:  Add'l Space:  Priority: 1

Name of Request: Record DEM 2018 wage & benefit settlements

X

Department Head Signature (Required on Hard Copy Submission)

Date: 10/21/17

Costs:  

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<tr>
<th>Object</th>
<th>Object Description</th>
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Request Total: $0

1a. Description of request:

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:
   Disaster Prep Service Fees

Friday, October 27, 2017
Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

Sheriff
Suppl ID #2435 Fund 167 Cost Center 16720

Emergency Management
Originator: Frances Burkhart

Expenditure Type: One-Time Year 2 2018 Add'l FTE □ Add'l Space □ Priority 3

Name of Request: CERT Program

X
Department Head Signature (Required on Hard Copy Submission) 9/29/17

Date

<table>
<thead>
<tr>
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<td>6510</td>
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<td>Tools &amp; Equip</td>
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<tr>
<td>Request Total</td>
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<td>$0</td>
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</table>

1a. Description of request:
Increase budget authority to support Whatcom County Sheriff's Office Division of Emergency Management's growing Community Emergency Response Team (CERT) Program.

1b. Primary customers:
Citizens of Whatcom County

2. Problem to be solved:
The Community Emergency Response Team (CERT) Program is expanding more quickly than originally anticipated when the 2018 budget was developed in Summer 2016. CERT anticipates increasing the number of CERT classes offered, creating a corresponding increase in overall program costs. Budget authority is required to proceed with these additional courses.

3a. Options / Advantages:
Another option would be to limit the number of additional courses. However, that would reduce both the momentum the CERT Program has been building and the number of CERT-trained individuals in our community. CERT trains individuals to be better prepared to respond to and recover from disasters. CERT volunteers provide critical support to the community response effort in a variety of ways, including giving immediate assistance to victims, providing damage assessments, organizing other volunteers, and staffing field command posts and emergency operations/coordination centers.

3b. Cost savings:
CERT course fees cover the course costs.

4a. Outcomes:
CERT Courses will be held throughout 2018.

4b. Measures:
The CERT Program maintains a database of its courses and trainees.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Community Emergency Response Team (CERT) Program Class Fees (Unified Fee Schedule #2586).

Thursday, September 28, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Non-Departmental

Supp ID # 2493  Fund 332  Cost Center 332219  Originator: Tawni Helms

Expenditure Type: One-Time  Year 2  2018  Add’l FTE □  Add’l Space □  Priority 1

Name of Request: EDI - Expanded Scope for Tri-Funder Agreement

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$300,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$300,000</td>
</tr>
</tbody>
</table>

1a. Description of request:
The Port of Bellingham submitted a funding proposal to increase services for Economic Development. Funds will support economic development personnel and program for the Port of Bellingham, which is Whatcom County’s Associate Development Organization, to facilitate the creation or retention of businesses/jobs and promote economic development purposes within the County.

1b. Primary customers:
Whatcom County residents, businesses and local governments

2. Problem to be solved:
Whatcom County would like to enhance the tri-funder collaboration with the support of additional staff and resources to promote economic development throughout the county.

3a. Options / Advantages:
Whatcom County would like to utilize the existing collaborative platform known as the Tri-Funder group to facilitate the creation or retention of businesses/jobs and promote economic development purposes within the County.

3b. Cost savings:
N/A

4a. Outcomes:
Economic Development efforts for all of Whatcom County will be supported and sustained through this collaborative partnership.

4b. Measures:

5a. Other Departments/Agencies:
No.

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

6. Funding Source:
EDI Fund
Supplemental Budget Request

Public Works

Fund 444  Cost Center 444200  Originator: M Caldwell

Expenditure Type: Ongoing  Year 2  2018  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Record 2018 Ferry wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

Date 10/27/17

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>$19,764</td>
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<tr>
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<td>$19,764</td>
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</tbody>
</table>

1a. Description of request:

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:

Friday, October 27, 2017
Supplemental Budget Request

Public Works

<table>
<thead>
<tr>
<th>Supp ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2405</td>
<td>501</td>
<td>501100</td>
<td>Eric Schlehuber</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time
Year: 2018
Add'l FTE: No
Add'l Space: No
Priority: 1

Name of Request: ER&R 2018 Capital Equipment Budget Changes

Department Head Signature: [Signature]
Date: 9/26/17

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>7410</td>
<td>Equipment-Capital Outlay</td>
<td>$425,000</td>
</tr>
<tr>
<td></td>
<td>Request Total</td>
<td>$425,000</td>
</tr>
</tbody>
</table>

1a. Description of request:

To provide funding for the following capital budget changes:

Equip# & Description

#224 1987 Dodge D350 Cab & Chassis with Service Body
Reason: Carryover from the 2017 list at $50K. Tonnage upgrade from 1 ton to 1.5 ton, cost upgraded to $90K.

#264/#266 2003 Kenworth T800B Six Wheeler
Reason: Carryover from 2016 capital equipment replacement list. No cost changes.

#817 2004 Workhorse Utility/Golf Cart
Reason: Listed for 2018 at $8K. Upgrade current cost to $18K per ASR#2017-5543 transition from golf cart to ATV.

1b. Primary customers:

Road-M&O: #264/266
ER&R: #224
Parks: #817

2. Problem to be solved:

To complete capital replacements that were not previously completed and equipment upgrades.

3a. Options / Advantages:

N/A

3b. Cost savings:

Increasing maintenance and repair costs on older equipment vs. new equipment and lower maintenance and repair costs.

4a. Outcomes:

New equipment and vehicles will be more reliable and less maintenance costs.

4b. Measures:

When the vehicles and equipment are purchased and put into service.

5a. Other Departments/Agencies:

No.

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

N/A

Tuesday, September 19, 2017
Rpt: Rpt Suppl Regular
### Supplemental Budget Request

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Equipment Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supp? ID #</strong></td>
<td><strong>Fund</strong> 501</td>
</tr>
</tbody>
</table>

**Status:** Pending

**6. Funding Source:**

Road fund and ER&R fund equity.
<table>
<thead>
<tr>
<th>Department</th>
<th>Fund</th>
<th>Asset To Be Replaced</th>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ER&amp;R</td>
<td>ER&amp;R</td>
<td>1987 Dodge D350 Cab &amp; Chassis with Service Body</td>
<td>2018</td>
<td>$90,000</td>
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<tr>
<td>M&amp;O</td>
<td>ER&amp;R</td>
<td>2003 Kenworth T800B Six Wheeler</td>
<td>2018</td>
<td>$325,000</td>
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<tr>
<td>PARKS</td>
<td>ER&amp;R</td>
<td>2004 Workhorse Utility/Golfcart upgrade (ASR #2017-5543)</td>
<td>2018</td>
<td>$18,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$433,000</td>
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</table>

Less previously budgeted costs

2004 Workhorse Utility/Golfcart upgrade (ASR #2017-5543)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>$</td>
<td>(8,000)</td>
</tr>
<tr>
<td>$</td>
<td>(8,000)</td>
</tr>
</tbody>
</table>

Additional budget authority requested:

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>$</td>
</tr>
<tr>
<td>425,000</td>
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</tbody>
</table>
Supplemental Budget Request

Public Works

Expenditure Type: One-Time
Year: 2018

Name of Request: 2018 Equipment Capital

Department Head Signature (Required on Hard Copy Submission)

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>7410</td>
<td>Equipment-Capital Outlay</td>
<td>$8,000</td>
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<tr>
<td>7410</td>
<td>Equipment-Capital Outlay</td>
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<tr>
<td>Request Total</td>
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<td>$51,000</td>
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</table>

1a. Description of request:
AS-IT cargo van upgrade to high roof cargo van to replace #17 - $8,000.

1b. Primary customers:

2. Problem to be solved:
Department requests.

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:
Operating Transfer from IT for upgrade $8,000.
Equity balance Emergency Management $43,000.
Supplemental Budget Request

Administrative Services

Suppl ID # 2502
Fund 507
Cost Center 50710

Facilities Management

Originator: M Caldwell

Expenditure Type: One-Time
Year 2 2018
Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Record Admin Services 2018 wage & ben settlement

X

Department Head Signature (Required on Hard Copy Submission)

Date 10/27/17

Costs: Object | Object Description | Amount Requested
--- | --- | ---
6110 | Regular Salaries & Wages | $5,929

Request Total |  | $5,929

1a. Description of request:

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:

AS Fund Balance
Supplemental Budget Request

Administrative Services

Supp'l ID # 2467  |  Fund  | Cost Center | 507111  | Originator: Perry Rice / Karen S. Goens

Information Technology

Expenditure Type: One-Time  |  Year 2  | 2018  | Add'l FTE  | Add'l Space  | Priority  | 1

Name of Request: Reappropriate Performance Evaluation Software

[Signature]

Department Head Signature (Required on Hard Copy Submission)  |  Date  | 9/29/2017

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
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<tbody>
<tr>
<td>7420</td>
<td>Computer-Capital Outlays</td>
<td>$14,400</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$14,400</td>
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</tbody>
</table>

1a. Description of request:

This request is to reappropriate the one-time funding for performance evaluation software approved in the 2017 - 2018 Bienniel Budget (ASR#2017-5572) from 2017 to 2018. Key new features in our primary vendor’s software offering will be available in 2018. The team wants to verify that these features are in the software prior to procurement.

Performance Impact Workplace, the County’s current employee performance evaluation software, lost maintenance support in 2009 when the original company KnowledgePoint was sold. Human Resources (HR) and Information Technology (IT) are providing technical support for this program and it’s gotten more glitchy over time. As a Civic Plus client, the County can subscribe at reasonable rates to the cloud-based CivicHR performance management package.

1b. Primary customers:

Managers, supervisors, employees

2. Problem to be solved:

Supervisors are using "end-of-life" software for their performance evaluations. The evaluation forms and elements developed for this software are outdated.

3a. Options / Advantages:

We continue using this software and helping frustrated supervisors through its many quirks. We will increase efficiencies with modern, cloud-based software.

3b. Cost savings:

Current software is awkward and not intuitive. A user-friendly experience will increase efficiency and reduce supervisors’ frustrations and allow them to focus on motivating employees and managing performance. HR and IT staff will no longer have technical and administrative maintenance responsibilities.

4a. Outcomes:

Update elements for measuring employee performance using an effective, user-friendly, cloud-based solution.

4b. Measures:

Forms design with stakeholder input, on-site training, successful "go-live," performance reviews consistent with County policy

5a. Other Departments/Agencies:

Yes, all County supervisors, managers, and department heads

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

Karen Goens, HR Manager and assigned staff

Friday, September 29, 2017
### Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
<th>Administrative Services</th>
<th>Information Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Suppl ID #</strong> 2467</td>
<td><strong>Fund</strong> 507</td>
</tr>
<tr>
<td><strong>Cost Center</strong> 507111</td>
<td><strong>Originator:</strong> Perry Rice / Karen S. Goe</td>
</tr>
</tbody>
</table>

Administrative Services allocation
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paula Harris</td>
<td></td>
<td>11/7/17</td>
<td></td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td>11/2/17</td>
<td></td>
</tr>
<tr>
<td>Gary Stoyka</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>11/8/17</td>
<td></td>
</tr>
<tr>
<td>Jon Hutchings</td>
<td></td>
<td></td>
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<tr>
<td>Prosecutor:</td>
<td></td>
<td>10/30/17</td>
<td></td>
</tr>
<tr>
<td>Dan Gibson</td>
<td></td>
<td></td>
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<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marianne Caldwell</td>
<td></td>
<td></td>
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<tr>
<td>Executive:</td>
<td></td>
<td>11/8/17</td>
<td></td>
</tr>
<tr>
<td>Jack Louws</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Agenda Date: November 21, 2017  Assigned to: Finance, Council

TITLE OF DOCUMENT:
Contract for Services with Watershed Science & Engineering

ATTACHMENTS:

Cover memo

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.)

The proposed Contract for Services with Watershed Science & Engineering is to provide Full EQuations (FEQ) hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives. This agreement is one of two modeling assistance agreements and will be used to support the Floodplain Integrative Planning (FLIP) Team in updating the Comprehensive Flood Hazard Management Plan (CFHMP) for the lower Nooksack River with flood hazard reduction strategies that integrate the needs of salmon and agriculture.

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 for Services between Whatcom County Flood Control Zone District (WCFCZD) and Watershed Science & Engineering for your review and signature.

**Background and Purpose**
The WCFCZD has developed a detailed hydraulic model for the Lower Nooksack River from Deming to Bellingham Bay, in accordance with the implementation strategy in the County’s adopted Lower Nooksack River Comprehensive Flood Hazard Management Program (CFHMP). This agreement is one of two agreements being proposed to provide hydraulic modeling to support the Floodplain Integrative Planning (FLIP) Team in updating the CFHMP. The contract will enable hydraulic evaluation of flood hazard reduction strategies that integrate the needs of salmon and agriculture.

Two consultants with staff experienced in using the Full EQuations (FEQ) hydraulic model have been selected for hydraulic modeling assistance. The consultants were selected in accordance with County purchasing requirements utilizing RFQ 17-01 for Professional Architect, Engineering, and Other Consulting Services and will provide the following assistance:
- Revising the FEQ model to reflect alternative integrated flood control strategies
- “De-bugging” and running the model after revisions are made
- Reviewing model results and evaluating the effectiveness of proposed integrated flood control strategies
- Hydraulic design of selected integrated flood hazard reduction projects
- Training staff in the use of FEQ

**Funding Amount and Source**
The contract amount is for up to $75,000 for work performed through December 2019. The contract will be funded using WCFCZD funds. The WCFCZD has adequate budget authority for this expenditure.

Please contact Paula Harris at extension 6285 if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Program: (i.e. Dept. Division and Program)</td>
<td>River and Flood</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Paula Harris</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Watershed Science &amp; Engineering</td>
</tr>
</tbody>
</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 #: ____________________________

**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): 17-01 Cost Center: 717006 and 169104

**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):**

$ 75,000

**This Amendment Amount:**

$ ____________________________

**Total Amended Amount:**

$ 75,000

Council approval required for: all property leases, contracts or bid awards exceeding $40,000, and professional service contract amendments that have an increase greater than $10,000 or 10% of contract amount, whichever is greater, except when:

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer’s technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

**Summary of Scope:** The proposed Contract for Services with Watershed Science & Engineering is to provide FEQ hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives. This agreement is one of two modeling assistance agreements and will be used to support the Floodplain Integrative Planning (FLIP) Team in updating the Comprehensive Flood Hazard Management Plan (CFHMP) for the lower Nooksack River with flood hazard reduction strategies that integrate the needs of salmon and agriculture.

**Term of Contract:** Not to exceed

Expiration Date: 12/31/19

**Contract Routing:**

1. Prepared by: Deb J. Stewart Date: 10/27/17
2. Attorney signoff: Daniel L. Gibson Date: 10/30/17
3. AS Finance reviewed: M Caldwell Date: 11/7/17
4. IT reviewed (if IT related): ____________________________ Date: ____________________________
5. Contractor signed: ____________________________ Date: 11/3-17
6. Submitted to Exec.: ____________________________ Date: 11-9-17
7. Council approved (if necessary): ____________________________ Date: ____________________________
8. Executive signed: ____________________________ Date: ____________________________
9. Original to Council: ____________________________ Date: ____________________________

V2.0
Watershed Science & Engineering, hereinafter called Contractor, and Whatcom County Flood Control Zone District, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

- General Conditions, pp. 3 to 8
- Exhibit A (Scope of Work), pp. 9 to 9
- Exhibit B (Compensation), pp. 10 to 10
- 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 13th day of November, 2017, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2019.

The general purpose or objective of this Agreement is to: provide FEQ hydraulic modeling assistance, 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 $75,000. 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 day of November, 2017.

CONTRACTOR:

Watershed Science & Engineering

[Signature]

Jeff Johnson, President

STATE OF WASHINGTON

COUNTY OF King ss.

On this 3rd day of November, 2017, before me personally appeared Jeffrey P. Jense, who is known to me to be the President (title) of Watershed Science & Engineering (Company) 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 Seattle, My commission expires April 24, 2021.
WHATCOM COUNTY:
Recommended for Approval:

Jon Hutchings, Public Works Director  11/7/17
Date

Approved as to form:

Daniel L. Gibson  11/9/17
Daniel L. Gibson, Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County Flood Control Zone District:

By: ___________________________
Jack Louws, Whatcom County Executive for the Whatcom County Flood Control Zone District Board of Supervisors

STATE OF WASHINGTON  }
COUNTY OF WHATCOM  }
ss

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

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

CONTRACTOR INFORMATION:

_Watershed Science & Engineering_
(Type in Name of Contractor/Firm)

_Jeff Johnson, President_
(Type in Name & Title of Signatory Authorized by Firm Bylaws, if applicable)

Address:
110 Prefontaine Pl S, Suite 508
Seattle, WA 98104

Mailing Address:
110 Prefontaine Pl S, Suite 508
Seattle, WA 98104

Contact Name:  Bob Elliot

Contact Phone:  (360) 521-3000

Contact FAX:  N/A

Contact Email:  bob@watershedse.com
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension: Not Applicable

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

11.2 Termination for Reduction in Funding: Not Applicable

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 IFS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

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

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

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

Series 30-39: Provisions Related to Administration of Agreement

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

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

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

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

32.1 Confidentiality: Not Applicable

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

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

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.

a. Professional Liability - $1,000,000 per occurrence:
If the professional liability insurance is a claims made policy, and should the contractor discontinue coverage either during the term of this contract or within three years of completion, the contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.

Professional Liability - $1,000,000 per occurrence (this amount may vary with circumstances)

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: Not Applicable

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:

Paula Harris
River and Flood Manager
Whatcom County Public Works
322 N. Commercial Street
Bellingham, WA 98225
37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County’s Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the “Contractor Information” section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

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

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:
The Contractor further certifies, by executing this contract, that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

The Contractor also agrees that it shall not knowingly enter into any lower tier covered transactions (a transaction between the Contractor and any other person) with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, and the Contractor agrees to include this clause titled “Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction” without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.

The “Excluded Parties List System in the System for Award Management (SAM) website is available to research this information at WWW.SAM.GOV. Contractor shall immediately notify Whatcom County if, during the term of this Contract, Contractor becomes debarred.

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)

During the term of this Agreement, the County may call upon the Contractor to perform specific professional services related to hydraulic modeling as needed to support the Floodplain Integrative Planning (FLIP) Team in updating the CFHMP plan with flood hazard reduction strategies that integrate the needs of salmon and agriculture. Anticipated services will likely include:

- Revising the FEQ model to reflect alternative integrated flood control strategies
- "De-bugging" and running the model after revisions are made
- Reviewing model results and evaluating the effectiveness of proposed integrated flood control strategies
- Hydraulic design of selected integrated flood hazard reduction projects
- Training staff in the FEQ hydraulic model

In each instance, a separate task order document will be prepared, each being separately subject to the terms and conditions of this Agreement. Said document will define (1) Specific Scope of Services to be performed, (2) Proposed schedule of services, and (3) Estimated Cost of Services (budget) pursuant to the rate schedule in Exhibit B. Each task order will be mutually agreed upon by the County and the Contractor, subject to the terms and conditions within the Agreement, and will be executed by an authorized representative of each party.
### EXHIBIT "B"
(COMPENSATION)

#### ACTUALS NOT TO EXCEED TABLE (ANTE)
On-Call Hydraulic Modeling Assistance

<table>
<thead>
<tr>
<th>Watershed Science and Engineering Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>110 Prefontaine Pl S, Suite 508</td>
</tr>
<tr>
<td>Seattle, WA 98104</td>
</tr>
<tr>
<td>Ph. (206) 621-3000</td>
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<th>Job Classification</th>
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**Notes:**
As consideration for the services provided pursuant to Exhibit A, Scope of Work, the County agrees to compensate the Contractor according to the hourly rates provided above. These rates may be adjusted with the County’s approval annually. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed as described here:
- Mileage will be reimbursed at IRS rate
- Lodging and per diem reimbursement will be at a rate not to exceed the GSA rate for location services are provided
- Other expenditures such as outside printing and postage shall be reimbursed at actual cost
- In house computer usage and domestic and long distance telephone charges shall be at no cost.

Contractor will invoice monthly. Invoices will include hours worked by employee by task, during the billing period. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred.
Costs of alcoholic beverages are not eligible for reimbursement. Compensation shall not exceed the contract amount as stated on the cover sheet of this contract.

*Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the Contractor’s expense.*
# CERTIFICATE OF LIABILITY INSURANCE

**DATE (MM/DD/YYYY):** 11/7/2017

**PRODUCER**
Hall & Company
19660 10th Ave NE
Poulsbo WA 98370

**CONTACT NAME:** Sally Wallace
**PHONE:** 360-598-5028
**FAX:** 360-598-3703
**E-MAIL:** swallace@hallandcompany.com

**INSURED**
Watershed Science & Engineering
110 Prefontaine PL S, Suite #508
Seattle WA 98104

**INSURER A:** Sentinel Insurance Company
**NAIC #:** 11000

**INSURER B:** AXIS Insurance Company
**REVISION NUMBER:**

**CERTIFICATE NUMBER:** 1587035007

**COVERAGES**

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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

The certificate holder is an additional insured per the attached.

---

**CERTIFICATE HOLDER**
Whatcom County Public Works
322 North Commercial, Suite 120
Bellingham WA 98225
United States

**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.**
# WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**

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<th>Originator:</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>Jon Hutchings</td>
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<td>Prosecutor:</td>
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<tr>
<td>Dan Gibson</td>
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<td>10/30/17</td>
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<td>Purchasing/Budget:</td>
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<td>Marianne Caldwell</td>
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<td>Executive:</td>
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<td>11/3/17</td>
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<tr>
<td>Jack Louws</td>
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**TITLE OF DOCUMENT:**

Contract for Services with LandC, etc., LLC

**ATTACHMENTS:**

Cover memo

**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.)

*The proposed Contract for Services with LandC, etc., LLC is to provide Full EQuations (FEQ) hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives. This agreement is one of two modeling assistance agreements and will be used to support the Floodplain Integrative Planning (FLIP) Team in updating the Comprehensive Flood Hazard Management Plan (CFHMP) for the lower Nooksack River with flood hazard reduction strategies that integrate the needs of salmon and agriculture.*

**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).
MEMORANDUM

TO: Whatcom County Flood Control Zone District Board of Supervisors
THROUGH: Jon Hutchings, Public Works Director
FROM: Paula J. Harris, P.E., River and Flood Manager
        Gary Stoyka, Natural Resources Manager
RE: FEQ Hydraulic Modeling Assistance
    Contract for Services with LandC, etc., LLC
DATE: October 27, 2017

Enclosed are two (2) originals of a Contract for Services between Whatcom County Flood Control Zone District (WCFCZD) and LandC, etc., LLC for your review and signature.

- Background and Purpose
  The WCFCZD has developed a detailed hydraulic model for the Lower Nooksack River from Deming to Bellingham Bay, in accordance with the implementation strategy in the County’s adopted Lower Nooksack River Comprehensive Flood Hazard Management Program (CFHMP). This agreement is one of two agreements being proposed to provide hydraulic modeling to support the Floodplain Integrative Planning (FLIP) Team in updating the CFHMP. The contract will enable hydraulic evaluation of flood hazard reduction strategies that integrate the needs of salmon and agriculture.

  Two consultants with staff experienced in using the Full Equations (FEQ) hydraulic model have been selected for hydraulic modeling assistance. The consultants were selected in accordance with County purchasing requirements utilizing RFQ 17-01 for Professional Architect, Engineering, and Other Consulting Services and will provide the following assistance:
  - Revising the FEQ model to reflect alternative integrated flood control strategies
  - “De-bugging” and running the model after revisions are made
  - Reviewing model results and evaluating the effectiveness of proposed integrated flood control strategies
  - Hydraulic design of selected integrated flood hazard reduction projects
  - Training staff in the use of FEQ

- Funding Amount and Source
  The contract amount is for up to $75,000 for work performed through December 2019. The contract will be funded using WCFCZD funds. The WCFCZD has adequate budget authority for this expenditure.

Please contact Paula Harris at extension 6285 if you have any questions or concerns regarding the terms of this agreement.

Encl.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

**Public Works**

**River and Flood**

**Paula Harris**

**LandC, etc., LLC**

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<tr>
<th>Question</th>
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<th>No</th>
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<td>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract?</td>
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<td>If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</td>
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<tr>
<td>Does contract require Council Approval? If No, include WCC:</td>
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<td>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
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<td>CFDA#:</td>
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<th>Question</th>
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<tr>
<td>Is this contract grant funded? If yes, Whatcom County contract number(s):</td>
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<tr>
<th>Question</th>
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<th>No</th>
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<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
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<tr>
<td>If yes, RFP and Bid number(s):</td>
<td>17-01</td>
<td>Cost Center: 717006 and 169104</td>
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<tr>
<th>Question</th>
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<th>No</th>
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<tr>
<td>Is this agreement excluded from E-Verify? If no, include Attachment D Contractor Declaration form.</td>
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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):

$ 75,000

**This Amendment Amount:**

$ 75,000

**Total Amended Amount:**

$ 75,000

**Summary of Scope:** The proposed Contract for Services with LandC, etc., LLC is to provide FEQ hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives. This agreement is one of two modeling assistance agreements and will be used to support the Floodplain Integrative Planning (FLIP) Team in updating the Comprehensive Flood Hazard Management Plan (CFHMP) for the lower Nooksack River with flood hazard reduction strategies that integrate the needs of salmon and agriculture.

**Term of Contract:** Not to exceed

**Expiration Date:** 12/31/19

**Contract Routing:**

1. Prepared by: Deb J. Stewart
   Date: 10/27/17
2. Attorney signoff: Daniel L. Gibson
   Date: 10/30/17
3. AS Finance reviewed: M Caldwell
   Date: 11/7/17
4. IT reviewed (if IT related):
   Date: 11-2-17
5. Contractor signed:
   Date: 11-9-17
6. Submitted to Exec.:
   Date: 11-9-17
7. Council approved (if necessary):
   Date: 11-9-17
8. Executive signed:
   Date: 11-9-17
9. Original to Council:
Contract for Services with LandC, etc., LLC  
FEQ Hydraulic Modeling Assistance

LandC, etc., LLC, hereinafter called Contractor, and Whatcom County Flood Control Zone District, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

1. General Conditions, pp. 3 to 8.
2. Exhibit A (Scope of Work), pp. 9 to 9.
3. Exhibit B (Compensation), pp. 10 to 10.
4. 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 13th day of November, 2017, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2019.

The general purpose or objective of this Agreement is to provide FEQ hydraulic modeling assistance, 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 $75,000. 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 _ day of ________________, 2017.

CONTRACTOR:

LandC, etc., LLC

[Signatures]

Hsueh-Ju Chang, Owner

STATE OF WASHINGTON

 COUNTY OF King

On this 2nd day of Nov, 2017 before me personally appeared Hsueh-Ju Chang to me known to be the __Owner____ (title) of __LandC etc., LLC______ (Company) and who executed the above instrument and who acknowledged to me the act of signing and seal.

Emilie Sagot
NOTARY PUBLIC in and for the State of Washington, residing at King County. My commission expires July 21, 2021.
WHATCOM COUNTY:
Recommended for Approval:

Jon Hutchings, Public Works Director Date 11/7/17

Approved as to form:

Daniel L. Gibson, Deputy Prosecuting Attorney Date 11/9/17

Approved:
Accepted for Whatcom County Flood Control Zone District:

By, __________________________
Jack Louws, Whatcom County Executive for the Whatcom County Flood Control Zone District Board of Supervisors

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss

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

NOTARY PUBLIC in and for the State of Washington, residing at __________________________. My commission expires __________________________.

CONTRACTOR INFORMATION:

_________ LandC., etc., LLC
(Type in Name of Contractor/Firm)

_________ Hsueh-Ju Chang, Owner
(Type in Name & Title of Signatory Authorized by Firm Bylaws, if applicable)

Address:
3710 199th St SE
Bothell, WA 98012

Mailing Address:
3710 199th St SE
Bothell, WA 98012

Contact Name: Hsueh-Ju Chang

Contact Phone: (425) 286-6868

Contact FAX: (425) 286-6868

Contact Email: landc_etc@yahoo.com

Contract for Services with LandC., etc., LLC
FEQ Hydraulic Modeling Assistance

V2.0
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension: Not Applicable

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

11.2 Termination for Reduction in Funding: Not Applicable

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

Series 20-29: Provisions Related to Consideration and Payments

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

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."
21.1 **Taxes:**
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor’s performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor’s failure to pay taxes on compensation earned pursuant to this Agreement.

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

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

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

*Series 30-39: Provisions Related to Administration of Agreement*

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

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

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

30.2 **Assignment and Subcontracting:**
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.
30.3 **No Guarantee of Employment:**
The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

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

31.2 **Patent/Copyright Infringement:**
Contractor will defend and indemnify the County from any claimed action, cause or demand brought against the County, to the extent such action is based on the claim that information supplied by the Contractor infringes any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County in any action. Such defense and payments are conditioned upon the following:

A. The Contractor shall be notified promptly in writing by the County of any notice of such claim.
B. Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to the County.

32.1 **Confidentiality:** Not Applicable

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

34.1 **Proof of Insurance:**
The Contractor shall carry for the duration of this Agreement insurance with the following minimums:

1) Commercial General Liability coverage --
   a) Property Damage - $500,000.00 per occurrence;
   b) General Liability & Bodily injury- $1,000,000.00 per occurrence.

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

2) Professional Liability - $1,000,000 per occurrence.
If the professional liability insurance is a claims made policy, and should the contractor discontinue coverage either during the term of this contract or within three years of completion, the contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.

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

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

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

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

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

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

35.2 Non-Discrimination in Client Services: Not Applicable

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:

Paula Harris
River and Flood Manager
Whatcom County Public Works
322 N. Commercial Street
Bellingham, WA 98225
37.2 **Notice:**
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County's Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

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

38.2 **Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:**
The Contractor further certifies, by executing this contract, that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

The Contractor also agrees that it shall not knowingly enter into any lower tier covered transactions (a transaction between the Contractor and any other person) with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, and the Contractor agrees to include this clause titled "Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.

The "Excluded Parties List System in the System for Award Management (SAM) website is available to research this information at WWW.SAM.GOV. Contractor shall immediately notify Whatcom County if, during the term of this Contract, Contractor becomes debarred.

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)

During the term of this Agreement, the County may call upon the Contractor to perform specific professional services related to hydraulic modeling as needed to support the Floodplain Integrative Planning (FLIP) Team in updating the CFHMP plan with flood hazard reduction strategies that integrate the needs of salmon and agriculture. Anticipated services will likely include:

- Revising the FEQ model to reflect alternative integrated flood control strategies
- "De-bugging" and running the model after revisions are made
- Reviewing model results and evaluating the effectiveness of proposed integrated flood control strategies
- Hydraulic design of selected integrated flood hazard reduction projects
- Training staff in the FEQ hydraulic model

In each instance, a separate task order document will be prepared, each being separately subject to the terms and conditions of this Agreement. Said document will define (1) Specific Scope of Services to be performed, (2) Proposed schedule of services, and (3) Estimated Cost of Services (budget) pursuant to the rate schedule in Exhibit B. Each task order will be mutually agreed upon by the County and the Contractor, subject to the terms and conditions within the Agreement, and will be executed by an authorized representative of each party.
EXHIBIT "B"
(COMPENSATION)

2017 Hourly Rates

<table>
<thead>
<tr>
<th>Name</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hsueh-Ju Chang</td>
<td>$150</td>
</tr>
</tbody>
</table>

Notes:
As consideration for the services provided pursuant to Exhibit A, Scope of Work, the County agrees to compensate the Contractor according to the hourly rates provided above. These rates may be adjusted with the County’s approval annually. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed as described here:

- Mileage will be reimbursed at IRS rate
- Lodging and per diem reimbursement will be at a rate not to exceed the GSA rate for location services are provided
- Other expenditures such as outside printing and postage shall be reimbursed at actual cost
- In house computer usage and domestic and long distance telephone charges shall be at no cost.

Contractor will invoice monthly. Invoices will include hours worked by employee by task, during the billing period. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred. Costs of alcoholic beverages are not eligible for reimbursement. Compensation shall not exceed the contract amount as stated on the cover sheet of this contract.

*Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the Contractor’s expense*
CERTIFICATE OF LIABILITY INSURANCE

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
Redmond General Insurance Agcy
PO Box 847
Redmond, WA 98073-0847
Karen Ford

INSURER
LandC, etc., LLC
Hsueh-Ju Chang
3710-195th ST SE
Bothell, WA 98012

CONTACT NAME: Darleen Jorgensen
PHONE: 425-852-2822
FAX: 425-858-4821
E-MAIL: Jorgensend@landcinsurance.com

INSURER A: Ohio Casualty Insurance Co
NAIC #: 24074

INSURER B: American Fire & Casualty Co

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

A

B

INSR.

LTR

X

ANY AUTO

ALL OWNED AUTOS

SCHEDULED AUTOS

NON-OWNED AUTOS

UMBRELLA LIAB

EXCESS LIAB

DED

RETENTION $1

N/A

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

It is hereby agreed that the Whatcom County Public Works and Whatcom County Flood Zone District is added as an Additional Insured as respects General Liability. Insurance is Primary & Non-Contributory and waiver of subrogation applies.

Form Oc 8810 attached and applies

CERTIFICATE HOLDER

WHATCPU

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

Karen Ford

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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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<tbody>
<tr>
<td>Originator:</td>
<td>JNT</td>
<td>10/24/2017</td>
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<td>Finance/Board of Supervisors</td>
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<tr>
<td>Division Head:</td>
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<td>Dept. Head:</td>
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<td>11/7/17</td>
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<td>Prosecutor:</td>
<td>N/A</td>
<td>11/9/17</td>
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<tr>
<td>Budget:</td>
<td>Blumen</td>
<td>11/03/17</td>
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<tr>
<td>Executive:</td>
<td>N/A</td>
<td>11/3/17</td>
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</tbody>
</table>

**TITLE OF DOCUMENT:**
Joint Funding Agreement with the United States Geological Survey for Stream Gaging at 8 Stations in the Nooksack Watershed.

**ATTACHMENTS:**
1. Joint Funding Agreement #18WNWA20075

**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.)

This Joint Funding Agreement between the United States Department of the Interior, U.S. Geological Survey and Whatcom County Flood Control Zone District provides for collection and publication of surface water data at 8 USGS stream gages in the Nooksack River Basin for the 2018 Water Year (October 1, 2017 through September 30, 2018).

**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).
MEMORANDUM

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

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resource Manager
      John N. Thompson, Senior Salmon Recovery Planner

RE: Joint Funding Agreement for USGS Gaging Stations

DATE: October 30, 2017

Enclosed are two (2) originals of a Joint Funding Agreement between the United States Department of Interior, U.S. Geological Survey (USGS) and Whatcom County Flood Control Zone District (FCZD) for your review and signature.

- **Background and Purpose**
  This Joint Funding Agreement with the USGS will provide for continued data collection and publication of surface water data at 8 stream gaging stations in the Nooksack River watershed for the 2018 water year (October 1, 2017 through September 30, 2018). These gaging stations were selected to provide data that complements data collected at other USGS and Ecology gaging sites and which collectively support WRIA 1 watershed management and salmon recovery efforts.

- **Funding Amount and Source**
  This one-year agreement is for $83,765 and is included in FY 2017 Supplemental Budget Request No. 2501 and the proposed 2018 Public Works Natural Resources budget. Supplemental Budget Request No. 2501 has also been submitted for approval at the November 21st Council/BOS meeting. FCZD expenditures will be reimbursed through an Interlocal Agreement with Public Utility District No. 1 of Whatcom County.

- **Differences from Previous Contract**
  This is a new agreement.

Please contact Gary at extension 6218, if you have any questions or concerns regarding the terms of this agreement,

Encl.
<table>
<thead>
<tr>
<th><strong>Originating Department:</strong></th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Division/Program:</strong> (i.e. Dept. Division and Program)</td>
<td>Natural Resources</td>
</tr>
<tr>
<td><strong>Contract or Grant Administrator:</strong></td>
<td>John N. Thompson, Sr. Planner</td>
</tr>
<tr>
<td><strong>Contractor’s/Agency Name:</strong></td>
<td>U.S. Dept. of Interior, USGS</td>
</tr>
</tbody>
</table>

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

| **Does contract require Council/Board of Supervisor 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):** | | |
|----------------------------------|-------------|--------------------------------------------------|-------------|
| **ILA with PUD pending**         |             | | |

<table>
<thead>
<tr>
<th><strong>Is this contract the result of a RFP or Bid process?</strong></th>
<th>Yes ☒ No ☐</th>
<th><strong>Contract</strong></th>
<th><strong>Cost Center:</strong></th>
<th>169121</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If yes, RFP and Bid number(s):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>If YES, indicate exclusion(s) below:</strong></th>
<th></th>
<th><strong>Contract for Commercial off the shelf items (COTS):</strong></th>
<th><strong>Work related subcontract less than $250,000:</strong></th>
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</thead>
<tbody>
<tr>
<td>☐ Professional services agreement for certified/licensed professional.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>☐ Contract work is for less than $100,000.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Contract work is for less than 120 days.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☒ Interlocal Agreement (between Governments).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Public Works - Local Agency/Federally Funded FHWA.</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Contract Amount:</strong> (sum of original contract amount and any prior amendments):</th>
<th>$ 83,765</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This Amendment Amount:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$</td>
</tr>
<tr>
<td><strong>Total Amended Amount:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Summary of Scope:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>This Joint Funding Agreement between the United States Department of the Interior, U.S. Geological Survey and Whatcom County Flood Control Zone District provides for collection and publication of surface water data at 8 USGS stream gages in the Nooksack River Basin for the 2018 Water Year (October 1, 2017 through September 30, 2018).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Term of Contract:</strong></th>
<th><strong>Expiration Date:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1, 2017</td>
<td>September 30, 2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Contract Routing:</strong></th>
<th><strong>Date:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prepared by: John N. Thompson</td>
<td>October 24, 2017</td>
</tr>
<tr>
<td>2. Attorney signoff: Daniel L. Gibson</td>
<td>10/30/17</td>
</tr>
<tr>
<td>3. AS Finance reviewed: bbennett</td>
<td>11/09/17</td>
</tr>
<tr>
<td>4. IT reviewed (if IT related):</td>
<td></td>
</tr>
<tr>
<td>5. Contractor signed:</td>
<td>10-18-17</td>
</tr>
<tr>
<td>6. Submitted to Exec.:</td>
<td>11-9-17</td>
</tr>
<tr>
<td>7. Council approved (if necessary):</td>
<td></td>
</tr>
<tr>
<td>8. Executive signed:</td>
<td></td>
</tr>
<tr>
<td>9. Original to Council:</td>
<td></td>
</tr>
</tbody>
</table>

V2.0

315
FOR WATER RESOURCES INVESTIGATIONS

THIS AGREEMENT is entered into as of the 1st day of OCTOBER 2017, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Whatcom County Flood Control Zone District, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation a fixed-cost agreement for the collection and publication of surface water data at 8 USGS streamgages in the Nooksack River Basin, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of $N/A.

   by the party of the first part during the period
   (a) $50,710   OCTOBER 1, 2017 to SEPTEMBER 30, 2018

   by the party of the second part during the period
   (b) $83,765   OCTOBER 1, 2017 to SEPTEMBER 30, 2018

   (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of:

   $ Description of the USGS regional/nations program:

   (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

   (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon
request, copies of the original records will be provided to the office of the other party.

8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered QUARTERLY. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

Name of Customer

U.S. Geological Survey
United States
Department of the Interior

Whatcom County Flood Control Zone District

USGS Point of Contact

Name: Mark Mastin
Address: 934 Broadway St, Suite 300
         Tacoma, WA 98402
Telephone: (253) 552-1609
Email: mcmastin@usgs.gov

Customer Point of Contact

Name: John Thompson
Address: Whatcom Co. Public Works
         322 N. Commercial St, Suite 110
         Bellingham, WA 98225
Telephone: (360) 778-6295
Email: Jnthomps@co.whatcom.wa.us

Signatures

By ___________Date 10/18/17

Name: Cynthia Barton, Ph.D., L.G., L.H.G.
Title: Center Director, USGS Washington Water Science Center

Signature Page

By ___________Date

Name:
Title:

By ___________Date

Name:
Title:

By ___________Date

Name:
Title:

By ___________Date
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:
Recommended for Approval:

[Signature]  11/7/17
Jon Hutchings, Public Works Director  Date

Approved as to form only:

[Signature]  11/09/17
Daniel Gibson, Chief Civil Deputy Prosecutor  Date

Approved:
Accepted for Whatcom County Flood Control Zone District

By:

[Signature]  11/7/17
Jack Louws, Whatcom County Executive,  Date
acting for the Whatcom County
Flood Control Zone District Board of Supervisors

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

On this _____ day of __________, 2017, 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
______________________.
<table>
<thead>
<tr>
<th>USGS Station No.</th>
<th>Station Name</th>
<th>USGS County Flood Control Zone District</th>
<th>USGS Cooperative Matching Funds</th>
<th>Total</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>12205000</td>
<td>North Fork Nooksack River below Cascade Creek near Glacier</td>
<td>Water temperature $2,570</td>
<td>$1,630</td>
<td>$4,200</td>
<td>Streamflow discharge with priority real-time data transmission is funded by Whatcom Co. Public Works Dept. (River and Flood Division)-separate USGS agreement.</td>
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<tr>
<td>12209490</td>
<td>Skookum Creek above Diversion near Wickersham</td>
<td>Streamflow discharge $12,315</td>
<td>$7,860</td>
<td>$20,175</td>
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<td></td>
<td></td>
<td>Water temperature $2,570</td>
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<td>12210000</td>
<td>SF Nooksack River at Saxon Bridge</td>
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<td>12210700</td>
<td>Nooksack River at North Cedarville</td>
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<td>Streamflow discharge with priority real-time data transmission is funded by Whatcom Co. Public Works and Washington State DOE-through a separate USGS agreements.</td>
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<td></td>
<td>Water temperature $2,570</td>
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<tr>
<td>12212050</td>
<td>Fishtrap Creek at Front Street at Lynden</td>
<td>Streamflow discharge $12,315</td>
<td>$7,860</td>
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<td></td>
<td>Water temperature $2,570</td>
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<td>$4,200</td>
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<tr>
<td>12212390</td>
<td>Bertrand Creek at International Boundary</td>
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<td>$7,860</td>
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<td></td>
<td></td>
<td>Water temperature $2,570</td>
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<td>$4,200</td>
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<tr>
<td>12212430</td>
<td>Unnamed Tributary to Bertrand Creek near H Street near Lynden</td>
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<td>$7,860</td>
<td>$20,175</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Water temperature $2,570</td>
<td>$1,630</td>
<td>$4,200</td>
<td></td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td><strong>$83,765</strong></td>
<td><strong>$50,710</strong></td>
<td><strong>$134,475</strong></td>
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</tr>
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</table>
Lodging Tax Advisory Committee Recommendations for funding

Resolution to approve Lodging Tax Advisory Committee Funding recommendations for 2018 allocations.

County Executive Jack Louws requests confirmation of the 2018 Lodging Tax funding recommendations made by the Lodging Tax Advisory Board.
RESOLUTION NO. _____________

APPROVING THE 2018 RECOMMENDED CONVENTION CENTER ALLOCATIONS FOR TOURISM-RELATED FACILITIES AND ACTIVITIES AS DEFINED THROUGH RCW 67.28.1816

WHEREAS on September 18, 2017, the Whatcom County Lodging Tax Advisory Committee (LTAC) held a public meeting to review 2018 funding applications for use of Convention Center Funds; and

WHEREAS, of the eighteen applications submitted, the LTAC recommends funding in the amount of $669,500 and further detailed in attachment A; and

WHEREAS, the LTAC recommends a 5% contingency in the amount of $33,475 to be used in the event applicants seek funding for tourism programs later in the year; and

WHEREAS, the 2018 funding recommendations were determined based on the ability to promote and serve tourism activities in Whatcom County as defined in RCW 67.28; and

WHEREAS, all funding recipients must submit a report to the County describing the actual number of people traveling for business or pleasure on a trip as well as describing the results of the event of activity sponsored by the Convention Center Fund; and

WHEREAS, the 2018 Convention Center Fund revenue projection is $650,000 and the 2018 fund balance is projected to be $1,214,893; and

NOW, THEREFORE, BE IT RESOLVED, that the Whatcom County Council hereby authorizes the County Administration to allocate $702,975 from the Lodging Tax Fund for the purposes of tourism related activities as recommended by the Lodging Tax Advisory Committee and detailed in attachment A.
APPROVED this ____ day of __________________, 2017.

ATTEST: ________________________________
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Council Clerk

______________________________
Barry Buchanan, Council Chair

APPROVED as to form:

______________________________
Daniel L. Gibson
Chief Civil Deputy Prosecutor
## CONVENTION CENTER - HOTEL/MOTEL TAX FUNDS
### REQUESTS FOR FUNDING 2018

<table>
<thead>
<tr>
<th>Requesting Agency</th>
<th>2017 Funded</th>
<th>2018 Requested</th>
<th>Committee Recommendation</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allied Arts</td>
<td>n/a</td>
<td>$3,500</td>
<td>$2,500</td>
<td></td>
</tr>
<tr>
<td>Bellingham Festival of Music</td>
<td>$10,000</td>
<td>$25,000</td>
<td>$12,500</td>
<td></td>
</tr>
<tr>
<td>Bellingham Whatcom Chamber of Commerce</td>
<td>$25,000</td>
<td>$35,000</td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td>Bellingham/Whatcom County Tourism</td>
<td>$275,000</td>
<td>$290,000</td>
<td>$290,000</td>
<td></td>
</tr>
<tr>
<td>Bellingham/Whatcom County Tourism</td>
<td>$50,000</td>
<td></td>
<td></td>
<td>Wayfinding project funded May 17 using approved contingency*</td>
</tr>
<tr>
<td>Birch Bay Chamber of Commerce - VIC</td>
<td>$88,000</td>
<td>$120,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Cascadia International Woman's Film Festival</td>
<td>$10,000</td>
<td>$18,000</td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>Clan Heather-Celtic Arts Championship</td>
<td>n/a</td>
<td>$1,000</td>
<td>$500</td>
<td>new applicant</td>
</tr>
<tr>
<td>Clan Heather - Bellingham Scottish Gathering</td>
<td>n/a</td>
<td>$15,000</td>
<td>$10,000</td>
<td>new applicant</td>
</tr>
<tr>
<td>Clan Heather - The Reel Competition</td>
<td>n/a</td>
<td>$1,000</td>
<td>$500</td>
<td>new applicant</td>
</tr>
<tr>
<td>Ferndale Chamber of Commerce - VIC</td>
<td>$12,000</td>
<td>$18,000</td>
<td>$12,000</td>
<td>$12k in 2017 / 18K in 2016</td>
</tr>
<tr>
<td>Lyden Pioneer Museum</td>
<td>$3,000</td>
<td>$15,000</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Mt. Baker Foothills Chamber/Visitor Center</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Pickford Film Center - Doctober Film Festival</td>
<td>$5,000</td>
<td>$10,000</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Sustainable Connections/Whatcom Food &amp; Farms</td>
<td>$30,000</td>
<td>$35,000</td>
<td>$30,000</td>
<td></td>
</tr>
<tr>
<td>WC Parks Hovander Homestead Bluegrass Fest</td>
<td>$15,000</td>
<td>$25,000</td>
<td>$15,000</td>
<td></td>
</tr>
<tr>
<td>Whatcom Events - Ski to Sea</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
<td></td>
</tr>
<tr>
<td>Whatcom Symphony Orchestra</td>
<td>$10,000</td>
<td>$15,000</td>
<td>$12,500</td>
<td></td>
</tr>
<tr>
<td>Whatcom County Glacier Restrooms cc: 14131</td>
<td>$8,980</td>
<td>$8,980</td>
<td>$9,000</td>
<td>(Executive Office ongoing commitment already in 2018 budget)</td>
</tr>
<tr>
<td><strong>TOTAL FUNDING REQUESTS</strong></td>
<td><strong>$671,980</strong></td>
<td><strong>$765,480</strong></td>
<td><strong>$669,500</strong></td>
<td></td>
</tr>
<tr>
<td>5% Contingency (2017 was used for Wayfinding above)</td>
<td></td>
<td></td>
<td></td>
<td>$33,475  Use if applicants/projects come forward later in the year. *</td>
</tr>
<tr>
<td><strong>PROJECTED EXPENDITURE BUDGET 2018</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$702,975</strong></td>
</tr>
<tr>
<td>Projected Revenue for 2018</td>
<td></td>
<td></td>
<td></td>
<td><strong>$650,000</strong></td>
</tr>
</tbody>
</table>
TITLE OF DOCUMENT:
ThyssenKrupp Elevator Corporation – Elevator Maintenance Agreement, which utilizes the WWU Interlocal Agreement pricing.

ATTACHMENTS:
ThyssenKrupp Elevator Corporation Contract

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 contract is to provide the services for the Elevator Maintenance agreement with ThyssenKrupp Elevator; this agreement is part of the Interlocal Agreement with WWU to utilize their contract pricing. This contract will expire June 30th, 2018 along with WWU’s agreement, option we may utilize the option to renew if WWU renews its contract.

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

MEMO TO: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: November 11, 2017
RE: Contract — ThyssenKrupp — Interlocal WWU

Attached are two (2) originals of the contract for the Elevator Maintenance Agreement between Whatcom County and ThyssenKrupp Elevator Corporation for your review and signature.

- **Background and Purpose**
  This contract is to provide the services for the Elevator Maintenance agreement with ThyssenKrupp Elevator; this agreement is part of the Interlocal Agreement with WWU to utilize their contract pricing. This contract will expire June 30th, 2018 along with WWU’s agreement; we may utilize the option to renew if WWU renews its contract.

- **Funding Amount and Source**
  Funding amount needed for this contract is $60,576.20 including WSST. This contract will be funded from the Facilities Maintenance Budget, various accounts 507xx.7060.

- **Differences from Previous Contract**
  This project is a one-time agreement.

Please contact Michael Russell at extension 5365, if you have any questions or concerns regarding the terms of this agreement.

Enclosures
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administrative Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Division/Program:</strong></td>
<td>Facilities Management</td>
</tr>
<tr>
<td>(i.e. Dept. Division and Program)</td>
<td></td>
</tr>
<tr>
<td><strong>Contract or Grant Administrator:</strong></td>
<td>Michael Russell</td>
</tr>
<tr>
<td><strong>Contractor's / Agency Name:</strong></td>
<td>ThyssenKrupp Elevator Corporation</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**

- Yes [x] No [ ]

**If not, is this an Amendment or Renewal to an Existing Contract?**

- Yes [ ] No [x]

If Amendment or Renewal, (per WCC 3.08.100 (a)) **Original Contract #:**

- [ ]

**Does contract require Council Approval?**

- Yes [x] 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 [x] If yes, grantor agency contract number(s):

- [ ]

- CFDA#:

- [ ]

**Is this contract grant funded?**

- Yes [ ] No [x] If yes, Whatcom County grant contract number(s):

- [ ]

**Is this contract the result of a RFP or Bid process?**

- Yes [ ] No [x] If yes, RFP and Bid number(s):

- [ ]

- Contract:

- [ ]

- Cost Center: 50758.7060

- [ ]

**Is this agreement excluded from E-Verify?**

- Yes [x] No [ ] 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):**

- $ 60,576.20

**This Amendment Amount:**

- [ ]

**Total Amended Amount:**

- $ 60,576.20

**Summary of Scope:** This contract is between Whatcom County and ThyssenKrupp for the Elevator Maintenance schedule for elevators in the Public Safety Building, Civic Center, State Street, Courthouse, including the ADA lift.

**Term of Contract:**

<table>
<thead>
<tr>
<th>Date:</th>
<th>Dee Ebergen</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prepared by:</td>
<td>Date: 10/25/17</td>
</tr>
<tr>
<td>2. Attorney signoff:</td>
<td>Date: 10/26/17</td>
</tr>
<tr>
<td>3. AS Finance reviewed:</td>
<td>Date:</td>
</tr>
<tr>
<td>4. IT reviewed (if IT related):</td>
<td>Date:</td>
</tr>
<tr>
<td>5. Contractor signed:</td>
<td>Date: 11-7-17</td>
</tr>
<tr>
<td>6. Submitted to Exec.:</td>
<td>Date: 11-9-17</td>
</tr>
<tr>
<td>7. Council approved (if necessary):</td>
<td>Date:</td>
</tr>
<tr>
<td>8. Executive signed:</td>
<td>Date:</td>
</tr>
<tr>
<td>9. Original to Council:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

**Expiration Date:** 6/30/18
CONTRACT DOCUMENT
Elevator Maintenance Contract

ThyssenKrupp Elevator Corporation, 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 11,
Exhibit A (Scope of Work), pp. 12
Exhibit G (WWU Elevator RFP#BL-2313), pp. 13 – 89
Exhibit C (Compensation & Billing Schedule), pp. 90 – 91

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 1st day of January 2017, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 30th day of June 2018.

The general purpose or objective of this Agreement is to: Elevator Maintenance at the Whatcom County Courthouse, Civic Center, Jail and State Street Annex as more fully and definitively described in Exhibit A (scope of work) & Exhibit C (WWU and ThyssenKrupp contract related only to pricing and services). The language of Exhibit A & Exhibit C controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement shall not exceed $60,576.20. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this ___ day of __________, 20__.

CONTRACTOR:

Kael Barnhart, Regional BDM

STATE OF WASHINGTON COUNTY )
OF Snohomish ) ss

On this 7th day of November, 2017, before me personally appeared to me Kael Barnhart, known to be the Regional Business Development Manager of ThyssenKrupp Elevator Corporation and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

JAMI M. KING
NOTARY PUBLIC in and for the State of Washington, residing at Arlington. My commission expires 04-08-20

Contract for Services Agreement
ThyssenKrupp Elevator Corporation
v 1.0
WHATCOM COUNTY:
Approved as to form:

Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By: ____________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  )
    ) ss
COUNTY OF WHATCOM     )

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

________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at
________________________________________. My commission expires ____________________

CONTRACTOR INFORMATION:

ThyssenKrupp Elevator Corporation

Address:
917 134th Street SW, Suite A-8
Everett, WA 98204

Mailing Address:
917 134th Street SW, Suite A-8
Everett, WA 98204

Contact Name____________________
Branch Manager

Contact Phone:
(425) 438-0309

Contract Email:
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" Scope of Work, during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement. The scope of work shall include that the Contractor shall only provide demonstrations and no training will be provided.

2. **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 prior to the commencement or continuation of work. 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.

3. **Extension:**
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year at a time, for a maximum extension of no longer than five years.

4. **Termination for Default, Breach and Remedies:**
   a. The County and the Contractor by mutual written agreement may terminate this Agreement.
   b. If the Contractor 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.
   c. If the Contractor defaults by failing to perform any of the obligations of the contract or fails to comply with the terms and conditions of this Agreement, the County may pursue such remedies as are legally available, including but not limited to, the suspension or termination of this Agreement in the manner specified herein. Prior to such termination, however, the County shall give to the Contractor written notice of the breach and the County's intent to terminate. If the Contractor has not entirely cured the breach within seven (7) days of the notice, then the County may terminate this Agreement at any time thereafter by giving a written notice of termination.
   d. 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. In the event of termination under this clause, the County shall be liable only for payments in accordance with the terms of this Agreement for services rendered prior to the effective date of termination provided that such services conform to the Agreement specifications and are of use to the County. The County also shall be entitled to any other equitable and legal remedies that are available. Except as expressly contained in this Price Agreement, the remedies for a breach of this Price Agreement shall not be exclusive, or construed as a limitation on any other equitable and legal remedies that are available or may become available. In no event shall either party be liable for any consequential, incidental, exemplary, special and/or liquidated damages.
   e. **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 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.

f. 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.

g. Damages: Under no Circumstances shall the County be subject to early termination penalties for recurring charges for goods or services that the County cancels during the term of this Agreement. Neither Party shall be liable for any consequential, incidental, exemplary, special and/or liquidated damages. However, the Contractor shall be liable for any direct or actual out of pocket costs or losses to the County, in order to remedy or correct a breach or default by the Contractor.

5.. 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."

6.. 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.

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

8. Labor Standards:
The Contractor agrees to comply with state and federal requirements, as applicable, 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.

9. 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 on a Schedule C, 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.

10. 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.

11. 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.

12. 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.

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

14. **Proof of Insurance:**

The Contractor shall carry for the duration of this Agreement general liability, property damage, and auto insurance with the following minimums:

- **Property Damage** - $1,000,000.00, per occurrence
- **General Commercial Liability & Property Damage for bodily injury** - $2,000,000.00, per occurrence.
- **Business Automobile Liability** - $1,000,000 minimum, per occurrence
  - $2,000,000 minimum, annual aggregate

Automobile coverage shall include liability for any and all owned, non-owned, utilized and hired motor vehicles. Coverage may be satisfied by way of endorsement to the General Commercial Liability policy.

The Contractor shall, at its own expense, obtain and continuously maintain the following insurance coverage. All insurers providing such insurance shall have an A.M. Best Rating of not less than A- or be acceptable to the County and be licensed to do business in the State of Washington and admitted by the Washington State Insurance Commissioner. Coverage limits shall be the minimum limits identified in this Agreement, or the coverage limits provided or available under the policies maintained by the Contractor without regard to this Agreement, whichever are greater. All insurance policies shall provide coverage on an occurrence basis.

Coverage shall include personal injury, bodily injury and property damage for Premises/Operations Liability, Products/Completed Operations, Personal/Advertising Injury, Contractual Liability, Independent Contractor Liability, and Stop Gap/Employer's Liability. Coverage shall not exclude or contain sub-limits less than the minimum limits required, unless approved in writing by the County. All insurance policies shall provide coverage on an occurrence basis.

Primary, Non-contributory Insurance. All Contractor’s and Contractor’s subcontractors' insurance policies and additional named insured endorsements shall provide primary insurance coverage and be non-contributory. Any insurance, self-insured retention, deductible, risk retention or insurance pooling maintained or participated in by the County shall be excess and not contributory to such insurance policies. All Contractor’s and Contractor’s subcontractors' liability insurance policies must be endorsed to show this primary coverage.

Review of Policy Provisions. Upon request, the Contractor shall provide a full and complete certified copy of all requested insurance policies to the County. The County reserves the right, but not the obligation, to revise any insurance requirement, not limited to limits, coverages and endorsements, or to reject any insurance policies which fail to meet the requirements of this Agreement. Additionally, the County reserves the right, but not the obligation, to review and reject any proposed insurer providing coverage based upon the insurer’s financial condition or licensing status in Washington. Any deductibles and/or self-insured retentions exceeding $50,000, stop loss provisions, and/or exclusions contained in such policies must be approved by the County in writing. For any deductibles or self-insured retentions exceeding $50,000 or any stop-loss provisions, the County shall have the right to request and review the Contractor’s most recent annual financial reports and audited financial statements as a condition of approval.

Waiver of Subrogation. Contractor hereby agrees to a waive subrogation with respect to each insurance policy maintained under this Agreement. When required by an insurer, or if a policy condition does not permit Contractor to enter into a pre-loss agreement to waive subrogation without an endorsement, then Contractor agrees to notify the insurer and obtain such endorsement. This requirement shall not apply to any policy which includes a condition expressly prohibiting waiver of subrogation by the insured or which voids coverage should the Contractor enter into such a waiver of subrogation on a pre-loss basis.

Additional Insureds. The County, its departments, elected and appointed officials, employees, agents and volunteers shall be named as additional insureds on Contractor's and Contractor’s subcontractors’ insurance policies by way of endorsement for the full available limits of insurance maintained by the Contractor and subcontractor, with respect to the Contractor’s activities to be performed or products or services to be provided.
All coverage shall be primary and non-contributory. A statement of additional insured status on a Certificate of Insurance shall not satisfy these requirements.

Endorsements and Certificates of Insurance. The Contractor shall, for each required insurance policy, provide a Certificate of Insurance, and additional insured endorsement form(s) to the County, evidencing all required coverages, limits, deductibles, self-insured retentions and endorsements and which is conditioned upon the County receiving thirty (30) days prior written notice of reduction in coverages, cancellation or non-renewal. Each Certificate of Insurance and all insurance notices shall be provided to the Project County Department Manager and Administrator of the Contract sent by both postal delivery and email delivery.

No Limitation on Liability. The insurance maintained under this Agreement shall not in any manner limit or qualify the liabilities or obligations of the Contractor under this Agreement. All insurance policy deductibles and self-insured retentions for policies maintained under this Agreement shall be paid by the Contractor.

Payment Conditioned on Insurance. Compensation and/or payments due to the Contractor under this Agreement are expressly conditioned upon the Contractor’s strict compliance with all insurance requirements. Payment to the Contractor shall be suspended in the event of non-compliance. Upon receipt of evidence of Contractor’s compliance, payments not otherwise subject to withholding or set-off will be released to the Contractor.

Workers’ Compensation. The Contractor shall maintain Workers’ Compensation coverage as required under the Washington State Industrial Insurance Act, RCW Title 51, for all Contractor’s employees, agents and volunteers eligible for such coverage under the Industrial Insurance Act.

Insurance Policy Cancellation or Change: The County must be notified immediately, in writing, of any cancellation of the policy or change in insurance carrier. A Certificate of Insurance and endorsements is attached as Exhibit C to this Agreement. If Exhibit C is not attached, the Contractor must submit to the County the Certificate and endorsements as required in this Agreement prior to the commencement of any work on this project. Any failure to comply with this Insurance provision shall constitute a material breach of this Agreement and shall be grounds for immediate termination of this Agreement. Failure by the County to review or reject the Insurance Certificate and/or endorsement does not constitute a waiver of the Contractor’s duty and obligation to obtain the Insurance and endorsements required in this contract, nor does it constitute an acceptance by the County of the Insurance and endorsements provided.

If Contractor provides a manuscript endorsement, the endorsement must provide proof that all requirements of this Insurance provision have been met.

Notwithstanding the naming of Whatcom County, employees, officers, agents, officials as additional insured, the additional insured coverage shall be limited only to the extent any claim is caused by the acts, actions, omissions or neglect of the Contractor its employees, agents or subcontractors.

15. **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.

16. **Defense & Indemnity Agreement:**
To the fullest extent permitted by law, the Contractor agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, officers, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney’s fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property 1) but only to the extent caused in whole or in part by any act or omission, negligent or otherwise, of the Contractor, its employees, agents or volunteers or Contractor’s subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with performance of this Agreement; or 3) are based upon the Contractor’ s or its subcontractors’ use of, presence upon or proximity to the property of the County.
The Contractor’s duty to indemnify, defend, and hold harmless the County, its officials, officers, employees, agents or volunteers, from all claims, demands, suits, actions, losses, damages, liabilities, fees, costs and expenses of, including attorney’s fees and costs, are limited only to the extent of any acts, actions, omissions, neglect, negligence or otherwise of the Contractor or its officers, employees, subcontractors, representatives or agents.

This indemnification obligation of the Contractor shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen’s compensation act, disability benefit act or other employee benefit act, and the Contractor hereby expressly waives any immunity afforded by such acts.

The foregoing indemnification obligations of the Contractor are a material inducement to County to enter into this Agreement, are reflected in the Contractor’s compensation, and have been mutually negotiated by the parties.

The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of Contractor’s indemnity obligations under this Agreement.

The Provider agrees all Contractors’ indemnity obligations shall survive the completion, expiration or termination of this Agreement.

In the event the Contractor enters into subcontracts to the extent allowed under this Agreement, the Contractor’s subcontractors shall indemnify the County on a basis equal to or exceeding Contractor’s indemnity obligations to the County.

17. **Bond Required – Conditions – Retention of Contract Amount in Lieu of Bond:**
The Contractor agrees to comply with state and federal requirements, as applicable, pertaining to bond requirements, in accordance with RCW 39.08.010, Bond required – conditions – retention of contract amount in lieu of bond.

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

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

19. **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.
20. **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:

**Michael Russell, Facilities Manager or Designee**
Whatcom County AS-Facilities Management
316 Lottie Street
Bellingham, WA 98225

21. **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, or by facsimile or electronic transfer if acknowledged as received by the receiving Party.

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

23. **Contractor Commitments, Warranties and Representations:**
Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to, any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties. The Contractor represents and warrants that (i) Contractor shall perform all Services set forth herein in a good and workmanlike manner, in conformance with the Specifications and requirements of this Agreement, and in accordance with the highest applicable professional and/or industry standards; (ii) Contractor warrants that each of Contractor’s employees assigned to perform Services has the proper skill, training, and background to be able to perform Services in a competent, timely, and professional manner and that all Services shall be performed; and (iii) Contractor shall, at all times during the term of this Agreement, maintain and keep current all licenses and certifications required to perform the work set forth in this Agreement.

24. **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.

25. **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.

26. **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. Mediation:
The parties shall attempt to resolve any controversies or disputes arising out of or relating to this Agreement through a good faith attempt at mediation. Each party will pay its own attorney’s fees and costs.

e. Arbitration:
1.) Any controversy or claim arising out of or relating to this Agreement that is not resolved through mediation, shall be resolved by final and binding arbitration pursuant to RCW 7.04A. Demand for arbitration shall be made in writing to the other party. The arbitration shall be held in Whatcom County before a single arbitrator selected by the Agreement of the parties. If the parties cannot agree upon an arbitrator within fifteen (15) days after the demand for arbitration is made, the arbitrator shall be selected by a judge in the Superior Court of Whatcom County in accordance with the procedures set out in RCW 7.04A.110.

2.) Unless the parties agree otherwise in writing, the arbitration hearing shall occur no later than sixty (60) days after the date the arbitrator is appointed.

3.) The parties agree that, with the exception of the circumstances set out in RCW 7.04A.230, the arbitrator’s decision shall be binding, final and not appealable to any court of law.

4.) Each party shall pay its own costs of arbitration including attorney’s fees. The arbitrator’s fee and any administrative expenses is imposed by the arbitrator shall be shared equally by the parties.

5.) This Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

6.) The Parties may agree to litigate any dispute or issue in Court if signed in writing by both Parties.

7.) The Washington State statute of limitations applies to the Dispute Resolution provisions.

27. 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 and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

28. Survival:
The terms, conditions, representations, and all warranties contained in this Agreement, and 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, expiration, or invalidity of this Agreement for any reason.

29. No Third Party Beneficiaries. This Agreement is not intended to benefit any person, entity or municipality not a Party to this Agreement, and no other person, entity or municipality shall be entitled to be treated as beneficiary
of this Agreement. This Agreement is not intended to nor does it create any third party beneficiary or other rights in any third person, including, but not limited to, any agent, contractor, subcontractor, consultant, volunteer, or other representative of a Party. No agent, employee, contractor, subcontractor, consultant, volunteer or other representative of the Parties hereto shall be deemed an agent, employee, contractor, subcontractor, consultant, volunteer or other representative of any other Party hereto.

30. **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. Only documents and records submitted, furnished or provided in relation to this Agreement shall be binding upon the Parties.
EXHIBIT "A"
(SCOPE OF WORK)

This contract follows the scope of services included in the Interlocal agreement with WWU to use their contract pricing from WWU RFP #BL-2313; Exhibit “C” attached.

The vendor shall furnish all labor and materials necessary for FULL MAINTENANCE service for elevators and special ADA lift. The extent of service shall include qualified labor, supervision, all parts, tools, equipment, and cleaning, transportation (when and where required) and establishment and maintenance of records. Maintenance records shall include repair work performed and spare parts used. All work performed shall be patterned after accepted commercial practices for routine elevator maintenance. All services and maintenance work is to be approved by Facilities Maintenance.

The goal of inspection and service shall be of sufficient quality so the reliability, proper operation and safety characteristics of the elevators are not degraded.

2.3.1 ROUTINE SERVICE

2.3.2 REQUEST FOR SERVICE

2.3.2 RECORDS

2.3.3 COMPLIANCE

2.3.4 COMMUNICATIONS

2.3.5 DOCUMENTATION

2.3.6 ELEVATOR DOWNTIME

2.3.7 CONTRACTOR EMPLOYEES

2.3.8 BACKGROUND CHECKS

2.3.8 ON-CAMPUS (PREMISES) PROCESS

2.3.9 PERIODS OF MAINTENANCE

2.3.10 RATES & CHARGES

2.4 REQUIRED SERVICES AND MATERIALS

2.4.1 WIRING DIAGRAMS

2.4.2 ELEVATOR SURVEY

2.4.3 LABOR & INDUSTRIES

2.4.4 TRAINING

2.4.5 FIRE SERVICE RECALL TESTING

2.4.6 ELEVATOR RESET

2.4.7 TRACTION ELEVATORS

2.4.8 HYDRAULIC ELEVATORS

2.4.9 MATERIAL SAFETY DATA SHEETS (MSDS)
Request for Proposal

Elevator Maintenance

WESTERN
WASHINGTON UNIVERSITY

Reference Bid: RFP# BL-2313

Issue Date: March 1, 2012
Proposals Due: April 18, 2012

Return Proposals To:

If hand-delivered or sent via courier such as FEDEX, the physical location is:
Western Washington University
Business Services
333 32nd Street Ste 140
Bellingham WA 98225-1420

If delivery is by US mail the address is:
Western Washington University
Business Services - Mail Stop 1420
516 High Street
Bellingham, WA 98225-1420
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Section 1 – Introduction

1.1 Purpose of this Request for Proposal

Western Washington University (WWU) desires to enter into a multi-year agreement with a vendor to provide the regular monthly inspection and preventive maintenance for all elevators and wheelchair lifts located on the Bellingham campus. The successful vendor must have a proven track record of performance with the various types and styles of equipment requiring service. The vendor must also be able to provide a maximum response time of one (1) hour. The vendor will conduct an annual survey of all equipment and provide recommendations for upgrades and improvements.

The City of Bellingham may utilize any contract that results from this solicitation. A separate services contract will be signed with the City of Bellingham if the City elects to use this request for proposal.

1.2 Contract Period

The University anticipates a five (5) year contract agreement with renewal options for a not to exceed ten (10) year agreement.

1.3 Schedule of Procurement Activities

<table>
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<tr>
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<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Proposals issued</td>
<td>March 1, 2012</td>
</tr>
<tr>
<td>Mandatory Pre-Bid Meeting 9:00 a.m. – 1:00 p.m.</td>
<td>March 15, 2012</td>
</tr>
<tr>
<td>Last date for Questions regarding RFP</td>
<td>March 28, 2012</td>
</tr>
<tr>
<td>Answers to questions summarized and posted as addenda on WEBS by</td>
<td>April 4, 2012</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>3:00 PM April 18, 2012</td>
</tr>
<tr>
<td>Evaluate Proposals</td>
<td>April 19 – 30, 2012</td>
</tr>
<tr>
<td>Conduct oral interviews with finalists, if required</td>
<td>May 2, 2012</td>
</tr>
<tr>
<td>Announce &quot;Apparent Successful Bidder&quot; and send notification via fax or e-mail to unsuccessful proposers by</td>
<td>May 11, 2012</td>
</tr>
<tr>
<td>Contract review and signatures By</td>
<td>June 1, 2012</td>
</tr>
<tr>
<td>Estimated Project Start Date</td>
<td>July 1, 2012</td>
</tr>
</tbody>
</table>

The University reserves the right to revise this schedule.

1.4 About Western Washington University

Western Washington University is a premier university that fosters a dynamic collaborative environment at an intimate scale. Western’s brand references active minds and academic excellence in a welcoming and supportive community surrounded by a spectacular location and natural environment.

Western’s President, Dr. Bruce Shepard began service as the University’s 13th President on September 1, 2008. Western has embarked on Fifteen initiatives which include academic quality, advancement, diversity, sustainability shaping who we are. Major efforts on campus include a branding initiative, a major comprehensive fundraising campaign and development of the Waterfront in partnership with the City of Bellingham and the Port of Bellingham. This is in a context of significant and ongoing reductions of state support for public universities in Washington State, rising tuition, and strong student enrollment.
demand. Over the past year the campus has engaged in sustained budget deliberations to assure open and transparent decision making resulting in effective resource allocation.

Western’s Bellingham campus has 131 buildings with a GSF of 3,461,000. There are 68 elevator units on campus.

Section 2 – Specifications and Scope of Work

2.1 General Overview
Western Washington University formally invites responses to this Request for Proposal to provide elevator maintenance service. Exhibits A and B list the elevators included in this RFP.

Washington is a prevailing wage state. As such, vendors are required to pay prevailing wage to workers based on classification of labor performed. See www.Lni.wa.gov/TradeLicensing/PrevailingWage for prevailing wage information. Vendors are required to comply with RCW 39.12. Initial payment for any services received by the University as a result of this RFP, will not be made until University receives an approved Intent form; final payment will not be made until University receives an approved Affidavit. Prevailing Wage rates change annually. Contractor is responsible for ensuring that the rates contractor is paying reflect the current rates.

This RFP may result in multiple awards.

2.2 Qualifications
Bidder must, at the time of bid opening, be an established business firm licensed to do business in the State of Washington, with all necessary licenses, bonding, facilities, equipment, and trained personnel necessary to perform the work as specified in this Request For Proposal solicitation. All vendors responding shall demonstrate that:

- a) vendor has satisfactorily completed work of a similar nature to the work described in this RFP continuously for the past ten (10) years;
- b) vendor has all necessary licenses to perform the work under this solicitation;
- c) vendor can meet the emergency response time requirement;
- d) vendor understands and subscribes to the prevailing wage requirements;
- e) vendor provides references to attest to the quality and timeliness of the similar services provided. The quality and applicability of vendor references will be used as a factor for vendor selection. (See Required Responses Section 4.1, C and D).

2.3 Scope of Service
The Vendor shall furnish all labor and materials necessary for FULL PREVENTIVE MAINTENANCE service for elevators, dumbwaiters, and special lifting devices at Western Washington University and the City of Bellingham, WA as noted in Appendices A and B. The extent of service shall include qualified labor, supervision, all parts, tools, equipment, and cleaning, transportation (when and where required) and establishment and maintenance of records. Maintenance records shall include repair work performed and spare parts used. All work performed shall be patterned after accepted commercial practices for routine elevator maintenance. All services and maintenance work is to be approved by the Facilities Management Project Manager, Lloyd Hungate, email Lloyd.Hungate@wwu.edu, or phone 360-
650-2879 prior to the work being performed. The goal of inspection and service shall be of sufficient quality so the reliability, proper operation and safety characteristics of the elevators are not degraded.

Required preventive maintenance schedules for both elevator equipment and wheel chair lifts are attached as Exhibit C - Elevator Preventive Maintenance Minimum Requirements (University)

See also Exhibit E Elevator Condition Report for Western units. This ranking was performed in August 2010 and is the most recent ranking available.

A complete copy of parts and maintenance work logs, with schedules of all planned maintenance, is to be provided to the University's RFP Coordinator within seven (7) business days of announcement of award.

Equipment may be added during the term of the contract according to a predetermined formula which considers the type of elevator system, the number of floors being served and the age of the equipment.

2.3.1 Routine Service
Routine Service includes monthly inspection, adjustment, lubrication and if necessary, repair or replacement for ordinary wear and tear. Vendor will provide a list of components that are included and a list of components not included. Vendor will provide periodic inspection and testing of safety devices. Owner agrees to report immediately any condition which needs correction between regular examinations. See Exhibit C for frequency of service requirements.

2.3.2 Requests for Service
Under no circumstances can the response time be more than one hour. The average response time is to be within 30 minutes. Two elevator service persons must reside close enough to the University to meet this response criteria. Response time is defined as the time it takes for the service technician to arrive at the specified elevator location from the time the request for service is made by the University. This time specification is NOT conditional. Outside influences such as weather conditions, traffic congestion, highway construction, absenteeism, etc. are not acceptable justifications for failure to meet our required response time specification. All elevator work is to be accomplished by the two local service persons unless previously agreed to in writing by the University. Failure to meet the stated response times will be considered grounds for termination.

2.3.2 Records
The Contractor shall provide and keep current a suitable log for each elevator, posted in the machine room or other location designated by the Facilities Management Project Manager, on which entries shall be made to indicate the status of all scheduled items of maintenance work performed and the date. The Contractor must properly initial the log to indicate the work has been accomplished. The Contractor, within ten (10) business days of award of the contract, shall submit to the Facilities Project Manager proposed checklist for approval and agreement of checklist content by the owner.

2.3.3 Compliance
In the performance of the contract resulting from this RFP, vendor agrees to carry out all work in strict compliance with all laws, codes, rules and regulations set forth with regard to the equipment by municipal, state, or federal authorities having jurisdiction in effect on the date of the contract including but not limited to:

a. ANSI A17.3-2011 Safety Code for elevators and Escalators
b. ISO 41901 to 6:1984 Lifts and Service Lifts (USA: elevators and dumbwaiters)
c. WAC 296-96 Safety Regulations and Fees for All elevators, Dumbwaiters, Escalators and other Conveyances
d. Prevailing Wage Law - See L&I website
   http://www.lni.wa.gov/Trades/licensing/PrevWage/

e. Worker's Compensation Act with all amendments

f. All relevant safety, health, environmental codes from federal, state or local municipalities
   including Title 40, code of Federal Regulations, Title 296

g. University policies

2.3.4 Communications
It is expected that the Contractor shall maintain regular and effective communications with the Facilities
Management Project Manager regarding the following so that the Facilities Management Project
Manager can file a "Shut Down Notification" via internal online process and/or other methods necessary
to notify all end users of the appropriate area affected as quickly as possible. This notification has 3
categories being (1) Emergency/Immediate; (2) 3 day notification – only for localized area in a building;
and (3) 3 week notification - required for work affecting an entire building; large area of campus; multiple
buildings and/or work that would disrupt the education mission.

a. Prompt notification of major work required, safety related or serious problems, and
   unusual circumstances.

b. Notification of any damaged or abused equipment.

c. Notification of any equipment not operating as designed.

d. IMMEDIATE Notification of EMERGECNCY shutdown of any equipment.

e. Proposed downtime with schedule for any routine maintenance.

f. Communication with the manufacturer to determine required modification to equipment or
   servicing methods and adjustments.

g. Feedback of maintenance problems, and equipment performance through well
documented service slips.

h. All elevator service personnel are to report the Facilities Maintenance Project Manager or
   his designee prior to starting work. A sign-in-log will be maintained with before and after
   work entries.

i. Written documentation as to the performance of monthly services shall be provided to the
   Facilities Project Manager by the fifth of the following month via email
   Lloyd.Hungate@wwu.edu

2.3.5 Documentation
Western requires the contractor to maintain full documentation covering performance. Documentation
will be maintained in the Facilities Management Project Manager's office. This will include, but will not be
limited to, the following:

a. Monthly report of all elevator service calls and failures, and a chart of "call backs" by day
   by elevator.

b. Monthly report of major or safety related problems encountered or any equipment not
   operating to design specifications.
c. Provide an annual "Elevator Condition Report" due no later than October 31st of each year.

d. Maintenance of appropriate preventive maintenance records and repair logs to document, in writing, all work done for each elevator. Original maintenance records will remain in the elevator machine room.

e. A Preventive Maintenance Schedule and Work Log shall be posted in each machine room. The log shall include ALL entries for routine maintenance and repairs including call backs. Entries shall include date work is completed, brief description of work performed, parts installed, and the Mechanic's name.

f. All changes in writing of the elevator components will be recorded on the University's plans and specifications located at the elevator machine room.

g. Contractor shall immediately notify the University of defects or required modifications in the elevators which the contractor considers to be beyond the scope of the contract, and shall furnish the University with a detailed written estimate of the repair costs. The University will then determine if and when the work needs to be done and if it can be accomplished within the scope of the contract. The University will have the defect corrected as it deems appropriate.

h. Annual performance testing including, speed readings to verify and document maintenance of all original design performance characteristics.

i. Written documentation as to the performance of monthly services shall be provided to the Facilities Project Manager. Documentation is due by the 10th of the following month.

j. Failure to comply with any of the above shall result in non-payment. Work shall not be considered performed if written documentation and sign in logs are incomplete.

2.3.6 Elevator Downtime
The intent of preventive maintenance is to minimize downtime of the University elevators. Not more than one elevator shall be put out of service at one time for regular maintenance, lubrication and servicing. When an elevator is taken out of service for planned maintenance standard Shut Down Procedure as described in 2.3.4 Communications shall be followed by contacting the Facilities Management Project Manager. This information shall include how and when the elevator is to be put back into service. Facilities Maintenance Project Manager will approve in writing all downtime for all elevators. For critical units, or those with limited or no back up, shutdowns must be limited to the fullest extent possible.

2.3.7 Contractor Employees
Vendors bidding on this solicitation must submit as part of their bid documentation a detailed resume for all personnel who will be utilized under any resultant contract. Include a detailed description of the previous six (6) years of employment history. Include the name and address of the companies the employee has worked for during the past six (6) years along with the name and telephone numbers of their immediate supervisor. Personnel proposed by any bidder may be required to pass such tests as will demonstrate their knowledge of elevators and their personal ability to maintain them systematically. The University reserves the right to reject any proposed personnel.

All vendor personnel performing work defined under this bid must:
a. Perform work in a proper workmanlike manner to the complete satisfaction of the University's Representative. Vendor, its agents, employees or subcontractors shall conform in all respects with access, physical, fire or other security regulations while on the University's premises.

b. Clean up all work areas and remove from the premises all debris resulting from his operations.

c. Precautions will be taken to prevent injury to building users while work is in progress. The vendor shall protect building finishes, such as vinyl tile, carpet, walls, doors, from soiling and damage. The Vendor render damaged or soiled areas like new and shall supply all cleaning materials and cannot utilize custodial materials maintained by the University.

d. Be trained journeyman-level mechanics and helpers, thoroughly skilled in elevator maintenance and directly employed and supervised by the Vendor. Employees will use all reasonable care to maintain the elevator equipment in a proper and safe operating condition and to extend the life of the equipment.

e. Live within 30 minutes response time of the University in order to meet the minimum response time. Once a contract has been established, vendor will provide address and contact information for the employees approved by the Facilities Management Project Manager to work on campus. Contractor will provide route sheet to ensure that if designated employees are not available substitutes can respond within the maximum sixty (60) minute required response time.

2.3.8 Background Checks
Successful vendor will conduct background checks for all employees who will be working on campus under the resultant contract in accordance with University Policy U-5400.08. Reports will be shared with Facilities Management Project Manager, Lloyd Hungate, email Lloyd.Hungate@wwu.edu, or phone 360-650-2879 as part of the screening process referenced in Section 2.3.7 Contractor Employees and prior to the work being performed.

2.3.8 On-Campus Process
a. Keys for access to facilities and associated elevator machine rooms will be available for daily check out at University Police. Vendor must supply a list of personnel who are to have access to keys prior to commencement of contract. Facilities Project Manager will review and approve such list. List will be kept on file at University Police. Vendor is responsible for updating this list through the Facilities Project Manager assigned to the contract.

Duplication of any key is forbidden.

Any and all costs incurred due to the loss of keys by vendor personnel shall be the responsibility of the vendor.

b. Uniforms and Check-In Requirements: Vendor’s service and repair personnel shall wear company uniforms and Western identification badges identifying them as employees of the vendor. Western ID badges are available at the Western Card Office in Edens Hall 108. When an employee is no longer servicing this account, the ID badge must be surrendered to the Facilities Maintenance Project Manager.

c. Contractor employees are subject to the University’s policies when on campus. Personnel deemed unacceptable by the Facilities Project Manager, for any reason, will not be allowed to perform work under the elevator maintenance contract.

2.3.9 Periods of Maintenance
It is expected that normal maintenance and inspection procedures will be done during normal University business hours in accordance with Exhibit C. When required to avoid disruption of campus activities, it may be necessary to schedule maintenance and inspection at other times. The basic maintenance rates provided by vendors shall entitle the University to maintenance service 24 hours per day, 7 days per week.

2.3.10 Rates and Charges
The rates provided in the pricing proposal for normal maintenance and inspection shall remain in effect the initial five (5) years of this agreement. Rate increases may be negotiated at the end of the initial term of any contract resulting from this RFP. Rates for full P.M. Service within this agreement are monthly rates. All other services are hourly and only performed through written approval by the Facilities Management Project Manager.

These basic maintenance rates shall entitle the University to maintenance service 24 hours per day, 7 days per week. All work covered in this RFP shall be conducted during this time period at no extra cost to the University, including all emergency call backs. Monthly Rates are to be provided for specific elevators as listed in Exhibit A - Western Washington University and Exhibit B - City of Bellingham.

For work that is not covered specifically in this Agreement, the hourly rate provided in the pricing proposal shown in Exhibit D, will be used, multiplied by the actual hours incurred for emergency callouts. A repair estimate will be submitted for prior written approval for non-emergency and discretionary repairs.

2.4 REQUIRED SERVICES AND MATERIALS

2.4.1 Wiring Diagrams
Elevator Contractor shall maintain a complete set of wiring diagrams, provided by the University showing “as built” conditions, with any changes or modifications to circuits resulting from control modifications, parts replacement or equipment upgrade. The University retains sole possession of these wiring diagrams. The wiring diagrams shall be kept in a neat and orderly fashion and be located in the machine room of each elevator.

2.4.2 Elevator Survey
Contractor shall update the “Elevator Survey” annually. The most recent survey was completed in August 2010. Four copies of the survey are to be provided to the Facilities Project Manager no later than October 31st of each year. The survey is to include features which are installed, features which are not installed, the costs for all needed upgrades/deficiencies, summaries of those costs, and other general information for each elevator maintained as a part of any contract provided in response to this solicitation. The survey shall be provided in a notebook and shall contain the following sections:

- General Information, Location, Type, Age, Grand, No. of stops, etc.
- Safety Features
- Fire Service Features
- ADA Compliance
- Obsolescence, which equipment is obsolete
- Seismic Safety Features
- Life Expectancy of Major Components Based on Current Use Levels
- Ranking of Elevators from those in the worst condition to the best condition; the following formula shall be used:
2.4.3 Labor and Industries
Contractor shall manage resolution of and respond in writing to all Labor and Industries inspection results. This includes coordinating all documentation and working with the Facilities Project Manager on division of work between the contractor and the University to resolve deficiencies and scheduling of all work. A copy of all communications with Labor and Industries is to be provided to the Facilities Project Manager.

2.4.4 Training
Contractor shall schedule and hold annual training sessions for University maintenance personnel for safe retrieval of passengers, safe access to elevator pits, all related safety training for access to all fire alarm equipment in hoistways, and proper lockout/tagout procedures on all elevator equipment. All training should be coordinated through the University’s Physical Plant Training Coordinator and University Department of Environmental Health and Safety. Training shall be to manufacturer’s standards for all brands on campus.

2.4.5 Fire Service Recall Testing
Contractor shall schedule and coordinate all Fire Service Recall Testing with the Facilities Project Manager for coordination with University personnel on standby generator operation and fire alarm testing related to fire service recall.

2.4.6 Elevator Reset
Contractor, as part of basic services, will reset elevators when deactivated by fire/smoke protection equipment after receiving official authorization from the Facilities Project Manager.

2.4.7 TRACTION ELEVATORS:

1. Contractor agrees to and shall maintain the traction elevator equipment herein described, on the following terms and conditions:

2. Contractor will use trained journeyman level mechanics and helpers directly employed and supervised by Contractor. Such employees shall be qualified to keep the Equipment properly adjusted, and Contractor will use all reasonable care to maintain the Equipment in proper and safe operating condition and to extend the life of the equipment.

3. Contractor will regularly and systematically examine, adjust, clean and lubricate the following as required, and if conditions warrant, repair or replace the same:

4. Machine worm gear, thrust bearings, drive sheave, drive sheave shaft bearings, brake pulley and brake coil, contact linings and component parts;

5. Motor and motor generator, motor windings, rotating element, commutator, brushes, brush holders and bearings;

6. Silicon control rectifiers, reactors, filters, heat sinks, amp traps, transducers, and all control components;

7. Controller, selector and dispatching equipment, leveling devices and cams, all relays, solid state components, resistors, condensers, transformers, contacts, leads, dash pots, timing devices,
computer and micro computer devices, steel selector cable or tape, and mechanical and electrical driving equipment;

8. Governor, governor sheave and shaft assembly, bearings, contacts, and governor jaws;

9. Deflector or secondary sheave, bearings, car and counterweight guide rails, top and bottom limit switches, governor tension sheave assembly, compensating sheaves assembly, counterweight and counterweight guide shoes including rollers or gibbs;

10. Hoist-way door interlocks and hangers, bottom door guides and auxiliary door closing devices and all fastening devices and associated reinforcement in attached components;

11. Hoistway entrance door sill areas beyond the entrance frame opening; will be cleaned.

12. Automatic power operated door operator, car door hanger, car door contact, door protective device, car ventilation system platform, load weighing equipment, car safety mechanism, elevator car guide shoes, gibbs or roller;

13. Contractor shall maintain the individual minimum performance standards defined below:
   a. “Start to Stop Time” as measured from the moment the car begins motion till the time it stops for a single floor run.
   b. “Door Open Time” as measured from the fully closed door position to a fully open stopped position.
   c. “Door Close Time” as measured from the fully open door position to a fully closed stopped position. Door closing pressure shall not exceed 30 lbs.
   d. “Leveling Accuracy” as measured from car sill to landing sill at a fully stopped position under all load conditions.
   e. “Rated Speed” as the same shall be that noted and shall not vary by more than 5% regardless of direction or load.

14. Contractor shall maintain the Rated Speed in feet per minute, the original performance time, including acceleration and retardation as designed and installed by the manufacturer and perform the necessary adjustments as required to maintain the original Door Open Time and Door Close Time, within limits of applicable codes, or to adjust and maintain revised Door Open Time and/or door close Time upon direction of Purchaser.

15. Contractor shall maintain smooth ride quality, smooth acceleration and deceleration and comfortable stop.

16. Door operation shall be positive and quiet with rapid and smooth checking at limits of travel. Contractor shall annually, check the group dispatching systems and make necessary tests to insure that all circuits and time settings are properly adjusted and that the system performs as designed and installed by the manufacturer or to adjust and maintain revised settings upon direction of Purchaser.

17. Examine periodically all safety devices and governors and conduct an annual no-load test.

18. Calibrate load-weighing devices to Purchaser’s selected settings, after annual and, as applicable, five-year safety tests are conducted.

19. Renew all wire ropes as often as is necessary to maintain an adequate factor of safety; equalize the tension on all hoist and compensation ropes, lubricate ropes appropriately and when necessary remove all residue and accumulated deposits from the rope surface and shorten ropes and chains as required to provide legal and reasonable bottom clearances.
20. Repair or replace conductor cables and hoistway and machine room elevator wiring in such a way as to maintain the percentage of spare conductors present at the signing of this Agreement. In no case shall the number of spare conductors be less than 5%.

21. Furnish lubricants compounded to the manufacturer's rigid specifications.

22. Make other safety tests recommended or directed by all applicable governmental authorities in force at the time of the signing of this Agreement. Contractor shall not be required to install new attachments on the elevators recommended or directed by insurance companies, or by governmental authorities, nor to make replacements with parts of a different design recommended or directed by insurance companies, or by governmental authorities.

23. Coordinate all testing requiring an independent witness or inspector with the Purchaser's appointed representative. Any such tests conducted without Purchaser's witness or inspector shall be repeated at Contractor's cost.

24. Contractor shall not be required to make renewals or repairs necessitated by reason of Purchaser's negligence or Purchaser's misuse of the Equipment or by reason of any other cause beyond Contractor's reasonable control except ordinary wear and tear.

25. Contractor shall also maintain, and if conditions warrant, repair or replace the following auxiliary equipment:
   a. All handicap devices;
   b. All elevator related earthquake devices if applicable

26. Contractor shall have no responsibility for the following items of Equipment, which are not included in this Agreement.

27. The items of elevator equipment excluded from this contract are: the finishing, repairing, or replacement of cab enclosure, hoistway door panels, door frames, sills, car flooring, floor covering, lighting fixtures, light bulbs and tubes, main line power switches, breaker, feeders to controller, alignment of elevator guide rails, smoke and fire sensors, fire service reports, air conditioners and all other items as set forth and excluded in this agreement. Elevator signal light bulbs will be replaced during regular service calls.

2.4.8 HYDRAULIC ELEVATORS
Contractor will maintain the hydraulic elevator equipment herein described under the same terms and conditions described under 2.4.7 entitled "Traction Elevators", at the same are applicable to hydraulic elevators, with the following additions:

1. The items of elevator equipment excluded from this contract are: the finishing, repairing, or replacement of cab enclosure, hoistway door panels, door frames, sills, car flooring, floor covering, lighting fixtures, light bulbs and tubes, main line power switches, breaker, feeders to controller, hydraulic elevator jack outer casing, underground piping, alignment of elevator guide rails, smoke and fire sensors, fire service reports, air conditioners and all other items as set forth and excluded in this agreement. Elevator signal light bulbs will be replaced during regular service calls.

2. Filters, mufflers and muffler components are included.

3. Periodically examine all safety devices and conduct pressure tests, Firefighter's Service tests, and other tests and maintain documentation as required by ANSI A1 7.1 or other applicable codes. Results of such testing will be provided to the Facilities Project Manager on a quarterly basis.
4. Periodically conducts an inspection of hydraulic fluid to detect contaminants and assure proper viscosity, make necessary corrections and replace fluid as required. Furnish hydraulic fluid compounded to the manufacturer’s rigid specifications.

5. Clean excessive fluid leakage from pump pans, cylinder heads, machine room and pit floors.

2.4.9 Material Safety Data Sheets (MSDS)
Contractor will provide MSDS sheets for all products contractor intends to employ the contract resulting from this RFP. The MSDS sheets must be provided to the Facilities Management Project Manager prior to any work be done. It is the contractor’s responsibility to inform and train the employees working on the elevators on the use of Material Safety Data Sheets. MSDS copies will be maintained at the University’s Environmental Health and Safety Office and with the Facilities Management Project Manager.

Section 3 – Administrative Instructions

3.1 General Instructions to All Vendors
The purpose of this section is to provide vendors with an understanding of the proposal process. This section contains instructions for vendors as they respond to this Request for Proposal (RFP) and describes the various phases of screening, review, evaluation and selection. It also explains the rights of Western Washington University and responding vendors in these procedures.

3.1.1 RFP Coordinator, Communications and Questions
The RFP Coordinator is the sole point of contact in the University for this procurement. All communication between the vendor and the University upon receipt of this RFP shall be with the RFP Coordinator, as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Barbara Lewis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department</td>
<td>Business Services – Mail Stop 1420</td>
</tr>
<tr>
<td>Address</td>
<td>333 32nd Street, Suite 140</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>Bellingham, WA 98225-1420</td>
</tr>
<tr>
<td>E-Mail Address</td>
<td><a href="mailto:Barbara.Lewis@wwu.edu">Barbara.Lewis@wwu.edu</a></td>
</tr>
</tbody>
</table>

Any other communication will be considered unofficial and non-binding on the University. Vendors are to rely on written statements issued by the RFP Coordinator. Communication directed to parties other than the RFP Coordinator may result in disqualification of the vendor.

All communications and/or questions regarding this RFP must be in writing. Questions must be submitted electronically by March 28, 2012. Vendors should E-mail questions to Barbara.Lewis@wwu.edu. Vendors should reference the RFP number found on the cover page of this solicitation in the email. The University will summarize all questions and provide answers, which will be posted as an addendum on WEBS, Washington's Electronic Business Solution. URL: http://www.gsa.wa.gov/webs/. Notice of an addendum should be sent via e-mail by the WEBS system to advise Vendors that the addendum is available for download. It is the responsibility of the Vendor to check for any addendums. The University also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.
Under no circumstances should respondents contact University personnel outside of the opportunity provided herein.

3.1.2 Revisions to the RFP
In the event it becomes necessary to revise any part of this RFP, addenda will be posted on WEBS.
https://fortress.wa.gov/ga/webs/. The University also reserves the right to cancel or to reissue the RFP in whole or in part, prior to execution of a contract.

3.1.3 Mandatory Pre-Bid Conference
Western will conduct a mandatory pre-bid conference Wednesday, March 15, 2012, from 9:00 a.m. to 1:00 p.m. The Pre-Bid will begin promptly at 9:00 a.m. at Western Washington University, Business Services, 333 32nd Street, Room AC 130, Bellingham, WA 98225-1420. Vendors who want to provide a bid on this proposal MUST attend this meeting.

Vendors should confirm their attendance at the Pre-Bid meeting via email to the RFP Coordinator Barbara.Lewis@wwu.edu

Vendors may then go to the City of Bellingham, City Hall, 210 Lottie, Bellingham, WA 98225 at 2:00 P.M. for those wishing to see representative City elevators. Meet in the lobby of City Hall.

The pre-bid conference will include an opportunity to review representative elevators selected from Appendices A and B, and ask questions. Confirm your attendance via email with the RFP Coordinator.

The University will be bound only to the written answers to questions. Questions arising at the pre-proposal conference or in subsequent communication with the RFP Coordinator will be documented and answered in written form. A copy of the questions and answers will be posted on WEBS. Vendors may view the questions and answers at the following link https://fortress.wa.gov/ga/webs/

3.1.4 Preparation of Responses
Responses must be prepared on University forms where such forms are provided. For originals, use standard 8.5” x 11” paper and place proposal in a binder with tabs or dividers separating each of the required elements. Use of recycled paper and double sided printed is encouraged. Responses to the ‘Required Responses’ in Section 4 must be formatted to correspond numerically to the requirements listed in Section 3.4.2.

The major sections of the proposal are to be submitted in the order noted below:

1. Cover Letter
2. Certifications and Assurances Form (Exhibit F)
3. Responses to Section 4 requests separated by headings and sub headings as instructed in Section 3.2.2.
4. Organized Exhibit or list of attachments related to Section 4 responses.
5. Exhibits A and B
6. WIPHE Participation (Exhibit G)
7. Other (anything you wish to submit)
8. CD/DVD/Flash Drive of entire presentation

Proposals must provide information in the same order as presented in this document with the same headings and table format.

All items in Section 5 other than those marked as “optional” must be included as part of the proposal for the proposal to be considered responsive.
3.1.5 Cost of Preparation
The University will not pay respondent costs associated with preparing or presenting any response to this request.

3.1.6 Number of Copies
Vendors are to provide Ten (10) complete responses; three (3) hard copy originals on 8.5 x 11 paper with tabs marking the sections; and seven (7) complete copies on seven (7) separate flash drives. All originals and copies must be submitted prior to the time and date stated in section 1.3.

3.1.7 Multiple Responses
Respondents who wish to submit more than one proposal may do so, provided that each proposal stands alone and independently complies with the instructions, conditions and specifications of the request. If multiple responses are submitted, the University reserves the right to select the most advantageous proposal to the University.

3.1.8 Proprietary Information
Materials submitted in response to this competitive procurement shall become the property of the University. University and the apparent successful Vendor; thereafter, the proposals shall be deemed public records as defined in RCW 42.17.250 to 42.17.340, "Public Records."

Any information in the proposal that the Respondent desires to claim as proprietary and exempt from disclosure under the provisions of RCW 42.17.250 to 42.17.340 must be clearly designated. The page must be identified and the particular exception from disclosure upon which the Respondent is making the claim. Each page claimed to be exempt from disclosure must be clearly identified by the word "Confidential" printed on the lower right hand corner of the page.

The University will consider a Respondent's request for exemption from disclosure; however, the University will make a decision predicated upon Chapter 42.17 RCW and Chapter 143-06 of the Washington Administrative Code. Marking the entire proposal exempt from disclosure will not be honored. The Respondent must be reasonable in designating information as confidential. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Respondent has been given an opportunity to seek a court injunction against the requested disclosure.

A charge will be made for copying and shipping, as outlined in RCW 42.17.300. No fee shall be charged for inspection of contract files, but twenty-four (24) hours notice is required. All requests for information should be directed to the University Public Records Officer. See:

3.1.9 Submitting Responses
Respondents must submit their responses to the Western Washington University Business Services Office by mail or hand-delivery. Regardless of the method of delivery, the proposal must arrive at the Business Services Office at the University no later than the date and local Bellingham time identified in Section 1.3 (Schedule of Procurement Activities) of these instructions. The method of delivery will be at the discretion of the respondent and will be at the respondent's sole risk to assure delivery at the designated office. The University does not take responsibility for any problems in the mail or delivery services, either within or outside the University. Receipt by any other office or mailroom is not equivalent to receipt by the Business Services Office. Proposals may not be submitted via E-mail or fax.

The proposal is to be sent to the RFP Coordinator at the address below. The envelope should be clearly marked with the RFP Number and to the attention of the RFP Coordinator.
timely manner, or fails to negotiate in good faith, the University may terminate negotiations and begin negotiations with the next highest ranking Vendor.

3.1.13 Reserved Rights
Subject to the provisions of Chapter 69, Laws of 1996 (SSB 6572), the University reserves the right to:

1. Waive any informality as per WAC 236-48-124.
2. Reject any or all proposals, or portions thereof. WAC 236-48-094 allows the state to "accept any portion of the items proposed" unless the bidder stipulates all or nothing on the proposal.
3. Reissue an IFB, RFQ, or RFP, or negotiate under provisions outlined under RCW 43.19.1911.
4. Award on an all or none basis, taking into consideration reduction in administrative costs as well as unit proposal prices.
5. Award based on the system that best meets the needs of the University.

3.2 Proposal Evaluation

3.2.1 Evaluation Criteria
Each proposal will be evaluated and rated by the University based on responses to items in the following categories found in Section 4:

- Company Information
- Cost and Financials
- Other Required Submittals

3.2.2Response Format
Your company must respond to each requested response individually and in the order presented in Section 4. Responses must be broken into the general categories and subcategories as they are presented in Section 4. Each response to a request must also begin with the section number and letter of the request being answered, for example:

Company Information

Response to 4.1A
Your response here

Response to 4.1B
Your response here

Response to 4.1.1C
Your response here

Response to 4.1.1D
Your response here

Response to 4.1.1E
Your response here

Response to 4.1.1F
Your response here

WESTERN WASHINGTON UNIVERSITY
RFP# BL-2313
Required Submittals

If a response to a particular request is an external document(s) (such as financial statements, vendor-completed worksheets, or menus) or contains a reference to an external document(s) the response to the request should contain a reference number to the document's location in an organized Exhibit or attachment list that will appear immediately after your company's Section 4 responses. Here is an example of such a response:

Response to 4.2 A
See Exhibit ____ (or Attachment ____ ) for Company Safety Plan

Response to 4.2 B
Your response here

Response to 4.2 C
Your response here

Response to 4.2 D
Your response here

Response to 4.2 E
Your response here

Response to 4.2 F
Your response here

Response to 4.2.H
See Exhibit ____ (or Attachment ____ ) for Financial Statements.

3.3 Debriefing of Unsuccessful Respondents
Upon request, a debriefing conference will be scheduled with an unsuccessful Respondent. Discussion will be limited to a critique of the requesting Contractor's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone.

3.4 Protest Procedure
This procedure is available to Vendors who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Vendor is allowed three (3) business days to file a protest of the acquisition with the RFP Coordinator. Protests may be submitted by email to the RFP Coordinator.

Vendors protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Vendors under this procurement.

All protests must be in writing and signed by the protesting party or an authorized Agent. The protest must state the grounds for the protest with specific facts and complete statements of the action(s) being
protested. A description of the relief or corrective action being requested should also be included. All protests shall be addressed to the RFP Coordinator.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of the evaluator.
- Non-compliance with procedures described in the procurement document or University policy.

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator’s professional judgment on the quality of a proposal, or 2) University’s assessment of its own and/or other agencies needs or requirements.

Upon receipt of a protest, a protest review will be held by the University. The Director of Business Services, or his/her delegate, an employee who was not involved in the procurement will consider the record and all available facts and issue a decision within five (5) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Vendor that submitted a proposal, such Vendor will be given an opportunity to submit its views and any relevant information on the protest to the RFP Coordinator.

The final determination of the protest shall:

Find the protest lacking in merit and uphold the University’s action; or
Find only technical or harmless errors in the University’s acquisition process and determine the University to be in substantial compliance and reject the protest; or
Find merit in the protest and provide the University options which may include:

- Correct the errors and re-evaluate all proposals, and/or
- Reissue the solicitation document and begin a new process, or
- Make other findings and determine other courses of action as appropriate.

If the University determines that the protest is without merit, the University will enter into a contract with the apparently successful Vendor. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

Section 4 – Information Provided by Vendors

4.1 Company Information

A. Describe your company, its history, corporate structure, and chain of ownership of the company to ultimate parent corporation, and all subsidiaries. Include the number of years your company has provided elevator maintenance service.

B. Describe what separates your company from your competitors.

C. Provide a list of current higher education client accounts in the following states: Washington, Oregon, and Idaho and dollar volume of each account. Include contact name and phone number, and length of service at each account.
D. Provide a list of client accounts in Whatcom County, Washington. Include contact name and phone number, and length of service at each account.

E. Provide an organization chart of your company.

F. Provide resumes detailing the employee’s previous six (6) years employment history for those employees who will be assigned to this account. Include any licenses or certificates the employee has that pertain to the work that will be performed under any contract generated from this solicitation. Include the names and addresses of the companies the employee has worked for during that past six (6) years and the names and telephone numbers of their immediate supervisor.

4.2 Required Submittals

A. Describe your company’s plan for safety. Provide data to show safety rating of your company.

B. Describe what issues your company has faced in the past three years and how your company responded to those issues.

C. Demonstrate your experience meeting disaster recovery needs for higher education institutions. Provide your company’s Business Emergency Continuity Plan.

D. Include any exceptions to the requirements (see Sections 2 and 3); terms or conditions (see Section 5) presented in this document. It will be assumed that your company accepts all terms presented unless the exceptions are clearly stated in writing in the proposal response. The University reserves the right to reject any proposed exceptions.

E. Complete the Proposal Signature Form located in Exhibit F.

F. Indicate your company’s fiscal year.

G. Provide audited financial statements for the last two years.

Section 5 – Terms and Conditions

5.1 General Terms and Conditions

5.1.1 Compliance with Law
Successful Vendor shall comply with the laws, ordinances, rules and regulations of all applicable federal, state, county and city governments, bureaus and departments including but not limited to those concerning the purchase and installation of parts; hourly wages; equal employment opportunity; occupational health and safety; and labor relations, and shall procure and maintain all necessary licenses and permits. The University shall cooperate as necessary for Successful Vendor’s compliance and procurement efforts.

GOVERNING LAW – Contracts resulting from this solicitation shall be construed and interpreted in accordance with the laws of the State of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Whatcom County.

5.1.2 Americans with Disability Act
The Vendor must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

5.1.3 Insurance Coverage

General Insurance Requirements
Successful Vendor shall provide evidence of insurance coverage as set out in this section. The intent of the required insurance is to protect the University should there be any claims, suits, actions, costs, damages or expenses arising from any negligent or intentional act or omission of Successful Vendor or subcontractor of the Successful Vendor, or agents of either, while performing under the terms of this contract.

Before the term of the Contract and subsequent annual amendments, Successful Vendor shall furnish the University with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements specified in this Contract. Certificates of insurance shall be sent to Western Washington University, Contract Administration, MS-1420, Bellingham, WA 98225-1420.

All insurance referred to herein shall be issued by companies admitted to do business within the State of Washington and have a rating of A-; Class VIII or better in the most recently published edition of AM Best's Reports.

The University shall be provided forty-five (45) days advance written notice before cancellation or non-renewal in coverage of any insurance referred to herein.

Western Washington University, its trustees, officers, directors, employees, agents and volunteers shall be named as an additional insured (except for Worker's Compensation and Professional Liability Insurance), and the Successful Vendor waives all rights against Western Washington University for recovery of damages to the extent these damages are covered by insurance policies maintained pursuant to this Contract.

All insurance provided in compliance with this Contract shall be primary and shall not contribute to any other insurance or self-insurance programs afforded to or maintained by the University.

Successful Vendor shall include their subcontractors as insureds under all required insurance policies, or shall obtain separate certificates of insurance and endorsements for each subcontractor. Subcontractor(s) must comply fully with all insurance requirements stated herein.

Successful Vendors or their subcontractor(s) failure to comply with Contract insurance requirements does not limit the Successful Vendor's liability or responsibility to the University.

Commercial General Liability (CGL) Insurance
The Successful Vendor shall maintain commercial general liability (CGL) insurance, and, if necessary, commercial umbrella or excess insurance with a limit of not less than $1,000,000 per each occurrence. If such CGL insurance contains aggregate limits, the General and Products-Completed Operations aggregate limit shall be at least $2,000,000.

CGL insurance shall be written on 1998 ISO Occurrence Form (or its equivalent coverage). All insurance shall cover liability arising out of premises, operations, independent Contractors, products-completed operations, personal injury and advertising injury, fire, legal, medical expense, and liability assumed under an insured contract (including defense costs assumed under contract), and contain Separation of Insureds Clause (Cross Liability).

This Contract shall be specifically scheduled as an "Insured Contract" under the policy, or insured as such under the blanket contractual liability provisions of the policy.
The Successful Vendor shall maintain employers liability insurance (or stopgap) and, if necessary, commercial umbrella or excess insurance with limits not less than $1,000,000 each accident for bodily injury by accident or $1,000,000 each employee for bodily injury by disease.

Business Auto Policy (BAP)
Successful Vendor shall maintain a business auto policy (BAP) with liability insurance and, if necessary, commercial umbrella or excess liability insurance with a limit not less than $1,000,000 per accident. Such insurance shall cover liability arising out of "Any Auto." BAP insurance coverage shall be written on ISO form CA 00 01 (or its equivalent coverage).

Professional Liability (E&O) Insurance
The Successful Vendor shall maintain professional liability (E&O) insurance and such coverage shall cover injury or loss resulting from the Successful Vendor's rendering or failing to render the professional services to the University as required under this Contract. The insurance shall have minimum limits no less than $1,000,000 per claim. If defense costs are paid within the limit of liability, the Successful Vendor shall maintain limits of $2,000,000 per claim. If the policy contains a general aggregate or policy limit, it shall be equal to the per claim limit.

Worker's Compensation
The Successful Vendor shall comply with all State of Washington workers compensation statutes and regulations. Workers compensation coverage shall be provided for all employees of the Successful Vendor. If the Successful Vendor fails to comply with all State of Washington worker's compensation statutes and regulations, the Successful Vendor shall indemnify the University for all fines, payment of benefits to employees, or their heirs or legal representatives, and the cost of effecting coverage on behalf of such employees.

Liability Claims and Lawsuits
Liability claims and lawsuits against the University, but covered under Successful Vendor's insurance, resulting from bodily injury, personal injury, sickness, disease or death shall be adjusted in consultation with University's Assistant Attorney General and Risk Manager.

Deductibles or Self-Insured Retention
Any deductible or self-insured retention applicable to any insurance shall be identified in the certificates of insurance and the responsibility for paying the part of any loss not covered because of application of deductible(s) or self-insured retention shall be the responsibility of Successful Vendor.

Requested exceptions to Insurance Requirements must be handled as provided in Item 7, Certifications and Assurance, Exhibit F.

5.1.4 Indemnification and Hold Harmless
To the fullest extent permitted by law, the Contractor agrees to indemnify, defend and hold harmless Western Washington University, its trustees, officers, directors, employees, agents, volunteers and assigns from and against all claims arising out of or resulting from the Contractor performance or non-performance of the Contract. "Claim" as used in this Contract means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorney's fees, attributable to bodily injury, sickness, disease or death, or injury to or destruction of tangible property including loss of use resulting therefrom. The Contractor's obligation to indemnify, defend, and hold harmless includes any claim by the Contractor's agents, employees, representatives, or any subcontractor or its employees.

The Contractor expressly agrees to indemnify, defend, and hold harmless Western Washington University for any claim arising out of or incident to the Contractor or its subcontractor's
performance or non-performance of the Contract, but only to the extent claim is caused in whole
or in part by negligent acts or omissions of Contractor.

Contractor waives its immunity under Title 51 RCW to the extent required to indemnify, defend,
and hold harmless Western Washington University, its trustees, officers, directors, employees,
agents, volunteers and assigns.

The terms of this provision shall survive the termination of the Contract.

5.1.5 Protection of Purchaser’s Confidential Information
Safeguarding of Information – This section prohibits Vendor’s use or disclosure of any information
concerning University for any purpose not directly connected with performance of the Contract.

Vendor shall maintain documentation on the following: the Confidential Information received in
the performance of this Contract; the purpose(s) for which the Confidential Information was
received; who received, maintained and used the Confidential Information; and the final
disposition of the Confidential Information. Vendor’s records shall be subject to inspection, review
or audit in accordance with Section 6.2.5.

5.1.6 Using University’s Name, Logo or other Identifying Marks
The Contractor recognizes and acknowledges that all rights and goodwill in the University’s
name, logo and other identifying marks are the exclusive property of the University. The
Contractor may include the University’s name, logo or other identifying marks on its website or
other media with prior written permission from the Office of University Communications at (360)
650-3350. Such use must comply with the University’s Identity Information, including its logo
usage, outlined on the Brand Central webpage of the Office of University Communications
website (http://news.wwu.edu). The University reserves the right to terminate the Contractor’s
license or permission for such use at any time and without cause being stated.

The University may announce its affiliation with the Contractor on its website or other media in a
manner deemed mutually acceptable to both Parties.

Violation of this section by Vendor or its Subcontractors may result in termination of this Contract
and demand for return of all Confidential Information, monetary damages, or penalties.

5.1.7 Assignment
The Agreement may not be assigned by either party without the prior written consent of the other.

5.1.8 Catastrophe
With the exception of payment obligations for prior performance under this Agreement, neither
Successful Vendor nor University shall be liable for the failure to perform its respective obligations
hereunder when such failure is caused by fire, explosion, water, act of God, pandemics, civil
disorder or disturbances, strikes, vandalism, war, riot, sabotage, weather and energy-related
closings, governmental rules or regulations, or like causes beyond the reasonable control of such
party, or for real or personal property destroyed or damaged due to such causes.

5.1.9 Termination for Cause
In the event either party breaches a material provision hereof (“Cause”), the non-breaching party
shall give the other party notice of such Cause. In the event the Cause is remedied within sixty
(60) days in the case of failure to make payment when due or sixty (60) days in the case of any
other Cause, the notice shall be null and void. However, if such notice of termination is given to
Successful Vendor by the University, Successful Vendor shall continue its operations under this
Agreement until its services have been replaced by the University or another Contractor has
assumed responsibilities for the services. The rights of termination referred to in the Agreement are not intended to be exclusive and are in addition to any other rights available to either party at law or in equity.

5.1.10 Termination for Convenience
Except as otherwise provided in this Contract, the University may, by thirty (30) days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part when it is in the best interest of the state. If this Contract is so terminated, the Agency shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

5.1.11 Termination for Lack of Funding
In the event that funding necessary to the University's performance under this Agreement is withdrawn, reduced or limited in any way after the effective date of this Amendment and prior to its normal completion, due to the University's budgetary constraints or the elimination of one or more of the University's programs, the University may summarily terminate this Agreement as to the funds withdrawn, reduced or limited or the elimination of a program notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited or the elimination of a program is so great that the University deems that the continuation of the performance of obligations covered by this Amendment is no longer in the best interest of the University, the University may summarily terminate this Agreement in whole notwithstanding any other termination provision of the Agreement. Termination under this Section shall be effective upon receipt of written notice thereof.

5.1.12 Termination Procedure
Upon termination of this contract, the University, in addition to any other rights provided in this contract, may require the Contractor to deliver to the University any property specifically produced or acquired for the performance of such part of this contract as has been terminated.

The University shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by the University, and the amount agreed upon by the Contractor and the University for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services which are accepted by the University, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Agent shall determine the extent of the liability of the University. The University may withhold from any amounts due the Contractor such sum as the Agent determines to be necessary to protect the University against potential loss or liability.

The rights and remedies of the University provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Agent, the Contractor shall:

Stop work under the contract on the date, and to the extent specified, in the notice;

Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;

Assign to the University, in the manner, at the times, and to the extent directed by the Agent, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the University has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Agent to the extent Agent may require, which approval or ratification shall be final for all the purposes of this clause;
Transfer title to the University and deliver in the manner, at the times, and to the extent directed by the Agent any property which, if the contract had been completed, would have been required to be furnished to the University;

Complete performance of such part of the work as shall not have been terminated by the Agent; and

Take such action as may be necessary, or as the Agent may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the University has or may acquire an interest.

5.1.13 Severability
If any term or provision of the Agreement or the application thereof to any person or circumstance shall to any extent or for any reason be invalid or unenforceable, the remainder of the Agreement and the application of such term or provision to such persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of the Agreement shall be valid and enforced to the fullest extent permitted by law.

5.1.14 Amendments to Agreement
Each article and any Appendices hereto shall remain in effect through-out the term of the Agreement unless the parties agree, in a written document signed by both parties, to amend, add or delete an article or Exhibit. The Agreement contains all agreements of the parties with respect to matters covered herein, superseding any prior agreements and may not be changed other than by an agreement in writing signed by the parties hereto.

5.1.15 Construction and Effect
A waiver of any failure to perform under the Agreement shall neither be construed as nor constitute waiver of any subsequent failure. The article and section headings are used solely for convenience and shall not be deemed to limit the subject of the articles and sections or be considered in their interpretation. Any Exhibits referred to herein are made a part of the Agreement by their reference. The Agreement may be executed in several counterparts, each of which shall be deemed an original.

5.1.16 Equal Opportunity / Non-Discrimination
Discrimination on the basis of race, color, religion, national origin, sex, age, status as a Vietnam Era veteran or disabled veteran, and disability is prohibited by federal statute. In addition to the above prohibitions, except religion, Washington State law prohibits discrimination based on marital status, creed and the use of a trained dog guide or service animal by a disabled person. A Western Washington University policy prohibits discrimination based on sexual orientation. Western is committed to providing equal employment opportunity and prohibiting illegal discrimination in the recruitment and admission of students, the employment of faculty and staff and the operation of Western programs, activities and services.

The Successful Vendor agrees not to discriminate against any client, employee, or applicant for employment or services in administering personnel actions such as employment, upgrading, demotion, transfer, recruitment, layoff, termination, compensation and training opportunities, on the basis of race, color, religion, creed, national origin, sex, age, status as a Vietnam-era veteran or disabled veteran, marital status, disability and the use of a trained dog guide or service animal by a disabled person.

Affirmative Action - Western Washington University develops and implements an effective and defensible affirmative action compliance program for the following affected groups: American Indians and Alaska Natives, Asians and Pacific Islanders, Blacks, Hispanics women, persons 40 and older, individuals with disabilities, special disabled veterans and Vietnam Era veterans.
Any Successful Vendor who also contracts with the federal government will comply with the affirmative action requirement as mandated by the Office of Federal Contract Compliance Programs.

Sexual Harassment - Western Washington University policy prohibits sexual harassment. Sexual harassment is a form of sex discrimination prohibited by federal and state laws. When Western becomes aware of allegations of sexual harassment, it must investigate those allegations, stop the harassment if it is found to exist, and take measures to ensure a working and learning environment that is free of sexual harassment. Acts of sexual harassment by the Successful Vendor’s personnel or agents may result in actions by the University to suspend the contract until such time as acts are remedied or to terminate the contract.

Violation - Any Successful Vendor who is in violation of this equal opportunity and nondiscrimination clause shall be barred from receiving awards of any contract or purchase order from Western unless a satisfactory showing is made that discrimination practices have terminated and that a recurrence of such acts is unlikely. Any violation of this provision shall be considered a material violation of this Agreement and shall be grounds for cancellation or suspension, in whole or in part, of this Agreement by Western.

5.2 Financial Terms and Conditions

5.2.1 Invoicing
All invoices and credits shall reference the purchase order number(s) and be divided into funding authorities as provided by the University. Failure to provide invoices by department (funding authority) will result in non-payment.

Invoices shall be mailed directly to the University Accounts Payable Department. A separate invoice shall be processed for each order made and any credits associated with a particular order should reference the original invoice number. Successful Vendor is encouraged to jointly develop automated or electronic invoice systems as a way to increase efficiencies and reduce costs.

Special repairs, modifications or upgrades will be invoiced separately, and the contractor will not proceed until a Purchase Order has been issued for this type of work to be performed.

Vendors should indicate incentives for prompt payment using credit card or ACH.

5.2.2 Review of Successful Vendor’s Financial Records
A Facilities Project Manager may periodically review the Successful Vendor’s financial records pertaining to the University. This information shall be treated in a highly confidential matter and may not be published, disclosed, or otherwise communicated to individuals other than those identified above without the Successful Vendor’s written consent.

5.2.3 Pricing and Price Increases
All prices reflected in the Successful Vendor’s proposal will remain the same during the initial period of the Agreement. Price increases for additional years shall be negotiated and be based on the Western States annual CPI with the maximum yearly increase allowable of 3%.

5.2.4 Warranties
The contractor warrants that the work and equipment when installed shall be in good operating condition and shall conform to the manufacturer’s official published specifications at the time of installation. The contractor further warrants that all work and equipment covered within this agreement, including all basic services and additional services, when installed shall be free from
defects in material and workmanship and shall remain in satisfactory operating condition for one year from the University's acceptance of the work or equipment or for the period to the manufacturer's warranty, whichever terminates last.

The contractor's obligation and liability under these warranties shall be that the contractor shall at its option, adjust, repair, or replace as promptly as is possible, the defective parts or units of elevator system(s) installed under this agreement claimed to cause unsatisfactory operation of the elevator(s). The contractor shall assume the costs for the replacement of parts or units and their installation. The University agrees that the contractor will not be liable for any damages caused by the University's failure to fulfill anyone of its responsibilities as set forth herein. The provisions of this clause shall not be exclusive but are in addition to the various rights of the University and overall obligation of the contractor as set forth in this document.

5.2.5 Fiscal Year
The University's fiscal year is July 1 – June 30. The University's fiscal year shall be used for all client operating statements and related reports.

5.2.6 Other Institutions Eligible to Purchase
This solicitation was issued by Western Washington University (The Lead Institution) pursuant to the Interlocal Cooperative Act, RCW 39.34, and thus the bidder agrees to make this contract available to members of the Washington Institutions of Public Higher Education purchasing cooperative (WIPHE). (Exhibit G)

Participants in the Washington Institutions of Public Higher Education (WIPHE) Interlocal agreement may establish an institution specific agreement with the Contractor/Supplier/Vendor at any time during the term of this Contract. The term of the institution specific agreement may have a term, if mutually agreed upon, which extends beyond the term of the Lead Institution's Contract. In that event all terms and conditions of the Lead Institution's Contract will inure to the participating institution's agreement.

5.2.7 In-State Preference/Reciprocity
Pursuant to RCW 43.19.704 and WAC 236-48-085, the Department of General Administration Office of State Procurement has established lists of states, which grant a preference to their in-state businesses and the appropriate percentage increase applicable against firms submitting bids from these states for goods and services. Bids in excess of $43, 900 only are subject to the instate preference reciprocity provisions of RCW 43.19.700.

For purpose of evaluating bid prices, the RFP Coordinator is to add an amount equal to the appropriate percentage to each bid submitted from that state.

See Link below for preferences & conditions listed by state: http://www.ga.wa.gov/PCA/Forms/State-Preferences-Table.doc
<table>
<thead>
<tr>
<th></th>
<th>Price for Non-Routine Services</th>
<th>7/1/12 to 6/30/13</th>
<th>7/1/13 to 6/30/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regular billing - one mechanic</td>
<td>$ 225.00</td>
<td>$ 230.00</td>
</tr>
<tr>
<td>2</td>
<td>After hours billing for one mechanic</td>
<td>$ 382.50</td>
<td>$ 387.50</td>
</tr>
<tr>
<td>3</td>
<td>Regular billing for one repair team (mechanic and helper) when required by regulation to work together</td>
<td>$ 410.00</td>
<td>$ 415.00</td>
</tr>
<tr>
<td>4</td>
<td>After hours billing for one repair team (mechanic and helper) when required by regulation to work together</td>
<td>$ 820.00</td>
<td>$ 830.00</td>
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</tbody>
</table>
EXHIBITS

EXHIBIT A: Elevator Locations and Price Model for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT B: Elevator Locations and Price Model for City of Bellingham is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT C: Minimum Maintenance Requirements and Frequency is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT D: Price Sheet for Non-Routine Services for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT E: Elevator Ranking for Western is a PDF shown as an attachment on WEBS

EXHIBIT F
Certifications and Assurances – Signature Form - Required

The undersigned has carefully examined all instructions and specifications and hereby proposes to furnish the goods and services described herein, in accordance with the bid instructions and specifications. (Note: Signature must be in ink and must be that of an individual authorized to act in such capacity for the firm represented.)

1.1 Respondent has responded to all items designated in Section 4 (Information Provided by Vendors). [Signature] (Initial)

1.2 The response to this RFP has been prepared independently, without consultation, communication or agreement with others for the purpose of restricting competition. [Signature] (Initial)

1.3 In preparing this RFP, respondent has not been assisted by any current or former employee of Western Washington University or the state of Washington whose duties relate to this bid and who was assisting in other than his or her official capacity. Neither does such a person or any member of his or her immediate family have any financial interest in the outcome of this RFP. [Signature] (Initial)

1.4 Vendors under consideration may be asked to provide current, audited financial statements or the equivalent to include at a minimum: an income statement, statement of cash flows, and a balance sheet. This information is subject to disclosure if it is deemed to be a determining factor in the award decision. Vendor agrees to provide this information upon request by the university. [Signature] (Initial)
1.5 Ten (10) complete responses, Three (3) originals and seven (7) copies, must be submitted prior to the time and date stated in Section 1.3. Copies are to be submitted on a flash drive KB (Initial)

1.6 Submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and all general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.

Any official correspondence related to this Request For Proposal solicitation shall be directed to the owner, Western Washington University, Business Services, Attn: Barbara Lewis, 516 High Street, MS 1420; Bellingham, WA 98225-1420; and to the respondent as noted below:

Kael P. Barnhart
Name and Title of Signing Officer (print)

ThyssenKrupp Elevator
Company Name

6211 W. Casino Rd. Ste B, Everett, WA 98204
Address

125-438-0309
Telephone

844-923-2709
Fax Number

(62-12)11247
Tax I.D. Number

60115397
UBI Number

Kael P. Barnhart
Signature

4/11/12
Date

Kael.barnhart@thyssenkrupp.com
EMAIL
EXHIBIT G

TERMS AND CONDITIONS SPECIFIC TO WASHINGTON INSTITUTIONS
OF PUBLIC HIGHER EDUCATION COOPERATIVE PURCHASING

1. Definitions:
   WIPHE: Washington Institutions of Public Higher Education who are signatories to the Interlocal Agreement for Cooperative Purchasing.

   Lead Institution: The WIPHE member that has volunteered to conduct the solicitation/negotiation process on behalf of the WIPHE members.

   Committed Participants: Those WIPHE members who respond affirmatively to the Lead Institution's request for participation, and whose estimated purchase volume will be included in the solicitation/negotiation documents.

   Potential Participants: All other WIPHE member institutions who are not Committed Participants. Potential Participants may choose to use any contract awarded, provided the contractor will accept their participation.

2. No Exclusivity Implied: This bid provides no exclusive arrangements for obtaining product or services by any WIPHE institution who has not specifically been identified as committed participants. Potential Participants may purchase any product or services in this bid through their own processes for competitive procurement or via other cooperative purchasing arrangements at their disposal.

3. Contract Administration: This contract shall be administered by the Lead Institution, the Committed Participants, and any other Potential Participant who subsequently use a resulting agreement, in the following manner:
   A. The terms and conditions contained in their entirety in any contract which results through the Lead Institution's solicitation may not be altered except as provided herein, or, unless approved in writing by the Lead Agency's Purchasing Manager.
   B. WIPHE Institutions may at their sole option, individually negotiate only operational provisions specific to the needs of their institution. These would include agreed arrangements for such operational provisions as delivery, installation, service, and invoicing processes. Such negotiated changes shall not be binding on any other institution. These changes may, however, bind the bidder to providing similar arrangements to the other institutions pursuant to any Best Customer provisions of a contract.
   C. WIPHE Institutions shall individually be responsible for their obligations to the awarded contractor pursuant to any purchase associated with this agreement. Likewise, the Vendor shall be responsible for their obligations to the WIPHE Institutions pursuant to this agreement. All reasonable efforts will be made by the Vendor and the WIPHE Institutions to satisfy any breach of these obligations, or, disagreements arising between the individual WIPHE Institution and the Vendor. Resolution may take several forms, including cancellation of specific arrangements between the Vendor and the Institution. Resolutions of any nature shall not have a binding effect on any other Institution.
   D. In the event a breach or disagreement cannot be resolved between the Institution(s) and the Vendor, either party may notify the Lead Institution and request the Lead Institution satisfy the dispute in accordance with this agreement, including any Dispute Resolution process identified within.
   E. The Lead Institution may at any time act on behalf of any WIPHE Institution in resolving breach of contract, or, to settle disputes in accordance with this agreement.

4. Contract Documents: The Vendor shall make copies of any contract that results from the Lead Institution's solicitation available in its entirety to any WIPHE Institution expressing an interest in purchasing the product or service. The Lead Institution and the Vendor agree that a summary of this agreement, including a phone number for interested agencies to contact the Vendor, may be placed on a public access electronic home page, bulletin board, fax-on-demand network, or similar form of accessible medium.
5. **Award in Best Interest of WIPHE:** Western Washington University reserves the right to award the contract in whole or in part in a manner that most effectively serves the WIPHE members, to reject any or all bids, and to otherwise proceed with the award as necessary to protect the best interests of WIPHE. After award, members of WIPHE will issue separate purchase orders to the successful vendor(s) if they choose to acquire the items pursuant to this award.

All questions regarding this bid must be directed to Western Washington University as the Lead Institution.

All information relating to this solicitation will be retained by Western Washington University as the official public record.

**WIPHE MEMBERS**

**Four Year Institutions:**
- Central Washington University, Ellensburg
- Eastern Washington University, Cheney
- The Evergreen State College, Olympia
- University of Washington, Seattle
- Washington State University, Pullman
- Western Washington University, Bellingham*

**Community and Technical Colleges:**
- Bates Technical College, Tacoma
- Bellevue Community College, Bellevue
- Bellingham Technical College, Bellingham
- Big Bend Community College, Moses Lake
- Cascadia Community College, Bothell
- Centralia College, Centralia
- Clark College, Vancouver
- Clover Park Technical College, Lakewood
- Columbia Basin College, Pasco
- Edmonds Community College, Edmonds
- Everett Community College, Everett
- Grays Harbor College, Aberdeen
- Green River Community College, Auburn
- Highline Community College, Des Moines
- Lake Washington Technical Col., Kirkland
- Lower Columbia College, Longview
- Olympic College, Bremerton
- Pierce College, Lakewood
- Peninsula College, Port Angeles
- Renton Technical College, Renton
- Seattle Community Colleges, Seattle
- Shoreline Community College, Seattle
- Skagit Valley College, Mt. Vernon
- South Puget Sound Community Col., Olympia
- Community Colleges of Spokane, Spokane
- Tacoma Community College, Tacoma
- Walla Walla Community College, Walla Walla
- Wenatchee Valley College, Wenatchee
- Whatcom Community College, Bellingham
- Yakima Valley Community College, Yakima
- State Board for Community & Technical Colleges, Olympia

* Indicates the committed participants

The bidder signifies by signature below their willingness to offer the pricing, terms and conditions of this bid and any resulting contract to the WIPHE members as indicated.

Committed Participants Only: YES [x] NO [ ]

Committed and Potential Participants: YES [x] NO [ ]

VENDOR ALSO AGREES to sell to other public agencies, pursuant to the Interlocal Cooperative Act, RCW 39.34 at same prices & discounts, with the following exceptions, if any (attach additional pages as necessary).

YES [x] NO [ ]

List any Exceptions: *See attached*

Signed: [Signature]

Printed Name: [Name]

Date: [Date]

Title: [Title]

WESTERN WASHINGTON UNIVERSITY
RFP# BL-2313

Page 38
Exhibit G Exception:

TKE reserves the right to survey the equipment and base the price on condition, age, usage, and location.
EXHIBITS

EXHIBIT A: Elevator Locations and Price Model for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT B: Elevator Locations and Price Model for City of Bellingham is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT C: Minimum Maintenance Requirements and Frequency is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT D: Price Sheet for Non-Routine Services for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT E: Elevator Ranking for Western is a PDF shown as an attachment on WEBS

EXHIBIT F
Certifications and Assurances – Signature Form - Required

The undersigned has carefully examined all instructions and specifications and hereby proposes to furnish the goods and services described herein, in accordance with the bid instructions and specifications. (Note: Signature must be in ink and must be that of an individual authorized to act in such capacity for the firm represented.)

1.1 Respondent has responded to all items designated in Section 4 (Information Provided by Vendors). __________ (Initial)

1.2 The response to this RFP has been prepared independently, without consultation, communication or agreement with others for the purpose of restricting competition. __________ (Initial)

1.3 In preparing this RFP, respondent has not been assisted by any current or former employee of Western Washington University or the state of Washington whose duties relate to this bid and who was assisting in other than his or her official capacity. Neither does such a person or any member of his or her immediate family have any financial interest in the outcome of this RFP. __________ (Initial)

1.4 Vendors under consideration may be asked to provide current, audited financial statements or the equivalent to include at a minimum: an income statement; statement of cash flows; and a balance sheet. This information is subject to disclosure if it is deemed to be a determining factor in the award decision. Vendor agrees to provide this information upon request by the university. __________ (Initial)
1.5 Ten (10) complete responses, Three (3) originals and seven (7) copies, must be submitted prior to the time and date stated in Section 1.3. Copies are to be submitted on a flash drive ________ (Initial)

1.6 Submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and all general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.

Any official correspondence related to this Request For Proposal solicitation shall be directed to the owner, Western Washington University, Business Services, Attn: Barbara Lewis, 516 High Street; MS 1420; Bellingham, WA 98225-1420; and to the respondent as noted below:

Name and Title of Signing Officer (print)

Company Name

Address City, State, Zip

Telephone Fax Number Tax I.D. Number UBI Number

Signature Date EMAIL
EXHIBIT G

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- Grays Harbor College, Aberdeen
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- Skagit Valley College, Mt. Vernon
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- Community Colleges of Spokane, Spokane
- Tacoma Community College, Tacoma
- Walla Walla Community College, Walla Walla
- Wenatchee Valley College, Wenatchee
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- State Board for Community & Technical Colleges, Olympia

* Indicates the committed participants

The bidder signifies by signature below their willingness to offer the pricing, terms and conditions of this bid and any resulting contract to the WIPHE members as indicated.

Committed Participants Only  YES_______  NO__________

Committed and Potential Participants  YES_______  NO__________

VENDOR ALSO AGREES to sell to other public agencies, pursuant to the Interlocal Cooperative Act, RCW 39.34 at same prices & discounts, with the following exceptions, if any (attach additional pages as necessary).

YES_______  NO__________

List any Exceptions:

Signed: ___________________________________________  Date: ________________________________

Printed Name: _____________________________________  Title: _________________________________

WESTERN WASHINGTON UNIVERSITY
RFP# BL-2313
Exhibit H – Respondent’s RFP Checklist – NOT A SUBMITTAL

The 9 Most Critical Things to Keep in Mind When Responding to an RFP for Western Washington University:

1. _______ Read the entire document. Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; contract requirements (i.e., contract performance, insurance requirements, performance and/or reporting requirements, etc.).

2. _______ Note the procedures for communication with the university during the RFP process. All communication during the RFP process must be in writing. Respondents should not contact university personnel outside of the opportunity provided in the document.

3. _______ Take advantage of the “question and answer” period. Submit your questions in writing to the RFP Coordinator by the due date listed in the “(Schedule of Procurement Activities)” sections and view the answers given in the formal “addenda” issued for the RFP. All addenda issued for an RFP are posted on WEBS and will include all questions asked and answered concerning the RFP.

4. _______ Follow the format required in the RFP when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.

5. _______ Provide complete answers/descriptions. Read and answer all questions and requirements. Don’t assume the university or the evaluation committee will know what your company’s capabilities are or what items/services you can provide, even if you have previously contracted with the university. The proposals are evaluated based solely on the information and materials provided in your response.

6. _______ Use any forms provided. e.g., bidder’s submittal page, reference forms, attachment forms, etc.

7. _______ Before submitting your response, check WEBS at: http://www.ga.wa.gov/Business/3start.htm to see whether any addenda were issued for the RFP.

8. _______ Review and read the RFP document again to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and be complete. The copies are provided to the evaluation committee members and will be used to score your response.

9. _______ Submit your response on time. Note all the dates and times listed in the Schedule of Procurement Activities section and be sure to submit all required items on time. Late proposal responses are never accepted.

This checklist is provided for assistance only and should not be submitted with your Company’s Response.
## ADDENDUM C
### WESTERN WASHINGTON UNIVERSITY
Preventive Maintenance Requirements for Elevators and Wheel Chair Lifts

### Elevator Preventive Maintenance
**Minimum Requirements**

- **EV** = Each Visit
- **M** = Monthly
- **Q** = Quarterly
- **S** = Semiannually
- **A** = Annually

Task - The following components are to be checked and all necessary work performed relative to cleaning, lubrication, and adjustments.

<table>
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<th>Ride the Car</th>
<th>Top of Car</th>
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<tr>
<td></td>
<td>Correct all complaints</td>
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<td>Floor Level</td>
<td>Car Top Stop Switch/Inspection Station</td>
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<td>Safety Edges</td>
<td>Door Operator/Cars Doors</td>
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<td>Photo Eyes</td>
<td>Hoistway Doors (Each Floor-except Bottom)</td>
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<td>Car Door</td>
<td>Hoistway Inspection</td>
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<td>Hoistway Doors (Bottom Floor Only)</td>
<td>Door Interlocks/Gate Inspection</td>
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<td></td>
<td>Alarm Bell &amp; Stop Switch</td>
<td>Top Guide Shoe/Roller Guides</td>
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<td>Optional Switches &amp; Buttons</td>
<td>Cleaning</td>
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<td>Calls, Lamps, Fixtures, Door, &amp; Valve</td>
<td>Tape and Guides (DMC-I/DMC-IM)</td>
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<td>Emergency Communications</td>
<td>Leveling Unit (DMC-IA/SS/WCR/LMH/P&amp;B)</td>
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<td>Emergency Light</td>
<td>Rail-mounted Roller Switches</td>
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<td>Door Torque</td>
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<td>Kinetic Energy</td>
<td>Emergency Light</td>
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<td>Swing Return Power Supply (DMC-I/DMC-IA)</td>
<td>Car Top Box, Card Clean, &amp; Pwr Sup (DMC-IM)</td>
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<td>CLC Card Cleaning (DMC-I/DMC-IA)</td>
<td>Travelling Cable</td>
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<td>CLC Battery (DMC-I/DMC-IA)</td>
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<td>PC Card Connector Lubrication</td>
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Elevator Maintenance - PM's  

Page 1
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<td>Pit Inspection</td>
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### Machine Room

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### Fire Service, Valve, & Safety

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</table>

### Traction

<table>
<thead>
<tr>
<th>Item</th>
<th>X</th>
<th>X</th>
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</thead>
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<tr>
<td>Contact University Representative</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Correct all complaints</td>
<td>X</td>
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### Ride the Car

<table>
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<tr>
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<th>X</th>
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</thead>
<tbody>
<tr>
<td>Floor Level (First Floor)</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Safety Edge &amp; Photo Eye</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Car Door</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hoistway Door (Bottom Floor Only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Alarm Bell/Stop Switch</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Optional Switches &amp; Buttons</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Calls, Lamps, Fixtures, Door, Ride Perform</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Emergency Communications</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hall Lanterns</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Emergency Light</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Door Operator Type D</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Door Torque</td>
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<td>X</td>
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<tr>
<td>Kinetic Energy</td>
<td>X</td>
<td>X</td>
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</table>

### Top of Car

<table>
<thead>
<tr>
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<th>X</th>
<th>X</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Car Top Stop Switch/Inspection Station</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Door Operator/Car Doors</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hoistway Doors (Each Floor-except Bottom)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Compounding Sheaves</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Deflector Sheaves</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Derailment Detector</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hoistway Inspection</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Elevator Maintenance - PM's
| Door Interlocks/Gate Inspection | X | X | X | X |
| Roller Guides | X | X | X | X |
| Cleaning | X | X | X | X |
| Magnetic Leveling Unit (Composite/P&B) | X | X | X |
| Rail-Mounted Roller Switches | X | X | X |
| Optical Sensors (TIV) | X | X | X |
| Electronic Loadweigher (TIV) | X | X | X |
| MMA/Loopstick (TFS) (TI/TII) | X | X | X |
| Door Operator | X | X | X |
| Car Door(s) | X | X | X |
| Cable Hitches/Compensation Hitches | X | X | X |
| Selector Cable Hitch/Switch (Composite/P&B) | X | X | X |
| Selector Tap & Guides (TII, MM2, LMT) | X | X | X |
| Governor | x | x | x |
| Governor Cable Release Carrier (if applicable) | X | X | X |
| Emergency Light | X | X | X |
| Hoist Cables | X | X | X |
| Traveling Cable | X | X | X |
| Derailment Detector (if applicable) | X | X | X |
| Loop Selector (TI, TII) | X | X | X |
| Car Top Stop Switch/Inspection Station | X | X | X |
| Hoistway Door(s) and Tracks (Each Floor) | X | X | X |
| Hoist Cables | X | X | X |
| Cable Shackles | X | X | X |
| Deflector Sheaves | X | X | X |
| Compounding Sheaves | X | X | X |
| Roller Guides (Car Top/Counterweight) | X | X | X |
| Counterweight Frame | X | X | X |
| Rail-Mounted Hoistway Switches | X | X | X |
| Governor | X | X | X |
| Hoistway Cleaning | X | X | X |
| Derailment Detector (if applicable) | X | X | X |

**Pit & Bottom of Car**

| Pit Entry | X | X | X | X |
| Oil Buffers | X | X | X | X |
| Compensation Sheaves/Chains | X | X | X | X |
| Governor Tailweight and Sheave | X | X | X | X |
| Bottom Guide Shoes/Roller Guides | X | X | X | X |
| Pit Cleaning | X | X | X | X |
| Pit Entry | X | X | X | X |
| Pit Inspection | X | X | X | X |
| Selector Spring & Sheaves (Composite/P&B) | X | X | X | X |
| Buffers | X | X | X | X |
| Compensation Sheaves/Chains | X | X | X | X |
| Pit Entry | X | X | X | X |
| Traveling Cable | X | X | X | X |
| Buffers | X | X | X | X |
| Governor Tailweight and Sheave | X | X | X | X |
| Compensation Sheave Lubrication | X | X | X | X |
| Counterweight Guard | X | X | X | X |
| Rail-Mounted Hoistway Switches | X | X | X | X |
| Selector Tape (TII, MM2, LMT) | X | X | X | X |
| Roller Guides | X | X | X | X |

**Machine Room**

<p>| Machine Room Inspection | X | X | X | X |
| Cleaning | X | X | X | X |
| Controller Components | X | X | X | X |
| Selector (Composite/P&amp;B) | X | X | X | X |
| Video Monitor | X | X | X | X |
| Geared Brake Inspection | X | X | X | X |
| Tachometers/Encoders (as required) | X | X | X | X |
| Geared Machine/MG | X | X | X | X |</p>
<table>
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<tr>
<th>Equipment/Operation</th>
<th>X</th>
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<tbody>
<tr>
<td>Controller Components</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Motor Starts Contactors</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Selector (Composite/P&amp;B)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Motor Starts Contactors</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Selector (Composite/P&amp;B)</td>
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<td>Motor Generator Sets</td>
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<td>Hoist Machine</td>
<td>X</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Governor</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hitch Plates (2:1 Roping)</td>
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<tr>
<td>Voltage Checks</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tachometer/Encoder</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Grounding</td>
<td>X</td>
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</tr>
<tr>
<td>Drive Transformers (SCR &amp; VVVF)</td>
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<td>X</td>
<td></td>
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</tr>
<tr>
<td>Hoist Cables</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>PC Card Cleaning</td>
<td>X</td>
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<tr>
<td>Hoist Machines</td>
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<tr>
<td>Controller Components</td>
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<tr>
<td>Sel. Components (TM Sw/Composite &amp; P&amp;B)</td>
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<tr>
<td>PC Card Connector Lubrication</td>
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</tr>
<tr>
<td>Inverter Inspection (LMT)</td>
<td>X</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Gearless Machine</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Service & Safety**

- Brake Inspection
- Phase I & II Fire Service Test
  - Complete Log Attached
- Geared Machines

WHEELCHAIR LIFTS

Perform preventive maintenance task as per manufacturer specifications.
<table>
<thead>
<tr>
<th></th>
<th>Price for Non-Routine Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates for repairs and upgrades beyond the scope of normal periodic maintenance and inspection</td>
</tr>
<tr>
<td>1</td>
<td>Regular billing - one mechanic</td>
</tr>
<tr>
<td>2</td>
<td>After hours billing for one mechanic</td>
</tr>
<tr>
<td>3</td>
<td>Regular billing for one repair team (mechanic and helper) when required by regulation to work together</td>
</tr>
<tr>
<td>4</td>
<td>After hours billing for one repair team (mechanic and helper) when required by regulation to work together</td>
</tr>
</tbody>
</table>
EXHIBIT G
TERMS AND CONDITIONS SPECIFIC TO WASHINGTON INSTITUTIONS
OF PUBLIC HIGHER EDUCATION COOPERATIVE PURCHASING

1. Definitions:
   WIPHE: Washington Institutions of Public Higher Education who are signatories to the Interlocal
   Agreement for Cooperative Purchasing.

   Lead Institution: The WIPHE member that has volunteered to conduct the solicitation/negotiation
   process on behalf of the WIPHE members.

   Committed Participants: Those WIPHE members who respond affirmatively to the Lead Institution's
   request for participation, and whose estimated purchase volume will be included in the
   solicitation/negotiation documents.

   Potential Participants: All other WIPHE member institutions who are not Committed Participants.
   Potential Participants may choose to use any contract awarded, provided the contractor will accept their
   participation.

2. No Exclusivity Implied: This bid provides no exclusive arrangements for obtaining product or services by
   any WIPHE Institution who has not specifically been identified as committed participants. Potential
   Participants may purchase any product or services in this bid through their own processes for competitive
   procurement or via other cooperative purchasing arrangements at their disposal.

3. Contract Administration: This contract shall be administered by the Lead Institution, the Committed
   Participants, and any other Potential Participant who subsequently use a resulting agreement, in the
   following manner:
   A. The terms and conditions contained in their entirety in any contract which results through the Lead
      Institution's solicitation may not be altered except as provided herein, or, unless approved in writing
      by the Lead Agency's Purchasing Manager.
   B. WIPHE Institutions may at their sole option, individually negotiate only operational provisions
      specific to the needs of their Institution. These would include agreed arrangements for such
      operational provisions as delivery, installation, service, and invoicing processes. Such negotiated
      changes shall not be binding on any other Institution. These changes may, however, bind the bidder
      to providing similar arrangements to the other Institutions pursuant to any Best Customer provisions
      of a contract.
   C. WIPHE Institutions shall individually be responsible for their obligations to the awarded contractor
      pursuant to any purchase associated with this agreement. Likewise, the Vendor shall be
      responsible for their obligations to the WIPHE Institutions pursuant to this agreement. All
      reasonable efforts will be made by the Vendor and the WIPHE Institutions to satisfy any breach of
      these obligations, or, disagreements arising between the individual WIPHE Institution and the
      Vendor. Resolution may take several forms, including cancellation of specific arrangements
      between the Vendor and the Institution. Resolutions of any nature shall not have a binding effect
      on any other Institution.
   D. In the event a breach or disagreement cannot be resolved between the Institution(s) and the Vendor,
      either party may notify the Lead Institution and request the Lead Institution satisfy the dispute in
      accordance with this agreement, including any Dispute Resolution process identified within.
   E. The Lead Institution may at any time act on behalf of any WIPHE Institution in resolving breach of
      contract, or, to settle disputes in accordance with this agreement.

4. Contract Documents: The Vendor shall make copies of any contract that results from the Lead Institution's
   solicitation available in its entirety to any WIPHE Institution expressing an interest in purchasing the product or
   service. The Lead Institution and the Vendor agree that a summary of this agreement, including a phone number
   for interested agencies to contact the Vendor, may be placed on a public access electronic home page, bulletin
   board, fax-on-demand network, or similar form of accessible medium.
5. **Award in Best Interest of WIPHE**: Western Washington University reserves the right to award the contract in whole or in part in a manner that most effectively serves the WIPHE members, to reject any or all bids, and to otherwise proceed with the award as necessary to protect the best interests of WIPHE. After award, members of WIPHE will issue separate purchase orders to the successful vendor(s) if they choose to acquire the items pursuant to this award.

All questions regarding this bid must be directed to Western Washington University as the Lead Institution.

All information relating to this solicitation will be retained by Western Washington University as the official public record.

**WIPHE MEMBERS**

**Four Year Institutions:**
- Central Washington University, Ellensburg
- Eastern Washington University, Cheney
- The Evergreen State College, Olympia
- University of Washington, Seattle
- Washington State University, Pullman
- Western Washington University, Bellingham*

**Community and Technical Colleges:**
- Bates Technical College, Tacoma
- Bellevue Technical College, Bellevue
- Bellingham Technical College, Bellingham
- Big Bend Community College, Moses Lake
- Cascadia Community College, Bothell
- Centra/ia College, Centralia
- Clark College, Vancouver
- Clover Park Technical College, Lakewood
- Columbia Basin College, Pasco
- Edmonds Community College, Edmonds
- Everett Community College, Everett
- Grays Harbor College, Aberdeen
- Green River Community College, Auburn
- Highline Community College, Des Moines
- Lake Washington Technical Col., Kirkland
- Lower Columbia College, Longview
- Olympic College, Bremerton
- Pierce College, Lakewood
- Peninsula College, Port Angeles
- Renton Technical College, Renton
- Seattle Community Colleges, Seattle
- Shoreline Community College, Seattle
- Skagit Valley College, Mt. Vernon
- South Puget Sound Community Col., Olympia
- Community Colleges of Spokane, Spokane
- Tacoma Community College, Tacoma
- Walla Walla Community College, Walla Walla
- Wenatchee Valley College, Wenatchee
- Whatcom Community College, Bellingham
- Yakima Valley Community College, Yakima
- State Board for Community & Technical Colleges, Olympia

* Indicates the committed participants

The bidder signifies by signature below their willingness to offer the pricing, terms and conditions of this bid and any resulting contract to the WIPHE members as indicated.

Committed Participants Only  YES  [x]  NO

Committed and Potential Participants  YES  [x]  NO

VENDOR ALSO AGREES to sell to other public agencies, pursuant to the Interlocal Cooperative Act, RCW 39.34 at same prices & discounts, with the following exceptions, if any (attach additional pages as necessary).

YES  [x]  NO

List any Exceptions:  See attached

Signed:  [Signature]

Printed Name:  [Signature]

Date:  [Date]

Title:  [Title]

WESTERN WASHINGTON UNIVERSITY
RFP# BL.2313
Exhibit G Exception:

TKE reserves the right to survey the equipment and base the price on condition, age, usage, and location.
<table>
<thead>
<tr>
<th></th>
<th>Price for Non-Routine Services</th>
</tr>
</thead>
<tbody>
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<td></td>
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</table>
ADDENDUM #1
RFP# BL-2313

PROJECT TITLE: ELEVATOR MAINTENANCE

Note: For the purposes of clarity and brevity, some questions from different companies have been combined, paraphrased or otherwise slightly edited. We also try to make sure all questions are anonymous, so any reference to your company’s capability in a question has been removed.
Addendum # 1
RFP# BL-2313 ELEVATOR MAINTENANCE

Q1. Exhibit E is not on WEBS; can you post a copy?

ANSWER: The file is too large to post on WEBS. Email RFP Coordinator to request a copy. Barbara.Lewis@wwu.edu
REQUEST FOR PROPOSALS
RFP #BL-2313
ADDENDUM #1
PRE-BID QUESTIONS AND ANSWERS

PROJECT TITLE: ELEVATOR MAINTENANCE

PROPOSAL DUE DATE:
Wednesday, April 18, 2012
3:00 PM PDT

Note: For the purposes of clarity and brevity, some questions from different companies have been combined, paraphrased or otherwise slightly edited. We also try to make sure all questions are anonymous, so any reference to your company's capability in a question has been removed.
Addendum # 1
RFP# BL-2313 ELEVATOR MAINTENANCE

Q1. Question: Will there be an opportunity to do a full survey of the elevators at a later date or is it just what we see today?

Answer: This is your only opportunity to view the elevators. The Pre-bid walk-through is designed to show you a cross section of the elevators. We will show you some good ones, medium and some of the older elevators.

Q2. Have any units been upgraded/changed since the last survey in 2010?

Answer: The survey shows the details of any work that has been done

Q3. Are any units slated for upgrades?

Answer: Not at this time.

Q4. Have any single bottom cylinders been replaced?

Answer: Not sure – but they would be identified on the survey sheet.

Q5. How do we determine the worst/best units?

Answer: By how long they have been in, and amount of service calls.

Q6. How is it reported that there are elevator problems?

Answer: During work hours, the Work Control Center is contacted and they contact the contractor. If it’s outside of work hours, it is referred to UPD. Phones in the elevators connect directly to UPD.
REQUEST FOR PROPOSALS
RFP #BL-2313
ADDENDUM #3
QUESTIONS AND ANSWERS

PROJECT TITLE: ELEVATOR MAINTENANCE

PROPOSAL DUE DATE:
Wednesday, April 18, 2012
3:00 PM PDT

Note: For the purposes of clarity and brevity, some questions from different companies have been combined, paraphrased or otherwise slightly edited. We also try to make sure all questions are anonymous, so any reference to your company's capability in a question has been removed.
Q1. Question: What is the existing formula for adding additional units?

Answer: Western considers the type of elevator, price of the unit and price to install.

Q2. Section 2.3.1 states that the vendor will provide a list of components that are included and a list of components that are not included. Will this list supersede the listing in section 2.4.7 on pages 12-14?

Answer: No.

Q3. Section 2.3.6 states that no more than one elevator shall be put out of service at one time for regular maintenance. How does the current vendor handle this requirement given the requirement for multiple mechanics?

Answer: We anticipate that the successful bidder will provide a regular maintenance schedule that addresses this. Not all units require more than one mechanic to service the unit.

Q4. Section 2.3.7, Part E states that vendor personnel performing work defined under this bid must: Live within 30 minutes response time of the University. This section contradicts section 2.3.2 on page 7, where it states that the maximum response time is to be 60 minutes and an average of 30 minutes.

Answer: Technicians must live within thirty (30) minutes of campus. Callouts after normal business hours must be serviced at a sixty (60) minute maximum.

Q5. Section 2.3.10, Paragraph 3. Will written repair estimates need to be submitted for both covered and non-covered repairs?

Answer: Written repair estimates will not be required for covered repairs. Written repair estimates will be required for non-covered repairs.

Q6. Section 2.4.5 calls for the schedule and coordination of all fire service recall testing for standby power. At what frequency are these emergency systems tested? Also, how many buildings on campus have generators or emergency power?
**Answer:** The fire service recall testing verifies the elevator performs correctly when a fire alarm goes off including recall (moving to the designated floor for Fire Department use). This is tested annually with the buildings fire alarm confidence testing performed by Technical Maintenance. This testing requires coordination with the successful elevator vendor.

**Q7.** Section 2.4.7, Part 25 calls for the contractor to replace, when warranted, all handicap devices on traction elevators. Can the University provide further explanation on what this pertains to?

**Answer:** Handicap devices include but are not limited to signage for braille, rails, lights, bells, etc.

**Q8.** Section 2.3.8, Part C states that there may be a requirement to perform maintenance after hours. Has the University had instances where this was asked of the current vendor?

**Answer:** It is sometimes necessary to perform repairs on elevators during non-peak hours so that service to high traffic areas can be maintained. Additionally, Western is a 24/7 campus with elevator units in several residence halls. On occasion, call outs occur to free trapped passengers. We expect the unit to be repaired at the same time.

**Q9.** Section 2.4.4 outlines annual training sessions for University personnel in regards to safe retrieval of passengers, safe access to elevator pits. It was outlined in mandatory walkthrough that WWU personnel respond to elevator emergencies but do not remove passengers and that this task would be completed by the elevator contractor. Is this training to go over procedures that the University would like to have in place?

**Answer:** Successful bidder will develop training program for Western personnel in conjunction with Western's Facilities Project Manager.

**Q10.** Can you provide the last three years of Call Backs?

**Answer:** Western only has records for the last year. See the pdf attachment in WEBS designated Addendum 3, Part 2.
RFP#BL-2313

Elevator Maintenance

ThyssenKrupp Elevator Proposal

Prepared by Kael Barnhart
ThyssenKrupp Elevator
Americas Business Unit

April 16th, 2012

ThyssenKrupp Elevator wishes to thank Western Washington University for a great partnership over the years and the opportunity to continue with that partnership into the future.

As you may already know, ThyssenKrupp Elevator (formerly Sound Elevator) has been involved with WWU since 1956 in regards to installation, Modernization and Maintenance of the elevators. This long lasting partnership has always been strong and TKE has always placed WWU at the top of its list of its most highly valued customers. The knowledge and familiarity with WWU and its elevators that has been built up over all of these years offers WWU and TKE exclusive benefits in continuing to partner together.

TKE has two full time technicians who not only live in Bellingham, but have their entire routes within the Bellingham/Whatcom Community. A third technician also has been brought up to service another 2/3 of a route in Bellingham. What this means to WWU is that TKE is the only company who can meet the stringent and critical response times and locations of technicians outlined in the RFP.

Ian Graham has been the main technician at WWU for almost 18 years now. Steve Richards has been backing him up for almost that entire time as well. There pride and workmanship with WWU will continue should TKE be awarded the RFP.

In addition, with TKE being the OEM of over 80% of the WWU’s elevators, the knowledge in servicing them will be second to no one. With the parts, tools, software and training already in place, there will be a seamless transition from the existing agreement to the new agreement outlined in the RFP.

In closing, TKE has an estimated 90% market share in Bellingham/Whatcom County. WWU is the cornerstone of that market and TKE is proud of the partnership that we have developed over the years. Once again, thank you for the opportunity to participate in this RFP and the opportunity to continue with providing WWU with the very best in elevator service.

Sincerely,

Kael P. Barnhart
Account Manager
ThyssenKrupp Elevator
2211 W. Casino Rd. Suite B
Everett, WA 98204
(206) 510-6627
EXHIBITS

EXHIBIT A: Elevator Locations and Price Model for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT B: Elevator Locations and Price Model for City of Bellingham is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT C: Minimum Maintenance Requirements and Frequency is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT D: Price Sheet for Non-Routine Services for Western is an Excel spreadsheet shown as an attachment on WEBS

EXHIBIT E: Elevator Ranking for Western is a PDF shown as an attachment on WEBS

EXHIBIT F
Certifications and Assurances – Signature Form - Required

The undersigned has carefully examined all instructions and specifications and hereby proposes to furnish the goods and services described herein, in accordance with the bid instructions and specifications. (Note: Signature must be in ink and must be that of an individual authorized to act in such capacity for the firm represented.)

1.1 Respondent has responded to all items designated in Section 4 (Information Provided by Vendors).  
  __________ (Initial)

1.2 The response to this RFP has been prepared independently, without consultation, communication or agreement with others for the purpose of restricting competition.  
  __________ (Initial)

1.3 In preparing this RFP, respondent has not been assisted by any current or former employee of Western Washington University or the state of Washington whose duties relate to this bid and who was assisting in other than his or her official capacity. Neither does such a person or any member of his or her immediate family have any financial interest in the outcome of this RFP.  
  __________ (Initial)

1.4 Vendors under consideration may be asked to provide current, audited financial statements or the equivalent to include at a minimum: an income statement; statement of cash flows; and a balance sheet. This information is subject to disclosure if it is deemed to be a determining factor in the award decision. Vendor agrees to provide this information upon request by the university.  
  __________ (Initial)
1.5 Ten (10) complete responses, Three (3) originals and seven (7) copies, must be submitted prior to the time and date stated in Section 1.3. Copies are to be submitted on a flash drive ___ (initial)

1.6 Submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and all general terms and conditions. If there are any exceptions to these terms, we have described those exceptions in detail on a page attached to this document.

Any official correspondence related to this Request For Proposal solicitation shall be directed to the owner, Western Washington University, Business Services, Attn: Barbara Lewis, 516 High Street; MS 1420; Bellingham, WA 98225-1420; and to the respondent as noted below:

**Kael P. Barnhart**
Name and Title of Signing Officer (print)

**ThyssenKrupp Elevator**
Company Name

**2211 W. Casino Rd. Ste B, Everett, WA 98204**
Address

City, State, Zip

**425-438-0309**
Telephone

**866-223-2709**
Fax Number

**102-12112**
Tax I.D. Number

**401715397**
UBI Number

**Kael P. Barnhart**
Signature

**11/16/12**
Date

**Kael.Barnhart@thyssenkrupp.com**
EMAIL
Company Information:

Response to 4.1A

Company Introduction

General Elevator, founded in Baltimore in 1916 was purchased by Dover Elevator in February 1988. At that time, General had grown to be the 9th largest elevator company in the United States. The former General Elevator factory and headquarters now serves as ThyssenKrupp’s Northeast Region, Washington DC District and Baltimore Branch Headquarters.

Dover Elevator was founded in Memphis in 1925 as the Rotary Lift Company. By utilizing technology it developed for automotive lifts, Dover pioneered the concept of a commercially usable hydraulic elevator. In 1963, Dover opened a new manufacturing facility in Horn Lake, Mississippi. Dover continued to grow and expand its service and manufacturing business to include new products and new markets. Through research and development, Dover was instrumental in the development of microprocessor elevator controls worldwide. At the time of its purchase by ThyssenKrupp AG in January 1999, Dover was the largest domestic elevator manufacturer. Dover’s service base included 121 North American Branch offices. ThyssenKrupp continues to operate the former Dover manufacturing factories in Walnut and Middleton, Tennessee. Recently, ThyssenKrupp moved its North American Research and Development Headquarters from Horn Lake, Mississippi to Memphis, Tennessee.

ThyssenKrupp AG is the result of a 1999 merger of German mega-companies, Thyssen AG and Krupp AG. Thyssen pioneered the original all-metal escalator and Krupp supplied steel and other raw materials to many major European elevator and escalator manufacturer’s. In the early 1980’s, Thyssen Elevator moved from being solely a service provider and began expanding its North American product portfolio and corporate capabilities through growth and acquisition.

In addition ThyssenKrupp has acquired the following:

1) Northern Elevator (Canada) in 1984
2) F.S. Payne (New England) in 1990
3) U.S. Elevator (USA & Mexico) in 1993
ThyssenKrupp Elevator Americas

4) New York Elevator in 1995
5) Computerized Elevator Controls (manufacturer of Swift 5000 & Futura) in 1995
6) Custom Cabs Ltd. (California) in 2001
7) Safway Scaffolding in 2006

Through growth and acquisitions, ThyssenKrupp Elevator has focused on being North America’s premiere Vertical Transportation provider. To exhibit our corporate strength, ThyssenKrupp’s award-winning escalator applications have won Elevator World’s Project of the Year for 1999, 2000, 2001 and 2002. Again and again, we continue to prove that at ThyssenKrupp, we are the best.

ThyssenKrupp Elevator: Today, Tomorrow and the Future

Today, ThyssenKrupp Elevator is positioned as the largest vertical transportation maintenance provider in North America, currently maintaining over 200,000 elevators, escalators, dumbwaiters, and accessibility lifts. Through all the growing, we’ve learned many valuable lessons. However, our “clients first” focus has never wavered. ThyssenKrupp continues to provide exceptional elevator maintenance and service in conjunction with outstanding account management. Our goal extends beyond performing elevator maintenance with a focus on building a partnership with each client that is mutually beneficial.

Tomorrow, ThyssenKrupp Elevator will continue growing as the largest vertical transportation provider in North America. Through partnerships with facilities such as Western Washington University, ThyssenKrupp has accepted the challenge to remain on top. We intend to provide WWU with exceptional service and administrative support to showcase our local and corporate capabilities.

The future of ThyssenKrupp Elevator looks bright. Our Research and development teams are developing new products and services to allow ThyssenKrupp to remain the market and industry leader. We are continually analyzing our business practices and making changes where necessary in order to achieve one common goal – 100% Customer Satisfaction.

On a more local level, a company by the name of Sound Elevator was formed by the Strahm Family and ran independently until 1984 when they were acquired by the Dover Corporation. They still operated under the well known label of Sound Elevator up until 2000, when they became known as Thyssen Sound Elevator.

All in all, worldwide and especially locally, ThyssenKrupp has provided elevator service for almost 80 years.
ThyssenKrupp Elevator Americas

Response to 4.1B

What separates ThyssenKrupp Elevator from our competitors? ThyssenKrupp Elevator has emerged as the largest and best elevator company in North America over the past several years. With its global and national presence, it brings resources that are unmatched by others, but where we really shine is on the local level. Even though ThyssenKrupp is a global company, we manage and service it right out of Everett, WA Branch.

ThyssenKrupp especially shines in Western Washington University’s backyard. We have two local service technicians who not only work exclusively in Bellingham and Whatcom County, but live right in Bellingham as well. They take a lot of pride in their community and their customers. Response time, decision making, and availability to help out whenever the University needs are all exclusive benefits that ThyssenKrupp can offer to the University.

In addition, ThyssenKrupp now has grown their Whatcom County/Bellingham portfolio to the point where we have a third technician who has about 2/3 of his route in Bellingham and the surrounding area to provide even more support.

Unlike a lot of other companies that are stretched geographically or rely on counters to service their elevators, ThyssenKrupp still believes that there is nothing that replaces a frequent set of eyes and continuing communication on a daily/weekly basis when it comes to servicing your elevators better than anyone else. With the hands on approach, attention to detail, history with the university, knowledge and training on the equipment, there is one clear choice, ThyssenKrupp.

Response to 4.1C

List of Higher Education Accounts:

- **Washington State University.** +/- $27,000/month. Servicing since 2010. Contact: Jodie Magers (509) 335-9007

- **Willamette University (Salem, OR).** $4,500/month. 7 + Years. Contact: Gary Grimm (503) 370-6814.

- **Portland Community College.** +/- $5,500/month. 5 + Years. Contact: Steve Borcherdig (503) 977-8150.

- **University of Portland.** +/- $4,500/month. 25 + Years. Contact: (in transition)
**Response to Section 4.1D**

**Provide a list of Whatcom County Accounts.** Include name and phone number and length of service (Here is a very brief list of our many Accounts)

- St. Joseph Hospital: 45 Years. Contact: Don Johle (360) 788-7766
- City of Bellingham: 30 Years. Contact: Myron Carlson (360) 778-7830
- Bellingham School District: 15 + years. Contact: Brett Greenwood (360) 676-6544
- Whatcom Community College: 12 + Years. Contact: Brian Keeley (360) 383-3350
- Catholic Community Services: 10+ Years. Contact: Steve Powers (360) 393-9123
- We can furnish many more on request (We have two and two thirds full time routes in Bellingham and Whatcom County.)

**Response to Section 4.1E**

Please see attached Everett Branch Organizational Chart in next binder section (Attachment #1)

**Response to Section 4.1F**

Please see attached resumes for technicians in next binder section (Attachment #2)
Company's Plan for Safety

Safety is paramount at ThyssenKrupp Elevator. ThyssenKrupp has developed standard rules of safety for all aspects of its business. This is a foundation that is not only in place, but is addressed with weekly "Tool Box Talks”; Monthly, Quarterly and Annual Safety Meetings; Monthly Safety Audits; Maintenance Safety Assessment Sheets on the job site; and a every meeting TKE has starts out with a Safety Topic.

Please see President’s Message in the next Binder Section (Attachment #3)
Please see Maintenance Safety Assessment in next Binder Section (Attachment #4)
Please see EMR Letter in next binder section (Attachment #5)
Please see Frequency & Lost Time Rate in next binder section (Attachment #6)
Please see TKE Elevator Safety Manual in next binder section (Attachment #7)

What issues has TKE faced in the past three years and how have we responded to those issues?

Like every business or organization over the past three years, the economy has been a huge factor in our business. TKE has done a very good job of improving our services while streaming processes and costs in all aspects of our business.

Unlike a lot of companies in our industry, TKE has actually grown our service base and repair and modernization business has increased as new construction has dropped of drastically.

Fortunately, our local offices have all been adding field employees and the respective number of support staff to sustain our business and promote growth through quality service and operations.

One of the most recent initiatives that we processing is changing to propose powered service vehicles and in some cases electric. This is an important issue that deals with reducing our carbon footprint and utilizing cleaner more efficient means of fuel in an effort to help the environment during our daily routine of business.
ThyssenKrupp Elevator Americas

Another very important aspect of our business has been working with customers to develop budget planners as planning is more difficult and challenging than ever with reduced budgets and aging buildings. WWU has been years ahead of this with the Annual Survey that we have utilized, but now we are trying to expand that to all of our customers.

Partnering with our customers has helped us maintain our existing customer base, along with a significant growth rate locally.

Moving forward we still see the economy playing a huge decision making role with all businesses, and that communication and partnering will play a huge role in the success of our customers and TKE as well.

Response to 4.2C

At TKE we realize that “disasters know no boundaries”, and at the higher education level a campus closure of even a few hours can affect the bottom line, and have drastic repercussions to its reputation and ability to maintain and attract students, staff and visitors.

Preparedness, response and recovery are all things that our technicians have been trained on. It is hard to train for every possible type of disaster, as the threats grow more diverse and are more real than ever, but by knowing our customers and the campuses, TKE can and will respond efficiently and effectively.

Going back to the Nisqually Earthquake, is probably the best example in recent years of our experience in handling a disaster, and one that was fairly large scale. TKE received numerous letters of commendation from our customers back then for our response.

When the earthquake hit, our management ensured that all of our employees were safe and the conditions they were in were safe as well. We then instituted an immediate response to check on all of our customer’s elevators. Obviously Hospitals and Nursing homes had a priority, but so did large institutions such as WWU as the number of elevators, staff, students and visitors across campus made it a high priority to clear the elevators and make sure entrapments were released, elevators were either secured (if damaged), or checked out and returned to proper operation.

As well as we did with that response, we learned from it as well.

In direct regards to WWU, having two technician routes in Bellingham, as well as the technician’s living there, preparedness and response will be the best in our industry.

Our Business Continuity Plan consists of a lot of what is outlined in our safety Manual, but also extends beyond that to emergency power backing of key servers and call centers locally and nationally. We have means of communication with our technicians through two way radio, cellular phones and pagers. We have each of our vehicles outfitted with GPS on them to be able to picture the area and the locations of our technicians so that we can formulate the most effective response necessary based upon need and geographic location.
ThyssenKrupp Elevator Americas

We have Regional, District, and Branch level decision makers all located here in the Puget Sound area that have the authority to make all of the necessary decisions in light of an emergency or disaster.

TKE is a global company that and with that comes huge resources and backup. We would expect to be able to respond to anything locally, nationally or globally very effectively and efficiently.

Please see Attachment #9 for Earthquake Preparedness Plan

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<td>Exceptions.</td>
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SECTION 5 – TERMS AND CONDITIONS

5.1.3 The additional insured coverage shall provide a defense and immunity only for actions arising from Successful Vendor’s acts, actions, omissions, or neglects but does not provide defense or indemnity for the Additional insured(s) own acts, actions, omissions, neglects or for unproven allegations. Successful Vendor’s products and completed operations limits shall be included within the general aggregate limits.

Delete reference to Professional Liability (E&O) Insurance, this item is not applicable to Successful Vendor’s Scope of work under this agreement.

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<td>For the past two years Financial Audit Statements, please see Attachment #8 in the next binder section</td>
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408
ThyssenKrupp Elevator Americas

RFP#BL2313 Elevator Maintenance
Section 4 – Information Provided by Vendors
ThyssenKrupp Elevators Attachments for Section 4

4.1E Organizational Chart (Attachment #1)

4.1F Technician’s Resume (Attachment #2)

4.2A President’s Message (Attachment 3)
   Maintenance Safety Assessment (Attachment #4)
   EMR Letter (Attachment #5)
   Frequency & Lost Time Rate FY2011-2012 (Attachment #6)
   ThyssenKrupp Safety Manual (Attachment #7)

4.2C Earthquake Preparedness (Attachment #9)

4.2G Audited Financial Statements for Past Two Years (attachment #8)
FIRST AMENDMENT
TO THE AGREEMENT FOR
ELEVATOR MAINTENANCE
BETWEEN
WESTERN WASHINGTON UNIVERSITY
AND
THYSSEN KRUPP

Contract Reference: PC-2313

Western Washington University, 516 High St. Bellingham, WA 98225 (University) and THYSSENKRUPP,
2211 W. Casino Road, Suite B, Everett, WA 98204. (Contractor), hereby enter into this Amendment to the
original Agreement dated July 1, 2012.

1. Purpose of this Amendment:
   A. The University and Contractor desire modify the pricing in this contract to meet ASME A17.1-2010
      Section 8.6 and 8.11 and WAC inspection requirements.
   B. Contractor will also perform the category 1 Testing on Hydraulic elevators as outlined in ASME A17.1-
      2010.

2. Pricing:
   A. Pricing beginning September 15, 2014 and continuing throughout the term of the contract, will be
      adjusted as follows:
      1. The price will be increased by $97.25 per traction cable elevator.
      2. The price will be increased by $48.98 per hydraulic elevator/wheelchair lift per month.

3. Terms and Conditions: Except as amended herein, all other terms and conditions of the Original
   Agreement apply to this Amendment.

4. Execution: The parties hereby execute and authorize this amendment to be effective September 15,
   2014, regardless of the date of execution.

THYSSENKRUPP

Karl P....

SIGNATURE DATE

PRINTED OR TYPED NAME

Service Service Service

TITLE

WESTERN WASHINGTON UNIVERSITY

Pete Helgesen, Director of Business Services

PRINTED OR TYPED NAME

APPROVED AS TO LEGAL FORM

ASSISTANT ATTORNEY GENERAL DATE

PRINTED OR TYPED NAME
AGREEMENT FOR
ELEVATOR MAINTENANCE SERVICE

Contract Reference: PC-2313

This Agreement is made and entered into by and between THYSSENKRUPP, 2211 W. Casino Road. Suite B. Everett, WA 98204, (Contractor herein) and WESTERN WASHINGTON UNIVERSITY, 516 High Street, Bellingham, WA 98225 (University herein).

1. SCOPE OF AGREEMENT
This agreement established a contract for maintenance of University elevators. Service will include the unit at Shannon Point Marine Center and any units added during the term of this contract.

2. TERM OF CONTRACT
This contract will commence July 1, 2012 and end June 30, 2017. Contract has renewal options for a total contract period of ten (10) years.

3. CONTRACT DOCUMENTS
In the event any conflict between the documents which constitute this agreement should arise, the following order of precedence shall apply:
   a) This agreement
   b) Request for Proposal # BL-2313
   c) Contractor’s Response to RFP # BL-2313

4. PRICING
   Pricing for preventive maintenance covers the period of 2012 – 2017 per Contractor’s response to RFP # BL-2313
   Pricing for Non-Routine Services covers the period of 2012 – 2014 per Contractor’s response to RFP # BL-2313
   Prices for future years will be mutually agreed upon.

5. PURCHASE ORDERS
   Contractor shall include the purchase order number on all invoices.

   All invoices shall be paid on a Net 30 schedule. Invoices shall be mailed to WWU Accounts Payable, P.O. Box 29420, Bellingham, WA 98225-1420.

6. INSURANCE
   Vendor shall abide by all insurance requirements stated in RFP # BL-2313, Section 5.1.3.

   Vendor shall provide CERTIFICATE of INSURANCE prior to any work commencing on this project.

7. WHOLE AGREEMENT
   This Agreement, and the contract documents delineated in section 3, are the complete and exclusive statement of the Agreement between the parties relevant to the purpose described above and supersede all prior agreements or proposals, oral or written, and all other communications between the parties related to the subject matter of this Agreement. No modification of this Agreement will be binding on either party except as a written addendum signed by an authorized agent of both parties.
8. GOVERNING LAW

This contract shall be governed in all respects by the law and statutes of the State of Washington. The venue for any action hereunder shall be in the Superior Court for Whatcom County, Washington.

The Contractor and the University hereby agree to all provisions of this Agreement:

THYSSENKRUPP

Signature___________________________________________Date________________________

Printed or Typed Name______________________________

Washington State Unified Business ID#

UBI# 601715397

Federal Tax Identification # 62-1211287

WESTERN WASHINGTON UNIVERSITY

Signature___________________________________________Date________________________

Sally McKechnie

Printed or Typed Name______________________________

APPROVED AS TO LEGAL FORM:

Assistant Attorney General

Printed or Typed Name______________________________
Western Washington University – Non-Exclusive License / Performance Agreement

SECOND AMENDMENT
TO THE AGREEMENT FOR
ELEVATOR MAINTENANCE SERVICE
BETWEEN
WESTERN WASHINGTON UNIVERSITY
AND
THYSSENKRUPP

Contract Reference: PC-2313-02

WESTERN WASHINGTON UNIVERSITY, 516 High St. Bellingham, WA 98225 ("University") and
THYSSENKRUPP, 2211 W. Casino Road, Suite B, Everett, WA 98204, ("Contractor"), hereby enter into this
Amendment to the original Agreement dated July 1, 2012, and the First Amendment to the Agreement dated
September 15, 2014.

1. Purpose of this Amendment:
The University and Contractor desire to extend the Term of the Agreement.

2. Term of Contract:
Section 2 of the Agreement "Term of Contract" is modified to extend the contract term for an additional
twelve months from July 1, 2017 through June 30, 2018. University and Contract may agree to additional
one-year extensions of the Term if mutually agreed upon in writing.

3. Section 5 of the Agreement is modified as follows: Invoices should be mailed to WWU Accounts Payable,
PO Box 218, Bellingham WA 98227.

3. Terms and Conditions: Except as amended herein, all other terms and conditions of the original
Agreement and First Amendment apply to this Second Amendment.

4. Execution: The parties hereby execute and authorize this Amendment to be effective June 30, 2017,
regardless of the date of execution.

THYSSENKRUPP

[Signature]
[Date]
Todd Fodor
Printed or Typed Name
Manager

WESTERN WASHINGTON UNIVERSITY

[Signature]
[Date]
Hal Vernell, Assistant Director of Business Services
Printed or Typed Name

APPROVED AS TO LEGAL FORM

[Signature]
[Date]
Assistant Attorney General
Printed or Typed Name
EXHIBIT "C"
(COMPENSATION)

The Contract Number shall be included on all billings and correspondence.

The maximum consideration for this agreement is $60,576.20.

Invoices detailing building and service must be submitted to the Whatcom County Facilities Management Office, 316 Lottie Street, Bellingham, WA 98225.

Contractor may bill the County quarterly for services
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Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Shearer Design, LLC

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 Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Shearer Design, LLC provides for on-call structural engineering support to the Whatcom County Bridge Program during 2018.
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: November 7, 2017

Re: 2018 On-Call Support for the Whatcom County Bridge Program
     Local Agency Standard Consultant Agreement Supplement No. 1 with Shearer Design, LLC.

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

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into Local Agency Standard Consultant Agreement Supplement No. 1 with Shearer Design, LLC for professional structural engineering on-call support for the Whatcom County Bridge Program during 2018.

Background and Purpose
Public Works is responsible for inspection, maintenance and repair of approximately 162 County-owned bridges and the Lummi Island Ferry system. This contract supplement will allow Public Works to utilize Shearer Design, LLC for specific tasks related to structural analysis and design for bridge and ferry issues that may arise throughout 2018. Individual task orders will be issued for specific tasks.

Funding Amount and Source
This supplement will increase this contract amount by $45,000.00 for a new total of $85,000.00. Adequate 2018 budget authority exists to support this request.

Please contact James Lee at extension 6264 if you have any questions or concerns regarding the terms of this agreement.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

Originating Department: Public Works
Division/Program: (i.e. Dept. Division and Program) Bridge & Hydraulic
Contract or Grant Administrator: James Lee, Engineering Manager
Contractor's / Agency Name: Shearer Design, LLC

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 #: 201702018

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): RFQ #16-01 Cost Center: 10855

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):
$ 40,000.00
This Amendment Amount:
$ 45,000.00
Total Amended Amount:
$ 85,000.00

Council approval required for; all property leases, contracts or bid awards exceeding $40,000, and professional service contract amendments that have an increase greater than $10,000 or 10% of contract amount, whichever is greater, except when:
1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope: This Standard Local Agency Consultant Contract Supplement No. 1 provides for on-call structural engineering support to the Whatcom County Bridge Program during 2018.

Term of Contract: Not to Exceed Expiration Date: 12-31-2018

Contract Routing:
1. Prepared by: James Lee Date: 11-1-2017
2. Attorney signoff: Daniel Gibson Date: 11/2/17
3. AS Finance reviewed: bbennett Date: 11/01/17
4. IT reviewed (if IT related):
5. Contractor signed: James Lee Date: 11/3/17
6. Submitted to Exec:
7. Council approved (if necessary):
8. Executive signed:
9. Original to Council:

Last edited 10/31/16
420
## Supplemental Agreement

**Number:** 1

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<th>Organization and Address</th>
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<tr>
<td>201702018</td>
<td>Shearer Design, LLC</td>
</tr>
<tr>
<td></td>
<td>3613 Phinney Ave. N. #B,</td>
</tr>
<tr>
<td></td>
<td>Seattle, WA 98103</td>
</tr>
<tr>
<td></td>
<td>Phone: 206-781-7830</td>
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<tr>
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<tr>
<td>On-Call</td>
<td>2-21-2017</td>
<td>12-31-2018</td>
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<tbody>
<tr>
<td>2018 On-Call Support for the Bridge Program</td>
<td>$85,000.00</td>
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</table>

**Description of Work**

The Consultant, Shearer Design, LLC, shall provide structural analysis and design services in support of the Whatcom County Bridge Program on an on-call basis for 2018. Please see Exhibit A for detailed scope of work.

---

The Local Agency of Whatcom County desires to supplement the agreement entered into with Shearer Design, LLC and executed on 2-21-2017 and identified as Agreement No. 201702018

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:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

Provide on-call structural analysis and design services to support the Whatcom County Bridge Program during 2018.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Contract completion date is extended to 12-31-2018

III

Section V, PAYMENT, shall be amended as follows:

Payment shall be increased by $45,000.00

as set forth in the attached Exhibit A, 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

County Executive

---

Consultant Signature: [Signature]

Approving Authority Signature: [Signature]

Approved as to form: [Signature] 11/09/17

DOT Form 140-063
Revised 09/2005

Daniel L. Gibson
Chief Civil Deputy Prosecutor
Exhibit A
Scope of Work

The Consultant, Shearer Design LLC, shall provide structural analysis and design services related to the Whatcom County Bridge Program on an on-call basis. The County shall issue task orders for specific assignments under this agreement. The task orders shall define the scope of the task, the nature of the products and deliverables, and the allowable expenses to be billed for that task in accordance with Exhibit D. Only those expenses specifically approved by the County in a task order shall be compensable under this agreement.

The County makes no express or implied guarantee as to the minimum amount of expenditures that shall be requested and approved under this agreement.
### Exhibit D

Consultant Fee Determination - Summary Sheet  
(Negotiated Hourly Rates of Pay)

**Fee Schedule**

<table>
<thead>
<tr>
<th>Discipline or Job Title</th>
<th>Name</th>
<th>Hourly Rate</th>
<th>Overhead @ 110.00%</th>
<th>Profit @ 30.00%</th>
<th>Rate Per Hour</th>
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<td>$93.60</td>
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Based on Safe Harbor Billing Rates
**CLEARANCES**

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<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>James E. Lee, P.E.</td>
<td>JEL</td>
<td>11/8/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division Head:</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Rutan, P.E.</td>
<td>JPR</td>
<td>11/8/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dept. Head:</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jon Hutchings</td>
<td>HJ</td>
<td>11/8/17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prosecutor:</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel L. Gibson</td>
<td>DL</td>
<td>11/9/17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Purchasing/Budget:</th>
<th>Initial</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Brad Bennett</td>
<td>BB</td>
<td>11/9/17</td>
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</table>

<table>
<thead>
<tr>
<th>Executive:</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Louws</td>
<td>JL</td>
<td>11/13/17</td>
</tr>
</tbody>
</table>

---

**TITLE OF DOCUMENT:**
Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Sargent Engineers, Inc.

**ATTACHMENTS:**

1. Cover Memo
2. Contract Information Sheets

**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.)

This Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Sargent Engineers, Inc. provides for on-call structural engineering support to the Whatcom County Bridge Program during 2018.

---

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

---

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

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: November 7, 2017

Re: 2018 On-Call Support for the Whatcom County Bridge Program
Local Agency Standard Consultant Agreement Supplement No. 1
with Sargent Engineers, Inc.

Enclosed for your review and signature are two (2) originals of the Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Sargent Engineers, Inc.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into Local Agency Standard Consultant Agreement Supplement No. 1 with Sargent Engineers, Inc. for professional structural engineering on-call support for the Whatcom County Bridge Program during 2018.

Background and Purpose
Public Works is responsible for inspection, maintenance and repair of approximately 162 County-owned bridges and the Lummi Island Ferry system. This contract supplement will allow Public Works to utilize Sargent Engineers, Inc. for specific tasks related to structural analysis and design for bridge and ferry issues that may arise throughout 2018. Individual task orders will be issued for specific tasks.

Funding Amount and Source
This supplement will increase this contract amount by $45,000.00 for a new total of $85,000.00. Adequate 2018 budget authority exists to support this request.

Please contact James Lee at extension 6264 if you have any questions or concerns regarding the terms of this agreement.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Program: (i.e. Dept. Division and Program)</td>
<td>Bridge &amp; Hydraulic</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>James Lee, Engineering Manager</td>
</tr>
<tr>
<td>Sargent Engineers, Inc.</td>
<td></td>
</tr>
</tbody>
</table>

- **Is this a New Contract?** Yes ☑ No ☐
- **If not, is this an Amendment or Renewal to an Existing Contract?** If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201702017
- **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 the result of a RFP or Bid process?** Yes ☑ No ☐
- **If yes, RFP and Bid number(s):** RFQ #16-01 Contract Cost Center: 10855
- **Is this agreement excluded from E-Verify?** Yes ☑ No ☐
- **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.

<table>
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<tr>
<th>Contract Amount: (sum of original contract amount and any prior amendments):</th>
<th>$40,000.00</th>
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<tbody>
<tr>
<td>This Amendment Amount:</td>
<td>$45,000.00</td>
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<tr>
<td>Total Amended Amount:</td>
<td>$85,000.00</td>
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Summary of Scope: This Standard Local Agency Consultant Contract Supplement No. 1 provides for on-call structural engineering support to the Whatcom County Bridge Program during 2018.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>Not to Exceed</th>
<th>Expiration Date: 12-31-2018</th>
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<tbody>
<tr>
<td>Contract Routing:</td>
<td>1. Prepared by: James Lee</td>
<td>Date: 11-1-2017</td>
</tr>
<tr>
<td>2. Attorney signoff: Daniel Gibson</td>
<td>Date: 11-2-2017</td>
<td></td>
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<tr>
<td>3. AS Finance reviewed: bbennett</td>
<td>Date: 11/1/17</td>
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<tr>
<td>4. IT reviewed (if IT related):</td>
<td>Date:</td>
<td></td>
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<tr>
<td>5. Contractor signed: James Lee</td>
<td>Date: 11-3-17</td>
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<td>6. Submitted to Exec.:</td>
<td>Date: 11-9-17</td>
<td></td>
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<tr>
<td>7. Council approved (if necessary):</td>
<td>Date:</td>
<td></td>
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<tr>
<td>8. Executive signed:</td>
<td>Date:</td>
<td></td>
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<tr>
<td>9. Original to Council:</td>
<td>Date:</td>
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Last edited 10/31/16
Supplemental Agreement
Number 1

Original Agreement Number
201702017

Project Number
On-Call

Project Title
2018 On-Call Support for the Bridge Program

Execution Date
2-21-2017

Completion Date
12-31-2018

New Maximum Amount Payable
$85,000.00

Description of Work
The Consultant, Sargent Engineers, Inc., shall provide structural analysis and design services in support of the Whatcom County Bridge Program on an on-call basis for 2018. Please see Exhibit A for detailed scope of work.

The Local Agency of Whatcom County desires to supplement the agreement entered into with Sargent Engineers, Inc., and executed on 2-21-2017, and identified as Agreement No. 201702017.

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:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

Provide on-call structural analysis and design services to support the Whatcom County Bridge Program during 2018.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Contract completion date is extended to 12-31-2018

III

Section V, PAYMENT, shall be amended as follows:

Payment shall be increased by $45,000.00

as set forth in the attached Exhibit A, 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: Sargent Engineers, Inc.                                By: Whatcom County

Chief Civil Deputy Prosecutor                           County Executive

Approved as to form:                                      Approving Authority Signature

Daniel L. Gibson                                      Date

DOT Form 140-063
Revised 09/2005
Exhibit A
Scope of Work

The Consultant, Sargent Engineers, Inc., shall provide structural analysis and design services related to the Whatcom County Bridge Program on an on-call basis. The County shall issue task orders for specific assignments under this agreement. The task orders shall define the scope of the task, the nature of the products and deliverables, and the allowable expenses to be billed for that task in accordance with Exhibit D. Only those expenses specifically approved by the County in a task order shall be compensable under this agreement.

The County makes no express or implied guarantee as to the minimum amount of expenditures that shall be requested and approved under this agreement.
### Consultant Fee Determination Summary Sheet

**Sargent Engineers, Inc.**  
320 Ronlee Lane NW  
Olympia, WA 98502  
Ph: (360) 867-9284

<table>
<thead>
<tr>
<th>Job Classification</th>
<th>Direct Labor (DL) NTE</th>
<th>Overhead @ 199.00% NTE</th>
<th>Fixed Fee @30.00% NTE</th>
<th>All Inclusive Billing Rate NTE</th>
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**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Originator:</td>
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<td>8/29/17</td>
<td></td>
<td>11/21/17</td>
<td>Finance/Council</td>
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<td>11/2/17</td>
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<tr>
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<td>11/6/17</td>
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<tr>
<td>Prosecutor:</td>
<td>B</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
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**TITLE OF DOCUMENT:**
Lease agreement between Pioneer Human Services and Whatcom County for the Triage Center

**ATTACHMENTS:**
1. Contract Information Sheet
2. Memo to County Executive
3. 2 Originals of Lease Agreement

**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.)

This lease agreement is for the Behavioral Health Triage Center operated by Pioneer Human Services. The location of the center is the northwest corner of the Whatcom County Jail Work Center & Triage Center at 2030 Division Street in Bellingham.

**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: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director
RE: Whatcom County Behavioral Health Triage Center Lease Agreement
DATE: November 1, 2017

Enclosed are two (2) originals of a contract between Whatcom County and Pioneer Human Services for your review and signature.

- Background and Purpose
  This lease agreement is for the Behavioral Health Triage Center, operated by Pioneer Human Services. The location of the center is the northwest corner of the Whatcom County Jail Work Center and Triage Center at 2030 Division Street in Bellingham.

- Funding Amount and Source
  Pioneer Human Services will be contributing toward the utilities for this facility and paying a nominal rent of $100/month. These funds are included in the 2017 – 2018 budgets and County Council approval is required.

- Differences from Previous Contracts
  The terms of this lease are the same as the lease agreement in place since 2011 except that this lease is no longer tied to County contract number 201107008 for substance abuse services to be provided at the Center by the Contractor.

Please contact Perry Mowery at extension #6059 if you have any questions regarding this agreement.

Encl.
<table>
<thead>
<tr>
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| Originating Department:     | Health    |
| Division/Program: (i.e. Dept. Division and Program) | Human Services |
| Contract or Grant Administrator: | Perry Mowery |
| Contractor's / Agency Name: | Pioneer Human Services |

| Is this a New Contract? Yes | No ☒ | If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ | No ☒ |
| Does contract require Council Approval? Yes ☒ | No ☐ | If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: |
| Is this a grant agreement? Yes ☐ | No ☒ | If yes, grantor agency contract number(s): |
| Is this contract funded? Yes ☐ | No ☒ | If yes, Whatcom County grant contract number(s): |
| Is this the result of a RFP or Bid process? Yes ☐ | No ☒ | If yes, RFP and Bid number(s): 11 – 15 |
| Contract Cost Center: | 675300 |
| If this agreement excluded from E-Verify? Yes ☒ | No ☐ | If no, include Attachment D Contractor Declaration form. |

| Contract Amount: (sum of original contract amount and any prior amendments): |
| $ 20,112 |

| This Amendment Amount: |
| $ |

| Total Amended Amount: |
| $ |

**Council approval required for:** all property leases, contracts or bid awards exceeding $40,000, and professional service contract amendments that have an increase greater than $10,000 or 10% of contract amount, whichever is greater, except when:

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer’s technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

**Summary of Scope:** The purpose of this agreement is to lease the County-owned Behavioral Health Triage Center to Pioneer Human Services. The location of the center is the northwest corner of the Whatcom County Jail Work Center & Triage Center at 2030 Division Street in Bellingham.

<table>
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<th>Term of Contract: 2 Years</th>
<th>Expiration Date: 06/30/2019</th>
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| Contract Routing: |
| 1. Prepared by: JT | Date: 8/29/17 |
| 2. Attorney signoff: RB | Date: 9/21/17 |
| 3. AS Finance reviewed: | Date: 11/9/17 |
| 4. IT reviewed (if IT related): | |
| 5. Contractor signed: | Date: 10-26-17 |
| 6. Submitted to Exec.: | Date: 11-09-17 |
| 7. Council approved (if necessary): | |
| 8. Executive signed: | Date: |
| 9. Original to Council: | Date: |
LEASE AGREEMENT FOR TRIAGE CENTER
Pioneer Human Services Behavioral Health

Pioneer Human Services, hereinafter called Lessee, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 6.
Exhibit C (Certificate of Insurance), p. 7.

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

The term of this Lease shall commence on the July 1, 2017, and shall, unless terminated or renewed as elsewhere provided in the agreement, terminate on June 30, 2019.

The general purpose or objective of this Agreement is to: Lease property at the northwest corner of the Whatcom County Jail Work Center & Triage Center located at 2030 Division Street in Bellingham Washington, as more fully and definitively described in Paragraph 0.2 for the Operation of the Whatcom County Behavioral Health Triage Center.

In consideration for the lease of property specified above, Lessee agrees to pay a total of $10,056.00 per year which is divided into payments for rent at $100.00 per month ($1,200.00 per year) and utilities at $738.00 per month ($8,856.00 per year).

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

IN WITNESS WHEREOF, the parties have executed this Agreement this ___ day of ______________ 2017.

LESSEE:

Pioneer Human Services

Name & Title of Signatory

STEPHANIE WELTY, CFO

STATE OF WASHINGTON )
COUNTY OF Whatcom ) ss.

On this 26 day of OCTOBER, 2017, before me personally appeared STEPHANIE WELTY to me known to be THE CFO of Pioneer Human Services and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

VICKI L. RUSH
NOTARY PUBLIC

NOTARY PUBLIC in and for the State of Washington, residing at Seattle, WA. My commission expires 4-09-2018.

LESSEE INFORMATION:

Pioneer Human Services
7440 West Marginal Way S.
Seattle, WA 98108
WHATCOM COUNTY:
Recommended for Approval:

Anne Deacon, Human Services Manager  Date
11/2/17

Regina D’Arby, Health Dept. Director  Date
11/2/17

Approved as to form:

Royce Buchanan, Prosecuting Attorney  Date
11/6/17

Approved:
Accepted for Whatcom County:

By: ________________________  
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) SS
COUNTY OF WHATCOM )

On this _____ day of ___________ 2017, 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 _____________________.

HL_070117_Pioneer_Triage_Lease
Page 2 of 7
GENERAL CONDITIONS

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

0.1 Nature of Lease
The purpose of the lease is to establish Whatcom County Behavioral Health Crisis Triage Center (Center). The Center will provide co-located mental health and substance abuse crisis services to people experiencing behavioral health crises 24 hours per day, 365 days per year.

0.2 Property Description:
County, in consideration of the covenants and conditions herein set forth to be performed by Lessee, does hereby demise and let unto Lessee, all of the following-described property: Northwest corner of the Whatcom County Jail Work Center & Triage Center located at 2030 Division Street in Bellingham, Washington consisting of 5,907 square feet of the 40,000 square foot building.

0.3 Condition of Property:
Lessee has inspected the above-described property and accepts the premises in the condition prevailing on the date of the execution of this lease.

0.4 Use of Premises
Lessee, in consideration of the granting of this lease by County for the benefit of the citizens of Whatcom County, hereby understands and agrees that the only type of use or activity to be conducted upon the leased premises by Lessee shall be that of a community behavioral health triage center as specified in a separate contract for social detoxification, Substance Abuse Protective Custody and involuntary commitment services between Lessee and County. Failure of Lessee to perform this type of business within the facility, or cessation of such services, or carrying on other uses or activities without first obtaining a lease modification with County's written approval, shall constitute cause for default under the terms of this lease.

As further consideration for the granting of this lease, Lessee hereby agrees to property and fairly serve the public, provide suitable services, and manage and operate the Center. Failure of Lessee to so serve the public shall be considered a breach of this clause and hereby constitute a cause for default. The Lessee agrees to maintain any required licenses in good standing and should the lessee lose any license required to provide facility services for any reason it shall be considered a basis for terminating this lease as called for in section 11.4 of this lease.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
This lease shall commence on 1 July 2017 and be performed at two (2) year increments, unless sooner terminated according to this agreement. 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 not to exceed six (6) years or a total of two (2) renewal cycles.

11.1 Termination for Default:
If the Lessee defaults by failing to perform any of the obligations of this lease or any other contract for services with County, 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 Lessee in the U.S. mail, first class postage prepaid, terminate the lease. Termination shall be effective as provided in section 11.4 below. 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 Lessee. The Lessee shall bear any extra expenses incurred by the County in terminating the lease, including all costs for any damage sustained, or which may be sustained by the County by reason of such default.

11.4 Termination of Lease:
This lease shall terminate as follows:
A. At the expiration of the term of this lease.
B. Upon the failure of Lessee to correct violations of any condition of this lease after 90 days written notice from the County.
C. It is mutually agreed that Lease can be cancelled and terminated by either party provided that written notice of such cancellation and termination shall have been given at least ninety (90) days prior to the effective date of termination.
Series 30-39: Provisions Related to Administration of Agreement

30.2 Sub-lease:
Lessee may sublet a portion of the leased facility to other organizations providing compatible services upon written approval of County.

33.1 Right to Review:
This lease 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 County shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after lease termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. County also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the County, then the County agrees to notify the Administrative Officer as soon as it is practical.

34.1 Proof of Insurance:
The Lessee 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
- Professional Liability insurance - $1,000,000 occurrence/$1,000,000 aggregate

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.

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 Lease:
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 County hereby appoints, and the Lessee 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:

Perry Mowery, Human Services Supervisor

37.2 Laws, Permits, and Regulations:
Lessee agrees to comply with all applicable federal, state, county, or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals. Lessee agrees to conform to and abide by all lawful rules, codes, laws and regulations in connection with its use of said premises and the construction of improvements and operation of Lessee’s business thereon and not to permit said premises to be used in violation of any lawful rule, code, law, regulation or other authority.

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.

40.3 Disposition of Improvements at End of Lease:
Lessees have the right to remove all equipment, personal property and improvements which may have been placed upon the premises during the period of this lease provided that the same are removed before the lease is terminated and while the lease is in good standing. Any improvements not removed from the premises at the conclusion of the lease shall revert to the County. Leased premises shall be restored by Lessee to conditions prevailing at the time of commencement of the lease, normal wear excepted.

40.4 Utilities:
The County acknowledges that Lessee is providing an improved public service with the relocation of their services to Leased premises. It is the intention of the County that the cost of the Lessee to provide services in the leased facility shall not increase over prior facility costs. Lessee shall annually contribute $8,865.00 to be applied by County toward the cost of utility services for the facility. County shall review the contribution amount annually and may increase the contribution by an amount not to exceed 3%.

40.5 Janitorial Services:
Janitorial services will be provided by Lessee. Services shall comply with standards established by Whatcom County Facilities Management. Failure of Lessee to meet these standards will result in County performing services and billing the cost of such service to Lessee.

Lessees shall be responsible for routine daily cleaning and housekeeping in the Center and shall be on a continuing basis maintain high standards for sanitation as specified by Whatcom County Facilities Management. Lessees shall be responsible for providing all cleaning supplies, light bulbs, paper products, and any other consumable supplies to be used inside the facility.

Inspections of the facility by County will occur as deemed necessary by County. Any deficiencies in housekeeping noted during such inspections or at any other time will be corrected by Lessee in a timely manner. Failure of Lessee to respond in a timely manner will result in County performing services and billing the cost of such service to Lessee. For the purposes of this lease “timely manner” means 5 days or less unless a different duration is mutually agreed to.

Lessees shall be responsible for depositing all trash and garbage in the area marked for such purpose and providing for its removal on a regular basis. County shall provide janitorial services outside the facility. Lessees shall be responsible for the proper disposal of any bio-hazardous wastes in the Center.

40.6 Maintenance of Facilities:
A. County shall maintain the Center in good repair and tenantable condition during the term of this Lease, except in the case of damage caused by the Lessee, its clients, agents, or employees. For the purposes of maintaining the Center, the County reserves the right at reasonable times to enter and inspect the Center and to make any necessary repairs to the building. Lessees agrees to reimburse County for damages caused by its employees, contractors, licensees, invitees, clients and agents. This paragraph shall not be construed as making Lessee responsible for the repair of normal wear and tear.

B. County shall perform preventive maintenance on facility throughout the year. Examples include but are not limited to air filter changes, heating unit checks, electrical and plumbing system checks.

C. Corrective maintenance is performed by County upon request by Lessee to restore facility components to operational condition. Lessee shall submit a work order to request corrective maintenance.

40.7 Access:
County reserves the right of access to the premises for the purpose of securing compliance with the terms of this lease.

40.8 Commit No Waste:
Lessees agrees not to allow conditions of waste and refuse to exist on the above-described premises and to keep the premises in a neat, clean and orderly condition and to be responsible for all damages caused to the leased premises by Lessee, its agents or any third party on the premises at the instance of Lessee.

40.9 Alterations:

HL_070117_Pioneer_Triage_Lease
No alterations may be made to the Center without written County authorization. County will perform or contract for any alterations. All improvements shall be made at the sole cost and expense of the Lessee.

40.10 **Signs:**
Lessee agrees that all signs will be designed and placed in accordance with County policy.

40.11 **Hazardous Substances:**
Lessee shall not keep on or about the premises, for use, disposal, treatment, generation, storage or sale any substances which are hazardous, toxic, harmful, or dangerous, and/or which are subject to regulation as hazardous or toxic, dangerous, or as a pollutant by any federal, state, or local law, regulation, statute, or ordinance (collectively referred to herein as "hazardous substances"). Lessee shall be fully liable to County and shall indemnify, defend and save harmless the County and its officials and employees, with respect to any and all damages, costs, fees (including attorneys’ fees and costs), civil and criminal penalties, or clean-up costs assessed against or imposed as a result of Lessee’s use, disposal, generation, storage, or sale of hazardous substances or that of Lessee’s employees, agents or invitees. Breach of this provision shall entitle County to terminate this Lease. This provision shall not apply to properly stored cleaning or office supplies.

41.1 **Severability:**
If any term or condition of this lease 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 lease are declared severable.

41.2 **Waiver:**
Waiver of any breach or condition of this lease shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this lease 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 Lessee 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.

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 if utilized, 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, 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 "C"
(INSURANCE)
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CON芙ERS 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 have ADDITIONAL INSURED provisions or 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
Willis of Oregon, Inc.
c/o 26 Century Blvd
P.O. Box 305191
Nashville, TN 37230-5191 USA

CONTACT NAME:

PHONE: 1-877-945-7378
FAX: 1-888-467-2378
E-MAIL: certificates@willis.com

INSURER(S) AFFORDING COVERAGE

INSURER A: Philadelphia Indemnity Insurance Company
NAIC #: 18059

INSURED
Pioneer Human Services
7440 West Marginal Way South
Seattle, WA 98108

COVERAGE:

CERTIFICATE NUMBER: W4192722

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR. TYPE OF INSURANCE ADDL/SUB-
LNR INSURANCE POLICY NUMBER POLICY EFF (MM/DD/YYYY) POLICY EXP (MM/DD/YYYY) LIMITS

A COMMERCIAL GENERAL LIABILITY CLAIMS-MADE OCCUR

GENL. AGGREGATE LIMIT APPLIES PER:

POLICY

OTHER:

X

AUTO/MOBILE LIABILITY

ANY AUTO OWNED AUTOS ONLY

SCHEDULED AUTOS

HIRED AUTOS ONLY

NON-OWNED AUTOS ONLY

UMBRELLA LIABILITY OCCUR CLAIMS-MADE

EXCESS LIABILITY OCCUR CLAIMS-MADE

WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER (MEMBER EXCLUDED) (Mandatory in HI)

N/A

Y/N

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

RB: Whatcom County Triage Center. Leased premises at: 2030 Division Street, EB, Bellingham, WA 98226

Certificate Holder is included as an Additional Insured as respects to General Liability and Professional Liability.

General Liability and Professional Liability policies shall be Primary and Non-Contributory with any other insurance in force for or which may be purchased by Additional Insured.

CERTIFICATE HOLDER

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

© 1988-2015 ACORD CORPORATION. All rights reserved.
AGENCY CUSTOMER ID: 
LOC #: 

## ADDITIONAL REMARKS SCHEDULE

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### ADDITIONAL REMARKS

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**

**FORM NUMBER: 25**

**FORM TITLE:** Certificate of Liability Insurance

Waiver of Subrogation applies in favor of Additional Insured with respects to General Liability and Professional Liability.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<tr>
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TITLE OF DOCUMENT:

Ordinance amending the 2017 Whatcom County Unified Fee Schedule by adding a Density Credit fee.

ATTACHMENTS:

1. Memorandum with attachments
2. Draft Unified Fee Schedule Ordinance Amendment No. 2 and Exhibit A

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( X ) 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.)

This proposed ordinance amends the 2017 Unified Fee Schedule by adding a Density Credit fee. The density credit program would allow increased land use intensity under the Zoning Code if a developer contributes funds to the County’s Purchase of Development Rights Program. The proposed density credit program only applies to specific areas and uses set forth in the Zoning Code. The density credit program would be entirely voluntary. If a developer chooses not to use the program, they can simply develop as currently allowed by the Zoning Code.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: AB No. 2017-319 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

November 6, 2017

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

FROM:     Matt Aamot, Senior Planner

THROUGH:  Mark Personius, Assistant Director

RE:       Unified Fee Schedule Amendment / Density Credits

The Whatcom County Council is considering a proposed new “Density Credits” chapter in the Zoning Code that would allow increased residential density in the Birch Bay Urban Growth Area (UGA) if the developer contributes funds to the County’s Purchase of Development Rights or PDR Program (see Agenda Bill No. 2017-319). The proposed density credit program is entirely voluntary. If a developer chooses not to use the program, they can simply develop at the density currently allowed by the Zoning Code.

The Density Credit chapter, along with proposed changes to the Planned Unit Development (PUD) chapter, would allow doubling the density from 7 units/acre to 14 units/acre for single family residential development in the Birch Bay Resort Commercial zones if:

- The dwellings are located outside the floodplain; and
- No other residential density increases are granted; and
- Density credits are acquired.

The draft Density Credit chapter states that “The price per density credit is set by the County Council in the Unified Fee Schedule...” (proposed WCC 20.91.030). Any revenue raised from developers purchasing density credits to increase density would go to the County’s PDR program, which purchases easements from willing land owners to retire development rights in agricultural and rural areas.
Two County advisory committees have issued recommendations on the price of a density credit:

- The Purchase of Development Rights Oversight Committee recommended a density credit price of $4,000 at their August 25, 2017 meeting.

- The Transfer of Development Rights/Purchase of Development Work Group recommended a density credit price of $4,000 per additional residential unit in the Birch Bay Urban Growth Area at their November 1, 2017 meeting.

Therefore, an ordinance has been drafted for consideration by the County Council that would set a fee of $4,000 for each bonus dwelling unit. For comparison, we would note that the City of Bellingham has a voluntary PDR program that charges $5,000 for each bonus unit in the city. The money raised from the Bellingham program goes towards Lake Whatcom Watershed preservation.

Thank you for your review and consideration of the draft proposal. We look forward to discussing it with you.
### PDR Oversight Committee

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### Ex-Officio Members

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<tr>
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ORDINANCE NO. ________
AMENDMENT NO. 2 TO ORDINANCE NO. 2016-049 ADOPTING THE 2017
WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, the County Council approved the 2017 Unified Fee Schedule on November
22, 2016, and

WHEREAS, a new Density Credit fee is proposed in accordance with WCC 20.91.030.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
Planning and Development Services section of the Whatcom County Unified Fee Schedule is
hereby amended as presented on Exhibit A.

ADOPTED this _____ day of ___________________, 2017

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

______________________________  ________________________________
Dana Brown-Davis, Council Clerk        Barry Buchanan, Chair

APPROVED as to form:

______________________________  ________________________________
Civil Deputy Prosecutor             Jack Louws, Executive

Date: ____________________

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Unified Fee Schedule Amendment No. 2 – Exhibit A

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TITLE OF DOCUMENT:
Secure Medicine Return Regulation

ATTACHMENTS:
- Memo to Executive, Secure Medicine Return Ordinance and WCC Chapter 24.15
- Ordinance, Secure Medicine Return
- Exhibit A, County Code 24.15 Secure Medicine Return
- Community Feedback on Secure Medicine Return

SEPA review required? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? (X) Yes ( ) NO
Requested Date: 12/5

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 ordinance to be considered by council establishes Whatcom County Code Chapter 24.15 Secure Medicine Return. The ordinance and code will expand secure medicine disposal options for Whatcom County residents by expanding the number of locations where people can drop off their unused medicines. It also ensures financial sustainability through a pharmaceutical industry-financed system.

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: JACK LOUWS, WHATCOM COUNTY EXECUTIVE

FROM: Regina A. Delahunt, Director

DATE: November 9, 2017

RE: ESTABLISHING SECURE MEDICINE RETURN ORDINANCE AND WCC CHAPTER 24.15

The attached ordinance to be considered by Council establishes Whatcom County Code Chapter 24.15 Secure Medicine Return as specified in Exhibit A.

The ordinance and code will do the following:

- Expand secure medicine disposal options for Whatcom County residents to reduce risks of medicine poisonings and misuse, and reduce pollution from waste pharmaceuticals.
- Improve convenience for residents by expanding the number of locations where people can drop off their unused medicines
- Ensure financial sustainability through a pharmaceutical industry-financed system

The draft policy is modeled after regulations passed by the local boards of health in King, Snohomish, Kitsap, and Pierce Counties. Pharmaceutical producers have combined their resources and developed a stewardship organization, to coordinate and implement the secure medicine return system.

These regulations will positively impact emerging concerns that have been identified in Whatcom County over the past several years, as outlined in the ordinance.

In July of 2017, the Public Health and Safety Committee recommended County staff to develop policy language that will create and fund a comprehensive medicine return system. Public feedback collected through community surveys, public listening sessions, and other means, demonstrated support for regulation.

Please contact Erika Nuerenberg at ext. 6007 if you have any questions.
ORDINANCE NO. ________

AN ORDINANCE ADOPTING A
SECURE MEDICINE RETURN REGULATION

WHEREAS, residents of Whatcom County benefit from the authorized use of medicines, however, abuse, fatal overdoses and poisonings from prescription and nonprescription medicines used in the home have emerged as an epidemic in recent years; and

WHEREAS, nationally about two-thirds of teens say it is easy to obtain prescription opioid medications and prescription stimulants; and

WHEREAS, prescription and nonprescription medicines are a leading cause of poisonings in the home in Washington State, with children and seniors especially at risk; and

WHEREAS, unused, expired and leftover medicines that accumulate in homes increase risks of drug abuse, overdoses, and preventable poisonings and secure disposal of unwanted medicines is an element of a comprehensive strategy to prevent prescription drug abuse; and

WHEREAS, the existing limited medicine take-back programs in Whatcom County provide secure collection and safe destruction of unwanted medicines, but lack sufficient resources to serve all residents of the county and to accept controlled substances at pharmacy locations; and

WHEREAS, a 2016 survey of Whatcom County residents found that 57% of all respondents, and 63% of parents with youth living with them, have expired, leftover, or unwanted medicines in their homes; and

WHEREAS, flushing unwanted medicines down toilets and sinks is an inappropriate disposal practice because wastewater treatment facilities and septic systems cannot effectively remove or degrade all pharmaceutical compounds; and

WHEREAS, disposing of unwanted medicines in trash cans is not secure and unwanted medicines are household hazardous wastes that should be properly disposed of separately from the solid waste and wastewater streams to protect the health and safety of county residents, as promoted by the Whatcom County Hazardous Waste Management Plan; and

WHEREAS, a final rule adopted by the Drug Enforcement Administration (DEA) in October 2014 allows the collection of legally prescribed controlled medicines, as well as non-controlled medicines, from residents at the locations of retail pharmacies, clinics, hospitals, and other DEA authorized collectors, in addition to law enforcement; and
WHEREAS, 84% of respondents in a 2016 survey of Whatcom County residents indicated being likely to use a convenient location for medicine disposal; and

WHEREAS, drug producers are well-positioned to efficiently develop and operate a secure medicine return program, working with other stakeholders such as pharmacies, health care facilities, and law enforcement, within standards to ensure safety and security of the system, and in compliance with pertinent federal and state laws and regulations; and

WHEREAS, the Whatcom County Health Board finds it in the interest of public health and safety to establish a county-wide secure medicine return program providing convenient and equitable access for all of the county’s residents that is financed and operated by drug producers selling medicines in or into Whatcom County for residential use.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, acting as the Whatcom County Health Board, that the Whatcom County Code Chapter 24.15 Secure Medicine Return as specified in Exhibit A be adopted and be effective immediately.

BE IT FURTHER ORDAINED that the Whatcom County Health Code is amended by adding a new Chapter 24.15 entitled Secure Medicine Return in the form attached as Exhibit A.

ATTEST:

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE

APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date Signed: ___________________
Exhibit A

Chapter 24.15
SECURE MEDICINE RETURN

Sections:
24.15.010 Authority, Purpose, and Intent.
24.15.020 Definitions.
24.15.030 Participation.
24.15.040 Plan Components.
24.15.050 Collection of Covered Drugs.
24.15.060 Promotion.
24.15.070 Disposal of Covered Drugs.
24.15.080 Administrative and Operational Costs and Fees.
24.15.090 Reporting Requirements.
24.15.100 Identification of Producers of Covered Drugs.
24.15.110 Review of Proposed Plans.
24.15.120 Prior Approval for Plan Changes.
24.15.130 Enforcement Procedures and Penalties.
24.15.150 Plan Review and Annual Operating Fees.
24.15.160 Appeals.
24.15.170 Severability.

24.15.010 Authority, Purpose, and Intent.

A. The Whatcom County Board of Health (Board of Health) enacts the regulations set forth in this Chapter under the authority of RCW 70.05 to preserve, promote, and improve the public health and under the general authority of Article 11, §11 of the Washington Constitution.

B. The purpose of these regulations is to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by this Chapter. The provisions of this Chapter shall be liberally construed for the accomplishment of its purposes.

C. It is the specific intent of this Chapter to place the obligation of complying with its requirements upon drug producers, wholesalers and others designated within the scope of this Chapter, and no provision nor term used in this title is intended to impose any duty whatsoever upon the Board of Health, Whatcom County Health Department (Health Department), or any of its officers or employees, for whom the implementation or enforcement of this Chapter shall be discretionary and not mandatory.

D. Nothing contained in this Chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the Board of Health, the Health Department or any of its officers, employees, or agents for any injury or damage resulting from the failure of any person subject to this Chapter to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter of the part of the Board of Health, the Health Department, or its officers or employees.

24.15.020 Definitions.

The following definitions apply throughout this Chapter unless the context clearly indicates otherwise.

PROPOSED CHAPTER 24.15 SECURE MEDICINE RETURN
A. "Authorized collector" means any person authorized as a collector by the United States Drug Enforcement Administration pursuant to 21 CFR 1317, such as manufacturers, distributors, reverse distributors, retail pharmacies, hospitals/clinics with an on-site pharmacy, or narcotic treatment programs that gather unwanted drugs, including controlled substances, from covered entities for the purpose of collection, transportation and disposal. For purposes of this Chapter, "authorized collector" shall also include law enforcement agencies.

B. "Covered drug" means a drug sold in any form and used by covered entities, including prescription and nonprescription drugs, brand name and generic drugs, drugs for veterinary use, and drugs in medical devices and combination products, including pre-filled injector products with a retractable or otherwise securely covered needle. Covered drug does not include:

1. Vitamins or supplements;
2. Herbal-based remedies and homeopathic drugs, products or remedies;
3. Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug and Cosmetic Act (Title 21 U.S.C. Chapter 9);
4. Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a federal food and drug administration managed risk evaluation and mitigation strategy (Title 21 U.S.C. Sec. 355-1);
5. Drugs that are biological products as defined by 21 CFR 600.3(h) as it exists on the effective date of this regulation if the producer already provides a pharmaceutical product stewardship or take-back program;
6. Injector products and medical devices or their component parts or accessories that contain no covered drug or no more than trace residual amounts of covered drug; and
7. Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other forms.

C. "Covered entities" means residents of Whatcom County, including individuals living in single and multiple family residences and other residential settings, and including other non-business sources of prescription and nonprescription drugs that are unused, unwanted, disposed of or abandoned by residents as identified by the Health Department. "Covered entities" does not include business generators of pharmaceutical waste, such as hospitals, clinics, doctor's offices, veterinarian clinics, pharmacies, or airport security and law enforcement drug seizures.

D. "Director" means the administrative director of Whatcom County Health Department or a duly authorized representative.

E. "Drop-off site" means the location of an authorized collector where a secure drop box for all unwanted covered drugs is provided for residents of the county, or the location of a long-term care facility at which a hospital/clinic or retail pharmacy is authorized by the United States Drug Enforcement Administration to maintain a secure drop box for unwanted covered drugs from residents of the long-term care facility.

F. "Drug wholesaler" means a corporation, individual or other entity that buys drugs or devices for resale and distribution to corporations, individuals or entities other than consumers.

G. "Drug" means:
1. Articles recognized in the official United States pharmacopoeia, the official national formulary; the official homeopathic pharmacopoeia of the United States or any supplement of the formulary or those pharmacopoeias as published by the U.S. Pharmacopeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;

2. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;

3. Substances, other than food, intended to affect the structure or any function of the body of humans or other animals; or

4. Substances intended for use as a component of any substances specified in 1., 2. or 3. of this subsection.

H. "Independent stewardship plan" means a plan other than the standard stewardship plan for the collection, transportation and disposal of unwanted covered drugs that:

1. May be proposed by a producer or group of producers; and

2. If approved, is financed, developed and implemented by the participating producer or group of producers, and operated by the participating producer or group of producers or a stewardship organization.

I. "Long-term care facility" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients and, for the purposes of this Chapter, a facility where covered drugs that may be disposed in a secure drop box pursuant to 21 CFR 1317.80 are in the lawful possession of the resident.

J. "Mail-back services" means a collection method for the return of unwanted covered drugs from covered entities utilizing prepaid and preaddressed mailing envelopes.

K. "Manufacture" means "manufacture" as defined in RCW 18.64.011 that is the production, preparation, propagation, compounding or processing of a drug or other substance or device or the packaging or repackaging of the substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

L. "Manufacturer" means a person, corporation or other entity engaged in the manufacture of drugs or devices, as defined in RCW 18.64.011.

M. "Nonprescription drug" means a drug that may be lawfully sold without a prescription.

N. "Person" means a firm, sole proprietorship, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, cooperative or other entity of any kind or nature.

O. "Pharmacy" means a place licensed by the Washington State Pharmacy Quality Assurance Commission where the practice of pharmacy, as defined in RCW 18.64.011, is conducted.

P. "Potential authorized collector" means any person, such as manufacturers, distributors, reverse distributors, retail pharmacies, hospitals/clinics with an on-site pharmacy, or narcotic treatment programs, that may modify their registration with the United States Drug Enforcement Administration to
be authorized for collection of drugs, including controlled substances. For purposes of this Chapter, "Potential authorized collector" shall also include law enforcement agencies.

Q. "Prescription drug" means any drugs, including controlled substances that are required by an applicable federal or state law or regulation to be dispensed by prescription only or are restricted to use by practitioners only.

R. "Producer" means a manufacturer that is engaged in the manufacture of a covered drug sold in or into Whatcom County, including a brand-name or generic drug. Producer does not include:

1. A retailer whose store label appears on a covered drug or the drug's packaging if the manufacturer from whom the retailer obtains the drug is identified under section 24.15.030 subsection C. of this regulation;
2. A pharmacist who compounds a prescribed individual drug product for a consumer; or
3. A drug wholesaler who is not also the manufacturer.

S. "Regulation" means the "Secure Medicine Return" Regulation adopted by Whatcom County Board of Health.

T. "Retail pharmacy" means a pharmacy licensed by the Washington State Pharmacy Quality Assurance Commission for retail sale and dispensing of drugs.

U. "Standard stewardship plan" means the plan for the collection, transportation and disposal of unwanted covered drugs that is:

1. Financed, developed, implemented and participated in by producers;
2. Operated by the participating producers or a stewardship organization; and
3. Approved as the standard stewardship plan.

V. "Stewardship organization" means an organization designated by a producer or group of producers to act as an agent on behalf of each producer to develop and implement and operate the standard stewardship plan or an independent stewardship plan.

W. "Unwanted covered drug" means any covered drug no longer wanted by its owner, that:

1. Has been abandoned or discarded; or
2. Is intended to be discarded by its owner.

24.15.030 Participation.

A. Each producer shall participate in the standard stewardship plan approved by the Health Department except that a producer may individually, or with a group of producers, form and participate in an independent stewardship plan approved by the Health Department.

B. The standard stewardship plan and any independent stewardship plan shall be approved by the Health Department before collecting unwanted covered drugs. Once approved, stewardship plans must have prior written approval of the Health Department for proposed changes as described under section 24.15.120 of this regulation.
C. Within 60 days after the date of adoption of this regulation:

1. A producer shall notify the Health Department in writing of the producer's intent to participate in the standard stewardship plan or to form and participate in an independent stewardship plan; and

2. A retailer whose store label appears on a covered drug or the drug's packaging shall notify the Health Department of intent to participate or provide written notification that the manufacturer from whom the retailer obtains the drug has provided its notice of intent to participate.

For a covered drug not sold in or into Whatcom County at the date of adoption of this regulation, the producer of the covered drug, and, if applicable, the retailer whose store label appears on a covered drug or the drug's packaging, shall have 180 days from the date of initiating sales of the covered drug in or into the county to make this notification to the Health Department.

D. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall:

1. Within 120 days after this regulation is adopted, identify in writing to the Health Department a plan operator, including the plan operator's telephone, mailing address and email contact information, who is authorized to be the official point of contact for the stewardship plan;

2. Within 120 days after this regulation is adopted, notify all potential authorized collectors in the county of the opportunity to participate as a drop-off site in accordance with section 24.15.050 subsections A., E., and F. of this regulation, and provide a process for forming an agreement between the plan and interested potential authorized collectors; and

   a. Annually thereafter, make the same notification to any nonparticipating potential authorized collectors in the county; and

   b. Commence good faith negotiations with each potential authorized collector expressing an interest in participating as a drop-off site within 30 calendar days of the expression of such interest.

3. Within 180 days after this regulation is adopted, submit a proposed stewardship plan as described in section 24.15.040 of this regulation to the Health Department for review and approval;

4. Within 90 days after the Health Department's approval of the stewardship plan:

   a. Provide documentation to the Health Department confirming that all potential authorized collectors participating in the approved stewardship plan, not including law enforcement, have amended their registrations with the United States Drug Enforcement Administration; and

   b. Begin operation of the approved stewardship plan and provide the collection system for unwanted covered drugs required under this Chapter.

5. At least every four years after each plan initiates operations, submit an updated plan to the Health Department explaining any substantive changes to components of the stewardship plan required in section 24.15.040 of this regulation, and accompanied by the review fee in accordance with section 24.15.150 of this regulation. The Health Department shall review updated stewardship plans using the process described in section 24.15.110 of this regulation.
6. Pay all administrative and operational costs and fees associated with their stewardship plan as required under sections 24.15.080 and 24.15.150 of this regulation.

E. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan may:

1. Enter into contracts and agreements with stewardship organizations, service providers, or other entities as necessary, useful or convenient to provide all or portions of their stewardship plan;

2. Notify the Health Department of any producer selling covered drugs in or into the county that is failing to participate in a stewardship plan; or

3. Perform any other functions as may be necessary or proper to provide the stewardship plan and to fulfill any or all of the purposes for which the plan is organized.

F. After the first full year of operation of the approved standard stewardship plan, a producer or group of producers participating in the standard stewardship plan may notify the Health Department in writing of intent to form an independent stewardship plan, and identify a plan operator, including the plan operator's telephone, mailing address and email contact information, who is authorized to be the official point of contact for the proposed independent stewardship plan. Within 90 days of such notification, the producer or group of producers may submit a proposed independent stewardship plan as described under section 24.15.040 of this regulation to the Health Department for review and approval.

G. The Health Department may approve in writing extensions to later dates for the submission dates and deadlines in this section.

H. The Health Department may upon request provide consultation and technical assistance about the requirements of this Chapter to assist a producer, group of producers or stewardship organization in developing its proposed plan.

24.15.040 Plan Components.

The standard stewardship plan or any independent stewardship plan, which must be submitted and reviewed according to section 24.15.110 of this regulation, shall include:

A. Contact information for all drug producers participating in the stewardship plan;

B. A description of the proposed collection system to provide convenient ongoing collection service for all unwanted covered drugs from covered entities in compliance with the provisions and requirements in section 24.15.050 of this regulation, including:

1. A list of all collection methods and participating potential authorized collectors;

2. A list of drop-off sites with addresses;

3. A description of how periodic collection events will be scheduled and located, if applicable;

4. A description of how mail-back services will be provided and an example of the prepaid, preaddressed mailers to be utilized;

5. A list of potential authorized collectors contacted by the plan under section 24.15.030 subsection D.2. of this regulation, and a list of all potential authorized collectors who offered to participate, and, if any potential authorized collector who offered to participate was not included in the plan, an explanation for the reasons for such decision;
6. A description of proposed alternative collection methods for any covered drugs that may not be acceptable in secure drop boxes, collection events or mailers; and

7. An example of the agreement that the stewardship plan provides to a potential authorized collector to arrange services at a drop-off site.

C. A description of the handling and disposal system, including identification of and contact information for potential authorized collectors, transporters and waste disposal facilities to be used by the stewardship plan in accordance with sections 24.15.050 and 24.15.070 of this regulation.

D. A description of the policies and procedures to be followed by persons handling unwanted covered drugs collected under the stewardship plan, including:

1. A description of how all authorized collectors, transporters and waste disposal facilities utilized will ensure the collected, unwanted covered drugs are safely and securely tracked from collection through final disposal;

2. How all entities participating in the stewardship plan will operate under all applicable federal and state laws, regulations and guidelines, including those of the United States Drug Enforcement Administration; and

3. How any pharmacy drop-off site will operate under applicable regulations and guidance of the Washington State Pharmacy Quality Assurance Commission;

E. A description of how patient information on drug packaging will be kept secure during: collection; transportation; and recycling or disposal;

F. A description of the public education effort and promotion strategy required in section 24.15.060 of this regulation, including a copy of standardized instructions for covered entities, signage developed for authorized collectors and required promotional materials;

G. A proposal on the short-term and long-term goals of the stewardship plan for collection amounts and public awareness; and

H. A description of how the stewardship plan will consider:

a. Use of existing providers of waste pharmaceutical services;

b. Separating covered drugs from packaging to the extent possible to reduce transportation and disposal costs; and

c. Recycling of drug packaging to the extent feasible.

24.15.050 Collection of Covered Drugs.

A. This Chapter does not require any person to serve as an authorized collector in a stewardship plan. A person may offer to participate as an authorized collector voluntarily, or may agree to participate as an authorized collector in exchange for compensation offered by a producer, group of producers or stewardship organization. Retail pharmacies, hospitals/clinics with an on-site pharmacy, law enforcement agencies, and any other entities participating as authorized collectors in a stewardship plan, shall operate in accordance with state and federal laws and regulations for the handling of unwanted covered drugs, including those of the United States Drug Enforcement Administration, and in compliance with this Chapter. A pharmacy drop-off site shall operate under applicable regulations and guidance of the Washington State Pharmacy Quality Assurance Commission.
B. The collection system shall be convenient on an ongoing, year-round basis to adequately serve the needs of covered entities and shall be designed in consideration of equitable opportunities for all Whatcom County residents for the safe and convenient return of unwanted covered drugs, in accordance with this section.

C. The collection system for all unwanted covered drugs shall be safe and secure, including protection of patient information on drug packaging.

D. The service convenience goal for the standard stewardship plan and any independent stewardship plan is a system of drop-off sites distributed to provide reasonably convenient and equitable access for all residents in incorporated and unincorporated areas of the county, and meeting the requirements of this subsection.

1. In establishing and operating a stewardship plan, a producer, group of producers or stewardship organization shall give preference to having drop-off sites located at retail pharmacies, hospitals/clinics with an on-site pharmacy, and law enforcement agencies. A stewardship plan shall include, within 90 days of their offer to participate, any retail pharmacy, any hospital/clinic with an on-site pharmacy or any law enforcement agency willing voluntarily to participate as a drop-off site for unwanted covered drugs and able to meet the requirements of this Chapter, unless the collector requests a longer time frame. A producer or group of producers establishing and operating a stewardship plan may also accept any potential authorized collector, narcotic treatment program, or long-term care facility willing to participate as a drop-off site for unwanted covered drugs and able to meet the requirements of this Chapter.

2. In every city and town with a potential authorized collector and in the unincorporated county, the system of drop-off sites shall provide one drop-off site and a minimum of at least one additional drop-off site for every twenty thousand residents at the locations of retail pharmacies, hospitals/clinics with an on-site pharmacy, or law enforcement agencies, geographically distributed to provide reasonably convenient and equitable access.

3. If the minimum number of drop-off sites in 2. of this subsection cannot be achieved by the standard stewardship plan or any independent stewardship plan due to a lack of potential drop-off sites in specific areas of the county, then service to those areas shall be supplemented by periodic collection events and mail-back services.

4. In the following communities in unincorporated areas of the county, a stewardship plan shall provide these services:

   a. In Acme, Birch Bay-Lynden, Deming, Glacier, Kendall, Lummi Island, Maple Falls, Newhalem, Point Roberts, and Sudden Valley, if no drop-off site can be arranged, mail-back services shall be provided to residents through distribution of prepaid, preaddressed mailers at libraries and fire stations serving each community. Pre-paid, preaddressed mailers shall also be provided upon request to grocery stores located in these communities.

   b. In Birch Bay and Columbia Valley, if no drop-off site can be arranged, at least one collection event shall be provided to residents annually.

5. In determining the collection services required under this subsection, the annual population estimate provided by the Washington State Office of Financial Management shall be utilized to define the population of cities, towns and unincorporated areas of Whatcom County. The current Whatcom County Comprehensive Plan shall be utilized to define communities in unincorporated areas of the county.

E. Drop-off sites shall accept all covered drugs from covered entities during all hours that the authorized collector is normally open for business with the public. Drop-off sites at long-term care facilities shall
only accept covered drugs from individuals who reside, or have resided, at the long-term care facility, pursuant to 21 CFR 1317.80.

F. Drop-off sites shall utilize secure drop boxes in compliance with all applicable federal and state laws, including requirements of the United States Drug Enforcement Administration. A producer, group of producers, or stewardship organization shall provide a service schedule that meets the needs of each drop-off site to ensure that each secure drop box is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal in a timely manner, including a process for additional prompt collection service upon notification from the drop-off site. Secure drop box signage shall include a prominently displayed 24 hour, toll-free telephone number and website for the stewardship plan, by which any resident can provide feedback on collection activities, including but not limited to the need to empty the receptacle.

G. Mail-back services shall be free of charge, and shall be made available to differentially-abled and home bound residents upon request through the stewardship plan's toll-free telephone number and web site. An adequate and ongoing supply of prepaid, preaddressed mailers shall be:

1. Provided upon request to persons providing services to differentially-abled and home bound residents, including hospice service providers;

2. Provided to each long-term care facility in the county; and

3. Provided to libraries, fire stations, and any other mailer distribution locations according to subsection D. of this section.

H. Periodic collection events, if utilized as a collection method according to subsection D. of this section, must be arranged with law enforcement personnel through voluntary agreements, and shall be conducted in compliance with United States Drug Enforcement Administration protocols, any additional requirements of participating law enforcement agencies, and in compliance with this Chapter.

I. Alternative collection methods shall be provided for any covered drugs that cannot be accepted or comingled with other covered drugs in secure drop boxes, in mailers, or at collection events. Such collection methods shall be reviewed and approved by the Health Department and shall operate in compliance with applicable regulations.

24.15.060 Promotion.

A. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan must develop and provide a system of promotion, education, and public outreach about safe storage and secure collection of covered drugs. Each stewardship plan shall include and have a plan for performing the following activities:

1. Promote the use of their stewardship plan so that where and how to return unwanted covered drugs to drop-off sites and how to use other collection options for unwanted covered drugs are widely understood by residents, pharmacists, retailers of covered drugs, health care practitioners including doctors, dentists, and other prescribers, veterinarians, and veterinary hospitals;

2. Discourage the disposal of unwanted covered drugs in the garbage;

3. Promote the safe storage of prescription and nonprescription drugs by residents before secure disposal through their stewardship plan;

4. Work with authorized collectors participating in their stewardship plan to develop clear, standardized instructions for residents on the use of drop boxes and a readily recognizable,
consistent design of drop boxes. Whatcom County Health Department may provide guidance to producers and authorized collectors on the development of the instructions and design;

5. Establish a toll-free telephone number and web site where collection options and current locations of drop-off sites will be publicized and prepare educational and outreach materials promoting safe storage of prescription and nonprescription drugs and describing where and how to return unwanted covered drugs to the stewardship plan. These materials must be provided to pharmacies, health care facilities, county agencies, and other interested parties for dissemination to residents. Plain language and explanatory images should be utilized to make use of medicine collection services readily understandable by all residents, including individuals with limited English proficiency. The web site and all materials shall discourage disposal of unused, expired, or contaminated pharmaceutical wastes in the solid waste system in Whatcom County;

6. Conduct a survey of residents of Whatcom County and a survey of pharmacists, health professionals, and veterinarians in the county who interact with residents on use of prescription and nonprescription drugs and law enforcement, prior to the start of operation of the approved plan, after the first full year of operation of the plan, and again biennially thereafter until such time as the Health Department designates a less frequent schedule. Survey questions shall measure percent awareness of drop-off sites in the county for unwanted covered drugs, assess to what extent drop-off sites, mail-back services, and other collection methods are convenient and easy to use, and assess knowledge and attitudes about risks of abuse, poisonings and overdoses from prescription and nonprescription drugs used in the home. Draft survey questions shall be submitted to the Health Department for review and comment at least 30 days prior to initiation of the survey. All survey data and results shall be reported to the Health Department and made available to the public on the stewardship plan's website within 90 days of the end of the survey period;

7. Annually evaluate the effectiveness of its promotion, outreach, and public education, and include this evaluation in its annual report; and

8. All educational and outreach materials and surveys required in this section shall be provided in English, Russian, Spanish, and Vietnamese, and any additional languages that may be designated by the Health Department on an annual basis.

B. If more than one stewardship plan is approved then all approved stewardship plans shall coordinate their promotional activities to ensure that all residents can easily identify, understand and access the collection services provided by any stewardship plan, including providing residents with a single toll-free telephone number and a single web site to access information about collection services for every approved plan.

C. Pharmacies and other entities selling prescription and nonprescription drugs in or into Whatcom County are encouraged to promote secure disposal of covered drugs by covered entities through the use of an approved stewardship plan or plans. Pharmacies must provide materials explaining the use of approved stewardship plans to customers upon request.

D. Whatcom County Health Department and government agencies throughout the county responsible for health, solid waste management, and wastewater treatment shall promote safe storage of prescription and nonprescription drugs by residents, secure disposal of covered drugs by residents through the use of the stewardship plans, and the toll-free telephone number and web site for approved stewardship plans through their standard educational methods.

24.15.070 Disposal of Covered Drugs.
A. Covered drugs collected under a stewardship plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 CFR parts 264 and 265.

B. The Health Department may grant approval for a producer or group of producers participating in the standard stewardship plan or an independent stewardship plan to dispose of some or all collected covered drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 CFR parts 60 and 62, if use of a hazardous waste disposal facility described under subsection A. of this section is deemed not feasible for the stewardship plan based on cost, logistics or other considerations.

C. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan may petition the Health Department for approval to use final disposal technologies that provide superior environmental and human health protection than provided by the disposal technologies in subsections A. and B. of this section, or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas:

1. Monitoring of any emissions or waste;
2. Worker health and safety;
3. Air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
4. Overall impact to the environment and human health.

24.15.080 Administrative and Operational Costs and Fees.

A. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall pay all administrative and operational costs related to their stewardship plan, except as provided under this section. Administrative and operational costs related to the stewardship plan include:

1. Collection and transportation supplies for each drop-off site;
2. Purchase of secure drop boxes for each drop-off site;
3. Ongoing maintenance or replacement of secure drop boxes, as requested by authorized collectors;
4. Providing mail-back services and providing prepaid, preaddressed mailers to differentially-abled and home bound residents and their services providers, to long-term care facilities, and to libraries, fire stations, and other mailer distribution locations in specific areas of the county under section 24.15.050;
5. Operating periodic collection events, including costs of law enforcement staff time if necessary;
6. Transportation of all collected drugs to final disposal;
7. Environmentally sound disposal of all collected drugs under section 24.15.070 of this regulation; and
8. Program promotion, surveys, and evaluation under section 24.15.060 of this regulation, including costs of providing materials to pharmacies to fulfill customer requests.
B. No person or producer may charge a specific point-of-sale fee to consumers to recoup the costs of their stewardship plan, nor may they charge a specific point-of-collection fee at the time the covered drugs are collected from covered entities.

C. Producers are not required to pay for costs of staff time at drop-off sites provided by authorized collectors volunteering for a stewardship plan, but may offer compensation to authorized collectors for their participation.

24.15.090 Reporting Requirements.

A. Quarterly Report. Within 30 days after each 90-day period of operation, the plan operator of the standard stewardship plan and of any independent stewardship plan shall submit a quarterly report to the Health Department on behalf of participating producers that provides the total amount, by weight, of unwanted covered drugs collected during the previous 90-day period. After the first two years of operation of an approved stewardship plan, the Health Department may determine that quarterly reporting of the collection amount is no longer required and shall notify the plan operator of any change in the reporting schedule.

B. Annual Report. Within 180 days after the end of the first one-year period of operation, and annually thereafter, the plan operator of the standard stewardship plan and of any independent stewardship plan shall submit an annual report to the Health Department on behalf of participating producers describing their plan's activities during the previous annual reporting period to comply with this Chapter. The annual report must include:

1. A list of producers participating in the stewardship plan;

2. The total amount, by weight, of unwanted covered drugs collected during the annual reporting period, and the amount by weight from each collection method during each 90-day period of the annual reporting period;

3. A list of drop-off sites with addresses, and the amount by weight of unwanted covered drugs collected at each drop-off site during each 90-day period of the annual reporting period;

4. The number of mailers provided for differentially-abled and home bound residents, a list of locations where mailers were provided, and the number of mailers received by the plan during each 90-day period of the annual reporting period;

5. A list of dates and locations of any collection events held and the total amount, by weight, of unwanted covered drugs collected at each event;

6. A list of transporters used, and the disposal facility or facilities used;

7. Whether any safety or security problems occurred during collection, transportation or disposal of unwanted covered drugs during the annual reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;

8. A description of the public education, outreach, survey, and evaluation activities implemented during the reporting period;

9. A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;

10. A summary of the stewardship plan's goals for collection amounts and public awareness, the degree of success in meeting those goals during the previous annual reporting period and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and
11. The total expenditure of the stewardship plan during the annual reporting period.

C. The Health Department may specify a report format or form that plan operators shall use for quarterly or annual reports. The Health Department shall make reports submitted under this section available to the public.

D. For the purposes of this section, "annual reporting period" means the period from January 1 through December 31 of the same calendar year, unless otherwise specified to the plan operator by the Health Department.

24.15.100 Identification of Producers of Covered Drugs.

A. Within 60 days of a request from the Health Department, any drug wholesaler that sells any covered drug in or into the county must provide a list of producers of covered drugs to Whatcom County Health Department in a form agreed upon with the Health Department. Wholesalers must update the list, no more than annually, if requested by the Health Department.

B. Any person receiving a letter of inquiry from the Health Department regarding whether or not it is a producer under this Chapter must respond in writing within 60 days. If such person does not believe it is a producer under this Chapter, it must state the basis for such belief and provide a list of any covered drugs it sells, distributes, repackages, or otherwise offers for sale within the county, and identify the name and contact information of the manufacturer of the covered drug.

24.15.110 Review of Proposed Plans.

A. Within 180 days after the date of adoption of this regulation, a producer, group of producers or stewardship organization shall submit its proposed stewardship plan to the Health Department for review, accompanied by the plan review fee in accordance with section 24.15.150 of this regulation and indicating whether the plan is proposed as the standard stewardship plan or an independent stewardship plan. If multiple proposals are submitted for the standard stewardship plan, the Health Department shall designate the standard stewardship plan at time of plan approval.

B. The Health Department shall review each proposed stewardship plan and determine whether the proposed plan meets the requirements of section 24.15.040 of this regulation and other applicable sections of this regulation. In reviewing a proposed stewardship plan, the Health Department shall provide opportunity for written public comment and consider any comments received.

C. After the review under subsection B. of this section and within 90 days after receipt of the proposed stewardship plan, the Health Department shall either (1) approve as submitted, (2) approve subject to conditions, or (3) reject the proposed stewardship plan in writing to a producer, group of producers or stewardship organization and, if approved subject to conditions or rejected, provide reasons for the decision.

D. Plan Rejection. If the proposed stewardship plan is rejected, a producer, group of producers or stewardship organization must submit a revised stewardship plan to the Health Department within 60 days after receiving written notice of the rejection. The Health Department shall review and approve or reject a revised stewardship plan as provided under subsections B. and C. of this section.

E. Conditional Plan Approval. If the proposed stewardship plan is approved subject to conditions, the Health Department shall provide a written notice to the plan operator that lists the conditions that must be addressed by the producer or group of producers participating in the stewardship plan or their stewardship organization. The Health Department shall define the timeframe, which shall not be less than 30 days, of each required action that must be taken or each revision to the stewardship plan that shall be made by the producer, group of producers or stewardship organization. The Health Department
will identify any conditions that must be addressed prior to operation of the stewardship plan as required under Section 24.15.030 subsection D.4.

F. Revised Plan Rejection. If the Health Department rejects a revised stewardship plan, or any subsequently revised plan, the Health Department may deem the producer or group of producers out of compliance with this Chapter and subject to the enforcement provisions in this Chapter.

1. If a revised proposal for the standard stewardship plan is rejected, the Health Department may require the submission of a further revised standard stewardship plan or develop and impose changes to some or all components of the rejected plan to constitute an approved standard stewardship plan. If the Health Department imposes some or all of the approved plan, the Health Department may not deem the producers participating in and complying with the approved standard stewardship plan in accordance with this Chapter out of compliance with this Chapter.

2. If a revised independent stewardship plan is rejected, the producer or group of producers submitting the independent stewardship plan shall participate in the standard stewardship plan and are not eligible to propose an independent stewardship plan for 180 days after the rejection. The Health Department may not deem out of compliance with this Chapter a producer whose revised independent stewardship plan is rejected if the producer participates in and complies with the standard stewardship plan.

G. In approving a proposed stewardship plan, the Health Department may exercise reasonable discretion to waive strict compliance with the requirements of this Chapter that apply to producers in order to achieve the objectives of this Chapter.

H. The Health Department shall make all stewardship plans submitted under this section available to the public and shall provide an opportunity for written public comment on each plan as described in subsection B.

24.15.120 Prior Approval for Plan Changes.

A. Proposed changes to an approved stewardship plan that substantive alter plan operations, including, but not limited to, changes to participating producers, collection methods, achievement of the service convenience goal, policies and procedures for handling covered drugs, education and promotion methods or disposal facilities, must have prior written approval of the Health Department.

B. A producer or group of producers participating in an approved stewardship plan shall submit to the Health Department any proposed change to a stewardship plan as described under subsection A. of this section in writing at least 30 days before the change is scheduled to occur and accompanied by the review fee in accordance with section 24.15.150 of this regulation.

C. The plan operator of an approved stewardship plan shall notify the Health Department at least 15 days before implementing any changes to drop-off site locations, methods for scheduling and locating periodic collection events, methods for distributing prepaid, preaddressed mailers, or significant changes to agreements with authorized collectors for services at drop-off sites that do not substantively alter achievement of the service convenience goal under section 24.15.050 subsection D. of this regulation, or other changes that do not substantively alter plan operations under subsection A. of this section.

D. The producer or group of producers participating in an approved stewardship plan shall notify the Health Department of any changes to the plan operator who is the official point of contact for the stewardship plan within 15 days of the change. The plan operator shall notify the Health Department of any changes in ownership or contact information for participating producers within 30 days of such change.
24.15.130 Enforcement Procedures and Penalties.

The Director is authorized to enforce this Chapter in accordance with the provisions of Chapter 24.07 of the Health Code and consistent with the following subsections. When or if the enforcement provisions in this Chapter and Chapter 24.07 conflict, the more stringent shall apply.

A. After presenting official credentials and providing notice of an audit or inspection to determine compliance with this Chapter or to investigate a complaint, the Director or his/her duly authorized inspector may audit a producer's, group of producers' or stewardship organization's records related to a stewardship plan or request that the producer, group of producers or stewardship organization arrange for the Health Department's to inspect at reasonable times a stewardship plan's or an authorized collector's facilities, vehicles and equipment used in carrying out the stewardship plan.

B. The Director may enforce the requirements and restrictions of this Chapter by one or a combination of the following by written order:

1. Requiring an informal administrative conference;

2. Prohibiting certain conduct or directing certain conduct;

3. Issuing a warning notice; and

4. Imposing a civil penalty of up to one thousand dollars that may be assessed against a producer or group of producers or drug wholesalers. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. In determining the appropriate penalty, the Health Department shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, the financial burden to the violator and the size of the violator's business.

5. Assessing all costs of enforcement in accordance with Chapter 24.07 of the Health Code.

C. The Director shall send a written order and a copy of this Chapter and any regulations adopted to implement this Chapter to a producer who is not participating in the standard stewardship plan or an independent stewardship plan as required under this Chapter. The Director shall state that participation in a plan is required and warn of penalties for noncompliance, including all costs incurred for enforcement as provided in Chapter 24.07 of the Health Code.

D. A producer not participating in the standard stewardship plan or an independent stewardship plan and whose covered drug continues to be sold in or into the county 60 days after receiving a written violation order may be assessed a penalty.

E. Failure to begin operation of an approved stewardship plan and provide the collection system for unwanted covered drugs required under this Chapter within 90 days of Health Department approval of the stewardship plan may result in a fine. Each day of delayed implementation of the stewardship plan will constitute a new and separate offense.

F. If the Director determines that a stewardship plan is not in compliance with this Chapter or its plan approved or conditionally approved under section 24.15.110 of this regulation, the Health Department may send the producer or group of producers participating in the plan a notice of violation stating the plan is in noncompliance, providing notice of the compliance requirements and warning of penalties for noncompliance, including all costs incurred for enforcement of that violation, as provided in Chapter 24.07 of the Health Code.

G. The producer or group of producers has 30 days after receipt of the notice to achieve compliance. This subsection does not preclude the Health Department from suspending an approved plan, in addition to
other penalties, if a violation of this Chapter or an approved plan creates a condition that, in the Health Department's judgment, constitutes an immediate hazard.

H. The Director is authorized to enforce the restrictions or requirements of this Chapter against any person or entity, whether it be a producer, group of producers, or drug wholesaler who is not in compliance; assess all costs of enforcement against the person or entity, whether it be a producer, group of producers or drug wholesaler, who is in noncompliance in accordance with Chapter 24.07 of the Health Code; and otherwise pursue compliance with this Chapter.

I. The Director is authorized to pursue civil penalties and costs including attorney fees by commencement of civil action in the name of Whatcom County Health Department independent of and/or as a means of enforcing the violations referenced above.


A. The Board of Health may adopt regulations necessary to implement, administer and enforce this Chapter.

B. The Health Department may work with the plan operator to define goals for collection amounts and public awareness for a stewardship plan.

1. Upon review of collection amounts in annual reports, the Health Department may direct a producer or group of producers participating in an approved stewardship plan to change the frequency of collection events or the provision of mail-back services to improve the plan's performance in providing adequate and reasonably convenient service to all Whatcom County residents as required under Section 24.15.050 of this Chapter.

2. Upon review of annual reports or results of public awareness surveys, the Health Department may direct a producer or group of producers participating in an approved stewardship program to modify the plan's promotion and outreach activities to better achieve widespread awareness and understanding among Whatcom County residents and healthcare providers about how to use collection options for unwanted covered drugs as required under Section 24.15.060 of this Chapter.

C. The Director shall report annually to Whatcom County Board of Health concerning the status of the standard and independent stewardship plans and recommendations for changes to this Chapter. The annual report shall include an evaluation of the secure medicine return system, a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses and preventable poisonings.

24.15.150 Plan Review and Annual Operating Fees.

A. A producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall pay to the Health Department plan review fees to be established under subsection D. of this section for:

1. Review of a proposed stewardship plan;

2. Re-submittal of a proposed stewardship plan;

3. Submittal of revisions to a stewardship plan approved subject to conditions;

4. Review of changes to an approved stewardship plan;
5. Submittal of an updated stewardship plan at least every four years under section 24.15.030 subsection D.5. of this regulation; and

6. Review of any petition for approval to use alternative final disposal technologies under section 24.15.070 subsection C. of this regulation.

B. In addition to plan review fees, a producer or group of producers participating in the standard stewardship plan or an independent stewardship plan shall pay to the Health Department annual operating fees and an evaluation fee to be established in accordance with subsection D. of this section.

C. A plan operator or a stewardship organization may remit the fee on behalf of participating producers.

D. Fees shall be set by Whatcom County Board of Health and shall be subject to revision commensurate with the costs of delivering the service and to administering and enforcing this Chapter. All fees collected under the provision of this Chapter shall be payable to Whatcom County Health Department.

24.15.160 Appeals.

Any person aggrieved by a decision or final order of the Director shall have the right to appeal such decision or order in accordance with the appeal procedures set forth in Chapter 24.07.090 Health Code.

24.15.170 Severability.

The provisions of this Chapter are hereby declared to be separate and severable. If any section, sentence, clause or phrase of this Chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause, or phrase of this regulation.
<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Affiliation (if any)</th>
<th>Zip Code</th>
<th>Please share any comments or suggestions you have on the proposed policy components.</th>
<th>Are there any specific concerns or issues you would like the WCHD staff and Health Board to consider?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa</td>
<td>Friend</td>
<td>98225</td>
<td></td>
<td>I believe producer responsibility projects such as this proposed medicine take back are important, and I advocated for their inclusion in the solid waste management plan. Please go forward and also advocate for statewide legislation, as has been proposed in the legislature.</td>
<td>Sustainable funding without excessive staffing requirements - these efforts are most cost effective at the state level: let us not let costs deter us, however. Glad this is being promoted to the public for input.</td>
</tr>
<tr>
<td>D.W.</td>
<td>Myers</td>
<td>none</td>
<td>98225</td>
<td>Yes, I would love this. I had a pain issue for awhile and tried to take the reminder of the meds to the police station. There was a line at the front and I couldn't see any place to leave them so I left. I was storing them in my car, in a jar, so my dogs couldn't get into them, until when I could find the time to try again. In the meantime my car was broken into and the jar was stolen. I also have pet meds to dispose of and old meds. Some need kinds of meds. need to be disposed of at one location that takes those kinds of non narcotic meds. and other kinds of meds have to go to another place. It's all very confusing and inconvenient. We do need a system for this, I don't want to just dump them down the drain to go in the water supply or in the garbage, for eventual contamination or the soil or water.</td>
<td>Just as above. Many places to make it convenient for disposal or ALL types of meds. Thank you</td>
</tr>
<tr>
<td>KaSandra</td>
<td>Church</td>
<td>Western Washington University</td>
<td>98225</td>
<td>I support the proposed legislation to create and fund a secure medicine return system. In my role as Suicide Prevention Coordinator with Western Washington University, I see the increase in drug take-back efforts as a way to reduce lethal means for suicide. In Washington State, 19% of suicide deaths are due to poisoning, higher than the national rate of 15%. Disposing of and securing medications could keep them out of the hands of someone contemplating suicide, thereby reducing the risk of death due to overdose. In addition, increasing drug take-back efforts and encouraging proper disposal will keep prescription drugs out of the hands of youth that might be experimenting with substances. The</td>
<td>Consider ways to increase access to safe disposal. The locations are not convenient or easily accessible to all, especially those that live outside of town, the elderly, those without easy access to a personal car or public transportation. Consider ways to increase ability to dispose of controlled substances. Stopping at the police station to drop off these substances is a barrier even for those with are committed to the proper disposal of medications.</td>
</tr>
<tr>
<td>Name</td>
<td>Title/Location</td>
<td>ZIP Code</td>
<td>Comment</td>
<td></td>
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</tr>
<tr>
<td>Mary Richards</td>
<td></td>
<td>98225</td>
<td>I am in strong support of the proposed Secure Medicine Return policy. I am a senior at Western Washington University and suicide is the second leading cause of death in individuals aged 10-24. As a college student and suicide attempt survivor, having more access to a secure medicine return site is extremely important to me. If someone is experiencing a mental health crisis, having a cabinet full of old prescriptions can be deadly. I strongly believe the Secure Medicine Return policy will save lives.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dan Dahlberg</td>
<td>Sea Mar Therapist for adult out patient mental health treatment</td>
<td>98226</td>
<td>This is a necessary and good idea, not only for people in general, but for waste water treatment plants, and marine life in general. If it's possible, keep the cost of this idea on the pharmaceutical co. side of the ledger, not passed on the end users and have some form of accountability for this accounting event.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Michael Massanari, MD</td>
<td></td>
<td>98264</td>
<td>I strongly support this measure.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chris Kobdish</td>
<td>Unity Care NW</td>
<td>98225</td>
<td>Unity Care NW strongly supports the creation and funding of a secure medicine return system in Whatcom County. Such a system will help prevent prescription drug abuse and opioid addiction while protecting our environment. For the past year, Unity Care NW has worked with the Whatcom County Health Department and other community partners to educate the public on issues related to prescription drug abuse and opiate addiction, to respond to the crisis through the use of interventions such as Naloxone, and to promote safe disposal and storage. We see the effects of opiate addiction regularly at our health center. Unity Care NW is responding to the opiate crisis in our community.</td>
<td></td>
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</tbody>
</table>
Community by limiting prescriptions for opiate pain medications, monitoring usage among those patients for whom opiate pain medications are indicated, and expanding options for and access to alternative pain management techniques at our health center, including yoga, mindfulness, Qi Gong, and acupuncture. A secure medicine return program in our County will further support our efforts to prevent opiate addiction and overdose.

| Sylvia Graham | City of Bellingham | 98225 | Thank you for the opportunity to comment on the Secure Medicine Return proposed policy. I also thank the Whatcom County Board of Health and Health Department staff for pursuing and developing a policy to expand safe medicine disposal for our community. I manage the City of Bellingham’s Medicine Return Program, which has collected over 15,000 pounds of unwanted medications since its inception in 2010, demonstrating the need for this service within our community. In addition to the public health concerns regarding medicine misuse, abuse, and poisoning, our waterways are experiencing pharmaceutical contamination and several pharmaceutical compounds have been measured in Bellingham Bay sediments. Providing a safe disposal option for unwanted meds will reduce this 'low hanging fruit' source of pollution.

I strongly support the proposal as outlined. The proposed program will dramatically increase convenient access to safe disposal, particularly disposal of controlled substances, which currently are only accepted at law enforcement offices during office hours. | I have heard from other counties that have recently enacted similar policies that they wish they had required more frequent reporting during the first year, perhaps quarterly, so they could better follow the progress of the program as it unfolds. |
Secure Medicine Return
Erika Nuerenberg, MPH
Assistant Director
November 21, 2017

Overview
- Public Health Impacts of Unused Medicines
  - Environmental
  - Behavioral Health
- Policy Development Timeline
- Secure Medicine Return Policy Overview
- Questions

Environmental Health Concerns

**Improper disposal contributes to pollution.**
- Medicines are dangerous/hazardous waste.
- No treatment by septic/wastewater systems.
- Trash cans are not secure.

Behavioral Health Concerns

- 73% of teens say prescription pain meds are easy to get from home medicine cabinets.
- 30% of respondents reported experiencing a situation where they or someone they know personally had medicines taken from them for use or abuse by someone else.
- 84% of respondents indicated being very to somewhat likely to use a convenient location for medicine disposal.
- 63% of parents with youth living with them reported having expired, leftover or unwanted medicine in the home.
Policy Development Timeline

September 2017  WCHO Behavioral Health Advisory Committee Briefing

October 2017  Opioid Summit Presentation
Briefings to:
  - Whatcom County Health Board
  - Bellingham City Council
  - Solid Waste Advisory Council

October 16-27  Public Comment Period
  Oct 24th Public Listening Session

Local Conditions & Capacity

Current Conditions
- 5 locations in Bellingham, Ferndale and Lummi
  - Collect non-controlled medicines
  - Only 3 law enforcement agencies for collection of controlled medicines

Potential Capacity
- 41 secure medicine return location options in Whatcom County
  - 32 retail pharmacies
  - 2 clinics/hospitals with onsite pharmacies
  - 7 law enforcement agencies

Overview of Proposed County Secure Medicine Return Regulations

Every drug manufacturer must:
- Finance and provide a county-wide secure medicine return system.
- Provide secure medicine drop boxes through the county.
  - Include every pharmacy, hospital, and law enforcement agency that volunteers to participate.
  - Achieve minimum number of sites in each city/town or unincorporated area.
- Provide prepaid mailers.
  - At long term care facilities and for homebound residents
  - At libraries and fire stations in Acme, Birch Bay-Lynden, Deming, Glacier, Kendall, Lummi Island, Maple Falls, Newhalem, Point Roberts, and Sudden Valley

Proposed Overview of County Secure Medicine Return Regulations, cont'd

Every drug manufacturer must (cont'd):
- Provide Collection Events.
  - In Birch Bay and Columbia Valley, if no drop-off site can be arranged
- Accept prescription and over-the-counter medicines.
- Provide education; safe storage & promote program; conduct public awareness surveys; quarterly and annual reporting.
- Use secure protocols per DEA Rule and all federal/state laws.
- Dispose of collected medicines at EPA recommended incinerators.

County government provides oversight for safety and compliance.
Security Procedures Required by DEA Rule

- Bolted secure receptacle.
- Two staff required to access.
- Inner liner boxes sealed.
- Tracking number added.
- Stored securely until transport.
- Boxes securely transported to disposal facility.
- Non-retrievable destruction required – currently high temperature incineration.

Secure Medicine Return Process

Drug producers finance and operate a system for take-back and disposal of their products, as part of doing business.

Local Agency Reviews Plan & Oversees Program

Pharmaceutical Manufacturer Creates Form & Finance a Stewardship Organization

Drop-Box Locations and Other Services Arranged

Stewardship Organization Develops a Plan

Stewardship Organization Promotes and Operates the Program

Implementation Timeline

The proposed regulation defines deadlines for development and implementation of the secure medicine return system.

Start up:
- Six months after regulation is adopted: stewardship plan(s) submitted to the Health Department
- Three months after plan approval: program operations begin

Ongoing:
- Every year: survey resident awareness and usage; provide quarterly collection totals; an annual report of collection amount, by location
- Every four years: stewardship plans must be updated

Erika Nuerenberg, MPH
Assistant Director

Whatcom County Heath Department
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td></td>
<td>11/15/2017</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Public Works</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>11-15-17</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Purchasing/Budget:</td>
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<td>Executive:</td>
<td></td>
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**TITLE OF DOCUMENT:**
Discussion regarding a proposal to establish a golf cart zone in Birch Bay

**ATTACHMENTS:**

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

Discussion regarding a proposal to establish a golf cart zone in Birch Bay

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
**WHATCOM COUNTY COUNCIL AGENDA BILL**  
**NO.** 2017-321

<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: Randy Rydel</td>
<td>RR</td>
<td>10/18/17</td>
<td></td>
<td>11/8/17</td>
<td>Introduction</td>
</tr>
<tr>
<td>Division Head: Gary Stoyka</td>
<td></td>
<td>10/18/17</td>
<td></td>
<td>11/21/2017</td>
<td>Hearing WCFCZD</td>
</tr>
<tr>
<td>Dept. Head: Jon Hutchings</td>
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<td>10/18/17</td>
<td></td>
<td></td>
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<tr>
<td>Prosecutor: Dan Gibson</td>
<td></td>
<td>10/18/17</td>
<td></td>
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<tr>
<td>Purchasing/Budget: Brad Bennet</td>
<td>BB</td>
<td>10/18/17</td>
<td></td>
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<tr>
<td>Executive: Jack Lowis</td>
<td></td>
<td>10/30/17</td>
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<td></td>
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**TITLE OF DOCUMENT:** A resolution adopting the 2018 budget of the Whatcom County Flood Control Zone District

**ATTACHMENTS:** Resolution to adopt the 2018 proposed budget, Exhibit A containing the 2018 budget work plan with capital projects listed, Exhibit B containing a 2018 list of capital budget appropriations, and ASR's that have been included in this budget.

<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>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
<td>Requested Date:</td>
<td></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.)

Resolution adopting the 2018 budget for the Whatcom County Flood Control Zone District.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

11/8/2017: Introduced 7-0 (Council acting as the FCZDBS)

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
TO: The Honorable Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary S. Stoyka, Natural Resource Program Manager
Paula J. Harris, River and Flood Division Manager

DATE: October 18th, 2017

RE: 2018 Flood Control Zone District Budget

Enclosed is a resolution establishing the 2018 budget for the Whatcom County Flood Control Zone District (FCZD) for your review and adoption. Supporting documentation detailing the programs and projects included in the budget are also attached.

Requested Action:

Public Works respectfully requests that the FCZD Board of Supervisors adopt the attached resolution to establish a 2018 budget for the County-wide District and the following subzones:

- Acme/Van Zandt Subzone
- Lynden/Everson Subzone
- Sumas/Nooksack/Everson Subzone
- Birch Bay Watershed and Aquatic Resources Management District
- Samish Watershed Subzone

Background and Purpose:

Consistent with RCW 86.15.140, the FCZD must adopt an annual budget that includes the County-wide district and the subzones of the District. The attached resolution establishes the overall budget consistent with the appropriation items outlined in the law. The 2018 proposed budget and associated work program were presented to the Board of Supervisors at the October 17, 2017 Surface Water Work Session.
RESOLUTION NO. ________

(A Resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

ADOPTING THE 2018 BUDGET FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND SUBZONES

WHEREAS, RCW 86.15.140 requires that the Board of Supervisors of each flood control zone district and subzone adopt an annual budget for the zone; and

WHEREAS, the statute further requires that the zone or subzone budget be divided into four appropriation items: overhead and administration; maintenance and operation; construction and improvements; and bond retirement and interest; and

WHEREAS, under the appropriation item for construction and improvements, the Board is required to list each flood control improvement or storm water control improvement planned for the budget year and the estimated expenditure for each during the next year; and

WHEREAS, the budget may only be adopted after a public hearing for which proper notice has been given; and

WHEREAS, Fund No. 169 is managed by the County on behalf of the Whatcom County Flood Control Zone District for purposes of funding flood control, storm water management, and other water resources work by the County that are consistent with the powers of the District under RCW 86.15 and RCW 39.34.190; and

WHEREAS, funds obtained by the County through grants or cooperative agreements for flood control and other water resources work are also managed through Fund No. 169; and

WHEREAS, the 2018 budget proposed by the County Executive for the Whatcom County Flood Control Zone District includes proposed expenditures out of Fund 169 to pay for flood control, storm water management, and other water resources work consistent with the powers of the District under RCW 86.15 and RCW 39.34.190;
Section II. Provisions Restricting Expenditures, Authorizing Actions, and Setting Expectations.

For purposes of purchasing and award, projects listed in the attached exhibit (B) FCZD Construction and Improvements Work Plan shall be administered pursuant to WCC Chapter 3.08.100 A.(2) and A.(3) using the process prescribed for capital budget appropriations. Contracts for goods and services on individual items or projects listed in Exhibit (B) may be exceeded by up to 10% provided expenditures in total do not exceed the total appropriation for the FCZD construction and improvement Work Plan.

APPROVED this ____ day of __________, 2017.

WHATCOM COUNTY
FLOOD CONTROL ZONE DISTRICT BOARD
OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Chair

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy Prosecutor
NOW THEREFORE BE IT RESOLVED by the Board of Supervisors as follows:

Section I. Approval of the Budget
The Board hereby adopts the 2018 budget for the Flood Control Zone District Fund No. 169 in the amounts set forth in the document titled Whatcom County 2018 Budget and as modified and presented below and in Exhibit A:

### OVERALL BUDGET SUMMARY

<table>
<thead>
<tr>
<th>Budget Code</th>
<th>Program</th>
<th>RCW Appropriation Item</th>
<th>2018 Budget Revenues</th>
<th>2018 Budget Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>169100</td>
<td>Administration</td>
<td>Overhead &amp; administration</td>
<td>$3,646,272</td>
<td>$6,155,572</td>
</tr>
<tr>
<td>169119</td>
<td>Natural Resources Administration</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>546,381</td>
</tr>
<tr>
<td>169120</td>
<td>AIS Administration</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>169121</td>
<td>Water Planning Administration</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>550</td>
</tr>
<tr>
<td>169100</td>
<td>Stormwater Administration (Transfer)</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>640,599</td>
</tr>
<tr>
<td>169102</td>
<td>Flood Response</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>110,000</td>
</tr>
<tr>
<td>169104</td>
<td>Flood Planning</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>482,160</td>
</tr>
<tr>
<td>169106</td>
<td>Technical Assistance</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>86,000</td>
</tr>
<tr>
<td>169108</td>
<td>NFIP and CRS</td>
<td>Maintenance &amp; operations</td>
<td>15,000</td>
<td>185,000</td>
</tr>
<tr>
<td>169110</td>
<td>Early Warning</td>
<td>Maintenance &amp; operations</td>
<td>4,100</td>
<td>128,500</td>
</tr>
<tr>
<td>169119</td>
<td>Natural Resources Operations</td>
<td>Maintenance &amp; operations</td>
<td>430,500</td>
<td>1,177,521</td>
</tr>
<tr>
<td>169120</td>
<td>AIS Operations</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>131,750</td>
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<tr>
<td>169121</td>
<td>Water Planning Operations</td>
<td>Maintenance &amp; operations</td>
<td>171,843</td>
<td>343,686</td>
</tr>
<tr>
<td>169100</td>
<td>Stormwater Lake Whatcom Operations (Transfer)</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>462,850</td>
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<tr>
<td>169700</td>
<td>Stormwater NPDES Phase II</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>187,580</td>
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<tr>
<td>169100</td>
<td>Stormwater Lake Whatcom Capital (Transfer)</td>
<td>Construction &amp; improvements</td>
<td>80,000</td>
<td>682,439</td>
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<tr>
<td>169112</td>
<td>Repair and Maintenance</td>
<td>Construction &amp; improvements</td>
<td>407,217</td>
<td>2,975,356</td>
</tr>
</tbody>
</table>

**Total 2018 FCZD Budget**

- Revenues: $4,754,932
- Expenditures: $8,755,944
- Net: $-4,001,012

### Code | Program                                      | Revenues | Expenditures |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16923</td>
<td>Acme/VanZandt Subzone</td>
<td>$24,280</td>
<td>$500</td>
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<tr>
<td>16925</td>
<td>Birch Bay Subzone</td>
<td>$774,052</td>
<td>$229,277</td>
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<tr>
<td>16921</td>
<td>Lynden/Everson Subzone</td>
<td>$39,483</td>
<td>$68,000</td>
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<tr>
<td>16922</td>
<td>Sumas/Nooksack/Eversom Subzone</td>
<td>$116,443</td>
<td>$15,000</td>
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<tr>
<td>16923</td>
<td>Acme/VanZandt Subzone</td>
<td>$19,300</td>
<td>$18,500</td>
</tr>
<tr>
<td>16924</td>
<td>Samish Watershed Subzone</td>
<td>$175,200</td>
<td>-</td>
</tr>
<tr>
<td>16925</td>
<td>Birch Bay Subzone</td>
<td>$80,000</td>
<td>-</td>
</tr>
<tr>
<td>16922</td>
<td>Sumas/Nooksack/Eversom Subzone</td>
<td>$172,500</td>
<td>-</td>
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<tr>
<td>16923</td>
<td>Acme/VanZandt Subzone</td>
<td>$30,000</td>
<td>-</td>
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<tr>
<td>16925</td>
<td>Birch Bay Subzone</td>
<td>$1,399,700</td>
<td>-</td>
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</table>

**Total of 2018 FCZD Sub-Zone Budgets**

- Revenues: $973,558
- Expenditures: $2,195,032
- Net: $-1,221,474
### Flood Control Zone District

**2018 Budget**

**Work Plan and Supporting Documentation**

#### DETAIL FOR FCZD PROGRAM AREAS

<table>
<thead>
<tr>
<th>Flood Maintenance and Operations</th>
<th>Proposed 2018 Budget</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flood Response (169102)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage and Benefits</td>
<td>$ 10,000</td>
<td></td>
</tr>
<tr>
<td>Sand and sandbags</td>
<td>$ 35,000</td>
<td>Includes pre-deployed and sand bags for training</td>
</tr>
<tr>
<td>Preparedness training</td>
<td>$ 5,000</td>
<td>Road and M&amp;O employees and equipment</td>
</tr>
<tr>
<td>Sector observers during response</td>
<td>$ 40,000</td>
<td>Road employees wages and benefits for 1 significant flood event</td>
</tr>
<tr>
<td>Construction contracts</td>
<td>$ 20,000</td>
<td>During and immediately following response</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 110,000</strong></td>
<td>Budget based on 2009 flood with cost &amp; wage increases</td>
</tr>
<tr>
<td><strong>NET IMPACT TO FUND BALANCE</strong></td>
<td><strong>$ (110,000)</strong></td>
<td>2017 YE projection assumes fall flood</td>
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</tbody>
</table>

#### Flood Planning (169104)

<table>
<thead>
<tr>
<th>Lower Nooksack</th>
<th>Proposed 2018 Budget</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFHMP refinement/update</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage and Benefits</td>
<td>$ 150,000</td>
<td>Contracted in late 2016 and CA into 2017; 2018 budget for projected contract balance</td>
</tr>
<tr>
<td>Facilitation</td>
<td>$ 50,500</td>
<td>New contracts in 2017 and will CA into 2018</td>
</tr>
<tr>
<td>Hydraulic modeling/alternatives analyses</td>
<td>$ 150,000</td>
<td>Contract consultant in 2017 for initial phase and supplement in 2018 as work is better defined</td>
</tr>
<tr>
<td>Engineering design / Plan development</td>
<td>$ 100,000</td>
<td>USACE may provide technical assistance and training</td>
</tr>
<tr>
<td>Structure surveys in overflow corridors</td>
<td>$ 6,600</td>
<td>Contracted in Jan 2017 and will CA into 2018; revenues from NOAA grant through TNC</td>
</tr>
<tr>
<td>Geomorphic reach analyses</td>
<td>$ -</td>
<td>2017 expenditures include 2016 charges billed late; contract ends in 2018</td>
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<tr>
<td>Sediment management</td>
<td>$ 25,000</td>
<td>Contracted in 2017 and will CA into 2018; revenues from SRFB grant</td>
</tr>
<tr>
<td>Habitat assessment</td>
<td>$ -</td>
<td>Contracted in 2017 and will CA into 2018</td>
</tr>
<tr>
<td>Flood event mapping</td>
<td>$ -</td>
<td>Assumes flood each year</td>
</tr>
<tr>
<td>High water mark survey</td>
<td>$ -</td>
<td></td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 482,160</strong></td>
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#### Technical Assistance (169106)

<table>
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<tr>
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<th>Assumptions/Notes</th>
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<tr>
<td>Wage and Benefits</td>
<td>$ 85,000</td>
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<tr>
<td>Postage for Special District reassessments</td>
<td>$ 1,000</td>
</tr>
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<td><strong>TOTAL</strong></td>
<td><strong>$ 86,000</strong></td>
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#### National Flood Insurance Prgm (169108)

<table>
<thead>
<tr>
<th>Proposed 2018 Budget</th>
<th>Assumptions/Notes</th>
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<tbody>
<tr>
<td>Wage and Benefits</td>
<td>$ 160,000</td>
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<tr>
<td>FEMA Floodplain mapping</td>
<td>$ 10,000</td>
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<tr>
<td>Permit reviews</td>
<td>$ 15,000</td>
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<tr>
<td>Public education/CRS activities</td>
<td>$ 15,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 150,000</strong></td>
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#### Early Warning System (169110)

<table>
<thead>
<tr>
<th>Proposed 2018 Budget</th>
<th>Assumptions/Notes</th>
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</thead>
<tbody>
<tr>
<td>Wage and Benefits</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Nooksack River gages - USGS</td>
<td>$ 90,000</td>
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<tr>
<td>Everson MainSt stage gage _ USGS</td>
<td>$ 4,100</td>
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<tr>
<td>SNOTEL sites - USDA</td>
<td>$ 6,000</td>
</tr>
<tr>
<td>WWU camera on Swift Creek slide</td>
<td>$ 2,500</td>
</tr>
<tr>
<td>Emergency access to SNOTEL</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Equipment for gage upgrades/repairs</td>
<td>$ 10,000</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>$ 10,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 128,500</strong></td>
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<tr>
<td>Flood Control Zone District</td>
<td>2018 Budget</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td></td>
<td>Work Plan and Supporting Documentation</td>
</tr>
<tr>
<td>FLOOD CONSTRUCTION AND IMPROVEMENTS</td>
<td></td>
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<tr>
<td>Repair and Maintenance (169112)</td>
<td>Proposed 2018 Budget</td>
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<tr>
<td>Wage and Benefits</td>
<td>Revenues $ 75,000</td>
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<tr>
<td>Construction Projects</td>
<td>Expenditures $ 75,000</td>
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<tr>
<td>Emergency/new projects as needed</td>
<td>$ 50,000</td>
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<tr>
<td>Miscellaneous repair projects</td>
<td>$ 50,000</td>
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<tr>
<td>Marine Drive Levee Repair</td>
<td>$ 175,000</td>
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<tr>
<td>Appel Culvert Replacement (SWIF)</td>
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<tr>
<td>Red River Levee Stabilization (SWIF)</td>
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<tr>
<td>Mitigation Planning/Implementation</td>
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<tr>
<td>Jail crew</td>
<td>$ 117,439</td>
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<tr>
<td>Reveg planning/coordination</td>
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</tr>
<tr>
<td>Reveg/misc supplies</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 80,000</td>
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<tr>
<td>NET IMPACT TO FUND BALANCE</td>
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</table>

<table>
<thead>
<tr>
<th>Flood Hazard Reduction (169114)</th>
<th>Proposed 2018 Budget</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage and Benefits</td>
<td>Revenues $ 220,000</td>
<td></td>
</tr>
<tr>
<td>Swift Creek</td>
<td>Expenditures $ 75,000</td>
<td></td>
</tr>
<tr>
<td>Bank stabilization/channel excavation</td>
<td>$ 22,500</td>
<td></td>
</tr>
<tr>
<td>Bank stabilization/channel excavation (716004)</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>GW easement acquisition</td>
<td>$ -</td>
<td>Budget authority transferred from construction budget; MTCA grant revenues; inc appraisal cost</td>
</tr>
<tr>
<td>Lower Nooksack River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deming levee improvement constr. (708004)</td>
<td>$ 40,000</td>
<td>2017 exp inc. CA's for B&amp;Q constr support and Geotest materials testing; rev from FbD and NOAA thru TNC; planting in 2018</td>
</tr>
<tr>
<td>Marietta property acquisition &amp; demo (FEMA FMAG-716002)</td>
<td>$ 380,937</td>
<td>2017 budget includes Caldera CA $7000; acquisition and demo of Boyd and Allen in 2017; revenues from FEMA grant include pre-award costs from 2016; assume Turk goes into 2018</td>
</tr>
<tr>
<td>Marietta property acquisition &amp; demo (FEMA-712005)</td>
<td>$ -</td>
<td>Acquisition of Jones in 2016 with second half payment in 2017, CA for demo retainage in 2017; revenues from FEMA grant; project complete in 2017</td>
</tr>
<tr>
<td>Marietta property acquisition &amp; demo New properties</td>
<td>$ 50,000</td>
<td>Allocation for new properties that become available and non-grant expenses; increased allocation as mitigation for Marine Drive Levee River Rd and Emmerson Rd properties</td>
</tr>
<tr>
<td>Reach 4 acquisition/mitigation (715002)</td>
<td>$ 3,780</td>
<td>Budget was from plant materials CA; jail crew time budgeted under 169112; option agreement would need to be extended for next round of Floodplains by Design funding</td>
</tr>
<tr>
<td>Femdale Levee Improvement Project Phase 1</td>
<td>$ 200,000</td>
<td>Survey, hydraulic analysis, alternatives analysis, conceptual design</td>
</tr>
<tr>
<td>Lynden Levee Improvement Project Phase 1</td>
<td>$ 125,000</td>
<td>Survey, hydraulic analysis, alternatives analysis, conceptual design</td>
</tr>
<tr>
<td>Rayhorst Levee Improvements</td>
<td>$ 60,000</td>
<td>Design, permit and construct project to widen and backslope levee</td>
</tr>
<tr>
<td>Jones Creek Deflection Berm (712004)</td>
<td></td>
<td>PSE contract (CA from 2016); final report and public meeting in fall of 2017</td>
</tr>
<tr>
<td>Bridge alternatives analysis</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Survey</td>
<td>$ 25,000</td>
<td>Survey and base mapping for design</td>
</tr>
<tr>
<td>Berm and bridge design</td>
<td>$ 200,000</td>
<td></td>
</tr>
<tr>
<td>Land/easement acquisition</td>
<td>$ 100,000</td>
<td>Purchase of parcels and/or easements for berm/road construction (Use SBR if needed)</td>
</tr>
<tr>
<td>Construction</td>
<td>$ -</td>
<td>Construction budget to be established once design complete and funding source defined</td>
</tr>
<tr>
<td>High Creek Sediment Management</td>
<td></td>
<td>WSE design contract, 2017 budget authority to finish contract balance, includes CA of $5304</td>
</tr>
<tr>
<td>Sediment trap/channel improvement design</td>
<td>$ -</td>
<td>Construction contract and inspection in 2018</td>
</tr>
<tr>
<td>Sediment trap/channel imp. construction</td>
<td>$ 1,300,000</td>
<td>IIA executed in 2016 and CA'd into 2017 for reimbursement of City's expenses; new 2018 budget for balance</td>
</tr>
<tr>
<td>City of Lynden - Pepin Creek</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding for downstream analysis</td>
<td>$ 140,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 407,217</td>
<td>$ 2,975,356</td>
</tr>
<tr>
<td>NET IMPACT TO FUND BALANCE</td>
<td></td>
<td>(2,568,140)</td>
</tr>
</tbody>
</table>
Flood Control Zone District  
2018 Natural Resources Budget  
Work Plan and Supporting Documentation

### Natural Resources (169119)  
#### Proposed 2018 Budget

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Expenditures</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATURAL RESOURCES ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>$321,481</td>
<td>Includes salary for 2.5 FTEs and temporary extra help.</td>
</tr>
<tr>
<td>Office and operating</td>
<td>$224,900</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$546,381</td>
<td></td>
</tr>
</tbody>
</table>

| **NATURAL RESOURCES OPERATIONS** | | |
| Salmon Recovery (169119) | | |
| Staff | $126,701 | 1 FTE |
| Restoration effectiveness monitoring, adaptive management, and stewardship | $81,000 | |
| Maintaining existing restoration projects* | $25,000 | WCC crew contract for maintaining previously planted projects |
| New restoration projects* | | Contracted services for activities supporting planting, fencing, culvert replacement, etc. |
| Marine Resources Committee (813001) | | |
| Staff | $64,040 | 0.7 FTE |
| MR2 restoration projects | $8,960 | MRC grant funding minus labor |
| **WATER QUALITY/ POLLUTION IDENTIFICATION & CORRECTION (813002)** | | |
| Staff | $83,300 | 3.3 FTEs |
| Water quality monitoring (90+ stations) | $339,406 | |
| Bacteria PIC outreach and technical | $103,900 | PIC water quality monitoring projects (lab contracts and vehicle rental) |
| Small farm technical and financial assistance | $12,500 | PIC Outreach & Education Expense |
| **Coordination and Planning (169119)** | | |
| PIC data management | $76,683 | WCD data manager |
| OSS & M technical assistance | $66,917 | 22,000 OSS and other PIC workshop incentives |
| PDS PIC Enforcement capacity | $80,680 | 80,800 Interfund transfer to PDS for 1 FTE enforcement |
| Lake Whatcom Homeowner Incentive Program | $56,580 | Staff time only (0.5 FTE); contracted services under Stormwater budget |
| First Response | | Legal |
| WSU Extension outreach services | $25,000 | One Time ASR for WSU Extension Outreach |
| **TOTAL** | $1,177,521 | | |
| **NET IMPACT TO FUND BALANCE** | $1,177,521 | | |

*Integrated Salmon Recovery/Flood Hazard Reduction capital and planning projects appear under Cost Center 169114 and 169104.

### Acoustic Invasive Species (169120)  
#### Proposed 2018 Budget

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Expenditures</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AIS ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>$-</td>
<td>-</td>
</tr>
<tr>
<td>Office and operating</td>
<td>$-</td>
<td>Misc. Expenses</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$-</td>
<td>-</td>
</tr>
</tbody>
</table>

| **AIS OPERATIONS** | | |
| Coordination and Planning | | |
| Education and Inspection | $123,000 | Contribution to City for AIS Program; includes COB program cost increase |
| AIS online education program website maintenance | $8,750 | Contracted services for online course/website support |
| **TOTAL** | $131,750 | |
| **NET IMPACT TO FUND BALANCE** | $131,750 | |
| **TOTAL FOR COST CENTER** | $131,750 | |

### Water Planning (169121)  
#### Proposed 2018 Budget

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Expenditures</th>
<th>Assumptions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WATER PLANNING ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>$-</td>
<td>-</td>
</tr>
<tr>
<td>Office and operating</td>
<td>$550</td>
<td>Staffed by Program Manager; budgeted under 169119</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$550</td>
<td></td>
</tr>
</tbody>
</table>

| **WATER PLANNING OPERATIONS** | | |
| Coordination and Planning | | |
| Staff | $93,686 | Hydrogeologist (ASR) 50% coverage from general fund |
| Initial Response | $15,000 | Professional services contract |
| LENS Groundwater Model | $167,950 | $336,526 Professional services contract |
| LIO administration | $75,000 | $67,950 Administration of LIO process (ASR) |
| LIO admin staff time recovery | $7,000 | 7,000 Staff Time LIO |
| Stream Gauging | $343,686 | USGS Contract |
| **TOTAL** | $343,686 | |
| **NET IMPACT TO FUND BALANCE** | $343,686 | |
| **TOTAL FOR COST CENTER** | $344,236 | |

**TOTAL NET IMPACT TO FUND BALANCE** $1,597,545
### Exhibit A
Lynden/Everson Subzone
2018 Budget
and Fund Balance Projections

<table>
<thead>
<tr>
<th>Fund balance as of December 31, 2016</th>
<th>$261,030</th>
<th>(+)</th>
<th>(-)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017 Estimated Revenues:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$37,483</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$2,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2017 Estimated Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Levee vegetation maintenance</td>
<td></td>
<td></td>
<td>$18,600</td>
<td>brushing, spraying and hydrosed</td>
</tr>
<tr>
<td>Mole control</td>
<td></td>
<td></td>
<td>$5,000</td>
<td>ACOE deficiency</td>
</tr>
<tr>
<td>Alternative corrections crew labor</td>
<td></td>
<td></td>
<td>$5,000</td>
<td>stick pickup, misc</td>
</tr>
<tr>
<td>Tree removal</td>
<td></td>
<td></td>
<td>$39,000</td>
<td>ACOE deficiency</td>
</tr>
<tr>
<td>Mitigation plan</td>
<td></td>
<td></td>
<td>$5,000</td>
<td>for tree removal</td>
</tr>
<tr>
<td>Pipe inspections (1 pipe)</td>
<td></td>
<td></td>
<td>$1,500</td>
<td>ACOE deficiency</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$39,483</td>
<td></td>
<td>$74,100</td>
<td></td>
</tr>
</tbody>
</table>

| Projected December 2017 fund balance | $226,413 |

| 2018 Revenues - Proposed Budget     |          |     |     |       |
| Assessment                          | $37,483  |     |     |       |
| Interest earnings                   | $2,000   |     |     |       |
| **2018 Expenditures - Proposed Budget** |         |     |     |       |
| Levee vegetation maintenance        |          |     | $20,000 | brushing, spraying and hydrosed |
| Mole control                        |          |     | $5,000  | ACOE deficiency |
| Alternative corrections crew labor  |          |     | $5,000  | misc levee maintenance |
| Tree removal                        |          |     | $30,000 | ACOE deficiency/Veg mgmt plan |
| Mitigation plan implementation/maintenance |     |     | $8,000  | CD time, jail crew, plants, permit fee |
| Address new ACOE deficiencies       |          |     | $30,000 | retaining walls/new problems |
| Cost-share/repairs as needed        |          |     | $50,000 | 30% of 166k; 6% of 833k |
| **Total**                           | $39,483  |     | $148,000 |       |

| Projected December 2018 fund balance | $117,896 |
### Exhibit A
Sumas/Nooksack/Everson Subzone
2018 Budget
and Fund Balance Projections

<table>
<thead>
<tr>
<th>Fund balance as of December 31, 2016</th>
<th>$1,166,509</th>
<th>(+)</th>
<th>(-)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017 Estimated Revenues:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$111,443</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$5,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2017 Estimated Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Levee vegetation maintenance</td>
<td></td>
<td></td>
<td></td>
<td>$3,000 brushing and spraying</td>
</tr>
<tr>
<td>Mitigation plan implementation</td>
<td></td>
<td></td>
<td></td>
<td>$5,000 CD time/site prep/planting</td>
</tr>
<tr>
<td>Alternative corrections crew labor</td>
<td></td>
<td></td>
<td></td>
<td>$5,000 seeding, misc cleanup/maintenance</td>
</tr>
<tr>
<td>Cost-share for 2016 Swift Creek project</td>
<td></td>
<td></td>
<td></td>
<td>$30,000 30% of 100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$116,443</td>
<td></td>
<td></td>
<td>$43,000</td>
</tr>
</tbody>
</table>

| Projected December 2017 fund balance | $1,239,952 |

| **2018 Revenues - Proposed Budget** |            |     |     |       |
| Assessment                          | $111,443   |     |     |       |
| Interest earnings                   | $5,000     |     |     |       |
| **2018 Expenditures - Proposed Budget** |          |     |     |       |
| Levee vegetation maintenance        |            |     |     | $5,000 brushing, spraying and hydoseed |
| Mitigation monitoring and maintenance |          |     |     | $5,000 CD time, crew and supplies |
| Alternative corrections crew labor  |            |     |     | $5,000 misc maintenance |
| Cost-share for Swift Creek project  |            |     |     | $22,500 30% of $75,000 project |
| Cost-share/repairs as needed (new damage) |        |     |     | $150,000 30% of $500,000 project |
| **Total**                            | $116,443   |     |     | $187,500 |

| Projected December 2018 fund balance | $1,168,895 |
**Exhibit A**  
Acme/Van Zandt Subzone  
2018 Budget  
and Fund Balance Projections

<table>
<thead>
<tr>
<th>Description</th>
<th>2017 Estimated Revenues</th>
<th>2017 Estimated Expenditures</th>
<th>Subtotal</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund balance as of December 31, 2016</td>
<td>$285,567 (+)</td>
<td></td>
<td>$24,280</td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$22,680</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$1,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$24,280</td>
<td>$21,420</td>
</tr>
<tr>
<td>Projected December 2017 fund balance</td>
<td>$288,427 (−)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018 Revenues - Proposed Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$22,680</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$1,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$24,280</td>
<td>$36,855</td>
</tr>
<tr>
<td>Projected December 2018 fund balance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**2017 Estimated Revenues:**
- Assessment: $22,680
- Interest earnings: $1,600

**2017 Estimated Expenditures:**
- Cost-share/repairs as needed: $15,000 (30% of 50k project)
- M&O for Jones Creek stage/prec gage: $6,170 (9 month operation with telemetry)
- Admin support for meetings/minutes: $250

**Total:** $24,280 $21,420

**2018 Revenues - Proposed Budget:**
- Assessment: $22,680
- Interest earnings: $1,600

**2018 Expenditures - Proposed Budget:**
- Cost-share/repairs as needed: $30,000 (30% of 100k project)
- M&O for Jones Creek stage/prec gage (9 month operation): $6,355 (9 month operation with telemetry)
- Admin support for meetings/minutes: $500

**Total:** $24,280 $36,855

**Projected December 2018 fund balance:** $275,852
## Exhibit A

Samish Watershed Subzone
2018 Budget
and Fund Balance Projections

### Fund balance as of December 31, 2016

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017 Estimated Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$18,750</td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$550</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$19,300</td>
<td></td>
</tr>
<tr>
<td><strong>2017 Estimated Expenditures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural resource staff salaries, wages,</td>
<td>$5,000</td>
<td>Ellsworth - 3500; beaver</td>
</tr>
<tr>
<td>benefits</td>
<td></td>
<td>trapping 1000</td>
</tr>
<tr>
<td>Office &amp; operating supplies</td>
<td>$850</td>
<td>M60 - $5000 for install,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>removal, repairs</td>
</tr>
<tr>
<td>Repair &amp; maintain weir &amp; channel</td>
<td>$4,500</td>
<td></td>
</tr>
<tr>
<td>Repairs &amp; Maintenance - interfund</td>
<td>$5,500</td>
<td></td>
</tr>
<tr>
<td>Permits</td>
<td>$0</td>
<td>Apply for new permits in 2018</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$15,850</td>
<td></td>
</tr>
<tr>
<td><strong>Projected December 2017 fund balance</strong></td>
<td>$103,801</td>
<td></td>
</tr>
</tbody>
</table>

### 2018 Revenues - Proposed Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment</td>
<td>$18,750</td>
<td></td>
</tr>
<tr>
<td>Interest earnings</td>
<td>$550</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$19,300</td>
<td></td>
</tr>
</tbody>
</table>

### 2018 Expenditures - Proposed Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural resource staff salaries, wages,</td>
<td>$5,500</td>
<td>Ellsworth - 3000; beaver</td>
</tr>
<tr>
<td>benefits</td>
<td></td>
<td>trapping 1500</td>
</tr>
<tr>
<td>Office &amp; operating supplies</td>
<td>$750</td>
<td>M60 - $5000 + WCC 1500</td>
</tr>
<tr>
<td>Repair &amp; maintain weir &amp; channel</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Repairs &amp; Maintenance - interfund</td>
<td>$6,500</td>
<td></td>
</tr>
<tr>
<td>Permits</td>
<td>$750</td>
<td>New permits for 2018</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$18,500</td>
<td></td>
</tr>
</tbody>
</table>

| **Projected December 2018 fund balance** | $104,601|                |
## Exhibit A
### Birch Bay Subzone
### 2018 Budget

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Overhead</td>
</tr>
<tr>
<td>Salaries &amp; Wages</td>
<td></td>
</tr>
<tr>
<td>Extra Help</td>
<td></td>
</tr>
<tr>
<td>Overtime</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td><strong>Total Salaries &amp; Benefits</strong></td>
<td>109,941</td>
</tr>
<tr>
<td>Office &amp; Operating Supplies</td>
<td>5,800</td>
</tr>
<tr>
<td>Office &amp; Oper. Supplies-Interfund</td>
<td>0</td>
</tr>
<tr>
<td>Printing</td>
<td>3,000</td>
</tr>
<tr>
<td>Books/Publications/Subscrip.</td>
<td>200</td>
</tr>
<tr>
<td>Tools &amp; Equipment</td>
<td>100</td>
</tr>
<tr>
<td>Software</td>
<td>1,500</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>12,500</td>
</tr>
<tr>
<td>Professional Services</td>
<td>111,500</td>
</tr>
<tr>
<td>Building Maintenance</td>
<td>1,114</td>
</tr>
<tr>
<td>Construction Contracts</td>
<td>0</td>
</tr>
<tr>
<td>Other Services-Interfund</td>
<td>0</td>
</tr>
<tr>
<td>Postage/Shipping/Freight</td>
<td>3,500</td>
</tr>
<tr>
<td>Postage-Interfund</td>
<td>100</td>
</tr>
<tr>
<td>Telephone</td>
<td>400</td>
</tr>
<tr>
<td>Travel-Educ/Training</td>
<td>1,000</td>
</tr>
<tr>
<td>Travel-Other</td>
<td>1,500</td>
</tr>
<tr>
<td>Advertising</td>
<td>800</td>
</tr>
<tr>
<td>Equipment Rental</td>
<td>200</td>
</tr>
<tr>
<td>Space Rental</td>
<td>1,250</td>
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Capital Improvement Projects

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2017-2018 Budget Preparation - Regular Additional Service Request

Public Works

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<th>Fund 169</th>
<th>Cost Center 169119</th>
<th>Originator: Gary Stoyka</th>
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Expenditure Type: Ongoing

Add'l FTE ✓ Add'l Space ☐ Priority 1

Name of Request: Hydrogeologist for Natural Resources and Planning

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1. Description of Request:
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

   Addition of a staff hydrogeologist to the Natural Resources to assist with water quality issues stemming from the Hirst decision. This position would also review land use and permit questions for planning.

   This Planner III position will be added to the Natural Resources Division of the Flood Control Zone District and will be 50% funded from the general fund.

   b) Who are the primary customers for this service?

   The primary customers for this service are land owners in rural Whatcom county. Additionally, this position will aid Whatcom county government in the application of the Hirst decision.

2. Describe the problem this request addresses and why Whatcom County needs to address it.

   The people of Whatcom County face an array of challenges related to water resources including finding legal sources of water for agriculture, water for cities and water districts for development, rural landowners, and finding enough water to support fish. The urgency to resolve some of these problems has been elevated by legal action by local tribes and several recent court decisions regarding water rights. Whatcom County elected officials have given direction to staff to support finding solutions to these water problems. Many of these issues require an understanding of the hydrogeology of Whatcom County. Activities that are underway or are expected to be underway in the near future include development of a groundwater flow model, water supply plan, and mitigation studies. Furthermore, once the groundwater flow model is completed, the County will need someone who can operate and manage it. The County currently only has a very limited amount of staff capacity to address these issues. In addition to these studies, the County recently amended its development code in response to the Supreme Court Hirst decision to require all applicants seeking to utilize groundwater for a development to either provide evidence of non-continuity with instream flows or provide mitigation. The County currently does not have staff to evaluate the information contained in these submittals to determine if they comply with state and local codes. The addition of a qualified hydrogeologist will provide the staff capacity necessary to address these issues and also assist in the development of new code language which may be necessary to address all of the potential legal concerns. A qualified hydrogeologist would also be able to use and manage the forthcoming groundwater model as well as provide technical support for the studies that will be needed to reach resolution on pending water supply issues.

3. Options
   a) What other options have you considered? Why is this the best option?

   The County is currently relying on its limited existing staff capacity and outside consultants to address this need. However, the amount of work that will need to be done is expected to increase greatly as new development regulations are developed and more development applications are received and as the work necessary to find a larger comprehensive water solution accelerates. Having the in-house expertise of a hydrogeologist will provide the necessary staff capacity to move resolution of these issues forward and is more cost-effective and will provide more continuity than relying on outside consultants.

Friday, October 06, 2017

Rpt: Rpt ASR Regular
b) What are the specific cost savings? (Quantify)
Hiring in-house staff will provide cost savings over utilizing outside consultants.

4. Outcomes / Objectives
a) What outcomes will be delivered and when?
The County will be able to process development applications under current and new regulations and play a more active role in developing comprehensive water solutions for the benefit of the whole community.

b) How will you know whether the outcomes happened?
Processing of development applications and development of needed studies.

5. Other Departments/Agencies
a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.
The hydrogeologist position will be based in the Natural Resources Division of the Public Works Department, but will work closely with the Health Department and Planning and Development Services Department with respect to the work evaluating hydrogeology reports and mitigation plans associated with development applications and the development of new related codes.

b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.
Gary Stoyka, Natural Resources Manager will manage the hydrogeologist position.

6. What is the funding source for this request?
50% Flood Control Zone District Fund (169121); 50% General Fund
2017-2018 Budget Preparation - Regular Additional Service Request

Public Works | Natural Resources

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<th>Fund</th>
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Expenditure Type: One-Time
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: WRIA 1 LIO Support 2018

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1. Description of Request:
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

   Whatcom County has agreed to manage the grant for the Lead Integrating Organization.

   b) Who are the primary customers for this service?

   All of the local governments and citizens of Whatcom County

2. Describe the problem this request addresses and why Whatcom County needs to address it.

   The Puget Sound Partnership (PSP), a state agency, is charged with coordinating the recovery of Puget Sound. PSP has established Local Integrating Agencies (LIos) throughout the Puget Sound region to provide a mechanism for local communities to coordinate recovery efforts with state and federal agencies. The Watershed Management Board has agreed to serve as the LIO for Water Resources Inventory Area 1 (which is comprised of most of western Whatcom County). The Watershed Management Board consists of representatives from Whatcom County, all cities in the county, Whatcom PUD, Washington Department of Fish & Wildlife, and the Lummi and Nooksack Tribes. PSP provides $75,000 in annual funding to operate and coordinate the LIO. LIO work consists of preparing and updated a local recovery plan and developing a list of near-term actions (NTAs), as well as other administrative functions. Most of the work is performed by a contracted consultant.

3. Options
   a) What other options have you considered? Why is this the best option?

   1. Another Watershed Management Board agency could manage the LIO grant; however, all of the other agencies believe that the County is the appropriate agency to manage the grant.
   2. The Watershed Management Board could decide to not participate as a LIO; however, that would mean there would be less coordination of local recovery efforts and would likely result in the loss of local grant funds for efforts such as flood planning and water quality programs as PSP generally requires that local agencies have grant funded activities vetted by a LIO.

   b) What are the specific cost savings? (Quantify)

   All of the work in this ASR is fully grant funded, so there is no direct cost to the County for managing this grant.

4. Outcomes / Objectives
   a) What outcomes will be delivered and when?

   Whatcom County will manage the LIO grant in accordance with the grant conditions. Better coordination between local and regional recovery efforts will continue and local agencies will remain eligible for grant funding.

   b) How will you know whether the outcomes happened?

   The Watershed Management Board will continue to be recognized as the local coordinating agency for recovery efforts, the local perspective will continue to be provided to state and federal agencies, and local projects will continue to be eligible for grant funding.

Friday, October 06, 2017
5. Other Departments/Agencies
   a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.
      Watershed Management Board member agencies, Puget Sound Partnership.
   b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.
      Leah Kitner with Puget Sound Partnership is the WRIA LIO liaison.

6. What is the funding source for this request?
   This ASR is fully funded by a grant from the USEPA through the Puget Sound Partnership. These funds will be run through cost center 169121.
2017-2018 Budget Preparation - Regular Additional Service Request

Public Works

Natural Resources

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<td>169119</td>
<td>Gary Stoyka</td>
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Expenditure Type: One-Time
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: WSU Extension Natural Resources O & E 2018

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| Request Total | $0          | $25,000     |

1. Description of Request:
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.
   WSU Extension will be providing outreach and education services to the Natural Resources Division for water-related issues.
   b) Who are the primary customers for this service?
   Citizens of Whatcom County.

2. Describe the problem this request addresses and why Whatcom County needs to address it.
   The Natural Resources Division has the need for outreach and education services that can be provided by WSU Extension.

3. Options
   a) What other options have you considered? Why is this the best option?
   1. Contract an outside firm - This option would cost more than hiring WSU extension.
   2. Not conduct these services - The general public would not receive these services.
   b) What are the specific cost savings? (Quantify)
   These activities have typically been included in the general contract between WSU Extension and the County. The costs for these services have been shifted from the general contract, which is funded by the general fund, to the Natural Resources budget, which is funded by the Flood Fund as they are related to Natural Resources issues. This change will have a net zero impact on the County budget, but a positive impact on the general fund and a negative impact on the flood fund.

4. Outcomes / Objectives
   a) What outcomes will be delivered and when?
   1. Manage the Whatcom Water Information Network (WWIN) website and coordinate the Speaker Series.
   2. Native plant technical assistance
   3. Rain garden outreach and training/technical assistance
   4. Incorporating water quality into the 4-H program including monitoring, education, and promotion
   5. Coastal resilience grant implementation
   6. Dairy fertilizer study
   7. Green crab monitoring
   8. Agriculture outreach
   b) How will you know whether the outcomes happened?
   WSU Extension will be provide deliverables related to these activities.

5. Other Departments/Agencies
   a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.
   WSU Extension
   b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

Friday, October 06, 2017
Rpt: Rpt ASR Regular
6. What is the funding source for this request?
Flood Control Zone District Fund
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
A Resolution Authorizing The Levy Of Taxes for the Whatcom County Flood Control Zone District for 2018

**ATTACHMENTS:**
Proposed Resolution

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

The proposed resolution adopts the Whatcom County Flood Control Zone District 2018 tax levy.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
11/8/2017: Introduced 7-0 (Council acting as the FCZDBS)

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)
RESOLUTION NO. ____________
RESOLUTION AUTHORIZING THE LEVY OF TAXES
FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2018

WHEREAS, RCW 86.15.160(3) authorizes the Board of Supervisors of the Whatcom County Flood Control Zone District (WCFCZD) to impose an ad valorem property tax levy of up to fifty cents per thousand dollars of assessed value upon real property within the district; and

WHEREAS, the Board of Supervisors of the WCFCZD has reviewed the proposed annual budget, including all sources of revenues and anticipated expenditures; and,

WHEREAS, the annual budget provides detailed listings of various revenues including property taxes; and,

WHEREAS, the WCFCZD Board of Supervisors has held a public hearing concerning the annual budget, the property tax rates, and revenues included therein.

NOW, THEREFORE, BE IT RESOLVED by the WCFCZD Board of Supervisors that amounts collected through the WCFCZD levy shall be limited to the amount of 2017 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state-assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2018 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of ________________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, District Chair

APPROVED AS TO FORM:

Daniel L. Gibbons
Civil Deputy Prosecutor

Page 1

499
**TITLE OF DOCUMENT:**
2017 Critical Areas Ordinance Update

**ATTACHMENTS:** (all materials can be found at [http://www.whatcomcounty.us/2417/County-Council-Review](http://www.whatcomcounty.us/2417/County-Council-Review))

To prepare for this meeting, please review the attached (revised) 2017 BAS Report Addendum, the draft code (provided in the last packet for your October 10th packet), and the reports comprising the County’s BAS (found at [http://www.whatcomcounty.us/2417/County-Council-Review](http://www.whatcomcounty.us/2417/County-Council-Review)).

Attachments:
A. Revised 2017 BAS Report Addendum
B. Type I CFP Application Checklist
C. Policy PLL-85-004Z
D. Email from Assistant Director Mark Personius, committing PDS to participate in the Nooksack-Abbottsford-Sumas Transboundary Nitrogen Study

**SEPA review required?** (X) Yes ( ) NO  
**SEPA review completed?** (X) Yes ( ) NO  
**Should Clerk schedule a hearing?** (X) Yes ( ) NO  
Requested Date: 10/24/17

**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.)

Introduction of the proposed ordinance to amend Whatcom County Critical Areas Ordinance (CAO) (WCC 16.16) pursuant to RCW 36.70A.130(1). The Growth Management Act (RCW 360.70A) defines critical areas as wetlands, frequently flooded areas, fish and wildlife habitat conservation areas (including streams), geologically hazardous areas, and critical aquifer recharge areas. The purpose of this periodic update is to ensure that the CAO meets the GMA requirements, including consistency with the Whatcom County Comprehensive Plan, best available science, and state agency guidance updates. Numerous amendments are being proposed, though most of them pertain to correcting grammar, updating references to other documents or laws, clarifying and updating administrative procedures, etc. The County is also required to integrate the CAO provisions with its Shoreline Master Program (SMP). Whatcom County has done so by adopting the CAO by reference within the SMP (WCC 23.10.060(A)). This reference is also proposed to be amended.

**COMMITTEE ACTION:**
10/24/2017: Held in Committee
11/8/2017: Discussed and amended

**COUNCIL ACTION:**
10/10/2017: Referred to Committee of the Whole
11/8/2017: Withdrawn

**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).
Memorandum

TO: The Honorable County Council
   Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Asst. Director

DATE: October 27, 2017

SUBJECT: 2017 Critical Areas Ordinance (CAO) Update
   Committee of the Whole Workshop on November 8, 2017

Another workshop on the 2017 Critical Areas Ordinance update will be held on November 8, 2017. The purpose of this workshop is to deal with a few issues that have recently arisen. Topics to be covered include:

- Article 2, Administrative Mechanisms
- Article 3, Geologically Hazardous Areas
- Article 4, Frequently Flooded Areas
- Article 6, Wetlands
- Article 7, Habitat Conservation Areas
- Article 8, Conservation Program on Agriculture Lands
- Article 9, Definitions

To prepare for this meeting, please review this memo and the 2017 BAS Report Addendum and draft code (both provided in the last packet for your October 24th workshop).

Additionally, while at your last workshop Council authorized introduction of the ordinance on November 8th, it appears that there may be too many potential changes in such a large body of documents for staff to make in just that afternoon. Depending on the outcome of the workshop, we will need to make the call that afternoon. If it cannot be introduced that evening, we will put it on the agenda for November 21 for introduction, with a public hearing and potential adoption on December 5th (which is the last meeting of the year).
Remaining Issues
At your October 24th workshop, Council tabled for two weeks the following issues for the reasons provided:

- Definition of “ongoing ag” – Tabled to allow CM Brown time to confer with the ag community.
- CPAL Exemption Thresholds – Tabled to allow representatives of the ag community to work on some alternative language.
- Proposed changes to lahar language – Tabled to allow Seth Woolson, attorney for the Mount Baker Bibleway Camp, to submit some alternative language (see page 4).

Additionally, CM Brenner stated that she had several new issues and Council asked her to provide them to staff for analysis.

Definition of “Ongoing Ag”
In workshop, Council provided direction to amend the definition of “ongoing agriculture.”

The existing definition is:

“Ongoing agriculture” means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use, or has lain idle for more than five consecutive years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

Council’s proposed definition reads:

“Ongoing agriculture” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facilities are no closer to the critical area than the original facilities; and maintaining agricultural lands under production or cultivation. An operation ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use.
The primary differences between the two are that the Council version does not reference RCW 84.34.02(2), nor does it have the provision that one loses this classification after a period of time (5 years). As you know, staff has recommended against amending this definition.

Our CPAL program has already been found to be GMA-compliant and is used as a model by the state for non-Voluntary Stewardship Program (VSP) counties. Even one of the remedies for a VSP county that doesn’t complete their program is to:

Adopt development regulations previously adopted... by another local government for the purpose of protecting critical areas in areas used for agricultural activities. Regulations adopted under this subsection must be from a region with similar agricultural activities, geography, and geology and must: (i) Be from Clallam, Clark, King, or Whatcom counties.” (RCW 36.70A.735)

Staff Recommendation: Leave our current definition in place.

CPAL Exemption Thresholds
In both the 10/24 workshop and in her written comments, CM Brenner has expressed that the exemption threshold for requiring a Conservation Farm Plan (CFP) should be 1 animal unit per 1 grazable acre.

Staff believes this is based on some data that the Whatcom Conservation District has provided (via email, attached) that shows that in some cases some property can handle up to 1 animal unit (or more) per acre, which some representatives of the ag community have used to promote the 1 au/ac exemption. However, what the data actually shows is that there is a range of properties in Whatcom County—based on soil types, hydrology, animal types, cover crop type, etc.—and that while some properties could support 1 au/ac with little to no management, many others may not. Thus Council chose to require CFPs from all people raising animals, but created the simple Type 1 CFP for hobby farmers.

Staff Recommendation: Staff recommends leaving our current CPAL program in place, with its current thresholds for Types 1, 2, and 3 CFPs. Raising the threshold for having to obtain a CFP to 1 au/ac would effectively eliminate Type 1 (hobby farm) CFPs. Additionally, our CPAL program has been found GMA compliant.

As for exemptions, staff suggests that Council could either leave the draft WCC 16.16.814 as is, or eliminate it altogether.

16.16.814 Exemptions.
The following are exempt from having to obtain a Conservation Farm Plan:

A. Landowners who do not have critical areas on their property.
B. Landowners who keep agricultural activities out of the standard critical areas and their buffers.
C. Landowners who do not exceed a ratio of 1 animal unit per 3 grazable acres and manage their animals to avoid a direct discharge of sediment or fecal matter to surface waters. Indicators of
direct discharge can include de-vegetated riparian area, unfenced access to a stream, or animal confinement areas adjacent to surface waters. This is a ratio of animal units to grazable acres and may be used on parcels of any size.

D. Youth agriculture education programs that promote the use of agriculture best management practices through the use of a checklist developed by the Whatcom County Conservation District in cooperation with Whatcom County.

This version added subsection (d), specifically addressing youth agriculture education programs by basically having them go through what amounts to getting a Type 1 CFP (both would rely on a similar self-completed checklist, with some education provided by the WCD). But additionally, it amended what the policy said, to say that the numbers of animal units to grazable acres is a ratio and may be used on parcels of any size, thus expanding the exemption (contrary to the reasons provided in the policy that it should not be a ratio). Council approved this language on 9/26/17.

Lahar Language

Council received another letter (dated 10/30/17, attached) from Seth Woolson, representing the Mount Baker Bibleway Camp, providing alternative language to WCC 16.16.320(B) and 16.16.350(B):

16.16.320 Geologically Hazardous Areas – General Standards.

In addition to the applicable general protective measures found in WWC 16.16.265, the following requirements shall apply to all activities in geologically hazardous areas:

A. Generally. New developments shall be located and/or engineered and constructed to reduce risks to life, health, safety, and buildings, and not increase potential for landslides or erosion that could impact either other properties, public resources, or other critical areas. The County may impose conditions on development activity in a geologically hazardous area as needed to:

1. Protect human life and safety; and
2. Minimize the potential for property damage related to seismic events, erosion and/or landslides;
3. Minimize the need for stream or river bank or coastal bluff stabilization in the future;
4. Reduce public liabilities for damages associated with geologic hazards.
5. Protect slope stability and minimize erosion, seismic, and/or landslide hazard risks;
6. Maintain natural sediment and erosion processes that are integral to the health and sustainability of freshwater and marine ecosystems as well as minimizing impacts to stream, river, and coastal processes such as channel infill, channel migration, sediment transport, or flooding;

B. Impact Avoidance. Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; implementing special engineering methods for construction, drainage, runoff management etc.; foregoing construction of accessory structures; preserving native vegetation; and other feasible protective measures as determined by an alternatives analysis. For some geologic hazards (except for lahar hazards) impact avoidance may mean no development will be permitted on a property. So long as an applicant complies with WCC 16.16.350(B), the County shall not be permitted to require impact avoidance measures that reduce the number, size, or scale of buildings, driveways, and other features; require the owner to forego construction of accessory structures; or prevent uses.
otherwise allowed per the property's zoning district based solely on the property's location within a lahar hazard zone.

C. Location of Alterations. New development shall be directed toward portions of a parcel or parcels under contiguous ownership that are not subject to, or at risk from, geological hazards (except for lahar hazards) and/or are outside any setback or buffer established by this Chapter.

...  


B. Lahar Hazard Zones.

1. Subject to WCC 16.16.320(A, B, and C) and WCC 16.16.265, the following uses are allowed in any volcanic hazard areas:
   b. Accessory structures not involving human occupancy.
   c. Sewer collection facilities, communication facilities, and other utilities that are not likely to cause harm to people or the environment if inundated by a lahar. Underground utilities such as pipelines shall be allowed if demonstrated through a geotechnical analysis to be sufficiently buried as to not likely be damaged by scour caused by a lahar.
   d. Agricultural and forestry uses not including human habitation.

2. Subject to WCC 16.16.320(A, B, and C) and WCC 16.16.265 (except subsection (D) when located wholly within a lahar hazard zone), the following uses may be allowed in volcanic hazard areas subject to the submittal and approval of a Volcanic Hazard Emergency Management Plan meeting the requirements of subsection (B)(3); however, this requirement may be waived for properties located in an area with an estimated lahar arrival time of more than 60 minutes. The County will maintain travel time projection maps to estimate lahar approach times:
   a. Expansion of legal nonconforming uses meeting criteria of WCC 16.16.275 and WCC 20.83.
   b. All other uses allowed per the property’s zoning district.

3. Where required by subsection (B)(2), a Volcanic Hazard Emergency Management Plan shall be submitted for approval and meet the following requirements:
   a. Is consistent with and integrated into a community emergency plan maintained by the Sheriff's Office of Emergency Management.
   b. Includes an emergency evacuation plan.
   c. Is required to be updated every 5 years.
   d. Evacuation route maps must be posted on the premises.

Staff Recommendation: Regarding 16.16.320(B), staff understands Mr. Woolson's concern. However, if a property is located partially in a lahar hazard zone, it's prudent to at least examine whether new development could be sited in the less risky portions of a property. Staff recommends instead the following sentence for 16.16.320(B):

B. Impact Avoidance. Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; implementing special engineering methods for construction, drainage, runoff management etc.; foregoing construction of accessory structures; preserving native vegetation; and other feasible protective measures as determined by an alternatives analysis. For some geologic hazards (except for lahar hazards) impact avoidance may mean no development will be permitted on a property. This section shall not apply to properties located wholly within a lahar hazard zone.
Regarding 16.16.350(B), staff recommends against Mr. Woolson’s proposal to replace “may” with “shall,” as there may be other code reasons to not allow a proposed development. “Shall” would mean we would have to approve something even if it didn’t meet other sections of the zoning code (e.g., setbacks, height limitations, conditional use permit requirements, etc.).

**New Issues from CM Brenner**

CM Brenner stated that she had several issues and Council asked her to provide them to staff. Staff has addressed any new issues below. Per Council’s direction we have not addressed issues that Council has already considered.

**Comments on the BAS Report**

**ITEM 1 (Issue 201) (Brenner)**

In Section 4.1 CM Brenner questions the 5th bullet, which reads, “Uses that do not require human habitation when adverse impacts can be minimized or mitigated.”

**Staff Response:** This bulleted list is a synopsis of the Comprehensive Plan policies regarding geohazard areas. That particular language is in reference to Policy 10E-10. Any amendments to those policies would need to be done through a Comprehensive Plan amendment.

**ITEM 2 (Issue 202) (Brenner)**

In Section 94.2, under 16.16.310.C.2 CM Brenner says “no” to an explanation of why we deal with seismic hazard areas in the CAO, specifically that “there are specific areas that may need to be avoided” (e.g., liquefaction areas or “areas located within 500 feet of Quaternary fault zones with surface offsets”).

**Staff Response:** Staff recommends leaving the language as is; it is only an explanation. While the code acknowledges and specifically relies on the International Building Code (IBC) or International Residential Code (IRC) to mitigate for seismic hazards, there may be additional requirements for these areas due to the higher hazard at those locations.

**ITEM 3 (Issue 203) (Brenner)**

In Section 8.1 CM Brenner says “no” to bullet 2, “Using Best Available Science to evaluate and avoid impacts.”

**Staff Response:** Again, this is a synopsis of the Comprehensive Plan policies regarding wetlands. Any amendments to those policies would need to be done through a Comprehensive Plan amendment.

**ITEM 4 (Issue 204) (Brenner)**

In Section 9.2, in the explanation of the proposed changes to 16.16.720(S) CM Brenner seems to want to be able to let the County remove beaver dams.
**Staff Response:** The CAO applies to everyone, including the County, and it allows for the removal of certain beaver dams pursuant to the state law. No change is needed.

**Comments on the Draft CAO dated 9/26/17**

**Article 2, Administrative Mechanisms**

**ITEM 5 (Issue 205) (Brenner)**
In 16.16.235 (Activities Allowed with Notification), subsections (B) 4 & 5, CM Brenner says “no” allowing the felling of hazard trees in critical areas (with a risk assessment being provided) and the clearing, pruning, and revegetation of buffer areas for view purposes (with certain conditions).

**Staff Response:** These are existing activities allowed with notification. Removing them from this category would then require that a critical areas assessment be performed when someone wants to do one or both of them. Staff recommends retaining them in this category.

**ITEM 6 (Issue 206) (Brenner)**
In 16.16.262 (Watershed-Based Management Plans), subsection (C)(1), CM Brenner suggests amending the language as follows:

The plan shall be reviewed by the technical administrator to ensure compliance with the purposes of this chapter, the Whatcom County Shoreline Management Program (WCC Title 23), and with the comprehensive plan, and to ensure accuracy of the data and effectiveness of proposed management strategies. In making this determination the technical administrator shall consult with the State Departments of Fish and Wildlife, Ecology, Natural Resources, and/or other local, state, and/or federal, and/or tribal agencies or experts.

**Staff Response:** Staff recommends retaining the existing language to consult with the Tribes, who have expertise in these matters.

**ITEM 7 (Issue 207) (Brenner)**
In 16.16.264 (In-Lieu Fees) CM Brenner suggests that the first sentence read, “To aid in the implementation of off-site mitigation, the County may shall develop an in-lieu fee program.”

**Staff Response:** Staff recommends leaving the word as “may.” Whether we develop such a program will be up to Council and whether they budget for such an endeavor. If they choose not to do so, but the code says we shall, then we may be found to be not implementing our code.

**ITEM 8 (Issue 208) (Brenner)**
In 16.16.264 (In-Lieu Fees) CM Brenner suggests amending subsection (4) to read, “Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three-five years of the credit sale.”

**Staff Response:** Staff recommends leaving the period at three years. This list of requirements comes straight from the Department of Ecology requirements for setting up an in-lieu fee program.
ITEM 9 (Issue 209) (Brenner)
In 16.16.265 (Critical Areas Protective Measures), subsection (A)(Deterrent Devices), CM Brenner suggests amending the last sentence to read, “The signs shall be posted near primary access points and approximately every 200 feet along the critical area boundary unless the technical administrator determines that more or less frequent spacing is adequate considering the size and location of the site.”

Staff Response: Staff recommends leaving the wording as is. There may be times—due to geography, use intensity, or size and location of the site—that require closer spacing.

ITEM 10 (Issue 210) (Brenner)
In 16.16.265 (Critical Areas Protective Measures), subsection (B)(Notice on Title), CM Brenner suggests amending the last sentence to read, “This requirement may be waived by the Technical Administrator for certain geologically hazardous areas if s/he finds that the risk is so low as to not warrant notification (e.g., old alluvial deposits).

Staff Response: Staff recommends leaving the word as “may.” Each situation will undoubtedly be different, and professional judgement will need to be used. A blanket “shall” would require a waiver, even where our County Geologist and the Technical Administrator believe it in the best interest of future owners to be notified of a hazard.

ITEM 11 (Issue 211) (Brenner)
In 16.16.273 (Variances), subsection (C)(d), CM Brenner suggests amending the language as follows:

Any application for a variance that remains inactive for a period of 180 days shall expire and a new application and repayment of fees shall be required to reactivate the proposal; provided, that the technical administrator may grant a single 90-day extension for good cause. Delays such as those caused by public notice requirements, environmental (SEPA) review, litigation directly related to the proposal, or changes in government regulations shall not be considered as part of the inactive period.

Staff Response: Staff recommends leaving the word “single.” The courts and Growth Management Hearings Boards have consistently ruled against code provisions that allow extensions to be granted indefinitely.

Article 3, Geologically Hazardous Areas

ITEM 12 (Issue 212) (Brenner)
In 16.16.300 (Purpose), CM Brenner suggests replacing “reduce” with “minimize,” as follows:

The purpose of this Article is to reduce minimize risks to human life and safety and reduce the risk of damage to structures and property from geologic hazards, to allow for natural geologic processes supportive of forming and maintaining fish and wildlife habitat, and to regulate and inform land use and planning decisions. It is recognized that the elimination of all risk from geologic hazards is not feasible to achieve but the purpose of this Article is to minimize reduce the risk to acceptable levels.
Staff Response: Staff recommends sticking with “reduce.” To reduce something means to make it smaller (i.e., smaller risk); to minimize means to make it as small as possible. Doing that might mean requiring more or more costly mitigation.

ITEM 13 (Issue 213) (Brenner)
She also suggests the same thing in 16.16.320 (Geologically Hazardous Areas – General Standards), subsection (A).

Staff Response: Staff recommends sticking with “reduce.”

ITEM 14 (Issue 214) (Brenner)
In 16.16.320 (Geologically Hazardous Areas – General Standards), subsection (B) (Impact Avoidance), CM Brenner suggests amending it as follows:

Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings and appurtenant driveways and other features; altering the configuration or layout of the proposed development; implementing special engineering methods for construction, drainage, runoff management etc.; foregoing construction of accessory structures; preserving native vegetation; and other feasible protective measures as determined by an alternatives analysis. For some geologic hazards (except for lahar hazards) impact avoidance may mean no development will be permitted on a property.

Staff Response: Staff has no objections. “Buildings and appurtenant features” would include “accessory structures.”

ITEM 15 (Issue 215) (Brenner)
In 16.16.325 (Landslide Hazard Areas – Standards), subsection (A)(1), CM Brenner again suggests changing the wording to “minimize” as follows:

A. **General Standards.** The following activities may be allowed in active landslide hazards areas when all reasonable measures have been taken to minimize risks and other adverse effects associated with landslide hazards, and when the amount and degree of the alteration are limited to the minimum needed to accomplish the project purpose:

1. Developments that will **not increase/minimize** the threat to the health or safety of people and will not increase potential for landslides on or off the site and meet the reasonable use standards as set forth in WCC 16.16.270.

Staff Response: Staff recommends sticking with “not increase,” which is a lesser standard than “minimize.”

ITEM 16 (Issue 216) (Brenner)
In 16.16.325 (Landslide Hazard Areas – Standards), subsection (C)(3), CM Brenner suggests deleting “or improve,” as follows:

The setback shall include consideration of vegetation on the potential landslide area and in areas above and below the potential landslide area. The technical administrator shall have the authority to require vegetation or other measures to protect or improve slope stability and shall have the authority to require a mitigation plan developed in accordance with 16.16.260, and a conservation easement in accordance with WCC 16.16.265(C) to ensure appropriate vegetation improvements are installed, maintained, and preserved.
Staff Response: Staff recommends leaving the existing “or improve,” as there may be times when improving a slope’s stability would allow for a development that would otherwise need to be denied.

ITEM 17 (Issue 217) (Brenner)
In 16.16.345 (Alluvial Fan Hazard Areas – Standards), CM Brenner suggests the following edits:

The following activities may be allowed in alluvial fan hazard areas when all reasonable measures have been taken to minimize risks and other adverse effects associated with alluvial fan hazards, when the amount and degree of alteration are limited to the minimum needed to accomplish the project purpose, and when the applicable general protective measures found in WWC 16.16.265 have been applied:

A. Developments that will minimize the threat to the health or safety of people and will not increase the risks of alluvial fan hazards on or off the site and meet the reasonable use standards as set forth in WCC 16.16.270.

B. Roads, utilities, bridges, and other infrastructure that are located and designed to minimize adverse impacts on critical areas and avoid the need for channel dredging or diking or other maintenance activities that have the potential to substantially degrade river and stream functions.

C. Permanent residential structures and commercial developments shall be allowed in alluvial fan hazard areas only if the fan has undergone a County-approved study to assess potential hazards, determine risks, and identify mitigation measures and is deemed suitable for development. The technical administrator shall make this determination based on a detailed assessment by a qualified professional that identifies the risks associated with a 500-year return period debris flow or the maximum credible event that could impact the alluvial fan.

D. Accessory structures not involving human occupancy shall be allowed as long as the structure will not increase the alluvial fan hazards on or off the site.

Staff Response: Staff has no objection to changing “have no” to “minimize the” in subsection (A).

Staff recommends leaving the “on or” language in subsections (A) and (D) as is. It’s hard if not impossible to minimize alluvial fan (or erosion) risks off-site if not minimizing them on-site. Furthermore, Whatcom County has spent a lot of money in the Jones Creek and Canyon Creek areas trying to remedy past practices of allowing inappropriate development on those alluvial fans.

(Note: CM Brenner makes this suggestion in 16.16.355(A)(1) and 16.16.375(B) as well.)

Article 4, Frequently Flooded Areas

ITEM 18 (Issue 218) (Brenner)
In 16.16.420 (Frequently Flooded Areas – General Standards), CM Brenner suggests the following edits:

16.16.420 Frequently Flooded Areas – General Standards.
A. All development shall conform to the provisions of WCC Title 17, Flood Damage Prevention, and the applicable provisions of this chapter.
B. Development within frequently flooded areas shall be allowed only when it is consistent with all of the following:
   a. FEMA’s National Flood Insurance Program (NFIP), including the protection standards for critical habitats for listed species;
   b. The mitigation sequence in WCC 16.16.260;
   c. Article 7, Habitat Conservation Areas, of this chapter;
d. The applicable general protective measures found in WWC 16.16.265.

C. The technical administrator shall have the authority to require a habitat assessment, and if necessary, a mitigation plan prepared by a qualified professional, in accordance with the FEMA Regional Guidance for the Puget Sound Basin and mitigate for adverse impacts to the ecological functions of Frequently Flooded Areas, provided, that such mitigation shall be consistent and compatible with the goal of protecting health and safety and minimizing risks to property.

Staff Response: Staff recommends leaving the language as is so as to comply with NOAA Fisheries Service’s Biological Opinion (BiOp) on FEMA’s National Flood Insurance Program (NFIP). Council chose this method of complying with the BiOp in 2011.

ITEM 19 (Issue 219) (Brenner)
In 16.16.430 (Review and Report Requirements), subsections (C) & (F), CM Brenner suggests the following edits:

C. In addition to the requirements of WCC 16.16.225, critical areas assessment reports for frequently flooded areas shall:
   1. Identify any federally listed species and associated habitats, and demonstrate that no harm will occur to such species or habitats as a result of development (inclusive of mitigation) will minimize impacts within frequently flooded areas.
   2. Address adverse impacts to ecological functions and processes, including riparian vegetation. Positive impacts may also be discussed.
   3. Include mitigation for adverse effects on Frequently Flooded Areas’ ecological functions, where applicable.

F. Critical areas assessment report requirements may be waived for single-family developments and structures accessory to agricultural uses when the technical administrator and the public works department determine that no adverse impacts or they will minimize risks to life, property, or ecological functions will occur.

Staff Response: Staff recommends leaving the language as is so as to comply with the BiOp, which under the Endangered Species Act, requires that listed species are not harmed, not that impacts are minimized.

Article 6, Wetlands

ITEM 20 (Issue 220) (Brenner)
In 16.16.430 (Review and Report Requirements), but in subsection (F), CM Brenner suggests the following edits:

In 16.16.640 (Wetland Buffer Reduction), subsection D, CM Brenner suggests the following edit:

D. The applicant implements all reasonable measures to reduce minimize the adverse effects of adjacent land uses and ensure no net loss of buffer functions and values. Such measures may include, but are not limited to, the following:

Staff Response: Staff has no objection to this amendment.
Article 7, Habitat Conservation Areas

ITEM 21 (Issue 221) (Brenner)
In 16.16.700 (Purpose), subsection D, CM Brenner suggests the following edit:

A. Maintain the natural geographic distribution, connectivity, and quality of fish and wildlife habitat and minimize loss of such important habitats, including cumulative impacts.

Staff Response: Staff recommends sticking with “ensure no net,” as this is what we are required to do under the GMA.

ITEM 22 (Issue 222) (Brenner)
In 16.16.710 (Habitat Conservation Areas – Designation, Mapping, and Classification), subsection (C)(1)(b), CM Brenner suggests the following edit:

b. Ditches or other artificial water courses are considered streams for the purposes of this Chapter. when:
   (i) Used to convey natural streams existing prior to human alteration; and/or ,
   (ii) The waterway is used by anadromous or resident salmonid or other resident fish populations; and,
   (iii) Flows directly into shellfish habitat conservation areas.

Staff Response: Staff recommends sticking with “or” as these are the same criteria used by WDFW in regulating streams v. ditches, and regardless of our language WDFW would still consider them streams.

ITEM 23 (Issue 223) (Brenner)
In 16.16.710 (Habitat Conservation Areas – Designation, Mapping, and Classification), subsections (2), (3), and (5), CM Brenner suggests the following edits:

2. Areas in which federally listed species are found, or have a primary association with, contain suitable habitat for said listed species, as listed in the US Fish & Wildlife’s Threatened & Endangered Species List or Critical Habitat List (http://ecos.fws.gov/ecp/), as amended.

3. Areas in which state listed priority species are found, or have a primary association with, contain suitable habitat for said listed species, as listed Washington Department of Fish and Wildlife’s Priority Habitats and Species list (http://wdfw.wa.gov/mapping/phs/ or http://wdfw.wa.gov/conservation/phs/list/), as amended.

5. Areas in which state listed rare plant species are found, or contain suitable habitat for said listed species, as listed in the Department of Natural Resources’ Natural Heritage Program (http://www1.dnr.wa.gov/nhp/refdesk/plants.html), as amended.

Staff Response: Staff recommends retaining the Planning Commission recommended language, as these are the same criteria used by WDFW and USFWS.

ITEM 24 (Issue 224) (Brenner)
In 16.16.720 (Habitat Conservation Areas – General Standards), subsection (J)(4), CM Brenner suggests the following edit:
4. Private trails shall not exceed 5-8 feet in width, and public trails shall not exceed 10 feet in width, and shall be made of pervious material or on an elevated structure where feasible. Trails may include limited viewing platforms that shall not exceed 12-8 feet in width and shall be made of pervious materials where feasible.

**Staff Response:** Staff has no issue with these edits, as the ADA only requires a clear tread width of 36 inches (3 feet) (though does require a passing lane at least every 1000' where trail width is less than 60'' (5 feet)).

**ITEM 25 (Issue 225) (Brenner)**

In 16.16.760 (Habitat Conservation Areas – Mitigation Standards), subsection (B)(4), CM Brenner suggests the following edit:

4. Mitigation shall be provided on-site whenever feasible. Off-site mitigation in a location that will provide a greater ecological benefit to the species and/or habitats affected and have a greater likelihood of success may be accepted at the discretion of the Technical Administrator. Mitigation shall occur as close to the impact site as possible. As mitigation is moved further away from the impacted habitat the Technical Administrator may increase the amount of mitigation required. If offsite mitigation is proposed, the applicant must demonstrate through an alternatives/ mitigation sequencing analysis (WWC 16.16.260) that the mitigation will have greater equal ecological benefit.

**Staff Response:** Staff recommends sticking with “greater” in this instance. For one, the 2nd sentence already says it must have a greater benefit (though that too could be amended if Council agrees with CM Brenner). But more importantly, our (and the Department of Ecology’s) regulatory system is set up to encourage impacts to an area be mitigated in that area (i.e., on-site) so as to continue to protect the functions and values of the critical areas in that specific area. We allow offsite mitigation only when a bigger ecological benefit can be achieved.

**Article 8, Conservation Program on Agriculture Lands**

**ITEM 26 (Issue 226) (Brenner)**

In 16.16.814 (Exemptions), subsection (3), CM Brenner suggests that the exemption threshold for having to obtain a farm plan be 1 animal unit/1 acre rather than the current 1 au/3 ac.

**Staff Response:** This issue is addressed above under the heading “CPAL Exemption Thresholds.”

**ITEM 27 (Issue 227) (Brenner)**

In 16.16.820 (Classification and Applicability), subsection (D), CM Brenner asks why row and berry crops or orchards do not qualify for Type 1 Conservation Farm Plans (CFP).

**Staff Response:** Farms with row and berry crops or orchards do not qualify for Type 1 CFPs because they typically use more fertilizers, pesticides, herbicides and other chemicals that require more expertise in developing and implementing BMPs than the simpler self-developed “hobby farm” Type 1 CFPs.

**ITEM 28 (Issue 228) (Brenner)**

In 16.16.830 (Conservation Farm Plans – General Standards), subsection (B)(4), CM Brenner asks why a farm plan cannot recommend or authorize the conversion of land to agricultural use.
Staff Response: By state law and upheld by Growth Management Hearings Board decisions and court cases, all new agriculture must comply with the standard requirements of the CAO. Converting land to ag use is by definition new ag. The CPAL program only applies to ongoing (“grandfathered”) agriculture.

ITEM 29 (Issue 229) (Brenner)
In 16.16.850 (Preparation and Approval of Conservation Farm Plans), subsection (A), CM Brenner suggests that the Whatcom Conservation District be authorized to approve Conservation Farm Plans, rather than the County (i.e., the Technical Administrator).

Staff Response: Staff recommends against. The County cannot nor should not abrogate to another entity its authority or responsibility to determine compliance with its codes. Nevertheless, we do rely on the WCD and their expertise in determining compliance.

ITEM 30 (Issue 230) (Brenner)
In 16.16.870 (Limited Public Disclosure), subsection (C), CM Brenner says “no” to the requirement that PDS make available a list of which farms have approved Conservation Farm Plans and their date of approval.

Staff Response: This is a requirement that Council added.

Article 9, Definitions

ITEM 31 (Issue 231) (Brenner)
For “clearing,” CM Brenner suggests the following edit:

“Clearing” means destruction removal of vegetation by manual, mechanical, or chemical methods resulting in exposed soils.

Staff Response: Staff recommends leaving the word “destruction.” The amendment to this definition was proposed to match that of Title 20 (we’re in the process of trying to standardize our codes). The existing CAO definition uses the word “removal,” but goes on to specify that that term can mean any number of means of destroying vegetation.

“Clearing” means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

Using the word removal without that clarification could lead to an instance where someone destroys a bunch of vegetation, but leaves it onsite, thereby not strictly “removing” it.

ITEM 32 (Issue 232) (Brenner)
For “feasible,” CM Brenner suggests the following edit:

“Fish and wildlife habitat conservation areas” are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the
likelihood that the species will persist over the long term. These areas may include, but are not limited
to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including
seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative
population density or species richness. Counties and cities may also designate locally important habitats
and species. “Fish and wildlife habitat conservation areas” does not include such artificial features or
constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches
that lie within the boundaries of, and are maintained by, a port district or an irrigation district or
company.

Staff Response: Staff recommends leaving the word “may,” as this definition comes straight from WAC
365-190-030.

ITEM 33 (Issue 233) (Brenner)
For “feasible,” CM Brenner suggests the following edit:

“Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding,
earthquake, or other geological events, are not less suited to the siting of commercial, residential, or
industrial development consistent with public health or safety concerns.

Staff Response: Staff recommends leaving the word “not,” as this definition comes straight from RCW
36.70A.030(9).

ITEM 34 (Issue 234) (Brenner)
For “overnight accommodations,” which talks about allowing more than 10 persons to sleep overnight,
CM Brenner asks, “what about less than 10?”

Staff Response: Staff recommends deleting this definition, as it refers to a phrase that was used in
earlier draft versions of the volcanic (lahar) hazard zone regulations. Council has developed their own
regulations that no longer use this phrase so it can be deleted.

ITEM 35 (Issue 235) (Brenner)
Under “qualified professional,” the definition states that for performing a tree risk assessment one
needs to be a certified arborist or certified tree professional with a current ISA Tree Risk Assessment
Qualification, and CM Brenner asks whether a forester would qualify.

Staff Response: Yes, a forester would qualify as long as they are a certified tree professional with a
current ISA Tree Risk Assessment Qualification.
Emails from Whatcom Conservation District re: Conservation Farm Plan Thresholds

From: George Boggs <GBoggs@whatcomcd.org>
Sent: Tuesday, October 03, 2017 3:58 PM
To: Cliff Strong
Cc: Corina Cheever
Subject: RE: NRCS Standard

Thanks for the clarification Cliff.

As I recall, the 1 au/grazable acre that made it into the code was a Council policy call. While the District provided information that an acre of pasture could support/utilize more animal units (as per Corina’s & Kristen’s analysis), that Council didn’t feel comfortable including it in the standard farm plan option. This was a simplified pathway which did not require much any expertise as the landowner could do on their own. Landowners were not limited to 1 au/acre. If they wanted a greater density then they had to go the “custom” plan pathway. This afforded more complex protection alternatives. A custom plan could only be prepared by a qualified professional. That professional would complete the assessment with a more knowledgeable eye and expertise in adopting practices that adequately protected groundwater. Pasture management and nutrient management specifications would serve to protect groundwater.

I hope this history helps.

Cheers

Geo

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From: Cliff Strong [mailto:CStrong@co.whatcom.wa.us]
Sent: Tuesday, October 03, 2017 3:32 PM
To: George Boggs <GBoggs@whatcomcd.org>
Cc: Corina Cheever <CCheever@whatcomcd.org>
Subject: RE: NRCS Standard

I agree with everything you’ve said, George. The question came up as part of the youth program exemption issue. We had suggested that Council just adopt one of our policies, which exempts the “dust” you mentioned, as follows:

(From my memo I gave them)

At your 9/12/17 workshop staff had suggested codifying PDS Policy PL1-85-004Z CPAL – Animal Threshold, Resource Priority as a way to address those with few animals. Council indicated that this wasn’t exactly what you were looking for in terms of exempting youth agricultural clubs. Nonetheless, it may still be a good idea to codify that policy, to read (amended since the last version):
16.16.814 Exemptions.
The following are exempt from having to obtain a Conservation Farm Plan:
A. Landowners who do not have critical areas on their property.
B. Landowners who keep agricultural activities out of the standard critical areas and their buffers.
C. Landowners who do not exceed a ratio of 1 animal unit per 3 grazable acres and manage their animals to avoid a direct discharge of sediment or fecal matter to surface waters. Indicators of direct discharge can include de-vegetated riparian area, unfenced access to a stream, or animal confinement areas adjacent to surface waters. This is a ratio of animal units to grazable acres and may be used on parcels of any size.
D. Youth agriculture education programs that promote the use of agriculture best management practices through the use of a checklist developed by the Whatcom County Conservation District in cooperation with Whatcom County.

Staff also recommends adding the following definition to 16.16.900 Definitions:

"Grazable acres" means both pasture and hayland as described in the Whatcom County Standard Farm Conservation Planning Workbook.

Some questions about exempting kids’ clubs arose, such as:

1. What if the kids have more than 1 animal unit? Or what if they have less than 3 acres on which to raise their animals?
   
   **Response:** This has been addressed in the revised language above.

2. What should the upper limit on the number of exempted animals be?
   
   **Response:** Council did not provide any direction this question. However, staff suggests 6 animal units as proposed in the revised language above.

3. What if someone just says their animals are their kids’ 4H (or other club’s) project to get out of having to comply with the code?
   
   **Response:** There was general talk of having the kids have to read some educational materials and sign something attesting that it’s a club project and promising to use BMPs, to which staff responded that that basically sounds like preparing a Type I Conservation Farm Plan (3 pages, self-filled, and free through the Whatcom Conservation District or Planning and Development Services).

4. Why would we exempt a certain class of people (kids in clubs) but not others with a small amount of animals? That doesn’t seem fair.
   
   **Response:** Adopting the proposed 16.16.814 section above would treat all people in the same situation similarly.

Council then asked the ag representatives in the room to come up with some proposed language.

By the time of the meeting the ag reps hadn’t come up with language, so they approved the above language. However, some of them thought we should allow more animals per acre in this exemption, and wanted to know where the 1 au/ grazable acre came from. I could have sworn you’d said it was the standard used, where nutrients are balanced.
Thanks,

Cliff Strong  
Senior Planner  
Whatcom County Planning & Development Services

From: George Boggs [mailto:GBoggs@whatcomcd.org]  
Sent: Tuesday, October 03, 2017 2:41 PM  
To: Cliff Strong  
Cc: Corina Cheever  
Subject: RE: NRCS Standard

Hi Cliff,

We are not trying to make this hard for you.

First, don’t use the table for low productivity/high organics soil. The situations are few and far between and likely temporary. The easy fix is to renovate the pasture and engage in pasture management. It is an exceptional situation around which I would not craft an exemption.

Second, when you ask for a “threshold, below which one wouldn’t have to prepare a Conservation Farm Plan” we need to remember that there are other critical areas to be protected. Stocking rates, nutrient and pasture management protect CARAs. Other practices, like setbacks, protect riparian and wetland areas.

Third, I don’t believe we truly understand what types of operations you are thinking about. If this is the youth program exemption? If so, I am personally challenged to limit any of them on the basis of excess nutrients. Compared to all the livestock in Whatcom County, they are budget dust.

Finally, the County has exercised limited jurisdiction i.e. only requiring a farm plan when a permit is sought or County Inspectors actually see an animal(s) from the road where there it is clearly in a CAO. Regardless of who is keeping the animals (youth or adults) then an exemption should not shield them from observing standard buffers or developing and following the standard farm plan. In other words, it seems improvident to require more than one is willing to insist upon.

Cheers

George J. Boggs, JD

Executive Director  
Whatcom Conservation District  
P (360)526-2381 x 115  C (360)815-5342  
www.whatcomcd.org

The contents of all e-mail transmissions to and from this office may be considered public and subject to the provisions of the Washington State Public Records Act (RCW 42.56 et seq.)

From: Corina Cheever  
Sent: Tuesday, October 03, 2017 2:12 PM  
To: Cliff Strong <CStrong@co.whatcom.wa.us>
Cc: George Boggs <GBoggs@whatcomcd.org>
Subject: RE: NRCS Standard

I am going to start with the first 3 questions:

What does it mean to be a low v. high Nutrient Retention Scenario? Nutrient retention is referring to how the manure is stored prior to application, assuming collection when animals are not pastured in the winter months. Low nutrient retention would be a manure pile that is subject to run off and leaching (uncovered stock pile) and a high nutrient retention is manure which has been composted.

And what’s a low v. high productivity pasture? A low productivity pasture would probably be a field with poorer soils and/or less management which is not applying nutrients to meet the crop needs, so around 2 tons of forage production per year. A high productivity pasture tends to be a field with higher quality soils or a site where the landowner is actively managing pastures to maintain 3 inches of forage minimum and applying nutrients/fertilizers to meet the crop needs. 5 tons/acre is really pushing the productivity of a pasture.

Are these just based on soil type? No, the nutrient balance we do for each farm field is based on may factors including animal type, soil type, percent of time the animal spends on the pasture, how the manure is stored when the animal is off the pasture, the productivity of the pasture, and other factors.

And one last scenario in which the situation was manipulated to solve for 3 acres per horse, you have a combination of factors that although we can type in, would be very unlikely in real life. So here you have a situation of a high organic soil with high soil mineralization (Nitrogen available in the soil), application of composted manures and a low productivity pasture. In this scenario, your 1 horse would be producing 273% (3x the N needed) of Nitrogen needed for the pasture, so you would need more than 1 acre. But again, this is a very unlikely situation.

For a low productivity pasture (2 tons/acre), high organics soil

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>% Nutrient Need Supplied By Animal Low Nutrient Retention Scenario</th>
<th>% Nutrient Need Supplied By Animal High Nutrient Retention Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horse</td>
<td>N – 133%, P – 121%, K – 29%</td>
<td>N – 273%, P – 139%, K – 34%</td>
</tr>
<tr>
<td>Beef (Medium Breed)</td>
<td>N – 155%, P – 211%, K – 73%</td>
<td>N – 378%, P – 242%, K – 85%</td>
</tr>
</tbody>
</table>

Does this answer your first three questions and help you understand how we are creating these scenarios to try and represent a more complex nutrient balance question?

Thanks,

Corina Cheever
Whatcom CD
360.526.2381 x104

From: Cliff Strong [mailto:CStrong@co.whatcom.wa.us]
Sent: Tuesday, October 03, 2017 1:37 PM
To: Corina Cheever <CCheever@whatcomcd.org>
Cc: George Boggs <GBoggs@whatcomcd.org>
Subject: RE: NRCS Standard

Hey Corina, thanks. Just a few questions.
• What does it mean to be a low v. high Nutrient Retention Scenario?
• And what’s a low v. high productivity pasture?
• Are these just based on soil type?

We’re basically trying to come up with a ratio of AU/gazable acre that could be used as a threshold, below which one wouldn’t have to prepare a Conservation Farm Plan. What would the WCD recommend that ratio be?

Thanks,

Cliff Strong
Senior Planner
Whatcom County Planning & Development Services

From: Corina Cheever [mailto:CCheever@whatcomcd.org]
Sent: Tuesday, October 03, 2017 1:29 PM
To: Cliff Strong
Cc: George Boggs
Subject: RE: NRCS Standard

Hi Cliff,

I am also not sure where the 1AU/3 grazable acres was documented, but back in June, we used an NRCS grazing tool to calculate some different pasture scenarios that might be of help to you. These scenarios provide nutrient balance minimum and maximum estimates based on a 1000lb horse verse a 1000lb beef cow. (1000lb = 1 Animal Unit) Manures from different animals have different nutrient values. We chose a horse and beef cow because those animals are most representative of what is being pastured in Whatcom County. Pastures are also not uniform across the county, so we duplicated the scenarios for a range of soil types and management levels.

For a low productivity pasture (2 tons/acre):

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>% Nutrient Need Supplied By Animal Low Nutrient Retention Scenario</th>
<th>% Nutrient Need Supplied By Animal High Nutrient Retention Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horse</td>
<td>N – 30%, P – 121%, K – 29%</td>
<td>N – 61%, P – 139%, K – 34%</td>
</tr>
<tr>
<td>Beef (Medium Breed)</td>
<td>N – 35%, P – 211%, K – 73%</td>
<td>N – 84%, P – 242%, K – 85%</td>
</tr>
</tbody>
</table>

For a high productivity pasture (5 tons/acre):

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>% Nutrient Need Supplied By Animal Low Nutrient Retention Scenario</th>
<th>% Nutrient Need Supplied By Animal High Nutrient Retention Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horse</td>
<td>N – 12%, P – 49%, K – 12%</td>
<td>N – 24%, P – 56%, K – 14%</td>
</tr>
<tr>
<td>Beef (Medium Breed)</td>
<td>N – 14%, P – 84%, K – 29%</td>
<td>N – 34%, P – 97%, K – 34%</td>
</tr>
</tbody>
</table>

*N-nitrogen P-phosphorus and K-Potassium
*Nutrient retention is referring to how the manure is stored prior to application, assuming collection when animals are not pastured in the winter months.

What these tables show is the amount of nutrients provided per 1000lb of horse or beef per acre. In Whatcom County, our NRCS standard is to assess each field for its susceptibility of phosphorus runoff or leaching. The majority of these assessments across the county come back low, especially for smaller non-commercial farms so we do nutrient balance based on balancing for Nitrogen.
So taking the first example of a 1AU horse on a low productivity pasture, that horse manure is providing only 30% of the nitrogen needs of the forage crop. So in this scenario, you could have roughly 3 horses per grazable acre and still balance for Nitrogen needs of the low productivity pasture.

I am not sure if this is the kind of help you were looking for, but please email or call if you have more questions. I would be happy to talk through more of these scenarios or the NRCS nutrient balance tool we use.

Corina Cheever
Natural Resource Specialist
Whatcom Conservation District
360-526-2381 ext. 104
www.whatcomcd.org

From: George Boggs
Sent: Monday, October 02, 2017 4:35 PM
To: Cliff Strong <CStrong@co.whatcom.wa.us>
Cc: Corina Cheever <CCheever@whatcomcd.org>
Subject: FW: NRCS Standard

Hi Cliff,

I’ve been swamped. Corina is back from training. I am asking her to help. I don’t know where the 1:3 ratio came from. In the last CAO update is was 1:1 for grazable acres the standard farm.

Geo

From: Cliff Strong [mailto:CStrong@co.whatcom.wa.us]
Sent: Wednesday, September 27, 2017 9:05 AM
To: George Boggs <GBoggs@whatcomcd.org>
Subject: NRCS Standard

Hey George, yesterday the Council asked that I provide them with the documentation that shows that the nutrient balance is maintained at the standard of 1 animal unit/3 grazable acres. Could you point me in the right direction?

Thanks,

Cliff Strong
Senior Planner
Whatcom County Planning & Development Services
October 30, 2017

**VIA U.S. MAIL AND EMAIL**

Barry Buchanan  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*bbuchanan@co.whatcom.wa.us*

Ken Mann  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*kmann@co.whatcom.wa.us*

Carl Weimer  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*cweimer@co.whatcom.wa.us*

Rud Browne  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*rbrowne@co.whatcom.wa.us*

Todd Donovan  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*tdonovan@co.whatcom.wa.us*

Satpal Sidhu  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*ssidhu@co.whatcom.wa.us*

Barbara Brenner  
Whatcom County Councilmember  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
*bbrenner@co.whatcom.wa.us*


Dear Councilmembers:

I write, again, on behalf of the Mt. Baker Bibleway Camp (the "Camp"). I greatly appreciate that you took the time during your October 24, 2017 Committee of the Whole meeting to discuss my previous suggested changes to the proposed WCC 16.16.350 so that I could communicate the changes I intended by my prior revisions and to understand the concerns you had with my wording. As promised, below are proposed revisions to the Critical Areas Ordinance that meet the Camp’s concerns and, I hope, likewise meets some Councilmembers’ concerns with my prior suggested revisions.

The Camp proposes the following revisions to the current CAO draft ordinance:
16.16.320 Geologically Hazardous Areas – General Standards.
In addition to the applicable general protective measures found in WWC 16.16.265, the following requirements shall apply to all activities in geologically hazardous areas:

A. **Generally.** New developments shall be located and/or engineered and constructed to reduce risks to life, health, safety, and buildings, and not increase potential for landslides or erosion that could impact either other properties, public resources, or other critical areas. The County may impose conditions on development activity in a geologically hazardous area as needed to:
   1. Protect human life and safety; and
   2. Minimize the potential for property damage related to seismic events, erosion and/or landslides;
   3. Minimize the need for stream or river bank or coastal bluff stabilization in the future;
   4. Reduce public liabilities for damages associated with geologic hazards;
   5. Protect slope stability and minimize erosion, seismic, and/or landslide hazard risks;
   6. Maintain natural sediment and erosion processes that are integral to the health and sustainability of freshwater and marine ecosystems as well as minimizing impacts to stream, river, and coastal processes such as channel infill, channel migration, sediment transport, or flooding;

B. **Impact Avoidance.** Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; implementing special engineering methods for construction, drainage, runoff management etc.; foregoing construction of accessory structures; preserving native vegetation; and other feasible protective measures as determined by an alternatives analysis. For some geologic hazards (except for lahar hazards) impact avoidance may mean no development will be permitted on a property. **So long as an applicant complies with WCC 16.16.350(B), the County shall not be permitted to require impact avoidance measures that reduce the number, size, or scale of buildings, driveways and other features; require the owner to forego construction of accessory structures; or prevent uses otherwise allowed per the property’s zoning district based solely on the property’s location within a lahar hazard zone.**

C. **Location of Alterations.** New development shall be directed toward portions of a parcel or parcels under contiguous ownership that are not subject to, or at risk from, geological hazards (except for lahar hazards) and/or are outside any setback or buffer established by this Chapter.

AND

16.16.350 Volcanic Hazard Areas – Standards

B. **Lahar Hazard Zones.**
1. Subject to WCC 16.16.320(A, B, and C) and WCC 16.16.265, the following uses are allowed in any volcanic hazard areas:
   b. Accessory structures not involving human occupancy.
   c. Sewer collection facilities, communication facilities, and other utilities that are not likely to cause harm to people or the environment if inundated by a lahar. Underground utilities such as pipelines shall be allowed if demonstrated through a geotechnical analysis to be sufficiently buried as to not likely be damaged by scour caused by a lahar.
   d. Agricultural and forestry uses not including human habitation.

2. Subject to WCC 16.16.320(A, B, and C) and WCC 16.16.265, the following uses may shall be allowed in volcanic hazard areas subject to the submittal and approval of a Volcanic Hazard Emergency Management Plan meeting the requirements of subsection (B)(3); however, this requirement may be waived for properties located in an area with an estimated lahar arrival time of more than 60 minutes. The County will maintain travel time projection maps to estimate lahar approach times.
   b. All other uses allowed per the property’s zoning district.

3. Where required by subsection (B)(2), a Volcanic Hazard Emergency Management Plan shall be submitted for approval and meet the following requirements:
   a. Is consistent with and integrated into a community emergency plan maintained by the Sheriff’s Office of Emergency Management.
   b. Includes an emergency evacuation plan.
   c. Is required to be updated every 5 years.
   d. Evacuation route maps must be posted on the premises.

The above suggested revisions to WCC 16.16.320(B) would clarify that an applicant’s right to construct buildings on their property would not be restricted or minimized by virtue of being located within a lahar hazard zone so long as they complied with WCC 16.16.350, i.e. obtained the required emergency plan. This addresses the Camp’s concern that it be able to utilize its property for the zoned uses while at the same time keeps in place all of the County Council’s desired notice on title, indemnification, evacuation planning, and evacuation notice provisions firmly in place.

Please contact me at your earliest convenience if you would like to discuss this suggested language.
Sincerely,

CHMELIK SITKIN & DAVIS P.S.

[Signature]

Seth A. Woolson

SAW/srs
cc:  Client
     Cliff Strong
     Mark Personious
     Tyler Schroeder (tschroed@co.whatcom.wa.us)
     Jack Louws (jlouws@co.whatcom.wa.us)
ORDINANCE NO. 2017 —

ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY CRITICAL AREAS

WHEREAS, the Whatcom County Comprehensive Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the State Growth Management Act (GMA) includes goals and requirements to guide the development and adoption of comprehensive plans and development regulations including requirements to designate and protect environmentally critical areas; and

WHEREAS, the County has considered those goals, policies, and requirements in development of the proposed Whatcom County Code amendments related to critical areas, and, has considered other state requirements, law, rules, guidelines, and agency comments; and

WHEREAS, the County researched and assessed the experience of other jurisdictions in regard to standards and requirements for regulating critical areas, undertook a Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Whatcom County Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the County has been provided feedback on draft work products and guidance from members of the public, County staff, the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology, the Washington State Department of Commerce, the Lummi Nation, the Nooksack Indian Tribe, other stakeholders and experts, the Whatcom Planning Commission, and elected and appointed officials during the development of the recommended code amendments; and

WHEREAS, in developing this ordinance, the County has followed the GMA’s requirements, including to provide “early and continuous public involvement” through a variety of mechanisms described in the public record; and

WHEREAS, the County has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the public record; and

WHEREAS, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Commerce and to other State agencies on February 2, 2016, for a 60-day review and comment period in accordance with State law; and

WHEREAS, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on March 17, 2016, in the Bellingham Herald; and
WHEREAS, the Planning Commission held a total of 7 public meetings to consider the proposed amendments, which included two public hearings, one on May 12 and one on June 12, 2016, with deliberations throughout these meetings; and

WHEREAS, the Planning Commission has provided a recommendation to the County Council related to the proposed amendments; and

WHEREAS, the County Council held 18 study sessions on the proposed amendments between September 20, 2016 and September 26, 2017; and

WHEREAS, the County Council held an initial public hearing on October 25, 2016 and a final public hearing on October 24, 2017, both of which were duly noticed on the County's website and the Bellingham Herald; and

WHEREAS, the County Council has considered the recommendation of the Technical Advisory Committee, Citizens Advisory Committee, the County Planning Commission, and the public comments received; and

WHEREAS, the County Council has reviewed and considered a variety of information sources including Best Available Science materials, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the County Council; and

WHEREAS, the County Council desires the proposed amendments to be effective throughout the county, including within the shoreline jurisdiction, a concurrent Shoreline Master Program amendment has been prepared for submittal to the State Department of Ecology for approval;

WHEREAS, based upon the foregoing process, the County Council has made the following Findings of Facts and Conclusions:

**General Findings**

1. The Growth Management Act requires critical areas to be designated and protected and to include and be informed by BAS when developing critical areas regulations. RCW 36.70A.

2. Critical areas include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.

3. The Whatcom County has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.

4. Unregulated development may result in cumulative impacts to those functions and values of critical areas that contribute to and are necessary for a healthy natural environment and perceived quality of life.

5. The unregulated development of residences, businesses, shopping areas and other structures, and the clearing of land for accommodation of livestock and for such development all have the potential of adversely and significantly impacting the functions and values of critical areas.

6. The unregulated development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

7. It is more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.
8. In determining what critical areas are to be afforded a particular degree of protection, Whatcom County has evaluated a wide range of the best science available with respect to the critical areas to make informed decisions that meet the intent of the Growth Management Act and that are also reflective of local needs.

9. The sources of this best available science that were evaluated and included in this ordinance are contained in Exhibit B: *Whatcom County Critical Areas Ordinance Best Available Science Review and Recommendations for Code Update, 2005*, and Exhibit C: *Whatcom County Critical Areas Ordinance 2017 Update – Best Available Science Review: Addendum to the 2005 BAS Report*.

10. Protection standards for one critical area often provide protection for one or more other critical areas.

11. Critical areas may also be protected by other actions by the County, such as stormwater management standards, clearing and grading regulations, critical area restoration, and public education; and from other regulations, such as the Forest Practices Act, the Shoreline Management Act, the State Environmental Policy Act, and others.

12. The U.S. Constitution prohibits the taking of private property without just compensation.

13. The proposed regulations for critical areas are sufficient and appropriate to protect the functions and values of those areas consistent with the Whatcom Comprehensive Plan and Growth Management Act.

14. The amendments hereafter set forth address requirements related to development in and near environmentally critical areas including environmentally critical areas buffers, performance standards, mitigation requirements, exemptions and exceptions.

15. The amendments serve to further implement the Comprehensive Plan, and provide protection for critical areas that is consistent with BAS and with providing options and development flexibility, and are in the public interest.

16. The critical areas regulations continue to allow for reasonable use of property to ensure that such regulations do not infringe on constitutional private property rights.

17. The public record demonstrates that the amendments were developed through a review of the BAS literature available to the County for review and consideration.

18. The County has followed the GMA’s requirements for public involvement and for including and considering BAS in modification of the regulations for critical areas.

19. The public testimony provided to the County included both support for the proposed amendments and suggestions for modifications.

20. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the County’s requirement to protect critical areas and to consider the planning goals of the GMA, while recognizing public and private interests.

**Wetlands**

21. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include but are not limited to: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations, these functions cannot be adequately replicated or replaced.
22. The scientific literature supports the inclusion of protective buffers adjacent to wetlands to provide refuge to wetland dependent species, moderate water level fluctuations, and sediment and nutrient filtration functions.


24. The scientific literature supports the inclusion of protective buffers of relatively intact native vegetation from wetlands to adequately protect functions and values.


**Critical Aquifer Recharge Areas**

26. WAC 365-190-080 defines wellhead protection areas, sole source aquifers, special protection areas, and other areas that are susceptible or vulnerable to ground water contamination as areas with a critical recharging effect on aquifers used for potable water (also referred to as critical aquifer recharge areas).

27. Potable water is an essential life-sustaining element.

28. Much of the County’s drinking water in rural areas comes from groundwater supplies.

29. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up.

30. Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.

31. The County has used *Guidance Document for Establishment of Critical Aquifer Recharge Area Ordinances*, by Ecology, 2000, which includes scientific recommendations for protecting ground water, including limiting certain uses and the intensity of development in critical aquifer recharge areas.

**Frequently Flooded Areas**

32. Flood hazard areas are subject to periodic inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

33. These flood losses are caused by development in areas prone to inundation that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

34. Floodplain and stream connectivity are major elements in maintaining healthy riparian habitat and off-channel habitats for the survival of fish species and conveyance of floodwaters. If river, floodplains, and other systems are not viewed holistically as biological, geomorphological units, this can lead to serious degradation of habitat and increase flood hazards, which in turn can
contribute to listing of various fish species as threatened or endangered and result in extraordinary public expenditures for flood protection and relief.

35. Frequently flooded areas, including the 100-year floodplain and the floodway, are commonly mapped on flood insurance maps, often known as Flood Insurance Rate Maps, or FIRMs.

**Geologically Hazardous Areas**

36. Geologically hazardous areas are subject to periodic geological events that result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

37. Geologic hazards may be exacerbated by development and human activity in sensitive areas, and impacts resulting from geologic hazards may be reduced by limiting development and human activity within or adjacent to the geologic hazard.

38. Some geologic hazards may be intensified during periods of consistent or heavy rainfall that results in ground saturation or surface water drainage flows.

39. Regarding amendments to the section on Volcanic Hazard Areas, in particular potential lahar hazards, Council finds:

   a) Based on observable deposits only one far-reaching lahar is known to have impacted the lower reaches of the Nooksack River drainage (25-foot thick deposit preserved at the confluence of the Middle and North Fork valleys), by way of the Middle Fork Valley, since cessation of the last Ice Age approximately 11,000 to 13,000 years ago ("Middle Fork Lahar," approximately 6,500 years ago);

   b) Based on an absence of extensive lahar deposits in the North Fork Nooksack River drainage no far-reaching lahars are interpreted to have traveled down the North Fork Valley since cessation of the last Ice Age;

   c) The initiation of extensive lahars that could impact the lower reaches of the Nooksack River drainages are most commonly associated with periods of significant volcanic unrest;

   d) Periods of significant volcanic unrest may be preceded by weeks to months of advanced warnings, including increased fumarolic activity and volcanic seismicity as magma migrates through the volcanic edifice towards the ground surface;

   e) The USGS has limited monitoring equipment in place but has expressed intent to expand the volcanic monitoring network at Mt. Baker to meet the minimum standard defined by Open-File Report 2009-1165. In addition, the USGS has the ability to deploy portable monitoring arrays capable of measuring seismicity, ground deformation, fumarolic activity, and other parameters during periods of volcanic unrest that would be useful for informing emergency preparedness and evacuation planning;

   f) During periods of unrest the USGS would produce information updates, warnings, and risk estimates for the danger areas around Mt. Baker, including developing "scenario maps," which can be used to notify and warn people within the potential danger zones. During such an event communication between the USGS, State, County, emergency management organizations, and the public would be conducted in accordance with the Mount
Baker/Glacier Peak Coordination Plan, as well as local emergency preparedness plans that are to be completed;
g) The area subject to the most frequent lahar hazards are currently in the more active portion of the volcano, which include the south and east sides of Mt. Baker, in particular the area surrounding Baker Lake.
h) People visiting, working, or residing in the "lahar hazard zone" would have ample time to be warned of the increased volcanic activity and associated lahar risk and make reasoned and safe evacuations until volcanic activity quieted;
i) As an example, when Mt. St. Helens erupted in 1980, there were weeks of advance warning signs of increased activity. A large number of people evacuated the potential impact area during the lead up to that eruption. The only lives lost were due to people who refused to evacuate after receiving warnings to do so;

**Fish and Wildlife Habitat Conservation Areas**

40. Fish and wildlife habitat conservation areas perform many important physical and biological functions that benefit Whatcom County and its residents, including but not limited to: maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

41. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced.

42. The scientific literature supports the inclusion of protective buffers from streams to provide sediment and nutrient input control to downstream waters, large woody debris, and other functions important to riparian areas.

43. The Washington Department of Fish and Wildlife (WDFW) has prepared management recommendations for the preservation of priority habitat and species, which are based on the best available science, and include, in some instances, recommended protective buffer distances.

44. Kelp and eelgrass beds have been identified and mapped by the Washington State Department of Natural Resources (DNR) in some areas. Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-260. Locations for both may be found by referring to *Critical Spawning Habitat for Herring, Surf Smelt, Sand Lance and Rock Sole in Puget Sound, Washington: A Guide for Local Governments and Interested Citizens*, 2002, and the *Puget Sound Environmental Atlas*, Volumes 1 and 2.

45. Salmonid and anadromous fish may be more impacted by development and human activity during some times than others. Such times are referred to as "fish windows," which have been documented by WDFW.

46. DNR has classified watercourses according to two stream-typing systems based on channel width, fish use, and perennial or intermittent status.
47. WAC 365-190-080(5) grants Whatcom County the flexibility to make decisions in the context of local circumstances, and specifically excuses local jurisdictions from being required to protect “all individuals of all species at all time.”

Critical Area/Water Quality Related Monitoring Activities & Strategies

48. The County monitors various metrics to ensure that critical areas’ functions and values are protected. Monitoring programs include:

a) Participating in the WDFW High Resolution Change Detection Project (BAS Document #22), which measures changes in riparian vegetation cover.

b) Performing critical areas mitigation monitoring for 5 years post-permit approval to ensure mitigation success [WCC 16.16.260]

c) Participating in Puget Sound Partnership’s monitoring programs:
   (i) Puget Sound Ecosystem Monitoring Program
   (ii) Effectiveness Monitoring
   (iii) Puget Sound Vital Signs Program
   (iv) Human Wellbeing Program

d) PDS’ ongoing administrative review of consistency between CAO requirements and permit conditions to ensure staff is applying code requirements consistently and correctly

e) CPAL Conservation Farm Plan monitoring to ensure the CPAL program is working effectively [WCC 16.16.860]


g) Whatcom County Health Department’s Potable Water Well Testing Program to test new wells for contaminants in order to meet state water quality standards [http://www.whatcomcounty.us/856/Drinking-Water]


i) Participation in the nascent Nooksack-Fraser Transboundary Nitrogen Study to work cooperatively with Canada to address the transboundary issue of excess nitrogen in the aquifer.

j) Council’s formation in 2016 of the Whatcom County Wildlife Advisory Committee (WAC) to develop critical area monitoring and adaptive management program recommendations [2017 Ecosystem Report, Section VIII, Recommendations]

k) The WAC’s preparation of the Whatcom County 2017 Ecosystem Report, including and existing ecosystem baseline conditions assessment and findings.

NOW THEREFORE, THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. Adoption of amendments to Whatcom County Code Chapter 16.16 – Environmentally Critical Areas. The amendments to the Whatcom County Code as set forth in Exhibit A to this ordinance are hereby adopted.
Section 2. Adoption of Best Available Science. Exhibit C, the Whatcom County Critical Areas Ordinance 2017 Update – Best Available Science Review: Addendum to the 2005 BAS Report, is hereby adopted as the basis for those amendments made that are required to be supported by science.

Section 3. Adoption of amendments to Whatcom County Code §23.10.060(A) – Shoreline Management Program. The below amendments to WCC §23.10.060(A) are hereby adopted.

23.10.060 References to plans, regulations or information sources.

A. The Whatcom County critical areas ordinance, Chapter 16.16 WCC (Ordinance No. __________, dated __________, 2017,) is hereby adopted in whole as a part of this program, except that the permit, nonconforming use, appeal and enforcement provisions of the critical areas ordinance (WCC 16.16.270 through 16.16.285) shall not apply within shoreline jurisdiction. All references to the critical areas ordinance (CAO), Chapter 16.16 WCC, are for this specific version.

...Section 4. Codification of the regulations. The County Council authorizes the Director of Planning and Development Services and the County Clerk to correct scrivener’s errors in Attachment A, codify the regulatory provisions of the amendment to into Chapter 16.16 and §23.10.060(A) of the Whatcom County Code, and publish the amended code.

Section 5. Interpretation. The County Council authorizes the Director of Planning and Development Services to adopt administrative rules, adopt interpretations, update the County’s critical areas maps based on the amendments, and administer the amended code as necessary to implement the legislative intent of the County Council.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be published in the official newspaper of the County, and shall take effect and be in full force 10 days after the date of publication.

APPROVED this __________ day of __________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive
( ) Approved ( ) Denied

Date Signed: __________________
WHATCOM COUNTY COUNCIL
Committee Of The Whole

September 12, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:15 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Todd Donovan, Rud Browne and Barry Buchanan

Absent: Carl Weimer

COMMITTEE DISCUSSION

1. DISCUSSION WITH PUBLIC WORKS STAFF REGARDING A POTENTIAL PROPERTY ACQUISITION FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT (AB2017-018)

Attorney Present: None

2. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING PENDING LITIGATION, HIRST ET AL V. WHATCOM COUNTY, GMHB CASE NO. 12-2-0013 (AB2017-018)

Attorney Present: Karen Frakes

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(b) and discussion of agenda item two may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 2:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Browne moved to go into executive session until no later than 2:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)
OTHER BUSINESS

ADJOURN

The meeting adjourned at 1:55 p.m.

The Council approved these minutes on ______ 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Special Committee of the Whole  

September 12, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 3:40 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Todd Donovan, Rud Browne and Barry Buchanan

Absent: Carl Weimer

COMMITTEE DISCUSSION

1. CONTINUATION OF COUNCIL’S REVIEW OF THE 2016 CRITICAL AREAS ORDINANCE UPDATE (AB2016-276K) REVIEW OF CERTAIN QUESTIONS, COMMENTS, AND SUGGESTIONS BY COUNCIL MEMBERS RELATED TO ARTICLE 2, ADMINISTRATIVE PROVISIONS; ARTICLE 6, WETLANDS; ARTICLE 7, HABITAT CONSERVATION AREAS; ARTICLE 8, CONSERVATION PROGRAM ON AGRICULTURE LANDS, AND; ARTICLE 9, DEFINITIONS

Cliff Strong, Planning and Development Services Department, answered questions about the definition of “ongoing agriculture.”

Leslie Honcoop, Whatcom County Farm Bureau, stated she doesn’t approve of the restrictions on lands that have lain idle for more than five years.

Dannon Traxler, attorney, stated she represents farm groups and referenced her email to the Council. She supports Councilmember Browne’s suggestion to substitute the definition.

Linda Twitchell stated she is concerned about regulating category IV wetlands and the restrictions on lands that have lain idle for more than five years.

Councilmembers discussed the restrictions on lands that have lain idle for more than five years and the Open Space/Agriculture requirements.

Browne moved to amend the definition for ongoing agriculture:

“Agricultural Activities” means all agricultural uses and practices as defined in RCW 90.58.065 (RCW 36.70A.703). “Ongoing Agriculture Agricultural Activities” means agricultural uses and practices including, but
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not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facilities is are no closer to the shoreline critical area than the original facilities; and maintaining agricultural lands under production or cultivation. An operation ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

Brenner moved to amend 16.16.270(B)(2)(k), “...appurtenant developments include garages, decks, driveways, parking, utilities (exclusive of an on-site septic systems), and all lawn and landscaping, unless landscaping consists of native plants, with the following exceptions:....”

The motion was seconded.

Ryan Ericson, Planning and Development Services Department, stated the shoreline management plan references “ornamentals” to distinguish between native plants. He recommends similar terminology.

Strong stated he will get the specific language from the Code.

Linda Twitchell, Building Industry Association, stated they must consider impacts to small landowners and to soccer and archery fields, which are lawns.

Councilmembers discussed the lot threshold increase from 2,500 to 4,000 square feet.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

Brenner referenced items three through 14 and stated staff answered her questions on all but the following items:

• Item four regarding the survey level
• Item five regarding the availability of topographic elevation at two-foot contours
• Item ten regarding examples of areas that aren’t included

Councilmembers and staff discussed exempting agricultural youth clubs from the Conservation Program on Agriculture Lands (CPAL) program and the appropriate ratio of animal units to acres.

*Brenner moved to hold in committee and request the agriculture community to draft and bring to the Council a fair exemption policy for anyone conducting agriculture through FFA or 4H programs.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, and Buchanan (5)
Nays: Donovan (1)
Absent: Weimer (1)

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 4:45 p.m.

The Council approved these minutes on ____________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Regular County Council Meeting  
September 12, 2017

CALL TO ORDER

Council Chair Barry Buchanan 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, Todd Donovan, Rud Browne and Barry Buchanan
Absent: Carl Weimer

FLAG SALUTE

ANNOUNCEMENTS

PUBLIC HEARINGS

1. ORDINANCE AMENDING WHATCOM COUNTY CODE 8.13, SOLID WASTE DISPOSAL DISTRICT, REGARDING THE SOLID WASTE EXCISE PRIVILEGE TAX (AB2017-244)

Jeff Hegedus, Health Department, gave a staff report and answered questions.

Buchanan opened the public hearing, and the following person spoke:

Brooks Anderson spoke about reducing the amount of waste produced overall.

Hearing no one else, Buchanan closed the public hearing.

Mann moved to adopt the ordinance.

The motion was seconded.

Councilmembers spoke about the importance of these programs, existing waste reduction programs, and the definition of moderate risk waste.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)
2. ORDINANCE REPEALING WHATCOM COUNTY CODE 8.14, GARBAGE PASS-THROUGH FEE, IN ITS ENTIRETY (AB2017-245)

Jeff Hegedus, Health Department, gave a staff report.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved to adopt the ordinance.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

3. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20 ZONING AND THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO CUMULATIVE IMPERVIOUS SURFACE COVERAGE STANDARDS (AB2017-195)

Gary Davis, Planning and Development Services Department, gave a staff report.

Buchanan opened the public hearing, and the following people spoke:

Loren VanderYacht stated he worked with staff and the Planning Commission through this process, who listened and responded to his feedback. He supports the proposed ordinance.

Brad Rader stated he supports the process and the proposed ordinance.

Hearing no one else, Buchanan closed the public hearing.

Browne moved to adopt the ordinance.

The motion was seconded.

Brenner moved to amend to adopt the Planning Commission recommendation.

Councilmembers discussed which version of the proposed ordinance is less restrictive.

Brenner withdrew her motion.

Councilmembers thanked staff and the citizens who worked on the ordinance and discussed the ten percent threshold.

The motion to adopt carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, and Buchanan (5)
Nays: Donovan (1)
Absent: Weimer (1)
OPEN SESSION

The following people spoke:

- John Westerfield spoke about the impact on his property from a moratorium on wells.
- Eddy Ury, ReSources for Sustainable Communities, submitted a handout (on file) and spoke about extending the interim moratorium on new and expanded facilities at Cherry Point.
- Pam Brady, BP Cherry Point Refinery, spoke about extending the interim moratorium on new and expanded facilities at Cherry Point.
- Brooks Anderson spoke about extending the interim moratorium on new and expanded facilities at Cherry Point and water rights.
- Patrick Alesse spoke about water rights and providing services to five-acre lots.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through six.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (1)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM COUNTY TOURISM IN SUPPORT OF THE PROPOSED WAYFINDING PROJECT AS RECOMMENDED BY THE LODGING TAX ADVISORY COMMITTEE, IN THE AMOUNT OF $50,000 (AB2017-253)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND YAKIMA COUNTY TO PROVIDE HOUSING, CARE, AND CUSTODY TO WHATCOM COUNTY FOR OFFENDER HOUSING WHEN SPACE AT THE DOWNTOWN JAIL IS RESTRICTED DUE TO SIGNIFICANT INFRASTRUCTURE RENOVATION, MAINTENANCE OR REPAIRS THAT NECESSITATE CLOSING HOUSING UNITS, SUSTAINED HIGH OFFENDER POPULATION, AND/OR EMERGENCIES THAT RESULT IN THE NEED FOR OFFENDER HOUSING OFF-SITE (AB2017-254)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A FIVE-YEAR LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND JOHN VON KRUSENSTIERN FOR WAREHOUSE SPACE TO STORE COUNTYWIDE RECORDS, IN THE ANNUAL AMOUNT OF $24,338.04 (AB2017-255)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND NORTH SOUND
BEHAVIORAL HEALTH ORGANIZATION TO PROVIDE FUNDING FOR HOUSING
CASE MANAGEMENT AND SHELTER OPERATIONS SERVICES TO HOMELESS
INDIVIDUALS LIVING WITH MENTAL ILLNESS, IN THE AMOUNT OF $50,000,
FOR A TOTAL AMENDED CONTRACT AMOUNT OF $208,854 (AB2017-256)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
CONTRACT BETWEEN WHATCOM COUNTY AND NORTH SOUND BEHAVIORAL
HEALTH ORGANIZATION TO PROVIDE FUNDING FOR ACCESS TO TREATMENT
AND RECOVERY FOR OPIOID AND INTRAVENOUS DRUG USE DEPENDENCY,
IN THE AMOUNT OF $111,727 (AB2017-257)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON
STATE COUNTY ROAD ADMINISTRATION BOARD IN ORDER TO RECEIVE
ADDITIONAL RURAL ARTERIAL PROGRAM (RAP) GRANT FUNDING FOR THE
EAST SMITH ROAD PAVEMENT REHABILITATION PROJECT, IN THE AMOUNT
OF $294,300, FOR A TOTAL CONTRACT AMENDED AMOUNT OF $843,730
(AB2017-259)

OTHER ITEMS

1. ORDINANCE ESTABLISHING THE TRIAGE CENTER EXPANSION FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR THE TRIAGE CENTER
EXPANSION PROJECT (AB2017-246)

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, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (2)

2. ORDINANCE AMENDING THE WHATCOM COUNTY BUDGET, TENTH REQUEST,
IN THE AMOUNT OF $197,253 (AB2017-247)

Browne reported for the Finance and Administrative Services Committee and
moved to adopt the substitute ordinance.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (2)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
CONTRACT BETWEEN WHATCOM COUNTY AND CRAMER FISH SCIENCES TO
CONDUCT A LOWER MAINSTEM NOOKSACK RIVER SALMON HABITAT
ASSESSMENT, IN THE AMOUNT OF $225,238 (COUNCIL ACTING AS THE
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS (AB2017-258)

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, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (2)

4. ORDINANCE ESTABLISHING THE SPEED LIMIT ON A PORTION OF NORTH SHORE ROAD (FROM 8/8) (AB2017-196A)

Brenner reported for the Public Works, Health, and Safety Committee and stated this item is held in committee.

5. RESOLUTION AUTHORIZING PREPARATION OF A REASSESSMENT ROLL FOR PROPERTY WITHIN THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT NO. 7 (EMERALD LAKE LIGHTING DISTRICT) (AB2017-262)

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, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (2)

6. RESOLUTION AUTHORIZING PREPARATION OF A REASSESSMENT ROLL FOR PROPERTY WITHIN THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT NO. 1 (BIRCH BAY LIGHTING DISTRICT) (AB2017-263)

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, and Buchanan (5)
Nays: None (0)
Absent: Donovan (out of the room) and Weimer (2)

7. NOMINATION AND APPOINTMENT OF ONE COUNTY COUNCIL MEMBER TO SERVE ON THE WHATCOM TRANSPORTATION AUTHORITY BOARD OF DIRECTORS COMPOSITION REVIEW COMMITTEE (PER RCW 36.57A.055) (AB2017-276)

Donovan moved to nominate and appoint Councilmember Sidhu.
The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. REQUEST FOR COUNCIL TO APPOINT A COUNTY ELECTED OFFICIAL TO SERVE WITH THE COUNTY EXECUTIVE AS WHATCOM COUNTY REPRESENTATIVES ON THE FINANCE AND OPERATIONS ADVISORY BOARD ESTABLISHED BY THE JAIL FACILITY FINANCE AND USE AGREEMENT (AB2017-264)

Brenner moved to nominate and appoint Councilmember Donovan.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

2. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF RYAN MCLAUGLIN AND KRISTIN MURRAY TO THE WHATCOM COUNTY MARINE RESOURCE COMMITTEE (AB2017-265)

Brenner moved to confirm the appointment.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

3. REQUEST CONFIRMATION OF COUNTY EXECUTIVE APPOINTMENT OF CHAD PERRIN TO FILL THE DISTRICT 4 POSITION ON THE PARKS AND RECREATION COMMISSION (AB2017-266)

Brenner moved to confirm the appointment.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)
4. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF MEGANNE OFFREDI TO THE WHATCOM COUNTY LODGING TAX ADVISORY COMMITTEE (AB2017-275)

Brenner moved to confirm the appointment of Molly Pike and Meganne Offredi.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

INTRODUCTION ITEMS

Mann moved to accept the Introduction Items.

The motion was seconded.

Donovan withdrew item ten.

The motion to Introduce items one through nine carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)

1. RECEIPT OF APPLICATION(S) FOR THE LUMMI ISLAND FERRY ADVISORY COMMITTEE, APPLICANT: BETH WALU KAS LOUIS (COMMITTEE PROVIDES REVIEW AND RECOMMENDATIONS TO THE COUNTY COUNCIL AND EXECUTIVE ON ISSUES THAT AFFECT THE ONGOING OPERATIONS AND INFRASTRUCTURE OF THE FERRY SERVICE) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. SEPTEMBER 19, 2017) (AB2017-252)

2. ORDINANCE AMENDING ORDINANCE 2016-049 (AMENDMENT NO. 1) TO MODIFY THE 2017 WHATCOM COUNTY UNIFIED FEE SCHEDULE (AB2017-267)

3. ORDINANCE AMENDING THE WHATCOM COUNTY BUDGET, ELEVENTH REQUEST, IN THE AMOUNT OF $34,028 (AB2017-268)


5. ORDINANCE CLOSING THE SOUTH PASS ROAD/SAAR CREEK BRIDGE NO. 212 PROJECT FUND 370 (AB2017-269)
6. ORDINANCE CLOSING THE SLATER INTERSECTIONS, IMHOFF AND FERNDALE ROADS PROJECT FUND 349 (AB2017-270)

7. ORDINANCE CLOSING THE BIRCH BAY-LYNDEN ROAD/PORTAL WAY SIGNALIZATION IMPROVEMENTS PROJECT FUND 341 (AB2017-271)

8. ORDINANCE CLOSING THE DAKOTA CREEK BRIDGE NO. 500 PROJECT FUND 350 (AB2017-272)

9. ORDINANCE CLOSING THE HANNEGAN ROAD/NOOKSACK RIVER BRIDGE NO. 252 PROJECT FUND 353 (AB2017-273)

10. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND PERMITS FOR NEW OR EXPANDED FACILITIES IN THE CHERRY POINT URBAN GROWTH AREA, THE PRIMARY PURPOSE OF WHICH WOULD BE THE SHIPMENT OF UNREFINED FOSSIL FUELS NOT TO BE PROCESSED AT CHERRY POINT (AB2016-256C)

Brenner moved to remove this item from Introduction.

The motion was seconded.

Councilmembers discussed working with the industries at Cherry Point and a proposal from the Island Gas Connector project to have a pipeline from Sumas to Birch Bay/Custer, which may not be covered by this moratorium.

Karen Frakes, Prosecutor’s Office, answered legal questions.

The motion to failed by the following vote:

Ayes: Brenner (1)

Nays: Mann, Sidhu, Browne, Buchanan, and Donovan (5)

Absent: Weimer (1)

Donovan submitted a handout (on file) and moved to amend a Whereas statement, “...not to be processed or consumed by Cherry Point/Birch Bay/Custer....”

The motion was seconded.

Councilmembers discussed whether they should extend the area that this moratorium covers; the bounds of the existing moratorium; developing a second ordinance to respond to the proposed IGC Project pipeline; defining value-added products; the best process for amending the ordinance, and; the original concerns and criteria leading toward the interim moratorium

Donovan withdrew his motion to amend.

Browne moved to Introduce the ordinance as presented.

The motion was seconded.
The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, and Donovan (5)
Nays: Brenner (1)
Absent: Weimer (1)

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

Donovan reported for the Natural Resources Committee.

Browne reported for the Finance and Administrative Services Committee.

Buchanan reported for the Committee of the Whole on the discussion with Public Works staff regarding a potential property acquisition for the Whatcom County Flood Control Zone District (AB2017-018) in executive session.

**Mann moved** to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to move forward with and complete acquisition of the property as long as the purchase price of the property 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, and Donovan (6)
Nays: None (0)
Absent: Weimer (1)


Councilmembers gave updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 9:05 p.m.

The County Council approved these minutes on ______, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Barry Buchanan, Council Chair
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.
Whatcom County Council  
Surface Water Work Session  

September 19, 2017

CALL TO ORDER

Council Chair Barry Buchanan 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, Satpal Sidhu, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent:  Rud Browne

SURFACE WATER WORK SESSION (AB2017-024)

1. WATER PLANNING UPDATE

Gary Stoyka, Public Works Department, reported on the Watershed Management Board’s last meeting in June, during which they discussed the purpose of the new board; making the meetings more relevant, and; an appropriate structure for the Board.

Steve Jilk, Public Utility District (PUD), spoke about the questions regarding the intent and purpose of the Watershed Management Board and communication with elected officials.

Stoyka submitted handouts (on file) and reported on Water Week and a symposium event on water issues.

Weimer stated Council passed a motion asking the Public Works staff to propose a funding district for Lake Whatcom efforts. The Council should pass a resolution stating the purpose of a funding district. He submitted a draft resolution (on file) that will go to the Council at its next regular meeting.

2. PLANNING UNIT PRESENTATION

The following Planning Unit members referenced and reported on their memo to the Council dated August 23, 2017 in the Council packet and answered questions:

- Andy Ross, non-government water systems caucus
- Ann Russell, environmental caucus
- Linda Twitchell, land use caucus
- Dick Whitmore, forestry caucus
- Karen Brown, exempt well owners caucus
- Dan Eisses, water districts caucus
Planning Unit members reported that no one knows where they are with water planning, and the County is responsible for being the water resource inventory area (WRIA) 1 lead agency. They must name a specific County staff person to be responsible for and coordinate the water management plan, water-related efforts, data collection and management, and strategic planning. Also, have a big-picture strategic plan and track the success of projects that have been implemented. They don’t need a new plan. Use the Comprehensive Water Resource Plan that has already been put together. It may need to be updated. Define the vision for a restored WRIA 1. If the County had followed through with the plan when it was created, there would not have been a Hirst decision.

The Planning Unit members read through and described the three recommendations in the memorandum and answered questions on how to proceed with local solutions given the political situations at the State and federal governments; recommendations in the 2005 plan; whether the County can be the lead agency without cooperation of other individuals and agencies; funding, and; creating a durable plan that lasts, despite political changes.

Gary Stoyka, Public Works Department, described the history of watershed planning and implementation.

3. OVERVIEW OF 2018-2023 WATER RESOURCES IMPROVEMENT PROGRAM (WRIP)

Gary Stoyka, Public Works Department, submitted an updated handout of the water resources improvement program (WRIP) (on file).

Stoyka and the following Public Works Department staff referenced and reported on the program, described each project line item, and answered questions:
- Kirk Christensen
- Kraig Olason
- Roland Middleton
- Paula Harris

Staff answered questions on project engineering (PE) cost estimates; the benefit evaluation score (BES); prioritizing based on risk versus the benefit evaluation score; including staff time in the estimates, and; funding projects from special districts.

ADJOURN

The meeting adjourned at 12:18 p.m.

The Council approved these minutes on _____________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair
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.

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Committee Of The Whole

September 26, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH SPECIAL DEPUTY PROSECUTING ATTORNEY ROD BROWN REGARDING LEGAL WAYS THE COUNTY MAY REDUCE THE IMPACTS ON THE COUNTY FROM INCREASED FOSSIL FUEL EXPORTS FROM THE CHERRY POINT UGA (AB2017-018)

Attorney Present: Rod Brown and Karen Frakes

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 2:30 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Councilmembers and the following staff discussed whether it was appropriate for the Council to discuss this item in executive session:

• Jack Louws, County Executive
• Karen Frakes, County Prosecutor’s Office
• Rod Brown, Special Deputy Prosecuting Attorney

Weimer moved to go into executive session until no later than 2:30 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Ayes: Sidhu, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)
Abstains: Brenner (1)

At 2:30 p.m., Buchanan announced that the executive session would continue until no later than 3:00 p.m.
OTHER BUSINESS

ADJOURN

The meeting adjourned at 2:58 p.m.

The Council approved these minutes on _____ 2017.

ATTEST:  WHATCOM COUNTY COUNCIL
          WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Special Committee of the Whole  

September 26, 2017  

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 3:35 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.  

Absent: None.  

COMMITTEE DISCUSSION  

1. CONTINUATION OF COUNCIL’S REVIEW OF THE 2016 CRITICAL AREAS ORDINANCE UPDATE (AB2016-276K)  

Cliff Strong, Planning and Development Services Department, gave a staff report and referenced the memos in the Council packet.  

Ryan Ericson, Planning and Development Services Department, answered questions.  

Councilmembers and staff discussed referencing wetland boundaries being surveyed, how applicants can do their own surveys, and the availability of GIS topography with two-foot contours.  

Brenner moved to add to a section to 16.16.900, “Survey’ means one of the following:  

1. A survey completed by a licensed Surveyor  
2. Mapping using a compass and tape  
3. Mapping using a smart phone or hand held GPS.”  

The motion was seconded.  

Councilmembers discussed requiring a homeowner versus a licensed surveyor and amending to change the order of the items listed. Item one would be moved to item three.  

Browne suggested a friendly amendment to add language to indicate a licensed surveyor is not required.  

Brenner accepted the friendly amendment to amend and add to 16.16.900, “Survey’ means one of the following:  

1. Mapping using a compass and tape (licensed surveyor not required)
2. Mapping using a smart phone or hand held GPS (licensed surveyor not required)
3. A survey completed by a licensed Surveyor.

The motion carried as amended by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne moved to add language to 16.16.670(B)(7)(c)(viii) "...provided by Whatcom County PDS or the applicant may provide a topographic survey conducted using the survey standards of Whatcom County."

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne moved to add an item to 16.16.250, submittal requirements and critical areas review process:
F. Elements of a critical area assessment are encouraged to be submitted together for timely review. However, the Technical Administrator may allow the various components to be submitted independently at different phases of a project if s/he determines piecemeal review will benefit the review process or at the request of the applicant.

The motion was seconded.

Councilmembers and staff discussed possible amendments and whether the term "piecemeal" is a technical term.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Councilmembers discussed the science and best management practices source from the National Resource Conservation Service (NRCS) standards, the appropriate ratio of animal units to acres, whether people who don’t have critical areas have to have a Conservation Program on Agriculture Lands (CPAL) plan, and the original purpose of an exemption for youth groups.

Leslie Honcoop spoke about her work to get the agricultural community involved and not burdening the students any further.

Brenner moved to hold to the next meeting. The motion was not seconded.

Sidhu moved to accept the staff changes and incorporate any changes at the next meeting. Add language:

16.16.814 Exemptions.
The following are exempt from having to obtain a Conservation Farm Plan:
A. Landowners who do not have critical areas on their property.
B. Landowners who keep agricultural activities out of the standard critical areas and their buffers.
C. Landowners who do not exceed a ratio of 1 animal unit per 3 grazable acres and manage their animals to avoid a direct discharge of sediment or fecal matter to surface waters. Indicators of direct discharge can include de-vegetated riparian area, unfenced access to a stream, or animal confinement areas adjacent to surface waters. This is a ratio of animal units to grazable acres and may be used on parcels of any size.
D. Youth agriculture education programs that promote the use of agriculture best management practices through the use of a checklist developed by the Whatcom County Conservation District in cooperation with Whatcom County.

- and-

Add the following definition to 16.16.900 Definitions, ""Grazable acres" means both pasture and hay land as described in the Whatcom County Standard Farm Conservation Planning Workbook."

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Brenner (6)
Nays: Donovan (1)

Sidhu moved to have one flat buffer size of all Category IV, regardless of habitat score.

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Brenner (6)
Nays: Donovan (1)

Brenner moved to add a definition to 16.16.900, ""May"" means the action is allowable, provided it conforms to the provisions of this Chapter."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Ericson referenced and read through the staff report addendum dated August 24, 2017, beginning on Council packet page 244, regarding recommended changes to clarify proposed code for compliance and future land use procedure code alterations. The changes are for clarification and consistency. There are no new requirements beyond the current requirements. After further review of the proposed changes, code enforcement staff does not recommend changing the language in section 16.16.220.

Sidhu moved all the changes in the addendum memo, except the changes to subsection .220.
The motion was seconded.

Councilmembers discussed the source of additional language to section 16.16.690 from submittal requirements and as suggested by code enforcement staff, the definition and costs of technical studies as referenced in section .250(C)(1), the difference between the critical areas assessment report and technical reports, and when a detailed written decision is necessary for compliance versus noncompliance.

Linda Twitchell stated she would like to have a redline/strikeout version of the ordinance when Introduced available on the County’s website.

Wendy Harris stated changes should go through the Department of Ecology (DOE) wetlands specialist, who was a member of the technical advisory committee, and should be related to best available science.

Browne moved to amend item 16.16.250.C.4, “...and shall provide a detailed written decision of compliance, this determination shall be included....”

Sidhu accepted the motion as a friendly amendment.

The motion as amended carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Abstains: Brenner (1)

Strong stated he will bring forward the amended ordinance for Introduction on October 10 and a public hearing on October 24

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 4:58 p.m.

The Council approved these minutes on ______________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk  Barry Buchanan, Council Chair
WHATCOM COUNTY COUNCIL
Regular County Council Meeting

September 26, 2017

CALL TO ORDER

Council Chair Barry Buchanan 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, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through 18.

The motion was seconded.

Browne withdrew item eight.

The motion to approve Minutes Consent items one through seven and nine through 18 carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

1. SPECIAL COMMITTEE OF THE WHOLE FOR JUNE 13, 2017
2. COMMITTEE OF THE WHOLE FOR JUNE 13, 2017
3. REGULAR COUNTY COUNCIL FOR JUNE 13, 2017
4. SPECIAL COMMITTEE OF THE WHOLE (AM) FOR JUNE 27, 2017
5. COMMITTEE OF THE WHOLE FOR JUNE 27, 2017
6. SPECIAL COMMITTEE OF THE WHOLE (PM) FOR JUNE 27, 2017
7. REGULAR COUNTY COUNCIL FOR JUNE 27, 2017

8. SPECIAL COMMITTEE OF THE WHOLE (AM) FOR JULY 11, 2017

Brenner moved to approve the minutes.

The motion was seconded.

The motion to carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Abstains: Browne (1)

9. SPECIAL COMMITTEE OF THE WHOLE (PM) FOR JULY 11, 2017

10. REGULAR COUNTY COUNCIL FOR JULY 11, 2017

11. SURFACE WATER WORK SESSION FOR JULY 18, 2017

12. SPECIAL COMMITTEE OF THE WHOLE FOR JULY 25, 2017

13. COMMITTEE OF THE WHOLE FOR JULY 25, 2017

14. REGULAR COUNTY COUNCIL FOR JULY 25, 2017

15. BOARD OF HEALTH FOR AUGUST 1, 2017

16. COMMITTEE OF THE WHOLE FOR AUGUST 8, 2017

17. SPECIAL COMMITTEE OF THE WHOLE FOR AUGUST 8, 2017

18. REGULAR COUNTY COUNCIL FOR AUGUST 8, 2017

PUBLIC HEARINGS

1. ORDINANCE AMENDING ORDINANCE 2016-049 (FIRST AMENDMENT) TO MODIFY THE 2017 WHATCOM COUNTY UNIFIED FEE SCHEDULE (AB2017-267)

Doug Ranney, Public Works Department, gave a staff report.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

Mann moved to adopt the ordinance.

The motion was seconded.

Ranney described the amendments to the schedule.
The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

2. RESOLUTION APPROVING THE WHATCOM COUNTY SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2018 THROUGH 2023 (AB2017-261)

Joe Rutan, Public Works Department, gave a staff report and answered questions about the Slater Road intersection improvement project and speed limits in the Lake Whatcom watershed.

Buchanan opened the public hearing, and the following person spoke:

Larry Williams spoke about bicyclists on Marine Drive and improvements that don’t address the lack of space for both cars and bicycles.

Hearing no one else, Buchanan closed the public hearing.

Browne moved to approve the resolution and program, except item R3.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne moved to approve item R3 of the program.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Abstains: Browne (1)

3. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND PERMITS FOR NEW OR EXPANDED FACILITIES IN THE CHERRY POINT URBAN GROWTH AREA, THE PRIMARY PURPOSE OF WHICH WOULD BE THE SHIPMENT OF UNREFINED FOSSIL FUELS NOT TO BE PROCESSED AT CHERRY POINT (AB2016-256C)

Buchanan opened the public hearing, and the following people spoke:

Warren Sheay stated he supports adopting the ordinance to protect citizens from dangerous conditions.

Dena Jensen stated she supports adopting the ordinance to protect the community from threats to public safety, health, environment, transportation, and the economy.
Sandy Robson stated she supports the ordinance to provide land use planning policy guidelines and protect the marine environment and cultural treaty rights.

Wendy Harris stated she supports the ordinance to protect the safety of residents and the environment.

Max Perry stated they must consider the taxes that the Cherry Point industries pay to Whatcom County.

Carole Perry stated the Council should make sure public hearings are more balanced.

Robert Earl submitted a handout (on file) and stated he supports an ordinance to protect refining jobs at Cherry Point.

Wendy Bartlett stated she supports the ordinance to protect air and water quality and future generations.

Mike Sennett stated he supports the ordinance, which will not hurt the financial outlook of the refineries, to complete the study.

Jessica Spiegel, Western States Petroleum Association, submitted and read from a handout (on file) and stated she does not support the ordinance, which will limit commerce of certain commodities and prevent business planning.

John Campbell stated he supports the ordinance because it will protect the jobs.

Anna Miller stated she supports the ordinance to protect people, natural resources, and current jobs at Cherry Point.

Steve Gary stated he supports the preservation of refinery jobs and not giving industry a reason to prematurely leave the community.

Jessica Zimmerle, Earth Ministry Program Outreach, stated she supports the ordinance to protect the environment for future generations.

Alyssa Barton, Puget Sound Keeper Alliance, stated she supports the ordinance to protect the community from threats of expanding fossil fuel infrastructure at Cherry Point.

Alex Ramel stated he supports the ordinance to protect against hazardous conditions from facilities and to protect the environment and refinery jobs.

John Anderson, Phillips 66 Refiner, stated he does not support the ordinance, which raises constitutional questions about restricting business.

Carl Garrison stated he does not support the ordinance because it is bad for business, jobs, and the cost of gas.

Joe Murphy, Phillips 66 Refinery, stated he is opposed to the ordinance due to the impacts on business competitiveness, the existing laws and regulations they must follow, and the negative impact on refinery jobs.
Brian Walkenhauer stated he is opposed to the ordinance due to the impact on business and the legal ramification to county residents.

Eddy Ury stated he supports the ordinance to protect public health, safety, the economy, and the environment and suggested an amendment.

Joe Wilson, Peterson Brothers Vice-President, stated he is opposed to the ordinance due to existing environmental controls and to the taxes and wages they pay in the community.

Jack McBride submitted and read from a handout (on file) and stated he supports the ordinance.

Ronna Loerch stated she supports the ordinance to give time to complete the study and to protect the environment.

Abe Jacobson stated he supports the ordinance to complete the study and create adequate information to make decisions.

Carole Jacobson stated she supports the ordinance. The people are for the ordinance, and BP is contributing to Council candidate campaigns.

Tony Larson, Whatcom Business Alliance, stated he is opposed to the ordinance to support business and protect Cherry Point jobs.

Kent Murray stated he is opposed to the ordinance to protect Cherry Point jobs and allow industry to grow.

Dirk Vermeeren stated he supports the ordinance to protect from long-term negative impacts on the community due to potential for hazardous incidents.

Gwen Hunter stated she supports the ordinance to protect workers from a dying industry and the threat to the fishing industry.

Paula Rotondi stated she supports the ordinance to protect public health, safety, and Cherry Point jobs.

Ronald Coleson stated he supports the ordinance to protect the environment.

Yoshe Revelle stated he supports the ordinance to protect the environment and fight climate change.

John Holstein stated he supports the ordinance to protect the environment and fight climate change.

David Kershner stated he supports the ordinance to study the legal options and amend development regulations to keep oil industry jobs in the county.
Charles Bailey stated he supports the ordinance to protect public health and safety, to protect future generations, and to complete the study.

Amy Glasser stated she supports the ordinance to protect the rights of the Lummi Nation.

RB McKeon, BP Cherry Point Refinery, stated she does not support the ordinance because it inhibits the company from responding to changing business direction.

Chris Colon stated he does not support the ordinance to protect jobs that provide living wages. The industry would like to work with the Council to find solutions.

Bobby Burr stated he supports the ordinance to protect the environment.

TJ Lee, Phillips 66 Refinery, stated he is opposed to the ordinance due to concerns about protecting the long-term future of the business and investments in cleaner fuels and efficiency.

Josh Summers, Phillips 66 Refinery, stated he is opposed to the ordinance due to constitutional concerns and the need to preserve jobs.

Maggie Rose stated she supports the ordinance to find alternative energy sources and end pollution.

Patrick Alesse stated industries must pay for their contribution to global warming.

Dana Briggs stated he supports the ordinance to protect from potential hazardous incidents and protect the environment.

Bill Lafreniere stated he is opposed to the ordinance due to the potential for lost industries and jobs.

Larry Williams stated he supports the ordinance to protect the environment from global warming.

Jeff Ten Pas, BAI Environmental Services Vice-President and Partner, stated he is opposed to the ordinance because it doesn’t protect businesses at Cherry Point and the local economy.

Everett Barton spoke about homeless housing issues in the county.

Cathy McDevitt stated she supports the ordinance due to concerns with transportation issues.

Natalie Chavez stated she supports the ordinance to protect the environment and native culture.

Hamilton Dutcher stated he supports the ordinance to move toward better energy sources.
Hearing no one else, Buchanan closed the public hearing.

**Browne moved** to adopt the ordinance.

The motion was seconded.

Councilmembers spoke about problems with acidification from Asia, existing environmental protection for the local refineries, successfully transitioning away from fossil fuel energy, lesser environmental rules at refineries in Asia, preparing to address impacts from potential industrial expansion and major project permits, working collaboratively with industry representatives, the intent to not shut down the refineries, historic prohibition on exporting crude oil, business future planning for the next 20 years, demand for petroleum and gas in Asia, concerns about identifying butane and propane as unrefined fuels, potential job loss from converting refineries to export terminals, the public cost that could result from a disastrous event, and taking time necessary to develop better code regulations.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** Brenner (1)

*(Clerk’s Note: The Council took a 15-minute break at 9:44 p.m.)*

**OPEN SESSION**

The following people spoke:

- Bill Lafreniere submitted and read from a handout *(on file)* and spoke about funding for a proposed new County jail.
- Bob Burr spoke about contingency planning in case the jail sales and use tax ballot measure fails.
- Lynn Murphy, Puget Sound Energy, spoke about the company’s transition away from coal and a Utilities Technology Council (UTC) settlement with conditions.
- Kathy McDevitt spoke about problems with vacation rental units.
- Carole Perry spoke about protecting future generations by addressing problems now.
- Eddy Ury spoke about the interim moratorium ordinance (AB2016-256C)

**CONSENT AGENDA**

**Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one and two.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

**Nays:** None (0)

1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND BRUCE HARRIS &**
ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO ASSIST WITH
CONVERTING EXISTING ASSESSOR’S OFFICE MYLAR MAPS AND PROCESSES
TO GEOGRAPHIC INFORMATION SYSTEMS, IN THE AMOUNT OF $758,750
(AB2017-279A)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
CONTRACT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE
DEPARTMENT OF ECOLOGY TO PROVIDE A SIX-PERSON CREW TO PERFORM
TRAIL CONSTRUCTION DURING SUMMER 2018 AS PART OF THE LAKE
WHATCOM PARK TRAIL DEVELOPMENT ASR #2017-5636, IN THE AMOUNT
OF $60,000 (AB2017-281)

OTHER ITEMS

1. RESOLUTION REQUESTING THE COUNTY EXECUTIVE DEVELOP A SPECIAL
FUNDING DISTRICT TO FUND WATER QUALITY IMPROVEMENTS IN THE
UNINCORPORATED LAKE WHATCOM WATERSHED (AB2017-251A)

Donovan reported for the Natural Resources Committee and moved to approve the
resolution.

Councilmembers spoke about an appropriate funding mechanism.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

2. RESOLUTION AFFIRMING THE PDR OVERSIGHT COMMITTEE’S RANKING OF
APPLICATIONS AND AUTHORIZING THE WHATCOM COUNTY PURCHASE OF
DEVELOPMENT RIGHTS ADMINISTRATOR AND WHATCOM COUNTY
EXECUTIVE TO PROCEED WITH THE ACQUISITION OF CONSERVATION
EASEMENTS ON APPLICATIONS RANKED 1 THROUGH 6 (AB2017-278)

Donovan reported for the Natural Resources Committee and moved to approve the
resolution.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

3. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET, ELEVENTH
REQUEST, IN THE AMOUNT OF $34,028 (AB2017-268)

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 Donovan (7)
Nays: None (0)
4. ORDINANCE CLOSING THE SOUTH PASS ROAD/SAAR CREEK BRIDGE NO. 212 PROJECT FUND 370 (AB2017-269)

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 Donovan (7)
Nays: None (0)

5. ORDINANCE CLOSING THE SLATER INTERSECTIONS, IMHOFF AND FERNDALE ROADS PROJECT FUND 349 (AB2017-270)

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 Donovan (7)
Nays: None (0)

6. ORDINANCE CLOSING THE BIRCH BAY-LYNDEN ROAD/PORTAL WAY SIGNALIZATION IMPROVEMENTS PROJECT FUND 341 (AB2017-271)

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 Donovan (7)
Nays: None (0)

7. ORDINANCE CLOSING THE DAKOTA CREEK BRIDGE NO. 500 PROJECT FUND 350 (AB2017-272)

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 Donovan (7)
Nays: None (0)

8. ORDINANCE CLOSING THE HANNEGAN ROAD/NOOKSACK RIVER BRIDGE NO. 252 PROJECT FUND 353 (AB2017-273)

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 Donovan (7)
9. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY TO PROVIDE A SIX-PERSON CREW TO PERFORM HABITAT RESTORATION AND WATER QUALITY WORK FOR PUBLIC WORKS, IN THE AMOUNT OF $76,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-282)

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 Donovan (7)
Nays: None (0)

10. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A JOINT FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND UNITED STATES GEOLOGICAL SURVEY FOR THE ONGOING OPERATION AND MAINTENANCE OF THE COUNTY’S SIX STREAM GAGES WITHIN THE NOOKSACK RIVER EARLY FLOOD WARNING SYSTEM, PLUS STREAM GAGES AT THE NOOKSACK RIVER EVERSON OVERFLOW AND JONES CREEK IN ACME, FOR EARLY FLOOD WARNING AND FLOOD RESPONSE, IN THE AMOUNT OF $113,720 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-283)

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 Donovan (7)
Nays: None (0)

11. RESOLUTION ACCEPTING THE ASSESSMENT ROLL OF PROPERTY WITHIN THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT NO. 7 (EMERALD LAKE LIGHTING DISTRICT) AND SETTING OCTOBER 24, 2017, AS THE DATE FOR PUBLIC HEARING (AB2017-262A)

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 Donovan (7)
Nays: None (0)

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 Donovan (7)
Nays: None (0)

13. REQUEST FROM THE WHATCOM COUNTY HEALTH DEPARTMENT FOR COUNCIL TO AUTHORIZE THE NORTH SOUND BEHAVIORAL HEALTH ORGANIZATION (NSBHO) BINDING LETTER OF INTENT FOR OUR REGION TO BECOME A MID-ADOPTER WITH THE OPTION FOR A TRANSITIONAL YEAR (2019) AND FULL INTEGRATION BY 2020 (AB2017-284)

Brenner moved to approve the request.

Regina Delahunt, Health Department Director, gave a staff report and answered questions about the other counties in the region.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

14. RESOLUTION SETTING WHATCOM COUNTY COUNCIL MEETING DATES FOR 2018 (AB2017-287)

Sidhu moved to approve the resolution.

The motion was seconded.

Councilmembers discussed the option of setting a regular meeting schedule.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. APPOINTMENT TO THE LUMMI ISLAND FERRY ADVISORY COMMITTEE AS A RESIDENT OR PROPERTY OWNER ON LUMMI ISLAND, APPLICANT: BETH WALUKAS LOUIS (AB2017-252)

Brenner moved to appoint Beth Walukas Louis.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
INTRODUCTION ITEMS

Brenner moved to accept Introduction Items one and three through seven. Item two was withdrawn from the agenda.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

1. APPOINTMENT TO THE OPEN SPACE ADVISORY COMMITTEE, APPLICANT:
   PAUL STERMER (COMMITTEE SERVES IN AN ADVISORY CAPACITY TO THE
   COUNTY ASSESSOR IN IMPLEMENTING
   ASSESSMENT GUIDELINES AS ESTABLISHED BY THE DEPARTMENT OF
   REVENUE FOR THE ASSESSMENT OF OPEN SPACE, FARMS AND
   AGRICULTURAL LANDS, AND TIMBER LANDS) (APPLICATION DEADLINE
   FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. OCTOBER 3,
   2017) (AB2017-277)

2. RESOLUTION APPROVING THE SALE OF A PORTION OF SURPLUS REAL
   PROPERTY (AB2017-285)

3. ORDINANCE ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE
   17 FLOOD DAMAGE PREVENTION (AB2017-286)

4. ORDINANCE ADOPTING INTERIM AMENDMENTS TO THE WHATCOM COUNTY
   COMPREHENSIVE PLAN AND THE WHATCOM COUNTY CODE TITLE 15
   BUILDINGS AND CONSTRUCTION, TITLE 20 ZONING, TITLE 21 LAND
   DIVISION REGULATIONS AND TITLE 24 HEALTH CODE, RELATING TO
   WATER RESOURCES (AB2016-309G)

5. RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR PROPERTY WITHIN
   THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT
   NO. 7 (EMERALD LAKE LIGHTING DISTRICT) AND REMANDING ROLL TO THE
   COUNTY TREASURER FOR COLLECTION (AB2017-262B)

6. RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR PROPERTY WITHIN
   THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT
   NO. 1 (BIRCH BAY LIGHTING DISTRICT) AND REMANDING ROLL TO THE
   COUNTY TREASURER FOR COLLECTION (AB2017-263B)

7. REQUEST FOR PUBLIC COMMENT AND COUNCIL ACTION ON A REQUEST TO
   AUTHORIZE THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL
   AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM
   TO PURCHASE BALLISTIC VESTS FROM FUNDS PROVIDED BY THE EDMOND
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.

BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, IN THE AMOUNT OF $13,113 (AB2017-280)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Donovan reported for the Natural Resources Committee.

Browne reported for the Finance and Administrative Services Committee.

Buchanan reported for the Committee of the Whole and Special Committee of the Whole meetings.

Weimer reported for the Planning and Development Committee.

Buchanan spoke about an upcoming resolution to put together a work group on Whatcom County homelessness with the City of Bellingham and other jurisdictions and agencies.

Sidhu stated the proposed ordinance forming a Business Advisory Committee will be scheduled soon.

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 10:43 p.m.

The County Council approved these minutes on ______, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________ ___________________________
Dana Brown-Davis, Council Clerk Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, and Todd Donovan

Absent: Carl Weimer

1. PUBLIC SESSION

No one spoke.

2. DIRECTOR/HEALTH OFFICER REPORT

Erika Neurenberg, Health Department, stated there is no report today.

Anne Deacon, Health Department, answered questions on the status of the North Sound Behavioral Health Organization (BHO) member counties regarding conditions put on the mid-adopter status agreement.

(Discussion of this item continued under Other Business.)

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Rachel Lucy, Public Health Advisory Board Chair, spoke about the recent shooting in Las Vegas and local citizens who were impacted, focusing policy regulations on the community health assessment data, an upcoming multi-stakeholder conference to envision a future for the children of Whatcom County, affordable and accessible childcare for veterans, and holding a collaborative joint meeting between the Health Board and PHAB in 2018.

Anne Deacon, Health Department, and Ms. Lucy answered questions on the barriers to childcare for veterans who are students and on informing the councilmembers of the upcoming conference.

4. THE OPIOID EPIDEMIC: IMPACT AND ACTION

Erika Neurenberg, Health Department, introduced the topic and presentation.
The following Health Department staff submitted handouts (on file) and read from the presentation in the Board packet. Staff also described the local, regional, and statewide action plans; the list of objectives, including lock bags and boxes, strategic marketing materials to educate the public, and naloxone objectives; the needle exchange clinic; an upcoming North Sound regional opioid summit, and; answered questions:

- Cindy Hollinsworth
- Anne Deacon
- Joe Fuller

Hollinsworth stated they are seeking Board support to seek outside funding, including grants, to expand syringe services programs.

**The Board concurred.**

The staff answered questions on and the Board Members discussed marketing technology, immigration status as a barrier to services, demographics of addicts and those who overdose, data sources, the difference between narcotics and opioids, locked bags being tampered with, the different taxes collected for behavioral health services, treatment success, and prevention over treatment.

**OTHER BUSINESS**

The Board Members continued to discuss the draft Skagit County resolution regarding the decision to become a mid-adopter (on file).

**Brenner moved** to approve.

The motion was seconded.

Board Members discussed the conditions listed in the resolution, whether the County Council would go along with the conditions, how Whatcom County can support Skagit County’s conditions without derailing the process, the existing funding sources and why are they under threat, whether they are adding another layer of administration, and applying conditions from all the counties in the region, not just one county.

**Brenner amended and restated the motion** to reaffirm the original Council vote to become a mid-adopter.

The amended motion was seconded.

The motion carried by the following vote:

- **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
- **Nays:** None (0)
- **Absent:** Weimer (1)

**ADJOURN**

The meeting adjourned at 12:18 p.m.
The Council approved these minutes on ________________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Committee Of The Whole

October 10, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 3:00 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: None

COMMITTEE DISCUSSION (CONFERENCE ROOM)

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR ROYCE BUCKINGHAM REGARDING POTENTIAL LITIGATION RELATING TO THE CRITICAL AREAS ORDINANCE UPDATE (AB2017-018)
   Attorney Present: Royce Buckingham and Karen Frakes

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 3:30 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Browne moved to go into executive session until no later than 3:30 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:
   Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
   Nays: None (0)

At 3:30 p.m., Chair Buchanan announced that the executive session would extend to no later than 3:45 p.m.)

(Clerk’s Note: The Committee ended executive session at 3:45 p.m. and reconvened the meeting in the Council Chambers at 3:50 p.m.)

George Boggs, Whatcom Conservation District, submitted a handout (on file) and answered questions regarding a proposed ordinance amending Whatcom County Code Chapter 16.16 (Critical Areas) and Whatcom County Code Chapter 23.10 (Shoreline Management Program – Purpose and Intent) pertaining to the protection and regulation of environmentally critical areas (AB2016-276L) and the Conservation Preservation on Agricultural Lands (CPAL) Program on the basis for
establishing a certain number of animal units per acre, the farm plan checklist, the threshold and history of animal units per acre, working with school and youth farm programs, and potential for nuisance lawsuits against school districts.

Cliff Strong, Planning and Development Services Department, answered questions on and the committee discussed exemptions and thresholds for farm plans.

Leslie Honcoop, Whatcom County Farm Bureau President, stated she is concerned that the de minimis one animal per three acres exempts few people and is meaningless. The 4H and FFA leaders indicate that the biggest difficulty is asking their national organizations to do something different for Whatcom County. The Conservation District wants to create an educational program for youth.

Debbie VanderVeen stated the community is more comfortable with a threshold of three animal units per one acre. The threshold must be scientifically-proven.

COMMITTEE DISCUSSION (COUNCIL CHAMBERS)

1. DISCUSSION REGARDING ESTABLISHMENT OF A HOMELESS STRATEGIES WORKGROUP (AB2017-300)

Buchanan gave a report on an effort to create a homeless strategies workgroup. He would like councilmembers to give feedback.

Anne Deacon, Health Department, presented information on current homeless efforts and answered questions. The steering committee of the Homeless Coalition is most expert in the community. Make sure they invest in something that will work.

Councilmembers and Ms. Deacon discussed identifying a site, having a joint meeting with the Homeless Coalition instead of creating a new committee in addition to the Homeless Coalition.

Buchanan stated councilmembers should submit feedback to the Clerk of the Council by the end of this week. They need to identify potential sites.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 4:42 p.m.

The Council approved these minutes on _____ 2017.
Whatcom County Council  
Surface Water Work Session  
October 17, 2017

CALL TO ORDER

Council Chair Barry Buchanan 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, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer
Absent: None

SURFACE WATER WORK SESSION (AB2017-024)

1. WATER PLANNING UNIT

Gary Stoyka, Public Works Department, stated there is no new information on the Watershed Management Board or groundwater modeling project. A water supply symposium is postponed to December 13.

2. PLANNING UNIT PRESENTATION

The following Planning Unit members submitted information on the Planning Unit work products (on file), gave a presentation, and answered questions:

• Dick Whitmore, forestry caucus
• Dan Eisses, water districts caucus
• Andy Ross, non-government water systems caucus

Every entity was involved in developing the plans. They’re good plans, that may need some tweaking. They are interested in defining a path forward. There are key points:

1. Whatcom County has done a lot of work with water resources management, and should get credit for it.
2. The County is currently doing a lot of work with water resources management, and should get credit for it.
3. Look at the future and identify the remaining work that needs to be done.

Planning Unit members read through the handout and stated the 2001 Comprehensive Water Resource Plan (CWRP) structure is well done. The difference between the 2001 CWRP and the water resources inventory area (WRIA) 1 Watershed Management Plan is that the WRIA 1 plan is a replacement of the 2001 CWRP and goes beyond being just the County’s plan, to include other agencies. The 2007 Detailed Implementation Plan (DIP) focuses only on what is planned for a two-year period in implementing the 2005 plan. The Lower Nooksack Strategy was developed in 2010 to change the focus of the items that the County planned to work on. Geneva Consulting created reports on what work from the
plans was actually done. There are holes in the information on what has been done. A partial solution to water concerns is in the Coordinated Water System Plan, by making sure people can hook up to water associations. If those associations have a declared service area, they have enough water rights for that service area and possibly could sell a portion of their water rights to cover an exempt well. Review the instream flow action plan executive summary. Whatcom County is doing good work.

Councilmembers asked questions about and discussed whether the Planning Unit would make recommendations on exempt well issues or a WRIA 1 budget, accomplishments of the Lower Nooksack Strategy, the cost for Geneva Consulting to extend the report over the last 11 years, the scope of the Geneva Consulting contract, impacts from staff and Planning Unit member turnover, preventing water right adjudication, and the challenges of implementing solutions.

The Planning Unit will return to complete its presentation in November.

3. OVERVIEW OF 2018 FLOOD BUDGET

Paula Harris, Public Works Department, read through the packet materials. Staff time for implementing projects and programs is now budgeted under the particular project or program. She answered questions on how certain the money is from the federal government and the reason for less revenue due to fewer grants.

Gary Stoyka, Public Works Department, continued to read through the packet materials on the budgets for the Natural Resources administration and the Flood Control Zone District budget. He answered questions on potential grants and whether the County could have a hydro-geologist on staff to help citizens with their projects.

4. LAKE WHATCOM

Total Maximum Daily Load (TMDL) Implementation Plan

Cathy Craver, Public Works Department, stated they must submit the 10-year implementation plan this year. She described the plan. The Department of Ecology will issue the next five-year permit in August 2019, after the one-year extension. TMDL-related activities will be required with deadlines. The plan for the first five years will have more detail than years six through ten.

Councilmembers and staff discussed how many developable lots exist in the county and in the City of Bellingham, whether the County should give money to citizens through the homeowner improvement program (HIP) to make sure their property doesn’t pollute, doing outreach for hazardous waste before 2024, the coordination between the County and City to avoid duplication of efforts, educating people on ecologically-sound lawn care, and not allowing equestrian use in the County park properties being developed in the Lake Whatcom watershed.

Selection of Representative for October 23 City Council Meeting

Stoyka stated he would like a councilmember to attend the October 23 City Council meeting to give a perspective on County Council funding.
Buchanan moved to appoint Donovan to attend the City Council meeting.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Options for Special District

Stoyka described different options for special district models and stated stormwater work is the responsibility of the County, not the Flood Control Zone District, so a stormwater utility may be more appropriate than a flood subzone. The Council needs to decide what it wants to fund with the revenue collected from a special district. In November, he will bring forward an ordinance to establish the district and put together a request for proposals to study possible fee structures.

Staff and councilmembers discussed an appropriate funding structure, not charging people who have stormwater protection measures on their property, and what could be funded from revenue would be collected. Tasks that could be funded include lake monitoring and educational efforts around the lake.

Weimer moved to establish a stormwater utility in November.

The motion was seconded.

Councilmembers discussed the need to know the costs of administration, parcel assessment, monitoring, and implementing.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

ADJOURN

The meeting adjourned at 12:37 p.m.

The Council approved these minutes on ________________, 2017.

ATTEST:
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair
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Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Special Committee Of The Whole

October 17, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:35 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present:  Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH SPECIAL DEPUTY PROSECUTING ATTORNEY ROD BROWN REGARDING LEGAL WAYS THE COUNTY MAY REDUCE THE IMPACTS ON THE COUNTY FROM INCREASED FOSSIL FUEL EXPORTS FROM THE CHERRY POINT UGA (AB2017-018)

Attorneys Present: Rod Brown and Karen Frakes

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 3:30 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Browne moved to go into executive session until no later than 3:30 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 3:15 p.m.

The Council approved these minutes on ______ 2017.
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:32 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR CHRISTOPHER QUINN REGARDING PENDING LITIGATION INVOLVING CLAIMS AGAINST ELECTED OFFICIALS ACTING WITHIN THEIR OFFICIAL DUTIES: PROSECUTING ATTORNEY, COUNTY EXECUTIVE, AND SHERIFF (WHATCOM COUNTY CAUSE NO. 17-2-01983-2) (AB2017-018)

Attorneys Present: Christopher Quinn, Karen Frakes, Daniel Gibson

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 2:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Donovan moved to go into executive session until no later than 2:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 2:20 p.m.

The Council approved these minutes on ______ 2017.
Amend the Resort Commercial District, amend the Planned Unit Development Chapter, and create a new Density Credits Chapter in the Whatcom County Zoning Code (Title 20).

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.)

Proposed amendments to the Whatcom County Code Zoning Code (Title 20) that would amend the Resort Commercial District, amend the Planned Unit Development Chapter, and create a new Density Credits Chapter. The proposal includes allowing increased single family residential density in the Resort Commercial zone in the Birch Bay Urban Growth Area if the developer purchases density credits. Funds taken in through the density credit program would be used in the County’s Agricultural Purchase of Development Rights Program.

COMMITTEE ACTION:
11/8/2017: Presented and Discussed

COUNCIL ACTION:
11/8/2017: Introduced 7-0

Related County Contract #: County Planning File # PLN2017-00010.

Ordinance or Resolution Number:
Memorandum

October 23, 2017

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

RE: Density Credits / Birch Bay Small Lot Zoning (PLN2017-00010)

On May 25, 2017, the Whatcom County Planning Commission passed a motion requesting that “staff develop the Title 20 code to implement Policy 2BB-4 of the Comprehensive Plan, during the 2017 calendar year.” Whatcom County Comprehensive Plan Policy 2BB-4 states:

Birch Bay is unique with its traditional cottages on small lots that enhance the character of the area. In order to facilitate continuation of this traditional character, encourage small lot single family development in the Birch Bay UGA. Propose amendments to the Resort Commercial zoning district, applicable only to single family dwellings, that increase density to between 10 and 20 dwelling units/acre, reduce setbacks, and require pervious surfaces for driveways or other methods of stormwater infiltration.

The Whatcom County Comprehensive Plan also contains a number of goals & policies relating to conserving the agricultural land base, protecting rural character, and maintaining the Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) Programs.

When staff started drafting Zoning Code amendments to implement Policy 2BB-4, we considered tying a density increase in the Birch Bay Resort Commercial zone to TDRs. Given concerns about the complexity of the TDR program, we asked how the concept could be simplified in the proposal. We drafted a proposed new “Density Credits” chapter that would allow increased residential density in the Birch Bay Urban Growth Area (UGA) if the developer contributes funds to the County’s PDR Program. The proposed density credit program is entirely voluntary. If a developer chooses not to use the program, they can simply develop at the density currently allowed by the Zoning Code.
The Density Credit chapter, along with proposed changes to the Planned Unit Development (PUD) chapter, would allow doubling the density from 7 units/acre to 14 units/acre for single family residential development in the Birch Bay Resort Commercial zones if:

- The dwellings are located outside the floodplain; and
- No other residential density increases are granted; and
- Density credits are acquired.

The price for density credits would be set by the County Council. Any revenue raised from developers purchasing density credits to increase density would go to the County's PDR program, which purchases easements from willing land owners to retire development rights in agricultural and rural areas.

The Whatcom County Planning Commission held a public hearing and considered this matter on September 28, 2017. The Planning Enabling Act requires that a recommendation by a planning commission must be by the "...affirmative vote of not less than a majority of the total members of the commission. . ." (RCW 36.70.400, underlining added for emphasis). The Planning Commission was unable to reach a majority vote on this matter. The Commission voted 4 in favor, 2 against, with 1 abstention (2 members were absent). The Commission did not achieve the required 5 vote majority necessary to forward a recommendation to Council. Therefore, we are bringing this matter to the Council without a Planning Commission recommendation. It should be noted that, prior to the Planning Commission's final vote (which did not result in an overall recommendation), the Commission did make several changes to the proposal:

- Single Family Attached Dwellings – Currently, the Resort Commercial zoning district allows one single-family dwelling per lot of record (WCC 20.64.054(1)) at a density of 7 units/acre (WCC 20.64.261). Since some zoning districts make a distinction between single family detached dwellings and single family attached dwellings (e.g. WCC 20.20.051 and .052), the Planning Department has concluded that these are two different land uses. The Planning Commission added single-family attached dwellings at a base gross density of 7 units/acre as an expanded land use that may be permitted in the Resort Commercial zone through the PUD process (proposed WCC 20.85.053(4)(b)). This would allow subdivisions to accommodate single family dwellings with common walls (e.g. townhouses) on separate lots.

- Trails as a Permitted Use – Several land uses are allowed outright in a PUD, including community buildings, indoor recreation facilities, outdoor recreation facilities, and RV storage (WCC 20.85.052). The outdoor recreation category includes several examples, but does not include trails. The Planning Commission clarified that recreational trails are an allowed use in PUDs (proposed WCC 20.85.052(3)).
- Density Bonus for Trails - Density bonuses are allowed through the PUD permitting process. Currently, a density bonus of 10% is allowed for ". . . improvements to common open space that will serve the needs of the development's residents. . . ." Several examples of improvements are given, but they do not include trails. The Planning Commission clarified that the density bonus may be granted if recreational trails are constructed (proposed WCC 20.85.108(b)).

Even though the Planning Commission did not reach a majority recommendation on the overall proposal, they did agree on the above modifications. Therefore, these changes have been incorporated into the proposal.

Thank you for your review and consideration of the draft proposal. We look forward to discussing it with you.
ORDINANCE NO. ____________

ADOPTING WHATCOM COUNTY ZONING CODE
AMENDMENTS RELATING TO THE
RESORT COMMERCIAL DISTRICT, PLANNED UNIT DEVELOPMENT
CHAPTER, AND A NEW DENSITY CREDITS CHAPTER

WHEREAS, The County Council initiated proposed amendments to the
Whatcom County Zoning Code, including amendments to implement the
Comprehensive Plan, in March 2017; and

WHEREAS, The Whatcom County Planning Commission considered the
proposed Zoning Code amendments on September 28, 2017; and

WHEREAS, The Whatcom County Planning Commission was unable to reach
a majority recommendation on the proposed amendments; and

WHEREAS, The Whatcom County Council considered Comprehensive Plan
Goals and Policies, staff recommendations, and public comments; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

Background Information

1. The subject proposal consists of the following amendments to the Official
Whatcom County Zoning Ordinance (Title 20):

   a. Amending the Resort Commercial District (WCC 20.64);
   b. Amending the Planned Unit Development Chapter (WCC 20.85); and
   c. Creating a new Density Credits Chapter (WCC 20.91).

2. A Determination of Non-Significance was issued by the SEPA Responsible

3. The Planning Commission held a public hearing on the subject amendments
   on September 28, 2017.
4. Pursuant to WCC 20.90.050, proposed zoning code amendments are evaluated for consistency with the Whatcom County Comprehensive Plan.

**Urban Growth**

5. The Growth Management Act states “Each county . . . shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature . . .” (RCW 36.70A.110(1)).

6. The subject amendments provide density bonuses for Resort Commercial zones located within the Birch Bay urban growth area (UGA) if certain criteria are met. At the current time, the only Resort Commercial zoning districts located within a UGA are in the Birch Bay UGA.

7. Whatcom County Comprehensive Plan policies relating to urban growth include:

   Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.

   Policy 3C-6: In UGAs, consider easing lot consolidation criteria, increasing density, and decreasing minimum lot sizes, in the interest of serving housing affordability.

   Policy 3G-4: Allow development of smaller lots and creative options.

8. Whatcom County Comprehensive Plan Policy 2BB-4 specifically relates to the Birch Bay UGA, indicating:

   Birch Bay is unique with its traditional cottages on small lots that enhance the character of the area. In order to facilitate continuation of this traditional character, encourage small lot single family development in the Birch Bay UGA. Propose amendments to the Resort Commercial zoning district, applicable only to single family dwellings, that increase density to between 10 and 20 dwelling units/acre, reduce setbacks, and require pervious surfaces for driveways or other methods of stormwater infiltration.

9. Comprehensive Plan Policy 2BB-4 addresses increasing single family residential density in the Resort Commercial zoning district. This zoning district currently allows single family residential developments at a gross density of 7 dwellings per acre when public water and sewer are available (WCC 20.64.261 and .271). The subject amendments to the Planned Unit Development Chapter of the Zoning Code would allow a density bonus to double the gross density to 14 single family dwellings per acre (100% increase) in Resort Commercial zoning districts located within the Birch Bay
UGA. To acquire this density bonus, a developer would purchase density credits from Whatcom County. Any density credit revenues would be used in the Agricultural Purchase of Development Rights Program (WCC 3.25A).


11. Comprehensive Plan Policy 2BB-4 addresses stormwater infiltration. The Birch Bay UGA is covered by the Western Washington Phase II Municipal Stormwater Permit, which was issued by the State Department of Ecology in compliance with the Federal Clean Water Act and the State Water Pollution Control Law (RCW 90.48). As a NPDES Phase II permit area, the Washington State Department of Ecology’s 2012 Stormwater Management Manual for Western Washington (amended in 2014) applies to the Birch Bay UGA (WCC 20.80.630(1)). The Stormwater Management Manual states that construction of an infiltration facility is the “preferred option” but is feasible only where more porous soils are available (Volume 1, Chapter 1, p. 9). Furthermore, the Stormwater Management Manual indicates that one of the major changes from the last manual is revised guidelines on designing infiltration facilities (p. i). The Stormwater Management Manual already addresses infiltration. Therefore, no additional infiltration requirements are proposed in the subject Zoning Code amendment.

12. The subject amendments further the goals and policies of the Whatcom County Comprehensive Plan by concentrating urban levels of growth in UGAs, increasing density, allowing smaller lots, and providing creative options for developers in a UGA.

**Rural and Agricultural Areas**

13. Whatcom County Comprehensive Plan goals and policies relating to development in rural and agricultural areas include:

Goal 2DD: Retain the character and lifestyle of rural Whatcom County.

Goal 8A: Conserve and enhance Whatcom County’s agricultural land base for the continued production of food and fiber.

Policy 8A-2: Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision making process. Measures that can be taken to support working farms and maintain the agricultural land base should include:

... Maintaining a Purchase of Development Rights (PDR) program that facilitates the removal of development rights from productive farmland and provides permanent protection
of those agricultural lands through the use of conservation easements or other legal mechanisms. . .

14. The Whatcom County Comprehensive Plan seeks to retain rural character and conserve agricultural lands. These goals and policies are primarily implemented through the Whatcom County Zoning Code, which restricts the uses and densities allowed in rural and agricultural areas. However, the County also adopted an "Agricultural Purchase of Development Rights Program" in 2002 (WCC 3.25A). The purpose of this program is:

To establish a voluntary agricultural purchase of development rights program for Whatcom County which will enhance the protection of the county’s farmland, enhance the long-term viability of the agricultural enterprises within the county and provide public benefit by retaining properties in permanent resource use (WCC 3.25A.020).

15. The subject amendments further the goals and policies of the Whatcom County Comprehensive Plan by providing developer incentives to voluntarily contribute funds that would be utilized in the Agricultural Purchase of Development Rights Program, thereby preserving rural character and agricultural lands.

16. In the past, the Agricultural Purchase of Development Rights Program has received matching funds to purchase conservation easements (primarily from the federal government). Therefore, the potential exists to leverage additional matching funds with dollars from the new density credit program.

**Incentives**

17. Whatcom County Comprehensive Plan policies relating to incentives include:

Policy 2F-3: Revise regulations to include incentive programs.

Policy 2F-4: Review and adopt, where appropriate, incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights, transfer of development rights, and tax deferrals.

Policy 2UU-4: Support the retention of open space and open space corridors through the use of education and incentives, such as purchase or transfer of development rights, density bonuses within UGAs, cluster development, and acquisition of easements.

Policy 2UU-5: Augment land use regulations by engaging in a proactive program of public investment, landowner incentives, and other actions aimed at preserving open space.
18. The subject amendments provide density bonus provisions, which are entirely optional. A developer may choose to develop at the existing base densities allowed by the Resort Commercial zoning district, which are not being changed by this amendment. Alternatively, a developer may choose to utilize the density bonus provisions that allow additional single family dwellings on a site through the purchase of density credits.

19. The subject amendments further the goals and policies of the Whatcom County Comprehensive Plan by providing a voluntary incentive that would allow increased density in the Birch Bay UGA while contributing to preservation of rural and agricultural lands.

**Floodplains**

20. Whatcom County Comprehensive Plan goals and policies relating to development in flood areas include:

- **Goal 2K:** Discourage development in areas prone to flooding.

- **Policy 10E-9:** Discourage new development in the floodplain.

21. The subject amendments further the goals and policies of the Whatcom County Comprehensive Plan because they do not allow density bonuses in the 100 year floodplain.

**CONCLUSION**

The subject amendments are consistent with the goals and policies of the Whatcom County Comprehensive Plan.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. Amendments to the Resort Commercial District of the Whatcom County Zoning Code (Title 20) are hereby adopted as shown on Exhibit A.

Section 2. Amendments to the Planned Unit Development Chapter of the Whatcom County Zoning Code (Title 20) are hereby adopted as shown on Exhibit B.

Section 3. A new Density Credits Chapter in the Whatcom County Zoning Code (Title 20) is hereby adopted as shown on Exhibit C.

Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ______ day of ____________, 2017.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

__________________________  __________________________
Dana Brown-Davis, Council Clerk              Barry Buchanan, Chairperson

APPROVED as to form:

__________________________  __________________________
Civil Deputy Prosecutor              Jack Louws, Executive

( ) Approved     ( ) Denied

Date: ______________________

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Exhibit A

Resort Commercial (RC) District - Amendments

Amend the Resort Commercial District (WCC 20.64) as follows:

20.64.260 Maximum gross density.

Maximum gross density varies according to the availability of public water and/or public sewer. Where public water service is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be one dwelling/five acres. Where public water service is provided but public sewer is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be two per acre unless the health department finds that conditions require a lower density. The following densities apply only where both public sewer and public water serve the project:

.261 Single-family dwellings and duplexes shall not exceed a density of seven units per acre.

... (No changes to the rest of the section).

RATIONALE: At the current time, WCC 20.64.260 does not state whether maximum densities are based upon gross acres or net acres. However, WCC 20.64.271 indicates that the density figures are gross densities. WCC 20.64.260 should be amended to clarify that it refers to gross densities.
Exhibit B

Planned Unit Development (PUD) - Amendments

Amend the PUD Chapter (WCC 20.85) as follows:

20.85.050 Permitted uses.

.051 Uses outright permitted in a planned unit development shall include permitted, accessory and conditional uses allowed in the underlying zone district(s) and such other uses as provided in WCC 20.85.052 to 20.85.055. For areas located within a Water Resource Protection Overlay District, the more restrictive use provisions of Chapter 20.71 WCC shall apply.

.052 In addition to the uses allowed in the underlying zone, the following uses shall be allowed outright where they are only serving the development and where all other applicable standards are met:

(1) Community building;

(2) Indoor recreation facility including athletic club or fitness center, racquetball court, swimming pool, tennis court, or other similar uses;

(3) Outdoor recreation facility including swimming pool, tennis court, or similar use; and

(4) Recreation vehicle storage area.

.053 A planned unit development may add land use activities as follows; provided the criteria of WCC 20.85.054 are met:

(1) For the Urban Residential, Residential-Rural and Rural zones, multifamily dwellings consistent with the density requirements of the underlying zone except as that may be modified by the provisions of WCC 20.85.108. The number of units attached may be greater than would otherwise be allowed by the underlying zoning;

RATIONALE: The PUD Chapter is applicable within urban growth areas (UGAs). There are no longer any “Residential Rural” zoning districts within UGAs.
(2) For the Urban Residential and Urban Residential Medium zones, those uses allowed in the Neighborhood Commercial zone are also permitted. In addition, both resort and nonresort-oriented transient accommodations, such as inns or hotels may be permitted; provided, that:

(a) The total number of sleeping units shall not exceed 50 percent of the total number of dwelling units that would be allowed on the property by the underlying zone regulations;

(b) Each sleeping unit shall count as one dwelling unit for the purpose of determining the total number of dwelling and sleeping units in combination permitted on the property;

(c) It can be demonstrated that the overall development will not generate more traffic than conventional residential development at the density allowed in the zone;

(3) For the General Commercial zone, those uses allowed in the Urban Residential Medium zone are appropriate;

(4) For the Resort Commercial zone:

(a) Multiple single-family dwellings per lot are permitted if developed as condominiums under state law; and

(b) Single-family attached dwellings (at a base gross density of seven units/acre); and

RATIONALITY: At the current time, WCC 20.85.053 does not address adding land use activities for the Resort Commercial zone. Additionally, the Resort Commercial zone allows one single-family dwelling per lot of record (WCC 20.64.054). Some property owners may want to develop their sites as condominiums instead of subdivisions. This amendment would allow such an arrangement. It would also allow single family attached dwellings, such as townhouses, through the PUD permitting process. Single family attached dwellings would be allowed at the same base density as single family detached dwellings under WCC 20.64.261 (seven units/acre).

(54) For the Light Impact Industrial zone, those uses allowed in the Urban Residential Medium, Neighborhood Commercial and/or General Commercial zones are appropriate, and
(5) For the Forestry zone, those uses allowed in the Rural and Residential Rural zones are appropriate.

RATIONALE: PUDs are only allowed in UGAs. There is only one Rural Forestry zone in a UGA (Columbia Valley) and it is planned for eventual light impact industrial uses.

.054 In order to expand uses allowed in WCC 20.85.053, the applicant shall demonstrate:

(1) That the primary land use activity of the planned unit development shall be those uses allowed by the underlying zone district;

(2) That the expanded uses will benefit and serve the residents or employees of the proposed development; and

(3) That all other applicable approval criteria and standards are met.

.055 Where a proposed development is located in two or more zone districts, the uses allowed in the applicable districts may be located on any portion of the site; provided, that all applicable standards are met.

.056 For purposes of determining appropriate standards, the requirements of the zone district allowing the use would apply. If the use is allowed by two or more districts, the lesser standards would apply. (Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 97-061, 1997; Ord. 96-056 Att. A § V1, 1996; Ord. 89-55, 1989).

20.85.108 Density increases.

(1) The county may approve an increase of dwelling unit density for residential development, or floor area for commercial and industrial activities of not more than 35 percent greater than that permitted by the underlying zone rounded to the nearest whole number. Note: Properties located within a Water Resource Protection Overlay District shall not be eligible for a dwelling unit density increase. Density increases shall be governed by the following factors, and are to be treated as additive, and not compounded:

(a) A 15 percent increase in base density for meeting the requirements of this chapter.
(b) A 10 percent increase in base density for improvements to common open space that will serve the needs of the development’s residents and would include such facilities as play areas with equipment, basketball courts, handball courts, ball fields, tennis courts, or swimming pools, or recreational trails. Usable open space on the roof of a building may qualify as improved open space.

(c) A 10 percent increase in base density for preservation or restoration of historically or architecturally significant structures, or for preservation of significant natural features. The burden of designation of such structures or features as significant shall be upon the applicant, unless such structures or features are already identified as worthy of preservation in the Comprehensive Plan, Parks Plan, other official documents, or on a local, state or national register. Final determination as to significance shall be made by the planning director at the earliest possible time and no later than the technical committee review.

(d) A 10 percent increase in base density for the design and construction of energy-efficient buildings which will reduce consumption to 75 percent or less of energy demand per square foot per year for space and water heating in a standard building built to the Washington State Energy Code.

(e) A 10 percent increase in base density for the use of energy from a renewable source exclusively serving the project to provide at least 20 percent of the combined space and water heating needs of the structures proposed in the project. Access to the energy source must be protected through site design and protective covenants or easements. Water heating needs shall be based on energy requirements on an annual basis.

(f) A 15 percent increase in the base density for the creation and preservation of significant public access on shorelines.

(g) Single-family and multifamily development projects located in urban residential zoning districts that utilize rear lane or “alley” garage access may be granted a 15 percent increase in base density, provided:

   (i) Garages are located with direct maneuvering off of the alley; and

   (ii) Front porches are included as part of the front building facade; and

   (iii) Site development conforms to low impact development standards as adopted by Whatcom County in place at time of application.

(2) For purposes of determining conformance with subsections (1)(d) and (e) of this section, the energy efficiency of the structures or energy contribution of total
energy usage shall be calculated using an analytical procedure generally recognized by the Washington State Energy Office as reasonably representative of the expected energy performance. This detailed information shall be provided as part of the final review process of WCC 20.85.365.

(3) Transfer of development rights shall be utilized within designated density transfer receiving areas as shown on the official Whatcom County zoning map to achieve the allowed maximum density prior to the utilization of the density bonus provisions of this chapter.

(4) In a Resort Commercial zoning district located within the Birch Bay UGA, the County may approve an increase of dwelling unit density for single family dwellings of not more than 100 percent greater than that permitted by the underlying zone, rounded to the nearest whole number, if the following criteria are met:

(a) The dwellings are located outside the floodplain; and  
(b) No density increases for residential development are granted pursuant to WCC 20.85.108(1); and  
(c) Density credits are acquired pursuant to WCC 20.91.


RATIONALE: The Resort Commercial zone allows a maximum gross density of 7 dwellings per acre for single family residential developments. Comprehensive Plan Policy 2BB-4 indicates that allowed density should be increased to between 10 and 20 dwellings per acre. A 100% increase in 7 dwellings per gross acre would be 14 dwellings gross acre. Gross density is calculated on the entire area of the parcel (before deducting wetlands, area for roads, area for stormwater facilities, etc.). Net densities take into account these deductions. Two examples are provided below:

- If 30% of a site was taken up by wetlands and infrastructure, 14 dwellings per gross acre would be equivalent to 20 dwellings per net buildable acre (if within a subdivision, average lot size would be 2,178 square feet).
- If 40% of a site was taken up by wetlands and infrastructure, 14 dwellings per gross acre would be equivalent to 23 dwellings per net buildable acre (if within a subdivision, average lot size would be 1,894 square feet).
Exhibit C

**Density Credits - New Section**

Create a new Density Credits chapter (WCC 20.91) as follows:

NOTE: The text below is entirely new. Underlines have been omitted to make reading the text easier.

**Chapter 20.91**

**DENSITY CREDITS**

Sections:

20.91.010 Purpose.

20.91.020 Developer Incentives.

20.91.030 Density Credit Price and Timing.

**20.91.010 Purpose.**

The overall purposes of this chapter are to incentivize increased land use intensity in urban growth areas and decrease residential density in agricultural and rural areas by authorizing density credits. Density credits allow increased density in exchange for a voluntary contribution towards preserving agricultural lands and open space. This is accomplished through a voluntary payment of funds to Whatcom County for use in the Agricultural Purchase of Development Rights Program (WCC 3.25A) in order to allow a higher density as specifically set forth in the Whatcom County Zoning Code.

**Rationale:** This section provides the purpose of the new Density Credit chapter of the Zoning Code. This is an entirely optional provision that may be used by developers to achieve higher densities if they voluntarily agree to provide a contribution towards preservation of agricultural lands in the County. This is similar to the concept of allowing increased density through transfer of development rights, but it is a simpler process. Density credits are not required if a land owner chooses to develop at the density currently allowed by the Zoning Code.
20.91.020 Developer Incentives.

Density credits may be used to gain the following benefits:

(1) Resort Commercial Zone in the Birch Bay Urban Growth Area – Each density credit purchased allows one additional single family residential dwelling in the Resort Commercial zone up to the limit on total dwelling units set by WCC 20.85.108.

Example: A 10 acre site in the Resort Commercial zone could be developed with 70 single family dwellings under the current zoning regulations (at density of 7 dwellings per gross acre). The PUD provisions would allow doubling this to 140 units (if density credits are used and other criteria are met). In this theoretical scenario, the developer would need to purchase 70 density credits to obtain the 70 bonus dwelling units.

20.91.030 Density Credit Price and Timing.

The price per density credit is set by the County Council in the Unified Fee Schedule. If a developer using density credits is granted initial PUD approval pursuant to WCC 20.85.340, the required number of density credits shall be purchased from Whatcom County prior to final PUD approval under WCC 20.85.365.

Rationale: The County Council typically updates the Unified Fee Schedule at least every two years (along with the budget). Reviewing the density credit price on a periodic basis would allow the Council to consider issues such as inflation, the state of the economy, and housing prices.
Record of Proceedings of the Whatcom County Planning Commission
September 28, 2017

Regular Meeting

1. Call To Order: The meeting was called to order, by Whatcom County Planning Commission Vice-Chair, Kelvin Barton, in the Whatcom County Northwest Annex at 6:30 p.m.

2. Roll Call
   Present: Natalie McClendon, Gary Honcoop, David Hunter, Kelvin Barton, Atul Deshmune, Kate Blystone, Dominic Moceri
   Absent: Nicole Oliver, Andy Rowison

3. Staff Present: Gary Davis, Matt Aamot, Amy Keenan, Nick Smith, Royce Buckingham-Prosecutor’s Office, Becky Boxx

4. Open Session for Public Comment

5. Larry Davis, Whatcom County: Addressed the commission as the commissioner for Water District #13 in the Columbia Valley. He would like the commission to take a closer look at continued growth within the Kendall area. Red Mountain Reserves has started clearing land in preparation for new home construction. Balfour Village will soon follow. The problem Water District #13 faces is they have limited water connections. This growth will place them close to their DOE permit limit which will prompt them to upgrade their sewer plan. The cost of the upgrade will be about ten million dollars which they do not have. The water and sewer district will have to issue bonds. Their Compressive Plan shows that by 2022 this community will have to raise sewer rates by 60 percent in order to service that debt. The revenue models in their plan are contingent upon two sources of income; monthly service charges and hookup fees charged to new homes. If at any time in that planning period they enter into another recession the district’s hookup fee income will drop leaving the ratepayers to make up the difference. The worst case scenario is a tripling of sewer rates in the area. In the 1980s the water district faced bankruptcy and it could soon be in the same circumstances because of too much debt and too few homes and customers.

6. Commissioner Comments

   There were no commissioner comments.

7. Public Hearing

   File #PLN2017-00010: Proposed amendments to the Whatcom County Code Title 20 Zoning that would amend the Resort Commercial District (RC), amend the Planned Unit Development Chapter, and create a new Density Credits Chapter.

   Matt Aamot presented the staff report.

   The Growth Management Act (GMA) required counties to designate Urban Growth Areas (UGAs) and encourages urban development in UGAs.
Birch Bay was designated as a UGA by the County in 1997 and, as such, growth is encouraged in this area.

The area within the current Birch Bay UGA experienced relatively high growth from 1990-2000 (206 people per year) and from 2000-2010 (319 people per year). Over the six year period between 2010-2016, population growth slowed (90 people/year). Over the last three decades, the population of the area has more than tripled. Adequate land supply, availability of public water & sewer and the attractiveness of the area have led to a growing Birch Bay community.

In Aug. 2016, the County Council approved an ordinance updating the Comprehensive Plan as required by the Growth Management Act. One of the new provisions in the Comprehensive Plan was Policy 2BB-4, which encouraged small lot single family development in the Birch Bay UGA. It also indicates that the County should propose amendments to the Birch Bay Resort Commercial zone to accomplish several things, including increasing single family residential density. This policy applies within the Birch Bay UGA Resort Commercial zones only. There are two RC zones in Birch Bay, one area in the north and another in the south. The Comprehensive Plan generally encourages growth and development in UGAs, including the Birch Bay Resort Commercial zone.

The Comprehensive Plan also addresses conservation of agricultural lands and protection of rural character. Agriculture is an important industry in Whatcom County. According to U.S. Department of Agriculture’s 2012 Census of Agriculture 1,702 Whatcom County farms produced a market value of $357 million in crops and livestock. Goal 8A, of the Comprehensive Plan, states: Conserve and enhance Whatcom County’s agricultural land base for the continued production of food and fiber. Zoning is the primary implementation tool to protection agricultural lands for future generations, but we also have another tool called the Purchase of Development Rights (PDR) program. This program uses the local Conservation Futures tax proceeds along with matching funds (usually from the Federal government) to purchase development rights from willing landowners in the Agricultural and Rural zoning districts. The PDR program was enacted in 2002. Since then the county has purchased and retired 127 development rights on about 899 acres and the county is continuing on with the program to preserve farmland for future generations.

The Comprehensive Plan also directs the county to include incentive programs to achieve county land use objectives. Staff has identified two objectives based upon the Comprehensive Plan:

1. To increase density in the Birch Bay RC zone; and
2. To protect farmland.

The proposal provides the potential to further both of these objectives. It allows doubling the density in the RC zone in Birch Bay for single family residential development if certain conditions are satisfied:

1. The dwellings are not in the floodplain;
2. No other density bonuses are used; and
3. Density credits are purchased by the developer.
What are density credits? Basically, a program that allows a developer to gain a
density bonus by paying cash to the county to preserve land, instead of buying TDRs
from a private party. The county would use any funds raised by this incentive program
to supplement the existing PDR funds. In other words, it would provide extra cash for
the county to purchase development rights from Agricultural or Rural areas. How much
does a density credit cost? The County Council will have to decide. If it’s too high,
developers would not use the program. If it’s too low, it wouldn’t do that much to
preserve agricultural lands in the County. A town in Colorado had a density credit
program until the economic downturn hit. They charged $3,000 for each bonus single
family residence (SFR), but suspended the program in 2009. The county’s PDR
Oversight Committee looked at this issue in August 2017, and they recommended
$4,000. The City of Bellingham has a program that goes towards Lake Whatcom
Watershed preservation. They charge $5,000 for each bonus unit. They recently had
the first significant private use of their program for a development on Telegraph Road.
Base density allowed 35 multi-family units. The developer paid $240,000 to acquire
48 additional units. Another question might be how much additional development
potential would this incentive program create in the Birch Bay RC zones? The county
ran the numbers, and estimates that the program would allow about 252 more
dwelling units in these zones. That would only occur if most land owners used the
program.

The Comprehensive Plan also addresses floodplains. Policy 10E-9 is to discourage new
development in the floodplain. There is a fair amount of floodplain in the RC zones in
Birch Bay. Density bonus dwellings could not be located in the floodplain under the
proposed amendments.

In summary, the proposal:
1. Would not take away any existing land owner rights;
2. Would provide an option for developers to increase single family residential
density in the Birch Bay Resort Commercial zone (outside the floodplain); and
3. Potentially, provide supplementary funding for the county’s PDR program – to
preserve farmland for future generations.

The hearing was opened to the public.

Jack Hovenier, Whatcom County: Addressed a list of improvements to open space. He
is involved in the Kendall area which has a list of things that will serve the
development and the residents of the developments, including facilities. He would like
to see more recreational trails, managed through an owners association, added to that
list. It is a small but important change. There has been a lot of interest in trails in that
area.

Tony Chaudhry, Whatcom County: Represents Birch Bay RV Resort. They are currently
working on a development for 35 acres. This proposal would make it more feasible to
build and create affordable housing.
Billy Brown, Whatcom County: A Birch Bay resident. Increasing the density for the Resort Commercial zoning is a great idea. The Birch Bay area has been a resort community for decades. They have seen a lot of growth in the last 15 to 20 years. We need to help Birch Bay become a thriving resort community. The only problem with it is the density is only allowed outside of the flood plain. He lives in a flood plain and there has never been any water in his yard. There is not much difference in elevation between being in the flood plain and out of the flood plain. There are a lot of small lots in the flood plain which would be great areas for small cabins.

Ralph Black, Whatcom County: Chair of the TDR/PDR committee. What staff is proposing for Birch Bay is the lowest of the low hanging fruit of what the committee has been discussing. The committee does support the proposal.

Patrick Alesse, Whatcom County: The idea of small lots at Birch Bay is good. The idea of buying development rights is good, but why do we have to go out to the middle of the county to buy them? There is lots of property at Birch Bay. A lot of it can be zoned at 22 units per acre. Those development rights could be sold and put into a fund that could build a park. He would suggest charging more than $5,000 per development right. Farmers need to secure water rights. We could do that if they are willing to trade for development rights.

The hearing was closed to the public.

Commissioner Blystone asked if the fire and water districts in the Birch Bay area saw the proposal.

Mr. Aamot stated they were sent the SEPA checklist and notified of the proposal by email.

Commissioner Blystone stated that about 10 years ago Birch Bay attempted to become a city. Is there still an attempt to do that? She noted concerns of having a lot of development in an un-incorporated urban growth area. The cost of rural development does not pay for itself in taxes. Is this how we want to develop as a county?

Mr. Aamot stated he has not heard anything recently regarding Birch Bay incorporating. As far as growth in the area, it is an urban growth area where growth is encouraged.

Commissioner Honcoop stated there are setbacks, roads, etc. that need to be taken into consideration so how does staff expect to get 14 units per acre.

Mr. Aamot stated there are other developments that show it’s possible. The lots and houses are small.

Commissioner Honcoop asked if the development is only done under a Planned Unit Development (PUD).
Mr. Aamot said yes, because there is a density bonus and other standards may need to be adjusted.

Commissioner Honcoop asked if it allows for a zero lot line or common wall.

Mr. Aamot stated under the PUD that could be allowed. The PUD code offers a lot of flexibility.

Commissioner Barton asked what the current maximum density is now in RC.

Mr. Aamot stated it varies. For single family residential and duplex it is 7 units per acre. For multi-family it’s 22 units per acre. For mobile home parks, etc. it varies.

Commissioner Honcoop asked if it was possible to add in a fee simple in order to have zero lot lines. This would allow more space for development.

Mr. Aamot stated that would be possible under this proposal because of the flexibility of the PUD.

Commissioner Honcoop stated he would like to see language added to address it.

Mr. Aamot stated language could be added to the PUD section.

Commissioner Honcoop moved to change 20.85.050 to read: (4) For the Resort Commercial zone,

a. Multiple single-family dwellings per lot are permitted if developed as condominiums under state law; and

b. Single-family attached dwellings at a base gross density of 7 units/acre; and

Commissioner Deshmane seconded. The motion carried (ayes-7, nay-0).

Commissioner Barton addressed the floodplain issue in proposed WCC 20.85.108(4)(a). In the 14 years he has lived at Birch Bay in the RC zone the main projects he has seen proposed are all condominiums which are 22 units per acre. He would like to see the ability to build single family units in the floodplain as a condition. It doesn’t make sense to allow a 22 unit condo but only 7 single family units.


Comission Honcoop agreed it did not make sense. If something is built in the floodplain they still need to meet FEMA regulations which requires a minimum elevation.

Commission Blystone was not in favor of the motion. She noted the findings state there is a goal in the Comprehensive Plan to discourage in areas prone to flooding. Part
of staff’s job is to prepare these things that meet the goals and policies in the Comprehensive Plan. It would be unwise to encourage development in floodplains. She asked how old the floodplain map is that the county is using.

Mr. Smith stated it is not very old.

Commissioner Hunter stated waters are rising which will increase floodplains. This flies in the face of what is happening. We have a code that suggests not doing this and there are good reasons for that. Condominiums should not be allowed in the floodplain. Just because they currently are doesn’t mean we should allow single family residences also.

Commissioner Deshmane asked if the codes differ for condominiums versus single family homes regarding flooding.

Mr. Smith stated there is no difference but a lot of the condominiums have the garage on the bottom.

Commissioner Hunter wanted to examine the possibility of limiting all development in the floodplain.

Staff stated that could be suggested and added to the docket but could not be part of this current process.

Commissioner Barton stated all the development in the RC zone has been condominiums. The community wants to discourage that. The community wants to see 14 houses per acre rather than 22 condominiums.

Commissioner Deshmane asked if anyone has looked at the issue of condominiums in the floodplain.

Mr. Aamot stated they have not looked at that. The flood rules and the Critical Areas Ordinance are reviewed from time to time. There would need to be a proposal in order to move forward with that.

Mr. Smith asked how far the commission would like to go with that. Would the proposal also include motels, hotels, etc.?

Commissioner Blystone stated the condominium issue would just close an overlooked loophole that has now been identified. If we continue to allow condominiums to develop in the floodplain it will keep happening rather than the single family units.

Mr. Aamot asked for clarification on the issue. Does the commission just want to look at this in the RC zone, as part of this docket item, or all zones?

Commissioner Honcoop stated this is not the place to look at the floodplain issue. Floodplains are a wider scale issue not just limited to the RC zone. The Comprehensive
Plan policy doesn’t state there can’t be development just discourage it. That is two different issues. Understanding the flood rules and FEMA is very important.

The vote on motion failed (ayes-2, nays-5).

Commissioner Hunter moved to have the Planning Department look at the rules regarding development of condominiums in the floodplain in the RC zone and put off this proposal until a later date. Commissioner Blystone seconded.

Commissioner Blystone stated she could not vote on the proposal before them knowing it was potentially encouraging more development of condominiums in the floodplain. If the motion passed it would put a hold on this issue until it is looked at more closely.

Commissioner Moceri agreed the floodplain issue should be looked at but there was a good proposal in front of them that they can move forward with.

Commissioner Deshmane agreed.

Commissioner Hunter agreed the proposal sounded good at the beginning but was not sure now. He didn’t know how the proposal would be affected by the floodplain issue so he was not in favor of moving forward with it.

Commissioner McClendon asked if there is some reason this type of zoning is not being looked at in the areas surrounding the RC zone which are currently URM6.

Mr. Aamot stated staff was implementing the policy which did not include URM6. The TDR/PDR Committee is going to be looking at various options to expand this concept.

Commissioner Blystone stated there was no urgency in moving forward with the proposal. They should wait until more research is done on the loophole that has been uncovered. The two issues can’t be disconnected.

Commissioner Deshmane stated developers usually have a plan going in. They aren’t going to decide on single family or condominium because of these rules.

Commissioner Honcoop agreed. There are a lot of other factors that go into this. The reality of what you get compared to what is allowed is usually only 50 to 60 percent because of roads, stormwater, etc.

Commissioner McClendon stated the proposal does not involve the floodplain so there is no reason why they can’t move forward with the proposal.

The vote on the motion failed (ayes-2, nays-5).

Commissioner Blystone asked how the PDR program was doing. She has heard the program has more money than they know what to do with.
Mr. Aamot stated he did not believe the PDR administrator would agree with that statement. The program receives between 25 to 35 percent of the Conservation Futures Fund. The remaining goes to the Parks Department and other conservation projects. Getting the matching funds from the federal government has been difficult.

Commissioner Blystone stated she has heard the program has slowed down because the price to purchase farmland is greater than it was several years ago. How much money does the program receive?

Mr. Aamot stated it is highly variable over time. It depends on where the need is. The Conservation Future Fund receives a little over one million per year.

Commissioner Honcoop asked if the proposal moves forward and is adopted would the money received for the credits go directly to the program or can it be diverted.

Mr. Aamot stated that the proposal states in would go to the PDR Program.

Commissioner McClendon asked when a development right is purchase does it have to have match federal funding?

Mr. Aamot stated that has been the practice. They have got one private grant.

Commissioner Blystone asked if the TDR/PDR committee looked at the proposal and offered an opinion on it.

Mr. Aamot stated they did and most had positive comments. They preferred it over a traditional PDR program.

Commissioner Blystone stated it feels like they may be ahead of themselves if the committee is looking at an overall program. Wouldn’t it be best to let them look at this in the whole scope of what they are tasked with?

Mr. Aamot stated the committee has been exploring a lot of different options. They would like a program that is easier to use. They had no objections in going forward with this proposal.

Commissioner Honcoop stated the program is a good idea but when all the costs get added to it it no longer works. This proposal is pretty simplistic which could work.

Commissioner Blystone stated the TDR program does not work in Whatcom County because we do not have a market for it and we have a half-baked TDR program which is part of the reason why there was an initiative to put a committee in place. She agreed with the density credit idea but in context of the whole PDR/TDR picture does it make sense to move forward on this one thing? It would be better to wait and look at this based on all of the information.
Commissioner Honcoop stated he agreed with Commissioner Blystone’s comments. We are undermining the work of the committee. We don’t have everything we need to understand what the impact would be, not just on Birch Bay, but countywide.

Mr. Aamot stated the committee did not express that concern. They should be done with their work next spring.

Commissioner Deshmane moved to postpone the proposal until the TDR/PDR Work Group issues a recommendation. Commissioner Blystone seconded.

Commissioner McClendon asked staff if they felt there was a benefit to passing the proposal just to see if it works.

Mr. Aamot stated he was agreeable to that.

Commissioner McClendon asked if staff would see any results to judge if it is working.

Mr. Aamot stated it takes a while for a developer to design a project, get permits, etc. so probably not. There have been comment letters to the commission expressing interest in the idea.

The vote on the motion failed (ayes-3, nays-2, abstain-2).

Commissioner Honcoop addressed the comment letter regarding adding trails managed through an owner’s association.

Commissioner Honcoop moved to change 20.85.052(3) to read: Outdoor recreation facility including swimming pool, tennis court, recreational trail or similar use; and

Commissioner Moceri seconded.

Commissioner Honcoop stated it would be good for the community and create some open space. It does not matter who it is manage by.

Commissioner Blystone asked if this was in the scope of the noticed proposal and SEPA.

Mr. Aamot stated it was a minor amendment that was with the scope.

The vote on the motion carried (ayes-7, nays-0).

Commissioner McClendon moved to recommend approval of Exhibits A, B and C, as amended and the proposed findings.

Commissioner Moceri seconded.
Roll Call Vote: Ayes-Barton, Honcoop, McClendon, Moceri; Nays-Blystone, Hunter; Abstain-Deshmane; Absent-Oliver, Rowson. The motion failed.

File #PLN2016-00008: Proposed amendments that would consolidate and clarify various procedural requirements for processing land use and development applications.

Commissioner Blystone addressed 22.10.060(5)-Approval Criteria. A memo was prepared by the county attorney. She had assumed the memo directly addressed the language. After reading the memo she was not convinced that was the case. The reason staff said it was proposed for removal was because they had a legal opinion that requiring TDRs is illegal because it is a tax. Is that truly the case, given the fact that it does not actually TDRs to be included in the UGA? The other option is to do a development agreement or if the proposed inclusion in the UGA serves the public interest that is another way to not have to get a TDR. To her it does not seem to be a tax. A TDR is only one option of many for inclusion in the UGA.

Mr. Buckingham stated he felt more comfortable not requiring it as an option. There is pretty clear language in 80.20.020 that states you can’t charge taxes or fees for reclassification of land. In his mind the memo addressed are we going to force people to buy TDRs so they can be in the UGA?

Commissioner Blystone stated the language in the proposal was pre-existing, however that doesn’t address the issue of if it is legal or not.

Commissioner Blystone moved to retain the language in 22.10.060(5). Commissioner Deshmane seconded.

Commissioner Honcoop stated that the language again favors government and is a burden for private property owners by stating they have to pay for it but government doesn’t. If the public has to pay it’s going to be tacked on to a housing cost which makes them less affordable. These are the types of things that continue to add burden and drive costs up. One of the goals of the GMA is to provide the necessary housing.

Commissioner McClendon stated this issue was debated during the discussion on the last topic. The language should be reinstated and not debated anymore.

Commission Blystone stated this is existing code and deleting it was based on misinterpretation. This helps created a little bit of a market for TDRs. She agreed with Commission Honcoop that the county should also have to pay a fee for TDRs. The reason there is no market is because we give these away for free.

Commission Honcoop stated we are creating a false marketplace because we are creating a requirement. That is not a marketplace. All costs get passed on to the cost of the home. The largest cost of housing right now is fees.

Commissioner Blystone stated that one of the reasons for lack of development in the UGAs is due to the lack of extension of services from the adjacent cities.
To whom it may concern:

I'm writing in favor of the county updating the zoning for the resort commercial land. I own resort commercial land in the area and I love my time when I am out there visiting and this change to the Title 20 will add great growth. Great idea and I'm in full support!

Sabrina Ellison
--
Thanks,

Sabrina Ellison
415.297.2814
www.about.me/sidlineready
www.linkedin.com/in/sidlineready
September 27, 2017

Whatcom County Planning Commission
c/o WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097

RE: Support of Density Credits / Birch Bay Small Lots Zoning (PLN2017-00010)

Gentlemen:

Birch Bay Resort (BBR), being zoned as Resort Commercial, strongly supports the proposal to increase density between 10 and 20 dwelling units/acre for single family dwellings.

As we develop our master plan for BBR to present to the Planning & Development Services at some point in the future, the option to increased density will greatly help us to continue our mission to provide quality, affordable housing to the Birch Bay area.

Very Truly Yours,

Kevin M. Olsen
Owner Representative
2542 East 40th Ave,
Vancouver, BC
Canada

September 27, 2017

Whatcom County Planning Commission
c/o WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097

RE: Support of Density Credits / Birch Bay Small SF Lot Zoning (PLN2017-00010)

To Whom It May Concern:

I am a Canadian who spends quite a bit of time in Birch Bay to enjoy the peaceful setting. I am hopeful to buy a vacation home there in the future. Therefore, I strongly support the proposal for RC zoning to increase the SF dwelling density from 7 to 14 /acre. Like many others retirees, I would prefer to have a small detached SF home for privacy, a park like setting and investment potential over a Condo and Townhome.

Yours truly,

[Signature]
Corinne Savitsky
September 26, 2017

TO: The Whatcom County Planning Commission

FROM: James Ellison, President

RE: Density Credits / Resort Commercial (RC) proposed zoning amendments

Our firm has been actively investigating and underwriting mixed-use housing projects in the county for the past several years specifically within the RC (Resort Commercial) zones near the Pacific Ocean. I am writing today in support of the proposed zoning amendments ("PLN2017-00010"), which would allow developers, the option to purchase “density credits” in exchange for increased density and the ability to develop small lot single family/cottage housing. Our underwriting has indicated that certain areas of Whatcom County within the RC zone has certain “as of right” permitted uses, height etc. that is not applicable to the area currently or the marketplace. Allowing additional flexibility within in the RC zone to encourage more housing developments, in my opinion, will be positive for the area.

If the County is considering making these density credits available to increase density on small lot single family housing they should also consider allowing developers the ability to purchase credits to increase the density for multifamily dwellings as well within the RC Zone. Assuming a developer purchases credits to increase density from 7u/acre to 14u/acre for small lot single family so should a developer be able to purchase credits to increase density from 15-22u/acre to 30-44u/acre for multifamily development. Although I understand that this is not part of the current amendments I think it is important to note publically. Regardless I fully support the current proposed amendments as is.

Thank you.

James Ellison
September 28, 2017

Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

RE: Density Credits / Birch Bay Small Lots Zoning (PLN2017-00010)

Dear Planning Commission:

The Belcher Swanson Law Firm, PLLC, represents Kaiser Investments, Inc., Joy Investments, Inc., Rainbow Properties, Ltd., Universal management, Inc., and Sabrina Chaudhry, the owners of property (collectively the “Property Owners”) located within the Resort Commercial Zone in the Birch Bay Urban Growth Area.

With PLN2017-00010, the Whatcom County Planning Commission is considering amending certain portions of the Whatcom County Code, which affect the Resort Commercial Zone in the Birch Bay Urban Growth Area. The purpose of this letter is to show the Property Owners’ support for PLN2017-00010. In short, the Property Owners agree that having the option to participate in density credit program to increase the overall development density makes a lot of sense in this area of the County.

Thank you for your consideration of our comments. Please do not hesitate to contact me should you need any additional information.

Very truly yours,

BELCHER SWANSON LAW FIRM, PLLC

BRADLEY D. SWANSON
Attorney at Law

BDS:hc
Cc: clients
September 25, 2017

RE: Support of Density Credits / Birch Bay Small SF lots Zoning (PLN2017-00010)

Gentlemen:

Strongly supports the proposal to increase density to 14 SF dwelling units/acre for Resort commercial zoning.
Demand for small SF units are strongly increasing. This will create a win win situation for Buyers, builders and Birch bay community.

Regard
Adnan Waheed
VIA EMAIL AND HAND DELIVERY

September 21, 2017

Nicole Oliver, Chair
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Kelvin Barton, Vice-Chair
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

David Hunter
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Andrew Rolson
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Dominic Moceri
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Atul Deshmule
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Gary Honcoop
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Kate Blystone
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Natalie McClendon
Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Re: Density Credits; PLN2017-00010

Dear Planning Commission Members:

On behalf of our client, Red Mountain Reserve, LLC ("Red Mountain"), we submit the following comments in regard to the proposed changes to the Planned Unit Development Chapter of the Whatcom County Zoning Code. We understand that the purpose of these proposed changes is primarily to allow for increased density in the Resort Commercial zone in the Birch Bay UGA. We request, however, that the Planning
Commission consider an additional minor change to the PUD in regard to density increases that would be of benefit not only to Birch Bay but to other UGA areas.

We urge the Planning Commission to include recreational trails as one of the improvements to common open space that would allow for a ten percent increase in base density. Accordingly, WCC 20.85.108(b) should be amended as follows:

(b) a 10 percent increase in base density for improvements to common open space that will serve the needs of the development’s residents and would include such facilities as play areas with equipment, basketball courts, handball courts, ball fields, tennis courts, or swimming pools, or recreational trails managed through an owner’s association.

Similarly, WCC 20.85.052(3) should be amended to include recreational trails.

Recreational trails are very similar to the improvements to common space already listed and will serve the recreational needs of the development’s residents. Additionally, trails within a PUD will not only provide outdoor recreational opportunities for residents but will likely enhance the overall environment of the community. This is a small but meaningful change to the County’s PUD’s ordinance and we respectfully request that it be approved along with the other proposed changes.

Thank you for your consideration.

Very Truly Yours,

Brownlie, Wolf & Lee, LLP

[Signature]
Heather Wolf

cc: Mark Personius, Assistant Director
    Matt Aamot, Senior Planner
    Amy Keenan, Senior Planner
    client
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES  Initial  Date  Date Received in Council Office  Agenda Date  Assigned to:
Originator:  DH  10/16/2017  11/8/17  Introduction
Division Head:
Dept. Head:  10/17/17  11/21/17  Hearing
Prosecutor:  10/18/17
Purchasing/Budget:
Executive:  10/30/17

TITLE OF DOCUMENT: Resolution to sell Tax-Title property by negotiation  Req. #TR2017-04

ATTACHMENTS: Map Map, Property Profile & Letter from applicant

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:
The Property Management Committee determined the property be sold by negotiation as per RCW 36.35.150(1)(b) when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property; subject to a covenant to bind.

 Parcel No. 400522.324044.0000 / PID 143124
 PARADISE LAKES COUNTRY CLUB DIV NO 3 TRACT G, TWN 40N RGE 05E SEC 22

 For no less than the principal taxes, interest, penalties, title search and foreclosure costs of $1,800.93

COMMITTEE ACTION:

COUNCIL ACTION:
11/8/2017: Introduced 7-0

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION NO.

TO SELL COUNTY TAX TITLE PROPERTY
BY NEGOTIATION

REQUEST NO. 2017-04

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 The Property Management Committee
determined the property be sold by negotiation as per RCW 36.35.150(1)(b) when the
county legislative authority determines that it is not practical to build on the property due
to the physical characteristics of the property or legal restrictions on construction
activities on the property.

WHEREAS, the Whatcom County Property Management Committee
recommends the Whatcom County Treasurer enter into negotiations with the applicant
subject to RCW 36.35.150(1)(b), when the county legislative authority determines that it
is not practical to build on the property due to the physical characteristics of the
property or legal restrictions on construction activities on the property; subject to a
covenant to bind; 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 $1,800.93

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the
County to sell:

Parcel No. 400522.324044.0000 / PID 143124
PARADISE LAKES COUNTRY CLUB DIV NO 3 TRACT G
TWN 40N RGE 05E SEC 22

By negotiation for no less than $1,800.93.
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 ____________________, 2017.

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
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**Location**: Sumas WA  
**Facility**: PARADISE LAKES COUNTRY CLUB DIV NO 3 TRACT G

| Current Use | 9140 (OTHER VACANT) | Zoning | UR4 (URBAN RES 4DU/A) | Acreage |

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**Special Characteristics**  
**Physical Inspection**

| Date Last Reviewed | Purpose |

| Surplused | Saleability Remarks |

| Sale Status | Lease Info |

| Deed # | 5478 | TREASURER'S DEED TO COUNTY | 11/19/2010 | Auditor's File # | 2101201226 | Volume, Page |

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**Item # 958**  
**Parcel # 400522-324044-0000**  
**Item # 958**  
**Parcel # 400522-324044-0000**
Dear Mr. Oliver
My name is Elton Sanders and I have lived here since 1993. When I purchased my property the driveway to it I assumed was mine as it is the only access to my home. Only upon listing my home was I made aware my driveway belongs to the county. Working with my realtor we made a mistake on the tract in question. My driveway is tract item #958/400522-324044-0000. Pid 143124. I am sorry for my mistake and respectfully ask your consideration Sir.

Sent from my iPhone
THIS SKETCH IS FURNISHED FOR INFORMATION PURPOSES ONLY.
IT DOES NOT PURPORT TO SHOW ALL HIGHWAYS, ROADS, OR EASEMENTS AFFECTING THIS PROPERTY. NO LIABILITY IS
ASSUMED FOR VARIATIONS IN DIMENSIONS AND LOCATIONS. THIS SKETCH IS NOT GUARANTEED AS TO ACCURACY
AND THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.
From the main road towards his home.
From his house facing the main road.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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**TITLE OF DOCUMENT:**
An Ordinance Regarding Establishment of Speed Limits on a portion of Lake Whatcom Boulevard.

**ATTACHMENTS:**
1. Memo to County Executive and County Council
2. Petition to Reduce Speed
3. Speed Limit Ordinance
4. Vicinity Map

**SEPA review required?** ( ) Yes ( X ) NO **Should Clerk schedule a hearing?** ( X ) Yes ( ) NO

**SEPA review completed?** ( ) Yes ( X ) NO **Requested Date:** 11/21/2017

**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, at the direction of the County Council, it is found necessary and expedient to lower the speed limit from 35mph to 25mph on Lake Whatcom Boulevard between Cherry Lane and the western intersection Strawberry Point Road.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
11/8/2017: Introduced 7-0

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

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
ORDINANCE NO._______

AMENDING WHATCOM COUNTY CODE CHAPTER 10.04, ESTABLISHING THE SPEED LIMIT ON A PORTION OF LAKE WHATCOM BOULEVARD

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, a request to lower the speed limit on Lake Whatcom Boulevard by local residents; and

WHEREAS, the County Engineer is forwarding this request to the County Council to formally establish a new speed limit on Lake Whatcom Boulevard; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the speed limit on Lake Whatcom Boulevard be established as follows:

25 mph on Lake Whatcom Boulevard from Cherry Lane easterly to the westerly intersection of Strawberry Point Road located in Sections 35 and 36, Township 38 North, Range 3 East.

BE IT FURTHER ORDAINED that Whatcom County Code Chapter 10.04 is hereby amended to reflect the above speed limit.

BE IT FINALLY 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.

ADOPTED this _____ day of _____, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Daniel Libson
Civil Deputy Prosecutor

Jack Louws, Executive
Date:
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: October 24, 2017

Re: Ordinance Regarding Reduction of Speed Limit for a portion of Lake Whatcom Boulevard

Requested Actions:
Adoption of an ordinance to lower the speed limit on Lake Whatcom Boulevard from 35 mph to 25 mph between Cherry Lane and the western intersection of Strawberry Point Road. (See attached map).

Background and Purpose:

Lake Whatcom Boulevard residents have submitted a petition to “…extend the current speed limit of 25 mph on Lake Whatcom Boulevard to the west entrance of Strawberry Point Road.” (See attached petition).

In order to increase safety in the existing 25mph zone the Public Works Department intends to install a “Your Speed Is” radar sign to alert westbound travelers they are entering a 25mph zone. The Public Works Department supports this request as it will provide an area for the installation of the “Your Speed Is” radar sign.
Dear Chairman Barry Buchanan and Members of County Council,

The residents along Lake Whatcom Boulevard west of Strawberry Point are Petitioning the Whatcom County Council to extend the current speed limit of 25 mph on Lake Whatcom Boulevard to the west entrance of Strawberry Point. We have reported numerous road safety concerns to the Whatcom County Public Works and Whatcom County Sherriff Dept. A neighborhood meeting was held on July 13, 2017 with Rodney Vandersypen and Joe Rutan from Whatcom County Public Works; and 12 residents along Lake Whatcom Blvd living in the area of concern.

Cars often, well exceed the posted 35 mph speed beyond safe driving on this section of a narrow road which has curves, sloping curves, hills, and dips providing very limited visibility through the multiple blind spots. Due to these road conditions there is not adequate reaction time to avoid people, cars, and animals in this area when drivers exceed the speed limit of 35 mph. There are school bus stops and WTA designated stops in this section of Lake Whatcom Blvd. Many portions of this stretch also have no or minimal shoulders for pedestrians and bikers. The entire stretch of Lake Whatcom Blvd from Sudden Valley has seen a significant increase of homes and road traffic within the last 10 years. When Sudden Valley was permitted, Lake Louise Road was to be used as the primary traffic pattern due to the narrow, winding and hilly road of Lake Whatcom Blvd, as well intended to protect the watershed of Lake Whatcom. Winter months add to additional hazards as this section of road does not get direct sunlight keeping the road icy for
long periods of time. The US Post Office requires residents along the lakeside (north side) of the boulevard to have the mailboxes on the south side of the road, making an extreme and often harrowing experience to collect mail.

Over the past 10 years, the residents in the 2600 block of Lake Whatcom Boulevard have written numerous communications and contacted (by phone and in person) the Whatcom County Public Works and the Whatcom County Sheriffs’ Office for help and input of the safety concerns. We have notes and various communications available for additional information supporting the road safety concerns. Several properties and vehicles have had damage occur along the area we are requesting extending the 25mph speed limit.

We call upon the County Council to approve to extend the 25 mph speed limit reduction and have signs posting the speed limit through this hazardous stretch of road. This is a real and serious safety concern for the citizens living along Lake Whatcom Boulevard.

Thank you for considering our petition. Please feel free to contact any of the residents in this area of concern.

Sincerely Residents,

- Melody Wright
- Mary Wright
- Margaret Wright
- Betty
- Brenda & Bob Ross
- Diana Christie
- Marie Lew Calapp
- David Calapp
- Renee Elder & Dan Inghelman
- Camille and Ralph Miller
- Kevin Hansen
• Joe
• Jay
• Ed
• Bob

• Kim E. Smitz
• Margie Munro

ANDREA GERTIT@GMAIL.COM
joy.soltis@yahoo.com
christyfamily@gmail.com
soltis_bob5@yahoo.com

KimnoEtHEL@GMAIL.COM
margieannmunro@gmail.com
WHATCOM COUNTY COUNCIL AGENDA BILL

TITLE OF DOCUMENT:
Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2018

ATTACHMENTS:
Proposed Ordinance

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 proposed ordinance adopts the Whatcom County 2018 property tax levy.

COMMITTEE ACTION:  

COUNCIL ACTION:
11/8/2017: Introduced 7-0

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. ____________

ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR OF 2018

WHEREAS, pursuant to Home Rule Charter Section 6.10 the County Executive is required to submit for Council consideration a budget and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and,

WHEREAS, the County Council has approved a budget for the 2017–2018 biennium, including all sources of revenues and anticipated expenditures on December 6, 2016; and,

WHEREAS, the County Council, in the course of considering the mid-biennium review and modification has reviewed all sources of revenue and examined all anticipated expenses and obligations; and,

WHEREAS, the County Council has determined it is not necessary to increase the General Fund property tax levy for 2018 to fund essential county services, and,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council:

(A) The property taxes for Whatcom County are hereby levied and are to be charged to the assessment and tax rolls of Whatcom County; and,

(B) Property taxes are levied in 2017 for collection in 2018; and,

(C) The amounts collected through the County general levy shall be limited to the amount of 2017 taxes increased for the addition of new construction and improvements to property and any increase in the value of state-assessed property; and,
(D) Because the State of Washington is currently unable to provide the figures and documentation necessary to establish fixed levy rates, as these figures do become available from the state, levies shall be fixed per "Exhibit A" which shall be prepared by the County Assessor, and attached and incorporated herein by reference.

**BE IT FURTHER ORDAINED**, that the taxes to be levied against parcels of property within the Diking Districts, Drainage Districts, and Drainage Improvement Districts are to be credited to the individual maintenance funds for the year 2018, and the amounts to be apportioned to the original assessments for construction in said districts are as follows per "Exhibit B" attached hereto and incorporated herein by reference.

**BE IT FURTHER ORDAINED**, that if the Washington State Legislature changes any laws affecting levies contained herein, and the Prosecuting Attorney's Office concurs, the Whatcom County administration will change such levies accordingly.

**ADOPTED** this ___ day of ______________, 2017.

ATTEST:                         WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk  WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:           ( ) APPROVED  ( ) NOT APPROVED

Daniel L. Gibson                 JackLouws, Executive
Civil Deputy Prosecutor

Date:__________________________
EXHIBIT A WILL BE AVAILABLE AFTER THE FIRST OF THE YEAR 2018
TITLE OF DOCUMENT:
Ordinance Limiting the 2018 General Fund Property Tax Levy

ATTACHMENTS:
Proposed Ordinance

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 proposed ordinance limits 2018 General Fund Property Tax Levy and establishes a new maximum allowable property tax levy.

COUNCIL ACTION:
11/8/2017: Introduced 7-0
ORDINANCE NO. ____________

ORDINANCE LIMITING THE 2018 GENERAL FUND PROPERTY TAX LEVY

WHEREAS, the County Council has approved a budget for the 2017–2018 biennium, including all sources of revenues and anticipated expenditures, on December 6, 2016; and

WHEREAS, the County Council, in the course of considering the mid-biennium review and modification has reviewed all sources of revenue and examined all anticipated expenses and obligations; and,

WHEREAS, the County Council has determined it is not necessary to increase the General Fund property tax levy for 2018,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the County general levy shall be limited to the amount of 2017 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state-assessed property. A property tax increase in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property is hereby authorized for the 2018 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of ________________, 2017

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

( ) APPROVED  ( ) NOT APPROVED

Jack Louws, Executive

Date: __________
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT:
Ordinance Authorizing the Levy of Taxes for County Conservation Futures Purposes for 2018

ATTACHMENTS:
Proposed Ordinance

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
The proposed ordinance adopts the Whatcom County 2018 tax levy for Conservation Futures.

COMMITTEE ACTION:

COUNCIL ACTION:
11/8/2017: Introduced 7-0

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. _________
ORDINANCE AUTHORIZING THE LEVY OF TAXES
FOR CONSERVATION FUTURES PURPOSES FOR 2018

WHEREAS, pursuant to Home Rule Charter Section 6.10 the County Executive is required to submit for Council consideration a budget and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and,

WHEREAS, the County Council has approved a budget for the 2017–2018 biennium, including all sources of revenues and anticipated expenditures, on December 6, 2016; and,

WHEREAS, the County Council, in the course of considering the mid-biennium review and modification has reviewed all sources of revenue and examined all anticipated expenses and obligations; and,

WHEREAS, the County Council has determined it is not necessary to increase the Conservation Futures Fund property tax levy for 2018,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the County Conservation Futures levy shall be limited to the amount of 2017 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state-assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2018 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of _________________, 2017

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM: Barry Buchanan, Council Chair

Daniel L. Gibson ( ) APPROVED ( ) NOT APPROVED

Civil Deputy Prosecutor

Jack Louws, Executive

Date:
Ordinance Authorizing the Levying of 2018 Property Taxes for County Road Purposes

The proposed ordinance authorizes the 2018 Property Tax Levy for County Road Purposes.

11/8/2017: Introduced 7-0
ORDINANCE NO. ____________
ORDINANCE AUTHORIZING THE LEVY OF 2018
PROPERTY TAXES FOR COUNTY ROAD PURPOSES

WHEREAS, pursuant to Home Rule Charter Section 6.10 the County Executive is required to submit for Council consideration proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the Budget; and,

WHEREAS, the County Council has approved a budget for the 2017–2018 biennium, including all sources of revenues and anticipated expenditures, on December 6, 2016; and,

WHEREAS, the County Council, in the course of considering the mid-biennium review and modification has reviewed all sources of revenue and examined all anticipated expenses and obligations; and,

WHEREAS, the County Council has determined it is not necessary to increase the Road Fund property tax levy for 2018,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that the amounts collected through the County Road levy shall be limited to the amount of 2017 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state-assessed property. A property tax increase in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property is hereby authorized for the 2018 levy in the amount of $0, which is a percentage increase of 0% from the previous year.
BE IT FURTHER ORDAINED AND ESTABLISHED, that the Whatcom County Council does hereby authorize diverting $806,530 of the County Road District levy for the budget year 2018 to the General Fund. Diverted County Road Taxes are to be used for traffic law enforcement in the unincorporated areas of Whatcom County.

ADOPTED this ___ day of ________________ , 2017.

ATTEST:

__________________________
Dana Brown-Davis, Council Clerk

__________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

__________________________
Civil Deputy Prosecutor

( ) APPROVED  ( ) NOT APPROVED

__________________________
Jack Louws, Executive

Date:__________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<td>J. Louws</td>
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**TITLE OF DOCUMENT:** Resolution for the update of the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan

**ATTACHMENTS:**
Resolution and Memorandum

<table>
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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>
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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.)

In October 2015, the Whatcom County Council approved a scope of work that resulted in the development of an update to the capital projects section of the Comprehensive Stormwater Plan for the Lake Whatcom Watershed. After a series of public meetings, surface water work sessions, a public comment period, and a SEPA review process, the proposed update to the comprehensive plan is now complete and ready for approval. It includes identification of the most effective phosphorous removal measures and proposed project locations where the measures will have the greatest benefit.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
11/8/2017: Introduced 7-0

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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, County Executive, and Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Kirk N. Christensen, P.E., Stormwater Supervisor

DATE: October 16, 2017

RE: Resolution for updating the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan

Please find the attached resolution for adoption of the Capital Projects Section of the Lake Whatcom Comprehensive Stormwater Plan.

Requested Action
We request that the Whatcom County Council adopt the proposed resolution.

Background and Purpose
In October 2006, the Whatcom County Council approved a scope of work that initiated the development of a Comprehensive Stormwater Plan for the Lake Whatcom Watershed. In 2008, the Whatcom County Council adopted the Lake Whatcom Comprehensive Stormwater Plan (LWCSP) which helped identify programmatic solutions and capital improvement projects with the goal of reduction of pollutants into Lake Whatcom. Since then Whatcom County has been constructing capital projects outlined in the LWCSP. Projects in the original plan are either complete or on the Six-Year Water Resources Improvement Program.

This update to the LWCSP identifies the most effective capital projects to reduce phosphorus and bacteria loading to Lake Whatcom for approximately the next ten years. The project scope included identification of capital projects for construction, development of project summary sheets, prioritizing and ranking identified improvement projects, and public meetings. The update to the plan was presented at the July 18, 2017 surface water work session. The plan update is on file in the Council office or at the following link: http://www.whatcomcounty.us/DocumentCenter/View/30912

Please contact Kirk Christensen at extension 6297, if you have any questions or concerns regarding the plan or the resolution.

Encl.
RESOLUTION NO. __________________

UPDATING THE CAPITAL PROJECT SECTION OF THE LAKE WHATCOM COMPREHENSIVE STORMWATER PLAN

WHEREAS, County Council Resolution 2008-036 establishes a comprehensive stormwater management plan for the Lake Whatcom watershed; and

WHEREAS, the plan lays out actions that meet the conditions of state and federal Total Maximum Daily Load (TMDL) and Western Washington NPDES Phase II Permit requirements; and

WHEREAS, the plan recommends programs, capital improvements, timelines and funding options with the goal of reducing the amount of phosphorus entering Lake Whatcom; and

WHEREAS, Public Works has constructed facilities and made improvements outlined in the Lake Whatcom Comprehensive Stormwater Plan, so that projects in the plan are either complete or on the current Six-Year Water Resources Improvement Program; and

WHEREAS, in October 2015 the Whatcom County Council authorized an update to the Capital Project Section of the Lake Whatcom Comprehensive Stormwater Plan to identify and prioritize additional capital improvements; and

WHEREAS, preparation of the proposed update was based on substantial public outreach, including workshops and presentations, and engagement with Lake Whatcom Management Program partners; and

WHEREAS, a SEPA Determination of Non-Significance (DNS) was issued in August 29, 2017.
NOW THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby:

1. Adopts the recommendations included in the update to the capital projects section of the Lake Whatcom Comprehensive Stormwater Plan.

2. Adopts the plan as an agency SEPA policy under the State Environmental Policy Act.

APPROVED this ___ day of __, 2017.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy Prosecutor
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Appointment to fill vacancy on Planning Commission District 2

**ATTACHMENTS:**
Application

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<th>SEPA review required?</th>
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| Should Clerk schedule a hearing? | Yes | No |

Request 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.)

Introduction item of Appointment to fill District 2 vacancy on Whatcom County Planning Commission. This is a partial term ending on 1/31/2021. The Planning commission assists the Planning and Development Services Department, the Commission conducts hearings and makes findings and conclusions to the Planning and Development Services Department and the Whatcom County Council. Current application: Stephen Jackson.

**COMMITTEE ACTION:**

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<td>11/8/2017: Introduced 7-0</td>
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**Related County Contract #:**

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| 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.
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.

First Name  Stephen
Last Name   Jackson
Date        10/30/2017
Street Address  3000 West Maplewood Avenue
City        Bellingham
Zip         98225
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? Field not completed.
Primary Telephone  7024032243
Secondary Telephone  7024032243
Email Address  swjaxon@gmail.com

Step 2
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<td>1. Name of Board or Committee</td>
<td>Planning Commission</td>
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<td>2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?</td>
<td>Yes</td>
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<td>3. Which Council district do you live in?</td>
<td>District 2</td>
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<td>4. Are you a US citizen?</td>
<td>Yes</td>
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<td>5. Are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?</td>
<td>No</td>
</tr>
<tr>
<td>7. Have you ever been a member of this Board/Commission?</td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>No</td>
</tr>
</tbody>
</table>

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education</td>
<td>I am a Deputy Public Defender for Whatcom County. My duties include representing indigent defendants in criminal matters. I am well-versed in the laws and statutes of Washington and Whatcom County. I am also a member of the North Sound Behavioral Health Advisory Board.</td>
</tr>
</tbody>
</table>
10. Please describe why you’re interested in serving on this board or commission

It is clear that Whatcom County is in a significant period of growth. As a result, this growth must be managed in a way that is sustainable, logical, and serves all members of the community. I would like to lend my talents and expertise to assist with reaching that goal. I am a proud resident of Whatcom County and look forward to serving my community for years to come.

References (please include daytime telephone number):

Jill Bernstein -- (360) 961-2677 Jane Boman -- (206) 353-2508
Maggie Peach -- (360) 319-4769

Signature of applicant:  Stephen W. Jackson

Place Signed / Submitted  Bellingham, WA

(Section Break)

Email not displaying correctly? View it in your browser.
Stephen W. Jackson
3000 West Maplewood Avenue
Bellingham, WA 98225
(702) 403-2243
swjaxon@gmail.com

Education:
William S. Boyd School of Law, University of Nevada, Las Vegas
Juris Doctor, December 2014

University of Nevada, Las Vegas
Bachelor of Arts, May 2012
Major: Criminal Justice

Experience:
Whatcom County Public Defender
Deputy Public Defender
April 2015 – Present
- Make daily court appearances representing clients and negotiating plea deals
- Manage a large felony, misdemeanor and juvenile court caseload
- Assist with Whatcom County Mental Health Court

Office of the Federal Public Defender for the District of Nevada – Non-Capital Habeas Unit
Law Clerk
January 2014 – May 2014
- Wrote pleadings, briefs, and motions for indigent clients seeking appellate relief from federal and state courts

U.S. District Court for the District of Nevada
Judicial Extern to the Honorable Kent Dawson
May 2013 – August 2013
- Worked on a complex issue of first impression involving changes to Nevada’s foreclosure laws
- Wrote draft orders to be signed by the judge on criminal and civil cases that came before the court

Legal Aid Center of Southern Nevada
Law Clerk – Special Education Unit
May 2013 – August 2013
- Support legal staff with research and writing on local special education issues
- Advocated on behalf of special-needs students at hearings with school district staff

KLAS-TV
Online News Editor – Assignment Editor
December 2006 – July 2012
- Responsible for writing and copyediting stories for a large news website
- Produced all online elements for a nationally recognized investigative journalism team
- Managed Las Vegas’ largest television newsroom

Volunteering:
Washington State Bar Association
Editorial Advisory Committee
July 2016 – Present
- Work with WSBA staff to oversee the publication of WSBA’s magazine

North Sound Behavioral Health Advisory Board
Board Member
August 2016 – Present
- Enact policy and budgetary recommendations for behavioral health services for five Washington counties

Awards:
- 2013 duPont – Columbia Award for Excellence in Broadcasting
- 2011 Peabody Award for Excellence in Broadcasting
- 2006 Emmy Awards – Crime Reporting and Investigative Reporting
- Four-time Edward R. Murrow Award winner
WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator: Council</td>
<td>11/14/2017</td>
<td></td>
<td></td>
<td>11/21/2017</td>
<td>Introduction</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>11/15/17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Apartment to Lummi Island Ferry Advisory Committee

**ATTACHMENTS:**
application

**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.)
Applicant for the County Resident not living on Lummi Island is Scott Aspman.
The Committee provides review and recommendations to the County Council and Executive on issues that affect the ongoing operations and infrastructure of ferry service to Lummi Island. Review includes: proposed changes to ferry operations and fares; an annual review of the ferry fund; demands of and improvements to ferry services; and ferry replacement options. Meets monthly.

**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).
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Scott Aspman
Street Address: 2100 D ST.
City: Bellingham, WA
Mailing Address (if different from street address): 
Day Telephone: (360) 788-5220 Evening Telephone: (360) 788-5220 Cell Phone: 
E-mail address: Scottaspm @msn.com

1. Name of board or committee-please see reverse: L.I.F.A.C.

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) ( X ) yes ( ) no

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three ( ) Four ( ) Five

5. Are you a US citizen? ( X ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( X ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( X ) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( X ) no
   If yes, please explain:

9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? ( ) yes ( X ) no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. Please see attached

11. Please describe why you’re interested in serving on this board or commission: Please see attached

References (please include daytime telephone number): Robin Aspman- O’Callaghan

(360) 319-5162

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.
Scott Aspman
2100 D Street
Bellingham, WA 98225

Occupation: Retired (2014)

Education/professional designations:
- Master of Business Administration, University of Washington
- Project management professional (PmP), Project Management Institute

Relevant professional experience:
- Vice president and manager, Credit Management Real Estate, Rainier National Bank. Responsible for the acquisition, rehabilitation, and sale of bank-owned commercial real estate assets, focused on the financial and legal analysis of project alternatives. Representative projects included office buildings, apartments, shopping centers, hotels, resorts and industrial facilities. Projects ranged from $1MM--$100MM throughout the Western United States.
- Vice president, Risk Policy, Commercial Real Estate, Security Pacific Corporation. Responsible for the administration of risk policies for Security Pacific units throughout the corporation.
- Senior consultant, KPMG consulting. Responsible for the design and implementation of consumer risk management models, Hanvit Bank, Seoul, South Korea.
- Senior consultant, Specialty People, LLC. Responsible for project definition, design and programming, testing and implementation for major commercial loan system enhancements. Clients included:
  - State Street Corporation
  - Credit Lyonnais
  - GE Corporate Finance
  - Merrill Lynch
  - Bank of America

Reason for interest in this position:

My sister and brother-in-law live on Lummi Island, and I am a frequent passenger on the Whatcom Chief.

All Whatcom County residents have an important interest in the maintenance and future planning for this important County transportation system.

I attended the most recent LIFAC meeting on November 7, and was impressed at the depth of the expertise already committed to this project. I hope my experience in finance and project management can contribute in some small way to this endeavor.

Sincerely,
Scott Aspman
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.*

<table>
<thead>
<tr>
<th>First Name</th>
<th>Scott</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Aspman</td>
</tr>
<tr>
<td>Date</td>
<td>11/9/2017</td>
</tr>
<tr>
<td>Street Address</td>
<td>2100 D St</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98225</td>
</tr>
<tr>
<td>Do you live in &amp; are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
<tr>
<td>Do you have a different mailing address?</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>Primary Telephone</td>
<td>3607885220</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td>3607885220</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:scottaspman@msn.com">scottaspman@msn.com</a></td>
</tr>
</tbody>
</table>

**Step 2**
1. Name of Board or Committee | Lummi Island Ferry Advisory Committee  
Lummi Island Ferry Committee (Part 2)  
County resident not living or owning property on Lummi Island  
Lummi Island Ferry Advisory Committee  
No  
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? | Yes  
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? | No  
7. Have you ever been a member of this Board/Commission? | No  
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? | No  
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions: | Field not completed.  
9. Please describe your | I have 15 years of commercial real estate experience as a
occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

banker and analyst. MBA, Finance, University of Washington. I also have extensive project management experience. Experience: Vice President and Manager, Credit Management Real Estate, Rainier National Bank (now BofA) Consultant, KPMG consulting. PMP designation, Project Management Society. Senior consultant, Specialty People LLC.

10. Please describe why you’re interested in serving on this board or commission

The ferry is an essential service to both Island and County residents. I have relatives on the Island and visit frequently. The plan to upgrade the ferry needs input from both Island and County residents to ensure all involved parties are properly represented. I believe my background in the analysis of complex financial projects, and project management expertise, can help with that.

References (please include daytime telephone number):

Robin Aspman O'Callaghan 360.319.5162 I have attended the most recent LIFAC meeting and Nancy Ging encouraged my application.

Signature of applicant: Scott Aspman

Place Signed / Submitted Bellingham, WA

Email not displaying correctly? View it in your browser.
TITLE OF DOCUMENT: 2017 Supplemental Budget Request #14

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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 #14 requests funding from the General Fund:
1. To appropriate $52,198 in the Sheriff's Department to fund reimbursable overtime increase.
2. To appropriate $5,000 in the Sheriff's Department to fund Recreation Boating Safety Program increase from grant proceeds.

From the Road Fund:
3. To appropriate $33,750 to partially fund ferry emergency electrical repairs.

From the Jail Fund:
4. To appropriate $84,859 to fund Corrections Deputies transfer to new medical plan.

From the Ferry Fund:
5. To appropriate $75,000 to fund 2017 ferry emergency electrical repairs.
PROPOSED BY:  Executive  
INTRODUCTION DATE: 11/21/17

ORDINANCE NO.  
AMENDMENT NO. 14 OF THE 2017 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and,  
WHEREAS, changing circumstances require modifications to the approved 2017-2018 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 2017-2018 Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following additional amounts to the 2017 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff</td>
<td>57,198</td>
<td>(57,198)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>57,198</td>
<td>(57,198)</td>
<td>-</td>
</tr>
<tr>
<td>Road Fund</td>
<td>33,750</td>
<td>-</td>
<td>33,750</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>84,859</td>
<td>-</td>
<td>84,859</td>
</tr>
<tr>
<td>Ferry Fund</td>
<td>75,000</td>
<td>(33,750)</td>
<td>41,250</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>250,807</td>
<td>(90,948)</td>
<td>159,859</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ________________, 2017.

ATTEST:

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

APPROVED AS TO FORM:  

( ) Approved  ( ) Denied  
Jack Louws, County Executive  
Date: ____________________

I:\BUDGET\SUPPLS\2017_Suppl\Supplemental #14-2017_1.docx
<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff</td>
<td>To fund reimbursable overtime increase.</td>
<td>52,198</td>
<td>(52,198)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Recreational Boating Safety Program increase from grant proceeds.</td>
<td>5,000</td>
<td>(5,000)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td></td>
<td>57,198</td>
<td>(57,198)</td>
<td>-</td>
</tr>
<tr>
<td>Road Fund</td>
<td>To partially fund ferry emergency electrical repairs.</td>
<td>33,750</td>
<td>-</td>
<td>33,750</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>To fund Corrections Deputies transfer to new medical plan.</td>
<td>84,859</td>
<td>-</td>
<td>84,859</td>
</tr>
<tr>
<td>Ferry Fund</td>
<td>To fund 2017 ferry emergency electrical repairs.</td>
<td>75,000</td>
<td>(33,750)</td>
<td>41,250</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td></td>
<td>250,807</td>
<td>(90,948)</td>
<td>159,859</td>
</tr>
</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: November 6, 2017
SUBJECT: Supplemental Budget ID# 2510
          Reimbursable Overtime Increase - 2017

The attached Supplemental Budget requests an increase in revenue and expenditure authority for Reimbursable Overtime in 2017.

Background and Purpose
The Sheriff’s Office provides extra law enforcement, traffic control, and security services in accordance with contracts, temporary right-of-way permits, and agreements to hire extra-duty deputies in order to enhance safety and response capabilities. These services are provided by deputies on overtime so as not to impact the daily operations and response capabilities of regularly scheduled shift deputies.

The current budget is inadequate to cover the services requested in 2017.

Expenditures will be offset by revenue generated from billing rate of $73.00 per hour for reimbursable overtime in accordance with the Whatcom County Unified Fee Schedule.

Funding Amount and Source
Funding of $52,195 will be provided by organizations requesting services.

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff

Fund 1 Cost Center 2965 Originator: Dawn Pierce

Expenditure Type: One-Time Year 1 2017 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Reimbursable Overtime Increase - 2017

Department Head Signature (Required on Hard Copy Submission)

X 11-6-2017

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4342.1012</td>
<td>Off Duty Overtime</td>
<td>($52,195)</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>$4,825</td>
</tr>
<tr>
<td>6140</td>
<td>Overtime</td>
<td>$38,859</td>
</tr>
<tr>
<td>6210</td>
<td>Retirement</td>
<td>$3,899</td>
</tr>
<tr>
<td>6230</td>
<td>Social Security</td>
<td>$3,342</td>
</tr>
<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>$1,213</td>
</tr>
<tr>
<td>6269</td>
<td>Unemployment-Interfund</td>
<td>$57</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
The Sheriff's Office provides extra law enforcement, traffic control, and security services in accordance with contracts, temporary right-of-way permits, and agreements to hire extra-duty deputies in order to enhance safety and response capabilities. These services are provided by deputies on overtime so as not to impact the daily operations and response capabilities of regularly scheduled shift deputies.

1b. Primary customers:
Citizens of Whatcom County

2. Problem to be solved:
The current budget is inadequate to cover additional law enforcement services requested.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:
Sheriff's Office deputies provide extra law enforcement, traffic control, and security services as requested.

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Funding provided by organizations requesting services.
Overtime billed at $73.00 per hour in accordance with Whatcom county Unified Fee Schedule.

Monday, November 06, 2017
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: October 23, 2017
SUBJECT: Supplemental Budget ID# 2499
Recreational Boating Safety Grant Increase 2017

The attached Supplemental Budget requests budget authority for the 2017 Recreational Boating Safety Grant increase in award.

Background and Purpose
The Sheriff’s Office received a Recreational Boating Safety Grant Award of $18,374.57 from Washington State Parks and Recreation Commission to conduct on the water patrols during the peak boating period from March 1 through September 30, 2017 (Whatcom County Contract #201703016).

In a letter dated June 7, 2017, the Washington State Parks and Recreation Commission awarded an additional $5,000 to the Sheriff’s Office in recognition of our long term support of the Recreational Boating Safety (RBS) Program and for providing State Parks RBS program instructors to conduct basic and advanced marine law enforcement training.

Funding Amount and Source
Additional $5,000 provided by Washington State Parks and Recreation Commission, Recreational Boating Safety Federal Financial Assistance Grant, CFDA No. 97.012.

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff Operations

Sup ID # 2499 Fund 1 Cost Center 1003512006 Originator: Dawn Pierce

Expenditure Type: One-Time Year 1 2017 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Recreational Boating Safety Grant Increase 2017

X

Department Head Signature (Required on Hard Copy Submission) Date 10/23/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>4333.8701</td>
<td>Boating Safety</td>
<td>($5,000)</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>$104</td>
</tr>
<tr>
<td>6140</td>
<td>Overtime</td>
<td>$4,231</td>
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<tr>
<td>6210</td>
<td>Retirement</td>
<td>$216</td>
</tr>
<tr>
<td>6230</td>
<td>Social Security</td>
<td>$313</td>
</tr>
<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>$131</td>
</tr>
<tr>
<td>6269</td>
<td>Unemployment-Interfund</td>
<td>$5</td>
</tr>
<tr>
<td><strong>Request Total</strong></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

1a. Description of request:
The Sheriff's Office will conduct additional on-the-water patrols to increase education and enforcement activities encouraging greater compliance with boating safety laws in an effort to reduce boating-related loss of life, personal injury, and property damage.

1b. Primary customers:
Whatcom County citizens and visitors

2. Problem to be solved:
The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law.

3a. Options / Advantages:
Grant funds are awarded specifically for boating safety education, assistance, and enforcement activities.

3b. Cost savings:
Cost savings of $5,000.

4a. Outcomes:
Marine patrols are conducted during the peak boating period from May to September 2017.

4b. Measures:
Written vessel inspections using approved State Parks inspection forms will be completed and submitted.

5a. Other Departments/Agencies:

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

6. Funding Source:
To: Whatcom County Sheriff's Office, Sheriff William Elfo

From: Wade Alonzo, Washington State Parks Boating Program, Boating Law Administrator

Subject: Grant Increase for Instructor Support

Date: June 7, 2017

In recognition of the long-term support of the Recreational Boating Safety program and the fiscal, personnel, and logistic expenditures made by your agency by providing instructors to State Parks we are increasing your grant amount.

Your agency for providing instructor(s) to the State Parks RBS program will be immediately awarded an additional $5000.00 to your Federal Financial Assistance Grant. Your current grant amount of $18,374.57 is increased to $23,374.57 upon receipt of this notification. As State Parks has grown the number and types of boating courses offered, it has required much more support and participation from your personnel and your agency.

This bonus amount may change from year to year based on multiple factors that affect the Federal Financial Assistance Grants. However, it is State Parks intention to compensate your agency for actively supporting Recreational Boating Safety in Washington State by going beyond the call of duty. Without your personnel and the support provided to them by your agency, our ability to offer basic and advanced level marine law enforcement training would be severely impacted.

Please do not hesitate to email or call Hoyle Hodges 360-902-8835 hoyle.hodges@parks.wa.gov Marine Law Enforcement Coordinator if there are any questions.
Supplemental Budget Request

Public Works

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>108</td>
<td>10895</td>
<td>Randy Rydel</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time Year 1 2017 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: 2017 Ferry Electrical Emergency Companion to #2506

Department Head Signature (Required on Hard Copy Submission) 11/4/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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<td>Operating Transfer Out</td>
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</tr>
<tr>
<td>Request Total</td>
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<td>$33,750</td>
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</table>

1a. Description of request:
Companion to ferry supplemental request 2506.

Ferry Fund expenses are covered 45% by Road Fund transfers per WCC 10.34.030.

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:
   Road Fund Balance

Monday, November 06, 2017
MEMORANDUM

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

Through: Jon Hutchings, Director

From: Randy Rydel, Public Works Financial Services Manager

Date: November 6, 2017

Subject: Supplemental Budget Request (SBR)-2506 and 2507 for 2017 Emergency Ferry Electrical Work

Enclosed for your approval are Supplemental Budget Request (SBR)-2506 and 2507 from the Ferry Fund and the Road Fund. This request supplements ferry fund expenditure authority that was previously utilized for emergency electrical work. Replenishing this maintenance expenditure authority will enable Public Works to respond quickly and efficiently to maintenance emergencies that may come up prior to year-end.

Requested Action
Public Works respectfully requests that the County Council and the County Executive approve SBR-2506 replenishing the expenditure authority available to deal with emergency maintenance issues as they surface prior to 2017 year end. Concurrent with the approval of SBR-2506 is the approval of SBR-2507 providing for the transfers funds from the Road Fund to the Ferry Fund for 45% of expenditures per WCC 10.34.030.

Background and Purpose
On March 6th, 2017 the electrical system for the ferry dock at Gooseberry Point began experiencing significant electrical problems. After initial troubleshooting by county staff was unsuccessful, VECA Electric & Technologies was called in to locate and resolve the problem. The electrical problems proved elusive requiring over two months and 230 contractor hours to resolve. During much of this time, an onsite backup generator provided power necessary to run the lift motor. Work to return the dock to normal operations exceeded $75,000; approximately $38,000 paid to VECA and $37,000 paid to the ER&R fund for generator fuel and staff assistance to VECA.

This request will replenish $75,000 expenditure authority to be used in the event of further emergency maintenance needs prior to the end of 2017.

Funding Amount and Source
All operating expenditures of the Ferry Fund are subsidized 45% by the Road Fund. The remaining 55% is covered through farebox revenue banked as fund balance.

Please contact Randy Rydel at extension 6271, if you have any questions or concerns regarding the terms of this request.
1a. Description of request:
According to the bargaining unit settlement with the Corrections Deputies, the Deputies are transferring to Teamsters Medical beginning in 2018. Teamsters requires two months down payment to be paid in December 2017. This supplemental requests the difference between one month County medical that is currently in the budget and two months Teamsters medical times 72 deputy positions. $1,178.60 per deputy * 72 positions = $84,859

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:
Jail Fund Balance
Supplemental Budget Request

Public Works

Ferry & Docks

Suppl ID #: 2506

Fund 444 Cost Center 444510 Originator: Randy Rydel

Expenditure Type: One-Time Year 1 2017 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2017 Ferry Electrical Emergency

Department Head Signature (Required on Hard Copy Submission)

11/6/17

Costs:

<table>
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<th>Object</th>
<th>Description</th>
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<tbody>
<tr>
<td>7060</td>
<td>Repairs &amp; Maintenance</td>
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<tr>
<td>7069.501</td>
<td>Repairs &amp; Maint-Interfun</td>
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<td>8301.108</td>
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Request Total $41,250

1a. Description of request:

On March 6th, 2017 the electrical system for the ferry dock at Gooseberry Point began experiencing significant electrical issues. After initial troubleshooting by county staff was unsuccessful, VECA Electric & Technologies was called in to locate and resolve the problem. The electrical problems proved elusive and required 230 hours of service and over 2 months to resolve the issues. During much of this time, an onsite backup generator was the only way to provide power that could run the lift motor. The cost of this effort to get the dock back to normal operations exceeded $75,000 with approximately $38,000 paid to VECA and $37,000 paid to the ER&R fund for generator fuel and staff assistance to VECA.

This request will replenish expenditure authority to be used in the event of further emergency maintenance needs prior to the end of 2017.

1b. Primary customers:

Travelers between Lummi Island and the mainland.

2. Problem to be solved:

This emergency maintenance activity eliminated any excess expenditure authority in the Ferry Fund for handling end of year emergencies as they surface.

3a. Options / Advantages:

The availability of expenditure authority to cover emergency maintenance needs enables Public Works to respond quickly and efficiently to situations as they arise.

3b. Cost savings:

In the event of an emergency, acting quickly and prior to significant failure often proves more cost effective. Additionally, quick action results in less downtime and user inconvenience.

4a. Outcomes:

The Ferry Fund will remain within the adopted budget while still responding to maintenance needs.

4b. Measures:

5a. Other Departments/ Agencies:

ER&R - May be requested to provide assistance in the event of a maintenance emergency.

Maintenance & Operations - May be requested to provide assistance in the event of a maintenance emergency.

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

<table>
<thead>
<tr>
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<tr>
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**Status:** Pending

6. **Funding Source:**

- 55% Ferry Fund Balance (Fare Box Revenue)
- 45% Road Fund Transfer
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<td>12/5/17</td>
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<td></td>
<td>11/13/17</td>
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**TITLE OF DOCUMENT:** 2018 Supplemental Budget Request #2

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

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

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

**Requested Date:**

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

Supplemental #2 requests funding from the Road Fund:

1. To appropriate $90,000 to partially fund 2018 planned ferry dock maintenance.
   From the Ferry Fund:
2. To appropriate $200,000 to fund 2018 planned dock maintenance supplement.

---

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

676
ORDINANCE NO.
AMENDMENT NO. 2 OF THE 2018 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and,
WHEREAS, changing circumstances require modifications to the approved 2017-2018 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 2017-2018 Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following additional amounts to the 2018 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tr>
<td>Road Fund</td>
<td>90,000</td>
<td>-</td>
<td>90,000</td>
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<tr>
<td>Ferry Fund</td>
<td>200,000</td>
<td>(90,000)</td>
<td>110,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>290,000</td>
<td>(90,000)</td>
<td>200,000</td>
</tr>
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ADOPTED this ___ day of ____________________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: ____________________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
<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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<tbody>
<tr>
<td>Road Fund</td>
<td>To partially fund 2018 planned ferry dock maintenance.</td>
<td>90,000</td>
<td>-</td>
<td>90,000</td>
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<tr>
<td>Ferry Fund</td>
<td>To fund 2018 planned dock maintenance supplement.</td>
<td>200,000</td>
<td>(90,000)</td>
<td>110,000</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td><strong>290,000</strong></td>
<td><strong>(90,000)</strong></td>
<td><strong>200,000</strong></td>
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</tbody>
</table>
Supplemental Budget Request

Status: Pending

Public Works

Fund: 108  Cost Center: 10895  Originator: Randy Rydel

Expenditure Type: One-Time  Year: 2018  Add'l FTE: No  Add'l Space: No  Priority: 1

Name of Request: 2018 Planned Dock Maintenance Supplement - 2508

Department Head Signature: [Signature]  Date: 11/4/17

<table>
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<td>8351.444</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$90,000</td>
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</table>

1a. Description of request:

Companion to ferry supplemental request 2508.

Ferry Fund expenses are covered 45% by Road Fund transfers per WCC 10.34.030.

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:

Road Fund Balance
MEMORANDUM

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

Through: Jon Hutchings, Director

From: Randy Rydel, Public Works Financial Services Manager

Date: November 6, 2017

Subject: Supplemental Budget Request (SBR)-2508 and 2509 for 2018 Planned Dock Maintenance

Enclosed for your approval is Supplemental Budget Request (SBR)-2508 and 2509 from the Ferry Fund and the Road Fund. This request supplements existing 2018 ferry fund expenditure authority in anticipation of increased dock related repair and maintenance needs. The facilities have seen increased repair and maintenance costs as they age. This request funds the identified 2018 repairs necessary to keep the docks operational.

Requested Action
Public Works respectfully requests that the County Council and the County Executive approve SBR-2508 adding expenditure authority to deal with the increased cost of maintaining our aging docks. Public Works has identified approximately $200K of planned maintenance in excess of the previously approved base budget. Concurrent with the approval of SBR-2508 is the approval of SBR-2509 providing for the transfers funds from the Road Fund to the Ferry Fund for 45% of expenditures per WCC 10.34.030.

Background and Purpose
As the ferry dock structures approach their engineered end of life we are seeing increased maintenance and capital costs associated with keeping them in operation. We have seen the expenses ramp up in 2017 with major electrical issues. In response to 2017 emergency work and preparation for 2018 capital repairs, a schedule of additional maintenance projects has been compiled for 2018. Some of these projects were contemplated in the existing maintenance budget, while others are newly discovered needs. In planning our maintenance schedule we are taking every opportunity to maximize efficiencies by not working under emergency measures.

Funding Amount and Source
All operating expenditures of the Ferry Fund are subsidized 45% by the Road Fund. The remaining 55% is covered through farebox revenue banked as fund balance.

Please contact Randy Rydel at extension 6271, if you have any questions or concerns regarding the terms of this request.
1a. Description of request:
As the ferry dock structures approach their engineered end of life we are seeing increased maintenance and capital costs associated with keeping them in operation. We have seen the expenses ramp up in 2017 with major electrical issues. In response to 2017 emergency work and preparation for 2018 capital repairs, a schedule of additional maintenance projects has been compiled for 2018. Some of these projects were contemplated in the existing maintenance budget, while others are newly discovered needs. In planning out our maintenance schedule we are taking every opportunity to maximize efficiencies by not working under emergency measures.

1b. Primary customers:
Travelers between Lummi Island and the mainland.

2. Problem to be solved:
Public Works has identified approximately $225K of planned maintenance for 2018 and while we anticipate that some of this maintenance will be covered with the previously approved base budget for maintenance of $160K, it is prudent to request $200K of additional authority. Concurrent with the approval of SBR-2508 is the approval of SBR-2509 providing for the transfers funds from the Road Fund to the Ferry Fund for 45% of expenditures per WCC 10.34.030.

3a. Options / Advantages:
The availability of expenditure authority to cover scheduled and emergency maintenance needs enables Public Works to respond quickly and efficiently to situations as they arise. If maintenance is foregone until it is an emergency it will result in increased expense and unpredictable downtime.

3b. Cost savings:
Scheduling ahead of actual failure often provides more cost effective solutions to the maintenance issues.

4a. Outcomes:
The Ferry Fund will remain within the adopted budget while still responding to maintenance needs.

4b. Measures:

5a. Other Departments/Agencies:
ER&R, Maintenance & Operations

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

6. Funding Source:

Monday, November 06, 2017
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<td><strong>Cost Center</strong>: 444200</td>
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<td><strong>Originator</strong>: Randy Rydel</td>
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55% Ferry Fund Balance (Fare Box Revenue)
45% Road Fund Transfer
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>Date Received in Council Office</th>
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<td>11/8/17</td>
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<td></td>
<td>11/13/17</td>
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**TITLE OF DOCUMENT:**
Proposed repeal of WCC 3.26, Solid Waste Disposal District Tax

**ATTACHMENTS:**
Draft ordinance repealing of WCC 3.26, Solid Waste Disposal District Tax in its entirety.

<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>
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<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
<td>Requested Date: November 21, 2017 introduction for December 5, 2017 public hearing</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.)

Repeal the outdated WCC 3.26, Solid Waste Disposal District Tax in its entirety, since the solid waste excise privilege tax is fully implemented in the amended and updated WCC 8.13, Solid Waste Disposal District.

**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).
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director
DATE: November 7, 2017

SUBJECT: Proposed Repeal of WCC 3.26, Solid Waste Disposal District Tax

Please find attached a proposed repeal of WCC 3.26, Solid Waste Disposal District Tax, for review and introduction for public hearing.

Background and Purpose

In 1990, Ordinance 090-1 established a solid waste disposal district within all unincorporated areas of Whatcom County and within all cities and towns in Whatcom County, pursuant to interlocal agreements between the cities and towns and Whatcom County. To fund solid waste programs, the ordinance also authorized the levy of a solid waste excise privilege tax, as per RCW 36.58.140.

WCC 3.26, Solid Waste Disposal District Tax provided for implementation of the levy of the excise tax. However, currently, the amended and updated WCC 8.13, Solid Waste Disposal District provides for implementation of the excise tax, and has replaced the outdated WCC 3.26, Solid Waste Disposal District Tax.

Recommendation

As a housekeeping matter, it is recommended that the outdated WCC 3.26, Solid Waste Disposal District Tax be repealed in its entirety.

Please call Jeff Hegedus at x6044 if there are any questions. Thank you.

Encl.
ORDINANCE NO. __________

REPEAL OF WHATCOM COUNTY CODE (WCC) 3.26, SOLID WASTE DISPOSAL DISTRICT TAX, IN ITS ENTIRETY

WHEREAS, in 1990, Ordinance 090-1 established a solid waste disposal district within all unincorporated areas of Whatcom County, and within all cities and towns in Whatcom County, pursuant to interlocal agreements between the cities and towns and Whatcom County; and,

WHEREAS, to fund solid waste programs, the ordinance authorized the levy of a solid waste excise privilege tax, as per RCW 36.58.140; and,

WHEREAS, WCC 3.26, Solid Waste Disposal District Tax provided for implementation of the levy of the excise tax; and,

WHEREAS, the amended and updated WCC 8.13, Solid Waste Disposal District, shown in Exhibit B, currently provides for implementation of the excise tax, and has replaced the outdated WCC 3.26, Solid Waste Disposal District Tax.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the outdated WCC 3.26, Solid Waste Disposal District Tax is hereby repealed in its entirety, as shown in Exhibit A attached hereto.

ADOPTED this ____ day of __________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Jack Louws, County Executive

( ) Approved     ( ) Denied

Date Signed: ____________________
EXHIBIT A

Chapter 3.26
SOLID WASTE DISPOSAL DISTRICT TAX

Sections:
3.26.050—Administration and collection procedures.
3.26.060—Consent to inspection of records.
3.26.070—Effective date.
3.26.090—Annual review of tax requirements.

3.26.010 Definitions.
As used in this chapter, the following terms shall be defined as follows:

A. "Business or institution" shall include all properties in Whatcom County other than residential dwellings which are served by a certificated or franchised hauler of solid wastes. The tax shall apply whether the business or institution is for profit or nonprofit, public or private.

B. A "certificated hauler" is a garbage and refuse collection company that has obtained a certificate of convenience and necessity from the WUTC pursuant to Chapter 81.77 RCW for a franchise area that includes unincorporated areas of the county.

C. "District" means the Whatcom County Solid Waste Disposal District.

D. The "executive committee" means the executive committee formed pursuant to the interlocal agreements, an example of which is incorporated in Appendix A of the ordinance codified in this chapter.

E. A "franchised hauler" is a garbage and refuse collection company that has been granted a franchise to provide service within one or more of the cities that have entered interlocal agreements with the county, as shown in Appendix A of the ordinance codified in this chapter.

F. The "plan" is the county's comprehensive solid waste management plan, as it has been updated in January 1990 and may be amended thereafter.

G. A "residential dwelling" includes each single family house, apartment, houseboat, or other dwelling unit which is separately billed for waste collection service by a franchised or certificated hauler. Forest areas, farms or ranches that elect to use collection service shall be considered as residential dwellings for purposes of this chapter. Residents of apartments, hotels, dormitories, boarding houses, maritime vessels, or other housing
units shall not be separately taxed if the landlord or some other party arranges for solid waste collection and pays for solid waste collection and the tax on behalf of tenants or residents.

H. The "WUTC" is the Washington Utilities and Transportation Commission or any agency which succeeds to its powers. (Ord. 90-9 § 1).

There is hereby levied a solid waste excise privilege tax on the privilege of living in or doing business in Whatcom County, as authorized by Laws of 1982, Ch. 175, Sec. 5 and RCW 36.58.140, and pursuant to Ordinance 90-1 (codified as Ch. 8.10 of this code). (Ord. 90-9 § 2).

The rate of the tax imposed by this chapter shall be 10 percent per month of both of the following:

A. The charges billed by certificated or franchised haulers of solid waste to any residential, business or institutional customer for convenience center, collection, drop box or construction and demolition service provided within the district; and

B. The charges imposed by any public or private facility within the district handling or disposing of waste generated within the district but disposed of outside the district; provided, however, that this subsection B shall not apply to waste that is the subject of the charges in subsection A of this section. (Ord. 90-9 § 3).

3.26.040 Use of proceeds.
The proceeds of the tax imposed by this chapter and investment earnings therefrom shall be used only to pay for the construction, operation, maintenance, and closure of any landfill that may be developed in the future; funding of approved recycling programs when recommended by the executive committee; public educational programs related to the management of solid waste; construction, maintenance, and operation of transfer stations; and such other programs as the executive committee may recommend pursuant to the plan; provided, however, that up to five percent of tax funds collected may be used to support tax billing and collection activities by the county treasurer and prosecutor. (Ord. 90-9 § 4).

3.26.050 Administration and collection procedures.
The executive shall administer and collect the tax consistent with procedures approved in Ordinance 90-1. (Ord. 90-9 § 5).

3.26.060 Consent to inspection of records.
The district and Whatcom County hereby consent to the inspection of such records as are necessary to qualify the district for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 90-9 § 6).
3.26.070 Effective date.
The tax imposed by this chapter shall be effective from and after May 1, 1990, or from and after such other date which the county executive may certify as the implementation date for the tax; provided, however, that such other date shall occur on the first day of a month, and shall not be sooner than the first day of the month following the approval of the ordinance codified in this chapter, nor later than six months following such approval. (Ord. 90-9 § 7).

If any section of this chapter or its application to any person or circumstances is held invalid, the remaining sections of the application of the provisions to other persons or circumstances is not affected. (Ord. 90-9 § 8).

3.26.090 Annual review of tax requirements.
The executive committee shall annually review the tax requirements to fund the solid waste disposal programs and advise the county council of its findings. (Ord. 90-9 § 9).
EXHIBIT B

Chapter 8.13
SOLID WASTE DISPOSAL DISTRICT

Sections:
8.13.010 District formed – Findings and determinations.
8.13.020 Definitions.
8.13.030 Excise privilege tax levied.
8.13.040 Tax collection.
8.13.050 Administration by county treasurer.
8.13.060 Failure to make timely payment.
8.13.065 Records required.
8.13.070 Application of tax – Appeal.
8.13.080 Tax exemptions and special conditions.
8.13.090 Penalties for nonpayment of tax.
8.13.100 Management of operations.
8.13.110 Use of revenues.
8.13.120 Effective date.
8.13.130 Severability.
8.13.140 Annual review of tax requirements.

8.13.010 District formed – Findings and determinations.
The Whatcom County solid waste disposal district (“district”) is hereby formed to provide a sound financial basis for support of the objectives of the county’s updated comprehensive solid waste management plan, including a high level of waste reduction and recycling; to construct transfer stations; to maintain closed solid waste landfills in Whatcom County; to provide such other solid waste disposal systems and services as are in the public interest; and to secure a healthful environment for all citizens of Whatcom County. The district shall include all unincorporated and incorporated areas of Whatcom County. Incorporated areas are included within the district pursuant to interlocal agreements executed with Whatcom County, copies of which are attached to the ordinance codified in this chapter and incorporated herein as Appendix A. The county council in forming the district determines and finds:

A. State and federal law and regulation have placed increased responsibility on local governments to manage solid waste disposal systems in a manner that protects public health and safety;

B. Properly designed, operated, and maintained landfills and other solid waste disposal facilities are essential public utilities serving broad public interests, by protecting public health and safety;

C. Federal and state standards for solid waste disposal, including requirements for recycling and waste reduction, have greatly increased the cost of solid waste disposal systems;
D. The transfer and other handling of solid wastes generated by residents of the district, whether generated at their homes or elsewhere in the district, imposes cost burdens on the district;

E. All residences and businesses within the district receive substantial and essential public service by having the operational availability on a continuing basis healthful, safe and reliable solid waste disposal facilities and systems;

F. In order to safely maintain closed landfills, the county must expend substantial sums of money including the cost of ongoing monitoring, to protect the public health and welfare and to meet regulatory standards;

G. The cost of acquiring, developing, operating, maintaining and closing facilities and providing for long-term compliance with regulatory standards cannot be financed solely on a “fee for service” basis;

H. Repealed by Ord. 97-041;

I. Pursuant to Chapter 8.11 WCC, the county concurrently created a solid waste collection district pursuant to Chapter 36.58A RCW for the purpose of imposing mandatory collection in unincorporated areas which will match ordinances in incorporated areas, which enforce mandatory collection;

J. A stable funding program consisting of a district excise tax is required to provide a broad and sound financial basis to provide safe disposal facilities and systems, to meet the objectives of the plan, and to support the management of solid waste programs in compliance with applicable state and federal laws;

K. Waste reduction and recycling measures contemplated by the plan promote the health, safety and welfare of county residents, by reducing the degradation created by incineration and landfill facilities used to dispose of solid wastes;

L. Recycling and waste reduction do not generate sufficient revenues to become self supporting;

M. Imposition of the solid waste excise tax (the “tax”) provided for by this chapter will promote the county’s ability to meet all the plan’s solid waste management objectives.


8.13.020 Definitions.
As used in this chapter, the following terms shall be defined as follows:

A. “Business or institution” shall include all properties in Whatcom County other than residential dwellings which are served by a certificated or franchised hauler of solid wastes. The tax shall apply whether the business or institution is for profit or nonprofit, public or private.
B. A “certificated hauler” is a garbage and refuse collection company that has obtained a certificate of convenience and necessity from the WUTC pursuant to Chapter 81.77 RCW for a franchise area that includes unincorporated areas of the county.

C. The “executive committee” means the executive committee formed pursuant to the interlocal agreements incorporated in Appendix A of the ordinance codified in this chapter.

D. A “franchised hauler” is a garbage and refuse collection company that has been granted a franchise to provide service within one or more of the cities that have entered interlocal agreements with the county, as shown in Appendix A of the ordinance codified in this chapter.

E. Repealed by Ord. 97-041.

F. Repealed by Ord. 97-041.

G. The “plan” is the county’s comprehensive solid waste management plan, as approved by the Department of Ecology in 1990 and as may be amended thereafter.

H. A “residential dwelling” shall include each single-family house, apartment, houseboat, or other dwelling unit which is separately billed for waste collection service by a franchised or certificated hauler. Forest areas, farms or ranches that elect to use collection service shall be considered as residential dwellings for purposes of this chapter. Residents of apartments, hotels, dormitories, boarding houses, maritime vessels, or other housing units shall not be separately taxed if the landlord or some other party arranges for solid waste collection and pays for solid waste collection and the tax on behalf of tenants or residents.

I. A “solid waste disposal facility” is a landfill, transfer station, incinerator, convenience center, drop box or other solid waste disposal facility which is available for use by persons other than the owner of the facility.

J. The “WUTC” is the Washington Utilities and Transportation Commission or any agency which succeeds to its powers. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 2).

8.13.030 Excise privilege tax levied.
An excise privilege tax shall be levied upon the charges paid for solid waste collection by each residential dwelling and by each business or institution in the district. This excise privilege tax shall be levied on a per-ton basis, excluding moderate risk wastes and recyclable materials, and be billed by certificated or franchised haulers of solid waste, and solid waste disposal facilities, all as authorized by RCW 36.58.140.

This tax shall be equal throughout the district, and shall not exceed $8.50 per ton without the approval of all cities and towns in the district. The county council shall set the level of the tax from time to time by ordinance. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 3).
8.13.040 Tax collection.
To simplify collection of the tax, each certified or franchised hauler shall include the tax in its regular billing cycle for all customers within the district and remit the proceeds collected to the county treasurer by the due date as established by the treasurer. Each solid waste disposal facility shall include the tax in its regular billing cycle for all customers, excepting certificated and franchised haulers collecting and remitting the tax, within the district and remit the proceeds collected to the county treasurer by the due date as established by the treasurer. The excise tax provided for pursuant to this chapter shall, for administrative purposes, be billed and collected as nearly as possible in a manner compatible with the state solid waste tax, Chapter 82.18 RCW, and the surcharge, Section 15, Chapter 431, Laws of 1989. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 4).

8.13.050 Administration by county treasurer.
The administration and collection of the tax imposed by this chapter, as collected by the certificated and franchised haulers, and solid waste disposal facilities, shall be by the county treasurer pursuant to the terms of this chapter and such rules, regulations and further enactments as may be adopted by the county council or provided by state law. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A).

8.13.060 Failure to make timely payment.
If full payment of any tax or fee owing under this chapter is not received by the Whatcom County treasurer on or before the date due, there shall be added to the collected amount due a penalty fee as follows:

A. One to 10 days late: Five percent of tax collected.
B. Eleven to 20 days late: 10 percent of tax collected.
C. Twenty-one to 30 days late: 15 percent of tax collected.
D. Thirty-one to 60 days late: 20 percent of tax collected.

Failure to make payment in full of all tax amounts collected, and penalties, within 60 days following the day the tax initially became due shall be deemed a violation of this section and may be collected in accordance with the provisions of this chapter.

Any tax owing and unpaid under this chapter, and all penalties, shall constitute a debt between the certificated or franchised hauler, or solid waste disposal facility, and Whatcom County and may be collected by court proceedings the same as any other debt in like amount. This provision shall be in addition to, and not in lieu of, all other existing remedies. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A).

8.13.065 Records required.
Each certificated and franchised hauler, and solid waste disposal facility, collecting the tax imposed by this chapter shall maintain books and/or records respecting that activity which truly, completely and accurately disclose all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three years.
All books, records, or other items which may hereafter be required to be kept and
maintained under this section shall be subject to, and immediately available for,
inspection and audit at any time, with or without notice, at the place where such records
are kept upon demand by the county treasurer or his/her designee, for the purpose of
enforcing the provisions of this chapter.

Where a certificated or franchised hauler, or solid waste disposal facility, does not keep
such books, records, or other items so that the county treasurer or an authorized
designee may examine them conveniently, the certificated or franchised hauler, or solid
waste disposal facility, shall produce all of the required books, records, or items for such
inspection within 10 working days following a written request by the treasurer. (Ord.

8.13.070 Application of tax – Appeal.
Any party aggrieved in the application of the excise tax provided for herein may appeal
the same to the Whatcom County board of equalization. The decision of such board
shall be binding on the county. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-
041 Exh. A; Ord. 90-1 § 7).

8.13.080 Tax exemptions and special conditions.
Solid waste generated within the district but disposed of outside of Whatcom County
pursuant to authorization by the county in compliance with the plan shall be subject to
the tax, unless specifically waived by ordinance. Solid waste from the Diablo area
disposed of in Skagit County shall not be subject to the tax. (Ord. 2017-043 Exh. A; Ord.
2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 8).

8.13.090 Penalties for nonpayment of tax.
If said excise tax is not paid when billed by the certified or franchised hauler, or solid
waste disposal facility, the county may seek payment of the tax and secure liens and
execute against the property served for the unpaid tax, penalties and interest, all as
provided in RCW 36.56.140. All taxes unpaid for 90 days shall be assessed a penalty of
$25.00 plus interest at the rate of one percent per month for each month said tax
remains unpaid. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-067; Ord. 97-
041 Exh. A; Ord. 90-1 § 9).

8.13.100 Management of operations.
The operations of the district shall be managed by the Whatcom County health
90-1 § 10).

8.13.110 Use of revenues.
All taxes or other fees collected pursuant to this chapter shall be deposited to the solid
waste utility account, or such other accounts as may be designated pursuant to county
ordinance or regulation, and shall be solely for purposes related to solid waste
management and disposal, and, as to the excise tax, for those purposes set forth in
Section 3 of the interlocal agreements, e.g., construction, operation, maintenance, and
closure of any landfill that may be developed in the future; funding of approved recycling
programs when recommended by the executive committee; public educational programs related to the management of solid waste; construction, maintenance, and operation of transfer stations, and such other programs as the executive committee may recommend pursuant to the plan; provided, however, that the county treasurer and prosecutor shall be authorized to recover their costs for tax billing and collection activities related to the solid waste excise tax up to a maximum of five percent of the funds collected. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 98-008; Ord. 97-041 Exh. A; Ord. 90-1 § 11).

8.13.120 Effective date.
This chapter shall take effect on May 1, 1990. The county council shall review the need for the solid waste excise tax, the level of the tax, and the operation of the solid waste system as frequently as may be needed. Such review shall be performed no less frequently than the review of solid waste management plans as required under Chapter 70.95 RCW and as such law may be amended from time to time. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 12).

8.13.130 Severability.
The invalidity or unenforceability of any provision of this chapter shall not affect the other provisions hereof, and this chapter shall be construed in all respects as if such invalid or unenforceable provision were omitted. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 13).

8.13.140 Annual review of tax requirements.
The executive committee shall annually review the tax requirements to fund the solid waste disposal programs and advise the county council of their findings. (Ord. 2017-043 Exh. A; Ord. 2014-050 Exh. A; Ord. 97-041 Exh. A; Ord. 90-1 § 14).
**TITLE OF DOCUMENT:**
Ord amend WCC 2.02, County Council

**ATTACHMENTS:**
Ordinance

**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 ordinance amends WCC 2.02, County Council to update the guidelines for the conduct of Council and committee meetings, Council organization, rules of procedure, ordinance introduction and adoption, resolution approval, and other council-related matters.

**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.
PROPOSED BY: ________________
INTRODUCTION DATE: __________

ORDINANCE NO. ______
AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL

WHEREAS, Whatcom County Code 2.02 sets forth guidelines for the conduct of council and council committee meetings, council organization, rules of procedure, ordinance introduction and adoption, resolution approval, and other council-related matters; and

WHEREAS, amendments to Whatcom County Code 2.02 are necessary to clarify the rules under which the council conducts its business.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.02 is hereby amended as indicated in Exhibit A to this ordinance.

ADOPTED this ______ day of ___________, 2017.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Karen Frakes, Civil Deputy Prosecutor

Jack Louws, County Executive
Exhibit A

—Chapter 2.02
COUNTY COUNCIL*

Sections:
2.02.005 Council — Composition.
2.02.010 Council — Terms of office.
2.02.015 Council vacancies — Announcement.
2.02.020 Council vacancies — Qualifications.
2.02.025 Council vacancies — Nominations.
2.02.030 Council vacancies — Procedures.
2.02.035 Council vacancies — Term of appointee.
2.02.040 Meetings — General rules.
2.02.045 Meetings — Agenda.
2.02.050 Meetings — Council acting in other capacities.
2.02.055 Meetings — Order of business.
2.02.060 Meetings — Decorum of debate.
2.02.065 Meetings — Powers of the chair.
2.02.070 Meetings — Annual reorganization and election of officers.
2.02.075 Standing committees — Established.
2.02.080 Standing committees — Membership.
2.02.085 Standing committees — Committee action.
2.02.090 Membership on required boards, commissions, and committees.
2.02.095 Election of councilmembers as representatives to various boards and committees.
2.02.100 Resolutions — General provisions.
2.02.105 Ordinances — General provisions.
2.02.110 Ordinances — Introduction.
2.02.115 Ordinances — Reintroduction.
2.02.120 Ordinances — Publication of proposed and enacted ordinances.
2.02.125 Ordinances — Effective date.
2.02.130 Ordinances — Veto message — Overriding.
2.02.135 Emergency ordinances.
2.02.140 Signature on documents.
2.02.145 Requests for ordinances or legal opinions.
2.02.150 Duties of the chair.
2.02.155 Clerk.
2.02.160 Hearing examiner.
2.02.165 Other staff selected by the county council.
2.02.170 Correspondence requirements.
2.02.175 Requests of the executive branch.
2.02.180 Handling complaints and concerns.
2.02.185 Travel and expense approval.
2.02.190 Suspension of rules.


2.02.005 Council — Composition.
The council shall consist of seven members, one councilmember from each of the five council districts and two councilmembers at large. (Ord. 2016-038 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).
2.02.010 Council – Terms of office.
The term of office of each elected councilmember shall be four years, commencing on the second Monday in January following election. The term of office of each elected councilmember shall be four (4) years commencing with the second Monday in January following election, and until a successor has been elected and has qualified. Elected councilmembers shall serve no more than three consecutive full terms in office. Terms are considered consecutive unless they are at least four years apart. The limit in terms shall be applied prospectively only, beginning with the elections in 2017 and 2019. (Whatcom County Charter 2.14 -Amended by referendum 2015). (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.015 Council vacancies – Announcement.
A. The council shall publicly announce any vacancy and shall provide a reasonable period for interested candidates to contact councilmembers and request that his or her name be considered for the vacant position.

B. Such announcement shall be made at least 10 days before the vacancy is filled. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.020 Council vacancies – Qualifications.
A. A vacancy on the county council shall be filled by a qualified registered voter and resident of the district he or she represents, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter.

B. Any information provided by a nominee shall may be checked to verify qualifications, and submission of a personal resume may be requested. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.025 Council vacancies – Nominations.
A. Nominations to fill a vacancy on the county council shall be made by any councilmember who may place an individual's name into nomination an individual by name in a regular open meeting. No councilmember may nominate himself or herself.

B. All names submitted may be referred to a committee of the whole for consideration.

C. Nominees may be personally interviewed by a committee of the council, or any councilmember(s) or councilmembers chosen by the council to conduct such interviews. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.030 Council vacancies – Procedures.
A. An appointment to fill a vacancy on the council shall be approved by an affirmative roll-call vote by a majority of the council. The council majority shall be four votes.

B. A nominated councilmember shall be allowed to vote for other nominees.

C. If at any time, by virtue of vacancies on the council, the membership of the council is reduced below that required to constitute a quorum (four members), the council may nevertheless fill the vacancies by an affirmative roll-call vote by a majority of the remaining council.

D. If a council vacancy remains unfilled for a period of 30 days because of the inability of the council to make the appointment, the vacancy shall be filled within 15 additional days by the county executive from among those persons nominated by the members of the council. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.035 Council vacancies – Term of appointee.
Section 4.50 of the Whatcom County Charter shall govern the term for which the appointee may serve. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.040 Meetings – General rules.
A. It is the policy of the council that, to the greatest extent possible, all official meetings of the council and its committees shall be open to the public, with the exception of "executive sessions" (closed to the public), for certain limited topics, as defined in RCW 42.23.110. All council and committee meetings will be held in compliance with the state Open Public Meetings Act (Chapter 42.30 RCW).
B. Regular meetings of the county council and its standing committees shall be held every other Tuesday in the Whatcom County Council Chambers, unless decided otherwise by the council. A schedule of specific meeting dates shall be approved by resolution annually. The chairperson of the council or the chairperson of any of its standing committees may call special meetings as required, provided proper public notice and notice to councilmembers is given.

C. Committee of the whole meetings will be scheduled as necessary. These meetings may be cancelled at the will of the council.

D. Executive sessions (closed meetings) may be held in accordance with the provisions of the Washington State Open Public Meetings Act. (RCW 42.30.110)

E. All council and council committee meetings shall be conducted pursuant to Sturgis The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council. A copy of the Standard Code of Parliamentary Procedure shall be available in the council office for review.

F. A majority (four members) of the council shall be in attendance to constitute a quorum and shall be necessary for the transaction of the council’s business. A majority of a council committee (two members) shall be necessary for the transaction of a committee’s business. If a quorum is not present, the chair may call the meeting to order to establish that a meeting was held, but no official action may be taken. Agenda items that do not require official action may be dealt with, such as a minor discussion or report. At the conclusion of the meeting those in attendance will be named and they shall adjourn to a later time.

G. A councilmember may participate in all or part of a council meeting by speakerphone or by computer video/internet. Notice of attendance via speakerphone or video must be provided to the clerk of the council not less than forty-eight hours before the scheduled start time for the meeting. The clerk or designee shall immediately advise the council chair of the proposed speakerphone or video participation. At any meeting where a councilmember is attending via speakerphone or video there shall be a device that allows the voice and/or video of the councilmember to be heard by everyone present in the meeting room and the councilmember must be able to hear all speakers in the meeting room. The councilmember shall identify himself or herself before speaking. The councilmember shall notify others if he or she is about to disconnect. A councilmember who is connected remotely by speakerphone or video in the meeting place shall be considered to be actually present at that meeting for the period of time he or she is so connected, and that presence shall count toward a quorum of the council.

GH. In the event of a tie in votes on any motion, the motion shall be considered lost.

HI. Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter. (RCW 42.30.090)

HJ. The council may schedule work sessions (open to the public) at the call of the council chair or of any two or more members of the council to review forthcoming programs of the county, receive progress reports on current programs or projects, or receive other similar information from the county executive or county staff. Formal action may be taken at these meetings.

JK. The clerk of the council shall keep an account of all proceedings of the council. Written minutes shall be recorded promptly after every meeting and, upon approval by the council, shall be entered in a minutes book constituting the official record of the council. All approved minutes shall be open to public inspection. Minutes shall include a summation of the actions and discussions forthcoming from each council and committee meeting, as well as a record of the vote of each councilmember. A verbatim public record shall be kept of each meeting by electronic or mechanical means for a reasonable period of time as provided by state law.

KL. Minutes of a council meeting are required to be read into the record only if requested by a member of the council. Minutes may be approved without reading if the clerk of the council previously furnished each councilmember with a copy thereof.
I. M. During an open session or public hearing, audience members will be given three minutes to address the council.

M. N. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the council chambers during meetings.

N. O. Placards, signs, applause, or other distractions shall not be allowed in the council chambers without the consent of the council chair.

O. P. Any person making personal, impertinent, or slanderous remarks, or who shall becomes boisterous, while attending a council or council committee meeting may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that meeting. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.045 Meetings – Agenda.
A. The clerk of the council shall consult with the council chair and the chair of each committee prior to preparation of the council’s agenda. The clerk shall prepare the agenda, which, together with supporting documents, shall be provided to all council members no less than five days prior to each regular council meeting and at the earliest possible date prior to any special meeting. The agenda shall be posted conspicuously within the Whatcom County Courthouse and shall be available for review on the council’s web page.

B. Upon request by any two or more members of the council at any council meeting, an item of business shall be placed on the agenda of the next regular meeting.

C. Consent items may be acted upon en masse; provided, however, that any consent item shall be considered separately if so requested by a council member, a member of the county administration, or a member of the public.

D. Introduction items may be accepted en masse; provided, however, that any introduction item shall be considered separately if so requested by one or more council members. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.050 Meetings – Council acting in other capacities.
Where the members of the county council sit in an administrative or legislative capacity in situations such as, but not limited to, supervisors of a special district or members of the county health board, all business in these other capacities shall be treated as regular items of business during council meetings. The agenda for the meeting shall note any items being considered in one or more of these other capacities. It shall not be necessary for the council to adjourn itself in order to consider items in these other capacities. All actions taken by the council regarding issues in these other capacities shall be deemed to have been enacted or approved by those entities under the authority as may be provided for in law, or the authority of the county if appropriate. (Ord. 2010-044 Exh. A; Ord. 2008-046 § 1; Ord. 2008-004 Exh. A).

2.02.055 Meetings – Order of business.
Business may include but not be limited to the following order:

1. Roll call;
2. Flag salute;
3. Announcements;
4. Special presentations;
5. Approval of minutes;
6. Public hearings and final consideration of hearing items;
7. Open session;
8. Consent agenda;

9. Final consideration of other items;

10. Introduction of ordinances and resolutions;

11. Committee reports, and other items, and from councilmembers updates;

12. Adjourn.


2.02.060 Meetings – Decorum of debate.
A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as “councilmember” and the council chair shall be addressed as “chair.”

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

F. Councilmembers shall have time to explain any motion they intend to make. All motions will begin with the words, “I move” and must receive a second prior to being put to a vote.

G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, “Is there any further discussion?” If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations. (Ord. 2015-021 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.065 Meetings – Powers of the chair.
A. The council chair, if present, shall preside as chairperson at all meetings of the council. In the absence of the council chair, the vice chair shall preside. In the absence of both the council chair and the vice chair, the council shall elect a chair.

B. All meetings of the council shall be called to order by the council chair or vice chair. In the absence of both the council chair and the vice chair, the meeting shall be called to order by the clerk of the council for the election of a temporary chair. The roll shall then be called by the clerk, who shall enter in the minutes of the meeting the names of the members present. Four councilmembers shall be in attendance to constitute a quorum.
C. The chair shall preserve order and is responsible for controlling and expediting debate.

D. The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, “Shall the decision of the chair be sustained?”

E. The chair shall state all questions submitted for a vote and announce the result. A roll-call vote is required for all ordinances and may be taken upon request of a councilmember for all other items.

F. The presiding officer may move and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.070 Meetings – Annual reorganization and election of officers.
A. At its first committee of the whole or regular council meeting in January, the council shall schedule its annual reorganization. At this meeting, the council shall elect the chair, vice chair, the executive pro tempore and the members of all standing committees, each by an affirmative roll-call vote by a majority of the entire council, or by general consent when applicable. Prior to each reorganizational meeting, the council clerk or chairperson shall ask councilmembers to circulate to each other in writing their requests for committee assignments and other offices. No councilmember shall hold the position of chair more than two full consecutive years.

B. The chair of the council shall act as executive pro tempore in the absence of the regular executive pro tempore who was selected pursuant to the above procedure. Terms of office shall begin at the conclusion of the reorganizational meeting.

C. In the temporary absence of the chairperson, the vice chairperson shall perform the duties and responsibilities of the chairperson. A temporary chairperson shall be elected should both the chairperson and vice chairperson be absent and shall serve during such absence. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.075 Standing committees – Established.
The following committees are established:

A. Finance and Administrative Services. General areas of responsibility for this committee shall be budget, taxation and purchasing issues, personnel policies and union negotiations;

B. Planning and Development. General areas of responsibility for this committee shall be zoning, development, stormwater, and fire;

C. Public Works, Health and Safety. General areas of responsibility for this committee shall be road construction and vacations, new construction, remodeling, public utilities issues, criminal justice activities and planning, solid waste and health-related issues referred to the committee by the health board, public health advisory board, or health department;


2.02.080 Standing committees – Membership.
A. There shall be three members of all standing committees, membership to be determined by an affirmative vote of a majority of the entire council, or by general consent where applicable. The committee members shall be responsible for election of a chairperson and its internal organization.

B. The time of standing committee meetings shall be determined by the chairperson of each committee. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.085 Standing committees – Committee action.
A recommendation of any committee shall be agreed to by a majority of the committee in a regularly called meeting before a proposed item is reported out. All actions of a committee pertaining to an ordinance that has been properly
introduced, as specified elsewhere in this chapter, will be reported out to the full council for final consideration. A committee report may contain only that information which is approved by a majority vote of the committee; however, minority reports may be presented to the full council after the committee report is presented. A majority recommendation of the committee may be “do pass,” “do pass as amended,” “do pass the attached substitute ordinance,” “do not pass,” “no recommendation,” “postpone indefinitely” or “withdraw.” Minority reports may also be submitted. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.090 Membership on required boards, commissions, and committees.
Membership of councilmembers on those boards, commissions or committees on which, by law, members of the legislative body are required to sit shall be determined by an affirmative vote by a majority of the entire council, or by general consent when applicable. Councilmembers who are appointed by the county to any other county governmental boards, commissions or committees, other than ad hoc council committees, shall likewise be determined by an affirmative vote by a majority of the entire council, or by general consent when applicable. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.095 Election of councilmembers as representatives to various boards and committees.
A. Each year at its annual meeting, the county council shall elect its representatives who shall serve until the next annual meeting to the various boards and commissions on which it must appoint its own members to serve.

B. This annual election for one-year terms shall begin in January, 1981. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Res. 80-12 §§ 1, 2. Formerly 2.03.010).

2.02.100 Resolutions – General provisions.
The county council may pass resolutions to organize and administer the legislative branch, to make declarations of policy which do not have the force of law, and to request information from any other agency of county government. Resolutions shall not be subject to the veto power of the executive, and the council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances. All resolutions shall be filed with the clerk of the council in writing in their entirety and shall be scheduled on the council’s agenda as requested and required. Resolutions of the Whatcom County Flood Control Zone District Board of Supervisors shall meet the requirements in Chapter 100.01.070 WCC. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.105 Ordinances – General provisions.
A. Every legislative act of the council shall be by ordinance.

B. The subject of every ordinance shall be clearly stated in the title and no ordinance shall contain more than one subject.

C. Ordinances may, by reference, adopt Washington State statutes or any recognized, printed codes or compilations in whole or in part.

D. No ordinance shall be amended unless a new ordinance sets forth each amended section or subsection at full length.

E. Voting on final passage of all ordinances shall be by roll-call vote of the council. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.110 Ordinances – Introduction.
A. All proposed ordinances shall be filed with the clerk of the council in their entirety in writing and shall be introduced by a councilmember or by consent of the full council.

B. Proposed ordinances shall be introduced on the council’s agenda by title, following which the council may refer the proposal to the appropriate standing or special committee, committee of the whole, or schedule the proposal for public hearing. Ordinances may also be scheduled for council consideration without committee assignment or public hearing, if appropriate. Following committee report or public hearing closure, if applicable, an ordinance that has been properly introduced and scheduled on the agenda may be considered by the full council.
C. At least 13 days shall pass between introduction and final passage of every ordinance, except emergency ordinances. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.115 Ordnances – Reintroduction.
Any ordinance which has been introduced and not acted upon within 120 days of its introduction must be reintroduced, notice of introduction republished, and at least 13 days elapsed before it can come up for final consideration; except, if any such ordinance has been under active consideration by any standing committee, special ad hoc committee, or committee of the whole and has appeared at least twice on such committee’s published agenda, it is not subject to this requirement. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.120 Ordnances – Publication of proposed and enacted ordinances.
Ordinances, or summaries of them, the places where copies are filed, and the times when they are available for inspection shall be published when the ordinances are proposed for introduction and again upon enactment. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.125 Ordnances – Effective date.
Every ordinance which passes the council must be presented to the county executive. If the executive approves and signs the ordinance, it shall take effect 10 days after the date it is signed by the county executive, or otherwise enacted, or at a later date if stated in the ordinance. If the executive does not either sign or veto an ordinance within 10 days, Saturdays, Sundays, and holidays excepted, after presentation of the ordinance by the council, it shall become law without the executive’s signature. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.130 Ordnances – Veto message – Overriding.
If an ordinance is not approved by the executive, the entire ordinance shall be vetoed and returned with the executive’s written objections, which shall be attached to the ordinance, placed in the council’s agenda bill file, and distributed to all councilmembers. If, within 30 days after being returned to the council, the ordinance receives an affirmative roll-call vote by two-thirds of the entire council, it shall become law. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.135 Emergency ordinances.
An emergency ordinance necessary for the immediate preservation of the public peace, health, safety, or support of the county government and its existing institutions may be passed by an affirmative roll-call vote by two-thirds of the entire council. An emergency ordinance shall be effective immediately when approved by the county executive. The specific emergency and the facts creating it shall be clearly stated in the ordinance. All emergency ordinances, except those making appropriations from an emergency reserve or borrowing money for 120 days or less, shall expire as of the sixty-first day following the date on which the ordinance became law. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.140 Signature on documents.
All official documents issued by order of the council shall be signed by the chairperson and attested by the clerk of the council, except as otherwise provided by the Charter. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.145 Requests for ordinances or legal opinions.
A. Any member of the county council may forward a request to the county executive to have proposed legislation prepared for placement on an upcoming agenda.

B. Any member of the county council may request written legal opinions, relating to county business, from the county prosecuting attorney or designee.

C. Any member of the council may, for purposes of inquiry, request verbal opinions or advice on county legal matters directly from the council’s assigned attorney. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).
2.02.150 Duties of the chair.
The chairperson shall supervise the clerk of the council and other personnel selected by the county council; provided, however, that such powers of the chair shall be exercised at the direction of the council. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.155 Clerk.
A. The county council shall employ and supervise the clerk of the county council, who shall function as the administrative department director with the responsibility for the operation of the council office and the council clerk’s staff. The clerk shall serve at the will of the council and will consult the council on major policy or procedural matters.

B. The clerk of the council shall supervise, hire and have full disciplinary authority over assigned staff. An employee may seek review by the council’s finance and administrative services committee of a disciplinary action taken by the clerk of the council; provided further, that such review shall take place in executive session with both the clerk and the employee requesting the review present.

C. The clerk will prepare and justify the department budget, monitor all fiscal operations of the department, and approve all departmental expenditures. The clerk will provide planning leadership and direction for assigned staff. The clerk will develop policy recommendations concerning county-wide programs, and will develop and implement departmental policies and procedures.

D. The duties of the clerk of the county council shall include, but not be limited to, those statutory powers, responsibilities and duties specified in RCW 36.22.010(6), 36.22.020, 36.32.135 and 36.32.140.

E. The duties of the clerk of the county council shall be increased or decreased consistent with future enactments of the state legislature.

F. The clerk of the county council shall oversee creation, management, and retention of public records in the council office by following the “Local Government Records Retention Schedules” as required by the State of Washington, Office of Secretary of State, pursuant to Chapter 40.14 RCW. All file with the county auditor, at such time as they may be microfilmed, all original documents presented to the county council along with a notation of the council’s official action securely appended for secure disposition of all such official records.

G. All tort liability claims filed against Whatcom County shall first be served upon the clerk of the county council or designee. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.160 Hearing examiner.
The county council shall administer an annual contract for hearing examiner services. The duties of the hearing examiner are established in Chapter 20.92 WCC. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.165 Other staff selected by the county council.
If additional staff members are selected by the county council, they shall be employed as independent staff members reporting to the council, and would be responsible for such duties as may be assigned by the council by an affirmative vote of two-thirds of the council. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.170 Correspondence requirements.
Upon approval by a majority of the entire council, it shall be the responsibility of the council chairperson to respond to any correspondence on behalf of the council. Communications requesting council action shall be placed on the appropriate council committee agenda for consideration and recommendation to the full council. A copy of all council-initiated correspondence shall be kept in the council office. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.175 Requests of the executive branch.
The county council, its staff, and individual council members shall not interfere in the day-to-day operations of the executive branch, nor shall they give orders to or direct, either publicly or privately, any officer or employee of the executive branch. Requests for detailed information and attendance by executive staff at any council committee or full council meeting shall be submitted to the county executive’s office for handling. Requests for documents that
are readily available to the public may go directly to a specific department without seeking approval of the county executive. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.180 Handling complaints and concerns.
A. The duty and responsibility for receiving and addressing complaints and concerns that are not related to the council’s legislative responsibility or matters before the council or one of its committees are delegated to the county administration and the various executive official and department heads by the county charter.

B. Councilmembers shall refer all complaints and concerns which are not county policy or legislative matters to the administration, various elected officials or department heads, as circumstances dictate, for resolution before any council action is initiated. Subsequently, after which the county council, council committees, or individual councilmembers may address such issues with the administration before deciding if legislative action by the council is appropriate. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.185 Travel and expense approval.
A. All councilmember expense claims shall be subject to approval by the chair of the council or authorized designee;

B. Expense claims made by the chair shall be approved by the vice chair or authorized designee;

C. Expense claims shall be submitted in detailed account citing date, place, and business purpose in accordance with procedures established by and forms approved by administrative services finance;

D. Original receipts prepared and issued by the service provider or copies of endorsed checks are required whenever this policy provides for actual cost reimbursement; and

E. Itemized expense claims shall be submitted to the deputy clerk of the council after obtaining written approval from the chair or vice chair, as appropriate. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.190 Suspension of rules.
The rules and procedures set forth in this chapter may be suspended in specific instances by an affirmative roll-call vote by two-thirds of the entire council. (Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).