## WHATCOM COUNTY COUNCIL AGENDA BILL

**NO.** 2015-057

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### TITLE OF DOCUMENT:

Discussion of the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

### ATTACHMENTS:

Handout of PSNERP Tentatively Selected Plan

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<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>(X) NO</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.)

### COMMITTEE ACTION:

<table>
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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.
Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

TENTATIVELY SELECTED PLAN

The Puget Sound region is generally characterized by areas of steep upland terrain (i.e., mountains, bluffs) that transitions quickly to the deep waters of Puget Sound. A narrow band of shoreline serves as a transition zone providing ecologically important connections between the terrestrial, freshwater and marine ecosystem types. These beaches, embayments and delta shorelines are heavily impacted by human changes. Therefore, the nearshore zone is a strategic focus for Puget Sound recovery.

Puget Sound is home to large concentrations of waterfowl, shorebirds and raptors; abundant shellfish; dozens of marine mammal species; and some of the largest salmon runs in the lower 48 states. More than 2,500 miles of beaches, estuaries and river deltas make up Puget Sound’s nearshore zone. Nearshore habitats provide commercial, recreational and aesthetic benefits that enhance quality of life. For more than 150 years there has been profound physical modifications to the Puget Sound nearshore zone. Government and non-government agencies, organizations, tribes and businesses are actively seeking opportunities to reverse past damage. The Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) offers a unique opportunity to tackle large-scale habitat restoration based upon a comprehensive science-based assessment of this nationally-significant estuary.

Tentatively Selected Plan

PSNERP evaluated more than 500 potential restoration sites, identifying the best places and opportunities to improve the nearshore zone’s ability to provide locally- and nationally-valued resources. The currently proposed 11 sites included in the Tentatively Selected Plan will restore an estimated 5,300 acres of nearshore ecosystems, with an estimated total project cost of about $1.1 billion.

Benefits from this preferred alternative will derive from removing nearly 75,162 linear feet of shoreline stressors, including tidal barriers, nearshore fill and shoreline armoring; thereby restoring processes that will provide an additional 5,354 acres of tidally influenced wetlands in river deltas and shallow embayments, as well as sustain beach ecosystems. Sites included in the Tentatively Selected Plan are geomorphically representative of the entire study area. The proposal includes seven sites in major river deltas, one beach site, one open coastal inlet site and two barrier embayment sites. Completion of the Puget Sound Nearshore Study and the construction of the 11 proposed sites is a critical component of the Puget Sound Action Agenda, the state and Federal plan for Puget Sound Recovery. Construction of the proposed sites will also support efforts to preserve treaty protected fishing rights for Western Washington Treaty Tribes, and support recovery of the 13 fish and marine mammal species in Puget Sound listed as threatened or endangered under the Endangered Species Act.

Nearshore Study Contacts
Lynn Wetzel, Corps of Engineers Project Manager: Lynn.Wetzel@usace.army.mil or (206) 764-3695
Theresa Mitchell, Local Project Manager: Theresa.Mitchell@dfw.wa.gov or (360) 902-2750

US Army Corps of Engineers
Washington Department of Fish and Wildlife
Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

Selected Restoration Sites
Sites Recommended by the PSNERP Study Team for Inclusion in the Tentatively Selected Plan

Legend - Sites by Shoreform
- River Deltas
- Beaches
- Open Coastal Inlets
- Barrier Embayments

Sources: EPA, 2011

www.pugetsoundnearshore.org
Nooksack River Delta

The Nooksack River Delta is located on the Lummi Nation lands north of Bellingham, Wash. It includes nearly all of the Nooksack and Lummi River estuaries below Ferndale, Wash. The Nooksack and Lummi River flow paths have been modified since the mid-19th century, beginning with active removal of large wood, draining, diking and levee construction. Today, substantial surface water diversions, groundwater withdrawals and drainage activities within the Nooksack River watershed impact the magnitude, timing and duration of delta surface water flows. The proposed restoration modifies levees, roads and other hydrological barriers, restoring delta riverine and tidal flow, as well as sediment transport and delivery processes. All told, it restores 1,807 acres of scarce tidal freshwater wetlands. The restoration complements, but doesn’t depend on, the proposed Lummi Nation Wetland and Habitat Bank project (Lummi Nation 2008). Mitigation bank features are not included in the proposed Federal project footprint.

Ecosystem Restoration Benefits
- Restore large river delta that provides valuable nursery habitat for juvenile threatened salmon species, increasing survival and supporting Puget Sound population recovery
- Re-establish intertidal and shallow subtidal areas to encourage kelp and eelgrass growth, increasing nearshore productivity for fish, birds and other marine species
- Improve connectivity to nearshore and adjacent uplands
- Increase shoreline area, length and complexity
- Improve resiliency of the shoreline to respond to changes in the environment such as sea level change and increasing storm events

Significance
- Builds on Lummi Nation’s existing, planned mitigation bank projects to restore the delta
- Strong Tribal support for Nooksack Delta restoration
- Central to Whatcom County’s comprehensive approach to managing flooding and restoring estuary habitat in the lower Nooksack River
- Supports Puget Sound Chinook Salmon Recovery Plan
- Provides 25 percent of Puget Sound Action Agenda’s 2020 estuarine habitat recovery goal in a single project
Key Design Elements
The restoration includes partial levee removal along both Nooksack River banks and levee construction on North Red River Road. The Lummi River channel will be dredged and graded to reconnect it to Nooksack River flows. Old agricultural ditches will be filled and tidal channels recreated. Several roads will be raised on bridges to allow more tidal flows across the delta.

Site Summary Statistics
- Area of Restored Process: 1,807 acres
- Total Project Cost: $260 million


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**TITLE OF DOCUMENT:** Resolution requesting approval to remove LEED Silver requirement for the construction of the new jail and Sheriff's Headquarters.

**ATTACHMENTS:** Resolution, memo, LEED v2009 opportunity matrix

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Executive Lounes respectfully requests Council approval of the removal of the LEED Silver requirement for the construction of the new jail and Sheriff's Headquarters because it is simply not feasible.

**COMMITTEE ACTION:**
1/27/2015: Held in Committee

**COUNCIL ACTION:**
1/27/2015: Held in Committee

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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MEMORANDUM

TO: Whatcom County Council Members

FROM: Tyler Schroeder, Executive Special Projects Manager

THROUGH: Jack Louws, County Executive

DATE: January 16, 2015

SUBJECT: Requesting the removal of LEED Silver requirement for jail construction

Whatcom County is actively planning for the construction of the new jail and an adjacent facility for the Sheriff’s Headquarters. Through this process there have been project goals that strive to make the facilities safe, responsible, efficient and flexible to allow for current and future needs. The goals of efficient and responsible have been established to meet Whatcom County Council Resolution 2005-233 -- Resolution promoting the use of LEED (Leadership in Energy and Environmental Design) Standards in the construction and renovation of County Buildings -- and in the construction practices of the private sector. To achieve the goal of making an efficient facility the design team has thought about value, operations and technology of the facility in every decision that has been made thus far. In line with the goal of a responsible facility, the team has continued to study overall environmental responsibility of the public facility.

Whatcom County is dedicated to promoting sustainability with high performance buildings and green building construction practices. The 2005 resolution resolved that where feasible, the County should commit to meeting the LEED “Silver” certification for the construction of all new and County buildings over 5,000 square feet where the County provides the majority of funding. Throughout the design process, it has been the intent of the design decisions to be able to meet the LEED “Silver” certification through initial selection of mechanical systems, light fixtures, site landscaping, on site water detention and reuse, and many more conceptual opportunities. Often it was realized the security and functionality of the jail services are not conducive to the LEED process. Researching for other facilities to use as precedents for implementing design strategies in other regions and states has difficult because jail facilities do not typically receive LEED certification. US Green Building Council (USGBC) and the Green Building Council Institute (GBCI), the organizations that review and award certification, has listed approximately 26 jail facilities within the 68,000 documented on their registry as registering for LEED review. Of those facilities, only ten have received certification. Through this review, it has become clear to the design team that the LEED “Silver” certification was not created for these types of Essential Public Facilities.
DLR Group, the architect and engineer for this project, has done extensive review of how the campus could be designed to meet LEED “Silver” certification. Through this review, it does not look reasonably feasible to achieve LEED “Silver” for the new jail facility without adding substantial costs. Please see Attachment A for more information on the specific LEED opportunity matrix. This document walks through the point system for LEED certification and shows where the project would have to incur substantial additional costs to attempt LEED “Silver” certification. Based on the goals and design strategies of the project, the matrix includes 41 points that would be achievable if we had the ability to add this cost premium to the project. Providing 41 points is just above the threshold for LEED Certified certification, and does not provide the anticipated buffer of credits to ensure that this rating would be granted upon review by the LEED panel. The panel is randomly selected from a national team of reviewers employed by GBCI. These reviewers evaluate criteria based on a pass or fail basis without considering the implications of the unique facility. Without this more detailed dialog, it is hard to impress upon the reviewer the benefit the strategies are taking to make this building as sustainable as possible. There is a brief opportunity to share the story in extended detail, but the reviewer holds the discretion to approve or deny points, and typically does not have a direct understanding of this project type.

It is very common for public and government agencies to use LEED certification because of the public’s recognition of the effort and language of the strategies. By achieving a certification level, people and agencies of the community can assume the project has provided efforts to prioritize efficiencies throughout the facility without knowing the specifics of how the owner achieved the certification. As LEED was the first rating system popular in the market, many local, State and Federal agencies have adopted resolutions or have LEED requirements for public buildings. Since the resolutions became common for agencies to require LEED, new certification products have entered the market and are gaining in acceptance and recognition in the county.

These organizations include Green Globes, EnergyStar, Living Building Challenge, Architecture 2030 and various localized or regional systems centered in the jurisdictions of the project. Jurisdictions have also better defined where LEED certification is considered feasible through the verbiage of their resolutions. The Federal government (operated by GSA) has language that requires LEED certification where possible, after considering budget and schedule constraints on the design and construction contracts. In 2013, King County modified their LEED certification to state “as long as there is no cost impact to the Current Expense fund and no more than a two-percent cost impact to other funds, as compared to projects not seeking certification.” It has been determined that design strategies most likely required for the project to reach LEED “Silver” certification point minimums will impose a cost impact substantially larger than two-percent of the anticipated cost.

The current estimated construction cost for the Whatcom County new jail and Sheriff’s Headquarters is $82 million. Using the 2% test, as other jurisdictions do, LEED is only feasible if the costs for such certification are less than $1,640,000. Our design team has worked to make appropriate decisions leading to an efficient facility, with LEED
certification in mind, to optimize energy performance as it is the most prevalent and beneficial criteria to fund for sustainability. Energy efficiency provides long-term paybacks directly to the County through utility costs. Currently the system design for the facility will provide an efficient and maintainable system. For the new jail departments, this system would be a central heating plant approach with high efficient boilers and chillers that will be staged to only use the energy when needed. The new Sheriff’s Headquarters is proposed to use a variable refrigerant flow system common in modern office design with a system that allows occupant control to temperatures and lighting and meet the reduced energy requirements consistent with good efficient design and exceed Washington State Energy Code (one of the most stringent codes in the country).

One option that has been discussed and would likely be required to reach the LEED points is an onsite geo-thermal system. This system is above and beyond the efficient design described above that already provides good benefits to energy efficiency of the project. By needing to supplement with the geothermal system, it is estimated to gain 5-8 points while adding approximately $2.2 million dollars to the project estimated budget. If chosen, this strategy alone would exceed the 2% test in LEED feasibility. This is only one example but recognizes the hardship of making LEED certification for a jail facility, where security and safety are very high design requirements and cannot be compromised for the implication of sustainable features. Strategies in addition to the geothermal field would also be required to meet LEED “Silver” point thresholds.

By revising the resolution for LEED certification of this project, it is important to understand that energy efficiency and sustainable design will remain an important goal for the value it brings to the County. Through the Conditional Use Permit for Essential Public Facilities with City of Ferndale, they have required the project meets the City of Ferndale’s EAGLE Standards for Platinum certification. The EAGLE program was developed by the City of Ferndale specifically for the commercial development within the city. It provides goals to address primary elements specifically important to the City of Ferndale through environmental efficiency, advanced technology, greater good, low impact development and economic development. When using the EAGLE criteria for a project that is able to achieve LEED “Silver” certified, the points in the categories for Environmental Efficiency and Greater Good are exempt from consideration because they were developed with close reference to the LEED criteria, and share similar calculations and design strategies. The EAGLE Standards is a very good local test of similar standards outlined in LEED certification. Throughout the process of documenting the EAGLE criteria, we are able to discuss first hand with the EAGLE board, which is also the entity that awards points, the strategies we are providing. This provides an opportunity to educate the board on why the strategies are making this building the most sustainable for the community it resides. The board allows and encourages interpretations of the design criteria to ensure a facility such as the jail is not hindered in meeting the strategies because it is not a commercial development that the criteria were based upon.
We can also work with the board to ensure the strategies and conditions meet their intentions and preferences for a good community building, while not compromising the security and operations of the jail. For example, many topics in the EAGLE strategy are centered on community open spaces and areas for public to congregate. While the security and operations of the jail deter people from loitering on the site it does open the question of how the campus can be used in a safe manner at designated times for the public to meet. Provisions for a community meeting room are being developed for feasibility within the building, and will be considered. Discussions with the Board will confirm the impact and desirability for them to have these resources. This relationship with City of Ferndale is desired by Whatcom County in the development of this campus in Ferndale, and all opportunities to reach EAGLE platinum will be reviewed together with the Board.

Whatcom County is committed to designing and constructing the most sustainable, energy efficient facility for the new jail and Sheriff’s Headquarters as feasible. The Administration asks that the Council adopt a resolution that recognizes the County is dedicated to building County facilities that are sustainable, energy efficient and high performance buildings, and recognizes that LEED “Silver” Certification is simply not feasible for the new Jail and Sheriff’s Headquarters due to the unique characteristics of the facility type.
Resolution 2015-__________

RESOLUTION RECOGNIZING THAT LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) “SILVER” CERTIFICATION FOR THE NEW JAIL AND SHERIFF’S HEADQUARTERS IS NOT FEASIBLE

WHEREAS, in 2005 the Whatcom County Council passed a resolution promoting the use of LEED standards in the construction and renovation of County buildings and in the construction practices of the private sector; and

WHEREAS, Resolution 2005-028 commits the County to meeting, where feasible, the LEED “Silver” rating for the construction of all new and renovated County buildings over 5,000 square feet where the County provides the majority of funding; and

WHEREAS, sustainable, energy efficient, high performance buildings and green building practices can be defined as building practices that conserve resources, use recycled materials, maximize energy efficiency, reduce waste, prevent pollution, improve indoor air quality, and consider lifecycle analysis to promote environmental, economic and social benefits in the design and construction of a building project; and

WHEREAS, the term “Green Building” has become synonymous with other terms and trade names such as "high performance building", "smart building", "BuiltGreen", "sustainable design and construction", "healthy building", "eco building"; and

WHEREAS, Whatcom County recognizes that the principles of LEED and high performance buildings and green building practices are supported by a variety of goals and policies in the Whatcom County Comprehensive Plan; and

WHEREAS, the County encourages, and is presently considering, Low Impact Development (LID) strategies in the public and private sector and that these are integral components of LEED and high performance buildings and green building practices; and
WHEREAS, DLR Group, the architect for the new jail and Sheriff’s Headquarters has done extensive review of how the jail and Sheriff’s Headquarters can be designed to meet LEED “Silver” certifications and has determined that for this project to meet LEED “Silver” the cost impact will be substantially greater than two-percent of the anticipated cost;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the County is dedicated to building facilities that are sustainable, energy efficient and high performance and recognizes that LEED “Silver” Certification for the new jail and Sheriff’s Headquarters is not feasible.

BE IT FURTHER RESOLVED that the Whatcom County Council supports the incorporation of other appropriate and feasible actions into the design elements of the new jail and Sheriff’s Headquarters particularly the use of the City of Ferndale’s “Eagle Standards”, key design and building factors that are part of the LEED Standards, including protection and restoration of habitat, maximization of open space, LID stormwater design, light pollution reduction, water use reduction, water efficient landscaping, optimizing energy performance, low emitting materials, and indoor chemical and pollutant source control.

APPROVED this ______ day of ______________, 2015

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM:

_________________________
Civil Deputy Prosecutor
WHEREAS, the United States Green Building Council has created a variety of rating systems to address multiple areas of construction, such as existing buildings and commercial interiors, collectively referred to as the LEED Rating System TM that identifies a range of actions and performance measures that define high performance buildings and green building practices through quantification criteria and provide a third party certification process for such buildings; and

WHEREAS, the County Council and County Administration support sustainable economic development by encouraging the expansion of the environmental services and products sector, that includes high performance buildings and green building practices, products, and technologies; and

WHEREAS, the State of Washington has adopted legislation requiring all new public buildings to meet LEED standards, many local jurisdictions have adopted legislation or passed resolutions recognizing the importance of meeting LEED standards for new public buildings; and

WHEREAS, the General Services Administration (GSA) of the Federal Government requires LEED “Gold” be incorporated into ongoing designs where possible, after considering budget and schedule constraints on the current designs, and in 2013 King County passed an ordinance requiring LEED “Platinum” certification “as long as there is no cost impact to the Current Expense fund and no more than a two-percent cost impact to other funds, as compared to projects not seeking certification”; and

WHEREAS, Resolution 2005-028 does not define “where feasible” when it commits the County to meet LEED “Silver” certification for new and renovated buildings over 5,000 square feet built and funded by Whatcom County, and numerous jurisdictions with LEED ordinances or resolutions have defined “feasible” with cost impact to the project in mind; and

WHEREAS, the new jail and Sheriff’s Headquarters has project design goals to make the facility safe, responsible, efficient and allow for current and future needs and is committed to overall environmental responsibility, value, operations and technology to design a facility that is sustainable, energy efficient and high performance; and
LEED v2009 Compliance

This is the initial review of the LEED v2009 opportunity matrix. Per these comments, the opportunity matrix is providing a total of 41 points attempted, 25 points may be attempted depending on the final design strategies, and 44 points not attempted. Fifty points is the minimum required points for Silver Certification. To ensure a Silver rating, it is recommended to have approximately 8-10 points over the goal to ensure some points that are not granted do not compromise the certification level. From this review, with 41 points we are barely achieving certification. It is unlikely the facility will achieve LEED Silver without providing additional points, and therefore incurring added cost to the project MACC.

Items underlined indicate credits which require additional up front capital costs to complete the criteria associated.

I. Sustainable Sites
   (Total Points Submitted = 10 points; 26 points available)

1. Prerequisite 1 – Construction Activity Pollution Prevention – (Required)
   a. This credit monitors on site activities by the contractor. This is considered standard practice and contractor selected will follow criteria to keep a clean site. This credit is not an additional cost to the project.

2. Prerequisite 2 – Environmental Site Assessment – (Required)

3. Credit 1 – Site Selection – (No point submitted)
   a. This credit requires the project to be developed in areas that are not farmland, on the FEMA floodplain, endangered species land, land within wetlands, or parkland. Our site has many wetlands, and some of the property may be within the 100 year floodplain.

4. Credit 2 – Development Density and Community Connectivity – (No points submitted)
   a. The area around the site does not provide the criteria within the required radius. Some of the organizations that provide the community connectivity were specifically avoided to place the jail such as a daycare or a school due to the nature of the jail and people required to check in at the jail.

5. Credit 3 – Brownfield Redevelopment – (No points submitted)
   a. The site is an undeveloped greenfield site and cannot qualify for brownfield points.

6. Credit 4 – Alternative Transportation – (Total Points Submitted = 4 Points)
   a. 4.1 Public Transportation – Three points will be attempted. There is currently no transportation at to the site that meets the frequency of route. It is noted that Whatcom Transit does locate routes when facilities are planned. We can coordinate with the transit system during design to provide proof for the submittal that we will have transit. This route will require two bus routes which may be accomplished by providing one route to Bellingham and one to Ferndale. There is
nominal cost associated with the building to add infrastructure such as a bus stop at the new street improvements for the route, but this would be a positive add for the community, and will be recommended as base scope. Adding toilet rooms designated for the drivers will provide additional points, but are an added cost to the facility beyond the base scope.

b. 4.2 Bicycle Storage and Changing Rooms – One point will be attempted to include bike racks. Staff locker rooms have showers for staff to use to meet the criteria of the point. This credit is not an additional cost to the project.

c. 4.3 Low Emitting and Fuel Efficient Vehicles – Three points may be attempted but are not calculated in the total at this time. Approximately 8 staff parking stalls and 2 public parking stalls shall be designated for fuel efficient cars. Owner shall confirm if it is appropriate to assume 8 staff people will have fuel efficient vehicles. It is not recommended to provide electric charging stations on site because this is an added expense. Implementing this credit is not an additional cost to the project.

d. 4.4 Parking Capacity – No points are attempted for this credit because staff and officer parking is required for all employees. This capacity will be confirmed with the minimum local zoning codes, but it is likely not at the minimum required stalls. This credit would be a cost saving to the project because parking lots would be minimized in size, but the implications affect the feasibility of the facility for the staff.

7. Credit 5 – Site Development – (Total Points Submitted = 2 Points)
   a. 5.1 Protect or Restore Habitat – One point will be attempted. The site strategy is driven by the constraints of the wetland and the criteria protects construction development around the wetlands. This credit is not an additional cost to the project, but sets guidelines for the contractor to assist in protecting the site.
   b. 5.2 Maximize Open Space – One point will be attempted. This point requires open space on the site, and the wetland areas may be included. If using the wetlands, there are requirements for slop of the sides of the wetlands that should be considered. The area of wetlands is more than the footprint of the building and should comply. This credit is a hard credit to achieve with the tight constraints of our site. This credit is not an additional cost to the project but will impact the design criteria of the wetland mitigation strategies.

8. Credit 6 – Stormwater Design – (Total Points Submitted = 1 Points)
   a. 6.1 Quantity Control – One point will be attempted for quantity control of stormwater, however this credit is complicated with the site restrictions for area on our site. Criteria will dictate the locations and sizes of stormwater detention ponds, and the full quantity may not be able to fit on the site. We are proposing an aggressive drainage approach to the site design. This aggressive approach will require additional cost in the stormwater detention pond construction than standard to meet the design criteria of the point.
   b. 6.2 Quality Control – One point may be attempted for quality control. It is a site design strategy to protect the wetlands from water runoff.
Whatcom County Adult Corrections Facility
and Sheriff Headquarters

contaminates, but the criteria of this point may not be appropriate for our site conditions. By implementing distributed LID approach (multiple small rain gardens and ponds) we should be able to achieve this credit. **To provide this point will require additional cost in the stormwater detention pond construction than standard to meet the design criteria of the point.**

9. Credit 7 – Heat Island Effect – (Total Points Submitted = 2 Points)
   a. 7.1 Non-Roof – One point will be attempted. This point does not require additional cost.
   b. 7.2 Roof – One point will be attempted. This point does not require additional cost, but it may limit the roofing options and manufacturers. Facilities department will need to confirm all manufacturers are acceptable regardless if it is the standard for the County.

10. Credit 8 – Light Pollution Reduction – (Total Points Submitted = 1 Points)
    a. One point will be attempted. Criteria is in line with the goals of EAGLE. City of Ferndale and Department of Ecology have set requirements that the intent of this credit is met in this facility. This credit is not an additional cost to the project.

II. Water Efficiency
    (Total Points Submitted = 4 points, 10 points possible)

1. Prerequisite 1 – Water Use Reduction – (Required)
   a. This point is required and can be implemented throughout the facility. Security fixtures should be sourced to meet these requirements, but will also be provided as a variance if they don't meet the criteria. This credit is not an additional cost to the project.

2. Credit 1 – Water Efficient Landscaping – (Total Points Submitted = 4 Points)
   a. Two points will be attempted. Landscaping design strategy is based on water efficient landscaping. It is intended to not require irrigation on the site, so may achieve an additional two points. This credit is not an additional cost to the project.

3. Credit 2 – Innovative Wastewater Technologies – (No Points Submitted)
   a. One strategy that may be implemented is graywater system for toilet flushing, which is costly to implement for the entire jail and may not be suitable for inmate areas. We would initially size for the Sheriff HQ and support buildings. **This credit is not attempted because of the cost to the infrastructure for this credit. All technologies are an additional cost to the facility and may not meet the security requirements of the facility.**

4. Credit 3 – Water Use Reduction (Total Points Submitted = 2 points)
   a. Two points will be attempted. Water use reduction may be provided for all non-security fixtures to meet the criteria of this point. A variance for security fixtures is likely required and will be issued. Time control flush valves may provide additional potential for more water reduction, but the impact would need to be confirmed through a variance with LEED
III. Energy and Atmosphere
(Total Points Submitted = 10 points; 35 points possible)

1. Prerequisite 1 – Fundamental Commissioning (Required)
   a. This point is a cost, but it is considered standard practice and included
      in the soft costs anticipated for the project. It is not considered an
      additional cost due to LEED certification.

2. Prerequisite 2 – Minimum Energy Performance (Required)
   a. Washington State Energy codes exceed the requirements of this point.
      This credit is not an additional cost to the project.

3. Prerequisite 3 – Fundamental Refrigerant Management (Required)
   a. Refrigerant will be provided in the facility, but the baseline design
      criteria will meet the intent of this point. This credit is not an additional
      cost to the project.

4. Credit 1 – Optimize Energy Performance (Total Points Submitted = 5)
   a. Five points will be attempted. The system design for the facility is
      designed to provide an efficient and maintainable system for the
      facilities department. To achieve more points, the implementation of the
      Variable Refrigerant Flow (VRF) system would provide a potential of 3
      additional points.
   b. The importance of this credit for the long term pay backs to the facility
      makes this point advantageous to direct more budget of the project to
      the mechanical system. Providing additional Energy Conservation
      Measures (ECM’s) will be an additional cost to the project, but is
      recommended due to the overall benefit it provides.
   c. One significant ECM would be an added Geothermal System to the site.
      This system is estimated to add approximately $2.2 million dollars to the
      project, but will provide an additional 5 points and long term payback in
      utility costs. The payback for this system may be close to 30 years, but
      as the facility is designed to operate for 50-75 years, the payback scale
      is tangible and should be installed during this phase of construction.

5. Credit 2 – On-site Renewable Energy – (No Points Submitted)
   a. All on-site renewables are an added cost to the project, and have not
      been budgeted in the cost estimates of the project. Though renewable
      energy resources provide a great benefit to the community and facility, it
      is not recommended to use capital costs for these features at this time.
   b. For small additional costs to the project, some areas of the building may
      be made ready for future installations as the cost of the system continue
      to decline. These features may include including the structural impacts
      to the roof structure for roof mounted PV systems. This would also
      require a small area designated for future electrical connection near the
      existing connection to the power grid.

12/17/2014
6. Credit 3 – Enhanced Commissioning – (Total Points Submitted = 2 points)
   a. Two points will be attempted. Enhanced commissioning provides a verification of all systems operation and education to the facilities department to ensure the building is operating as required. It is understood Whatcom County implements Enhanced Commissioning on projects throughout the facility, and should be used on this project. **Enhanced Commissioning is an additional cost for LEED certified buildings but has been allocated in the soft costs of the project.**

7. Credit 4 – Enhanced Refrigerant Maintenance – (No Points Submitted)
   a. Variable Refrigerant Flow (VRF) system has been provided throughout the office areas outside the secure perimeter. This system does not meet the criteria of this credit and therefore is not attempted. This point is not attempted because the VRF system will provide significant energy optimization and is preferred in EA Credit 1. This credit is not an additional cost to the project.

8. Credit 5 – Measurement and Verification – (Total Points Submitted = 3 points)
   a. Three points will be attempted. This credit is a benefit to the facilities department because it provides a resource to monitor how the building is responding once occupied. This credit is not an additional cost to the project, but does have requirements to be implemented by the owner throughout the first year of occupancy.

9. Credit 6 – Green Power – (No Point Submitted)
   a. This credit requires a contract of the owner with a provider of Green Power for a minimum of two years to provide a minimum of 35% of the annual electricity from renewable resources. **This credit is 100% an additional cost to the project and should only be implemented as a last resort.** PSE’s Green Power program is estimated at $2.00 per 160kW. Estimated usage for this facility is XXX. Total cost of Green Power should be confirmed prior to agreeing for this point.

IV. Materials & Resources
(Total Points Submitted = 6 points; 14 points possible)

1. Prerequisite 1 – Storage and Collection of Recyclables – (Required)
   a. Standard operations require space for collection of recyclables. This credit is not an additional cost to the project.

2. Credit 1 – Building Reuse – (No Points Submitted)
   a. 1.1 Maintain Existing Walls, Floor & Roof – There are no existing facilities on the site, therefore this point is not applicable to our project.
   b. 1.2 Maintain 50% of Interior Non-Structural Elements – There are no existing facilities on the site, therefore this point is not applicable to our project.

3. Credit 2 – Construction Waste Management – (Total Points Submitted = 2 points)
   a. Two points will be attempted. This credit monitors on site waste by the contractor. This is considered standard practice and contractor selected...
Whatcom County Adult Corrections Facility
and Sheriff Headquarters

will follow criteria to keep separate waste accordingly. This credit is not an additional cost to the project.

4. Credit 3 – Materials Reuse – (No Points Submitted)
   a. There are no existing facilities on the site and the existing buildings will not be demolished prior to occupancy of the new building. To ensure the materials or equipment is viable for the next 50-75 years of this building, reusing existing materials is not recommended unless structurally viable. Therefore this point is not applicable to our project.

5. Credit 4 – Recycled Content – (Total Points Submitted = 1 points)
   a. One point will be attempted. Materials throughout the facility will have recycled concrete, but materials required for security features such as wall construction cannot be compromised for recycled content. Materials that meet the criteria will be used wherever possible, but may not exceed 20%. This credit is not an additional cost to the project.

6. Credit 5 – Regional Materials – (Total Points Submitted = 1 points)
   a. One point will be attempted. The most predominant material on the facility is the concrete cell construction, which is manufactured in Auburn, WA, which is within the 500 mile radius from the project site. This credit is not an additional cost to the project.

7. Credit 6 – Rapidly Renewable Materials – (No Points Submitted)
   a. One point may be attempted, but locations of rapidly renewable materials are limited to the Sheriff HQ. These products are made from materials that are more common in office environments such as bamboo or cork. Materials that meet the criteria will be used wherever possible, but may not meet the threshold compared to the other products throughout the facility 20%. Due to the large quantity of available materials where they are applicable, this credit is not an additional cost to the project.

8. Credit 7 – Certified Wood – (Total Points Submitted = 1 Point)
   a. One point will be attempted. Where applicable, all wood remaining in the facility will be FSC labeled. As this is common in wood industry, this is not considered an additional cost to the facility.

V. Indoor Environmental Quality
(Total Points Submitted = 8 points; 15 points possible)

1. Prerequisite 1 – Minimum IAQ Performance – (Required)
   a. Washington State Energy codes exceed the requirements of this point. This credit is not an additional cost to the project.

2. Prerequisite 2 – Environmental Tobacco Smoke (ETS) Control – (Required)
   a. Washington State laws exceed the requirements of this point. This credit is not an additional cost to the project.

3. Credit 1 – Outdoor Air Delivery Monitoring – (Total Points Submitted = 1 Point)
Whatcom County Adult Corrections Facility and Sheriff Headquarters

a. One point will be attempted. This point requires monitoring, notifications, and connection to the BMS. These devices would be provided throughout the facility to meet these needs. This credit is not an additional cost to the project.

4. Credit 2 – Increased Ventilation – (No Points Submitted)
   a. Due to the requirements at the cells throughout the facility, this credit may be designed into the system to meet the criteria. This credit is not an additional cost to the project, but the thresholds are difficult to achieve based on the LEED criteria.

5. Credit 3 – Construction IAQ Management Plan – (Total Points Submitted = 2 Points)
   a. 3.1 During Construction – One point will be attempted. This is considered standard practice and contractor selected will follow criteria to ensure the materials are dry and clean. There are minimal costs for filters and monitoring associated with this credit, but is not considered an additional cost to the project.
   b. 3.2 Before Occupancy – One point will be attempted. This credit requires specific guidelines on flushing the building prior to occupancy. At the time of flushing, construction schedule may be impacted as the contractor is required to be complete with many construction activities and allow time in the schedule for flushing (approximately 10 days). Due to the end of construction scheduled in mid-winter 2019, keeping the parameters consistent during the flush may add time to the schedule. The impact of this criteria is an impact to schedule, but not determined to be an additional cost to the project.

6. Credit 4 – Low Emitting Materials – (Total Points Submitted = 4 Points)
   a. 4.1 Adhesives and Sealants – One point will be attempted. Whatcom County policy requires low emitting materials and products throughout to ensure chemical impacts are minimized for the life of the facility. Due to the basis of design for low emitting materials, this credit is not an additional cost to the project.
   b. 4.2 Paints and Coatings – One point will be attempted. Whatcom County policy requires low emitting materials and products throughout to ensure chemical impacts are minimized for the life of the facility. Due to the basis of design for low emitting materials, this credit is not an additional cost to the project.
   c. 4.3 Flooring Systems – One point will be attempted. Whatcom County policy requires low emitting materials and products throughout to ensure chemical impacts are minimized for the life of the facility. Due to the basis of design for low emitting materials, this credit is not an additional cost to the project.
   d. 4.4 Composite Wood and Agrifiber Products – One point will be attempted. Whatcom County policy requires low emitting materials and products throughout to ensure chemical impacts are minimized for the life of the facility. Due to the basis of design for low emitting materials, this credit is not an additional cost to the project.
7. Credit 5 – Indoor Chemical and Pollutant Source Control – (Total Points Submitted = 1 point)
   a. One point will be attempted. The criteria of these requirements comply with the goals set by entry systems for the facility. Additionally, due to the neighboring industrial uses to the site, filters and pollutant control will be required as standard throughout the facility. This credit is not an additional cost to the facility.

8. Credit 6 – Controllability of Systems – (No Points Submitted)
   a. 6.1 Lighting – Inmates constitute most of the facility and will not have access to control their lighting or thermal comfort directly. Therefore, this credit is not applicable to this project. It may be attempted for a variance of control provided through CCR, but this is an operational change that must be considered by the owner. Implementing a remote or direct control to every cell will be considered an additional cost to the project.
   b. 6.2 Thermal Comfort – Inmates constitute most of the facility and will not have access to control their lighting or thermal comfort directly. Therefore, this credit is not applicable to this project. It may be attempted for a variance of control provided through CCR, but this is an operational change that must be considered by the owner. Implementing a remote or direct control to every cell will be considered an additional cost to the project.

9. Credit 7 – Thermal Comfort – (No Points Submitted)
   a. 7.1 Design – Due to the nature of the jail facility and how thermal comfort is regulated throughout, it is unlikely the criteria of the point will be met for this facility.
   b. 7.2 Verification – Due to the nature of the jail facility and how thermal comfort is regulated throughout, it is unlikely the criteria of the point will be met for this facility.

10. Credit 8 – Daylight and Views – (No Points Submitted)
    a. 8.1 Daylight 75% of Spaces – Due to the requirements that rooms within the jail cannot have windows, it is unlikely the criteria of this point will be met. Though it is a priority to provide natural daylighting wherever possible, the hours and times where daylight modelling is conducted will not meet the criteria. Additionally, daylighting within the dayrooms is provided above required levels to allow borrowed light into the cells. This over-daylighting does not meet the criteria.
    b. 8.2 Views for 90% of Spaces - Due to the requirements that rooms within the jail cannot have windows, it is unlikely the criteria of this point will be met.

VI. Innovation & Design Process – Innovation points will be attempted and determined at the time of submission.
(Total Points Submitted = 3 points; 6 points possible)

1. Innovation points are complicated points to achieve because the LEED reviewer may not believe in the points that are submitted. It is a strategy to show the
Whatcom County Adult Corrections Facility
and Sheriff Headquarters

building is achieving goals above and beyond, and is completely at the discretion of the reviewer. Innovation points may include:
  a. Mercury free fixtures
  b. Integrated Design Process (per criteria of LEED v4)
  c. More advanced wetland mitigation strategies
  d. Exemplary performance in previous criteria

2. Credit 2 – LEED AP – (Total Points Submitted = 1 Point)

VII. Regional Bonus Credits
(Total Points Submitted = 0 points; 4 points possible)

1. All regional points for 98225 are not applicable to our project. They include optimizing energy beyond the points provided, on site renewables, brownfield development, and building reuse.
## LEED v2009 Registered Project Checklist - New Construction & Major Renovation

### Sustainable Sites

<table>
<thead>
<tr>
<th>Y</th>
<th>Prereq 1</th>
<th>Prereq 2</th>
<th>Required</th>
</tr>
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<tbody>
<tr>
<td>10</td>
<td>Construction Activity Pollution Prevention</td>
<td>Environmental Site Assessment</td>
<td>26 Points</td>
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<td>7</td>
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#### Prerequisites

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<tbody>
<tr>
<td>1</td>
<td>Site Selection</td>
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<tr>
<td>5</td>
<td>Development Density &amp; Community Connectivity</td>
</tr>
<tr>
<td>1</td>
<td>Brownfield Redevelopment</td>
</tr>
<tr>
<td>3</td>
<td>Alternative Transportation, Public Transportation Access</td>
</tr>
<tr>
<td>3</td>
<td>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</td>
</tr>
<tr>
<td>1</td>
<td>Alternative Transportation, Low-Emitting and Fuel-Efficient Vehicles</td>
</tr>
<tr>
<td>2</td>
<td>Alternative Transportation, Parking Capacity</td>
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<td>1</td>
<td>Site Development, Protect or Restore Habitat</td>
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<tr>
<td>1</td>
<td>Site Development, Maximize Open Space</td>
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<td>Storm water Design, Quantity Control</td>
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<td>Light Pollution Reduction</td>
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### Water Efficiency

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#### Prerequisites

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<tbody>
<tr>
<td>2</td>
<td>Water Efficient Landscaping</td>
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<tr>
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<td>Reduce by 50%</td>
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<td>No Potable Water Use or Irrigation</td>
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<tr>
<td>2</td>
<td>Innovative Wastewater Technologies</td>
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<tr>
<td>2</td>
<td>Water Use Reduction</td>
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<td>30% Reduction</td>
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12/23/2014
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<th>Optimize Energy Performance</th>
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<td>Improve by 12% for New Buildings or 8% for Existing Building Renovations</td>
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<td>Improve by 16% for New Buildings or 12% for Existing Building Renovations</td>
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<td>Improve by 18% for New Buildings or 14% for Existing Building Renovations</td>
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<td>Improve by 20% for New Buildings or 16% for Existing Building Renovations</td>
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<td>Improve by 22% for New Buildings or 18% for Existing Building Renovations</td>
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<td>Improve by 24% for New Buildings or 20% for Existing Building Renovations</td>
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<td>Improve by 26% for New Buildings or 22% for Existing Building Renovations</td>
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<td>13% Renewable Energy</td>
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| Credit 3 | Enhanced Commissioning  | 2      |
| Credit 4 | Enhanced Refrigerant Management | | 2 |
| Credit 5 | Measurement & Verification | 3      |
| Credit 6 | Green Power              | 2      |
### Materials & Resources

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<th>Prereq</th>
<th>Storage &amp; Collection of Recyclables</th>
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<tr>
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<td>Building Reuse, Maintain Existing Walls, Floors &amp; Roof</td>
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<td>Construction Waste Management</td>
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<td>50% Recycled or Salvaged</td>
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<td>Materials Reuse</td>
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<td>Reuse 5%</td>
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<td>Reuse 10%</td>
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<td>Regional Materials</td>
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### Indoor Environmental Quality

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<tr>
<th>Prereq 1</th>
<th>Minimum IAQ Performance</th>
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<tr>
<td></td>
<td>Environmental Tobacco Smoke (ETS) Control</td>
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<td>Outdoor Air Delivery Monitoring</td>
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<td>Increased Ventilation</td>
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<td>Construction IAQ Management Plan, During Construction</td>
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<td>Construction IAQ Management Plan, Before Occupancy</td>
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<td>Low-Emitting Materials, Paints &amp; Coatings</td>
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<td>Low-Emitting Materials, Flooring Systems</td>
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<td>Low-Emitting Materials, Composite Wood &amp; Agrifiber Products</td>
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<td>Indoor Chemical &amp; Pollutant Source Control</td>
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<td>Thermal Comfort, Verification</td>
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<td>Daylight &amp; Views, Daylight 75% of Spaces</td>
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<td>Daylight &amp; Views, Views for 90% of Spaces</td>
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### Innovation & Design Process

<p>| Credit 1.1 | Innovation in Design: | 1        |
| Credit 1.2 | Innovation in Design: | 1        |
| Credit 1.3 | Innovation in Design: | 1        |
| Credit 1.4 | Innovation in Design: | 1        |
| Credit 1.5 | Innovation in Design: | 1        |
| Credit 2   | LEED® Accredited Professional | 1        |</p>
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| 41 | 25 | 44 | **Project Totals** *(pre-certification estimates)* | 110 Points |

Certified 40-49 points  Silver 50-59 points  Gold 60-79 points  Platinum 80+ points

**Footnotes**

1. These Basic Opportunities are strong sustainability issues but may not contribute to LEED credits. However, if these strategies are firmly innovative they may qualify for credits under Innovation & Design Process.
2. Level 1 - Easier to attain; Level 2 - Moderate to attain; Level 3 - More elaborate to attain.
3. Items listed as 'Required' must be attained before any other credits in that category can be attained for LEED certification.
4. Refer to www.usgbc.org for regional priorities credits based on local project zip code.
5. CL - Civil, LS - Landscape, AR - Architectural, ST - Structural, ME - Mechanical, EL - Electrical
   ID - Interior Design, CX - Commissioning Agent, GC - General Contractor, OW - Owner.
6. Time Line: Implement credit requirements as early as corresponding phases listed and continue implementation if more than one phase is listed. Project Phases are as below.
   (P) Planning Phase - Includes Site Selection, Programming and Conceptual Design
   (D) Design Phase - Includes Schematic, Design Development and Construction Documents
   (C) Construction Phase - Includes Bid Negotiation, Substantial Completion and Final Project Closeout
   (O) Operation Phase - Includes Post-Occupancy Period of Warranty and On-Going Use
7. Cost Implication above a minimum code compliant base project design
   Budget Totals per category includes only achievable credits.
TITLE OF DOCUMENT:
Ordinance amending WCC 3.08, Purchasing System

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 amending WCC 3.08, Purchasing System

COMMITTEE ACTION:

COUNCIL ACTION:
1/27/2015: 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.
ORDINANCE NO. __________

AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM

WHEREAS, the Whatcom County Council believes that open transparent government leads to the best decisions for the people of Whatcom County; and

WHEREAS, Whatcom County’s purchasing code is intended to provide the public with transparency and checks and balances regarding county expenditures; and

WHEREAS, Whatcom County Code 3.08.090 and 3.08.100 have numerous exceptions to the requirement of council approval; and

WHEREAS, parts of Whatcom County Code 3.08.090 and 3.08.100 reduce the public’s ability to be provided with transparency and adequate checks and balances regarding county expenditures;

NOW THEREFORE BE IT ORDAINED, by the Whatcom County Council that Whatcom County Code Chapter 3.08.090 and 3.08.100, are hereby amended as outlined in Exhibit A to this ordinance.

APPROVED this_____day of____________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor Jack Louws, County Executive

(  ) Approved (  ) Denied
Date Signed: ____________________
EXHIBIT A

3.08.090 Bid specifications, deposits and awards.

A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.

B. When the acquisition of materials, supplies, purchased services, tools, equipment, rental of personal property or professional services involves amounts greater than $25,000 in a single transaction for a nonpublic work award or exceeding $40,000 for a public work award, the administrative services department shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.

C. All bid specifications shall be in writing and placed on file for public inspection.

D. An advertisement that written specifications are on file and available for public inspection shall be published in the official county newspaper. Advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and may be published for as many additional publications as shall be considered in the county's interest. Such advertisement shall state:

1. The date after which bids will not be received;

2. The character of the work to be done, or the materials, equipment or service to be purchased; and

3. Where the specifications may be seen.

E. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

F. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor's bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if his bid deposit has not been forfeited) shall be returned after the required contractor's bond of the successful bidder has been accepted.

G. Bids received shall be opened and read in public on the date named in the advertisement for bids, or on a subsequent date established in a bid addendum.

H. After opening, all bids shall be reviewed and referred to the requisitioning department for recommendation of award. Bids will be forwarded by the director of the administrative services department or designee with a recommendation to the county executive for award.

I. After opening and award, all bids shall be filed for public inspection, and available by telephone inquiry.
J. Any or all bids may be rejected for good cause. If all bids are not rejected, the award shall be to the lowest responsive bidder. In determining which is the lowest responsive bidder, the county may take into consideration the bidder's responsiveness to the county's requirements, the quality of the articles to be purchased or leased, availability of parts and service, delivery time, the tax revenue the county would receive from purchasing from a supplier located within its boundaries and prior dealings with the bidder.

K. The county may issue requests for proposals for services, or for technologically complex equipment including but not limited to computers, software, or telephone systems. If all proposals are not rejected, the award shall be to the highest rated proposal, taking into account the selection criteria published in the request for proposals.

L. The county may award to multiple bidders for the same commodity or service when the bid specifications provide for special circumstances in the determination of which vendor is truly the lowest price to the county. Special circumstances may include differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport or labor if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point.

M. The county executive may administratively amend and execute capital improvement project contracts within the approved capital budget appropriation.

NM. Contracts entered into by the county, including those which involve externally funded pass-through moneys, may be administratively amended to a cumulative amount not to exceed $10,000 or 10 percent of the original contract, whichever is greater; larger amounts require council approval.

O. Amendments to existing contracts which involve externally funded pass-through moneys may be approved by the county executive without council approval in any amount. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.100 Council approval required.

Contracts for professional services exceeding $20,000, bids exceeding $50,000 and all real property leases must be submitted to the county council for approval, except when:

A. Exercising an option contained in a contract or lease previously approved by the council.

B. Contract is for the design, construction, right-of-way acquisition or other capital costs for capital projects which are within the appropriation approved by the county council in a capital-budget appropriation ordinance.

C. Contract is for technical support and software maintenance from the developer of proprietary software which is currently being used by Whatcom County.

D. Contract is for manufacturer's technical support and hardware maintenance of electronic systems.

E-D. Pursuant to and within the scope of a declaration of emergency made by the county executive under WCC 3.08.060(B). The county executive, pursuant to a declaration of emergency, shall submit the contract to the county council for informational purposes at the council's next regular or special meeting.

Significant contracts and interlocal agreements which do not require the use of county funds may be approved administratively by the county executive. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 2000-025; Ord. 97-034 Exh. A; Ord. 96-034; Ord. 93-042 Exh. H).
# WHATCOM COUNTY COUNCIL AGENDA BILL

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<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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**TITLE OF DOCUMENT:**

**PETITION FOR REFUNDS PAID REPORT**

**ATTACHMENTS:**

1. Cover Letter
2. Resolution
3. List of Property Tax Refunds

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

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
MEMORANDUM

TO: Jack Louws, Whatcom County Executive

FROM: Steven N. Oliver, Whatcom County Treasurer

DATE: January 20, 2015

RE: Resolution property tax refunds

We are presenting this resolution, consistent with RCW 84.69.020 for the annual list of property tax refunds. No action is required; however, a formal motion to approve the list would be appropriate.

Please consider this resolution at your February 10, 2015 council meeting.
RESOLUTION NO. ______

A RESOLUTION ACCEPTING THE TREASURER'S
LIST OF PETITIONS FOR PROPERTY TAX REFUNDS

WHEREAS, RCW 84.69.020 requires that the County Treasurer present a list of
all petitions for property tax refunds made during the previous year to the County
Council, and;

WHEREAS, a list of the Whatcom County Treasurer's Property Tax Refunds for
2014 is attached to this resolution, and;

WHEREAS, the Whatcom County Council has received and reviewed the
Treasurer's list of property tax refunds consisting of the names of the persons receiving
the refunds, the amounts of the refunds, and reasons for the refunds for the year 2014
in accordance with RCW 84.69.020.

NOW, THEREFORE BE IT RESOLVED, that the Whatcom County Council
accepts the property tax refund list for 2014, hereto attached as "Exhibit A".

APPROVED this ______ day of ________________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
PETITION FOR REFUNDS PAID REPORT

JANUARY 1, 2014 THROUGH DECEMBER 31, 2014
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## PROPERTY TAX REFUNDS

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**TITLE OF DOCUMENT:**

Resolution cancelling uncollectible personal property taxes

**ATTACHMENTS:**

- Cover letter
- Resolution
- Resolution with Exhibit A

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

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

The County Treasurer is required by law (RCW 84.56.240) to present a list of uncollectible personal property to the Council for cancellation.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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**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, Whatcom County Executive
FROM: Steven N. Oliver, Treasurer
DATE: January 23, 2015
RE: Resolution cancellation

We are presenting this resolution, consistent with RCW 84.56.240 and RCW 59.20.030, for cancellation of personal property taxes which are considered to be uncollectible, for delivery to the Whatcom County Council for consideration at its meeting on February 10, 2015. Council’s action is required to formally cancel the uncollectible personal property tax.

We certify that we have made diligent search and inquiry for goods and chattels to collect such tax and were unable to collect the same.
RESOLUTION NO. __________
CANCELLING UNCOLLECTIBLE PERSONAL PROPERTY TAXES

WHEREAS, RCW 84.56.240 requires that the treasurer shall file with the county legislative authority (county council) a list of uncollectible personal property taxes; and

WHEREAS, Council action is required to formally cancel the uncollectible personal property tax;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the uncollectible personal property tax, attached hereto as Exhibit A & B, is hereby cancelled.

APPROVED this ______ day of February, 2015.

ATTEST: WHATCOM COUNTY COUNCIL WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM:

Civil Deputy Pros. Atty.
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$ 2,646.95
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT: Contract between Whatcom County and the Washington State Department of Social and Health Services (DSHS).

ATTACHMENTS:
1. Memo
2. Info Sheet
3. 2 copies of Grant Agreement

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.)

This revenue contract provides funding for mental health promotion and suicide prevention services to be delivered in Whatcom County. Specifically, funding will be used to provide Youth Mental Health First Aid training to teach parents, family members, teachers, school staff and others how to help an adolescent who is experiencing a mental health or addiction challenge or is in crisis. Additionally, funds will be used to implement evidence based programs in the Bellingham and Ferndale School Districts.

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: DSHS Revenue Contract for Mental Health Promotion and Suicide Prevention Services
DATE: January 7, 2015

Enclosed are two (2) originals of a grant agreement between the Washington Department of Social & Health Services (DSHS) and Whatcom County for your review and signature.

- **Background and Purpose**
  This revenue contract provides funding for mental health promotion and suicide prevention services to be delivered in Whatcom County. Specifically, funding will be used to provide Youth Mental Health First Aid training to teach parents, family members, teachers, school staff and others how to help an adolescent who is experiencing a mental health or addiction challenge or is in crisis. Additionally, funds will be used to implement programs called the Good Behavior Game and QPR (Question, Persuade, and Refer) in selected grades in the Bellingham School District and the Second Step program in the Ferndale School District. These programs have been found to assist children with making good choices, managing emotions, and promoting self-regulation and academic success, and are all evidence-based programs.

- **Funding Amount and Source**
  This is a revenue contract in the amount of $65,000 in federal funding including $6,000 in performance based funding. Council approval is required because administrative costs are not an allowed expenditure under the terms of this contract.

- **Differences from Previous Contract**
  This is a new contract.

Please contact Joe Fuller at extension 30684, if you have any questions regarding this agreement.

Encl.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

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<td>Joe Fuller</td>
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<td>Contractor's / Agency Name:</td>
<td>Washington Department of Social &amp; Health Services</td>
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**Is this a New Contract?** No  
**If not, is this an Amendment or Renewal to an Existing Contract?** Yes  
**Original Contract #**

**Does contract require Council Approval?** Yes  
**If No, include WCC**

**Is this a grant agreement?** Yes  
**Grantor agency contract number(s) 1000CC-63 CFDA # 93.958**

**Is this contract grant funded?** Yes  
**If yes, associated Whatcom County grant contract number(s)**

**Is this contract the result of a RFP or Bid process?** Yes  
**If yes, RFP and Bid number(s) Contract Cost Center: 677100**

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

### If yes, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional
- Contract less than $100,000.
- Contract for Commercial off the shelf items (COTS)
- Contract work is all performed outside U.S.
- Work related subcontract less than $25,000.
- Interlocal Agreement (between Govt’s)
- Public Works - Local Agency/Federally Funded FHWA

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**This Amendment Amount:** $  
**Summary of Scope:**

This revenue contract provides funding for mental health promotion and suicide prevention services to be delivered in Whatcom County. Specifically, funding will be used to provide Youth Mental Health First Aid training to teach parents, family members, teachers, school staff and others how to help an adolescent who is experiencing a mental health or addiction challenge or is in crisis. Additionally, funds will be used to implement evidence based programs in the Bellingham and Ferndale School Districts.

**Term of Contract: 38 weeks**

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<td>11. Original to Council</td>
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**Expiration Date: 9/30/2015**
# COUNTY PROGRAM AGREEMENT

**MH Promo / Suicide Px**

This Program Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the County identified below, and is issued in conjunction with a County and DSHS Agreement On General Terms and Conditions, which is incorporated by reference.

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<tr>
<td>Lucilla Mendoza</td>
<td>4500 10th Ave SE</td>
<td>(360)725-3760</td>
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<td><a href="mailto:mendo12@dshs.wa.gov">mendo12@dshs.wa.gov</a></td>
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<td>Whatcom County</td>
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<td>Jackie Mitchell</td>
<td>(360) 676-6724</td>
<td>(360) 676-6771</td>
<td><a href="mailto:jmitchel@co.whatcom.wa.us">jmitchel@co.whatcom.wa.us</a></td>
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EXHIBITS. When the box below is marked with an X, the following Exhibits are attached and are incorporated into this County Program Agreement by reference:
- Exhibit A - Data Security Requirements
- Exhibit B-C

No Exhibits.

The terms and conditions of this Contract are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise, regarding the subject matter of this Contract. The parties signing below represent that they have read and understand this Contract, and have the authority to execute this Contract. This Contract shall be binding on DSHS only upon signature by DSHS.

<table>
<thead>
<tr>
<th>COUNTY SIGNATURE(S)</th>
<th>PRINTED NAME(S) AND TITLE(S)</th>
<th>DATE(S) SIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td>! [Signature]</td>
<td>Regina A. Delahunt, Director</td>
<td>1/9/15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DSHS SIGNATURE</th>
<th>PRINTED NAME AND TITLE</th>
<th>DATE SIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BHSIA</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT APPROVAL

Anne Deacon, Human Services Manager

Date

WHATCOM COUNTY

JACK LOUWS
County Executive

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this ______ day of _____________________, 2015, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County 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 Bellingham.

My Commission expires:____________________

APPROVED AS TO FORM

Royce Buckingham, Deputy Prosecuting Attorney

Date
Special Terms and Conditions

1. **Purpose.**

The purpose of the Contract is to provide:

a. Mental Health Promotion Services to impact seriously emotionally disturbed youth or severely mentally ill adults and others around them in their communities, as described in Exhibit B from December 15, 2014 through September 30, 2015.

b. Suicide Prevention Services to seriously emotionally disturbed youth or severely mentally ill adults and others around them in their communities, as described in Exhibit C from December 15, 2014 through September 30, 2015.

2. **Statement of Work.**

The Contractor shall provide:

a. Mental Health Promotion Services for the December 15, 2014 to September 30, 2015 time period as described in Exhibit B.

b. Suicide Prevention Services for the December 15, 2014 to September 30, 2015 time period as described in Exhibit C.

3. **Consideration.**

The maximum consideration for the Contract is $65,000.

a. Exhibit B Mental Health Promotion Project: The maximum consideration is $40,000 from the Mental Health Block Grant, CFDA 93.458, including performance based consideration. No billing for administrative costs is allowed.

b. Exhibit C Suicide Prevention Project: The maximum consideration is $25,000 from the Mental Health Block Grant, CFDA 93.458, including performance based consideration. No billing for administrative costs is allowed.

4. **Performance Based Consideration:**

a. Exhibit B Mental Health Promotion Project: The Contractor shall receive $4,000 if more than 30 people receive Youth Mental Health First Aid training during the Contract period in each community ($2,000 per community).

b. Exhibit C Suicide Prevention Project: The Contractor shall receive $2,000 if more than 30 people receive Youth Mental Health First Aid training during the Contract period.

5. **Billing and Payment.**

a. Invoice System. The County shall submit invoices using State Form A-19 Invoice Voucher, or such other form as designated by DSHS. Consideration for services rendered shall be payable upon receipt of properly completed invoices which shall be submitted to the DBHR Contract Manager PO Box 45330, Olympia, WA 98504-5330 by the County not more often than monthly. The invoices shall describe and document to DSHS' satisfaction a description of the work performed, activities accomplished, the progress of the project, and fees.
Special Terms and Conditions

b. Eligible expenses. Reimbursement will be made for actual expenses that occur during the billing period that conform with the most restrictive guidance from either OMB Budget Circular A-87 or other local rules.

c. Payment. Payment shall be considered timely if made by DSHS within thirty (30) days after receipt and acceptance by the DSHS Contract Contact of the properly completed invoices. Payment shall be sent to the address designated by the Contractor on page one (1) of this Contract. DSHS may, at its sole discretion, withhold payment claimed by the Contractor for services rendered if Contractor fails to satisfactorily comply with any term or condition of this Contract.
Special Terms and Conditions

Exhibit A – Data Security Requirements

1. Definitions. The words and phrases listed below, as used in this Exhibit, shall each have the following definitions:

   a. “Authorized User(s)” means an individual or individuals with an authorized business requirement to access DSHS Confidential Information.

   b. “Hardened Password” means a string of at least eight characters containing at least one alphabetic character, at least one number and at least one special character such as an asterisk, ampersand or exclamation point.

   c. “Unique User ID” means a string of characters that identifies a specific user and which, in conjunction with a password, passphrase or other mechanism, authenticates a user to an information system.

2. Data Transport. When transporting DSHS Confidential Information electronically, including via email, the Data will be protected by:

   a. Transporting the Data within the (State Governmental Network) SGN or Contractor’s internal network, or;

   b. Encrypting any Data that will be in transit outside the SGN or Contractor’s internal network. This includes transit over the public Internet.

3. Protection of Data. The Contractor agrees to store Data on one or more of the following media and protect the Data as described:

   a. Hard disk drives. Data stored on local workstation hard disks. Access to the Data will be restricted to Authorized User(s) by requiring logon to the local workstation using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards.

   b. Network server disks. Data stored on hard disks mounted on network servers and made available through shared folders. Access to the Data will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on disks mounted to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

   For DSHS Confidential Information stored on these disks, deleting unneeded Data is sufficient as long as the disks remain in a Secured Area and otherwise meet the requirements listed in the above paragraph. Destruction of the Data as outlined in Section 5. Data Disposition may be deferred until the disks are retired, replaced, or otherwise taken out of the Secured Area.

   c. Optical discs (CDs or DVDs) in local workstation optical disc drives. Data provided by DSHS on optical discs which will be used in local workstation optical disc drives and which will not be transported out of a Secured Area. When not in use for the contracted purpose, such discs must be locked in a drawer, cabinet or other container to which only Authorized Users have the key, combination or mechanism required to access the contents of the container. Workstations which access DSHS Data on optical discs must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
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d. **Optical discs (CDs or DVDs) in drives or jukeboxes attached to servers.** Data provided by DSHS on optical discs which will be attached to network servers and which will not be transported out of a Secured Area. Access to Data on these discs will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on discs attached to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

e. **Paper documents.** Any paper records must be protected by storing the records in a Secured Area which is only accessible to authorized personnel. When not in use, such records must be stored in a locked container, such as a file cabinet, locking drawer, or safe, to which only authorized persons have access.

f. **Remote Access.** Access to and use of the Data over the State Governmental Network (SGN) or Secure Access Washington (SAW) will be controlled by DSHS staff who will issue authentication credentials (e.g. a Unique User ID and Hardened Password) to Authorized Users on Contractor staff. Contractor will notify DSHS staff immediately whenever an Authorized User in possession of such credentials is terminated or otherwise leaves the employ of the Contractor, and whenever an Authorized User's duties change such that the Authorized User no longer requires access to perform work for this Contract.

g. **Data storage on portable devices or media.**

(1) Except where otherwise specified herein, DSHS Data shall not be stored by the Contractor on portable devices or media unless specifically authorized within the terms and conditions of the Contract. If so authorized, the Data shall be given the following protections:

   (a) Encrypt the Data with a key length of at least 128 bits

   (b) Control access to devices with a Unique User ID and Hardened Password or stronger authentication method such as a physical token or biometrics.

   (c) Manually lock devices whenever they are left unattended and set devices to lock automatically after a period of inactivity, if this feature is available. Maximum period of inactivity is 20 minutes.

      Physically Secure the portable device(s) and/or media by

   (d) Keeping them in locked storage when not in use

   (e) Using check-in/check-out procedures when they are shared, and

   (f) Taking frequent inventories

(2) When being transported outside of a Secured Area, portable devices and media with DSHS Confidential Information must be under the physical control of Contractor staff with authorization to access the Data.

(3) Portable devices include, but are not limited to; smart phones, tablets, flash memory devices (e.g. USB flash drives, personal media players), portable hard disks, and laptop/notebook/netbook computers if those computers may be transported outside of a Secured Area.
Special Terms and Conditions

(4) Portable media includes, but is not limited to; optical media (e.g. CDs, DVDs), magnetic media (e.g. floppy disks, tape), or flash media (e.g. CompactFlash, SD, MMC).

h. Data stored for backup purposes.

(1) DSHS data may be stored on portable media as part of a Contractor’s existing, documented backup process for business continuity or disaster recovery purposes. Such storage is authorized until such time as that media would be reused during the course of normal backup operations. If backup media is retired while DSHS Confidential Information still exists upon it, such media will be destroyed at that time in accordance with the disposition requirements in Section 5. Data Disposition.

(2) DSHS Data may be stored on non-portable media (e.g. Storage Area Network drives, virtual media, etc.) as part of a Contractor’s existing, documented backup process for business continuity or disaster recovery purposes. If so, such media will be protected as otherwise described in this exhibit. If this media is retired while DSHS Confidential Information still exists upon it, the data will be destroyed at that time in accordance with the disposition requirements in Section 5. Data Disposition.

4. Data Segregation.

a. DSHS Data must be segregated or otherwise distinguishable from non-DSHS data. This is to ensure that when no longer needed by the Contractor, all DSHS Data can be identified for return or destruction. It also aids in determining whether DSHS Data has or may have been compromised in the event of a security breach. As such, one or more of the following methods will be used for data segregation.

b. DSHS Data will be kept on media (e.g. hard disk, optical disc, tape, etc.) which will contain no non-DSHS data. And/or,

c. DSHS Data will be stored in a logical container on electronic media, such as a partition or folder dedicated to DSHS Data. And/or,

d. DSHS Data will be stored in a database which will contain no non-DSHS data. And/or,

e. DSHS Data will be stored within a database and will be distinguishable from non-DSHS data by the value of a specific field or fields within database records.

f. When stored as physical paper documents, DSHS Data will be physically segregated from non-DSHS data in a drawer, folder, or other container.

g. When it is not feasible or practical to segregate DSHS Data from non-DSHS data, then both the DSHS Data and the non-DSHS data with which it is commingled must be protected as described in this exhibit.

5. Data Disposition. When the contracted work has been completed or when no longer needed, except as noted in Section 3. Protection of Data b. Network Server Disks above, Data shall be returned to DSHS or destroyed. Media on which Data may be stored and associated acceptable methods of destruction are as follows:

<table>
<thead>
<tr>
<th>Data stored on:</th>
<th>Will be destroyed by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Server or workstation hard disks, or</td>
<td>Using a &quot;wipe&quot; utility which will overwrite the Data at least three (3) times using either random or single</td>
</tr>
</tbody>
</table>
Special Terms and Conditions

<table>
<thead>
<tr>
<th>Removable media (e.g. floppies, USB flash drives, portable hard disks) excluding optical discs</th>
<th>character data, or Degaussing sufficiently to ensure that the Data cannot be reconstructed, or Physically destroying the disk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper documents with sensitive or Confidential Information</td>
<td>Recycling through a contracted firm provided the contract with the recycler assures that the confidentiality of Data will be protected.</td>
</tr>
<tr>
<td>Paper documents containing Confidential Information requiring special handling (e.g. protected health information)</td>
<td>On-site shredding, pulping, or incineration</td>
</tr>
<tr>
<td>Optical discs (e.g. CDs or DVDs)</td>
<td>Incineration, shredding, or completely defacing the readable surface with a coarse abrasive</td>
</tr>
<tr>
<td>Magnetic tape</td>
<td>Degaussing, incinerating or crosscut shredding</td>
</tr>
</tbody>
</table>

6. **Notification of Compromise or Potential Compromise.** The compromise or potential compromise of DSHS shared Data must be reported to the DSHS Contact designated in the Contract within one (1) business day of discovery. If no DSHS Contact is designated in the Contract, then the notification must be reported to the DSHS Privacy Officer at dshsprivacyofficer@dshs.wa.gov. Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.

7. **Data shared with Subcontractors.** If DSHS Data provided under this Contract is to be shared with a subcontractor, the Contract with the subcontractor must include all of the data security provisions within this Contract and within any amendments, attachments, or exhibits within this Contract. If the Contractor cannot protect the Data as articulated within this Contract, then the contract with the sub-Contractor must be submitted to the DSHS Contact specified for this contract for review and approval.
Special Terms and Conditions

Exhibit B

Mental Health Promotion Project Statement of Work

Increase the capacity for delivery of effective mental health promotion and suicide prevention efforts in communities served by Community Prevention and Wellness Initiative (CPWI) coalitions. This includes both the Ferndale and Shuksan Coalitions.

The Contractor shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

1. **Youth Mental Health First Aid training.**
   a. Communities will schedule and deliver a minimum of one Youth Mental Health First Aid training

   (1) The training must be delivered by certified Youth Mental Health First Aid instructors;

   (2) A minimum of one Youth Mental Health First Aid training must be delivered within 90 days of signing the Contract;

   (3) A minimum of 10 coalition members – and not fewer than 15 people total – need to be trained;

   (4) Training location must be in the CPWI coalition community;

   (5) Up to $1,000 from this award can be used to support implementation of the required training. Additional resources from this award can be used to support additional Youth Mental Health First Aid trainings in the community, provided that a minimum of 15 people participate in each subsequent training. Eligible expenses include trainer costs, materials, facility rental and all other expenses associated with the training as long as they are considered eligible expenses through OMB Circular A-87. More funding can be allocated to this task if prior approval is obtained from program manager in writing.

   (6) The training must utilize the training curriculum and instructional materials associated with Youth Mental Health First Aid, a trademarked program marketed by the National Council for Behavioral Health, [http://www.thenationalcouncil.org/about/mental-health-first-aid](http://www.thenationalcouncil.org/about/mental-health-first-aid).

   (7) The training must be delivered in one of the following formats:

   (a) One session with eight hours of instruction;

   (b) Two sessions with a total of eight hours of instruction; or,

   (c) Four sessions with a total of eight hours of instruction.

2. **Program coordination and planning.**
   a. Implementation Plan: On or before December 30, 2014, the Contractor shall submit to the DBHR Contract Manager, an Implementation Plan detailing the following elements. No expenditures on Implementation Plan elements shall be authorized until the Implementation Plan is approved by the DBHR Contract Manager.

   (1) When the required Youth Mental Health First Aid training will be scheduled, how individuals will
Special Terms and Conditions

be recruited to participate, who will be responsible for organizing and implementing the training and whether additional funds from this award shall be used to support additional Youth Mental Health First Aid trainings in the community;

(2) When and how one of the 10 programs from the evidence-based programs list will be jointly selected by the coalition, local school district and Educational Service District for implementation.

(3) When and how the local school district and community will have the capacity developed for delivery of the selected program. This will include consultation with program developers and experts on effective implementation of the selected curriculum, training of educational staff and other providers to deliver the curriculum, purchase of materials necessary for delivery of the curriculum and other preparatory work;

(4) No expenditures for Implementation Plan elements shall be authorized until the Implementation Plan is approved by the DBHR Contract Manager;

(5) When and how a Memorandum of Agreement will be developed between the three partners that identifies a specific Effective Implementation Date when the local school district commits to start instruction for the selected evidence-based program;

(6) The Contractor shall submit a project budget that details salaries and benefits to be paid and specific funding for support of each element of the Implementation Plan;

(7) Which portions of this project the Contractor is planning to sustain after project funds are exhausted and how those portions of the project will be sustained;

(8) How the Contractor will ensure that all evaluation requirements (Section 4, below) will be met in a complete and timely manner;

(9) How the Contractor will ensure that all reporting requirements (Section 5, below) will be met in a complete and timely manner;

b. Revised Implementation Plan:

(1) The Contractor may submit a request for an extension or revised work plan or budget for review and approval by DBHR Contract Manager. Expenditures for proposed revisions will not be authorized until the request for extension has been reviewed and approved by the DBHR Contract Manager. Approval revisions will become the new language for implementation plans and budget.

(2) Revisions must be approved in writing and will then become the approved work plan referenced within this Contract.

c. Project meetings

(1) The Coalition Coordinator shall participate in bi-monthly GoTo meetings to discuss and identify barriers to implementation and solutions to those barriers and to increase sharing of program implementation information among participants in the Mental Health Promotion project;

(2) A minimum of a three-person team (Coalition Coordinator, local school district contact and Educational Service District contact) shall participate in a project orientation to be delivered via GoTo meeting in mid-January 2015.
3. **Program implementation.**
   
a. The Contractor shall implement this project according to the details of the approved Implementation Plan unless the DBHR Contract Manager approves a revision to the Implementation Plan.
   
b. Participation in training means completing 95% of the training hours, including training required to implement the program and any associated accreditation processes.

4. **Reporting.**
   
a. Submit a report, according to the schedule below, through DBHR's Performance Based Prevention System (PBPS) regarding Mental Health Promotion activities occurring in the community.

   Each report shall identify and explain:
   
   (1) A list of meetings, with attendance lists, for efforts to strengthen community coordination for the Mental Health Promotion project or to build sustainability for programs supported through this funding;
   
   (2) Youth Mental Health First Aid workshops held during the reporting period with attendance lists;
   
   (3) Implementation details for selected programs including dates of implementation of different curriculum sessions and attendance of participants in the sessions;
   
   (4) Completion of both pre- and post-test instruments, for those age 10 and older, where those instruments are available through the PBPS systems;
   
   (5) Identification of any service delivery barriers and solutions to those barriers identified during the reporting period.

b. Participate in training for use of the DBHR Performance Based Prevention System (PBPS);

c. **Deliverables Schedule**

<table>
<thead>
<tr>
<th>Deliverables by December 30, 2014</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Preparation and submission of process description for addressing all required elements of the required implementation plan</td>
<td>Cost reimbursement for eligible services</td>
</tr>
<tr>
<td>• Complete all required reporting and evaluation requirements as defined by project evaluator</td>
<td></td>
</tr>
<tr>
<td>Deliverables by January 31, 2015</td>
<td>Amount</td>
</tr>
<tr>
<td>• Continue work on developing implementation plan for review by DBHR Program Manager.</td>
<td>Cost reimbursement for eligible services</td>
</tr>
<tr>
<td>• Participate in all required meetings for mental health promotion contractors as described in the contract.</td>
<td></td>
</tr>
<tr>
<td>• Complete all required reporting and evaluation requirements as described in the contract</td>
<td></td>
</tr>
<tr>
<td>Deliverables by February 28, 2015</td>
<td>Amount</td>
</tr>
<tr>
<td>• Continue work on developing implementation plan for review by DBHR Program Manager.</td>
<td>Cost reimbursement for eligible services</td>
</tr>
<tr>
<td>• Participate in all required meetings for mental health promotion</td>
<td></td>
</tr>
</tbody>
</table>
### Special Terms and Conditions

- Complete all required reporting and evaluation requirements.

#### Deliverables by March 31, 2015
- Deliver Youth Mental Health First Aid training to required minimum audience
- Submit final draft implementation plan and project budget for review by DBHR Program Manager by March 15, 2015.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by April 30, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by May 31, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by June 30, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by July 31, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by August 31, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

#### Deliverables by September 31, 2015
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for mental health promotion contractors.
- Complete all required reporting and evaluation requirements.

| Sub-total for Required Work for Exhibit B | $36,000 |
| Payment for Reaching Performance Measure | $4,000 |
| Maximum Consideration for this Project for Exhibit B | $40,000 |

d. Reporting schedule:

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Report Due</th>
</tr>
</thead>
</table>

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6017CF County Program Agreement (2-23-2012)  
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<table>
<thead>
<tr>
<th>Special Terms and Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1 – 31, 2015</td>
</tr>
<tr>
<td>April 1 – 30, 2015</td>
</tr>
<tr>
<td>June 1 – 30, 2015</td>
</tr>
<tr>
<td>August 1 – 31, 2015</td>
</tr>
<tr>
<td>September 1 – 30, 2015</td>
</tr>
</tbody>
</table>
Special Terms and Conditions

Exhibit C

Suicide Prevention Project Statement of Work

Increase the capacity for delivery of effective mental health promotion and suicide prevention efforts in communities served by Community Prevention and Wellness Initiative (CPWI) coalitions.

The Contractor shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

1. **Youth Mental Health First Aid training.**
   a. Communities will schedule and deliver a minimum of one Youth Mental Health First Aid training
      
      (1) The training must be delivered by certified Youth Mental Health First Aid instructors;
      
      (2) A minimum of one Youth Mental Health First Aid training must be delivered within 90 days of signing the Contract;
      
      (3) A minimum of 10 coalition members – and not fewer than 15 people total – need to be trained;
      
      (4) Training location must be in the CPWI coalition community;

      (5) Up to $1,000 from this award can be used to support implementation of the required training. Additional resources from this award can be used to support additional Youth Mental Health First Aid trainings in the community, provided that a minimum of 15 people participate in each subsequent training. Eligible expenses include trainer costs, materials, facility rental and all other expenses associated with the training as long as they are considered eligible expenses through OMB Circular A-87. More funding can be allocated to this task if prior approval is obtained from program manager in writing.

      (6) The training must utilize the training curriculum and instructional materials associated with Youth Mental Health First Aid, a trademarked program marketed by the National Council for Behavioral Health, [http://www.thenationalcouncil.org/about/mental-health-first-aid](http://www.thenationalcouncil.org/about/mental-health-first-aid).

      (7) The training must be delivered in one of the following formats:

      (a) One session with eight hours of instruction;

      (b) Two sessions with a total of eight hours of instruction; or,

      (c) Four sessions with a total of eight hours of instruction.

2. **Program coordination and planning.**
   a. Implementation Plan: On or before December 30, 2014, the Contractor shall submit to the DBHR Contract Manager, an Implementation Plan detailing the following elements:

      (1) When the required Youth Mental Health First Aid training will be scheduled, how individuals will be recruited to participate, who will be responsible for organizing and implementing the training
Special Terms and Conditions

and whether additional funds from this award shall be used to support additional Youth Mental Health First Aid trainings in the community;

(2) When and how one of the 10 programs from the evidence-based programs list will be jointly selected by the coalition, local school district and Educational Service District for implementation.

(3) When and how the local school district and community will have the capacity developed for delivery of the selected program. This will include consultation with program developers and experts on effective implementation of the selected curriculum, training of educational staff and other providers to deliver the curriculum, purchase of materials necessary for delivery of the curriculum and other preparatory work;

(4) When and how optional activities for the project shall be implemented. Optional activities include:

(a) Networks for Life – Up to $1,000 of the authorized funds may be used for Networks for Life instruction and authorized costs include trainer costs, materials, and all other expenses associated with the training.

(b) Counselor training on suicide – Up to $1,000 of the authorized funds may be used for training that focuses on screening, assessment and referral and for implementation of a curriculum identified to address counselors’ training requirements. The training must take place in the community.

(c) Means Access Reduction Training – Up to $1,000 of the authorized funds may be used for training and implementation of Emergency Department Means Restriction Education, Emergency Room Intervention for Adolescent Females, or both if the community has a hospital with an emergency room. The authorized funds may be used for trainer costs, materials, and all other expenses associated with the training. The training must take place in the community.

(5) No expenditures for Implementation Plan elements shall be authorized until the Implementation Plan is approved by the DBHR Contract Manager;

(6) When and how a Memorandum of Agreement will be developed between the three partners that identifies a specific Effective Implementation Date when the local school district commits to start instruction for school-based evidence-based programs;

(7) The Contractor shall submit a project budget that details salaries and benefits to be paid and specific funding for support of each element of the Implementation Plan;

(8) Which portions of this project the Contractor is planning to sustain after project funds are exhausted and how those portions of the project will be sustained;

(9) How the Contractor will ensure that all evaluation requirements (Section 3, below) will be met in a complete and timely manner;

(10) How the Contractor will ensure that all reporting requirements (Section 3, below) will be met in a complete and timely manner.

b. Revised Implementation Plan:
Special Terms and Conditions

(1) The Contractor may submit a request for an extension or revised work plan or budget for review and approval by DBHR Contract Manager. Expenditures for proposed revisions will not be authorized until the request for extension has been reviewed and approved by the DBHR Contract Manager. Approval revisions will become the new language for implementation plans and budget.

(2) Revisions must be approved in writing and will then become the approved work plan referenced within this Contract.

c. Project meetings:

(1) The Coalition Coordinator shall participate in bi-monthly GoTo meetings to discuss and identify barriers to implementation and solutions to those barriers and to increase sharing of program implementation information among participants in the Suicide Prevention project;

(2) A minimum of a three-person team (Coalition Coordinator, local school district contact and Educational Service District contact) shall participate in a project orientation to be delivered via GoTo meeting in mid-January 2015.

3. Program implementation.

a. The Contractor shall implement this project according to the details of the approved Implementation Plan unless the DBHR Contract Manager approves a revision to the Implementation Plan.

b. Participation in training means completing 95% of the training hours, including training required to implement the program and any associated accreditation processes.

4. Reporting.

a. Submit a report, according to the schedule below, through DBHR’s Performance Based Prevention System (PBPS) regarding Suicide Prevention activities occurring in the community.

Each report shall identify and explain:

(1) A list of meetings, with attendance lists, for efforts to strengthen community coordination for the Mental Health Project or to build sustainability for programs supported through this funding;

(2) Youth Mental Health First Aid workshops held during the reporting period with attendance lists;

(3) Implementation details for selected programs including dates of implementation of different curriculum sessions and attendance of participants in the sessions;

(4) Completion of both pre- and post-test instruments, for those age 10 and older, where those instruments are available through the PBPS systems;

(5) Identification of any service delivery barriers and solutions to those barriers identified during the reporting period.

b. Participate in training for use of the DBHR Performance Based Prevention System (PBPS);

c. Deliverables Schedule
### Special Terms and Conditions

**Deliverables by December 30, 2014**
- Preparation and submission of process description for addressing all required elements of the required implementation plan
- Complete all required reporting and evaluation requirements as defined by project evaluator

**Amount**
- Cost reimbursement for eligible services

**Deliverables by January 31, 2015**
- Continue work on developing implementation plan for review by DBHR Program Manager.
- Participate in all required meetings for suicide prevention contractors as described in the contract.
- Complete all required reporting and evaluation requirements as described in the contract

**Amount**
- Cost reimbursement for eligible services

**Deliverables by February 28, 2015**
- Continue work on developing implementation plan for review by DBHR Program Manager.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Deliverables by March 31, 2015**
- Deliver Youth Mental Health First Aid training to required minimum audience
- Submit final draft implementation plan and project budget for review by DBHR Program Manager by March 15, 2015.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Amount**
- Cost reimbursement for eligible services

**Deliverables by April 30, 2015**
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Amount**
- Cost reimbursement for eligible services

**Deliverables by May 31, 2015**
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Amount**
- Cost reimbursement for eligible services

**Deliverables by June 30, 2015**
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Amount**
- Cost reimbursement for eligible services

**Deliverables by July 31, 2015**
- Implement all elements of the approved plan for this time period.
- Participate in all required meetings for suicide prevention contractors.
- Complete all required reporting and evaluation requirements.

**Amount**
- Cost reimbursement for eligible services
Special Terms and Conditions

<table>
<thead>
<tr>
<th>Deliverables by August 31, 2015</th>
<th>Cost reimbursement for eligible services</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Implement all elements of the approved plan for this time period.</td>
<td></td>
</tr>
<tr>
<td>• Participate in all required meetings for suicide prevention contractors.</td>
<td></td>
</tr>
<tr>
<td>• Complete all required reporting and evaluation requirements.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deliverables by September 31, 2015</th>
<th>Cost reimbursement for eligible services</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Implement all elements of the approved plan for this time period.</td>
<td></td>
</tr>
<tr>
<td>• Participate in all required meetings for suicide prevention contractors.</td>
<td></td>
</tr>
<tr>
<td>• Complete all required reporting and evaluation requirements.</td>
<td></td>
</tr>
</tbody>
</table>

| Sub-total for Required Work for Exhibit C                                                   | $23,000                                  |
| Payment for Reaching Performance Measure                                                    | $2,000                                   |
| Maximum Consideration for this Project for Exhibit C                                        | $25,000                                  |

**d. Reporting schedule:**

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Report Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1 – 31, 2015</td>
<td>April 15, 2015</td>
</tr>
<tr>
<td>April 1 – 30, 2015</td>
<td>May 15, 2015</td>
</tr>
<tr>
<td>June 1 – 30, 2015</td>
<td>July 15, 2015</td>
</tr>
<tr>
<td>August 1 – 31, 2015</td>
<td>September 15, 2015</td>
</tr>
<tr>
<td>September 1 – 30, 2015</td>
<td>October 15, 2015</td>
</tr>
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</table>
**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></td>
<td>01/07/15</td>
<td>2/10/15</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Division Head</td>
<td>MHR</td>
<td></td>
<td>1.7.2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head</td>
<td></td>
<td></td>
<td>1/4/15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor</td>
<td>JG</td>
<td></td>
<td>1/8/15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget</td>
<td>BB</td>
<td></td>
<td>1/3/15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td></td>
<td></td>
<td>2/3/15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Lease Agreement w/Compass Health, a Washington Health Care Provider

**ATTACHMENTS:**
Proposed Lease Agreement

**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 lease agreement is between Whatcom County and Compass Health, a Washington Health Care Provider for the purpose of leasing the facility located at 3645 E McLeod Road, Bellingham, WA.

**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: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: January 23, 2015
RE: Lease Agreement for Compass Health

Attached are two (2) originals of the Lease Agreement for the 3645 E. McLeod Rd property between Whatcom County and Compass Health, a Washington Health Care Provider for your review and signature.

This lease agreement will allow Compass Health to continue to provide Mental Health Services for Whatcom County.

Amount for this Lease agreement is for $10.00 per year for three years, $30.00 which Compass Health may remit one time at the beginning of the executed lease agreement.

Please contact Michael Russell at extension 50575, if you have any questions or concerns regarding the terms of this agreement.

Once signed, please contact our office at x50566 and we will be happy to come and pick them up.

Thank you
# WHATCOM COUNTY CONTRACT

## INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originalizing Department:</th>
<th>Facilities Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grand Administrator:</td>
<td>Michael Russell</td>
</tr>
<tr>
<td>Contractor’s/Agency Name:</td>
<td>Compass Health, a WA Health Care Provider</td>
</tr>
</tbody>
</table>

### Is this a new 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, WCC 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, associated 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) __________________ Cost Center: ________________

### Is this agreement excluded from E-Verify?  
Yes ☒  No ☐

**If yes, indicate exclusion(s) below:**

- Professional services agreement for certified/licensed professional
  - ☒ Contract less than $100,000
  - ☐ Contract for Commercial off the shelf items (COTS)

- ☐ Contract work is all performed outside U.S.
  - ☐ Work related subcontract less than $25,000

- ☐ Interlocal Agreement (Between Gov’ts)
  - ☐ Public Works – Local Agency/Federally Funded FHWA

### Contract Amount (sum of original contract amount and any prior amendments)

$ 30,000 ______________________

**This Amendment Amount:**

$ ______________________

**Total Amended Amount:**

$ ______________________

### Summary of Scope:

This lease agreement is between Whatcom County and Compass Health, a Washington Health Care Provider for the purpose of leasing the facility located at 3645 E McLeod Rd, Bellingham, WA.

### Term of Contract:

Expiration Date: July 1, 2017

**Contract Routing Steps & Signoff: [sign or initial] [indicate date transmittal]**

1. Prepared by: Dee Ebergen  
   Date: 1/7/15
2. Attorney reviewed:  
   Date: 1/11/15
3. AS Facilities reviewed:  
   Date: 1/23/15
4. IT reviewed if IT related:  
   Date: 1/23/15
5. Attorney signoff:  
   Date: 1/23/15
6. Contractor signoff:  
   Date: 1/23/15
7. Submitted to Exec Office:  
   Date: 1/23/15
8. Council approved (if necessary):  
   Date: 1/23/15
9. Executive signed:  
   Date: 1/23/15
10. Original to Council:

    Date: 1/23/15
LEASE AGREEMENT
BETWEEN WHATCOM COUNTY AND COMPASS HEALTH

THIS LEASE made and entered into this _____ day of _____________2015, by and between
WHATCOM COUNTY, a municipal corporation, hereinafter referred as “Lessor” and COMPASS HEALTH, a
Washington Health Care Provider, hereinafter referred as “Lessee”;

WHEREAS, Lessor owns the facility located at 3645 E McLeod Road, Bellingham WA 98226 and the
improvements now and hereafter located therein, which is located on real property owned by
WHATCOM COUNTY legally described on attached Exhibit A, (hereafter referred as the “Premises”).

WHEREAS, Lessor desired to lease the Premises to Lessee for the purpose of: providing Mental Health
Services within Whatcom County.

NOW THEREFORE, for and in consideration of the rents specified hereunder and the terms and
conditions hereof, the Lessor hereby rents, demises a lease to Lessee, the Premises located at
3645 E McLeod Road, Bellingham, WA, upon following terms and conditions:

1.1 Basic Lease Provision

DATE: July 1, 2014

LESSOR: Whatcom County, a municipal corporation
ADDRESS OF LESSOR: Whatcom County Courthouse, 311 Grand Avenue, Bellingham, WA 98225
360-676-6746

LESSEE: Compass Health
ADDRESS OF LESSEE: Attention: Chief Executive Officer
4526 Federal Avenue
Everett, WA 98203
425-349-6200

With a copy to: Coast Real Estate Services
Compass Commercial Property Mgr
2829 Rucker Ave
Everett, WA 98201

LEASED PREMISES: Building, Land, Parking Lot & Real Property: 3645 E McLeod Road,
Bellingham, WA 98226

Lease Agreement
Whatcom County and Compass Health
COMMENCEMENT DATE: JULY 1, 2014

LEASE TERM: June 30, 2014 to July 1, 2017.

RENT AMOUNT: Ten Dollars ($10.00) per year or $30.00 for the duration of the lease. This may be remitted one time in full at the beginning of the lease.

PERMITTED USES: To provide Mental Health and Chemical Dependency Services within Whatcom County

1.2 Significance of Basic Lease Provisions: Each reference in this lease to any of the Basic Lease Provisions contained in section 1.1 shall be deemed and construed to incorporate all the terms provided under each such Basic Lease Provisions; provided, that the Basic Lease Provisions shall be controlled by the specific terms and provision of this lease relating to the subject matter of those Basic Lease Provisions.

1.3 Enumeration of Exhibits: The Exhibits enumerated in this section and attached to this Lease are incorporated herein by reference and are to be construed a part of this lease:

Exhibit A Legal Description
Exhibit B Assessor/Treasurer Property Details – 3645 E McLeod Rd
Exhibit C Assessor/Treasurer Property Details – 3645 E McLeod Rd - Cell Tower
Exhibit D Floor Plan – Compass Health Campus

ARTICLE II Rent, Premises, Term, Renewals

2.1 Term of Lease: The term of this Lease ("Term") shall be for three-years beginning on the first day of July 2014.

2.2 Renewal: Subject to the terms and conditions herein, Lessee shall have the right to renew this Lease for five (5) consecutive three year periods. The option to extend the Lease shall be automatic unless Lessee provides written notice of non-renewal of the Lease to Lessor at least one-hundred twenty (120) days prior to the expiration of the term of this Lease or any renewal thereof. The terms and conditions of each lease renewal shall be the same as set forth in this Lease. Rent during each option term shall be $10.00 per year or $30.00 for the 3 year option term.

2.3 Rent: The term "Rent", as used herein, includes a nominal fee of $10.00 per year or $30.00 for the term of this lease. This may be remitted one time in full at the beginning of the lease.

Lease Agreement
Whatcom County and Compass Health
2.4 **Condition of Premises:** Lessee accepts the Premises “as is” without further liability for maintenance or repair on part of the Lessor. Lessee further agrees to keep the Premises and all Lessee owned improvements and Whatcom County owned improvements thereon continually in as good of condition as they existed on the Commencement Date of the Lease throughout the term of the Lease. Lessee further agrees to maintain the exterior appearance of the Premises during the term of the Lease in as good of condition as they existed on the Commencement Date of the Lease. This includes grounds, driveways, parking lots, sidewalks, compliance with fire code and installation and maintenance of smoke alarms and fire extinguishers.

**ARTICLE III**

**Premises Improvements, Personal Property, Maintenance of Premises, Utilities**

3.1 **Improvements by Lessee:** Subject to obtaining Lessor’s written approval as hereafter described, Lessee may make and install, at its own expense, such tenant improvements (“Tenant Improvements”) as are normal and customary in connection with the Authorized Use set forth herein. Lessee’s contractor, if any, shall be subject to Lessor’s approval, which shall not be unreasonably withheld. Provided, however, Lessor reserves the right to condition its approval upon (i) compliance with Lessor’s development standards. Lessee shall submit plans to and obtain written approval from Lessor before commencing any improvements. Lessor shall have a reasonable period of time to review such plans prior to issuing a decision. All tenant Improvements which are to be designated fixtures shall be so designated by Lessor upon Lessor’s approval of the plans for such improvements. All improvements by Lessee shall conform to the requirements of the American with Disabilities Act, 42 USC 12111 et seq and the Rules, Regulations, IBC (International Building Code) and Minimum Standards for Whatcom County.

3.2 **Removal of Personal Property and Tenant Improvements:** Prior to the conclusion of the Lease, Lessee shall remove the following from the Premises:

a. All equipment owned by Lessee;

b. All personal property owned by Lessee; and

c. All Tenant Improvements owned by Lessee completed with prior approval of Whatcom County that can be removed without causing harm to the building

d. Lessee shall not be authorized to remove Whatcom County owned improvements.

3.3 **Maintenance of Premises:** Maintenance and repair of the Premises including replacement of any building systems and components and all improvements thereon is the sole responsibility of Lessee. Without limited the generality of the foregoing. Lessee shall keep and maintain any improvements on the Premises in as good of condition as they existed on the commencement of this Lease, reasonable wear and tear excepted. Compass Health understands the previous tenant was to convey a fully maintained operational facility on to Compass Health Care. Anything short of a fully maintained, operational facility will be the responsibility of Compass Health to upgrade. If Lessee fails to maintain and repair the Premises in as good of condition as they existed on the commencement of this Lease, then Lessor shall provide Lessee written notice of such deficiency.
and a reasonable amount of time to cure. In the event Lessee does not timely cure the deficiency, Lessor may complete such repairs and bill Lessee for all such reasonable and necessary repair costs incurred.

Cell Tower Lease Payments: Rent for the cell tower on the property shall be paid to Compass Health for the sole purpose of maintenance to the building. The funds collected shall be used to maintain and preserve the buildings located at 3645 E. McLeod Road, Bellingham WA 98226. Annual Accounting of the expenditures will be sent to Whatcom County Facilities Management.

3.4 **Utilities**: Lessee will arrange and pay for all utility connections and services and distribution of such utilities. At the conclusion of this Lease, Lessee shall arrange for such utility services to be terminated and for the final bill to be sent to Lessee. Lessor shall promptly place all utility services into its account at the expiration of the Lease.

**ARTICLE IV   Insurance and Casualty Loss**

4.1 **Casualty Loss of Lessee**: The parties hereto agree that the Lessor shall not be responsible to the Lessee for any property loss or damage done to the Lessee’s property, whether real, personal or mixed, occasioned by reason of any fire, storm or other casualty whatsoever. It shall be the Lessee’s responsibility to provide its own protection against casualty losses of whatsoever kind of nature, regardless of whether or not such loss is occasioned by the acts or omissions of the Lessor, Lessee, third party, or act of nature.

4.2 **Insurance**: Lessee shall procure and maintain a comprehensive general liability policy covering all claims for personal injury (including death) and/or property damage (including all real and personal property located on the Premises) arising on the Premises or arising out of Lessee’s operations. The limits of liability shall be not less than One Million Dollars ($1,000,000) for each occurrence and not less than two million dollars ($2,000,000) in the aggregate. Lessor may impose reasonable and customary changes in the limits of liability (i) at the same time as lease renewal; (ii) upon a material change in the condition of any improvements; or, (iii) upon a change in a the Authorized Use. If the liability limits are changed, Lessee shall obtain new or modified insurance coverage within thirty (30) days after changes in the limits of liability are required by Lessor. The liability policies shall contain a cross-liability provision such that the policy will be construed as if separate policies were issued to Lessee and to Lessor.

4.2.1 The foregoing insurance policy shall name Lessor (Whatcom County) as an additional insured. Lessee shall provide certificates of insurance and, if requested, copies of policy to Lessor. Receipt of such certificate or policy by Lessor does not constitute approval by Lessor of the terms of such policy. Furthermore, the policy of insurance required herein shall: (i) be written as a primary policy and Lessor’s insurance shall be non-contributory (ii) expressly provide that such insurance may not be materially changed, amended or canceled with respect to Lessor except upon forty-five (45) days’ prior written notice from the insurance company to Lessor; (iii) contain an express waiver of any right of subrogation by the insurance company against Lessor and Lessor’s elected officials, employees, volunteers or agents; and (iv) in regard to physical property damage coverage for any
tenant improvements, expressly provide that all proceeds shall be paid jointly to Lessor and Lessee.
Lessee must provide proof of insurance coverage which include endorsements of above-stated requirements. A Certificate of Insurance must be provided annually to the County with attached endorsements. Lessee must notify the County of any claims made against their insurance and notify the County of any change of insurance carrier.

ARTICLE V  Miscellaneous Provisions

5.0 Indemnification and Hold Harmless: Mutual Indemnity. To the extent of its comparative liability, each party agrees to indemnify, defend and hold the other party, its elected and appointed officials, 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 (including the loss of use resulting therefrom) which are alleged or proven to be caused by an act or omission, negligent or otherwise, of its elected and appointed officials, employees, agents or volunteers.

A Party shall not be required to indemnify, defend, or hold the other Party harmless if the claim, damage, loss or expense for personal injury, for any bodily injury, sickness, disease or death or for any damage to or destruction of any property (including the loss of use resulting therefrom) is caused by the sole act or omission of the other Party.

In the event of any concurrent act or omission of the parties, negligent or otherwise, each party shall pay its proportionate share of any damages awarded based upon comparative liability. The parties agree to maintain a consolidated defense to claims made against them and to reserve all indemnity claims against each other until after liability to the claimant and damages, if any, are adjudicated. If any claim is resolved by voluntary settlement and the parties cannot agree upon apportionment of damages and defense costs, they shall submit apportionment to binding arbitration.

Participation by County – No Waiver. 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 Lessee’s indemnity obligations under this Agreement.

Survival of Provider’s Indemnity Obligations. All indemnity obligations shall survive the completion, expiration or termination of this Agreement.

Indemnity by Subcontractors. In the event the Lessee enters into subcontracts to the extent allowed under this Agreement, the Lessee’s subcontractors shall indemnify the County on a basis equal to or exceeding Lessee’s indemnity obligations to the County.
5.1 **Laws and Regulations:** Lessee agrees to conform to and abide by all federal, state, county, local and municipal rules, codes, laws, regulations and County policies in connection with its use of the Premises and the construction of improvements and operation of Lessee's business thereon and not to permit said Premises or operations and services of Lessee to be used in violation of any lawful rule, code, law, regulation, County policy or other authority.

5.2 **Lessee's obligations:** Lessee's obligations herein shall include, but in no way limited to, the obligation to comply with all state and federal environmental laws and regulations. The Lessee covenants and agrees that it will indemnify and hold harmless the Lessor from any fine, penalty, or damage which may be imposed by any lawful authority, which may arise as a result of the Lessee's failure to comply with the obligations of this paragraph. Lessee shall have no responsibility for and shall not indemnify Lessor for any environmental condition that existed on or before June 30, 2014.

5.3 **Waste and Refuse:** Lessee agrees not to allow conditions of waste and refuse to exist on the Premises and to keep the Premises in a neat, clean, and orderly condition and to be responsible for all damages caused to the Premises by Lessee, its agents or any third party on the Premises.

5.4 **Equal Opportunity:** Lessee agrees that in the conduct of activities on the Premises, it will be an equal opportunity employer in accordance with Title VII of the Civil Rights Act of 1964, 42 USC §2000 et seq.

5.5 **Termination:** Upon termination of this Lease or any extension therefore, whether by expiration of the stated term or sooner termination thereon, as herein provided, Lessee shall surrender to Lessor the Premises peaceably and quietly. Lessee shall restore the Premises to the condition existing at the time of initiation of this Lease, except for: (i) normal wear and tear, and (ii) any improvements which Lessor permits to remain on the Premises.

5.6 **Notices:** Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing addressed to the other party at the addresses as follows:

**TO LESSOR:**
Whatcom County  
311 Grand Avenue  
Bellingham, Washington, 98225-4038

**TO LESSEE:**
Compass Health  
Attention: CEO  
4526 Federal Ave.  
Everett WA 98203

Lease Agreement  
Whatcom County and Compass Health
or such address as may have been specified by notifying the other party of change of address. Notice shall be deemed served on the date of actual delivery or the first attempted delivery as shown on the return receipt if mailed with the United States Postal Service by certified mail, return receipt requested.

5.7 **Quiet Enjoyment:** Lessor acknowledges that it has ownership of the Premises and that it has the legal authority to lease the Premises to Lessee. Lessor covenants that Lessee shall have quiet enjoyment of the Premises during the term of this Lease so long as the terms are complied with by Lessee and subject to Lessor’s right of entry onto the Premises as set forth herein.

5.8 **Lessor May Enter Premises:** It is agreed that the duly authorized officers or agents of Lessor may enter to view said Premises at any time, and if the business or normal function of Lessor should at any time require that it enter upon the Premises to perform any work or make any improvements, it may do so, but not in such manner as to materially injure Lessee with its normal and usual operation. Lessor agrees to provide Lessee at least 48 hours advance notice of any non-emergency entry to the Premises.

5.9 **Interpretation:** This Lease has been submitted to the scrutiny of the parties hereto and their counsel, if desired. In any dispute between the parties, the language of this Lease shall, in all cases, be construed as a whole according to its fair meaning and not for or against either the Lessor or the Lessee. If any provision is found to be ambiguous, the language shall not be construed against either the Lessor or Lessee solely on the basis of which party drafted the provision. If any word, clause, sentence, or combination thereof for any reason is declared by a court of law or equity to be invalid or unenforceable against one party or the other, then such finding shall in no way affect the remaining provisions of this Lease.

5.10 **Governing Law:** This Lease and the right of the parties hereto, shall be governed by and construed in accordance with the laws of the State of Washington, and the parties agree that in any such action jurisdiction and venue shall lie exclusively in Whatcom County, Washington.
5.11 **Entire Agreement:** This Lease contains all of the understanding between the parties. Each party represents that no promises, representations or commitments have been made by the other as a basis for this Lease which have not been reduced to writing herein. No oral promise or representations shall be binding upon either party, whether made in the past or to be made in the future, unless such promises or representations are reduced to writing in the form of a modification to this Lease executed with all necessary legal formalities by the Whatcom County Council.

5.12 **Confidentiality and Patient Records:** Lessor acknowledges that, in connection with any entry into the Premises, Lessor’s agents, employees, contractors, prospective purchasers, existing and prospective mortgagees and prospective tenants, may come into contact with protected health information ("PHI") within the meaning of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-91, and regulations promulgated thereunder ("HIPAA"). Lessor (a) shall not disclose, and shall cause Lessor’s agents, employees, contractors, prospective purchasers, existing and prospective mortgagees and prospective tenants not to disclose, any such PHI, (b) shall implement such appropriate safeguards as may be necessary to protect the confidentiality of any such PHI against unauthorized access and use in connection with such entries into the Premises and (c) shall report to Lessee in writing any unauthorized use or disclosure of any such PHI in connection with any such entry into the Premises within ten (10) days of becoming aware of such unauthorized use or disclosure.

5.13 **Access:** Lessor reserves the right of access to the premises for the purpose of securing compliance with the terms of this lease.

5.14 **Commit No Waste:** Lessee 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.

5.15 **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 contract are declared severable.

5.16 **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.
5.17 **Termination of Lease:**
This lease shall terminate as follows:
A. At the expiration of the term of this lease.
B. If Lessee fails to pay Rent and other payment required to be made by Lessee under the terms of the Lease, and such failure continues for a period of 10 days after written notice from Lessor to Lessee, then Lessor may terminate the Lease.
C. On thirty days written notice by Lessor of Lessee’s failure to provide Mental Health or Chemical Dependency Services in the Premises.

5.18 **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.

5.19 **Validation:** IN WITNESS WHEREOF, Lessor has caused this instrument to be signed by its President by authority of the Commission Whatcom County Council, and this instrument has been signed and executed by Lessee, the day and year first above written.
WHATCOM COUNTY:
Recommended for Approval:

Michael Russell, Facilities Manager  1-1-2015

Approved as to form:

Elizabeth Gallery, Prosecuting Attorney  1-7-15

LESSEE:
COMPASS HEALTH

Tom Sebastian, CEO Compass Health

STATE OF WASHINGTON )
Snohomish ) ss
COUNTY OF WHATCOM )

On this 15th day of January, 2015, before me personally appeared Tom Sebastian to me know to be
the CEO of Compass Health 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

LESSOR:
WHATCOM COUNTY

Jack Louws, County Executive

STATE OF WASHINGTON )
ss
COUNTY OF WHATCOM )

On this ___ day of ____________, 20___ before me personally appeared Jack Louws to me know 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

Lease Agreement
Whatcom County and Compass Health
**TITLE OF DOCUMENT:** Resolution Requesting Council Approval for an Interlocal Agreement for Participation in the Whatcom Council of Governments

**ATTACHMENTS:** Resolution
Draft Interlocal Agreement

**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.)

Resolution requesting Council approval for entering into an Interlocal Agreement for participation in the Whatcom County Council of Governments

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

APPROVING AN INTERLOCAL AGREEMENT
FOR PARTICIPATION IN THE
WHATCOM COUNCIL OF GOVERNMENTS

WHEREAS, Whatcom County government recognizes that decisions made by any one jurisdiction in the county may affect the welfare of others; and

WHEREAS, Whatcom County recognizes that it is in the best interests of all Whatcom County governments that representatives of the jurisdictions come together regularly for the purposes of defining, discussing, and planning the future of the region; and

WHEREAS, in 1977 Whatcom County joined the other county jurisdictions in the signing of an Interlocal Agreement with the Whatcom County Council of Governments; and

WHEREAS, the Whatcom County Council of Governments’ Board of Directors has approved an amended and restated Interlocal Agreement; and

WHEREAS, a copy of the amended and restated Interlocal Agreement is attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that Whatcom County accepts the Interlocal Agreement and agrees to participate as a voting member in the Whatcom County Council of Governments.

APPROVED this _____ day of February, 2015.

ATTEST: 

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor
INTERLOCAL AGREEMENT
FOR PARTICIPATION IN
THE WHATCOM COUNCIL OF GOVERNMENTS

This amended and restated interlocal agreement amends and restates the Whatcom County Council of Governments Interlocal Agreement of January 13, 1977, which amended and restated the Whatcom County Regional Planning Council formation Articles of Association dated February 23, 1966. Pursuant to Chapters 36.64 RCW and 39.34 RCW, the undersigned agree to jointly participate in the regional agency known as the Whatcom Council of Governments (hereinafter "the Council") as follows:

Section 1 - Mission

Recognizing that decisions made by any one jurisdiction may affect the welfare of others, the members hold that it is in the best interests of all Whatcom County governments that representatives of the jurisdictions come together regularly for the purposes of defining, discussing, and planning the future of the region.

It shall be the mission of the Council to provide general and special governments with an organized means of providing a more unified response to significant issues of this regional Whatcom County community, and to that end, the Council shall serve these functions:

1. Provide a forum for the exchange of interests, ideas, plans and concerns among jurisdictions and other members.

2. Survey, investigate, analyze, research, and report upon issues of concern to the members.

3. Conduct programs and execute projects that address issues of concern to two or more members so as to avoid duplication of effort, promote efficient use of resources, and foster regional cooperation.

4. Provide members with information, planning, grant-writing, technical expertise, and program execution and administration within budget limitations and agreed work scope.

5. Support the region’s economic and social connections with the Lower Mainland of British Columbia through information sharing and coordination of planning and investment strategies with U.S. and Canadian federal border inspection agencies, state and provincial transportation agencies, and other government, non-governmental, and private sector entities with a stake in effective cross-border transportation systems.

6. Cooperate with other agencies – including, when appropriate, those in Canada – in the planning, development, and execution of programs and projects of interest to members.

7. Represent, upon direction of the members, the jurisdictions’ united interests with other regional councils and, as appropriate, before state, federal, and Canadian authorities.

8. Collect and exchange information of regional interest.

9. Perform the duties and responsibilities of a Metropolitan Planning Organization (MPO) for the Bellingham Urbanized Area as set forth in Title 23 United States Code and Title 49 United States Code.

10. Perform the duties and responsibilities of a Regional Transportation Planning Organization (RTPO) for Whatcom County as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC.
Section 2 - Bylaws
The Council shall be governed by a set of Bylaws duly adopted by the Council.

Section 3 - Boundaries
The boundaries of the Council shall be conterminous with the boundaries of Whatcom County, Washington.

Section 4 - Membership
Voting membership in the Council shall be open to Whatcom County and city governments contained within its boundaries; federally-recognized Indian tribes whose reservation lands are located in Whatcom County; and publicly-authorized special districts serving the entirety of Whatcom County or sub-areas thereof. Representatives of voting members shall be elected officials. Non-voting associate membership as approved by the Council shall be open to community organizations and public agencies not part of any voting members of the Council. Representatives of associate members are not required to be elected officials.

Any member entity shall have the right to withdraw from the Council and this Agreement by giving sixty (60) days written notice to the Council. Withdrawal from the Agreement or non-execution of the Agreement by any one party shall not affect the continuation of the Agreement with regard to the other parties. All financial obligations entered into with the Council while the withdrawing party was a member shall remain with the withdrawing party until these obligations are satisfied or a specific release from these obligations is approved by a majority of the Council.

Section 5 - Officers
The officers of the Council shall consist of a Chairperson, Vice-Chairperson, and Secretary-Treasurer.

Section 6 – Executive Committee
The internal administration, procedures, practices and programming of the Council, and any other duties and responsibilities as may be delegated by the Council, shall be vested in an Executive Committee. The membership of the Executive Committee shall be defined by the Bylaws.

Section 7 - Meetings
Meetings of the Council and its Executive Committee shall be held at such times and places the Council shall determine.

Section 8 – Executive Director, Staff and Consultants
The Council by action designated in the bylaws, may appoint an Executive Director and employ staff and any consultants deemed necessary to carry out the purposes and functions of the Council.

Section 9 – Contracts and Contractual Services
The Council may enter into contracts and agreements with any governmental or non-governmental entity, and accept grants and gifts, for the purpose of carrying out the various elements of its approved work program.
Section 10 – Allocation of Costs

Entities holding membership in the Council shall contribute to the expenses thereof, if any, pursuant to the budgetary laws set forth in the Revised Code of Washington, to applicable resolutions and/or ordinances of such member entities, and to the Council Bylaws; provided, however, that services and facilities may be provided by such participating agencies in lieu of assessment.

All general purpose electoral-governmental entities and federally-recognized Indian tribes shall be assessed according to a per capita rate; special purpose electoral entities and associate members shall be assessed at a mutually agreed-upon rate, to be established annually.

Section 11 – Deposits and Disbursements

All funds and appropriations paid to the Council shall be deposited to a special account(s) in a depository approved by the Washington State Treasurer. Expenses and lawful claims against the Council shall be disbursed based upon claims listings approved by the Council or Executive Committee and signed by one Council officer and the Executive Director.

Section 12 - Dissolution

In case of dissolution of the Council, any unexpended funds and property are to be returned to members on the same pro rata basis as collected.

Section 13 - Amendment

This agreement may be amended in the manner specified in the Council Bylaws.

Section 14 - Adoption

Adopted by the Whatcom Council of Governments at a meeting duly called and held on the 10th day of December, 2014.
### WHATCOM COUNTY COUNCIL AGENDA BILL

**NO.** 2015-063

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
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<td>1/30/15</td>
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<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
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</table>

**TITLE OF DOCUMENT:** Economic Development Investment Program – EDI Board recommendation

**ATTACHMENTS:** Memorandum; EDI Program supplemental application from City of Nooksack; EDI TAC Funding Application Assessment; EDI Board Meeting Notes from 1/28/15; Emails from Jones & Korthuis; Rural Sales Tax Fund balance spreadsheet

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

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

The Economic Development Investment Board has reviewed a “supplemental” funding application from the City of Nooksack, and is making the following recommendation for adoption by the County Council:

Approval of the City of Nooksack’s supplemental request for additional EDI funding in the amount of $180,000, as recommended by the EDI Board, and authorization for the County Executive to amend the Interlocal Agreement with City of Nooksack to reflect the additional monies.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

To: Whatcom County Council Members
From: Jack Louws, County Executive
Subject: Economic Development Investment Board – Funding Recommendation
Date: January 29, 2015

At the last meeting of the EDI Board, the City of Nooksack gave a brief presentation to the board members regarding their supplemental funding request for the wastewater treatment plant upgrade project.

Nooksack received approval previously for an EDI Loan and Grant for this project. At this time, they are requesting additional funding due to increased construction costs. Following review by both the EDI Technical Advisory Board and the EDI Board, the following recommendation for approval of the supplemental funding is being brought forward to you for consideration. The request is for an additional $180,000 in EDI funding, to be split into $120,000 as a loan, and $60,000 as a grant:

Motion to approve additional EDI funding to the City of Nooksack in the amount of $180,000 as recommended by the EDI Board, and to authorize the County Executive to amend the Interlocal Loan and Grant agreement with the City of Nooksack (contract #201309004) to reflect the additional monies.

The EDI supplemental funding application is attached for your review as you consider this recommendation at your meeting on February 10, 2015. Approval of this recommendation will result in the preparation of an amendment to the current Interlocal Loan and Grant Agreement with the City of Nooksack. The Administration has confirmed that sufficient fund balances are available for council approval of this request.

Additionally, a supplemental budget for County Council review and approval will be prepared. This project application and board recommendation, if approved, will allow them to move forward to completion.

If you have any questions on this matter, please feel free to contact me at 676-6717.

Attachments: City of Nooksack’s EDI Program supplemental application and TAC Assessment Meeting Notes of EDI Board meeting of 1/28/15
Emails of support from EDI Board members Stephen Jones and Mayor Korthuis
Public Utilities District Improvement Fund spreadsheet 11/30/14
January 6, 2015

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

Subject: City of Nooksack Application for Supplemental EDI Funding

Dear Jack:

As you likely recall, in 2013 the City of Nooksack applied for funding through the County Economic Development Investment (EDI) fund to cover a portion of Nooksack’s share of the costs for design and construction of a major upgrade of the wastewater treatment plant that serves Nooksack and Everson. After going through the committee process facilitated by the Whatcom Council of Governments (WCOG) and receiving the recommendation of the EDI Board, Nooksack and the County entered into an Interlocal Loan and Grant Agreement whereby the City would receive $780,000 in EDI funding, including a $520,000 loan and a $260,000 grant. Since that Interlocal Agreement was signed, Nooksack has been working in cooperation with the City of Everson to complete the design of the project and secure all necessary permits.

Due to factors beyond our control, environmental review by federal agencies under the Endangered Species Act took over a year to complete. Through the course of the extended design and permitting process, the total project cost has increased to the point where Nooksack finds it necessary to submit a request to the EDI Board for supplemental funding to cover a portion of our increased costs. The attached Summary Sheet clearly identifies previously approved funding and the additional funds being requested at this time. Out of the $436,000 in additional funds needed by Nooksack, we are requesting $180,000 in supplemental EDI funding, with the balance of $256,000 to be paid out of the City’s Sewer Capital Reserve Fund.

The signed application for funding and all required documentation have been attached to this cover letter. Given the fact that the project has already been reviewed and scored by the WCOG-led committee, it is my hope that we will be able to bring this relatively small request for supplemental funding directly to the EDI Board. Please contact me if you require additional information regarding this project.

Respectfully,

James Ackerman
Mayor
CITY OF NOOKSACK
EDI-FUNDED PROJECT – SUPPLEMENTAL FUNDING REQUEST

SUMMARY SHEET

Project Title: Wastewater Treatment Plant Upgrade – Design and Construction.

Project Description: Supplemental funding request to address cost increases for design and construction of Nooksack portion of a major upgrade of the Wastewater Treatment Plant that serves both Nooksack and Everson.

Project Type: Public Infrastructure – “Build It Jobs Will Come”

Project Terms: Combination grant and loan (20-year term)

Project Cost History:

<table>
<thead>
<tr>
<th></th>
<th>Total Project Cost</th>
<th>Nooksack Share of Total Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous (2013)</td>
<td>$2,610,000</td>
<td>$870,000</td>
</tr>
<tr>
<td>Current</td>
<td>$3,918,000</td>
<td>$1,306,000</td>
</tr>
<tr>
<td>Net Increase</td>
<td>$1,308,000</td>
<td>$436,000</td>
</tr>
</tbody>
</table>

EDI Funds Previously Approved: $780,000, including $520,000 loan and $260,000 grant
Previous Local Match: $90,000  Previous Local Match Percentage: 10.3%

Supplemental EDI Funds Requested: $180,000, including $120,000 loan and $60,000 grant
Supplemental Local Match: $256,000  Supplemental Local Match Percentage: 58.7%

Proposed Project Funding, Combined:

<table>
<thead>
<tr>
<th></th>
<th>Nooksack Total Project Cost</th>
<th>$1,306,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDI Funding</td>
<td>$960,000, including $640,000 loan and $320,000 grant</td>
<td></td>
</tr>
<tr>
<td>Nooksack Match</td>
<td>$346,000</td>
<td></td>
</tr>
<tr>
<td>Nooksack Match %</td>
<td>26.5%</td>
<td></td>
</tr>
</tbody>
</table>

Secured Funding Partner: Port of Bellingham - $15,000 match to initial EDI funding amount

Potential Funding Sources: City Sewer Capital Reserve Fund

Project Work Completed:
City General Sewer Plan – approved by Ecology
WWTP Facilities Plan – approved by Ecology
WWTP Upgrade Design – completed
Environmental Permitting – completed

Special Circumstances:
Small city with limited resources
Nooksack has not requested EDI funds in the past

Project Benefits:
Support opportunities for new local jobs near where people live
Environmental benefits through improved treatment of wastewater
Whatecom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Preliminary Information and Application

Note: The intent of this Program is to be consistent with State law, RCW 82.14.370

1. Who is eligible to apply: Local general or special-purpose governments and higher education.

2. What projects are covered: Construction of publically-owned infrastructure, facilities, and related improvements, which enable or encourage the creation or retention of private sector businesses and jobs in Whatcom County consistent with EDI Program Policy Objectives.

3. What activities are fundable: New construction, refurbishment, replacement, rehabilitation, renovation or repair. Demolition is allowable if tied to construction. Soft costs allowed within scope of construction budget. No land acquisition except right-of-way included in a construction project.

4. What can you use the funds for: Transportation (roads, bridges, rail), utility services (water, sewer, storm, energy, telecom) and public buildings or structures.

5. Other Limitations: Planning/feasibility only projects are not eligible. Minimum local match is 10% of EDI request. EDI Board will make recommendations to the County Council which makes the final decision.

Preferential Project Types

First Preference – “JOBS IN HAND PROJECTS” – These types of projects will allow for the immediate creation and/or retention of jobs by providing public infrastructure that directly supports jobs. A perfect example would be a private business that will build or move into a facility and hire employees if a road is built or if water/sewer lines are extended to the site. These types of proposals would include a commitment by the private sector employer to create jobs and provide private investment.

Second Preference – “BUILD IT AND JOBS WILL COME PROJECTS” – These types of projects will construct public infrastructure but are not associated with a specific commitment from a private business to locate and/or create jobs. A perfect example would be the construction of roads and utility infrastructure to serve a new business park that would benefit multiple businesses.

Third Preference – “COMMUNITY ENHANCEMENT PROJECTS” – These types of projects generally improve the physical appearance or create community assets to enhance the business climate. Examples would be boardwalk, streetscaping, downtown structures, and other publicly-owned facilities that make a community or region more attractive to existing or future businesses.
Whatcom County Economic Development Investment (EDI) Program
Roving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Preferential Project Terms

First Preference – EDI LOAN – Due to the preferred revolving nature of EDI funds, proposals that are loan only will receive higher scoring. Loan terms and interest rate structure matches the Public Works Trust Fund program. The county will maintain discretion to modify such as including a deferral period.

Second Preference – LOAN/GRANT COMBINATION – The preferred combination of grant funds and loan funds is 1/3 grant, 2/3 loan.

Third Preference – EDI GRANT – Due to the “one-shot” nature of grants, projects of equal scoring requesting a grant only will be scored lower than another similar project requesting a loan/grant mix.

Preferential* Project Amounts (Guidelines)

JOBS IN HAND PROJECTS - $1,000,000 limit if grant only. $2,000,000 limit if combination of grant and loan. $3,000,000 limit if loan only.

BUILD IT AND JOBS WILL COME PROJECTS - $500,000 limit if grant only. $1,000,000 limit if combination of grant and loan. $1,500,000 limit if loan only.

COMMUNITY ENHANCEMENT PROJECTS - $250,000 limit if grant only. $500,000 limit if combination of grant and loan. $750,000 limit if loan only.

*Based on compelling reasons, the EDI Board and County Council may consider exceptions.

Past Performance

Have you received EDI Program funding in the past? ___ X ___; Yes _______ No

If yes, provide project name and EDI grant/loan awarded: Wastewater Treatment Plant Upgrade – Design and Construction: $520,000 loan and $260,000 grant awarded but not yet received.

If yes, EDI Program staff and/or the EDI Board may conduct an audit to review performance measures against projected outcomes, such as job creation projections.

Has your jurisdiction received any audit findings from the Washington State Auditor in the past 10 years? _____ Yes; ___ X ___ No. If yes, provide details:

Last Updated: 12/4/12
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

THRESHOLD PROJECT CRITERIA

Evidence of Planning

YES  NO

X  ____ Project included on an adopted regional economic strategy ("CEDS" list).
X  ____ Project included in the applicant's Comprehensive Plan.
X  ____ Project included in the applicant's Capital Expenditure Plan or adopted budget.

COMMENTS: This project was previously approved by the EDI Board to receive a combination of grant and loan funding. The project has been on the CEDS list for over ten years and is addressed in the capital facilities element of the City's comprehensive plan. The project is also identified in the City's General Sewer Plan and is fully examined in the WWTP Upgrade Facilities Plan approved by the Department of Ecology. Funding for the project has been included in the City's adopted 2015 budget.

THRESHOLD PROJECT SCORING

POINTS

Preferential Project Type

5

Jobs In Hand

X Build It And Jobs Will Come 10 points
__ Community Enhancement 5 points

X Loan Only

5 points

__ Loan/Grant

2 points

__ Grant Only

Preferential Project Terms

X Within Dollar Limits 5 points

5 points

__ Outside Preferred Dollar Limits 0 points

5

Preferential Project Amounts

TOTAL POINTS

15

To proceed to other parts of the application and to receive EDI Board review, a proposed project must score 10 or more points on the above section.

Last Updated: 12/4/12
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

PROJECT APPLICANT

Applicant Name: City of Nooksack

Applicant Address: 103 W. Madison Street, Nooksack, WA 98276

Applicant Contact Person: Rollin Harper, City Planner

Applicant Email and Phone Number: E-mail: rollinh@sehome.com  Phone (360) 733-6033

PROJECT TITLE

PROJECT AMOUNT REQUESTED

$180,000 Total EDI Funds (Loan: $120,000; Grant: $60,000)

$256,000 Local Match (10% of EDI request minimum)

PROJECT TYPE

___ Jobs In Hand  ___ Build It And Jobs Will Come  ___ Community Enhancement

PROJECT TERMS

___ Loan Only  ___ Grant/Loan  ___ Grant Only

If a loan, term requested: ___ 20 ___ (years)

Project Location

Project is located at the Everson Wastewater Treatment Plant, 101 Park Drive in Everson, WA

PROJECT DESCRIPTION

(one page attachment limit)

The City of Nooksack is working in cooperation with the City of Everson to complete a major upgrade of the wastewater treatment plant (WWTP) that serves both cities. The project was previously approved for $780,000 in EDI funding. Due

Last Updated: 12/4/12
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

to increased project costs, the City of Nooksack’s share of the total project cost has increased by $436,000. The overall project includes the Nooksack portion of the costs to design and construct the WWTP Upgrade. In 2012 the City completed its General Sewer Plan and the Facilities Plan for the WWTP Upgrade, both of which were approved by the Department of Ecology. Design of the project is now complete, and the cities are ready to put the project out to bid by early February 2015, with construction slated to begin in March.

BASIC PROJECT INFORMATION

1. Complete the public project budget and status of funds below. If EDI funds are approved is funding 100% complete? _X_ Yes ___ No

At the time Nooksack was approved for EDI funding in 2013, Nooksack’s share of the total project cost was $870,000. EDI funding currently equals $780,000, with the City match equaling $90,000. Due to increases in project costs, Nooksack’s portion of the total project costs has increased by $436,000, which is the amount addressed through this EDI application.

<table>
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<tr>
<td>Local Dollars</td>
<td>$ 256,000</td>
<td>Yes <em>X</em></td>
<td>No ___</td>
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<tr>
<td>EDI Funding</td>
<td>$ 180,000</td>
<td>Yes <em>X</em></td>
<td>No ___</td>
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<tr>
<td>TOTAL</td>
<td>$ 436,000</td>
<td>Yes <em>X</em></td>
<td>No ___</td>
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2. Describe the amount of outside (private) funding committed to the project (eg. Plant and equipment).

None

3. Describe the public infrastructure being proposed. Include engineering estimates and a site map detailing the proposed improvements as Attachments A and B.

The public infrastructure being proposed includes a major upgrade to the wastewater treatment plant that serves both the city of Everson and the city of Nooksack. This upgrade will include design and construction of the following plant components: upgrades to the influent pump station, installation of biological selectors, installation of jet aeration system, upgrades to the clarifiers, modifications to RAS pumps and piping, installation of sludge thickening system, construction of a new control building, upgrades to the SCADA system, construction of a new solids handling building, upgrades to the chlorine contact chamber, and installation of a re-use water system. The engineer’s estimate and site plan are included as attachments.

Last Updated: 12/4/12
4. Describe how these improvements will enhance or encourage community vitality and stimulate other private development in the area. The WWTP has reached its capacity. The proposed WWTP Upgrade will make additional capacity available to serve new commercial and industrial businesses wanting to locate within Nooksack that would otherwise be unable to do so based on insufficient capacity available to accommodate future growth. The project will also support expansion of existing businesses and renovation of unused properties.

5. List all permits and environmental reviews required for the public project and detail their status (completed, in-process, etc.)

<table>
<thead>
<tr>
<th>Permit</th>
<th>Status</th>
<th>Date Completed</th>
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<td>Design Engineering</td>
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<td>In Process</td>
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</tr>
<tr>
<td>Begin Construction</td>
<td>In Process</td>
<td>Mar. 2015</td>
</tr>
</tbody>
</table>

6. Are any other public jurisdictions involved in this project? If so, in what way? The Everson WWTP serves both the city of Everson and the city of Nooksack. Treatment capacity in the WWTP is owned jointly by the two jurisdictions, which also share ongoing operation and maintenance costs. The Port of Bellingham previously provided a small grant to help fund project design.

7. Who will maintain the public facility/infrastructure to be completed with EDI funds? Will this project impact utility rates within the jurisdiction? The upgraded WWTP will be jointly maintained by the cities of Everson and Nooksack. Based on the City's small size (population of approximately 1,435) and limited financial resources, the cost of the project may impact utility rates in the city of Nooksack; however, the City will make every effort to keep any unavoidable rate increases as small as possible. The availability of grant funding and low-interest loans will help in this regard.
Whatcom County Economic Development Investment (EDI) Program
Rovolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

8. Will this project directly generate a revenue stream that could be used to repay an EDI loan? Will this project spur indirect revenues that could be used to repay an EDI loan? If no to either question – why? The project will allow the City to continue to receive building permit fees and connection charges from new development, including from both residential and commercial/industrial development. Revenue from connection charges would likely be used to repay the EDI loan. The project could also generate other sources of revenue, such as increased property taxes and increased sales taxes that result from increased economic activity based on new development supported by the availability of WWTP capacity.

9. What other revenue sources are available for this project and have they been considered. This includes forming a Local Improvement District (LID or ULID), issuing Councilmanic Bonds, Revenue Bonds, or other source(s). Issuance of bonds and formation of a ULID are not considered viable options for funding this type of project due to its relatively small size. The two main sources of revenue that can be used to fund this project through the term of an EDI loan include monthly utility rates paid by customers and sewer connection charges paid by new development. The City also has some resources available in the sewer capital fund.

10. Describe the private development project that will be supported by this public facility project. If there is a committed private sector partner include Contingency Agreement (Attachment C). No specific private development project has been identified that will be supported by this project.

11. Explain why the private development requires the proposed public improvement(s). Not applicable.

12. What is the status of the associated private development review and permits. List all permits required and give the current status (applied for, being reviewed, issued).

<table>
<thead>
<tr>
<th>Environmental Review</th>
<th>In Process</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

Last Updated: 12/4/12
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Construction Permits
Environmental Permits

13. Describe the type of industry or economic activity the public development will attract. What is the strategy to attract industry to the project site?
The project will attract the types of small-scale commercial and industrial businesses that currently locate in the City of Nooksack. These include small-scale manufacturing and service businesses, such as auto repair. The availability of developable commercial and industrial sites in an area that has adequate wastewater treatment capacity will attract new businesses that are needed to serve anticipated growth in the area.

14. List the number of projected jobs, by type, to be retained and/or created by the private entity.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Current Jobs Retained** (In FTEs)</th>
<th># Of Jobs Created Year 1 (In FTEs)</th>
<th># Of Jobs Created by Year 5 (In FTEs)</th>
<th>Hourly Wage of current or new position</th>
<th>Local Occupational Hourly Wages***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mgmt./Admin*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Technical/Prof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office/Clerical</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skilled Crafts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Indicate Management positions in annual salary.

** Retained jobs are defined as jobs that would otherwise be lost from the county without this project.

*** This column will be populated with data from the state before application is distributed and revised annually.

a. Projected annual gross payroll for all job classifications $________

b. Describe fringe benefits the company offers to regular full time employees? (health insurance, retirement plans, etc.)__________________________________________

Last Updated: 12/4/12
15. How does this project support the economy of Whatcom County and how does it fit into a county-wide economic development strategy?

This project supports the economy of Whatcom County by ensuring that small cities, including the City of Nooksack, can provide opportunities for jobs to be created within local jurisdictions. In this way, jobs can be created closer to where people live, which allows them to travel shorter distances to get to work and to support other local businesses. This fits very well into the County’s overall economic development strategy that encourages the provision of jobs throughout the county.

16. What will the effect of this project be on the natural environment – does the project address any issues related to public health, pollution, or quality of life?

The upgrading of the WWTP will lead to a number of environmental benefits. First, the upgrade will improve the water quality of the effluent that is discharged from the plant into the Nooksack River. Second, the installation of a re-use water system will allow treated effluent within the plant to be used instead of potable water. This will reduce demands on the City’s domestic wells and help conserve groundwater resources. The WWTP upgrade will also reduce the quantity of chlorine, which is a hazardous chemical.

17. Does this project address any existing issues related to public safety and/or does it increase public safety in the future or address a potential future public safety issue?

This project includes construction of a new control building that will replace an existing structure where the lowest floor is below the base flood elevation of the 100-year flood. This means that completion of the project will eliminate the situation where City staff must perform essential operations, including lab testing, at a location that is subject to inundation during a major flood event. Reducing the use of chlorine will also reduce risks to City staff and to the public.

18. Describe specific quantifiable measures of the outcomes, other than purely jobs, that will demonstrate project success. Describe how you will measure this and explain what you expect to show as progress toward the outcome.

One of the measures of success will be the increase in WWTP capacity that will result from the project and which will be reflected in an updated NPDES permit issued by the Department of Ecology once the project has been completed. An additional outcome that the City will be hoping to achieve through the project will be the reinstatement or replacement of the City’s future industrial area, which was removed by the County Council for other reasons in 2009.

Last Updated: 12/4/12
Application for Funding – Certification

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION TO WHATCOM COUNTY FOR INVESTMENTS IN ECONOMIC DEVELOPMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Responsible Public Official: [Signature] Date: 1/5/15
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

EDI Technical Advisory Committee
PROJECT SCORING SHEET

S = Strong
M = Medium
W = Weak

3 pts 2 pts 1 pt
S   M   W

ECONOMIC IMPACT

Develops economic development infrastructure
Retains or grows existing businesses
Spurs additional private sector investment
Will create new jobs
Will retain existing jobs
Provides above average wages
Promotes community revitalization
Will have significant local impact
Will have significant regional impact
Project will likely result in lasting benefit to the local community
Project will likely result in lasting benefit to the regional community

3 pts 2 pts 1 pt
S   M   W

ENVIRONMENT AND QUALITY OF LIFE

Protects and/or improves the natural environment
Supports the sustainable use of environmental resources
Provides significant contribution to improved health or quality of life
Will contribute to public safety, public health, or aesthetic improvements to community
Reduces pollution – water, wastewater, or storm drainage

3 pts 2 pts 1 pt
S   M   W

SAFETY AND PUBLIC SUPPORT

Project improves safety
Project addresses a current safety issue
Project is supported in approved local plans

3 pts 2 pts 1 pt
S   M   W

FISCAL CONSIDERATIONS

Project budget is well thought out and reasonable
Match funds in hand and sufficient
Is there a demonstrated need for financing
Source of loan repayment demonstrated
Asking for both grant and loan

Last Updated: 12/4/12
RESOLUTION NO. 291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE WHATCOM COUNTY ECONOMIC DEVELOPMENT INVESTMENT BOARD TO SEEK ADDITIONAL FUNDING FOR THE EVERTON WASTEWATER TREATMENT PLANT UPGRADE PROJECT.

WHEREAS, in 2013 the City of Nooksack was awarded $780,000 in funding from the Whatcom County Economic Development Investment (EDI) fund to cover a portion of the City's share of the costs for the upcoming Wastewater Treatment Plant Upgrade project; and

WHEREAS, completion of the Wastewater Treatment Plant Upgrade project will support economic development in Nooksack and in the surrounding area; and

WHEREAS, subsequent increases in estimated project costs have increased Nooksack's share of the total project costs by approximately $436,000; and

WHEREAS, the City Council desires to seek supplemental funding from the EDI Board to offset a portion of the City's increased project costs; and

WHEREAS, previously approved EDI funding included a combination of one-third grant and two-thirds loan; and

WHEREAS, the City Council has expressed its desire to seek supplemental funding that would also include a combination of grant and loan funding; and

WHEREAS, City staff have prepared the required application materials to submit to the EDI Board, and the City Council has reviewed said application materials; and

WHEREAS, the City Council desires to have the application for supplemental EDI funding submitted to the EDI Board for their consideration and recommendation to the Whatcom County Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nooksack, Washington, as follows: The Mayor of Nooksack is hereby authorized to submit the application for funding to the Whatcom County Economic Development Investment Board to request supplemental funding for Nooksack's share of the costs of the upcoming Wastewater Treatment Plant Upgrade project in the amount of $180,000, including $120,000 in loan funding and $60,000 in grant funding and accompanied by a supplemental local match commitment of $256,000.

ADOPTED at a regular meeting of the Nooksack City Council held on January 5, 2015.

CITY OF NOOKSACK, WASHINGTON

[Signature]

JAMES S. ACKERMAN, Mayor
<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>$49,400</td>
</tr>
<tr>
<td>2</td>
<td>Shoring</td>
<td>$5,300</td>
</tr>
<tr>
<td>3</td>
<td>Dewatering</td>
<td>$12,300</td>
</tr>
<tr>
<td>4</td>
<td>Remove and Haul Soil</td>
<td>$17,100</td>
</tr>
<tr>
<td>5</td>
<td>Structural Fill</td>
<td>$34,500</td>
</tr>
<tr>
<td>6</td>
<td>Backfill</td>
<td>$4,800</td>
</tr>
<tr>
<td>7</td>
<td>CSBC</td>
<td>$6,300</td>
</tr>
<tr>
<td>8</td>
<td>Paving</td>
<td>$43,100</td>
</tr>
<tr>
<td>9</td>
<td>WWTP Upgrades</td>
<td>$2,343,900</td>
</tr>
</tbody>
</table>

|                          | Sub Total                          | $2,517,000|
| Contractor general conditions, overhead and profit (8%) | $201,000 | SubTotal |
|                          | Sub Total                          | $2,718,000|
|                          | Sales Tax (8.5%)                   | $231,030 |

**TOTAL ESTIMATED OPINION OF PROBABLE CONSTRUCTION COSTS OCT 2013**

| **TOTAL ESTIMATED OPINION OF PROBABLE CONSTRUCTION COSTS DEC** | **$3,047,000** |
| **TOTAL DESIGN & PERMITTING COSTS** | **$418,612** |
| **TOTAL ENGINEERING SERVICES DURING CONSTRUCTION & SPECIAL** | **$452,000** |
| **INSPECTION COSTS** | **INSPECTION COSTS** |

**TOTAL ESTIMATED OPINION OF PROBABLE PROJECT COSTS**

| **TOTAL ESTIMATED OPINION OF PROBABLE PROJECT COSTS** | **$3,918,000** |

The opinion of probable cost herein is based on our perception of current conditions at the project location. This opinion reflects our professional opinion of costs at this time. BHC Consultants has no control over variances in the cost of labor, materials, equipment; nor services provided by others, contractor's means and methods of executing the work or of determining prices, competitive bidding or market conditions, practices or bidding strategies. BHC Consultants cannot and does not warrant or guarantee that proposals, bids, or actual construction costs will not vary from the opinion presented herein.
Applicant: City of Nooksack
Project Title: Wastewater Treatment Plant Upgrade – Design and Construction
Amount Requested: $120,000 Loan, $60,000 Grant (supplemental funding)
TAC Meeting Date: January 22, 2015
Attendees: TAC members Jeff Callender and Tom Kenney; Rollin Harper, Nooksack City Planner; Bob Wilson, WCOG/NWEC staff

Scoring: The Technical Advisory Committee stands by its review of the City of Nooksack’s original EDI funding application, which occurred on June 10, 2013 and follows:

- Economic Impact: 18.75 out of a maximum 33 points
- Environment & Quality of Life: 12.75 / 15
- Safety & Public Support: 5.75 / 9
- Fiscal Considerations: 9.50 / 15
- Project Readiness: 5.25 / 12
- Bonus Points: 50 / 100 (Build It and Jobs Will Come)
- Bonus Points: 50 / 100 (Loan/Grant Combination)
- TOTAL: 152 / 284

The score of 152 placed the application in the “moderate” range, which is 125 to 169.

Comments: Prior to the TAC meeting of January 22, 2015, the following questions were raised and provided to Mr. Harper for his response:

1. Since the City’s initial application in 2013, why has the cost of the project increased by 50 percent, from $2,610,000 to $3,918,000?
2. Beyond the $960,000 in EDI funding ($780,000 awarded in 2013 plus the current $180,000 request), what other funds will be used for the remaining $2,612,000 in project costs?
3. What are the terms of repayment for all funds borrowed for the project, and what are the revenue sources from which the City will draw the funds to repay the loans?

Mr. Harper’s responses are contained in his attached memo.

Recommendation: Since the TAC was satisfied with the City’s responses to its questions, the TAC recommends moving the City’s request forward to the EDI Board for its consideration.
To: Whatcom County EDI Committee  
From: Rollin Harper, Nooksack City Planner  
RE: Nooksack Supplemental EDI Funding Request – Response to Questions  
Date: January 16, 2015

MEMORANDUM

Introduction

This document provides information in response to questions raised by Whatcom County EDI Committee member Tom Kenney related to the City of Nooksack request for supplemental EDI funding for the Nooksack portion of the Everson Wastewater Treatment Plant (WWTP) Upgrade project. In addition to the discussion presented herein, several documents have been attached for review by the EDI Committee in advance of the meeting scheduled for January 22, 2015.

Information Requested

Question #1 – Increased Project Cost Estimate
Information was requested to clarify why the total project cost increased by approximately 50% since June 2013.

As background, it is important to clarify that treatment plant capacity in the Everson WWTP is jointly owned by Nooksack and Everson, and the facility is also jointly operated and maintained. In early 2013, the WWTP Upgrade project was still under design when Nooksack submitted its EDI application. The engineer’s estimated total project cost at that time (for both cities) was approximately $2,415,000, out of which Nooksack was responsible for one-third or approximately $805,000. That original cost estimate is attached. Just prior to meeting with the EDI Board, Nooksack was informed by the project engineer that the total project cost had increased to approximately $2,610,000 due to project design modifications agreed to by both cities. This increase was documented in a memorandum from Sehome Planning to the EDI Board dated June 24, 2013 stating that the Nooksack share of total project costs had increased to approximately $870,000. A copy of that memorandum is attached.

Through the course of the ensuing nineteen months, the cities and the engineer have completed the project design and all permitting. The project is now scheduled to go out to bid at the end of this month. As design of the project progressed, the cities considered a number of design modifications that impacted the overall project cost. In general, the cities decided that in some cases it made sense to expand the project to include enlarged facilities or additional WWTP upgrades that could be completed more efficiently now rather than waiting to complete them as separate or subsequent projects.
A detailed description of expanded project components and related costs is presented in the table below.

One factor that contributed to the extended design phase was the fact that the project was required to go through federal environmental review under the State Environmental Review Process (SERP), whereby consistency with all federal environmental regulations, including the Endangered Species Act, must be documented and confirmed. A number of design modifications were incorporated into the project as a result of environmental and other regulatory reviews. These modifications included needing to over-excavate poor soils underlying new building sites, replacing excavated material with structural backfill, placement of additional structural fill to raise the lowest floor of new structures to three feet (rather than one foot) above the 100-year floodplain elevation, providing compensatory flood storage through removal of additional earthen materials, and providing habitat enhancements as mitigation for unavoidable impacts to areas potentially accessed by federally listed salmon.

From June 2013 to the present, the total estimated project cost has increased by approximately $1,310,000. The most recent engineer's estimate was included in our EDI application and is attached here as well. The table below itemizes the project cost factors that have contributed to the substantial increase in project costs.

<table>
<thead>
<tr>
<th>Cost Factors</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Design</td>
<td>Additional engineering design costs to address project design modifications</td>
<td>$60,000</td>
</tr>
<tr>
<td>Project Components</td>
<td>• Expand proposed Operations Building – $315,000</td>
<td>$700,000</td>
</tr>
<tr>
<td></td>
<td>• Add new Solids Handling Building – $180,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Upgrade Chlorine Contact Chamber and outlet piping – $60,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Over-excavation and structural backfill – $50,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Upgrade sludge holding tank (odor control) and pumps – $50,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Paving – $45,000</td>
<td></td>
</tr>
<tr>
<td>ENR Adjustment (Inflation)</td>
<td>Inflation-based increase in construction costs based on ENR Index</td>
<td>$98,000</td>
</tr>
<tr>
<td>Engineering Services During Construction</td>
<td>Project management, on-site observation and special inspections, preparation of O&amp;M Manual, quality control, plant commissioning. Note: The original cost estimate stated that engineering services during construction had not been included.</td>
<td>$452,000</td>
</tr>
<tr>
<td>Total</td>
<td>All Factors</td>
<td>$1,310,000</td>
</tr>
</tbody>
</table>
Question #2 – Total Project Funding

Information was requested regarding the other sources of funding for the project.

The WWTP Upgrade project is being undertaken jointly by the cities of Everson and Nooksack because the cities share ownership of plant capacity and operation and maintenance responsibilities. As established through the Interlocal Agreement for Wastewater Treatment and Disposal between the cities, Everson owns two-thirds of the capacity in the treatment plant and is responsible for two-thirds of the cost of the WWTP Upgrade project. Nooksack owns one-third of the treatment plant capacity and is responsible for one-third of the total project cost. The simplest answer to the question is that Everson has received a $300,000 loan from the Public Works Trust Fund to cover design costs and has secured a loan of up to $2,360,000 through the Washington Department of Ecology State Revolving Fund to cover construction costs. Nooksack has secured $780,000 in funding through the EDI fund and is requesting an additional $180,000. Any additional funding for the project will come from each city’s Sewer Operating Fund or Sewer Capital Reserve Fund. The table below identifies secured funding sources for each city.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Everson</th>
<th>Nooksack</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PWTF Loan</td>
<td>$300,000</td>
<td></td>
<td>$300,000</td>
</tr>
<tr>
<td>SRF Loan *</td>
<td>$2,312,000</td>
<td>$2,312,000</td>
<td></td>
</tr>
<tr>
<td>EDI Grant</td>
<td></td>
<td>$260,000</td>
<td>$260,000</td>
</tr>
<tr>
<td>EDI Loan</td>
<td></td>
<td>$520,000</td>
<td>$520,000</td>
</tr>
<tr>
<td>Reserves</td>
<td></td>
<td>$526,000</td>
<td>$526,000</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$2,612,000</td>
<td>$1,306,000</td>
<td><strong>$3,918,000</strong></td>
</tr>
</tbody>
</table>

* The maximum SRF loan amount is $2,360,000.

Through this request for supplemental EDI funding, the City of Nooksack is hoping to secure an additional $180,000 in EDI funding ($120,000 loan and $60,000 grant), which would reduce the City reserves needed from $526,000 to $346,000.

Question #3 – Repayment of Loans

Information was requested regarding the ability of the cities to repay the loans secured for the project.

The PWTF and SRF loans secured by the City of Everson are twenty-year loans with interest rates between one and two percent. The City of Everson has completed a detailed rate study for its sewer system and has adopted rate adjustments accordingly to ensure its ability to operate and maintain its system, including making principal and interest payments on existing and anticipated debt. A copy of the Everson Sewer Rate Study Summary prepared by KIA has been attached for review by the Committee.

The City of Nooksack examined the sewer system and recent revenues and expenditures in preparation for submitting its initial application for EDI funding back in 2013. A copy of the two-year review (2011-2012) has been attached. At that time, the City was making annual loan payments on loans secured to pay for a previous WWTP
Upgrade project completed over twenty years ago. These debt service payments equaled over $40,000 per year. As shown in the revenue and expenditure analysis, even excluding additions to the Sewer Capital Reserve fund received based on new sewer connection charges, the City had a net operating profit both years. The City has since paid off the previous loan and no longer has outstanding debt related to the sewer system. As established in the EDI loan and grant agreement between Whatcom County and the City of Nooksack, Nooksack’s average annual payment for the $520,000 EDI loan (over twenty years) will be approximately $28,600 – well below the over $40,000 per year that Nooksack has been paying until recently. With the requested increase in loan funding, the City anticipates that the average payment over the life of what would be a $640,000 loan would be approximately $35,200, which is still below the loan payments that Nooksack has been making until it recently paid off the previous loan. In an effort to offset anticipated increases in project costs for the VWTP Upgrade project, the Nooksack City Council adopted increased sewer rates and sewer connection charges in June of 2014. These increases have already shown benefits in terms of City fund balances. A copy of Nooksack Ordinance No. 673 has been attached for review by the Committee.

Conclusion

The County previously reviewed this project and approved $780,000 in EDI funding for Nooksack’s share of the VWTP Upgrade project costs. The essential nature of the project has not changed, nor we believe has the project’s eligibility under the EDI evaluation criteria. The $180,000 in increased funding support requested by Nooksack from the EDI Board will help the City avoid drawing down its reserves to a level below where the City Council would be comfortable and confident that it would have the financial resources available to address a major system emergency should one occur. The EDI Committee’s support in this regard is appreciated.
<table>
<thead>
<tr>
<th>Item</th>
<th>Full Project</th>
<th>City of Everson Share</th>
<th>City of Nooksack Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Influent Pump Station</td>
<td>$111,000</td>
<td>$74,000</td>
<td>$37,000</td>
</tr>
<tr>
<td>Biological Selector</td>
<td>$137,000</td>
<td>$91,333</td>
<td>$45,667</td>
</tr>
<tr>
<td>Jet Aeration</td>
<td>$448,000</td>
<td>$298,667</td>
<td>$149,333</td>
</tr>
<tr>
<td>Clarifier Upgrade and Scum Piping</td>
<td>$54,000</td>
<td>$36,000</td>
<td>$18,000</td>
</tr>
<tr>
<td>RAS Pumps and Piping</td>
<td>$110,000</td>
<td>$73,333</td>
<td>$36,667</td>
</tr>
<tr>
<td>Sludge Holding Tank Cover</td>
<td>$30,000</td>
<td>$20,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Sludge Thickener and Holding Tank</td>
<td>$210,000</td>
<td>$140,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>New Control Building</td>
<td>$240,000</td>
<td>$160,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Additional Items</td>
<td>$38,000</td>
<td>$25,333</td>
<td>$12,667</td>
</tr>
<tr>
<td>Plant Water System</td>
<td>$132,000</td>
<td>$88,000</td>
<td>$44,000</td>
</tr>
<tr>
<td>Generator</td>
<td>$80,000</td>
<td>$53,333</td>
<td>$26,667</td>
</tr>
<tr>
<td>SCADA</td>
<td>$30,000</td>
<td>$20,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Electrical and Instrumentation</td>
<td>$436,000</td>
<td>$290,667</td>
<td>$145,333</td>
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<tr>
<td>Design Fee (Modified 12/18/2012)</td>
<td>$332,552</td>
<td>$221,701</td>
<td>$110,851</td>
</tr>
<tr>
<td>Design Fee Amendments[2]</td>
<td>$25,681</td>
<td>$17,121</td>
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<td><strong>TOTAL COST</strong></td>
<td><strong>$2,414,233</strong></td>
<td><strong>$1,609,489</strong></td>
<td><strong>$804,744</strong></td>
</tr>
</tbody>
</table>

[1] Costs do not include inspection or engineering services during construction.

[2] Amendments (currently in review) includes: /f analysis, gravel removal alternative analysis, and grit removal design fees

The estimate of probable cost herein is based on our perception of current conditions at the project location. This estimate reflects our professional opinion of accurate costs at this time and is subject to change as the project design matures. BHC Consultants has no control over variances in the cost of labor, materials, equipment; nor services provided by others, contractor’s means and methods of executing the work or of determining prices, competitive bidding or market conditions, practices or bidding strategies. BHC Consultants cannot and does not warrant or guarantee that proposals, bids, or actual construction costs will not vary from the costs presented as shown.

This estimate of probable costs was prepared under the direct supervision of the following professional engineer:

Adam Schuyler, P.E.

H-25-2013
To: Whatcom County EDI Board  
From: Rollin Harper, Nooksack City Planner  
RE: Nooksack EDI Funding Request – Updated Project Cost Estimate  
Date: June 24, 2013

MEMORANDUM

In the City of Nooksack’s application for funding from the County Economic Development Investment Fund, the City’s funding request was based on the engineer’s cost estimate of approximately $2,415,000, out of which the City of Nooksack share was approximately $805,000. Recent project design modifications that have been incorporated through the final design process will increase the total project cost and the Nooksack portion of the total cost. Based on these increases, the City is proposing to increase its funding request as follows:

Original EDI Application

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>EDI Total</th>
<th>EDI Loan</th>
<th>EDI Grant</th>
<th>City Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>$805,000</td>
<td>$720,000</td>
<td>$480,000</td>
<td>$240,000</td>
<td>$85,000</td>
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</tbody>
</table>

Updated City Request

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>EDI Total</th>
<th>EDI Loan</th>
<th>EDI Grant</th>
<th>City Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>$870,000</td>
<td>$780,000</td>
<td>$520,000</td>
<td>$260,000</td>
<td>$90,000</td>
</tr>
</tbody>
</table>

An updated engineer’s estimate is not yet available, but can be provided once final project costs have been incorporated.
## City of Everson
### WWTP Upgrades
#### Engineer's Opinion of Probable Project Costs
9 December 2014

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>$49,400</td>
</tr>
<tr>
<td>2</td>
<td>Shoring</td>
<td>$5,300</td>
</tr>
<tr>
<td>3</td>
<td>Dewatering</td>
<td>$12,300</td>
</tr>
<tr>
<td>4</td>
<td>Remove and Haul Soil</td>
<td>$17,100</td>
</tr>
<tr>
<td>5</td>
<td>Structural Fill</td>
<td>$34,500</td>
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<tr>
<td>6</td>
<td>Backfill</td>
<td>$4,800</td>
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<tr>
<td>7</td>
<td>CSBC</td>
<td>$6,300</td>
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<tr>
<td>8</td>
<td>Paving</td>
<td>$43,100</td>
</tr>
<tr>
<td>9</td>
<td>WWTP Upgrades</td>
<td>$2,343,900</td>
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</table>

**Sub Total** $2,517,000

**Contractor general conditions, overhead and profit (8%)** $201,000

**SubTotal** $2,718,000

**Sales Tax (8.5%)** $231,030

**TOTAL ESTIMATED OPINION OF PROBABLE CONSTRUCTION COSTS OCT 2013** $2,949,030

**ENR Adjustment from Oct 2013 to December 2014 (3.47%)** $98,264

**TOTAL ESTIMATED OPINION OF PROBABLE CONSTRUCTION COSTS DEC** $3,047,294

<table>
<thead>
<tr>
<th>Total Design &amp; Permitting Costs</th>
<th>$418,612</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Engineering Services During Construction &amp; Special Inspection Costs</td>
<td>$452,000</td>
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</tbody>
</table>

**TOTAL ESTIMATED OPINION OF PROBABLE PROJECT COSTS** $3,918,000

The opinion of probable cost herein is based on our perception of current conditions at the project location. This opinion reflects our professional opinion of costs at this time. BHC Consultants has no control over variances in the cost of labor, materials, equipment, nor services provided by others, contractor’s means and methods of executing the work or of determining prices, competitive bidding or market conditions, practices or bidding strategies. BHC Consultants cannot and does not warrant or guarantee that proposals, bids, or actual construction costs will not vary from the opinion presented as herein.
## NOOKSACK SEWER REVENUE AND EXPENSE - 2011-2012

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
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<tbody>
<tr>
<td><strong>Beginning Balance - Sewer, Current</strong></td>
<td>286,701.39</td>
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<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer Rates</td>
<td>$222,982.32</td>
<td>$246,807.38</td>
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<tr>
<td>New constr fees *</td>
<td>$21,105.00</td>
<td>$35,150.00</td>
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<tr>
<td>Interest - Bonds</td>
<td>$3,253.00</td>
<td>$1,600.88</td>
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<tr>
<td>Interest - Capital</td>
<td>$2,140.10</td>
<td>$1,158.94</td>
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<tr>
<td><strong>Total Operational Revenue</strong></td>
<td>$249,480.42</td>
<td>$284,717.20</td>
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<tr>
<td><strong>Connectin charges - Cap. Reserve</strong></td>
<td>$15,000.00</td>
<td>$25,000.00</td>
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<tr>
<td><strong>Total Capital Revenue</strong></td>
<td>$15,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$264,480.42</td>
<td>$309,717.20</td>
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<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WWTP</td>
<td>$92,313.44</td>
<td>$128,423.33</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>$104,846.46</td>
<td>$107,134.91</td>
</tr>
<tr>
<td>Equipment - Capital</td>
<td>$605.05</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total Operational Expense</strong></td>
<td>$197,764.95</td>
<td>$235,558.24</td>
</tr>
<tr>
<td>Debt Service - Principal</td>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Debt Service - Interest</td>
<td>$8,435.00</td>
<td>$6,030.00</td>
</tr>
<tr>
<td>Debt Service - Fees</td>
<td>$315.13</td>
<td>$318.80</td>
</tr>
<tr>
<td><strong>Total Debt Service Expense</strong></td>
<td>$48,750.13</td>
<td>$46,348.80</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSE</strong></td>
<td>$246,515.08</td>
<td>$281,907.04</td>
</tr>
<tr>
<td><strong>NET TOTAL INFLOW</strong></td>
<td>$17,965.34</td>
<td>$27,810.16</td>
</tr>
<tr>
<td><strong>NET OPERATING INFLOW</strong></td>
<td>$51,715.47</td>
<td>$49,158.96</td>
</tr>
<tr>
<td>**NET OPER. INFLOW W/O CONNECTION FEES ***</td>
<td>$30,715.47</td>
<td>$14,158.96</td>
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<tr>
<td><strong>NET TOTAL INFLOW EXCLUDING DEBT SERVICE</strong></td>
<td>$66,715.47</td>
<td>$74,158.96</td>
</tr>
</tbody>
</table>

Note: The above numbers exclude expenses from Sewer Comp. Plan and revenue from the Port grant.  
* New construction fees under Operating Revenue include $3,500 connection charge per connection.
City of Everson
Sewer Rate Outlook by Katy Isaksen & Associates
Final Summary DRAFT For Discussion – 10/28/14

Summary
The City is in the process of major improvements at the sewer treatment plant. The June 2014 version of the sewer rate outlook was updated with the estimated cost split between Nooksack and Everson and the associated debt repayment. We also included the sewer CIP (capital improvement program) from the Sewer Comprehensive Plan for a more inclusive outlook. The version presented in June 2014 showed that the existing sewer rate ordinance is not sufficient to fund the CIP. The summary table shows the rates that would be necessary.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Sewer Rate Ordinance</td>
<td>$53.00</td>
<td>$59.00</td>
<td>$65.00</td>
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<tr>
<td>Additional Change in Rates</td>
<td>$1.73</td>
<td>$5.53</td>
<td>$3.94</td>
<td>$0.56</td>
<td>$1.57</td>
<td>$2.14</td>
<td>$0.60</td>
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</tr>
<tr>
<td>Monthly Rates To Fund Program</td>
<td>$55.00</td>
<td>$60.73</td>
<td>$71.53</td>
<td>$74.47</td>
<td>$75.03</td>
<td>$76.60</td>
<td>$78.73</td>
<td>$79.33</td>
</tr>
</tbody>
</table>

WWTP Project Funding – The City of Nooksack is intending to pay cash for its share of the WWTP projects. The rate model does not program all of these funds at this time. Instead, it is recommended that the City review the Sewer Outlook as the project is nearing completion and the actual costs and loan amounts are known. At that time, the City can consider its options for programming available reserves, such as pay cash for other CIP, early pay-off of existing USDA debt, avoid future rate increase.

Previous Outlook - The sewer rate outlook was originally presented to Council in September 2013 and focused on the rates necessary to fund those specific improvements and associated new debt. At the time, it was unclear whether Nooksack would be paying cash for their share or would be joining Everson in the use and repayment of the new Ecology SRF loan. At that time, it appeared that the existing sewer rate ordinance was sufficient. That version did not consider additional CIP projects that are now included.

Annual Review – The rate adjustments were developed using the City’s financial information and a series of assumptions to predict future sewer revenue and expenditures. The City should review the rate outlook each year along with the budget to be sure that the sewer utility is on track to meet its needs with balanced revenue and expenditures.

Attached: Rate Outlook – The sewer utility financial and rate outlook through 2021 is attached. This rate proposal was developed to balance the revenue and expenditures in each year. In the model, this means that the bottom yellow line, “Increase/(Use) of Reserves”, will be close to zero.
City of Everson
Sewer Rate Study
Prepared by K&A
Updated 6-10-14 with Budget 2014
PRELIMINARY DRAFT ONLY
Discussion DRAFT - 6-10-14
Comments

### Everson Sewer Utility Multi-Year Financial Outlook

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Bdg 2014</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>126</td>
</tr>
</tbody>
</table>

**Assumptions**
- Growth - New homes per year: 2.5% 3.0% 3.0% 3.0% 3.0% 3.0% 3.0%
- Cost escalation - inflation per year: $53.00 $53.00 $59.00 $65.00 $65.00 $65.00 $65.00 $65.00
- Municipal Sewer Service Fee: $6,400 $6,400 $6,400 $6,400 $6,400 $6,400 $6,400 $6,400
- Water Sewer Fund 401 Sewer Only
- Revenue
  - Sewer Sales: 520,000 583,000 652,500 726,700 734,500 742,300 750,100 757,900 765,700
  - Sewer Service - Nooksack: 110,000 112,900 116,400 119,300 122,300 125,400 128,500 131,700 135,000
  - Wastewater Treatment: 500 750 750 750 750 750 750 750 750
  - Sewer Portion of W/S Shared Rev (73%): 6,160 6,000 6,000 6,000 6,000 6,000 6,000 6,000 6,000

- Subtotal Sewer Revenue: 636,985 702,750 775,750 852,925 863,725 874,625 885,525 896,525 907,625

**Expenditures**
- Additional WWTP Expense after upgrade: 5,000 7,650 7,880 8,116 8,359 8,610 8,886 9,133
- Capital Outlay/Replacement: 1,000 2,000 3,000 4,000 5,000 6,000 7,000 8,000

**Subtotal Expenditures**

<table>
<thead>
<tr>
<th>679,715</th>
<th>695,570</th>
<th>756,235</th>
<th>795,685</th>
<th>813,867</th>
<th>852,476</th>
<th>873,426</th>
<th>894,330</th>
<th>913,007</th>
</tr>
</thead>
</table>

**Cumulative Increase:**

| Increase/Decrease of Reserves | 42,748 | 17,017 | 10,785 | 62,768 | 70,142 | 77,851 | 86,004 | 64,805 | 73,682 |

**Estimated Increase in Monthly Rate:**

| 5.8% | 5.1% | 4.6% | 5.3% | 5.6% | 5.9% | 6.2% | 6.5% | 6.8% |

**Water Sewer Fund 401**

- Beginning Balance - Unreserved: 133,191
- Sewer Share of W/S Balance: split between water & sewer
- Increase/(Use) of Reserves: 17,017 (10,785) (62,768) (70,142) (77,851) (86,004) (64,805) (73,682)

**Target Minimum Balance**

| Cash Flow Reserve | 109,204 | 113,355 | 115,170 | 118,056 | 121,014 | 124,047 | 127,155 | 130,341 |

| 2 months of operating expense |

| Meets Target? | warning | warning | warning | warning | warning | warning | warning | warning |

| Available from Sewer Fund | (12,273) | (26,209) | (91,792) | (164,819) | (245,628) | (334,664) | (402,578) | (479,446) |

| + 2 Mos. Operating Expense |

K&A City of Everson Sewer Rate Outline DRAFT 10-28-14, Page 2
<table>
<thead>
<tr>
<th></th>
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<td><strong>Revenue</strong></td>
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<td></td>
<td></td>
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<tr>
<td>TIB Mission Rd 3</td>
<td>4,581</td>
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<tr>
<td>Capital Sewer - EDI Mission Rd</td>
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<tr>
<td>Effluent Outfall - FEMA City Share</td>
<td>182,850</td>
<td>137,983</td>
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<tr>
<td>Effluent Outfall - Nooksack</td>
<td>20,318</td>
<td>281,682</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>WWTP Upgrade Precon - PWTF Loan</td>
<td>274,000</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>WWTP Upgrade Precon - Nooksack</td>
<td>137,000</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WWTP Upgrade Construct - DOE Loan</td>
<td>2,360,000</td>
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<tr>
<td>WWTP Upgrade Construct - Nooksack</td>
<td>1,222,000</td>
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<tr>
<td>WWTP Gravel Trap Project</td>
<td>235</td>
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<tr>
<td>Interest Earnings</td>
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<tr>
<td>Sewer Hook-Up Fees</td>
<td>30,200</td>
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<tr>
<td><strong>Expenditures</strong></td>
<td></td>
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<tr>
<td>Subtotal Revenue</td>
<td>653,514</td>
<td>4,035,865</td>
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<td>WWTP Upgrade Precon</td>
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<tr>
<td>Pump Station #10 &amp; 11 Telemetry</td>
<td>15,000</td>
<td>15,000</td>
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<td>Capital Outlay, Sewer System</td>
<td>1,000</td>
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<td>5,000</td>
<td>5,000</td>
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<tr>
<td>WWTP Gravel Trap Project</td>
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<td><strong>Prepay USDA Bonds</strong></td>
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<td>Subtotal Expenditures</td>
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<td>4,112,932</td>
<td>2,100</td>
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<td>4,100</td>
<td>5,100</td>
<td>5,100</td>
<td>5,100</td>
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</tr>
<tr>
<td>Increase/(Use) of Reserves</td>
<td>13,677</td>
<td>(77,067)</td>
<td>310,100</td>
<td>61,100</td>
<td>60,100</td>
<td>59,100</td>
<td>59,100</td>
<td>59,100</td>
<td>59,100</td>
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<tr>
<td><strong>Sewer Capital Improv Fund 403</strong></td>
<td></td>
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<td></td>
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<tr>
<td>Beginning Balance - Unreserved</td>
<td>739,455</td>
<td>753,132</td>
<td>676,066</td>
<td>706,166</td>
<td>767,266</td>
<td>827,366</td>
<td>886,467</td>
<td>945,567</td>
<td>1,004,667</td>
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<tr>
<td>Increase/(Use) of Reserves</td>
<td>13,677</td>
<td>(77,067)</td>
<td>310,100</td>
<td>61,100</td>
<td>60,100</td>
<td>59,100</td>
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<td>59,100</td>
<td>59,100</td>
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<tr>
<td>Ending Balance</td>
<td>753,132</td>
<td>676,066</td>
<td>706,166</td>
<td>767,266</td>
<td>827,366</td>
<td>886,467</td>
<td>945,567</td>
<td>1,004,667</td>
<td>1,063,767</td>
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<tr>
<td>Target Minimum Balance</td>
<td>350,000</td>
<td>350,000</td>
<td>350,000</td>
<td>350,000</td>
<td>350,000</td>
<td>350,000</td>
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<td>Meets Target?</td>
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<td>ok</td>
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<tr>
<td>Bottom Line for Emergency</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
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<tr>
<td>Available from Sewer CIP Fund</td>
<td>403,132</td>
<td>326,066</td>
<td>356,166</td>
<td>417,266</td>
<td>477,366</td>
<td>536,467</td>
<td>595,567</td>
<td>654,667</td>
<td>713,767</td>
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**Note:**
- Total Project $913,000
- Total Project $411,000
- Constr $2,943,000+ $5,000,000
- All other CIP to be added
- CIP beyond 2014 not included
- Prim. 2016-30 - bond reserve $65,597
- $350,000 Reserves

**Comparison:**
- **Sewer Capital Improv Fund 403**: 753,132
- Target Minimum Balance: 350,000
- Bottom Line for Emergency: 250,000
- Available from Sewer CIP Fund: 403,132

**Total Revenue:** 653,514

**Total Expenditures:** 639,837

**Increase/(Use) of Reserves:** 13,677

KI&A City of Everson Sewer Rate Outlook DRAFT 10-28-14, Page 3
<table>
<thead>
<tr>
<th>CONSTRUCTION PROJECT DETAILS</th>
<th>TOTAL</th>
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<tr>
<td>Move Effluent Outfall</td>
<td>913,000</td>
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<tr>
<td>WWTP Improvements</td>
<td>4,077,000</td>
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<tr>
<td>Preconstruction</td>
<td>411,000</td>
</tr>
<tr>
<td>Construction</td>
<td>3,387,000</td>
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<tr>
<td>EPS Rehab</td>
<td>279,000</td>
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City fund thru PWTF Precon loan; Nooksack fund with cash payment to City.

Nooksack total for 4 projects = 1,519,417

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<td>Pump Station #8</td>
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<td>Pump Stations #8,6,7</td>
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<td>Pump Station #4</td>
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<td>169,000</td>
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<td>Emergency Generators on all PS</td>
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<td></td>
<td></td>
<td>710,000</td>
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<td>Total Additional CIP</td>
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<td>169,000</td>
<td>710,000</td>
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<td>1,719,000</td>
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<td>$47,713</td>
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<td>*Six-Year assumes debt pymt in year after borrow</td>
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<table>
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<th>Estimate New Debt Payments for Additional CIP</th>
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<td>Years</td>
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<td>Estimated New Debt Payment for CIP*</td>
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<tr>
<td>estimated impact on rates - %</td>
<td>1.5%</td>
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<td>estimated impact on rates - $</td>
<td>$0.06</td>
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<tr>
<th>Combine Operation, WWTP &amp; Additional CIP</th>
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<tr>
<td>Total estimated impact on rates - %</td>
</tr>
<tr>
<td>Total estimated impact on rates - $</td>
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<tr>
<td>Annual Change in Rates</td>
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| SUMMARY SEWER RATE OUTLOOK: |
|------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Monthly Sewer Rate Ordinance| $53.00 | $53.00 | $59.00 | $55.00 | | | | |
| Additional Change in Rates  | $1.73 | $5.53 | $3.94 | $0.56 | $1.57 | $2.14 | $0.60 | |
| Monthly Rates To Fund Program | $53.00 | $60.73 | $70.53 | $74.47 | $75.03 | $76.60 | $78.73 | $79.33 |

Ki&A City of Everson Sewer Rate Outlook DRAFT 10-28-14, Page 4
ORDINANCE NO. 673


WHEREAS, the City of Nooksack provides water and sewer utility services to residences, businesses and other customers located within the City and its designated water and sewer utility service areas; and

WHEREAS, increasing costs associated with the operation and maintenance of the City’s water and sewer utility facilities and related infrastructure have resulted in the City’s need to increase the rates charged to customers for water and sewer services; and

WHEREAS, costs associated with planned major upgrades to the Everson Wastewater Treatment Plant that serves the City of Nooksack have resulted in the City’s need to increase the sewer connection charges applicable to new development within the City; and

WHEREAS, the Nooksack City Council finds that many senior households are on fixed incomes and, therefore, it is in the public interest not to increase the rates charged to certain low-income, senior households for water and sewer utility services; and

WHEREAS, a duly advertised public hearing was held on May 5, 2014 to consider proposed increases to City water and sewer utility rates and sewer connection charges where opportunity for public comment was provided and public testimony was received; and

WHEREAS, following the closing of the public hearing, the Nooksack City Council has determined that increasing the rates charged for water and sewer utility services and increasing the rates charged for connection to the City’s public sewer system are necessary and in the public interest; now, therefore,

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, as follows:

SECTION 1: Nooksack Municipal Code Section 13.01.070 is hereby amended to read as follows:

13.01.070 Rates – Water. The rates charged for water shall be as follows:
A. Retail customers (per month):

Basic rate for first 7,500 gallons
(per dwelling unit) $33.08
Basic rate-senior for first 7,500 gallons
For senior households (aged 65 or
older) with documented total
household incomes less than
$25,000 per year $30.25

Each additional 1,000 gallons or
portion thereof up to an
additional 10,000 gallons $3.77
Each additional 1,000 gallons or
portion thereof above the
first additional 10,000 gallons $4.72

B. Wholesale customers (per purchase):

Each 1,000 gallons or portion thereof
plus a $20.00 service charge $5.66

SECTION 2: Nooksack Municipal Code Section 13.30.0210 is hereby amended to read as follows:

13.30.0210 Rates - Sewer. The following rates shall be charged monthly to customers of the
Nooksack Sewer Facilities:

A. Residential Premises:
1. Single family dwellings $50.88
2. Multi Family Dwellings $50.88
   (per dwelling unit)
3. Single family - Senior $45.22
   For senior households (aged 65 or
   older) with documented total
   household incomes less than
   $25,000 per year

B. Churches/Non-Profit Organizations $50.88

C. Schools, Commercial, Business and
   Professional Premises
   1. Basic Charge $50.88
2. In addition to the basic charge, an additional $6.60 for each 1,000 gallons, or portion thereof, of water usage in excess of 7,500 gallons per month.

SECTION 3: Nooksack Municipal Code Section 13.30.0209 is hereby amended to read as follows:

13.30.0209 Sewer Connection Charge. Each connection shall be subject to a sewer connection charge of SEVEN THOUSAND DOLLARS ($7,000.00) per dwelling unit for residential structures and units, and SEVEN THOUSAND DOLLARS ($7,000.00) per business occupant for non-residential structures and uses, including where such uses are located in structures containing both residential and non-residential uses; PROVIDED, that a home-based business shall not require a separate connection; and PROVIDED further that the number of business occupants for any non-residential structure shall be deemed to be one-half (1/2) of the number of water closets/urinals in said structure, with fractional units being rounded up to the nearest whole number.

SECTION 4: Repealer. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5: Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance, and each section, subsection, sentence, clause or phrase thereof, separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

SECTION 6: This Ordinance shall take effect and be in force from after five (5) days after passage, approval, signing, and publication/posting, as provided by law. This utility rates and connection charges established through this ordinance shall become effective on July 1, 2014.

PASSED by a majority of the whole membership of the City Council of the City of Nooksack, Washington, and there signed and approved by its Mayor, at a regular meeting of said Council held this 17th day of May, 2014.

CITY OF NOOKSACK, WASHINGTON

[Signature]

JAMES S. ACKERMAN, Mayor
ATTEST:  

[Signature]

VIRGINIA ARNASON, City Clerk

APPROVED AS TO FORM:

[Signature]

THOMAS H. FRYER, City Attorney
Notes of EDI Board Meeting

January 28, 2015, 9:00 a.m.

Board Members present at Meeting:  
Jack Louws, County Executive  
Michael McAuley, Port of Bellingham  
Jim Kyle, Fishing Industry  
Kelli Linville, Mayor, City of Bellingham  
Aubrey Stargell, Timber Industry  
Bob Bromley, Mayor, City of Sumas

Board Members absent:  
Carl Weimer, County Council Chair  
Jeff Kochman, NWEC  
Scott Korthuis, Mayor, City of Lynden  
Stephen A. Jones, Agricultural Industry  
Guy Occhiogrosso, Chamber of Commerce  
David Franklin, At-Large  
Jeff McLure, PUD #1

Staff present:  
Suzanne Mildner (Board Clerk, Executive Office)

Guests present:  
Dodd Snodgrass and Rob Fix from the Port of Bellingham;  
Jim Ackerman, Mayor, City of Nooksack, and Rollin Harper, for City of Nooksack  
Dean Fearing and Erin Bren, from Kulshan Community Land Trust

1. Welcome and Introductions  
Board Chair, Executive Jack Louws called the meeting to order and introductions were made.

2. EDI Fund Review – Status as of 11/30/14  
A review of the Public Utilities Improvement/EDI Fund was given as of 11/30/14. Executive Louws briefly went over the revenues, expenditures and commitments noted on the spreadsheet. Annual revenues for 2015 are expected to be approximately $3-million. The current commitments section on the spreadsheet was reviewed. It was noted that the PUD #1 Broadband project might possibly be canceled, thereby eliminating this commitment. More details are needed from the PUD, however.

There were a few questions and clarifications made regarding the receipt of loan payments and interest, additional tax revenue coming in, and the adjusted fund balance total by year end. Executive Louws confirmed that the fund, although somewhat low, has a sufficient amount to accommodate the amount being requested in the next agenda item should the board decide to approve it.

3. Supplemental Application from City of Nooksack  
Executive Louws introduced the Supplemental Application from the City of Nooksack, noted that it has been reviewed by the EDI Technical Advisory Committee, and asked Ms. Mildner what their recommendation was. Ms. Mildner confirmed that the TAC stands by its previous review and they continue to support this project now, moving the supplemental request forward for EDI Board consideration. Executive Louws then invited Rollin Harper to address the board. Mr. Harper spoke about the wastewater treatment plant upgrade project, and explained that since the original project proposal and funding was approved, the total project costs have gone up by $1.3-million (a 50% increase). He explained the main reasons for the increase, being primarily design and construction costs and regulatory environmental requirements.

Nooksack is responsible for 1/3 of the cost increase, which is over $430,000 in additional funds. The city has some reserves, and can contribute approximately $250,000 to these costs, which leaves approximately $180,000 for which they are seeking EDI money. This results in an
increase in the local match on this project: now over 25%. Mayor Ackerman said he was reluctant to come back to the EDI Board for this, however he is committed to not depleting the city's reserves – some money must be left there in the event of unforeseen emergencies. The $180,000 request would be divided as follows: $120,000 loan and $60,000 grant. Discussion continued briefly, and a few board members expressed their support for the proposal. Executive Louws noted that two absent board members sent in emails expressing they were in favor of the proposal: Stephen Jones and Mayor Korthuis. He then expressed his support and called for a motion. Mayor Linville moved to approve additional EDI funding to the City of Nooksack in the amount of $180,000 as recommended by the EDI Board, and to authorize the County Executive to amend the Interlocal Loan and Grant agreement with the City of Nooksack (contract #201309004) to reflect the additional monies. The motion was seconded by Mayor Bromley. **A vote was taken and the motion passed unanimously 6-0.** Since 6 board members do not constitute a quorum (7 is quorum), Executive Louws directed that the recommendation be forwarded to the County Council along with the two emails of support from absent board members.

4. Other Business
Executive Louws introduced Dean Fearing from Kulshan Community Land Trust, saying he had been approached by KCLT with a request for payment of retroactive impact fees for an affordable housing project that they had acquired. Mr. Fearing thanked Executive Louws for providing the opportunity to address the board. He explained that KCLT has previously applied for and received loans from the EDI Low Impact Fee Loan Program. Today he is here to talk about another affordable housing project, McKenzie Green Commons in Fairhaven, involving a project for 12 homes targeted to seniors, 5 of which are designated for low income. KCLT was offered the property as a donation from a developer who had started work on the project but walked away due to financing problems. KCLT has acquired the property and will complete this project. Impact fees had already been paid, and he is requesting that they be reimbursed through the EDI Low Impact Fee Loan Program. This request refers to the impact fees for just 5 (out of 12) homes that are designated for low income families, in the approximately amount of $59,000. There was discussion surrounding the eligibility and wisdom in allowing payment retroactively, however both Executive Louws and Mayor Linville indicated that so long as the project itself qualifies and there has been no building permit issued yet, they believe this project would qualify for the program. Executive Louws recommended that Mr. Fearing submit more financial information on the project, and then prepare an application and submit it to City of Ferndale, who administers the program.

There being no further business, the meeting adjourned at 10:13 a.m.

**NEXT MEETING DATE: TBD**

Respectfully Submitted,
Suzanne Mildner,
Clerk, EDI Board
Whatcom County Executive Office
Suzanne Mildner

From: Stephen Jones <StephenJones@umpquabank.com>
Sent: Wednesday, January 14, 2015 10:23 AM
To: Suzanne Mildner
Subject: RE: Meeting of County EDI Board called

Suzanne:

Thanks for the opportunity to comment on this application in my absence from the meeting. You have to know I am a bit biased on this application since I live in the small City of Nooksack. The sewer project is a necessary component for any growth and development in the two small cities of Everson and Nooksack. The cities and the project have the disadvantage of coping with a changing regulatory and engineering/cost environment. I think it only makes sense for the County to continue to participate in this important project and approve the supplemental request for the City of Nooksack. Nooksack could fund the increase from its' own cash but would them deplete its reserves to a point of having little contingency for any changes in the project or future repairs and replacements.

Sincerely,

stephen jones
avp, store manager
lynden
nmls #730827
umpqua bank
office: 360-354-7500
Web | Facebook | Twitter

From: Suzanne Mildner [mailto:SMildner@co.whatcom.wa.us]
Sent: Wednesday, January 14, 2015 8:49 AM
To: Stephen Jones
Subject: RE: Meeting of County EDI Board called

Thank you for getting back to me so quickly. Since you cannot attend the meeting, Executive Louws would appreciate you forwarding any thoughts or comments you may have regarding this supplemental application from Nooksack.

Suzanne;

Suzanne Mildner
Administrative Secretary/Grant Coordinator
Whatcom County Executive Office

(360) 676-6717, ext. 50118

From: Stephen Jones [mailto:StephenJones@umpquabank.com]
Sent: Tuesday, January 13, 2015 4:56 PM
To: Suzanne Mildner
Subject: RE: Meeting of County EDI Board called

Susanne:

I am unable to attend, I am in Seattle all day that day.
Suzanne Mildner

From: Scott Korthuis <KorthuisS@LYNDENWA.ORG>
Sent: Friday, January 23, 2015 3:04 PM
To: Suzanne Mildner
Cc: Jack Louws
Subject: RE: EDI Board Meeting set for 1/28/15 at 9:00 a.m.

Suzanne,

I have reviewed the documents associated with Nooksack’s request. I was in favor of the first loan/grant request. Now that the costs have increased, I would also be in favor of this request.

Best regards,

Scott Korthuis
Mayor

City of Lynden
300 Fourth Street
Lynden, WA 98264
360-354-5026
korthuis@lyndenwa.org

From: Suzanne Mildner [mailto:SMildner@co.whatcom.wa.us]
Sent: Friday, January 23, 2015 2:34 PM
To: Arden Landry; aubreys@nielsenbrothers.net; Bob Bromley; Bob Wilson; Dan Robbins (danr@portofbellingham.com); David Franklin; Dewey Desler; Diane McClain; Dodd Snodgrass; Guy Occhiogrosso; Jack Louws; Jeff Kochman (jkochman@barklevillage.com); Jeff McClure; Jim Kyle; Kelli Linville; Michael McAuley; Paul Schissler; Scott Korthuis; Sophia Blamey; Steve Jilk; Steve Jones; Suzanne Mildner; Tawni Helms; Carl Weimer
Cc: Jim Ackerman; Rollin Harper
Subject: EDI Board Meeting set for 1/28/15 at 9:00 a.m.

Good Afternoon,

This is a reminder to EDI Board members that the next meeting of the board will take place on Wednesday, January 28th, 2015 at 9:00 a.m. in the County Courthouse, Conference Room 514 (5th Floor).

On January 13th the City of Nooksack’s supplemental application was sent to you. Now the following documents are attached for your review as well:
   1) Agenda;
   2) EDI Technical Advisory Committee (TAC) Assessment;
   3) Mr. Harper’s response to the TAC Committee’s Questions.

Please take a few moments to review these materials prior to the meeting. Copies will not be distributed at the meeting, so please print these documents and bring them along with you next Wednesday.

Let me know if you have any questions. Thank you.
Have a wonderful weekend!

Kind regards,
Whatcom County
Rural Sales Tax
Report as of 11/30/2014

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<th>2009</th>
<th>2010</th>
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<th>2012</th>
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<td>Sales Tax Revenue</td>
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<td>(2,867,602.33)</td>
<td>(3,048,640.15)</td>
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<td>(50,000.00)</td>
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<td>Loan Principal Payments</td>
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<td>Grant Expenditures (35%)</td>
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<th>Cash Balance Allocation</th>
<th>Sales Tax Revenue</th>
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<th>Balance</th>
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<td>11,197,209.67</td>
<td>50,000.00</td>
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<td>6,608,374.21</td>
<td>8,905,074.67</td>
<td>(2,296,700.46)</td>
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<tr>
<td>Grant Expenditures (35%)</td>
<td>13,494,670.54</td>
<td>7,166,994.26</td>
<td>-</td>
<td>6,327,676.28</td>
<td>5,757,750.00</td>
<td>569,926.28</td>
</tr>
<tr>
<td>Total</td>
<td>38,556,201.53</td>
<td>25,250,500.26</td>
<td>50,000.00</td>
<td>13,355,701.27</td>
<td>14,708,384.39</td>
<td>(1,352,683.12)</td>
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<tr>
<td>Principal/ Interest Payments</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,548,026.00</td>
<td>2,548,026.00</td>
<td>-</td>
</tr>
<tr>
<td>Adjusted Total</td>
<td>38,556,201.53</td>
<td>25,250,500.26</td>
<td>50,000.00</td>
<td>15,903,727.27</td>
<td>14,708,384.39</td>
<td>1,195,342.88</td>
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</table>

*Committed equals the total remaining commitments from the table below.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Approved</th>
<th>Capital Facilities Fund</th>
<th>Remaining Balances</th>
<th>Total Remaining Commitments</th>
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<tbody>
<tr>
<td>Data Center Generator &amp; UPS (332207)</td>
<td>245,000.00</td>
<td>45,559.72</td>
<td>-</td>
<td>45,559.72</td>
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<tr>
<td>Ferndale Affordable Housing (332213)</td>
<td>1,225,000.00</td>
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<td>710,074.67</td>
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<td>POB ED Consortium (332219)</td>
<td>397,500.00</td>
<td>-</td>
<td>-</td>
<td>343,750.00</td>
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<tr>
<td>PUD I-Broadband</td>
<td>217,500.00</td>
<td>-</td>
<td>-</td>
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<td>Nooksack Wastewater Plant Upgrade (332226)</td>
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<td>520,000.00</td>
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<td>City of Lynden-Water Treatment Plant (332227)</td>
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<td>4,000,000.00</td>
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<td>COB Stormwater Project (332228)</td>
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<td>1,675,000.00</td>
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<td>POC C Street Terminal</td>
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<tr>
<td>COB Waterfront Project</td>
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<td>-</td>
<td>1,100,000.00</td>
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<td><strong>Totals</strong></td>
<td><strong>15,465,000.00</strong></td>
<td><strong>45,559.72</strong></td>
<td><strong>8,905,074.67</strong></td>
<td><strong>5,757,750.00</strong></td>
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<tr>
<td>Cost Center</td>
<td>Description</td>
<td>Type of Activity</td>
<td>Total Committed</td>
<td>Actual 2011</td>
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<tr>
<td>------------</td>
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<td>332109</td>
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<td>332200</td>
<td>CH Remodel - 2nd Floor</td>
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<td>Hannegan Rd Signalization</td>
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<td>332204</td>
<td>Williamson Way</td>
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<td>332206</td>
<td>Eval Surv Chw Clr Bldg</td>
<td>Capital Facilities</td>
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<td>332207</td>
<td>Data Center Generator &amp; UPS</td>
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<td>245,000.00</td>
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<tr>
<td>332208</td>
<td>should be cc 332207?</td>
<td>Capital Facilities</td>
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<td>Capital Facilities</td>
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<td>332225</td>
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<td>332245</td>
<td>One Stop Shop</td>
<td>Capital Facilities</td>
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<td>332247</td>
<td>Sm Business Divpnt Council</td>
<td>Capital Facilities</td>
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<td>Masters Facilities Planning</td>
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<td>332260</td>
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<td>Capital Facilities</td>
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<tr>
<td>332261</td>
<td>CH Retunda Roof Replacement</td>
<td>Capital Facilities</td>
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<tr>
<td>332262</td>
<td>CH 2nd Floor Roof Replacement</td>
<td>Capital Facilities</td>
<td>165,000.00</td>
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<td>332264</td>
<td>CH 1st Floor Carpet Replacement</td>
<td>Capital Facilities</td>
<td>12,112.07</td>
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<td>332405</td>
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<td>Capital Facilities</td>
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<tr>
<td>332406</td>
<td>Innovation Resource Center</td>
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<td>Total Capital Facilities</td>
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<td>5,237,142.00</td>
<td>4,965,762.64</td>
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<tr>
<td>CLEARANCES</td>
<td>Initial</td>
<td>Date</td>
<td>Date Received in Council Office</td>
<td>Agenda Date</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>--------</td>
<td>---------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Originator:</td>
<td>CT</td>
<td>1/13/15</td>
<td></td>
<td>2/10/15</td>
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<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>1-13-15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td>Jan 22, 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td>1/30/15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td>2/3/15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Residential Lease Agreement – 6176 Saxon Road

**ATTACHMENTS:** 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.)

Request authorization for the County Executive to enter into a residential lease agreement with Matthew Grund and Lauren Grund for the Nesset Caretaker house.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

** Originating Department:** Parks & Recreation  
** Contract or Grant Administrator:** Christ Thomsen  
** Contractor's / Agency Name:** Matthew Grund and Lauren Grund

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

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

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

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

<table>
<thead>
<tr>
<th>Is this contract the result of a RFP or Bid process?</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ◯ No □</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If yes, RFP and Bid number(s):</th>
<th>Cost Center:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this agreement excluded from E-Verify?</th>
<th>No □ Yes ◯</th>
<th>If no, include Attachment D Contractor Declaration form.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ◯ No □</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If YES, indicate exclusion(s) below:

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

** Contract Amount:** (sum of original contract amount and any prior amendments):

<table>
<thead>
<tr>
<th>$485/month</th>
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</thead>
</table>

** This Amendment Amount:**

<table>
<thead>
<tr>
<th>$ ______</th>
</tr>
</thead>
</table>

** Total Amended Amount:**

<table>
<thead>
<tr>
<th>$ ______</th>
</tr>
</thead>
</table>

** Summary of Scope:** Residential lease agreement for the Nesset Caretaker house.

** Term of Contract:** Monthly  
** Expiration Date:** None

** Contract Routing:**

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

** Date:**

- 1/13/2015
- 1/30/15
- 1/14/15
- 1/30/15

** Last Edited 060414**
MEMORANDUM

TO: Jack Louws, Executive
FROM: Christ Thomsen, Parks Operations Manager
DATE: January 1, 2015
RE: Nesset Caretaker Residential Lease

Enclosed find two copies of a residential lease for the Nesset Caretaker house. This is a month to month lease for $485.00 per month.

Please contact me at 32073 should you have any questions or need additional information.

Thank you
RESIDENTIAL LEASE AGREEMENT
Whatcom County

THIS AGREEMENT, dated as of December 8, 2014, is made and entered into between WHATCOM COUNTY (PARKS AND RECREATION DEPARTMENT), a municipal corporation in the State of Washington, hereinafter referred to as "Landlord", and Matthew Grund and Lauren Grund hereinafter referred to as "Tenant".

In consideration of the covenants and agreements hereinafter set forth, Landlord does hereby lease to Tenant those certain premises situated at 6176 Saxon Road, hereinafter referred to as "Premises", a one-story, three-bedroom, two-bathroom dwelling, known as the Nisset Caretaker House,

on a month-to-month basis commencing on December 8, 2014 upon the terms and conditions in this Agreement.

It is agreed between the Landlord and all Tenants residing at the Nisset Caretaker House that this lease agreement is subject to Whatcom County Extra Help employment. Termination of employment or Notice of Separation of employment will also serve as immediate 20 Day notice of termination of this lease agreement to all tenants and/or notice to the County, per the lease agreement as described in section 8. Notices. This residence is situated on Public Park Property, and as such, all real property surrounding the residence may be utilized by the Public.

1. OCCUPANCY SHALL BE LIMITED to the following persons (adults and children).

Matthew Grund and Lauren Grund

Note: Landlord/agent must approve sublet of premises, or over-night visitors staying more than 7 consecutive days or a total of over twenty (20) days in any 12-month period.

Provision for pets/animals: One cat and one dog

Number of vehicles, make, model and license plate(s): 2 vehicles: Mazda Protegé, WA ANJ 5161, and a Jeep Wrangler, WA 628 ZKR

RV/Boats and license plate:

2. RENT: Rent is joint and several with all adult tenants. Tenant shall pay monthly rent of $485.00 in advance on or before the first day of each month to Landlord or to such other person(s) as Landlord from time to time designates in writing.

3. UTILITIES: paid by landlord (checked): electric, gas, water, sewer,

   garbage, (other) . Tenant must pay all other utilities; failure to promptly call in for service may result in a $35 charge. See Exhibit A for a list of utility providers if applicable.

4. SECURITY/Damage Deposit: Tenant shall pay a security/damage deposit in the amount of $485.00. Of this deposit, none shall be retained by Landlord as an automatic non-refundable cleaning fee. Upon termination of this tenancy, all or a portion of the remainder of this deposit may be retained by Landlord, and any refund to the Tenant is conditioned as follows:

   a. Tenant shall have fully performed the obligations hereunder and those set forth in the 1973 Residential Landlord-Tenant Act as amended, or as subsequently amended.

   b. Tenant shall have occupied the premises for a minimum of six months or longer.

   c. Tenant shall have returned to Landlord all keys provided during the tenancy. A charge of $10.00 will be assessed for each key not returned by Tenant.
d. Tenant shall have cleaned and restored premises to its original condition at commencement of this tenancy, except for normal wear and tear resulting from ordinary use. Cleaning shall include thorough commercial cleaning of all carpets.

e. Tenant shall have remedied or repaired to Landlord's satisfaction any damage to premises or furnishings.

f. Unpaid utilities which are billed to the County.

g. Within fourteen (14) days after termination of tenancy and vacation of the premises, Landlord will give Tenant a written statement of the basis for retaining any or all of the deposit together with the payment of any refund due.

Any refundable pre-paid rent shall first apply to final balances due landlord not covered by security fee. Refund checks void if not cashed or deposited within 90 days. For tenant-responsible damages or neglect during tenancy, costs may be deducted anytime from the security fee following 10-day written notice to cure, with 30-day deadline for tenant to replenish fee.

5. TENANT AGREES AND UNDERSTANDS: That any of said security / damage deposit may not be applied by the tenant toward rent at any time. Any security fee refund or shortage, as per itemized statement (or estimate), shall be processed between 2 and 14 days following rental agreement termination and vacation of premises. The security deposit is held in trust per RCW 59.18.270.

6. DELIVERY OF RENT AND Notices: All due on the first day of each monthly rental period, it is the responsibility of the tenant to mail/deliver rent payment (cash, check, money order/cashier check, at landlord/agent option; checks should be made payable to Whatcom County Parks and Recreation) to the following address or location: Parks Operations Manager, Whatcom County Parks & Recreation, 3373 Mt. Baker Highway, Bellingham WA 98226. Landlord/agent will not be responsible for any lost or missing cash payments not personally handed to landlord/agent. If by commencement date, tenant fails to call/show up, get keys, and pay all move-in money due, landlord/agent may immediately terminate agreement with no refunds.

7. LATE/NSF/DEFAULT RENT: Any rent due not paid by the 5th day of the monthly rental period is subject to a $75.00 late fee charge. Late fees assessed concurrent with rent due shall be considered rent as due. NSF checks shall be assessed $30.00 each. If tenant defaults in rent payment, is absent from the premises without notice, and there is reason or cause to believe tenant is terminating occupancy, the premises will be considered abandoned, entitling landlord or agent to post notice, take immediate possession, change locks, and store of any remaining items in a manner and time required by law.

8. NOTICES: Tenant shall give the landlord or agent at least 20 days’ written notice prior to the end of the rental period of intention to vacate the premises. (Shorter notices, or notices other than for the end of the period, require approval of landlord.) Landlord or agent may also give 20-day no-cause notice to tenant to terminate tenancy. Tenant shall, at the expiration of either notice, surrender the premises and keys to the landlord or agent in accordance with this agreement.

a. Maintenance & Showing: Except in the case of emergency or if it is impracticable to do so, following 48 hour landlord/agent notice, tenant shall allow access to unit at reasonable times. Tenant failure to so
honor access is cause to assess tenant for any service cancellation costs, and $100 per RCW 59.18.150(5).

9. **SIGNS/ACCESS:** Landlord/agent may enter yard and place/maintain business signs/postings (e.g. rent, lease, sale) on the premises as deemed necessary for business operations. Additionally, landlord or agent may enter the tenant’s premises for purposes of: (1) inspection; (2) cleaning, repairs or alterations; (3) other services; or (4) showing premises; *provided*, access is at reasonable times with proper notice (no notice required for emergency, end/term or abandonment). Tenant notice to vacate, or request for service or repairs, shall constitute tenant-approved notice of respective access by landlord or agent (in absence of tenant objection).

10. **PUBLIC SAFETY:** Dwelling is equipped with ___ hard-wired and/or ___ battery-operated smoke/heat detectors, and Carbon Monoxide (CO) alarms in working order. Maintenance of smoke detection devices and CO alarms, including the replacement of batteries when needed, shall be the responsibility of the tenant, who shall maintain the devices as specified by the manufacturer. Tenant is responsible to maintain the devices in working order and conduct a monthly check to determine that the devices are in working order. Tenant(s) failure to comply includes a $200 fine per RCW 43.44.110(4). *If any device is later found inoperable, landlord may charge tenant $50 compliance fee/each.* The tenant(s) must immediately notify the County if the tenant is unable to repair or determine if the smoke alarms or CO alarms are operable. If duplex, multiplex or apartment: the building has a sprinkler system ___ yes XX no; a fire alarm system ___ yes XX no. The building does have a no smoking within premises policy. Unless attached or noted the building does not have an emergency notification, relocation or evacuation plan for occupants. Tenant will not knowingly/freely give unit keys to outsiders, nor allow entry of any felon, law violator or repeat abuser without landlord written approval. Intentional and malicious property damage, impair, removal or deface by tenant is a criminal offense under 9A.52 RCW.

11. **Operable Fire Extinguishers are located in the following locations:** *Utility Room.* The tenant is required to check the fire extinguishers monthly to determine if they are fully charged. The tenant(s) must immediately notify the County if there is not a full charge or there is a need for repair or replacement.

12. **CHANGE IN TERMS OR RENT:** effective anytime upon written approval of all affected parties, *or upon 30 days written notice* by landlord/agent effective at the end of the corresponding rental month. All other provisions shall remain intact.

13. **INSURANCE/REPAIRS:** Tenant is not insured under Landlord’s insurance (*Landlord/agent is not responsible for damaged/missing tenant property*). Tenants should obtain insurance on their personal property to include theft, vandalism, pests, accident, storm, cold or heat, mold, flood, water, and electrical damages, as a minimum. (*Landlord/agent not responsible for damaged/missing tenant property.*) Landlord/agent will promptly respond to tenant written requested repairs, but will not be monetarily responsible for: (1) tenant disruptions or inconveniences during habitable periods of repair, drying, scheduling or bidding of same; (2) tenant/guest injuries incurred in or around obvious areas of maintenance, repair, or construction; nor (3) housing or other costs incurred by tenant during good-faith periods of landlord repairs or other activities.

14. **ATTORNEY’S FEES:** In the event suit shall be brought regarding the performance of the terms and provisions of this Agreement or because of a breach of any of Tenant’s obligations, then Tenant agrees to pay to
Landlord reasonable attorney's fees as authorized by RCW Chapter 59.18. Attorney's fees as required and/or allowed by law will apply equally to both tenant and landlord.

15. **PREMISES USE**: Tenant shall not use said or neighboring premises for any illegal purpose, or for any other purpose than that of a residence. No excessive traffic or visitors (e.g. more than 3-4 drive-ups or walk-ins per day) without landlord/agent approval. Tenant shall not allow entry of anyone in violation of court protection orders. Tenant to conform to all covenants, codes, statutes, ordinances; and landlord/agent rules regarding occupancy. Absolutely no unlawful drugs, excessive drinking, public disturbances, verbal abuse, spiteful threats, unauthorized pets/firearms/smoking on premises. Violations are cause for eviction.

16. **OPERATION, MAINTENANCE, STORAGE, ALTERATIONS TO PREMISES**: On a continuing basis, tenant agrees to:
   a. **Keep premises** in a clean, neat, and sanitary condition; **no parking**, storage or accumulation of debris on lawn or yard;
   b. **Dispose of** all rubbish, garbage, and waste in a clean and sanitary manner—at reasonable intervals—and assume all costs of extermination and fumigation for infestation caused by tenant; not feed straying pets or animals; not temporarily host pets;
   c. **Properly ventilate and operate** all electrical, gas, heating, plumbing, septic, facilities, fixtures, doors, windows, locks, and
   d. **No** portable kerosene/gas/incense burning; **keep** hot water tank at 120 degree maximum; all burning candles must be kept in a non-flammable container; all candles must be extinguished if tenant leaves the residence; no excessive odorous chemicals/sprays/vapors; **restrict** toilets to biological waste and tissue paper; keep drains clear;
   e. **No BBqs** or open fires in units or under eaves, canopies, balcony over-heads, in public areas, or under building structures or covers; *(Note: Carbon monoxide (CO) is a very poisonous combustion gas that cannot be seen or smelled, and can afflict or kill!)*
   f. **Pay for, replace or repair** in a landlord-approved manner, all items (including doors, windows, locks, smoke/heat/CO alarms) damaged or made inoperable during occupancy; **correct or repair** plumbing and fixtures clogged or broken by misuse or neglect; and where applicable, **use due precaution** against freezing or stoppage of water pipes in and around the premises;
   g. **Report all** plumbing/roof/water leaks, and all mold, code and other hazardous conditions to landlord/agent within 48 hours to avoid charges for inspections, presumptive damages, and increased utility fees caused by lack of timely reporting to landlord;
   h. **Not deface, damage, impair, or remove** any property, facilities, equipment, and appliances; **not install** TV/radio antennas, decorations, signs, postings, nor other equipment without landlord/agent approval except as authorized under FCC regulations; For any installations, landlord/agent may assess an added refundable $250 security fee to cover removal costs;
   i. **Not grow** medically-approved or other marijuana in or around the premises; **Limit supply** for own medical purposes per RCW 69.51A.040; **Not smoke/vaporize** same anywhere inside premises, nor in any unauthorized outside areas;
j. **Not make unauthorized alterations**, climb ladders/roofs, paint/wallpaper, change fixtures/locks, or run dangerous equipment; any alteration must be pre-approved in writing by the Parks Operations Manager or their designee.

k. **Not store non-operating vehicles**, nor boats, RV’s, motor cycles, trailers, firearms, equipment, tools, hazardous materials, liquids, paints, fuels/oils, chemicals, waste or non-using items **on premises** without landlord/agent approval; no waterbeds;

l. **Maintain reasonable peace and quiet** with other tenants/neighbors and pay for any caused damages therein; no fireworks; No disturbing TV’s, sound systems, musical instruments, or other disturbing activities; No fireworks of any kind.

17. **MOLD/LEAD PAINT**: Copy of State-approved mold information hand-out is provided per RCW 59.18.060(12). For pre-1978 housing, a federal-approved pamphlet on lead poison prevention is also provided. **BEWARE**: Touching, breathing or eating lead paint chips/construction dust can be hazardous to people...especially children!

18. **YARD/OUTSIDE PREMISES**: Where applicable (y/n) **YES**, tenant agrees to mow, water, weed, and maintain grounds in good condition (subject to any landlord specifics); and to keep own driveways, walks, porches, and garages clean and clear of obstructions, and pay costs of any used utility. Failure to comply following notice will result in charges to tenant for necessary remedy. Landlord/agent may reasonably enter yard/buildings without notice to service common areas and outside yard/structures. No trampolines, swimming pools, swing or climbing sets, or other such “attractive nuisances” without written approval of landlord/agent. Unauthorized parking, storage, or accumulation of waste may be assessed up to $10.00 per day per violation.

19. **FURNISHINGS PROVIDED**: Included (if checked) are **XX stove**, **XX refrigerator**, _drapes, XX shades, _curtains, _blinds_, and also the following:

20. **CONDITION REPORT UP-DATE**: Tenant to complete and return any/all condition report up-dates by 30 days of move in.

21. **DELIVERY OF POSSESSION**: If for any reason landlord or agent fails to deliver possession of these premises at the start of this agreement, rent shall be abated until tenant possession. All other aspects of this agreement shall remain in full force. In no event shall landlord or agent be liable for damages caused by failure to deliver possession of the premises. If possession is not given tenant within 7 days of the start date, tenant may terminate this agreement with full refund by giving written notice.

22. **EVICITION PURSUANT TO WRIT OF RESTITUTION**: Tenant(s) HEREBY OBJECTS to the storage of their personal property. Tenant(s) understand this will result in their property being placed on the nearest public right-of-way.

23. **RECEIPT OF MONEY PAID**: 1. Tenant has paid $**485** in _Check_ for security/damage deposit 2. Tenant has paid $__________ in ________ for rent covering period __________ through ______________.

In addition:
24. **TENANT’S DEFAULT AND LANDLORD’S RE-ENTRY:** The occurrence of any of the following constitutes a material default and breach of this agreement:
   a. Failure to pay rent.
   b. Failure to observe and perform any other required provisions of this agreement.
   c. Committing waste, maintaining a nuisance, being declared a sex-offender or convicted of a crime; tenants and or guests which cause law enforcement contact as a result of a violation of the law which results in an arrest.
   d. Landlord may terminate tenancy prior to the end of the agreement if Tenant receives three notices for “3-day pay or vacate” or three notices for “10-day comply-or-vacate” within a 12-month period.

25. **LANDLORD’S DUTY:** Landlord agrees to keep the shared and common premises clean and fit for human habitation and to comply with all state and local laws regarding maintenance and repair of the premises, unless otherwise agreed to in this agreement.

26. **OTHER CONDITIONS:** This agreement also is subject to these other conditions: (not applicable).
   a. **INSERT CONDITIONS SPECIFIC TO THE PARK/PROPERTY**

27. **NO WAIVER:** Failure of Landlord to insist upon the strict performance of the terms, covenants, agreements and conditions herein contained, or any of them, shall not constitute or be construed as a waiver or relinquishment of Landlord’s right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

28. **HOLD HARMLESS:** Tenants shall indemnify and hold Landlord harmless from claims of loss or damage to real and personal property and of injury or death to persons caused by the acts or negligence or wrongful acts of Tenants, Tenants’ family, guests, licensee or invitees. Tenants expressly releases Landlord from any and all liability for any loss or damage to property or effects arising out of water leakage, breaking in or theft, or other causes beyond the reasonable control of Landlord. There is no warrant that there will be no criminal acts or that Tenants will be free from the violent tendencies of third parties.

29. **JOINT AND SEVERAL LIABILITY:** It is understood and agreed that each party signing this Agreement as Tenant is liable for the full amount of rent provided therein. The obligation of Tenants is joint and several.

30. **SEVERABILITY:** The construction validity and effect of this Agreement shall be governed by the laws of the State of Washington. Any provision of this agreement prohibited by such laws shall be ineffective to the extent of such prohibition without invalidating the remaining provisions thereof.

31. **KEYS:** Two (2) keys will be provided at time of possession. Keys may not be duplicated or provided to other persons, nor locks replaced, without the permission of the Landlord.

32. **REPORT TO CREDIT/TENANT AGENCIES:** Tenants are hereby notified that a nonpayment, late payment or breach of any of the terms of this residential lease agreement may be submitted/reported to a credit and/or tenant reporting agency, and may create a negative credit record on your credit report.

33. **ADDENDA TO AGREEMENT:** The following Exhibits are attached: 1. Utility Contacts, 2. Mold and mildew addendum. 3. Condition of premises to be signed by tenant(s) and County. 4. Lead pamphlet. 5. Further Exhibits: none.
Tenants acknowledge that they have read this agreement and will abide by its terms and will comply with all rules and regulations adopted by Landlord.

Lauren Grund
Email: Lauren.m.inspire@gmail.com
Phone: 503.233.5525
Date: 1/14

Matthew Grund
Email: mattigrund@yahoo.com
Phone: 517-290-0732
Date: 01/14/15

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this 14th day of Jan., 2017, before me personally appeared Lauren Grund and Matthew Grund for me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledges that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 14th day of Jan., 2017.

Notary Public
State of Washington
KRISTI L CURTIN
My Appointment Expires Jul 13, 2015

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

Executed as of the date first written above.

LANDLORD

WHATCOM COUNTY

______________________________
Jack Louws, County Executive

STATE OF WASHINGTON)
COUNTY OF WHATCOM ) ss.

On this ___ day of _____, 2014, before me personally appeared JACK LOUWS, to me known to be the County Executive of WHATCOM COUNTY and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Given under my hand and official seal this ___ day of ______________, 2014.

______________________________
NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham
My Commission expires:

WHATCOM COUNTY PARKS & RECREATION

______________________________
Michael McFarlane, Director

APPROVED AS TO FORM:

______________________________
Deputy Prosecuting Attorney
EXHIBIT A

UTILITY CONTACTS / INFORMATION

1. Tenant must contact Puget Sound Energy at 888-225-5773 to set up an account (electric meter number is A959560999).
2. Tenant must set up garbage and recycling service with Sanitary Services Corporation at 360-734-3490.
3. Premises include a wood-burning stove; firewood may be collected on site from downed trees only with written approval from the Parks Operations Manager or his Designee.
Got Mold?
Frequently Asked Questions About Mold

What are molds?
Molds are tiny microscopic organisms that digest organic matter and reproduce by releasing spores. Molds are a type of fungi and there are over 100,000 species. In nature, mold helps decompose or break-down leaves, wood and other plant debris. Molds become a problem when they go where they are not wanted and digest materials such as our homes.

What makes molds grow in my home?
Mold enters your home as tiny spores. The spores need moisture to begin growing, digesting and destroying. Molds can grow on almost any surface, including: wood, ceiling tiles, wallpaper, paints, carpet, sheet rock, and insulation. The mold grows best when there is lots of moisture from a leaky roof, high humidity, or flood. There is no way to get rid of all molds and mold spores from your home. But you can control mold growth by keeping your home dry.

Can I be exposed to mold?
When molds are disturbed, they release spores into the air. You can be exposed by breathing air containing these mold spores. You can also be exposed through touching moldy items, eating moldy food or accidental hand to mouth contact.

Do molds affect my health?
Most molds do not harm healthy people. But people who have allergies or asthma may be more sensitive to molds. Sensitive people may experience skin rash, running nose, eye irritation, cough, nasal congestion, aggravation of asthma or difficulty breathing. People with an immune suppression or underlying lung disease, may be at increased risk for infections from molds.

A small number of molds produce toxins called mycotoxins. When people are exposed to high levels of mold mycotoxins they may suffer toxic effects, including fatigue, nausea, headaches, and irritation to the lungs and eyes. If you or your family members have health problems that you suspect are caused by exposure to mold, you should consult with your physician.

When is mold a problem?
You know you have mold when you smell the “musty” odor or see small black or white specks along your damp bathroom or basement walls. Some mold is hidden growing behind wall coverings or ceiling tiles. Even dry, dead mold can cause health problems, so always take precautions when you suspect mold.

Mold is often found in areas where water has damaged building materials and furniture from flooding or plumbing leaks. Mold can also be found growing along walls where warm moist air condenses on cooler wall surfaces, such as inside cold exterior walls, behind dressers, headboards, and in closets where articles are stored against walls. Mold often grows in rooms with both high water usage and humidity, such as kitchens, bathrooms, laundry rooms, and basements. If you notice mold or know of water damaged areas in your home, it is time to take action to control its growth.

When should I sample for mold?
You don’t need to sample for mold because in most cases you can see or smell mold. Even a clean, dry house will have some mold spores, but not enough to cause health problems. If you smell mold it may be hidden behind wallpaper, in the walls or ceiling or under the carpet. If you suspect you have hidden mold be very careful when you investigate, protect yourself from exposure in the same manner as you would for a clean-up.
What cleans up moldy furniture?
How to clean moldy furniture depends on how it reacts to water. See chart below:

<table>
<thead>
<tr>
<th>Reaction to Water</th>
<th>Items</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doesn’t absorb water and is washable.</td>
<td>Wood, metal, plastic, glass, and ceramics objects.</td>
<td>Wipe with a solution of lukewarm water and laundry detergent.</td>
</tr>
<tr>
<td>Absorbs water and is washable.</td>
<td>Clothes and bedding.</td>
<td>Wash in laundry.</td>
</tr>
<tr>
<td>Absorbs water but not washable.</td>
<td>Beds, sofas and other furniture.</td>
<td>These items may have to be discarded. Or, try to save by vacuuming well and allowing to air out. If there is no odor it may be okay. Mold can come back, so watch for any mold growth or mold related health problems. Discard the item if you suspect mold is growing inside or outside the item.</td>
</tr>
</tbody>
</table>

Should I paint over mold?
No. Don’t paint or caulk over mold. The mold will grow under the paint and the paint will peel.

Must landlords tell tenants about mold?
Yes! In 2005, the Washington State legislature approved Senate Bill 5049 which requires landlords to notify their tenants about mold. See our resources landlords can use to comply with this mold notification requirement at www.doh.wa.gov/ehp/ts/iaq/renter.htm.

Who are my local contacts for more information about mold?
In Washington, you can contact your county health department (www.doh.wa.gov/LHJMap/LHJMap.htm) for more information about mold. If you live outside of Washington State, try contacting your county or state health department (www.doh.wa.gov/Links/links2.htm#State).

Need more mold information?
- CDC has frequently asked questions, identifying mold problems and cleanup, and workplace resources at www.cdc.gov/mold.
- EPA offers resources for homeowners, schools, and building managers at www.epa.gov/mold.
- Northwest Clean Air Agency “Mold in Your Home” videos are available in English and Spanish at www.nwcleanair.org/aqPrograms/indoorAir.htm.
Simple Steps To Protect Your Family From Lead Hazards

If you think your home has high levels of lead:

◆ Get your young children tested for lead, even if they seem healthy.
◆ Wash children's hands, bottles, pacifiers, and toys often.
◆ Make sure children eat healthy, low-fat foods.
◆ Get your home checked for lead hazards.
◆ Regularly clean floors, window sills, and other surfaces.
◆ Wipe soil off shoes before entering house.
◆ Talk to your landlord about fixing surfaces with peeling or chipping paint.
◆ Take precautions to avoid exposure to lead dust when remodeling or renovating (call 1-800-424-LEAD for guidelines).
◆ Don’t use a belt-sander, propane torch, high temperature heat gun, scraper, or sandpaper on painted surfaces that may contain lead.
◆ Don’t try to remove lead-based paint yourself.
Are You Planning To Buy, Rent, or Renovate a Home Built Before 1978?

Many houses and apartments built before 1978 have paint that contains high levels of lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly.

OWNERS, BUYERS, and RENTERS are encouraged to check for lead (see page 6) before renting, buying or renovating pre-1978 housing.

Federal law requires that individuals receive certain information before renting, buying, or renovating pre-1978 housing:

LANDLORDS have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure about lead-based paint.

SELLERS have to disclose known information on lead-based paint and lead-based paint hazards before selling a house. Sales contracts must include a disclosure about lead-based paint. Buyers have up to 10 days to check for lead.

RENOVATORS disturbing more than 2 square feet of painted surfaces have to give you this pamphlet before starting work.
Lead Gets in the Body in Many Ways

Childhood lead poisoning remains a major environmental health problem in the U.S.

People can get lead in their body if they:
- Breathe in lead dust (especially during renovations that disturb painted surfaces).
- Put their hands or other objects covered with lead dust in their mouths.
- Eat paint chips or soil that contains lead.

Lead is even more dangerous to children under the age of 6:
- At this age children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.

Lead is also dangerous to women of childbearing age:
- Women with a high lead level in their system prior to pregnancy would expose a fetus to lead through the placenta during fetal development.
Where Lead-Based Paint Is Found

Many homes built before 1978 have lead-based paint. The federal government banned lead-based paint from housing in 1978. Some states stopped its use even earlier. Lead can be found:

◆ In homes in the city, country, or suburbs.
◆ In apartments, single-family homes, and both private and public housing.
◆ Inside and outside of the house.
◆ In soil around a home. (Soil can pick up lead from exterior paint or other sources such as past use of leaded gas in cars.)

Checking Your Family for Lead

To reduce your child’s exposure to lead, get your child checked, have your home tested (especially if your home has paint in poor condition and was built before 1978), and fix any hazards you may have. Children’s blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect high levels of lead. Blood tests are usually recommended for:

◆ Children at ages 1 and 2.
◆ Children or other family members who have been exposed to high levels of lead.
◆ Children who should be tested under your state or local health screening plan.

Your doctor can explain what the test results mean and if more testing will be needed.
Checking Your Home for Lead

Just knowing that a home has lead-based paint may not tell you if there is a hazard.

You can get your home tested for lead in several different ways:

- A paint **inspection** tells you whether your home has lead-based paint and where it is located. It won't tell you whether or not your home currently has lead hazards.
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards.
- A combination risk assessment and inspection tells you if your home has any lead hazards and if your home has any lead-based paint, and where the lead-based paint is located.

Hire a trained and certified testing professional who will use a range of reliable methods when testing your home.

- **Visual inspection** of paint condition and location.
- A portable **x-ray fluorescence (XRF)** machine.
- **Lab tests** of paint, dust, and soil samples.

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency (see bottom of page 11) for more information, or call **1-800-424-LEAD** (5323) for a list of contacts in your area.

**Home test kits for lead are available, but may not always be accurate.** Consumers should not rely on these kits before doing renovations or to assure safety.
Reducing Lead Hazards In The Home

Removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

Always use a professional who is trained to remove lead hazards safely.

In addition to day-to-day cleaning and good nutrition:

- You can **temporarily** reduce lead hazards by taking actions such as repairing damaged painted surfaces and planting grass to cover soil with high lead levels. These actions (called “interim controls”) are not permanent solutions and will need ongoing attention.

- To **permanently** remove lead hazards, you should hire a certified lead “abatement” contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent removal.

Always hire a person with special training for correcting lead problems—someone who knows how to do this work safely and has the proper equipment to clean up thoroughly. Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Once the work is completed, dust cleanup activities must be repeated until testing indicates that lead dust levels are below the following:

- 40 micrograms per square foot (μg/ft²) for floors, including carpeted floors;
- 250 μg/ft² for interior windows sills; and
- 400 μg/ft² for window troughs.

Call your state or local agency (see bottom of page 11) for help in locating certified professionals in your area and to see if financial assistance is available.
Other Sources of Lead

- **Drinking water.** Your home might have plumbing with lead or lead solder. Call your local health department or water supplier to find out about testing your water. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might have lead in it:
  - Use only cold water for drinking and cooking.
  - Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.

- **The job.** If you work with lead, you could bring it home on your hands or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family’s clothes.

- **Old painted toys and furniture.**

- **Food and liquids stored in lead crystal or lead-glazed pottery or porcelain.**

- **Lead smelters** or other industries that release lead into the air.

- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture.

- **Folk remedies** that contain lead, such as “greta” and “azarcon” used to treat an upset stomach.
EPA Regional Offices

Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

EPA Regional Offices

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)
Regional Lead Contact
U.S. EPA Region 1
Suite 1160 (CPT)
One Congress Street
Boston, MA 02114-2023
(888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)
Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 209, Mail Stop 1225
Edison, NJ 08837-3679
(732) 321-6671

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, Washington DC, West Virginia)
Regional Lead Contact
U.S. EPA Region 3 (3WC03)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5000

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)
Regional Lead Contact
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
Regional Lead Contact
U.S. EPA Region 5 (DT-81)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-6003

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)
Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-7577

Region 7 (Iowa, Kansas, Missouri, Nebraska)
Regional Lead Contact
U.S. EPA Region 7
(ARTD-RALI)
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7020

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)
Regional Lead Contact
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6021

Region 9 (Arizona, California, Hawaii, Nevada)
Regional Lead Contact
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4164

Region 10 (Alaska, Idaho, Oregon, Washington)
Regional Lead Contact
U.S. EPA Region 10
Toxics Section WCM-128
1200 Sixth Avenue
Seattle, WA 98101-1128
(206) 553-1985
LANDLORD TENANT CHECKLIST (Option A)

This checklist is for record only and does not obligate the landlord/manager to make specified repairs.

Property Address__________________________________________________________

Landlord/Manager______________________________________ Date_____

### Living/Dining Room/Hallways

<table>
<thead>
<tr>
<th>Item</th>
<th>Condition Moving In</th>
<th>Condition Moving Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint/Caulking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walls/Ceilings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpet/Floors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Windows/Doors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drapes/Blinds</td>
<td></td>
<td></td>
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<tr>
<td>Light Fixtures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outlets/Fans</td>
<td></td>
<td></td>
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<tr>
<td>Fireplace</td>
<td></td>
<td></td>
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<tr>
<td>AC/Heating</td>
<td></td>
<td></td>
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<tr>
<td>Smoke/CO Alarms</td>
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</tbody>
</table>

### Kitchen/Utility/Other

<table>
<thead>
<tr>
<th>Item</th>
<th>Condition Moving In</th>
<th>Condition Moving Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refrigerator</td>
<td></td>
<td></td>
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<tr>
<td>Stove/Oven</td>
<td></td>
<td></td>
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<tr>
<td>Washer/Dryer</td>
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<td></td>
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<tr>
<td>Cabinets</td>
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<td></td>
</tr>
<tr>
<td>Paint/Caulking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceiling/Fans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microwave</td>
<td></td>
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<tr>
<td>Windows/Doors</td>
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<tr>
<td>Light Fixtures</td>
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<td></td>
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<tr>
<td>Stove Vent Fan</td>
<td></td>
<td></td>
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<tr>
<td>Sink/Drain</td>
<td></td>
<td></td>
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<tr>
<td>Disposal/Dishwasher</td>
<td></td>
<td></td>
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<tr>
<td>Counter Surfaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floors/Tile</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryer Vent</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Bedroom(s)/Recreation Room/Other

<table>
<thead>
<tr>
<th>Item</th>
<th>Condition Moving In</th>
<th>Condition Moving Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint/Caulking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceiling/Walls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpet/Floors</td>
<td></td>
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</tr>
<tr>
<td>Windows/Doors</td>
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<td></td>
</tr>
<tr>
<td>Curtains/Blinds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Fixtures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outlets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Conditioner</td>
<td></td>
<td></td>
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<tr>
<td>Smoke/CO Alarms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heating</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Bathroom(s)

<table>
<thead>
<tr>
<th>Item</th>
<th>Condition Moving In</th>
<th>Condition Moving Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Faucets/Shower/Tub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint/Caulking</td>
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**Other Comments:** (unusual odors, mold, leaking, condition of outside/yard, etc.)

### MOVE IN:

**Landlord** (sign/date @ move-in)

### MOVE OUT:

**Landlord** (sign/date move-out)

**Tenant** (sign/date @ move-in)

**At Landlord Option - Tenant** (sign/date move-out)

Provided as a public service by the Consumer Protection Division of the Washington Attorney General’s Office Oct 2004; revised 2013
Briefing relating to the 2016 Comprehensive Plan Update and Urban Growth Area Review process.

**ATTACHMENT:**

1. Cover letter

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to provide a briefing relating to the preliminary review schedule for 2015-2016.
January 27, 2015

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

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: 2016 Comprehensive Plan Update / UGA Review

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

In 2015, cities will make recommendations relating to growth allocations and UGA boundaries, an environmental impact statement (EIS) will be released, and the County Planning Commission will hold a series of meetings and issue recommendations relating to the Comprehensive Plan update and UGA review. County Council review of the Comprehensive Plan may commence in the fall.

In 2016, the County Council will hold a series of meetings and adopt Comprehensive Plan amendments, including any changes to UGA boundaries, by the end of June.

We would like to discuss the review schedule, including the time frame for issuing the draft EIS and final EIS, with the Council’s Planning and Development Committee on February 10.

Thank you for your consideration of this matter. We look forward to discussing the review schedule with you.
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 12:42 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(12:42:16 PM)

Present:  Barbara Brenner, Sam Crawford, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent:  None.

COMMITTEE DISCUSSION

1. DISCUSSION REGARDING COUNTY COUNCIL’S PROPOSAL TO ADD A POLICY ANALYST TO ITS STAFF IN 2015 (AB2014-205B)

Weimer stated there is some question about what the Council wants to do with this position, which will be funded in the upcoming budget.

Crawford stated he has concerns and read notes into the record. He referenced County Charter Section 1.50 and 2.24 and stated maintain those sections of the Charter. The Council’s hiring of the past policy analyst resulted in over-integration between the Council Office and the County Planning Department, moving the County toward a more land use restrictive and regulatory environment based on personal agendas and preferences of councilmembers and staff members. The Council provides budget authority for the Executive to allow additional staffing resources within his staff, which could provide research and information on complex issues. The Charter is designed to achieve a citizen-driven result in laws and regulations. It should discourage top-down regulatory efforts by elected activists under the banner of leadership. The regulatory actions of the Council majority, regardless of political persuasion, are preceded by an extensive and deliberative process of analysis and establishment of fact. An arms-length relationship between the Council and the Planning Department is vital to ensure any specific proposal or change is informed by appropriate impartial review and rigorous debate. In the past, the hiring of a Council analyst created a process of cross-information and influence between the Planning Department staff and legislative body, resulting in an unclear haze of policy initiation and implementation. The Planning Director at that time left Whatcom County employment and began constant litigation, which resulted in hundreds of thousands of dollars of cost to the citizens of Whatcom County. He remains wary of the return of this position. He does not support the position.
Brenner stated now is not the time to hire a new position, due to the budget. They are asking for a bond for the jail and other things. Show restraint. She doesn't support hiring this position.

Browne stated he’s not clear what they are going to do with this position. Be clear about how to allocate the person’s time equitably.

Mann stated he’s not sure the existence of the position is the problem. The management or Council direction of that position may have been the problem. The Council does need the position now. It’s the right time. It’s important for the Council to have an independent, professional analyst that works for the County Council. It will be helpful with budget, legal, and policy issues that are generally fraught with legal peril. He will support the position because it would be great to have professional help for all three of those issues. The original management process required the Council to choose topics and vote to allocate the analyst’s time. This position is independent of the administration, and the Council can allocate the person’s time as is best. Any of the proposed job descriptions are fine, as long as there is expertise in budget and finance issues and in land use and legal issues.

Kremer stated he would like some historical background on this position. The Council’s legislative analyst on staff in the late 1990’s worked with his administration when he was elected Executive.

Dana Brown-Davis, Clerk of the Council, described the history of the position’s responsibilities.

Brenner stated the Council hired that legislative analyst for the same reasons they are discussing today. It’s not appropriate now.

Crawford stated the person who held this position most recently facilitated a meeting with three councilmembers and the Planning Department Director to promote and advocate for adopting an ordinance in direct conflict with State vesting laws. Legal counsel strongly advised against the proposal for a number of reasons. The position can be formed with the best of intentions and remain objective, but the position can become agenda- and staff-driven. The Council must operate separately from staff and not report to staff.

Weimer stated he supports hiring a staff person. Make sure the position responsibilities are clear. The position can maintain the County’s separation of powers. The Council can benefit from conversations and research about what other counties do. Also allow the staff person to do independent analysis of budget proposals, as the first legislative analyst did. The most recent legislative analyst did not have a very high regard of the Planning Director in the beginning. The process required a super-majority of the Council to do any major work.

Buchanan stated he supports the position. The Bellingham City Council hired a policy analyst in 2008 or 2009. There was a lot of communication with the analyst, and they were able to keep it from becoming political. Approval of the workload by a supermajority is a good idea, because it represents better what issues the Council wants researched. Have clear communication with the individual. Have a deliberate management process by the Council chair, making sure the Council’s intent is followed.
Browne stated the person’s analysis shouldn’t be the default position of the Council. He appreciates the diversity of all opinions. If there is a clear job description and chain of command, he would support the position.

Crawford asked if the Council already agreed on hiring this position.

Jack Louws, County Executive, stated the Council recommended that the upcoming budget include the position at the budget work session. He included it in the budget proposal.

Brown-Davis stated the Council directed her to include the request in the budget.

Crawford stated he would like to create a record of who supports the position.

Jack Louws, County Executive, stated a clear job description is important. The administration is committed to providing in-depth information that a majority of the Council requests. Any legal review of issues should be done by the Prosecutor’s Office.

Crawford moved to reconsider the June 17, 2014 vote to hire the person.

The motion to reconsider failed by the following vote:

Ayes: Brenner and Crawford (2)

Nays: Mann, Weimer, Kremen, Browne and Buchanan (5)

Kremen stated they must pay close attention to the job description that is developed for this position. The job should not be turned into a political position.

Weimer asked to receive a copy of the last job description for the position.

Kremen stated don’t include the word ‘planning’ in the job title. It should address all issues and anything that comes to the Council. This Council is likely to deal with one of the most controversial and complex issues for several years. This is why they can’t rely just on current staff. It will require a lot of late work and research that the Council can’t get devoted to them from the existing staff in the Executive branch. Don’t make the qualifications for the person being considered planning-centric. It should be a legislative policy analyst that deals with more universal issues.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 1:18 p.m.

The Council approved these minutes on ______________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(9:35:11 AM)

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

Absent: Sam Crawford.

COMMITTEE DISCUSSION

1. ORDINANCE ADOPTING THE 2015-2016 WHATCOM COUNTY BUDGET (AB2014-205C)

Introduction

Jack Louws, County Executive, stated staff have worked since June to present this budget. He thanked his staff. The County’s financial outlook is better than it was two years ago. There are improvements in the construction market and sales tax revenues. The County has been awarded State grants they haven’t had during the last two years. In the last two years, elected officials, department heads, and managers have kept an eye on the bottom line, created efficiencies, and delivered a larger ending balance that allows the administration to take care of capital projects and reserve money for employee raises and improving information technology services.

They adhered to guidelines carefully. The ending balance for both years is approximately $11 million. They anticipate new hires for the water action plan, facilities staff to work on capital projects, the fourth superior court judge and support staff, and various other positions for onsite sewage services and a Planning and Development Services Department inspector. They have the revenue to do that within existing funds.

A highlight is the money to fully implement the new mental health court. They will also ask for permission to put a significant amount of money into technology over the next two years. They’ve divided the technology projects into criminal justice projects and land use/geographic information system (GIS) projects. Department collaboration is critical to make sure money is spent with an eye to the future, servicing the County’s customers, and increasing efficiency. The budget will include capital projects.
A challenge is paying for the emergency medical services, including the ongoing operation of the advanced life support (ALS) system. Another challenge is hiring experts for the assessment and legal responsibility related to the British Petroleum (BP) and Phillips 66 property valuation situation. That cost could get considerably more than the budgeted $100,000. In fairness to all taxpayers, the County must be involved and make sure the major industries are assessed fairly. Now the tax shift estimate is $5 million. For the sake of the taxpayers, get the proper appraisals done, be involved, and make sure everything is done fairly. It could cost up to $250,000 in the next two or three years. The Assessor put a modified rate into the property tax assessment, which they’ve built into the budget. The amount in the budget now will work for the next couple of years. If the companies challenge the assessment, there is a point when penalties will be assessed. It’s in their best interest to get through it.

This budget will provide a stable work force, is balanced with adequate reserves in all funds, has no new taxes, has a strong investment in technology for improved efficiencies and customer service, and invests in existing infrastructure for future generations.

Brenner stated she would like information on the total amount of all the additional budget requests for 2013-2014 and some details on the unemployment rate of 5.3 percent. She asked what that does and doesn’t include, such as whether they count people who aren’t looking for jobs. She would like wage information, also.

Cooperative Extension

Drew Betz, Cooperative Extension, stated the main budget change is the increase they requested for professional services, which brings them up to the recommended contribution amount for support and faculty salaries. They haven’t had a pay raise from the County since 2008. Another increase is to the master composter program. It adds money from solid waste for composting education. They no longer have a separate master composter coordinator. They are training more people who are already in the system. There are about 150 active master gardeners to educate the public on home composting. There is an increase in the strengthening families program to offer ten programs annually, four of which are bilingual Spanish classes. Another significant change is how they’re funding basic programming, which is coming from the flood fund. They have not had any support for local travel for the four professional program leaders since 2008. They’ve added $10,000 for mileage to go around the county. They’ve been paying it privately or from other grants. It’s nice to add back in the support they need.

Weimer stated he’s glad to get the reimbursement rates to where they’ve been requested. The Health Department is updating the Solid Waste Comprehensive Plan. He asked if Cooperative Extension is helping with that update.

Chris Benedict, Cooperative Extension, stated they will have that discussion as the program shifts to the Health Department. They are aware of the plan. This year they will assess what county residents are doing in terms of composting.

Brenner asked about the master recycler program. Benedict stated they don’t do that program. They will use the existing volunteers for outreach and education for recycling. Training will be part of the master gardener program. Staff will rely on those volunteers.
Kremen stated Cooperative Extension provides an impressive amount of services around the county with its limited staff. He appreciates the County’s partnership with Washington State University (WSU).

District Court and District Court Probation

Bruce Van Glubt, District Court, described what the District Court program does. The staff strive to provide high quality customer service. They try to answer all phone calls rather than sending them to voice mail. They process thousands of cases and coordinate all jury services for the County and City. They now do a better job coordinating front desk coverage and cashier services. They coordinated front desk coverage and cashier stations with the courtroom activity. They have a mediation option for small claims court litigants. The Whatcom Dispute Resolution Center is onsite for every small claims court hearing, to allow people to decide to resolve the problem that way. The court allows an online infraction payment option.

His additional services request (ASR) is to install more seating in the hallways for the many people who are waiting for their cases. The courtrooms are too full for everyone to sit in. The judges are interested in resolving the seating issue. A second ASR is a bursting machine that separates forms printed on a continuous paper feed. The current equipment has gone beyond its life span. The machine costs $9,000. It is an essential piece of equipment. They've been without one for six or seven weeks, and it is physically demanding on staff.

Regarding the budget, revenue and case filings are down about eight percent from last year for various reasons. Expenses are doing well. They are up slightly from last year due to a high number of interpreter cases, which is a mandated service, and the two extra pay periods per year.

Goals for next year include a transition to a new credit card vendor; finishing review of all policies and procedures, and posting them to the new website; engaging the State Office of the Courts to review their procedures for efficiency; and researching electronic document management options for the court.

Weimer stated both ASRs mentioned were approved.

Brenner asked if the electronic document project can integrate with upgrades of the Assessor and Sheriff systems. Van Glubt stated it’s possible. They can also use the system used by the Superior Court. There may be good in-house options already he will look at. He doesn’t need to create an entirely new program if they already have something they can use.

(10:11:19 AM)

Brenner asked how long a bursting machine lasts. Van Glubt stated the machine they have is about 30 years old, and it used to be used by many departments. They can no longer get parts for it. It would cost about $1,000 just to attempt a repair, with no guarantee.
Browne asked if they have considered reorganizing the flow of work to get rid of the multiple copies they need through electronic record management or other means. He’s heard that the chemicals used in the paper shouldn’t be handled. He asks the Executive also about using multiple forms throughout the County. Van Glubt stated they have reorganized as much as possible. They’ve reduced the number of forms as much as possible. The forms they use the bursting machine for are required by the state. They’ve tried to format some of the forms so they can be printed on regular paper, but the State can’t get the forms to format on regular paper. Other forms are warrants that need copies that go to multiple destinations. They hope in the future to go to a plain paper warrant for arrest. He can look again before they purchase the machine and check with the State again on form formatting. They would also like to avoid multiple forms.

Van Glubt described the Probation program. Most cases involve alcohol, which requires specialized supervision. Specialized case loads require more attention, including domestic violence and behavioral health cases. There are two ASRs regarding the acquisition and maintenance of a case management system. The current system is 20 years old and failing. It’s difficult finding a program to meet their needs that doesn’t include extra features they won’t use at this time. They are researching the software that other courts use.

Expenses are on track this year. Revenue is strong. In the next six to 12 months, they will implement the new case management system. They may implement an intake unit to provide an efficient system for clients.

Weimer stated both of these ASRs were also approved.

Mann asked the typical caseloads. Van Glubt stated the typical caseload for the domestic violence officer is 100 cases. The standard caseload, not including domestic violence or behavioral health, is 230 to 250 cases per officer.

Buchanan referenced page 78, volume II, and asked about the increase in revenue between 2011 and 2012. Van Glubt stated collected fees come through District Court. In that year, the revenue started to be recorded in the Probation budget, not the District Court budget.

Brenner asked if the behavioral health program will be part of the mental health court. Van Glubt stated it will.

Brenner asked who is going to implement the mental health court. Van Glubt stated that to avoid duplicating services, there will be a common mental health court case manager between the City of Bellingham and the County. They will use existing resources to supervise both courts. Many different courts, including the City or County, can feed into the mental health court, which can handle cases from both of those jurisdictions.

Louws stated the County will hire the mental health court manager through the Health Department. Within the existing courts there will be an emphasis on mental health and behavioral health issues. If someone fits the criteria for mental health services, the County will be able to direct services with the District Court, Probation, and Health Department screenings to provide more intense management of the case. The Health Department can provide details on the team structure between the City and County.
Juvenile Court

(10:34:18 AM)

Dave Reynolds, Juvenile Court Administrator, described the Juvenile Court program. The County continues to see a dramatic decrease in the number of juvenile arrests, but dependency and truancy cases remain steady. They are at capacity with 30 court-appointed special advocate (CASA) volunteers. They will need another coordinator position in the next few years. They will soon have approximately 42 CASA volunteers. There are two guardians ad litem.

Brenner stated she appreciates the growing CASA program. She asked who hires the guardians ad litem (GAL). Reynolds stated there is a rotating assignment. He hired the two direct staff and contracts with four guardians ad litem through a contract with a GAL agency. They use CASA volunteers whenever possible.

Brenner asked if they are involved in the mental health court. Reynolds stated he’s not sure juvenile court will be involved. They have a behavioral health specialist on contract to work with youth. They do see a number of mental health concerns in the system.

Browne stated he would like to hear more information in a presentation on what the community is doing to keep the number of arrests down.

Kremen stated the court system and judicial branch in Whatcom County is very efficient and effective.

Superior Court

Reynolds continued his presentation and described the Superior Court program. He described the changes and work being done to implement the fourth Superior Court judge and associated staff. Since last July, the State took over the cost of parent representation in dependency cases, which had cost the County quite a bit of money in the past. They can now apply that money toward the new Superior Court positions being created. There won’t be a significant increase in cost to Whatcom County for the additional judge.

They continue to make significant changes in the County Clerk’s Office, emphasizing public service. He cross-trains staff and is shifting to a new and more efficient document management system, which includes an electronic filing system. He hired a new, very experienced Chief Deputy in the Clerk’s Office and other high quality staff.

Parks and Recreation Department

Mike McFarlane, Parks and Recreation Department Director, stated the budget is a maintenance budget. They have over one million annual visitations. The number of staff is 23 full-time equivalent (FTE) positions. Having extra help is crucial. They have numerous community partners and volunteers.

(10:45:41 AM)
The emphasis this year and over the next few years is catching up on infrastructure improvements at a number of facilities. They have leveraged funds to win grants used to upgrade and build capacity. They will look at facility standards and staff training in 2015-2016. There will be high turnover due to retirements in the next few years.

Trails are a priority of the community. There are now 60 miles of trails, and another 50 miles are planned in the next few years. They are upgrading trail standards, making improvements, and accommodating accessibility. Federal requirements will become State requirements. The County must comply to get grant funding. They are participating in online upgrades, including a campsite reservation system. A lot of staff time is used taking reservations. As the website improves, more people use online transactions. They will rely on Information Technology staff to streamline that service.

They will inventory park infrastructure and assets and put the information into a geographic information system (GIS) database. They need to gather and document staff’s institutional knowledge. Capital improvements are included in the budget. They will continue planning efforts for funding and future improvements. In 2015, they will position projects so they qualify for the 2016 grant cycle. This budget includes expenses for the Lake Whatcom reconveyance lands. Those funds come from the conservation futures fund and parks special revenue fund.

They increased campsite reservation fees to offset the cost of the online reservation system. Other rates and fees have been adjusted to capture costs. They encourage people to carry-in and carry-out to reduce cleanup costs. They propose a $20 fee for large groups who don’t want to remove their own garbage, which is an increasing staff cost.

They are asking for additional funding for extra help. They are falling behind in terms of the hourly rate. Most extra help staff are students. The County must stay competitive. They are asking for a one dollar per hour increase for extra help and for the special projects staff who are putting information on the GIS database. They are also asking for additional extra help hours to deal with day-to-day manual labor in the summer, including at the South Fork Park, which should be open next year. The caretaker out there is paid for already by the Nesset Foundation. The Council still needs to decide about the Birch Bay community park, but it already requires some work. He asks for 200 hours for special event scheduling. The regular parks staff is having to keep an eye on the special events. That comes from hours that should be used for maintaining the parks. Pass that cost on to the special events. Another position is for a volunteer coordinator. Last year they logged about 55,000 hours of volunteer help within County facilities. An additional 11,000 hours were directly involved in special projects for which the County provided individual supervision and training. This doesn’t count all the Scout groups and other organizations that help the department. They all require screening, background checks, placement, Labor and Industries insurance, training and orientation, and tracking the volunteers and their work. He described where volunteers work. They will no longer work at Hovander Park.

(10:55:57 AM)

Additional costs include a rate increase for the Bellingham Senior Activity Center and parking lot; two position upgrades; Birch Bay mowing, oversight, and demolition; and park restrooms. Because of the County’s fiscal situation, they have held down their spending.
They would like to return to a normal level of spending. He described the Nesset house and park development; Lake Whatcom trail planning and development; multi-year funding and infrastructure improvement plans for Silver Lake Park; roof replacements at the Hovander House and Ferndale Senior Activity Center; the Lighthouse Marine Park boardwalk repairs; two playground replacements and work to bring all playgrounds up to code; and the Plantation Rifle Range heating, ventilation, and air conditioning (HVAC).

Kremen stated coordinating 55,000 volunteer hours is half a million dollars of service at $9 per hour. The cost of a volunteer coordinator is justified. McFarlane stated it is a volunteer position that will spend about 20 hours a week working with the staff to manage the volunteer program and do background checks. The person will maintain the paperwork and be a contact between the volunteers and park rangers.

Kremen stated the County won’t pay for health benefits for that position. He asked why they will contract out the services to run the senior activity centers. McFarlane stated they went to a contracted model with the four larger centers four years ago. A contracted model allows more flexibility for the senior centers, which have their own coordinators and can adjust their programs, hours, and services as they need them. It has been working well. This budget does not increase those contracted amounts.

Brenner asked if the Hovander docents will no longer working. McFarlane stated the Whatcom Volunteer Center will no longer be managing the program because they felt it’s not in their mission. They place volunteers in the community as opposed to actually operating the program. He has been aware this would happen. The County will need to advertise and provide the training to a volunteer who will run the program.

Brenner stated they don’t supply enough funding for the senior centers now. Reward Lynden for taking over the program and doing the work. All the centers should get more funding. Also, consider a different cost reduction for public schools who use the park facilities. She asked the total visitation to all senior centers. McFarlane stated there were 187,752 for all centers in 2013.

Brenner asked if Birch Bay community members would do the work in the Birch Bay park. McFarlane stated there will be some costs to the County. At the very least, the County will have to cut the lawn. It would be great to get the park district to be a partner.

Brenner stated the Birch Bay community should agree to do this work and maintenance, especially mowing the lawn, before the County agrees to buy it. Have that discussion first. McFarlane stated the community can also agree to provide funding for the County to do the work.

Brenner stated the community members must have lawn mowers. They can commit to doing the work. Get their commitment first, before agreeing to buy the property.

Browne stated the old management software balances the rates charged for the facility versus demand to work out fixed and variable costs, which can balance the demand with cost recovery. He’d like to encourage software that does that balancing. McFarlane stated they will look at it. The challenge is setting rates that aren’t so high that people are discouraged from renting the facilities. He considers market rates and similar costs in other areas.
Weimer stated most ASRs were approved. McFarlane stated they all were.

Kremen stated the Parks Department gets just over three percent of the general fund. The County gets a lot for a small cost. This park system is stellar compared to other park systems nationwide.

Administrative Services Department

Karen Goens, Administrative Services Department – Human Resources (HR) Division, stated they propose status quo staff and programs. She described the division. Her focus is developing internal expertise, succession planning, and staff cross-training. They’ve streamlined office staff interaction and countywide recruitment. Human Resources will get more functionality with the new website. The County has a very stable workforce. Turnover averages seven and a half percent. During the downturn, they reduced the workforce by about 15 percent, largely through attrition. Departments were very prudent about staying within budget allocations. This year, they will do some more regular hiring. Internal movement went from 33 percent to 44 percent. They offer certification for their public officials and support for performance management. The risk management program works well. Efforts to monitor and prevent claims has lowered their rate. She recommends an ASR to put forward the same level of support for the tort fund and to augment the cost of background checks and training. All employee agreements expire at the end of this year. They have begun bargaining efforts to solve problems as early as possible.

Mann asked about the internal movement measure. Goens stated many jobs are posted internally first. It is the number of positions filled internally.

Weimer asked about comparing turnover rates with other counties. Goens stated the rate is consistent.

Kremen stated that during good economic times, the private sector pays two to three times more, especially in the skilled positions, which are the most critical. The benefits at the County are great, and in most cases better than the private sector. However the County lost a lot of good people to private companies.

Brenner stated work at the County is steady and dependable. The benefits are great. There isn’t much turnover. Her concern is that many people working at the County are underemployed, because they take what job they could get, despite the good unemployment rate, which isn’t realistic.

Browne stated he’s very impressed with the County employees. However, it’s difficult to compare private and public sector benefit packages. Public sector benefits include better pension plans, for example. Many private sector businesses are small businesses. Make sure any comparisons between the two are true comprehensive comparisons, including the attrition rate.

Kremen stated that during the good economic times, the County was losing about eight employees per month to the private sector. They lost none during the bad economy. The County was losing its skilled employees to the major companies with large financial resources, not the small businesses.
Brad Bennett, Administration Services Division – Finance Division, described the Finance Division duties, retirement of the purchasing coordinator and busy budget years. Next year they hope to do a lot of process improvement. The biggest change is charging the junior taxing districts for payroll services. The payroll is a dynamic, changing environment with healthcare reform. They propose a $10 fee per check for providing payroll services to special districts. The County isn’t required to do payroll, but it is required to do accounts payable. Some districts will opt to do their own payroll to limit their costs. Software maintenance costs keep going up. There is an allowance for three key people to have a cell phone allowance to keep them working all the time.

Weimer asked how many junior districts the County does payroll for. Bennett stated there are 25 or 30.

Brenner asked if the junior districts have other options. Bennett stated they do.

Mike Russell, Administrative Service Department – Facilities Management Division, described the division’s responsibilities and staff. This year they will complete the courthouse fourth Superior Court courtroom on time and on budget. They will also complete the courthouse building envelope project and the jail control project this year.

In the next couple of years, they have projects at the Central shop, parking lot asphalt repair, auxiliary heating, roof replacements, fire alarm replacements, sidewalk repairs, security camera upgrades, preventative maintenance to chillers and boilers, court hallway bench installation, and carpet replacement. Larger projects include the Sun House building cleaning, design changes to the triage center, the second and fourth floor improvements to the Civic Center, and improvements to the Girard Street and State Street facilities. The courthouse building envelope investigation will be done this year, and they can plan repairs for the next few years.

Perry Rice, Administrative Services Department – Information Technology Division, described the division’s staff and responsibilities.

(Clerk’s Note: Chair Weimer stepped out of the meeting at 11:53 a.m., and Vice-Chair Mann assumed the duties of the chair.)

Rice continued to describe how many computers, network printers, and other equipment the County owns and the number of annual service requests the staff receive. Highlights from the last two years include the new email system, the Sheriff’s Office records management system, and work station replacements. Current active projects include the network upgrade to run the new phone system, the new phone system, and the new website. New upcoming projects will include key critical infrastructure replacement of the firewall, pictometry, and the Prosecutor Office’s legacy system. Courts also need to replace their case management system. Another project is integrating and modernizing the GIS system and getting the national pollution discharge elimination system (NPDES) permit software. They are getting a web-GIS portal to publish the information for the citizens. They are looking at replacing the Auditor’s recording system.

(12:04:06 PM)
Another new project includes the Council’s meeting video on the internet. The Executive’s budget supports staffing changes that will get a lot of work done. He’s asking to increase a position from .75 FTE to one FTE, a new position to focus on the Sheriff’s Office, which is complex and needs to be available 24 hours per day, seven days per week. He’s also asking for a new GIS position.

Mann stated a big concern and priority is electronic protection. He asked about GIS capacity. He asked if Information Technology (IT) staff are working with Planning Department staff for GIS upgrades. Rice stated he’s been in contact with the City of Bellingham and other regional entities. Land records are the foundation layer. Other things build from that. He used to be a GIS consultant. These GIS positions will reach out more to the other jurisdictions and citizens.

Kremen asked about cloud security for email storage and if the cloud is more or less secure. Rice stated it depends on the vendor corporation that has developed the cloud. Microsoft pays attention to a lot of legal requirements for security. These large vendors that provide services in the cloud are doing pretty well. He’s not so sure about the smaller vendors. Make sure third parties audit these cloud entities.

Brenner asked if the NPDES system won’t take a lot of time to enter information. Rice stated it depends on the software.

Louws stated the first step is to put together a good base map. Until the parcel articulation correctly overlays the visuals, there will be problems. It will take time, but they must start at this base level and build from there.

Browne stated he agrees with Councilmember Mann’s comments on GIS. Regarding cloud storage, the people running the cloud have much more staff to run cyber defense. However, the cloud is a much bigger target, so it’s attacked more. No one knows how to answer that question. Every organization is struggling with answering it. He’s concerned about the maintenance costs of the new telecomm system being more than the old system. Rice stated the cost may be maintenance neutral.

Browne stated he has two concerns about IT planning. One is what they are doing for communication redundancy for outbound voice or data and for disaster recovery. They’ve had problems in the past. Duplicate server locations to the north and south. Also, the public is expecting GIS. They also expect publication of data sets and comparisons. Rice stated they are working on the redundancy of communication infrastructure. There is regional redundancy and local redundancy. They have been spending a lot of time looking at the fiber optic network in the buildings, which is a spoke system. They are trying to figure out how to develop a fiber optic ring, where to put development servers, and an integrated Sheriff’s Office records management system in another location, such as in Skagit County or another county. The telecommunications architecture will improve the network so they can do more redundancy.

Louws stated the new website and web portal will allow staff to generate data set information and make that information available to the public.

(Clerk’s Note: The Committee took a lunch break from 12:26 to 1:30 p.m. Chair Weimer returned and resumed the duties of the chair.)
Executive’s Office

Louws described the Executive’s Office staff level. The main goal is to facilitate all the different department projects, including the emergency medical services, the department of emergency management, jail financing and permitting, What-Comm joint operations, interdepartmental coordination for capital projects, the water action plan, lean initiatives, major development permits, and various other smaller projects and tasks. Dewey Desler will concentrate on jail financing next year. There are about $125 million of capital projects over the next four to five years.

Mann asked the FTE division between Dewey Desler and Tyler Schroeder. Louws stated Dewey Desler is partly funded from the Administrative Services Department. The FTE division is .2 FTE for Mr. Desler and one FTE for Mr. Schroeder in the Executive’s Office, plus .3 FTE for Mr. Desler in the Administrative Services Department. Ms. Helms is also funded through the Administrative Services Department.

Kremen stated the Council Office has seven councilmembers and no staff that does scheduling or takes personal calls. It’s difficult to adequately do the job with the limited staff. Louws stated 100 percent of the Council’s requests were approved this year. If there is a challenge to accomplishing this work, he’s willing to have that discussion.

Kremen stated he’s come to find that staff is allocated to the County Council Office, not the other divisions. The budget is misleading because it looks like they have 9.5 FTEs. Three and a half of that is the councilmembers. Travel expenses are an issue. Cooperative Extension asked for $10,000 for four people to drive around Whatcom County, and seven councilmembers have to go to Washington D.C. and Olympia. He’s concerned about the legislative branch of government, which has operated on a shoestring for years. There is a mindset to keep costs down as much as possible. The magnitude of issues coming before the Council is monumentally different. When he sees the Executive’s budget spread out among different departments, the comparison is different. A reason the Council has been disengaged in working with the state and national organizations and with neighboring counties is because they are reluctant to spend any money to engage in those travel expenses. There is a shortage of money to do the job properly.

Brenner stated the Executive has people in the office with other duties, but they’re available to the Executive if needed. This is the way the Charter works. She doesn’t have sympathy if people have full-time jobs while serving on the Council. They chose to run for office. She had a job when she was first elected, but gave it up to adequately do her job on the Council. She did it because it was important to her. People shouldn’t be on the Council if they don’t have time to devote to it. The Executive upgraded Mr. Schroeder’s position last year.

Auditor’s Office

Debbie Adelstein, Auditor, stated the number of recorded documents is at an all-time low. The revenue is down, and the budget is adjusted accordingly. Licensing is steady. They continue to supervise six subagents in the county. Elections are stable and solid. She described the number of staff and duties. They have reduced the number of positions,
streamlined the Elections Division, and have been able to reduce that staff by one position. They are implementing a new recording system.

Weimer asked if there are any unapproved additional service requests. Adelstein stated there are not.

Brenner asked about hiring an internal auditor. Adelstein stated they talked about it last year. The State is now doing everything that the internal auditor used to do when the position was eliminated.

Brenner stated she’s not impressed with the State auditor. She hoped an internal auditor could be more in-depth and thorough.

Mann stated he talked with the Auditor about such a position, but he refocused on creating a Council budget analyst. He asked why recording fees have dropped. Adelstein stated it’s partly that the market hasn’t yet picked up enough. She expects it to pick up again.

Diana Bradrick, Auditor’s Office, stated recordings are volatile and hard to project. Refinances have dropped. New sales can pick up a lot, but not have a big impact on the total recording fees collected. Refinances stopped the minute the interest rates started to rise.

Browne asked if the $20,000 request to scan images is low. Adelstein stated they are gradually converting older documents. They choose a specific project each year. They also use images from the title companies.

Bradrick stated the amount is low is because they are paying a vendor to clean up and crop the images, index the images, and tie them to the Auditor number.

Adelstein stated that if they choose to scan all the images they have, they would be talking about much more money.

Browne asked if images from the title companies meet the threshold of authenticity. Bradrick stated they do. The Auditor’s Office engages in quality control, and the companies are careful to scan at the correct resolution.

Weimer stated there were concerns about privacy issues when documents were first put online. He asked if that is still a concern. Adelstein stated it is not.

Browne stated several ASRs are for equipment replacement. He asks what they do to secure used specialized equipment, such as buying equipment from eBay or specialized equipment dealers, or to extend the life of equipment the County has. Louws stated the jail control project is an example of extending equipment life. The County bought every spare part it could from Ebay and other sources. They put a hold on a lot of these replacements during the recession. Technology has improved the last few years, so they will be a lot more efficient when they replace the equipment. He described instances in which the administration has purchased parts and equipment from eBay.

Assessor’s Office
Keith Willnauer, County Assessor, described his two ASRs, one for replacing a large format copy machine. Cost efficiencies of keeping old equipment should consider that even if there are parts to be found, they can’t find the technicians to work on them. It becomes more cost-efficient to replace the equipment.

Browne asked if a reserve account will be necessary in the event the refinery companies will win their valuation appeals. Willnauer stated he looks at all the variables. Generally, there will be a compromise on the valuation based on analyses. There is a lot of discussion about very volatile accounting and judgment factors. They are prepared for the technical valuation, but not for litigation, which will require other people and other professionals. He’s begun discussing this with the Prosecuting Attorney’s Office, County Executive, Council, and the taxing districts. He’s preparing to use specialized professionals and present a valuation appeal posture that has merit. It’s not just a political battle, it’s a technical battle. His goal is simply to get the right value on the refinery, not to engage in other political battles. If they aren’t paying their fair share, someone else is paying more than they should, and vice versa. He began looking at costs associated with an appeal, including travel and staff expenses, employing a professional consultant to review the county’s position and appraisal, reviewing the appellant’s position, and reviewing the technical information. The Prosecutor recommended looking at the potential of using outside legal assistance, such as a prosecutor with experience with these types of valuation appeal cases. The need for a specialized prosecutor depends on how aggressive and long the case will be. Their new value is mostly associated with their new rail facilities, which are not incorporated yet into their previous value. Aggressive discussions are happening and are positive.

Browne asked if the outcome won’t affect the Executive’s revenue forecast, and would just shift the taxpayer burden. Willnauer stated that’s primarily correct, but that could change for other taxing districts.

Weimer asked if the revenue numbers in the budget reflect that the shift has already occurred to other taxpayers and if the County will get a windfall if it wins. Willnauer stated the County will get the levy capacity back to use, but the option is to be conservative about the use of it. That translates to the return of those savings back to taxpayers.

Mann asked if the tax burden shift could happen retroactively, which can get expensive. Willnauer stated there is a statutory adjustment in the tax base. They’ve already received the reduction to what they said they think they’re worth. That’s to protect administrative tax stability. It’s a concept called valuation in controversy, which has a threshold. If the companies lose, they would pay the County back with interest.

Mann asked when the first tax bills went out with that shift. Willnauer stated they went out last February.

Browne stated Phillips 66 sold a small portion of property for $66 billion right after this appeal was filed. He asked how that affects this valuation. It looked like an arm’s length, comparable sale. Willnauer stated it was a neighboring property that sold at an unbelievable valuable price. That doesn’t go unnoticed. That sale was an LP gas storage facility that benefitted from delivery of shipments, and it was a distribution center with an outgoing pipeline. There was not $250 million in value in those two items. The property
had a small agreement to use the Intalco pier to support the offloading of LP gas, plus permitting and other things to transport out of the facility. That demonstrates the value of deep water piers at Cherry Point.

In Washington state, taxes are not tied to valuation. The valuation mechanism in Washington state is distributional. He’s always looking at how to find the best way to get the right relationship of assessed value when they’re talking about market value.

Treasurer’s Office

Steve Oliver, County Treasurer, stated this is a status quo budget with no ASRs. They are within the budget guidelines.

Browne asked the debt the County is carrying at the moment. Oliver stated it is $3.3 million. They refinanced the Civic Center and borrowed money for the jail control project. The County is almost debt-free, which is uncommon among counties.

Browne asked what cash the County has. If the County has surplus cash, it should retire the debt. Oliver stated that’s an option. Until recently, it wasn’t a viable option given the County’s cash flow requirements. The cash situation has improved slightly over the last few years. There’s a process to pay off the bond issue early.

Browne stated another question is whether they should convert cash into equity ownership in buildings and save money on rents.

Louws stated it’s better to use the County’s cash than to go to the bond market for smaller items. If they don’t have the money in a fund to do a project, they bring money from other funds. They are using the existing cash to accomplish these projects. They will use a substantial amount of the existing reserves to accomplish these projects. A few years ago, the mentality was to protect cash, which is why the County used bonds.

County Council Office

Dana Brown-Davis, Clerk of the Council, stated they talked about all the ASRs in June. She described the ASRs. There is an addition to the budget of $990 for broadcasting Council meetings on BTV10.

Brenner stated the economic outlook isn’t as good as everyone portrays. The Public Defender’s Office isn’t able to provide the services that it must provide. There are more expenditures than revenue without all the additional budget requests that come through each year, which is in the millions. Even if they think hiring a policy analyst is a good thing, it’s a bad time to do it.

Weimer asked if the amount for webcasting is in addition to the current videotaping cost, and if they can have the same person do both. Brown-Davis stated the current budget is $12,000. She asked for an additional $10,000 to live stream meetings through a YouTube stream on the internet. They would still air meetings on BTV10.

Mann asked who would manage the YouTube channel. Brown-Davis stated that if the request is approved, they would have to go out for a request for proposals (RFP).
Browne asked about installing fixed cameras instead of continuing to hire the videographer. There should be a one-time capital purchase of about $25,000 to install cameras.

Buchanan stated the City has upgraded its cameras and surplus cameras may be available.

Brenner stated she’s fine with contracting a vendor to broadcast, but doesn’t want to go any further.

Browne stated the best quality, cheapest solution is installing fixed mount controllable cameras. A little money spent up front will save money in the long run.

Brenner stated it won’t cost less. It will cost more for operating and upkeep of the equipment.

Kremen stated Bellingham has two staff who run their TV operation and hundreds of thousands of dollars invested in their own equipment. They have programming that includes other than just their City Council meetings. It’s not that prudent to invest in a full recording studio or broadcast system with many camera angles and other features when the County doesn’t have a television channel.

Weimer stated people seem pleased with what the Port of Bellingham has done, and this ASR is based on that system. He’s not sure he wants to vote on fixed cameras. They need a study to tell them what the public wants.

Kremen stated not one person has communicated with him about a desire for seeing more County Council meetings on television.

Weimer stated they’ve heard it from Point Roberts.

Kremen stated that streaming will solve that problem.

Browne stated the current camera technology being used is very old.

Kremen stated no one is complaining about the image quality.

Browne stated he’s not suggesting they go high definition, but that is the technology standard right now.

Weimer stated they are behind the times in making the meetings easily available. The current ASR is the first step forward. He asked if the ASR includes a new camera. Brown-Davis stated it includes money for the vendor to buy equipment.

Browne stated make sure the proposals include installing equipment to allow the Council staff to operate the equipment. There is a cheaper way to deal with annual costs of running the program.
Weimer stated he doesn’t know enough to make that decision. Neither the City nor the Port do it with their own staff. He asked about the Hearing Examiner budget and if they need to consider adding money to this budget for anticipated large proposals.

Brown-Davis stated she is working on amending the unified fee schedule to include a flat fee plus an hourly rate before the budget is adopted this year. Regarding additional Hearing Examiner services, they decided to wait and request a supplemental budget request because they don’t know how much extra it will cost.

Brenner stated the proponent will have to pay that cost.

Tyler Schroeder, Executive’s Office, stated the unified fee schedule can be created to ensure that Council will get that payment. For now, look at the unified fee schedule for major development permit, Hearing Examiner-related fees only. That leaves the unified fee schedule Hearing Examiner fees for all other projects the same. In that way, the Council will be able to move forward and make decisions on how best to handle hearings associated with large major development projects.

Brown-Davis stated it will be a permanent change, not just for one project.

Browne asked if the Council wants to provide video of the Planning Commission hearings and Hearing Examiner Georgia Pacific Terminal (GPT) hearings.

Brenner stated that gets out of hand. Any extra money should be used for video recording committee meetings. Brown-Davis stated this current proposal is a good place to start. They can build from there as they go along.

Miscellaneous Non-Departmental and Advisory Boards, Commissions, and Committees

Tawni Helms, Administrative Services Department, described the non-departmental budget. The first section has to do with operational items and contracts, such as animal control services. They’ve added two ASRs, one for the lean effort and one for the Salary Commission. The second section has to do with fund transfers.

There are changes to the medical examiner and morgue contracts. The County no longer pays the morgue lease, but pays a building maintenance expense. Other changes include the emergency medical services (EMS) contracts and ambulance fees. Regarding the issue of the volunteer center, she is working with the new Executive Director who has a new focus and mission. They are developing a new scope that is less focused on volunteer hours and more focused on other tangible deliverables.

Brenner asked if the Salary Commission has to meet every other year. Helms stated it does.

Browne asked about the leave payout from the reserve fund. Helms stated the increase is due to a reserve amount for the labor contracts.

Browne asked why these funds are not part of the departmental budgets. Louws stated it will go back to the departments once they have agreed upon labor contracts. It’s
Mann stated the food banks are seeking extra funding. Given the increased demands on the food banks, he’s interested in supporting the requests. Helms stated the recipients of these dollars were invited to ask for funding, but Mike Cohen did not ask for additional funding.

Mann stated the money the food bank gets now is specifically for food distribution. He wants to provide money for the food bank to strategically buy food in bulk. He asked how to provide that type of funding.

Dewey Desler, Special Projects Manager, stated the constitution allows governments to make gifts to the poor and infirm. Because the food bank doesn’t test who is poor and infirm, the County isn’t allowed to give money to the food bank. Instead, the County pays for things related to services. Food delivered to older people with disabilities is done as a service. In the past, they’ve helped the food bank in ways the County is constitutionally allowed. The Council has always wanted to help the food bank, but must do so in a constitutionally allowable way. They must talk with Mr. Cohen and understand what he needs to use the money for. If funding can match with the legal requirements, they can develop ideas.

Brenner asked if they can get data on poverty in each community, and deliver food that would equal the level of poverty in the communities. Desler stated the County must go through certain tests of the State Auditor and Attorney General. If someone fills out a form declaring they are below a certain income, the County can gift food. However, the food bank has chosen not to require that form.

Kremen stated he understands why the food bank chooses not to require that form, but it does tie the County’s hands. Giving away food without that verification is a gift of public funds. He’s confident Mike Cohen and Mr. Desler can come up with a legal mechanism to provide food or other services as needed. The number of people who really don’t have enough money to buy food to exist is very pervasive in Whatcom County.

Brenner asked if they can fund food bank employee salaries and what is the Alternatives to Hunger Program.

(3:23:56 PM)

Louws stated it is a community development block grant (CDBG) pass-through grant for the food bank. He is willing to work with the food bank to find ways to legally augment their programs. The budget requests did go out, and he approved the food bank’s full request. He doesn’t know yet how that would happen. They are combining funding for several programs into one contribution that the food bank can use however they need.

Kremen asked if the County is pursuing the CDBG grants. Louws stated it is.

Weimer stated the Council used to hear from these different program representatives. He asked if they had a chance to submit an ASR. Helms stated they filled out applications to request funding.
Brenner stated the Sean Humphrey House was told that funds are no longer available.

Weimer stated that’s a different process. Helms stated the County has been cautious during the last few budget cycles.

Weimer stated the County didn’t have any extra money, so people weren’t asking.

Brenner stated extra money should go to the senior centers, including the Lynden Senior Center. More people are going to the senior centers as the baby boomers age.

Mann stated he was also approached by the Whatcom County Historical Society about paying for a handicap lift at the original Whatcom County territorial courthouse in the amount of $15,000.

Kremen stated the Parks Department may be able to access historical preservation funding. Check with Mr. McFarlane to see if they should put it in the budget or try to secure a grant from the State preservation agency. He will contact Mr. McFarlane and work with the Executive.

Brenner stated she would like the budget to include an extra $10,000 for each of the senior centers.

Weimer stated there needs to be a process for all of these requests.

Brenner stated no one told the Sean Humphrey House that funding was available. Louws stated he will talk to the director of the Sean Humphrey House.

Browne asked if the Rotary Club work on Sun House is duplicative of what the County is proposing. Desler described the Sun House, the County’s involvement with the foundation, and a project to improve the building and services. The County will contribute a matching funding amount.

Browne asked about funding the Northwest Annex cooling tower if they are going to move staff out of the building. Louws stated they won’t move forward with the project because the Council approved his proposal to move staff.

Brenner stated the longer they wait to fix the Northwest Annex, the less likely it will get fixed at all, especially if they don’t heat it. Keep the Planning and Development Department in the Northwest Annex. It has good access for people in the county. Don’t let the building deteriorate by default.

Mann stated he likes the building. It might be feasible to put a smaller department, such as the Parks Department, in the Northwest Annex. Then the County could sell the Parks Department building.

OTHER BUSINESS
There was no other business.

**ADJOURN**

The meeting adjourned at 3:46 p.m.

The Council approved these minutes on ______________, 2015.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 3:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(3:44:01 PM)

Present: Barbara Brenner, Sam Crawford, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

COMMITTEE DISCUSSION

1. DISCUSSION AND FORMULATION OF RECOMMENDATIONS RELATED TO A PROPOSED ORDINANCE APPROVING THE 2015-2016 WHATCOM COUNTY BUDGET (AB2014-205C)

Jack Louws, County Executive, submitted handouts (on file).

Brad Bennett, Administrative Services Department, described the Technical Corrections and Council Action handout.

Browne asked about air conditioning upgrades at the Northwest Annex.

Tyler Schroeder, Administrative Services, stated the Council decided to leave the funding in the budget.

Brenner moved to remove funding for the full-time equivalent (FTE) position for the pollution identification and control (PIC) program out of the flood fund. Fund the position from the general fund.

The motion failed by the following vote:

Ayes: Brenner (1)

Nays: Crawford, Mann, Weimer, Kremen, Browne and Buchanan (6)

Browne referenced his proposed resolution establishing a program to enhance the monitoring and reporting to the public on the performance of Whatcom County government (AB2014-380) and stated it requires a funding amount to carry out the program.
Louws stated he doesn’t have a budget number attached to it. He would like to work the first part of the year to see if they can develop any of this information internally without attaching a budget number to it. He encourages the departments to develop information they can track against other agencies. At this time, the resolution doesn’t need to be incorporated into this budget. Managers and administrators should track what they’re doing and how they’re doing against prior history and compared to their peers internally, without adding a line item or specific costs. He’s not opposed to the resolution. He’s up for the challenge. He’s not sure yet how he would implement it.

Browne stated it’s crucial to find the right questions to ask and right way to present objective data. He proposes assigning $50,000 total for both years as a placeholder.

Crawford stated this information and data will have to be managed annually out of the Executive’s Office or Information Technology Department. They can just do an additional services request (ASR) when the Executive develops a cost.

Weimer stated he supports the resolution and developing measurable standards. He asked what the $50,000 would pay for.

Browne stated it is a project-based line item that isn’t assigned to one particular department. Allocation of an employee’s time has to be paid out of an account.

Kremen stated the administration should determine the cost for this project. It’s a good idea, but there are priorities. He doesn’t want to just throw $50,000 at the project. He would like the Executive to estimate a cost. Louws stated he anticipates the cost will be absorbed within the administrative services budget and Executive’s budget next year. They can do the work internally. It won’t cost that much. He has no problem with the resolution. If there is a small cost, he can bring forward a budget supplemental.

Crawford stated this level of transparency is needed at the State level.

Brenner stated she’s pessimistic that this will work, but will vote for it.

**Brenner moved** to allocate from the general fund $70,000 for the senior centers, in addition to what is currently being funded for them.

Browne stated fund on a per population basis, not the same amount to each center, because some centers serve many more people than others.

Brenner stated they can divide the total amount for all centers and allocate according to the number of people who use each center.

Crawford stated he is against the motion. The senior centers are great agencies, but these agencies did not ask for the money. It’s irresponsible to solicit people and give them money.

Brenner stated seniors have been told certain things and thought there was nothing they could do about it. Senior centers are getting busier. There is a real need. Money can be allocated in a way that the money is spent wisely.
Weimer asked for information on how the food program is allocated via the senior centers. These places have a need, but he agrees with Councilmember Crawford that there could be no end to people asking for funding.

Mike McFarlane, Parks and Recreation Department Director, stated the Council on Aging has the contract for the nutrition program. The Lynden Senior Center has its own program. The Welcome Senior Center doesn’t participate in the nutrition program. He described the programs and the contract and funding history.

Louws stated he and the Council gave the Meals on Wheels program an additional $30,000 beginning this year. That increase is included in the 2015-2016 budget. There isn’t a lot of extra money to give to any organization. The County has purposefully tried to reduce expenses. These issues are important to the community. The seniors are reasonably taken care of. They work themselves to provide any extra help necessary to make it work. The current funding level is appropriate for the current budget.

Brenner stated she was told by the Lynden Senior Center that they did not withdraw from the food program by choice. They wanted to deliver hot meals to shut-ins, but that didn’t go along with the program. The County can easily figure out their needs. There are many things in the budget that aren’t a necessity. Allocate the money. They don’t have to use it if they don’t need it.

The motion to amend failed by the following vote:

Ayes: Brenner (1)
Nays: Crawford, Mann, Weimer, Kremen, Browne and Buchanan (6)

Brenner moved to allocate $10,000 to the Sean Humphrey House. The Director was asked if they could survive without County funding, but they do need the help.

Weimer stated he is concerned with the process at this late hour. They should have had these groups in to talk about their needs.

Brenner assumed they would talk to the Council during the process. One group was told that the money isn’t available. They don’t know to come and talk to the Council.

The Committee discussed the differences between past and present budget processes.

Brenner stated the Sean Humphrey House is necessary. It’s hospice care.

The motion to amend failed by the following vote:

Ayes: Brenner (1)
Nays: Crawford, Mann, Weimer, Kremen, Browne and Buchanan (6)

Crawford stated the Charter Review Commission will discuss language for the Charter that prevents the County from making charitable contributions. That may be problematic in some cases. It will be interesting to see what happens. The citizenry is becoming cognizant that basic government services are being exceeded regularly through the County budget.
Kremen stated the County is not even meeting its State mandated requirements. They all want to support the Sean Humphrey House and other similar services. Councilmember Brenner has often said that the County must distinguish between its wants and needs. The federal government primarily funds senior centers and has removed its funding for these programs, not Whatcom County. The County can’t take over those services from the federal government and still meet its mandated requirements. It’s disconcerting to have to vote against these laudable, worthy causes. He’s concerned about the process and the acrimony and criticism about how they’ve gone about building this budget with the administration. They’ve done a tough but good job.

Brenner stated these services are necessary and needed. They’re not wants.

Weimer referenced the water action plan and asked about revenue. He asked if the costs of the grant have also been included.

Gary Stoyka, Public Works Department, stated they put in some of the costs for the PIC program, but not all. They were going to have to submit a supplemental budget request for some of the costs. If the grant doesn’t come in, they still have funding for the PIC position, the septic rebate program, and monitoring. If they get the grant funding, they will probably give $90,000 to the Conservation District for outreach and inspection.

Schroeder stated one FTE was contingent on grant funding. Everything else will move forward. It’s very likely the County will acquire that grant.

Stoyka stated he suspects they should hear by the end of this month.

Weimer referenced the shellfish protection district and stated they can only be successful if groups other than government employees were out in the community talking to people in the watersheds. Stoyka stated there is some money for general outreach and education. They are still working out how they would do that.

Schroeder stated the Council added $55,000 for critical area and shoreline outreach and education. They could use some of that for similar purposes. They have discussed with different groups in the community about other outreach ideas.

Weimer stated he’s fine with it. It sounds like they can revisit it if necessary.

(4:43:42 PM)

Crawford asked if there is funding for the Planning Unit for 2015. Stoyka stated there is. He described the Planning Unit budget.

*Kremen moved* to recommend approval of the technical corrections and the Council action items.

The motion to recommend approval as amended carried by the following vote:

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

**Nays:** Brenner and Crawford (2)

Special Committee of the Whole, 11/12/2014, Page 4
OTHER BUSINESS

The Committee discussed the Council’s committee schedule in two weeks.

COMMITTEE DISCUSSION

2. COUNTY STAFF AND EXECUTIVE SEEK INPUT FROM COUNCIL ON THE PROPOSED 2015 WRIA 1 WATERSHED MANAGEMENT PROJECT JOINT BOARD BUDGET (AB2014-345)

Gary Stoyka, Planning and Development Services Department, spoke and gave a staff report.

Browne asked why the Bertrand water improvement district (WID) is investing $100,000. Stoyka stated the Bertrand WID is asking to withdraw water at certain times of the year. The Department of Ecology said there wasn’t enough information. They need a groundwater surface model. The WID has a $50,000 grant and a $50,000 budget proviso to pay for the project.

Browne asked why the County would fund money for private property owners to get more water rights. Stoyka stated this is the Joint Board, not the County. They need groundwater modeling information for many people. It’s for more than just the Bertrand WID. The study will be broader than just the Bertrand area.

Browne asked if the product will be a file that can be imported into the geographic information system (GIS). The purpose of the project is to get the model, not to run scenarios through the model.

Browne stated make sure the data will be accessible to the citizens. Stoyka stated it will be.

Browne stated they are paying $30,000 for a program coordinator for the Planning Unit. He asked if this should be an in-house position. This is an expensive delivery of services.

Jack Louws, County Executive, stated it would be more expensive than $30,000. A third party facilitator keeps Whatcom County, as a member of the Joint Board, at arm’s length from the Planning Unit. The County originally gave the Joint Board $1.2 million for its authority. That money will be gone by the end of next year. The County will have to decide how to continue funding.

Browne asked if the County similarly funds or does management for other boards or groups. Stoyka stated it does for the Salmon Recovery Board and a local integrated organization, which are all part of the same process.

Brenner asked if they have categories for administrative services and financial services for all funds. Louws stated they do an administrative chargeback to all accounts that specifically allow it. A few funds don’t allow chargebacks, by statute. Those that do
allow it pay a percentage of administrative services, the Executive’s budget, and the
Council’s budget.

Brenner asked what the percentage is.

Brad Bennett, Administrative Services Department, stated the different costs are
allocated based on metrics appropriate to those costs. The State auditors got involved in
this last year. In some areas, they dictate the specific metrics to be used. For example,
the Council is allocated based on agenda bills. However, the Human Resources Division is
allocated by the number of employees. The Information Technology is allocated by the
number of computers for the PC network and CPU minutes for the AS400.

Brenner asked if it’s an overhead based on the amount in the fund. Bennett stated it
is not. It has to be a meaningful measure to costs incurred.

Brenner asked which funds would have extremely low administrative and financial
service charges. Bennett stated the lower funds are those that don’t have employees with
computers. It is subject to audit.

Kremen stated the formula changes based on the data used for the metric, such as
number of employees or computers. The amount the administration is charged is based on
a formula that is already established.

Louws stated the $15,000 allocated in this fund is low. It’s County money going into
the fund. The County is charging itself.

Weimer stated the sentence regarding the local integrating organization (LIO)
designation is unclear. He would like an explanation of the $75,000 expenditure at a future
meeting. He would like a better understanding of the agenda pressures, the near-term
actions, and the performance measures.

Brenner stated she has a concern with the Puget Sound Partnership. She asked
what it commits the County to.

**Weimer moved** to approve the budget estimates as presented.

Louws stated approve the budget estimates as presented, understanding that he, as
the Executive, is allowed to act on behalf of the County to adjust the amounts.

Crawford stated that’s not necessary. Until they revoke the 1999 agreement, the
Executive has that authority. Louws stated he does, but he prefers to work cooperatively
with the Council.

Brenner stated former County attorney Bob Carmichael said it is in violation if it
doesn’t come to the Council for discussion and approval first. Louws stated a County
Prosecuting Attorney has explained the situation to the Council a number of times, just as
he explained. There is a difference in opinion.

**Weimer amended his motion and moved** to support the direction that the Joint
Board shared in its budget estimates.
Brenner stated the Council never received a response from the County attorney about Mr. Carmichael's comments.

The motion to recommend approval as amended carried by the following vote:

Ayes: Crawford, Weimer, Kremen, Browne and Buchanan (5)

Nays: Brenner (1)

Absent: Mann (out of the room) (1)

ADJOURN

The meeting adjourned at 5:03 p.m.

The Council approved these minutes on _____________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**TITLE OF DOCUMENT:** Appointments to the North Sound Mental Health Advisory Board.

**ATTACHMENTS:** Memorandum from Whatcom County Human Services Staff; Applications for Appointment

<table>
<thead>
<tr>
<th>SEPA review required?</th>
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<th>No</th>
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<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>No</td>
</tr>
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Should Clerk schedule a hearing? Yes No

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

County Executive Jack Louws requests confirmation of his appointment of the following designated representatives to the North Sound Mental Health Advisory Board:

Reappointed: David Kincheloe, Mike Massanari, Larry Richardson and Mark McDonald
New Appointment: Rachel Herman (Cox)

**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, Executive
FROM: Jackie Mitchell
DATE: January 26, 2014
RE: North Sound Mental Health (NSMHA) Advisory Board Appointees

At the January 12th meeting, the Behavioral Health Advisory Board (BHAB) unanimously nominated 5 people to participate on the North Sound Mental Health Advisory Board. Four of the 5 people recommended have participated on the NSMHA Advisory Board in prior years, however, to ensure consistency we request that they be formally reappointed.

- David Kincheloe
- Mike Massanari
- Larry Richardson
- Mark McDonald

The 5th board member recommended for the NSMHA Advisory Board will fill an "At-Large" position:

NSMHA is attempting to integrate services for mental health and substance use disorders and wants additional substance use disorder expertise on the board. The BHAB recommended:

- Rachel Herman (Cox)

Rachel Herman was recommended because of her knowledge of substance use disorder treatment field. She is the former owner of "Advanced Choices", a substance use disorder agency which closed 2 years ago. We request your approval of this recommendation for appointing Ms. Herman, along with the reappointment of the 4 individuals noted above.

If you have any other questions, please contact me. Thank you.

Jackie Mitchell, M.A. CDP, LMHC
Behavioral Health Program Specialist
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: DAVID KINCHELOE
Street Address: 1015 OTIS ST APT 110
City: BELLINGHAM, WA
Mailing Address (if different from street address): SAME AS ABOVE
Day Telephone: (360) 961-8611 Evening Telephone: (360) 961-8611 Cell Phone: (360) 961-8611
E-mail address: DWINCHELOE Gmail.com

1. Name of board or committee—please see reverse: MENTAL HEALTH/SUBSTANCE ABUSE ADVISORY BOARD
2. You must specify which position you are applying for. Please refer to vacancy list. CHAIR/V. CHAIR/ MEMBER
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? YES NO
4. Which Council district do you live in? ONE TWO THREE
5. Are you a U.S. citizen? YES NO
6. Are you registered to vote in Whatcom County? YES NO
7. Have you ever been a member of this Board/Commission? YES NO
   If yes, dates: 1/31/13
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? YES NO
   If yes, please explain:
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education:
   Former Occupation: Professor/Lecturer Psych, Neurology, Social Work, MA's, TF & Rx, 20+ years
   Education: B.A., Soc. Psych; B.S., European Intell., History; M.A. Soc. Psych; MS Psych, PhD (ABD)
   Qualifications: High-level involvement in WA & CA at local, county, state levels in MH/SA issues
   Currently volunteer of NSMHA, WAHA Healthcare Integration Task Force.
10. Please describe why you're interested in serving on this board or commission: SAME AS BEFORE: Personal
    interest, academic/intellectual interest, interest in healthcare integration/ACO issues, comparative effect

References (please include daytime telephone number): None

Signature of applicant: [Signature]

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.

Date: 11/8/2012
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: R. Michael Massanari, MD MS

Street Address: 933 Hendrick Loop

City: Lynden

Mailing Address (if different from street address): 

Date: 1/8/2013

Zip Code: 98264

Day Telephone: 360 922 9063 Evening Telephone: 

Cell Phone: 650 510 3048

E-mail address: Michael.Massanari@whatco.edu or

MMassanari@comcast.net

1. Name of board or committee—please see reverse:

Mental Health Advisory Board

2. You must specify which position you are applying for. 

Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? 

(If applicable, please refer to vacancy list.)

☐ yes ☐ no

4. Which Council district do you live in? ☐ One ☑ Two ☐ Three

5. Are you a US citizen? ☑ yes ☐ no

6. Are you registered to vote in Whatcom County? ☑ yes ☐ no

7. Have you ever been a member of this Board/Commission? ☑ yes ☐ no

If yes, dates: 2010 - PRESENT

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ☐ yes ☑ no

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am a retired Professor of Internal Medicine and Community Medicine at Wayne State University, Detroit, MI. I served as Executive Director of Critical Juncture Institute (WJHU) from 2010-2012. In Michigan I served as Director of Project CATIE - a collaborative project to improve evidence-based practices for people with mental illness and/or substance abuse.

10. Please describe why you're interested in serving on this board or commission: I am concerned for improving services for people with mental illness and/or substance abuse.

References (please include daytime telephone number):

Jackie Mitchell, Director Behavioral Health Services - 676-6724 x 3201

Signature of applicant: 

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Larry S. Richardson  Date: 1/30/2013
Street Address: 115 Garden St N, # 202
City: Bellingham  Zip Code: 98225
Mailing Address (if different from street address):

Day Telephone: 671 4277  Evening Telephone: 671 4277  Cell Phone: 360 303 3882
E-mail address: richard11@yahoo.com

1. Name of board or committee—please see reverse:
   Mental Health Adv. and NSMHA

2. You must specify which position you are applying for.
   Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
   (If applicable, please refer to vacancy list.)
   ☐ yes ( ) no

4. Which Council district do you live in? ☐ One ( ) Two ( ) Three

5. Are you a US citizen? ☐ Yes

6. Are you registered to vote in Whatcom County? ☐ Yes
   ☐ no

7. Have you ever been a member of this Board/Commission? ☐ Yes ☐ no
   If yes, dates: Previous Terms

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ☐ yes ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am a retired WWU Professor.
   My son Mark recently deceased, was a mental health client for many years

10. Please describe why you’re interested in serving on this board or commission: Because of my experience with my son and as President of NAMI Whatcom State

References (please include daytime telephone number): Victoria McClure, Tom Richardson
   Tana Thomas

Signature of applicant: ____________________________

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Mark MacDonald

Street Address: 1101 McKenzie Ave #305

City: Bellingham WA

Zip Code: 98225

Date: 10-1-52

Day Telephone: 360-734-2042

E-mail address:

1. Name of board or committee—please see reverse:
   Mental Health Advisory Board

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
   (If applicable, please refer to vacancy list.) (✓) yes ( ) no

4. Which Council district do you live in?
   (✓) One ( ) Two ( ) Three

5. Are you a US citizen?
   (✓) yes ( ) no

6. Are you registered to vote in Whatcom County?
   ( ) yes (✓) no

7. Have you ever been a member of this Board/Commission?
   (✓) yes ( ) no

   If yes, dates: Mental Health Advisory Board Last term

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ( ) yes (✓) no

   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I do not have a occupation

10. Please describe why you’re interested in serving on this board or commission:
    I advocate for mental health consumers

References (please include daytime telephone number):

Signature of applicant: Mark McDonald

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: RACHEL EDMUND
Street Address: 2217 8 STREET
City: BELLEWORTH
Mailing Address (if different from street address): SAME
Day Telephone: 360-920-1228 Evening Telephone: SAME
E-mail address: rachael@toyota.com

Date: 8/10/13
Zip Code: 98225

1. Name of board or committee-please see reverse:
   SUBSTANCE ABUSE ADVISORY BOARD

2. You must specify which position you are applying for.
   Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
   (If applicable, please refer to vacancy list.)
   YES ( ) NO

4. Which Council district do you live in?
   ONE ( ) TWO ( ) THREE ( )

5. Are you a US citizen?
   YES ( ) NO

6. Are you registered to vote in Whatcom County?
   YES ( ) NO

7. Have you ever been a member of this Board/Commission?
   YES ( ) NO

If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   YES ( ) NO

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   2006-2013 - OWNER, Advanced Choices - Substance Abuse Outpatient Treatment Provider and Contractor for Whatcom County. I have participated in various professional discussion groups and a member of the Transforming Healthcare Task Force for Whatcom County. Helped organize “Recovery Day” in Whatcom County in 2011 and have been a member of the recovery community since 2001.

10. Please describe why you’re interested in serving on this board or commission: I have a strong desire to continue my contribution to our community and stay involved.

References (please include daytime telephone number):

   DAVID JEFFERSON, MSW Work: (360) 310-7744 Cell: (360) 510-4824

Signature of applicant: RACHAEL

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**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<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>Executive:</td>
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**TITLE OF DOCUMENT:**
Appointment to Lummi Island Ferry Advisory Committee, applicant Stu Clark

**ATTACHMENTS:**
application

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<th>( ) Yes</th>
<th>( ) NO</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.)

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/27/2015: Introduced 7-0

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<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.*
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Stirrat (Stu) H. Clark
Street Address: 1564 Seacrest Drive
City: Lummi Island, WA
Mailing Address (if different from street address): 
Day Telephone: n/a
Evening Telephone: n/a
Cell Phone: 425-231-3413
E-mail address: stuclark@stuclark.com

Date: 13 November 2014

1. Name of board or committee—please see reverse:
   Lummi Island Ferry Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.
   Lummi Island resident

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 (x) Three

5. Are you a US citizen?
   (x) yes ( ) no

6. Are you registered to vote in Whatcom County?
   (x) yes ( ) no

7. Have you ever been a member of this Board/Commission?
   (x) yes ( ) no
   If yes, dates: 21 May 2012 (initial meeting) to date

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ( ) yes (x) no
   If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Please see attached resume summary

10. Please describe why you’re interested in serving on this board or commission:
    to continue the collection and analysis of ferry operational data and to explore available options for continuing and improving ferry operations

References (please include daytime telephone number):
   Mel Kolstad 360-758-2015    Bill Lee 360-778-0271
   Randy Smith 360-758-2130    Tania Sorensen 360-758-4019

Signature of applicant: 

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Stirrat (Stu) H. Clark  
1564 Seacrest Drive  
Lummi Island, WA 98262-8691  
425-231-3413  
stuclark@stuclark.com

Retirement Activities:
  Lummi Island Grange - Treasurer  2014-2015
  Lummi Island Ferry Advisory Committee Member  2012-2014
  Vice-Mayor  1999-2000, 2002-2003
  Mayor  2003
  Seward Chamber of Commerce  1992-2005
  President  1999-2000
  Vice-President  1998-1999
  Treasurer  1995-1997
  Seward Planning & Zoning Commissioner  1995-1996
  Seward Community Library Treasurer  1992-1996
  California State Park Volunteer Ranger  1990-1992

Occupational Activities:
  Sanders Assoc. Eng’g & Finance Mgmt.  1968-1983
    Mgr. Corp. MIS Development  1975-1983
    Senior Corp. Financial Analyst  1968-1970
  Edgerstoune, Inc. Owner (Bldg. Dsn. & Constr.)  1965-1968
  RCA Aerospace Systems Division Program Mgmt.  1961-1965
  Sylvania Data Systems Operations Project Mgmt.  1959-1961
  Laboratory for Electronics Repair Depot Mgr.  1957-1959
  Brook & Bridle Inn Assistant Manager (summer)  1954-1956
  Franklin Inst. Labs. Computer Engineer  1953-1954
  U. S. Army Transportation Corps Personnel Officer  1951-1953
  Amherst College Physics Lab. Research Assistant  1948-1951

Education:
  M. B. A., Harvard University  1954-1956
  Candidate for M.S. in Physics  1950-1951
  B.A., Amherst College, cum laude in Math.  1946-1950
TITLE OF DOCUMENT: Amendments to the mineral resources portion of the comprehensive plan and zoning code

ATTACHMENTS:
1) Staff Memo to Council
2) Proposed Ordinance
3) Exhibit A – Natural Resources Committee
4) Option 2 - Surface Mining Advisory Committee and Planning Commission Proposed Amendments
5) Staff report to Planning Commission - PC Findings and Recommendation
6) Surface Mining Advisory Committee proposal for Conditional Use rather than Administrative Approval
7) Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process comparison
8) Permitting process comparison for mineral extraction

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

Proposed amendments to the Mineral Resources portion of the Comprehensive Plan and Zoning Code. The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria. Proposed amendments to the zoning code include altering the permitting process from administrative approval use to a conditional use permit, changing the distance from rural or residential districts that surface mining activities associated with forest practices within the forestry zones trigger a discretionary permit, changing the notification distance for discretionary permits associated with surface mining, requiring noxious weeds to not be established in buffers of surface mining operations, limiting the area of active mineral extraction, and requiring compliance with regulations and permits for neighboring mines of common beneficial ownership.

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: Whatcom County Council

FROM: Joshua Fleischmann, Planner

THROUGH: Mark Personius, Long Range Planning Manager

DATE: February 3, 2015

SUBJECT: Comprehensive Plan and Zoning text amendments for Mineral Resource Lands and surface mining; PLN2013-00008

At the January 13 Natural Resources Committee meeting, an exhibit was forwarded to the County Council that evening for introduction for a public hearing to be held on January 27th.

At the January 27th public hearing significant changes were made to the exhibit, requiring that the revised exhibit be re-introduced for a future public hearing.

The attached amended Exhibit A includes the changes made at the January 27th meeting for a public hearing to be held on February 24th.
ORDINANCE NO. 2015-
AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE COMPREHENSIVE
PLAN REGARDING SURFACE MINE PERMITTING, THE MINERAL RESOURCE
LANDS DESIGNATION PROCESS AND MINERAL RESOURCE LANDS
DESIGNATION CRITERIA.

WHEREAS, an application has been submitted to amend the Rural (R),
Agriculture (AG), Rural Forestry (RF), Commercial Forestry (CF) and Mineral
Resource Land (MRL) Special zoning districts to require a conditional use permit for
surface mining subject to Washington State's Surface Mining Act; and

WHEREAS, the proposed amendment has been reviewed under the State
Environmental Policy Act (SEPA); and

WHEREAS, in accordance with RCW 36.70A.106 Whatcom County Planning
and Development Services notified the Department of Commerce of the proposed
zoning text and comprehensive plan amendments; and

WHEREAS, notice of the Whatcom County Planning Commission hearing on
the proposed amendment was published in the Bellingham Herald; and

WHEREAS, the Whatcom County Planning Commission held a work session
on the proposed amendment; and

WHEREAS, the Whatcom County Planning Commission held a public hearing
on the proposed amendment and considered all testimony; and

WHEREAS, the Whatcom County Planning Commission forwarded its findings
and reasons for action to the County Council; and

WHEREAS, the Whatcom County Council has reviewed the Planning
Commission recommendation; and

WHEREAS, the Whatcom County Council held 2 work session in the Natural
Resources Committee; and

WHEREAS, the Whatcom County Council held a public hearing on the
proposed amendment and considered all testimony; and
WHEREAS, the Whatcom County Council hereby adopts the following findings of fact and conclusions:

FINDINGS
1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.
2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.
4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.
5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.
6. The Planning Commission held a work session on September 11, 2014.
7. The Planning Commission held a public hearing on October 23, 2014.
8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.
9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.
10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.
11. **GMA Planning Goal #7:** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

The proposed amendments to Policy 8K-2 clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. **GMA Planning Goal #11:** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

13. **Whatcom County’s County-Wide Planning Policy A-3 states:** Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development
meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline and strikethrough represent changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a
right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works - Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

The proposed amendments alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 - Transportation as part of the permitting process. Exhibit A proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.

18. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, shall require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a
Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

19. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by
the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

20. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments.

21. The proposed comprehensive plan amendments may affect the ability of the county and/or other service providers to provide adequate services and public facilities including transportation facilities.

22. The rate of conversion to mineral resource lands from agriculture and forestry may slow, positively impacting the protection of agriculture and forestry lands.

23. The proposed amendment does not change the zoning of any area therefore the amendment does not include nor facilitate illegal spot zoning.

24. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if
certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

25. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

26. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

27. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.
The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be).
Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

30. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

31. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

32. The Aggregate Resource Inventory 2014 Study Update Whatcom County, Washington (December 22, 2014) estimates that aggregate reserves within
existing MRLs will be depleted in 2042 and bedrock reserves will be depleted in 2079, based on estimated reserves and per capita consumption.

33. MRL designation does not determine all usable aggregate within Whatcom County.

CONCLUSIONS
1. The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Zoning Code is hereby amended as shown in Exhibit A.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this ____ day of __________, 2015.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Royce Buckingham
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ___________________________
Exhibit A

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,200 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,200 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to
WCC 20.84.235.

.131 Surface mining subject to Washington State’s Surface Mining Act (Chapter
78.44 RCW) and accessory washing and sorting; provided that:

(1) The notification requirements of WCC 20.84.235 shall be expanded to all
property owners within 1,000 feet of the external boundaries of the subject
property.

(2) At minimum, the activity adheres to the development and performance
standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur
within the five-year zone of contribution for designated well head protection areas.
Excavations may occur within the 10-year zone of contribution outside of the five-
year zone of contribution if they are not within 10 vertical feet of the seasonal high
water table. If a fixed radii method is used to delineate a well head protection area,
the surface mining applicant may elect to more precisely delineate the well head
protection boundary using an analytical model; provided, that the delineated
boundary proposed by the surface mining applicant is prepared by a professional
hydrogeologist; and further provided, that the delineated boundary has been
reviewed and approved by the Washington State Department of Health. The
hydrogeologist shall be selected by mutual agreement of the county, water
purveyor, and applicant; provided, if agreement cannot be reached the applicant
shall select a consultant from a list of no less than three qualified consultants
supplied by the county and water purveyor.

(3) Buffers are established of sufficient size and with sufficient vegetation or
berming to ensure that noise, dust, and other impacts to surrounding property
owners are within applicable regulations and performance standards. When
completing a reclamation segment, buffer may be reduced for a three-month period
to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as
appropriate to cover potential liabilities associated with the proposed activity,
renewals of bonds or insurance be submitted upon expiration of previous bonds or
insurance. The bonding agent shall notify the county on any change of status in the
bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 2,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 2,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, noxious weeds and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity, renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.

(5) Application of additional site specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 2,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 2,000 feet of the subject property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, any mineral extraction permit shall include the condition that no greater than 20 acres can be mined within the permitted area at any one time. Additional acreage may only be added after an equal amount of previously mined land has been returned to sustainable productive forest resource condition, less the area of any roads constructed in previously-mined land, to access a newly permitted area.

(8) When mineral extraction is proposed on a parcel that was not designated Mineral Resource Lands prior to January 1, 2015, all existing mines on parcels contiguous to, and held by more than 1% common beneficial ownership or interest with the proposed mine shall be in complete compliance with all operating permits and regulations before extraction of the proposed mine may commence.

(9) If a permit(s) is granted for mineral extraction and title to the property is later transferred to a new owner then:
   (a) the new owner may continue with the mineral extraction provided that the new owners assumes:
       1. responsibility to undertake the reclamation, remediation and mitigation of all impacts related to any operations that may occur during their ownership.
ii. joint and several responsibility with the prior owner(s) to undertake the reclamation, remediation and mitigation of all impacts related to any operations prior to their acquisition of the property.

(b) the prior owner assumes joint and several responsibility with the new owner(s) to undertake the reclamation, remediation and mitigation of all impacts related to any operations prior to the sale of the property.

Chapter 20.90
AMENDMENTS

20.90.045 Notice for quasi-judicial rezones.

(2) Notice shall be mailed to property owners as follows:

(d) For zoning map amendments that involve rezoning property to a Mineral Resource Land designation: At least 10 days prior to the scheduled hearing date, hearing notice shall be mailed to all property owners within 2,000 feet of the external boundaries of the subject property as shown by the records of the county assessor. The applicant shall submit a stamped envelope with a typed address for each of the above referenced property owners.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or interest with, an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved and must be in complete compliance before extraction of the additional area may commence.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input, and/or appeal, and
MINERAL RESOURCE LANDS (MRL) -- DESIGNATION
CRITERIA I. Non-Metallic Mineral Deposits

General Criteria
10. Site-specific MRL Designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

12. Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or interest with an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved.

Additional Criteria for Designated Urban and Rural Areas
103. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas
114. Must demonstrate higher value as mineral resource than forestry resource based upon:
   • soil conditions.
   • accessibility to market.
   • quality of mineral resource.
   • sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas

River and Stream Gravel
136. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.
147. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits
158. For metallic and rare minerals, mineral designation status extends to all patented mining claims.


1720. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12 15, as applicable.
Option 2

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

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Chapter 20.43

COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

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Chapter 20.73

MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

131 Surface mining subject to Washington State’s Surface-Mining Act (Chapter 78.44 RCW) and accessory washing and sorting; provided that:

(1) The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

(3) Buffers are established of sufficient size and with sufficient vegetation or bermsing to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 1,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, noxious weeds and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity, renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.

(5) Application of additional site specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7 Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input, and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.

MINERAL RESOURCE LANDS (MRL) – DESIGNATION CRITERIA I. Non-Metallic Mineral Deposits
General Criteria
10. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

11. Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Additional Criteria for Designated Urban and Rural Areas

1210. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas

1311. Must demonstrate higher value as mineral resource than forestry resource based upon:
- soil conditions.
- accessibility to market.
- quality of mineral resource.
- sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas


River and Stream Gravel

1513. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

1614. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits

1715. For metallic and rare minerals, mineral designation status extends to all patented mining claims.


1917. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I. OVERVIEW

File # PLN2013-00008

File Name: MRL – Application Process

Applicant: Barbara Brenner and Carl Weimer

Summary of Request: In December 2012, an application was submitted proposing changes to the comprehensive plan and zoning code regarding mineral resource land.

There are 2 exhibits associated with this staff report. Exhibit A represents the proposed changes as provided in the application, while Exhibit B represents the proposed changes as recommended by the Surface Mining Advisory Committee (SMAC)

The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria.

Both exhibits propose designation criteria requiring internal consistency with other parts of the comprehensive plan. Both exhibits also include policies supporting their respective proposed MRL designation process, changing the permitting process from administrative approval use to conditional use and considering maintenance and upgrade of public roads before mineral extraction.

Exhibit A proposes new MRL designation criteria that provide the public and decision-makers with environmental information prior to MRL lands being designated, require that adjoining mine activities are compliant with permits and regulations prior to MRL expansion, and limit forestry zones within MRLs. Exhibit A also includes policies considering maintenance and upgrading roads prior to designation.

Exhibit B proposes new MRL designation criteria providing discretion whether existing mines must be compliant with permits and regulations prior to adjacent MRL expansion.
Both Exhibit A and Exhibit B propose amendments to the zoning code altering the permitting process from an administrative approval use (staff decision with no public hearing) to a conditional use permit (Hearing Examiner decision with a public hearing). Both exhibits also propose additional changes to include requiring noxious weeds to not be established in buffers of surface mining operations.

Exhibit A proposes changing the distance from rural or residential districts for rock crushing activities that would require a conditional use permit from 1,000 feet to 2,000 ft. Exhibit A proposes the notification requirements for surface mining be expanded to 2,000 from the external boundaries of the subject property and requires conditional use permits for mining and processing activities within forest resource zones when within 2,000 feet of a rural or Residential district.

Exhibit B proposes an additional review criterion that, within forestry zones, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

The specific Comprehensive Plan and zoning code amendments are included with this report as exhibits A and B. Exhibit A shows the amendments as provided by the applicant. Exhibit B shows amendments proposed the SMAC.

**Location:** The proposed zoning text amendments affect portions of the Rural, Agriculture, Rural Forestry and Commercial Forestry zones, and the Mineral Resource Lands overlay.

**II. BACKGROUND**

One of the goals of the Growth Management Act (GMA) is to maintain and enhance resource based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. In addition, the Act mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth and that have long-term commercial significance.

To address the mandates of the GMA, Whatcom County formed a Surface Mining Citizens’ Advisory Committee (SMAC) in the 1990s to produce the issues, goals, and policies found in the Whatcom County Comprehensive Plan. The County Council adopted the original mineral resource provisions in the 1997 Comprehensive Plan. These provisions were updated in 2004-2005 after reviewing the GMA, SMAC recommendations, and new information.

In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the SMAC recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan.
While urbanization creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to assure the long-term conservation of resource lands for future use. It may also help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades and export markets create jobs and stimulate the economy, to the benefit of the county.

Potential conflicts with other land uses, however, may include increased noise, dust, visual blight, traffic, road wear, and neighboring property devaluation. Unreclaimed mines may affect property values while at the same time nearby residents may use the area for other activities. Controlling trespassing to surface mining may be a significant safety issue for mine operators. Property rights issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that area allowed. These and other factors may contribute to a climate of distrust and hostility between aggregate industry and adjacent property owners.

Environmental issues associated with surface mining may include groundwater contamination and disruption of fish and wildlife habitat. Surface mines may have the potential, however, to create wetlands and fish and wildlife habitat, possible productive agricultural land for a limited number of crops, and provide land for parks, housing, industrial and other uses, through mine reclamation.

Associated mining activities such as rock crushing on-site may increase the "industrial atmosphere" experience by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.

In October 2006, PDS staff provided a staff report to the Planning Commission for a proposed MRL designation expansion east of the City of Nooksack, off of Breckenridge Road. The staff report recommended approval, subject to conditions, based on designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. The Council Natural Resource committee recommended approval of the proposal to the County Council. At the County Council meeting, partially due to public opposition, the proposal was not adopted.

In December 2008, an application was filed to amend the Comprehensive Plan map and zoning map to expand an MRL designation off of Bowman and Doran roads, south of Acme. The SEPA threshold determination of Mitigated Determination of Non-Significance was appealed by some of the local community and the applicant.
The Hearing Examiner upheld the applicant appeal. The Hearing Examiner decision was appealed to the County Council, which upheld the Hearing Examiner’s decision. In May 2011, PDS staff provided a staff report to the Planning Commission for the proposed MRL designation amendment. The staff report recommended approval based on the designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. On July 26, 2011, the County Council moved to refer the proposal to committee for a work session. At the August 9, 2011 Planning and Development Committee meeting, the Committee was unable to recommend approval for the proposal. That evening, the County Council forwarded the proposal to concurrent review. On February 14, 2012, the County Council motion to adopt the proposed ordinance failed, partially due to public concerns about potential environmental impacts of future mining.

The purpose of the present proposal is to address some of the concerns that have been raised in previous years. As stated in the application for this proposal:

- “The current MRL process fails to provide sufficient information to evaluate the potential impacts of MRL designation proposal. Recent decisions of the hearing Examiner have concluded that the current process limits the initial MRL designation mainly to the value and location of mineral deposits while leaving the determination of the impacts and approval of operations to the administrative approval process that requires appeals in order to gain a public hearing. As noted by the Hearing Examiner, Whatcom County could have chosen a different process with designation criteria that included environmental review of mining impacts at the beginning of the process.”

“This amendment does propose a different process – a process that provides the public and decision-makers with environmental information prior to MRL lands being designated, and then requires a public hearing on surface mining permit applications rather than having such decisions made by staff that must be appealed in order to gain a hearing.”

**III. ANALYSIS OF THE PROPOSED AMENDMENT**

The proposed amendments include both Comprehensive Plan text amendments, as well as zoning text amendments.

In order to approve the proposed Comprehensive Plan amendments, pursuant to Whatcom County Code (WCC) 2.160, the planning commission and county council must find:

- The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
- Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
- The public interest will be served by approving the amendment.
A. That the amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

Growth Management Act

The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

GMA planning goal #7 states: “Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability” (RCW 36.70A.020(7)).

**Staff Comment:** Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine” (unlike agricultural and forest lands of long-term commercial significance), insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction. Neither Exhibit A nor B proposes to change that.

However, Exhibit A would require that a site specific environmental analysis, as well as consideration of the maintenance and upgrade of public roads, be conducted on a site prior to MRL designation. If, in keeping with recent decisions, MRL designation does not include a “right-to-mine”, subject to the results of the environmental analysis, then a mineral extraction permit applicant would have no assurances that the results of their site specific environmental analysis would result in an approved MRL designation or permit. Further, if designation is predicated on an operating plan, if a mineral extraction company goes out of business or is sold, or if the property is sold, it is unclear if the new owner would be bound to the operating plan, need to complete a new environmental analysis, or risk losing MRL designation based on the lack of an environmental analysis.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

GMA planning goal #11 states: “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)).

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use...
processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

County-Wide Planning Policies

County-Wide Planning Policy A-3 states that:

Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Interlocal Agreement

Staff Comment: Staff is not aware of any interlocal agreements affecting the proposed amendments.

B. That further studies made or accepted by the department of planning and development services indicate changed conditions that show the need for the amendment.

There have been no studies made or accepted by the PDS that indicate changed conditions that show the need for the amendments. However, in recent history
there have been instances documented that may support some of the amendments.

- **Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

- **Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

- **Exhibit A – Proposed Policy 8K-7:** Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

- **Exhibit B – Proposed Policy 8K-7:**
  The surface Mining Advisory Committee did not recommend approval of this proposed policy.

**Staff Comment:** Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.
• **Exhibit A – Proposed Policy 8K-8:** Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

• **Exhibit B – Proposed Policy 8K-8:** Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

**Staff Comment:** In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

• **Exhibit A and Exhibit B – Proposed Policy 8Q-4:** Allow mining within designated MRLs through an administrative approval *conditional* use permit process requiring:
  1. on-site environmental review, with county as lead agency, and
  2. application of appropriate site specific conditions, and
  3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
  4. access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

**Staff Comment:** The underlines and strikethroughs represent changed conditions from the present policy. In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:
"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

C. That the public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

1. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

Staff Comment: There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B. However, under Exhibit A, lands that have a proven resource may become converted to a use incompatible with surface mining if mineral resource extraction companies don’t pursue designation as a result of increased costs and lack certainty in the designation process.

2. The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

Staff Comment: Under Exhibit A, the proposed Comprehensive Plan amendments may affect the ability of the County and/or other service providers to provide adequate services and public facilities including transportation facilities, though not necessarily through an increased demand for services. Recent efforts to designate lands for mineral extraction have failed. Mining companies may be hesitant to apply for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction.
Additionally, by limiting MRL designations in forest lands to 20 acres at a time, large areas of potential resources may not be efficiently extracted. This situation may result in increased costs for the resource. If mining companies decide to not apply for new designations in Whatcom County, the costs of mineral resources would likely climb as the local supply diminishes and more costly imports become a primary source of material. If the costs of capital facilities increase, there may be less money throughout the rest of the provider’s budget.

Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

3. **Anticipated impact upon designated agricultural, forest and mineral resource lands.**

Staff Comment: Under Exhibit A, the proposed amendments may discourage mining companies from applying for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction. If true, the rate of conversion to mineral resource lands from agriculture and forestry would likely slow, positively impacting the protection of agriculture and forestry lands. However, the proposed amendments would then, necessarily, negatively impact the availability of mineral resource lands.

Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

D. **That the amendment does not include nor facilitate illegal spot zoning.**

According to the Official Whatcom County Zoning Ordinance:

“Illegal spot zoning” means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).

Staff Comment: The proposed amendments within Exhibit A and Exhibit B do not change the zoning of any area; therefore the amendment does not include nor facilitate illegal spot zoning.

For zoning text amendments, Planning and Development Services shall conduct environmental review under SEPA and prepare a staff report including recommendations and/or options for the initiated amendment. The report and
result of environmental review to the appropriate hearing body, in this case the Planning Commission. The Planning Commission shall evaluate the merits of each amendment in relationship to the goals, policies and objectives of the Comprehensive Plan and make a recommendation as to whether the amendment should be approved, approved with modifications or denied. The following goals and policies of the Comprehensive Plan apply to the subject zoning text amendments.

Goal 2G: *Encourage citizen participation in the decision-making process*

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Policy 2D-3: *Streamline development regulations to eliminate unnecessary time delays.*

Staff Comment: Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

Policy 7D-7: *Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.*

Staff Comment: Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

Policy 8K-1: *Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.*

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case
of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

**Policy 8N-2:** Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

**Staff Comment:** Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Staff Comment: Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:

1. on-site environmental review, with county as lead agency, and
2. application of appropriate site specific conditions, and
3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
4. access to de novo review by the Hearing Examiner if administrative approval or denial is appealed.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Since conditional use permits undergo a public hearing before the Hearing Examiner, the conditional use permitting process allows for oral input, as opposed to the administrative approval process which has no associated public hearing.

Goal 10J: Minimize conflicts between different land uses.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing
Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

Lack of Goals or Policy: The following are proposed amendments to the zoning code that are neither supported, nor opposed, by the goals and policies within the comprehensive plan. The present zoning code language is presented first, followed by the proposed amendments within Exhibits A and B.

WCC 20.42.058 and 20.43.055 – Permitted uses within Rural and Commercial Forestry: Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided that administrative approval is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

- **Exhibit A:** Proposes changing the permitting process from administrative approval use to conditional use and extending the locational criteria to 2,000 ft.
- **Exhibit B:** Proposes changing the permitting process from administrative approval use to conditional use, but leaving the locational criteria at 1,000 ft.

WCC 20.73.132 – Administrative Approval uses in the Mineral Resource Lands overlay: Rock crushing within Commercial and Rural Forestry Districts.

- **Exhibit A:** Proposes adding the following language to the end of the code: “when located further than 2,000 feet from a rural or residential district.”
- **Exhibit B:** Proposes adding the following language to the end of the code: “when located further than 1,000 feet from a rural or residential district.”

Proposed WCC 20.73.153(1) – Conditional uses in the Mineral Resource Lands Overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use): The notification requirements of WCC
2.33.060.D.2.b shall be expanded to all property owners within 1,000 ft. of the external boundaries of the subject property.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Proposed WCC 20.73.153(6) – Conditional uses in the Mineral Resource Lands overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Exhibit B - Proposed WCC 20.73.153(7) – Conditional uses in the Mineral Resources Lands overlay (note: this language is new and is not proposed in Exhibit A):** Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.

**State Environmental Policy Act**

**Staff Comment:** A SEPA Determination of Nonsignificance was issued on July 5, 2013. The associated comment period ended on July 19th, 2013 and the appeal period concluded July 29th, 2013.

**IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014
6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
13. Whatcom County's County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.
Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed
amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMIs), and the 3 amendment applications to those ADMIs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMIs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator's determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be).
Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if
certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

> ... Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded. ... (p. 7).

V. Proposed Conclusion

The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050.

VI. Recommendation

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.
PROPOSAL BY THE WHATCOM COUNTY SURFACE MINING COMMITTEE TO USE CONDITIONAL USE RATHER THAN ADMINISTRATIVE REVIEW AS THE PROCESS FOR MINE PERMITTING

Proposal

The Whatcom County Surface Mining Advisory Committee (SMAC) is proposing use of the conditional use rather than the administrative approval review process for mine permitting. The Committee is making this recommendation because the majority of Committee members believe that this will result in a more open, efficient and timely process.

Introduction

The Whatcom County Planning Commission questioned the Whatcom County Surface Mining Advisory Committee’s recommendation for using conditional use permits. Administrative review based on a staff decision without a public hearing is the current procedure for mine permitting in Whatcom County. The SMAC decision is based on a review of Comprehensive Plan amendments proposed by Whatcom County Councilman Carl Weimer and Councilwoman Barbara Brenner, and Whatcom County Planning and Development Services staff recommendations. Both sets of recommendations are intended to, “ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County...”¹ address the Mineral Resource Land (MRL) approval process² and identify criteria for designating MRLs³. Membership of the SMAC includes a citizen who lives close to an existing mine, two representatives from the mining industry, two geologists, a geotechnical engineer, an ecologist, a forester, and a representative from the Whatcom Conservation District.

Discussion

A majority of the SMAC believe, as is the current practice, that public hearings should occur before an MRL designation is made by the County Council, with the understanding that an MRL designation does not constitute a right to mine nor should the impact of mining be addressed prior to an MRL designation. Because of the cost, as well as uncertainty in designation, mining impacts should be addressed in the State Environmental Policy Act (SEPA) review for a site-specific mining permit. The estimated costs for an Environmental Impact Statement through SEPA review range from $50K to $200K. In addition to the SEPA review, site-specific comments by affected citizens and any site-specific conditions should be considered by a Hearing Examiner before a decision is made to permit mining.

¹ Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8K Adverse Impacts
² Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8P MRL Approval Process
The rationale for changing from an administrative review to a conditional use mine permitting process includes the following:

- Uncertainties and inconsistencies in the approach the Whatcom County Planning and Development Services staff may take when reviewing permit applications,
- Citizens should be encouraged to engage early in the decision making process,
- Citizen participation will provide applicants for mining permits with early identification of perceived as well as real pitfalls, safety concerns and impacts of mining thus enabling applicants to address mitigation before concerns spiral out of control,
- Citizen involvement will result in recognition of conflicts between competing land uses, and
- Early citizen participation in the decision making process may reduce the number of challenges through appeals, thus minimizing time delays during the mine permitting process.

Conclusion

The Whatcom County Surface Mining Advisory Committee recommends the conditional use rather than the administrative approval review process because the Committee believes the conditional use process promotes open decision making, allows citizens to consider and understand alternatives and voice their concerns before any decision is made. Open decision making and early discussion may also shorten the time between application and issuance of a permit to mine. Criteria to be used by a Hearing Officer should be clearly identified when deciding whether a mine should be permitted during the conditional use review process. It is essential that all interested parties have an early understanding of issues influencing a decision so that these can be discussed and understood before a decision is made to assure maximum efficiency.
Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process

** Present/SMAC Recommendation **

- MRL Comprehensive Plan Map and Zoning Map amendment application →
  - SEPA (Non-Project Action, historically DNL)
    - Legal notice published in newspaper →
      - Staff Report
        - Zoning Review
        - Comp Plan Review
        - GMA Review →
          - Planning Commission (Public Hearing)
            - At least 10 days prior to hearing:
              - Legal notice published in newspaper;
              - Notification to neighbors within 1,000 ft; Notice posted on-site →
                - County Council (Public Hearing)
                  - Decision
                    - Notification in Herald 10-days prior to hearing →
                      - County Council - Concurrent Review (Public Hearing)**
                        - Decision
                          - Notification in Herald 10-days prior to hearing

** Applicant Proposal **

- MRL Comprehensive Plan Map and Zoning Map amendment application →
  - SEPA (Project-Specific Action; may require USIFDS is issued)
    - Legal notice published in newspaper
    - Review extraction impacts and address potential adverse effects →
      - Staff Report
        - Zoning Review
        - Comp Plan Review
        - GMA Review →
          - Planning Commission (Public Hearing)
            - At least 10 days prior to hearing:
              - Legal notice published in newspaper;
              - Notification to neighbors within 1,000 ft; Notice posted on-site →
                - County Council (Public Hearing)**
                  - Notification in Herald 10-days prior to hearing →
                    - County Council - Concurrent Review (Public Hearing)**
                      - Decision
                        - Notification in Herald 10-days prior to hearing

** County Council may deny amendment regardless of whether the application meets designation criteria. **
Permitting process for mineral extraction

<table>
<thead>
<tr>
<th>PRESENT</th>
<th>SMAC RECOMMENDATION</th>
<th>APPLICATION</th>
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| Administrative Approval Use  
  - Notification to neighbors within 1,000 ft  
  - SEPA (project specific action) if over 500 cu yds  
  - Staff Decision  
  - Notice posted on-site | Conditional Use  
  - Notification to neighbors within 1,000 ft  
  - SEPA (project specific action) if over 500 cu yds  
  - Staff Recommendation  
  - Public Hearing  
  - Hearing Examiner Decision | Conditional Use  
  - Notification to neighbors within 2,000 ft  
  - SEPA (project specific action) if over 500 cu yds (completed as part of designation)  
  - Staff Recommendation  
  - Public Hearing  
  - Hearing Examiner Decision |
**TITLE OF DOCUMENT:**
Appointment to Surface Mining Advisory Committee: applicant Kyle Strengthen

**ATTACHMENTS:**
Application

**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.)
1 vacancy to the Surface Mining Advisory Committee. Two-year term ends 1/31/2017.

**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

RETURN TO WHATCOM COUNTY COUNCIL OFFICE, 311 GRAND AVENUE, SUITE 105, BELLINGHAM, WASHINGTON 98225

Name: Kyle Strengholt Date: 1/29/2015
Street Address: 311 Kwanzan Drive
City: Lynden Zip Code: 98264
Mailing Address (if different from street address): same
Day Telephone: (360) 354-2210 Evening Telephone: (360) 739-0761 Cell Phone: (360) 739-0761
E-mail address: kyle.strengholt@gmail.com

1. Name of board or committee: SURFACE MINING ADVISORY COMMITTEE

2. You must specify which position you are applying for. Please check one: ( ) geologist ( ) ecologist ( ) environmental consultant ( ) member of surface mining industry ( ) potable groundwater supply ( ) forestry. ( ) None of the above. I’m applying for the "surface mining material user"

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (X) yes ( ) no

4. Are you a US citizen? (X) yes ( ) no

5. Are you registered to vote in Whatcom County? (X) yes ( ) no

6. Have you ever been a member of this Board/Commission? If yes, dates: NA ( ) yes (X) no

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? If yes, please explain: See page 2. (X) yes ( ) no

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. See page 2.

9. References (please include daytime telephone number): Len Honcoop: (360) 815-4421, Allan Haak: (360) 961-3417, Josh Husband: (425) 785-5226

Signature of applicant: Kyle Strengholt

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.
7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

Yes, I am an employee and officer of Strengholt Construction Company Inc. Strengholt Construction is currently doing a project for Whatcom County. The project is the Central Plaza Building Structural Roof Support Modification. Strengholt Construction has done other construction projects for the county as a general contractor in the past, typically these projects are larger projects put out for public bid.

My wife is an employee at PeaceHealth St. Joseph Medical Center, she is an Assistant Manager for the Medical Care Unit. While I am not aware of any business between PeaceHealth and Whatcom County I would suspect that PeaceHealth does conduct business with the county.

8. Please describe your occupation, qualifications, professional and/or community activities, and education:

Currently at Strengholt Construction I’m working as an Estimator and as an Assistant Project Manager. As an Estimator I am responsible for pre-project take offs and overall bid preparation. I am also the company’s LEED Coordinator for any LEED Certified projects, and am the company’s Recycling and Construction Waste Manager. I am also a Certified Erosion and Sediment Control Lead (CESCL).

I feel that Strengholt Construction, as an industrial and commercial general contracting company, falls into the category of a “surface mining material user.” Strengholt Construction is often ordering various structural fills, from the local surface miners, for our construction projects. At Strengholt Construction I am involved in the ordering, and sometimes the transportation (I have a commercial driving license) and placing of material on our project sites. I also think my knowledge of being a CESCL gives me good perspective into some of the concerns that exposed surface mining can have on our environment.

In the last six years I have lived in Whatcom County, Bellingham, and Lynden. I take pride in this environmentally blessed county and the high quality of life it provides. I enjoy kayaking in our bays, fishing in our lakes, hiking in our mountains, hunting in our backcountry, and snowboarding at the ski area. My dog also enjoys all the walks she can take in the numerous parks and green spaces throughout the county. I take pleasure in being an active participant in Sonlight Community Christian Reformed Church in Lynden. I am also involved in the co-management of thirty eight apartment units in the Lynden area.

I graduated from Lynden Christian High School with Honors. After that I attended Calvin College in Grand Rapids, Michigan. I graduated from Calvin College with a Bachelor’s Degree. I graduated with a Business Major with concentrations in Operations and Economics, and with a Pre-Architecture specialization.
10. Please describe why you're interested in serving on this board or commission:

I am excited about potentially serving on the Surface Mining Advisory Committee as a Surface Mining Material User. My interest in serving the county in this position comes first from the fact that I care deeply about this county. Whatcom County is my home and has been my home for my entire life, except for my college years which were spent in Michigan, thus I love Whatcom County for many reasons. I think the county is worth protecting for future generations. Not only does the county’s environment need protecting, but also its people, resources, and economy. The proper balance of protecting all four of those things is what makes the quality of life so good in Whatcom County, and I feel that the surface mining industry is one of the crucial places where all of those things come together.

My second reason for wanting to serve the county in this position is because I think I can add value to the committee. I think my experiences in my industry, education, and general knowledge of the community can be a benefit to the committee. I would truly appreciate being able to be a part of the committee as it advises the County Council before it amends the Mineral Resource Land policies and updates the Comprehensive Plan.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/30/15</td>
</tr>
</tbody>
</table>

RECEIVED
FEB 03 2015
WHATCOM COUNTY COUNCIL

AGENDA NO. 2015-067

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 General Fund:**

1. To appropriate $209,563 in the Sheriff’s Office to fund federal fiscal year 2014 Operation Stonegarden program from grant proceeds.
2. To re-appropriate $421,474 in the Sheriff’s Office to fund multi-year records management system software maintenance agreement.
3. To appropriate $14,016 in the Sheriff’s Office to fund reimbursable overtime coverage for Cornwall Church traffic control.
4. To re-appropriate $37,500 in Non-Departmental to fund completion of the Bellingham Food Bank expansion project from CDBG grant proceeds.
5. To appropriate $500,000 in Non-Departmental to fund Opportunity Council Housing Rehab program from CDBG grant proceeds.
6. To appropriate $4,500 in Health to fund Secure Pharmaceutical Take Back project from grant proceeds.
7. To appropriate $65,000 in Health to fund mental health promotion program from grant proceeds.

From the Jail Fund:
8. To re-appropriate $9,247 for funding of ammunition order.
9. To re-appropriate $21,147 for funding to complete the Jail kitchen floor project.

From the Chemical Dependency / Mental Health Fund:
10. To appropriate $70,000 in Health to fund Triage Center renovations.

From the Public Utilities Improvement Fund:
11. To appropriate $1,000,000 in Non-Departmental to fund grant for Port of Bellingham’s “C” Street Terminal Infrastructure Rehabilitation project.
12. To re-appropriate $12,500 in Non-Departmental to fund updates to the Comprehensive Economic Development Strategy.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
ORDINANCE NO.
AMENDMENT NO. 2 OF THE 2015 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016
budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by
the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015-2016
Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following
additional amounts to the 2015 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff</td>
<td>646,053</td>
<td>(223,579)</td>
<td>421,474</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>537,500</td>
<td>(537,500)</td>
<td>-</td>
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<tr>
<td>Health</td>
<td>69,500</td>
<td>(69,500)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>1,252,053</td>
<td>(830,579)</td>
<td>421,474</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>30,394</td>
<td>-</td>
<td>30,394</td>
</tr>
<tr>
<td>Chemical Dependency / Mental Health Fund</td>
<td>70,000</td>
<td>-</td>
<td>70,000</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>1,012,500</td>
<td>-</td>
<td>1,012,500</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>2,364,947</td>
<td>(830,579)</td>
<td>1,534,368</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ____________________, 2015.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved  ( ) Denied

Jack Louws, County Executive

Date: ____________________________
## Summary of the 2015 Supplemental Budget Ordinance No. 2

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund federal fiscal year 2014 Operation Stonegarden program from grant proceeds.</td>
<td>209,563</td>
<td>(209,563)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To re-appropriate funding for multi-year records management system software maintenance agreement.</td>
<td>421,474</td>
<td>-</td>
<td>421,474</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund reimbursable overtime coverage for Cornwall Church traffic control and security services.</td>
<td>14,016</td>
<td>(14,016)</td>
<td>-</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>To re-appropriate funding for completion of the Bellingham Food Bank expansion project from CDBG grant proceeds.</td>
<td>37,500</td>
<td>(37,500)</td>
<td>-</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>To fund Opportunity Council Housing Rehab program from CDBG grant proceeds.</td>
<td>500,000</td>
<td>(500,000)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Secure Pharmaceutical Take Back project from grant proceeds.</td>
<td>4,500</td>
<td>(4,500)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund mental health promotion program from grant proceeds.</td>
<td>65,000</td>
<td>(65,000)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>1,252,053</td>
<td>(830,579)</td>
<td>421,474</td>
</tr>
<tr>
<td><strong>Jail Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jail</td>
<td>To re-appropriate funding for ammunition order.</td>
<td>9,247</td>
<td>-</td>
<td>9,247</td>
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<tr>
<td>Jail</td>
<td>To re-appropriate funding to complete Jail kitchen floor project.</td>
<td>21,147</td>
<td>-</td>
<td>21,147</td>
</tr>
<tr>
<td><strong>Total Jail Fund</strong></td>
<td></td>
<td>30,394</td>
<td>-</td>
<td>30,394</td>
</tr>
<tr>
<td><strong>Chemical Dependency / Mental Health Fund</strong></td>
<td>To fund Triage Center renovations.</td>
<td>70,000</td>
<td>-</td>
<td>70,000</td>
</tr>
<tr>
<td><strong>Public Utilities Improvement Fund</strong></td>
<td>To fund Port of Bellingham's &quot;C&quot; Street Terminal Infrastructure Rehabilitation project</td>
<td>1,000,000</td>
<td>-</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>To re-appropriate funds to update the comprehensive economic development strategy.</td>
<td>12,500</td>
<td>-</td>
<td>12,500</td>
</tr>
<tr>
<td><strong>Total Public Utilities Improvement Fund</strong></td>
<td></td>
<td>1,012,500</td>
<td>-</td>
<td>1,012,500</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>2,364,947</td>
<td>(830,579)</td>
<td>1,534,368</td>
</tr>
</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: January 26, 2015
SUBJECT: Supplemental Budget ID# 1942
2015 Operation Stonegarden FFY2014


Background and Purpose
The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2014 Operation Stonegarden funds of $209,653 to Whatcom County to enhance law enforcement’s preparedness and operational readiness along the international borders of the United States.

Of this amount, the Sheriff’s Office allocation is $56,013 and the allocation for other area law enforcement agencies (sub-recipients) is $153,640. The Sheriff’s Office anticipates using its allocation in calendar year 2015 for overtime ($50,000) and Mileage ($6,013).

Grant agreement was approved by Whatcom County Executive 01/15/15 (Whatcom County Contract No. 201501028) and is pending final signature from Washington State Military Department.

Funding Amount and Source

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.
Thank you.
Supplemental Budget Request

Name of Request: 2015 Operation Stonegarden FFY2014

1a. Description of request:
The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2014 Operation Stonegarden (OPSG) funds in the amount of $209,653 to Whatcom County for enhanced cooperation and coordination among local, tribal, territorial, state, and federal law enforcement agencies in a joint mission to secure the borders of the United States, Whatcom County Contract No. 201501028.

In coordination with U.S. Border Patrol, the Whatcom County Sheriff's Office and other law enforcement agencies will utilize OPSG funding to provide enhanced patrols to increase law enforcement presence in maritime and land based border areas targeting illicit activity in Whatcom County, specifically the cross border smuggling of aliens, weapons, currency, and narcotics.

1b. Primary customers:
Area law enforcement agencies and citizens of Whatcom County.

2. Problem to be solved:
Whatcom County shares over 131 miles of border with Canada (89 miles of land border and 42 miles of maritime border). These borders are open, easily accessible, and vulnerable to incursion by undocumented aliens, contraband smugglers, and potential terrorists.

Whatcom County's land border with Canada is adjacent to the Vancouver metropolitan area which lies immediately north of the international boundary. Intelligence indicates there are multiple terrorist organizations and/or sympathizers located in Canada, many in the Vancouver area. Due to its temperate climate and close proximity to Vancouver, B.C., seaports, international airports, and the I-5 corridor, Whatcom County has been a favored operational area for alien, drug, and weapons smugglers. The vulnerability in border security set against the volume of criminal activity in the region puts Whatcom County borders at risk.

Operation Stonegarden projects will strengthen partnerships among federal, state, and local agencies and improve border security through increased cooperation and enhanced patrols.
Supplemental Budget Request

Status: Pending

Sheriff Operations

Suppl ID # 1942 Fund 1 Cost Center 1003515003 Originator: Dawn Pierce

3a. Options / Advantages:
OPSG funds are awarded specifically for projects that will enhance law enforcement's preparedness and operational readiness along international borders of the United States, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:
Total award $209,653:
Whatcom County Sheriff's Office $56,013; other law enforcement agencies (sub-recipients) $153,640

4a. Outcomes:
Enhanced patrols will be completed per contract specifications and timelines.
Daily Activity Reports will be completed and sent to Border Patrol.

4b. Measures:
The Whatcom County Sheriff's Office and U.S. Border Patrol will monitor projects and expenditures against contract deliverables.

5a. Other Departments/Agencies:

Although receiving no OPSG funding, U.S. Border Patrol will provide coordination among participating agencies. Participating agencies receiving OPSG funding will provide enhanced law enforcement presence to reduce criminal activity in border areas.

5b. Name the person in charge of implementation and what they are responsible for:
The following individuals will coordinate projects within their jurisdictions: Special Operations Supervisor James Powers, U.S. Border Patrol - Blaine Sector; Undersheriff Jeff Parks, Whatcom County Sheriff’s Office; Sgt. Russ Mullins, WA Department Fish & Wildlife; Lt. Robert VanderYacht, Bellingham PD; Chief Mike Haslip, Blaine PD; Chief Dan MacPhee, Everson PD; Chief Mike Knapp, Ferndale PD; Chief Jack Foster, Lynden PD; Chief Chris Haugen, Sumas PD.

6. Funding Source:
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: January 26, 2015
SUBJECT: Supplemental Budget ID #1938
Records Management System Software Maintenance Payment #1

The attached Supplemental Budget requests budget authority to re-appropriate unspent
money from 2014 budget to fund the Sheriff’s Office Records Management System
(RMS) software maintenance payment #1 in 2015. Software maintenance payment #1 in
the amount of $421,474 is pre-paid maintenance for three years following final
acceptance of the project.

Background and Purpose
Whatcom County entered into a contract for services agreement on 01/31/13 for the
Sheriff’s Office RMS, WC Contract #201302001. The contract includes $421,474 for
software maintenance payment #1 due upon final acceptance of the project.

The new Sheriff’s Office RMS went live at the end of 2013. However, eight interfaces to
other systems not essential to the core system Go Live were planned for 2014. The
project team is withholding the 1st software maintenance payment of $421,474 pending
completion of the interfaces. The remaining interface is the installation of four fingerprint
machines which is expected to be complete in the first quarter of 2015.

The Sheriff’s Office requires expenditure authority for software maintenance payment #1
upon final acceptance of the project now expected in 2015.

Funding Amount and Source
$421,474 of unspent appropriation from 2014.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.
Thank you.
Supplemental Budget Request

Status: Pending

Sheriff Administration

Supp'l ID # 1938 Fund 1 Cost Center 2900 Originator: Dawn Pierce

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

Name of Request: Records Management System Software Maintenance #1

Department Head Signature (Required on Hard Copy Submission) Date

X Bill ED

2/2/2015

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$421,474</td>
<td></td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$421,474</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
To re-appropriate $421,474 unspent from 2014 to fund the Sheriff's Office Records Management System (RMS) software maintenance payment #1. Software maintenance payment #1 is pre-paid maintenance for three years following final acceptance of the project.

1b. Primary customers:
Whatcom County Sheriff's Office

2. Problem to be solved:
Whatcom County entered into a contract for services agreement on 01/31/13 for the Sheriff's Office RMS, WC#201302001. The contract includes $421,474 for software maintenance payment #1 due upon final acceptance of the project.

The new Sheriff's Office RMS went live at the end of 2013. However, eight interfaces to other systems not essential to the core system Go Live were planned for 2014. The project team is withholding the 1st software maintenance payment of $421,474 pending completion of the interfaces. The remaining interface is the installation of four fingerprint machines which is expected to be complete in the first quarter of 2015.

The Sheriff's Office requires expenditure authority for the software maintenance payment upon final acceptance of the project now expected in 2015.

3a. Options / Advantages:
No other options available.

3b. Cost savings:

4a. Outcomes:
The Sheriff's Office Records Management System software maintenance payment #1 will be made in accordance with terms of existing contract.

4b. Measures:

5a. Other Departments/Agencies:
Whatcom County Administrative Services - Information Technology

5b. Name the person in charge of implementation and what they are responsible for:
Project Management: Perry Rice, I.T. Manager and Chief Civil Deputy Art Edge, Sheriff's Office

6. Funding Source:
$421,474 of unspent appropriation from 2014.

Friday, January 30, 2015

Rpt: Rpt Suppl Regular
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: January 26, 2015
SUBJECT: Supplemental Budget ID #1943
Reimbursable Overtime 2015 – Cornwall Church

The attached Supplemental Budget requests budget authority (revenue and expenditure) to provide traffic control and security services for Cornwall Church during 2015.

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.

These services are provided by deputies on off-duty overtime so as not to impact the daily operations and response capabilities of regularly scheduled shift deputies and are billed by the Sheriff’s Office at the reimbursable overtime billing rate specified in the Whatcom County Unified Fee Schedule (currently $73 per hour).

Cornwall Church has requested the Sheriff’s Office to provide approximately 192 hours of traffic control and security services for vehicles entering and exiting the Cornwall Church parking lot located on Northwest Drive every Sunday morning in 2015.

This is a new request and was not included in original 2015 reimbursable overtime projections. The current budget is inadequate to provide the requested services.

Funding Amount and Source
Estimated funding of $14,016 will be provided by Cornwall Church.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.
Thank you.
Supplemental Budget Request

Sheriff Operations

Suppl ID # 1943  Fund 1  Cost Center 2965  Originator: Dawn Pierce

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

Name of Request: Reimbursable Overtime 2015 - Cornwall Church

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>4342.1012</td>
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<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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<tr>
<td>6140</td>
<td>Overtime</td>
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<tr>
<td>6210</td>
<td>Retirement</td>
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<td>6230</td>
<td>Social Security</td>
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<td>6259</td>
<td>Worker's Comp-Interfund</td>
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<td></td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
<td></td>
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</tbody>
</table>

1a. Description of request:
Cornwall Church has requested the Sheriff's Office to provide approximately 192 hours of traffic control and security services during 2015.

1b. Primary customers:
Whatcom County citizens

2. Problem to be solved:
The Sheriff's Office received this request for services in January 2015. It was, therefore, not included in original reimbursable overtime projections for 2015 and the current budget is inadequate to provide the requested services.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:
Sheriff's Office deputies will provide traffic control and security services for vehicles entering and exiting the Cornwall Church parking lot located at 4518 Northwest Drive in Bellingham from 9:00 AM to 12:30 PM every Sunday morning in 2015.

4b. Measures:

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Funding will be provided by Cornwall Church at the reimbursable overtime rate specified in the Whatcom County Unified Fee Schedule. Expenditures and revenue estimated at $14,016.

Monday, January 26, 2015

Rpt: Rpt Suppl Regular 273
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws
Subject: Budget Supplemental, Food Bank Expansion CDBG Grant
Date: January 23, 2015

The attached supplemental request for $37,500 is for the purposes of re-appropriating budget authority in order to pass-through the remaining balance on a grant from the Washington State Department of Commerce to Alternatives to Hunger (dba the Bellingham Food Bank). This grant was applied for and authorized by the County Council in December of 2012, and all but $37,500 of the $750,000 grant contract has been expended to date.

This grant has been supporting a $2.2-million construction project, which involves doubling the size of the current regional food bank distribution center (to 20,000 square feet) in order to meet the growing need for food among low-income people who rely on the local food bank network throughout Whatcom County and San Juan County. The project is nearing completion, which is expected this year in Spring or early Summer.

The remaining grant funds are expected to be paid out on substantial completion of the project. A final public hearing will be scheduled soon, as required under the terms of the CDBG Grant Program, to review the results and impact of this project in our community.

Please feel free to contact me with any questions.
Supplemental Budget Request

Executive

<table>
<thead>
<tr>
<th>Supp'1 ID #</th>
<th>Fund 1</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>4273</td>
<td></td>
<td>Suzanne Mildner</td>
</tr>
</tbody>
</table>

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

Name of Request: Food Bank Expansion CDBG Grant

X

Department Head Signature (Required on Hard Copy Submission)  Date 1/23/15

Costs:

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<th>Object</th>
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<th>Amount Requested</th>
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<tbody>
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<td>4333.1422</td>
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<td>6610</td>
<td>Contractual Services</td>
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</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
This is a request for re-appropriation of the remaining balance of a Community Development Block Grant from the Washington State Department of Commerce, to be passed through to subrecipient Alternatives to Hunger (dba Bellingham Food Bank). This grant supports the construction of the expansion of the regional food bank distribution center.

1b. Primary customers:
Low to moderate income citizens in Whatcom and San Juan Counties

2. Problem to be solved:
Most of the $750,000 CDBG grant has been expended, however $37,500 remains and will be released following substantial completion of the project, which is expected in the Spring of 2015. The state funds pass through the county to the subrecipient Alternatives to Hunger.

3a. Options / Advantages:
N/A

3b. Cost savings:
N/A

4a. Outcomes:
Project completion, expected in Spring of 2015.

4b. Measures:
Project completion and grant closeout, including a final Public Hearing with a written project report from Alternatives to Hunger.

5a. Other Departments/Agencies:
Alternatives to Hunger (dba Bellingham Food Bank)

5b. Name the person in charge of implementation and what they are responsible for:
Mike Cohen, Executive Director of Bellingham Food Bank

6. Funding Source:
HUD, through the Washington State Department of Commerce

Thursday, January 22, 2015
MEMORANDUM

To: Whatcom County Executive Jack Louws
    And Whatcom County Council Members
From: Suzanne Mildner, Grant Coordinator
Subject: Budget Supplemental, Opportunity Council Grant
Date: January 26, 2015

The attached supplemental request for $500,000 is for the purposes of establishing budget authority in order to pass-through an available grant from the Washington State Department of Commerce to the Opportunity Council. This grant was applied for and authorized by the County Council in Spring of 2014, and has been granted for the housing rehabilitation program that the Opportunity Council operates.

This grant is a HUD grant, passed through Dept. of Commerce for Community Development Block Grant Programs, for which Opportunity Council's project qualified for this financial assistance. Whatcom County has been designated by the Dept. of Commerce as the grantee for the purpose of contracting with the Opportunity Council as a subrecipient for this grant award of $500,000.00.

This project proposes the rehabilitation of up to 30 low-income, owner-occupied housing units over a two- to three-year period. This is a direct benefit project (100% LMI) serving households in greater Whatcom County, excluding the City of Bellingham, as well as households in San Juan and Island Counties.

Please contact me at extension 50118 should you have any questions.

Thank you.
Supplemental Budget Request

Executive

Supp ID # 1944  Fund 1  Cost Center 4276  Originator: Suzanne Mildner

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

Name of Request: Opportunity Council's Housing Rehab grant

X

Department Head Signature (Required on Hard Copy Submission)  Date: 1/26/15

Costs:

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1a. Description of request:

This is a Community Development Block Grant from the Washington State Department of Commerce, which grant will be passed through to the Opportunity Council as subrecipient. This grant supports the OC’s housing rehabilitation program for the benefit of low-income citizens in Whatcom, San Juan and Island Counties, and is targeting approximately 30 housing units.

1b. Primary customers:

Low- and moderate-income residents in Whatcom, San Juan and Island Counties

2. Problem to be solved:

This state grant source is required to pass through the local jurisdiction. Following the Council’s approval of the grant application in March 2014, the grant contract was awarded. We are now entering into a Subrecipient Agreement with Opportunity Council, who will complete the project scope of work and fulfill the grant contract requirements.

3a. Options / Advantages:

N/A

3b. Cost savings:

N/A

4a. Outcomes:

The Opportunity Council’s program will provide a direct benefit to approximately 30 low- and moderate-income households over the course of the contract period, up to 3 years hence.

4b. Measures:

Opportunity Council will be required to submit ongoing reports regarding progress of their program. The grant closeout and final report will occur only after evidence of all grant requirements have been met; a final public hearing will be conducted at grant closeout.

5a. Other Departments/Agencies:

Opportunity Council and their partner community resource centers in San Juan and Island Counties.

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

Dave Finet is the Director of Opportunity Council.

6. Funding Source:

HUD, through WA State Department of Commerce’s CDBG Program.

Monday, January 26, 2015
Supplemental Budget Request

Health
Suppl # 1927  Fund 1  Cost Center 675400  Originator: Patty Proctor

Human Services

Expenditure Type: One-Time  Year: 2015  Add'l FTE  Add'l Space  Priority 2

Name of Request: Secure Pharmaceutical Take Back Project

X
Department Head Signature (Required on Hard Copy Submission)

Date

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1a. Description of request:
The purpose of this request is to utilize new federal funding to support the development of a Secure Pharmaceutical Take Back Program at the Lummi Tribal Health Center. The Department of Social & Health Services (DSHS) received additional federal funding that is dedicated to identified high-need communities currently receiving funding to implement prevention services. Currently, Ferndale (inclusive of Lummi) is a recipient of these federal funds. Locally, extensive strategic plans emerged from a data-driven community planning process that identified community needs and appropriate interventions. This expanded service is one result of the strategic planning that has taken place.

1b. Primary customers:
The primary customers include the Lummi Tribal members and the Lummi Tribal Health Center staff. Data analysis showed that the Health Center demonstrated heightened need for a pharmaceutical take back program, and also showed local capacity to establish and sustain a program.

2. Problem to be solved:
The County will implement a pharmaceutical take back program that will provide the Lummi community with a safe and accessible means to dispose of unwanted or expired medications, and is designed to prevent the misuse and abuse of prescription drugs among youth and families.

3a. Options / Advantages:
These additional federal funds, made available to Whatcom County by DSHS, increases local capacity to implement expanded substance abuse prevention. In establishing a pharmaceutical take back program at the Lummi Tribal Health Center, this builds on existing medicine take back efforts that are in the City of Bellingham and Ferndale. This will also provide the opportunity to increase community education and awareness on the dangers of not disposing of medications properly.

3b. Cost savings:
The cost savings in establishing a secure pharmaceutical take back program reduces later need for substance abuse intervention, treatment and aftercare. Past research has shown that interventions that aim to reduce availability and accessibility of substances to youth are effective in reducing other costlier interventions, such criminal justice. Secure pharmaceutical take back programs also provide environmentally sound disposal of medicines. Medicines collected are incineration, ensuring that these biologically active pharmaceutical compounds will not contaminate the environment, therefore limit the cost for environmental clean-up.

Wednesday, January 07, 2015
### Supplemental Budget Request

**Status:** Pending

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<tr>
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<td>675400</td>
<td>Patty Proctor</td>
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</table>

#### 4a. Outcomes:
Targeted outcomes include reducing prescription drug misuse, abuse, and addiction among youth and families, as well as reducing accidental poisoning deaths. Additional outcomes include an increase in community education and awareness about the dangers of improperly disposing of medications. Outcomes were identified through a strategic planning process that analyzed multiple local data sources. The assessment process was driven locally with support from DSHS.

#### 4b. Measures:
Primary measures include the following two consumption measures:
1) Underage abuse of prescription drugs (8th/10th grade 30-day use)

Other indicators that will be measured:
1) Pounds of medicine collected (monthly)
2) Number of pharmacies involved in information dissemination efforts
3) Number of new education and informational materials developed

#### 5a. Other Departments/Agencies:
The Health Department will work with the Lummi Tribal Health Center and the City of Ferndale.

#### 5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will oversee the staff implementing this program. Amy Hckenberry, Prevention Coordinator, will be responsible for coordinating the implemented prevention program. Coordination includes working with the Lummi Tribal Health Center and the City of Ferndale.

#### 6. Funding Source:
Funds originate from the Substance Abuse Prevention Treatment Block Grant CFDA 93.243. Funds sources are locally managed by the Division of Behavioral Health & Recovery, under the Division of Social and Health Services.
Supplemental Budget Request

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

Name of Request: Mental Health Promotion

Department Head Signature (Required on Hard Copy Submission) Date

\[\text{X} \quad 1/9/15\]

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Request Total $0

1a. Description of request:
The purpose of this request is to utilize new federal funding to increase the capacity for delivery of effective mental health promotion and suicide prevention efforts in communities served by Community Prevention and Wellness Initiative (CPWI) coalitions, which currently include Bellingham and Ferndale. The Department of Social & Health Services (DHS) received additional federal funding that is dedicated to identified high-need communities currently receiving funding to implement prevention services. Locally, extensive strategic plans emerged from a data-driven community planning process that identified community needs and appropriate interventions. Expanded services will rely on the strategic planning that has taken place.

1b. Primary customers:
The primary customers include elementary and middle school youth in the geographical areas of Ferndale and Bellingham. Secondary customers will include school staff, coalition members, parents, and the broader community, as appropriate. Data analysis showed these two sites demonstrated heightened need for targeted substance abuse prevention services, but also showed local capacity to achieve positive outcomes.

2. Problem to be solved:
The County will implement prevention programs designed to prevent or delay the misuse and abuse of alcohol and other drugs among youth, as well as to reduce risks associated with poor mental health, including depression and suicidal ideation. To accomplish this, identified evidence-based prevention services will work to reduce key risk factors identified for substance use and poor mental health, many of which have also been shown to positively impact delinquency, depression, violence, teenage pregnancy, and other risk behaviors.

3a. Options / Advantages:
These additional federal funds, made available to Whatcom County by DHS, increases local capacity to implement expanded substance abuse prevention and mental health promotion initiatives, supporting other efforts currently being delivered in Bellingham and Ferndale. The new funds will allow for additional services to reach youth in elementary schools, as well as the broader community. The new services will be coordinated with the prevention coalitions in each area.

3b. Cost savings:
The required services are evidence-based best-practices identified on the National Registry for Evidence-
Supplemental Budget Request

Status: Pending

<table>
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<tbody>
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<td>Suppl # 1928</td>
<td>Fund 1 Cost Center 677100</td>
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</table>

Based Program & Practices (NREPP). Best practice programs represent a range of cost savings. The Good Behavior Game, one of the programs identified for implementation, has demonstrated a $56.34 ‘benefit to cost ratio,’ also resulting in a net value of $6,732 per participant (Sources: Substance Abuse & Mental Health Services Association (SAMHSA) and Washington State Institute for Public Policy (WSIPP)).

4a. Outcomes:
Targeted outcomes include reducing substance use, decreasing poor mental health, and delinquency, while also improving social and emotional functioning. Outcomes were identified through a strategic planning process that analyzed multiple local data sources. The assessment process was driven locally with support from DSHS.

4b. Measures:
Primary measures for Community Prevention & Wellness Initiative sites include:
- #1 Underage drinking (8th/10th grade 30-day use)
- #2 Underage problem and heavy drinking
- #3 Marijuana Use (8th/10th grade 30-day use)

Other behaviors that will be measured:
- #1 School performance (academic)
- #2 Youth delinquency (perception of risk)
- #3 Mental health (depression)

Numerous program measures exist, which are not limited to:
- Reduction in mental health difficulties (e.g., ADHD and conduct symptoms).
- Reduction in injuries or stress related complaints.
- Reduction in directly observable symptoms of ADHD such as inattention and fidgeting, even for children not on medication.
- Reduction in observable symptoms of Oppositional Defiance and Conduct Disorders, whether or not the child is in therapy or the family is receiving interventions.
- Reduction in the manifest symptoms of depression or PTSD.
- Reduction in substance use over a child’s lifetime.
- Reduction in referrals, suspensions or expulsions.
- Reduction in disruptive or disorderly behaviors in the classroom, hallways, and other school settings.
- Reduction in life-time juvenile and adult criminal acts.

5a. Other Departments/Agencies:
The Health Department will work with the Bellingham School District, the Ferndale School Districts, the Northwest Educational Service District #189 (ESD), members of the Whatcom Prevention Coalition, and other community-based partners.

5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will oversee the staff implementing the services. Joe Fuller, Program Specialist, and Amy Hockenberry, Prevention Coordinator, will be responsible for coordinating the implemented prevention initiatives. Coordination includes working with the Bellingham and Ferndale School Districts, the Northwest Educational Service District #189, the Whatcom Prevention Coalition, and related partners. Outcome evaluation and data reporting to the state will be provided by the designated staff.

6. Funding Source:
Funds originate from the Mental Health Block Grant, CFDA 93.458. Funds are locally managed by the Division of Behavioral Health & Recovery, under the Division of Social and Health Services.
Supplemental Budget Request

Jail

Supp# ID # 1941  Fund 118  Cost Center 118195  Originator: Wendy Jones

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

Name of Request: Re-allocation of ammunition funds

X

Department Head Signature (Required on Hard Copy Submission)  Date 1/23/2015

<table>
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1a. Description of request:

This supplemental request is to re-allocate funds for the purchase of ammunition for the Corrections Bureau. Each year funds are allocated for ammunition purchases for the Bureau. Over the past several years, we have experienced long delays in receiving ammunition from our vendors, due to nationwide shortages. We currently have a backorder which was originally placed in late 2013. We obtained a continuing appropriate for 2014, but have yet to receive the order. This supplemental will simply re-allocate funds that were provided in 2013/2014 to the jail’s 2015 budget to pay for the order when it does arrive. We anticipate this will occur in 2015.

1b. Primary customers:

Directly, Corrections Deputies. Indirectly, citizens of Whatcom County, as the ammunition allows Deputies to maintain their firearms proficiency.

2. Problem to be solved:

Please see “DESCRIPTION” section.

3a. Options / Advantages:

I have reviewed the jail’s 2015 budget to determine if there are sufficient funds to cover this expense. Due to an unplanned increase for food services expenses which will be covered within the allocated 2015 budget and the need to have funds available for the inevitable unanticipated and sudden costs associated with the jail, there are not.

3b. Cost savings:

N/A

4a. Outcomes:

There will be sufficient funds to pay the invoice associated with the 2013 order.

4b. Measures:

1) When the ammunition arrives, and invoice will be processed through the County accounting system.

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 Jail Sales Tax Fund
Supplemental Budget Request

Status: Pending

Administrative Services

<table>
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<td>118150</td>
<td>Michael Russell</td>
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Facilities Management

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐
Add'l Space ☐
Priority 1

Name of Request: ReAppropriation for Jail Kitchen Floor

X

M.R. [Signature]

1-29-2015

Department Head Signature (Required on Hard Copy Submission)

Date

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1a. Description of request:

This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

1b. Primary customers:

Directly, the offenders held in the Whatcom County Jail. Indirectly, the citizens of Whatcom County and the Sheriff’s Office below the leaking kitchen floor.

2. Problem to be solved:

This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

3a. Options / Advantages:

We have worked with other correction Facilities and determined the best option is to repair the floors with Ucrete, this is a specialized coating that is used in a number of different Correctional Facilities and has received high recommendations. It will withstand the demands of a correctional kitchen, is very sturdy and does not need the ongoing maintenance of a tile floor. It is also slip resistant, cutting down on the risk of slip and falls.

3b. Cost savings:

Cost savings for this project are immediate and longer term. The immediate savings is a $30,000.00 contribution by the Aramark Corporation, the jail’s food service vendor, for the sole purpose of replacing the main jail kitchen floor.

I am unable to specifically quantify the longer term savings, but they include the avoidance of medical costs for inmates who have slipped and fallen on wet/damp kitchen floors, avoidance of damage to the Sheriff’s Administrative Offices due to leaks and reduction in the time spent by Facilities trying to keep the kitchen functioning. An additional benefit will be the opportunity to test out this floor covering in anticipation of the construction of the new jail. If it performs as well as we have been lead to believe by other correctional facilities, we should be able to use it in the new facility.

4a. Outcomes:

The outcome of this project will be to seal the mail jail kitchen floor. This will stop the water intrusion into

Thursday, January 29, 2015

Rpt: Rpt Suppl Regular
the Sheriff's Office; greatly reduce the slips and falls within the kitchen and produce a cleanable surface to reduce bacteria laden liquid, creating an issue for foot safety.

4b. Measures:
When this project is completed we will have a sealed flooring system.

5a. Other Departments/Agencies:
Facilities Management will coordinate this project with the Jail and kitchen staff.

5b. Name the person in charge of implementation and what they are responsible for:
Michael Russell, from Facilities Management or his designee. Because this is a capital repair on a County building, he will be primary on the project. He or his designee will be responsible for project management, including, but not limited to establishing project timelines, issuing RFP's or bids, recommendation of vendors, facilitating the actual work, inspecting work for compliance with scope of work and certifying that all work is complete and the kitchen ready for use.

6. Funding Source:
There are 2 funding sources for this project. The first will be the Jail Sales Tax Fund and the second, a reimbursement from Aramark LLC in the amount of $30,000 which is guaranteed by their food service contact.

Note that this supplemental request for $ 21,147.00 will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.
MEMO TO: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: January 26, 2015
RE: Supplemental Budget Request – Re-Appropriation of Funds

Background and Purpose

Please allow this memo to serve as a request for approval of the accompanying Budget Supplemental Re-Appropriation of Funds. This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

Over the past several years, we have had a number of issues with the tile floor in the main jail kitchen. Facilities has tried a number of different options to make repairs (replacing tiles, trying different texturing, using different grouts to hold the tiles in, etc) and in each case, the repairs have failed. We currently have a situation where there are an increasing number of missing tiles. This creates a trip hazard in the kitchen, and allows water to pool in the spaces created by the missing tiles despite the best efforts of the kitchen supervisors. The result is a void that gathers water and food scraps into a bacteria laden liquid, creating an issue for foot safety. Additionally, the water percolates down through the unsealed floor to leak into the Sheriff’s Office Administrative Offices. A compounding factor is the lack of a slip resistant finish on the tiles, which has caused slip and fall issues for a number of years.

During the 2013 RFP process for the 2014 Food Service Contract, one of the vendors included in their bid a stipulation that they would contribute $30,000 to the County to be used for the replacement of the kitchen floor. This vendor, Aramak LL was awarded the contract and the funds are available to off-set the total cost of the replacement.

When Facilities became aware of the additional funding source, they began to research available options and have determined a finish called Ucrete would work very well in the kitchen environment. It is currently in place at the Monroe Correctional Complex and the feedback Facilities has received is excellent.

This project is scheduled to start February 23, 2015 and be completed in three weeks thereafter. The re-appropriation of $21,147.00 is crucial to the successful completion of this project.
Supplemental Budget Request

Status: Pending

Health

Fund 124  Cost Center 124400  Originator: Patty Proctor

Supp'1 ID # 1931  Expenditure Type: One-Time  Year 1 2015  Add'l FTE  Add'l Space  Priority 1

Name of Request: Triage Center Renovations

Department Head Signature (Required on Hard Copy Submission)  Date 1/15/15

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1a. Description of request:
The purpose of this request is to fund design and construction upgrades to Whatcom County’s Behavioral Health Crisis Triage facility located on Division Street. Upgrades will create single bed and double bed rooms.

1b. Primary customers:
Whatcom County residents who are experiencing mental health distress and/or sub-acute withdrawal symptoms resulting from intoxication.

2. Problem to be solved:
The current design of the facility restricts full utilization of the existing 13 beds because separate and distinct sleeping rooms do not exist. Three large bays of beds currently exist. Both men and women use the services at the triage facility, and people suffering from either mental health distress or intoxication may use the services. It is often necessary to separate sleeping areas because of these issues. The current large bays of sleeping areas do not allow for this separation at times, thereby leaving beds unusable. Unfortunately, people who need those beds, but may not match the right gender or symptom, must be denied the admission to the facility.

3a. Options / Advantages:
The creation of separate sleeping rooms will allow for optimal utilization of all services available at the Crisis Triage facility.

3b. Cost savings:
The full utilization of the Crisis Triage facility will potentially decrease EMS, hospital and law utilization by diverting from these more expensive services to the Triage facility.

4a. Outcomes:
Service and bed utilization will be improved and fewer residents will be denied admission.

4b. Measures:
Bed and service utilization will continue to be tracked, as well as admission denials due to no vacancy

5a. Other Departments/Agencies:
The Health Department that contracts for the services at Crisis Triage
The Facilities Department that contracts for the design and construction services
Pioneer Human Services that provides sub-acute detox services
Compass Health Whatcom that provides mental health crisis stabilization services
North Sound Mental Health Administration that provides major funding for the crisis stabilization services

Monday, January 12, 2015

Rpt: Rpt Suppl Regular

286
**Supplemental Budget Request**

<table>
<thead>
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<th>Human Services</th>
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<td><strong>Fund</strong> 124 <strong>Cost Center</strong> 124400 <strong>Originator:</strong> Patty Proctor</td>
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5b. **Name the person in charge of implementation and what they are responsible for:**

- Mike Russell, Facilities Manager – design and construction activities
- Anne Deacon, Human Services Manager, and Jackie Mitchell, Behavioral Health Program Specialist – continuity of operations during construction

6. **Funding Source:**

The Chemical Dependency/Mental Health Program Fund
MEMORANDUM

TO: Whatcom County Council members

FROM: Jack Louws, County Executive

RE: EDI Program - Interlocal Loan & Grant Agreement with The Port of Bellingham

DATE: January 28, 2015

Attached is a Supplemental budget request for spending authority on an EDI Interlocal Loan and Grant Agreement for which budget authority is required.

On October 8, 2013, the Council adopted the EDI Board’s recommendation to provide funding through the EDI Program for the Port of Bellingham’s “C” Street Terminal Infrastructure Rehabilitation project.

The Port of Bellingham is now ready to proceed with this project. The Interlocal Agreement will be presented to Council concurrently with this budget supplemental request, at the March 3rd meeting. The Port is expecting to draw on the $1-million grant initially, as provided for under the terms of the agreement, over the course of 2015. The loan portion, $2-million, is expected to be drawn upon in early 2016. Accordingly, we are seeking budget authority in 2015 for $1-million.

This program funding is derived from the Public Utilities Improvement Fund.
Supplemental Budget Request

Executive

Suppl ID # 1945  |  Fund 332  | Cost Center 332233  | Originator: Suzanne Mildner

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

Name of Request: EDI - POB C Street Rehab

X

Department Head Signature (Required on Hard Copy Submission)  | Date 1/28/15

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
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<tbody>
<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td>$1,000,000</td>
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</tbody>
</table>

Request Total $1,000,000

1a. Description of request:
This request is for EDI Program funding for the Port of Bellingham's C Street Terminal Rehabilitation Project

1b. Primary customers:
Port of Bellingham

2. Problem to be solved:
In the Fall of 2013, the County Council authorized EDI funding for the Port of Bellingham's C Street Terminal Rehab project. The project is now ready to move forward and the Interlocal Loan and Grant Agreement is ready and is concurrently being submitted for Council approval. $3-million was approved for this project, and $1-million in grant funding will initially be drawn during 2015, followed by $2-million in loan funding in 2016.

3a. Options / Advantages:
The EDI Board and County Council previously determined that this project meets the objectives of the EDI Program project guidelines.

3b. Cost savings:
N/A

4a. Outcomes:
Project completion is estimated to be late 2016.

4b. Measures:
Final project report and budget summary

5a. Other Departments/Agencies:
Port of Bellingham

5b. Name the person in charge of implementation and what they are responsible for:
Port of Bellingham personnel will submit payment requests and final report on the project.

6. Funding Source:
Public Utilities Improvement Fund

Tuesday, January 27, 2015
Supplemental Budget Request

Non-Departmental

Supp'l ID # 1937  Fund 332  Cost Center 332219  Originator: Tawni Helms

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

Name of Request: Update comprehensive economic development strategy

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
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1a. Description of request:
Whatcom Council of Governments (WCOG) agrees to provide staff support and hire qualified subcontractors as deemed necessary to update the 2002 CEDS for Whatcom County such that it will satisfy the requirements of the EDA. WCOG further agrees to maintain the CEDS for a period of four (4) years following its acceptance by EDA, including annually preparing the required CEDS Project List. Whatcom County and WCOG entered into an agreement in 2013. The CEDS update is anticipated to be complete in 2015 at which time the WCOG will invoice the County for the full appropriation.

1b. Primary customers:
Whatcom County citizens

2. Problem to be solved:
The current Comprehensive Economic Development Strategy (2002 CEDS) was prepared by the Port of Bellingham and adopted by the Whatcom County council in October 2002, but was not updated within five years of its adoption nor since, rendering it invalid by the U.S. Economic Development Administration (EDA). An EDA-approved CEDS is required for local governments to be eligible to receive certain federal funding for public works projects and the County desires to have the 2002 CEDS updated.

Whatcom County entered into an agreement with WCOG in 2013 for the purposes of updating the CEDS list. The CEDS update is anticipated to be competed in 2015. Budget authority was granted in 2013 and re-appropriated in 2014. A budget supplemental is now required to appropriate the $12,500 to be expended in 2015.

3a. Options / Advantages:
The best option is to update the CEDS list to ensure eligibility for certain federal funding for public works projects.

3b. Cost savings:
n/a

4a. Outcomes:
The CEDS list is due to be completed in 2015.

4b. Measures:
The CEDS list will be prepared and delivered to Whatcom County and other jurisdictions.

5a. Other Departments/Agencies:
Executive Office will review and ensure all eligible capital projects are included on the list.

5b. Name the person in charge of implementation and what they are responsible for:
Public Works, Parks and Recreation and Facilities are responsible for reviewing and ensuring their
Supplemental Budget Request

Non-Departmental

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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</thead>
<tbody>
<tr>
<td>1937</td>
<td>332</td>
<td>332219</td>
<td>Tawni Heims</td>
</tr>
</tbody>
</table>

respective capital projects are included on the CEDS.

6. **Funding Source:**
- Public Utilities Improvement Fund (EDI)
TITLE OF DOCUMENT: Amendment No. I to Ordinance No. 2013-060 Establishing the State Street Building Acquisition and Improvement Fund and Related Capital Budget Appropriation.

ATTACHMENTS: Ordinance Amendment and Exhibit A Supplemental Budget Request

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.)

Amendment No 1 to the State Street Building Acquisition and Improvement Fund Project Budget requests additional appropriation authority of $400,000 for a new Project Based Budget total of $5,458,884.

COMMITTEE ACTION: 

COUNCIL ACTION: 

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

292
ORDINANCE NO. __________________

AMENDMENT NO. 1 TO ORDINANCE NO. 2013-060 ESTABLISHING THE STATE STREET BUILDING ACQUISITION AND IMPROVEMENT FUND AND RELATED CAPITAL BUDGET APPROPRIATION

WHEREAS, Whatcom County acquired the land and building located at 1500 State Street and the related parking lot at 211 Champion Street, and

WHEREAS, monies have been set aside in this fund only for the purpose of building renovations, and

WHEREAS, contaminated soils were discovered on both properties which require soil remediation in accordance with Department of Ecology standards and additional funding is necessary to complete the project, and

WHEREAS, funding is available and was approved to be transferred from the Public Utilities Improvement Fund to this project-based budget fund during the biennial budget process (ASR 2015-5337), and

WHEREAS, the budget expenditure authority for that funding is now being requested in this project-based budget fund,

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2013-060 is hereby amended adding $400,000 of expenditure authority, as described in Exhibit A, to the original project budget of $5,058,884, for a total amended project budget of $5,458,884.

ADOPTED this _____ day of _____, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Chief Civil Deputy Prosecutor

______________________________
Jack Louws, Executive

Date: ________________________

293
Exhibit A

Supplemental Budget Request

Status: Pending

Administrative Services

<table>
<thead>
<tr>
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<th>Cost Center</th>
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<tbody>
<tr>
<td>1946</td>
<td>348</td>
<td>348100</td>
<td>Michael Russell</td>
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</table>

Facilities Management

Expenditure Type: One-Time

Year 1 2015

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Champion/State Street Soil Remediation

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

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<th>Object</th>
<th>Object Description</th>
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<tr>
<td>8301.332</td>
<td>Operating Transfer In</td>
<td>($400,000)</td>
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Request Total $0

1a. Description of request:
This funding is for the soil remediation of contaminated soils for 1500 State Street and 211 Champion Street.

1b. Primary customers:
Whatcom County and the Citizens we serve.

2. Problem to be solved:
The County had testing done for these properties and established a defined area on both properties that were above the Department of Ecology standards of acceptable levels of contamination. Remediation of contaminated soils for 1500 State Street and 211 Champion Street is necessary to meet Dept of Ecology requirements.

3a. Options / Advantages:
This contamination has been on site for decades and the possibility of natural attenuation is not feasible.

The only way to address the contaminated soils at this point in time is to dig it up, remove the contaminated soils and monitor the site with monitoring wells to insure that the cleanup meets with the Department of Ecology standards.

3b. Cost savings:
The longer this work is delayed the more costly the soil remediation will be. Also the standards for cleanup of these sites will only increase in their complexity.

4a. Outcomes:
The outcome will be to remove the contaminated soils, test the site before clean fill is introduced and monitor the site until the standards are met by the Department of Ecology.

4b. Measures:
By testing the site and testing the monitoring wells.

When the Department of Ecology takes the site off the contaminated site list.

5a. Other Departments/Agencies:
Facilities will work with the occupants of 1500 State Street to insure their clients have access to the entrance of the building.

This work will be performed directly in front of the building.

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

Thursday, January 29, 2015

Rpt: Rpt Suppl Regular

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### Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
<th>Administrative Services</th>
<th>Facilities Management</th>
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<tbody>
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<td><strong>Fund</strong> 348</td>
<td><strong>Cost Center</strong> 348100</td>
</tr>
<tr>
<td><strong>Originator:</strong> Michael Russell</td>
<td></td>
</tr>
</tbody>
</table>

Facilities will take the lead for this project. We will also work with the Health Department, Environmental Health Davison and the Department of Ecology.

**6. Funding Source:**

Rural Sales Tax Fund
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES                Initial        Date    Date Received in Council Office    Agenda Date   Assigned to:
Originator: JJW            1/20/15
Division Head:             
Dept. Head: RA D             1/21/15
Prosecutor:               
Purchasing/Budget:         
Executive:                2/13/15

TITLE OF DOCUMENT:
Ordinance amending WCC 24.13, Illegal Drug Manufacturing or Storage Sites

ATTACHMENTS:
Illegal Drug Manufacturing or Storage Sites Ordinance
Strike out version of proposed amendments to WCC 24.13 Illegal Drug Manufacturing or Storage Sites
Clean version of WCC 24.13 Illegal Drug Manufacturing or Storage Sites

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

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

The purpose of the proposed amendments to WCC 24.13 is to be consistent with Chapter 246-205 WAC- Illegal Drug Manufacturing or Storage Sites and to clarify processes with illicit methamphetamine use sites.

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, Health Director
DATE: January 21, 2015
RE: Ordinance Amending WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites

Requested Action
Attached is an ordinance for amending WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites, for Council review and approval on March 3, 2015.

Background and Purpose
On July 12, 2005, Council adopted WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites regulations which mirrored WAC 246-205 with the addition of illicit use sites.

On April 15, 2014, health staff presented to the Health Board how current enforcement of WCC 24.13 has shown to be onerous for property owners with confirmed illicit use sites. The enforcement process is the same as for a manufacturing site where the level of public health risk is much greater. The Board of Health directed the Public Health Advisory Board and health department staff to draft recommendations to amend WCC 24.13.

On May 1, 2014 and June 5, 2014, the PHAB discussed eliminating restrictive decontamination requirements thereby decreasing financial and enforcement barriers to self-reporting and clean-up. By providing technical assistance to use site property owners rather than enforcement, the result would actually increase cleanups. It was agreed to move forward for Council consideration amended language to local code that is consistent with state requirements.

During the time period July 2014 through December 2014, the Health Department worked in collaboration with City of Bellingham officials to further clarify the intent and use of this regulation.

Information
Enclosed are an agenda bill, ordinance, and the revised WCC 24.03 both strike-out version and final (clean) version.

Thank you for your consideration. Please call me at extension 50801 if you have any questions.

Encl.
ORDINANCE NO. 2015

AMENDING WHATCOM COUNTY HEALTH CODE WCC 24.13, DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

WHEREAS, the state Board of Health enacted Washington Administrative Code section 246-205 Decontamination of Illegal Drug Manufacturing or Storage Sites effective January 23, 2003; and

WHEREAS, local Boards of Health are required to adopt the WAC by reference or local regulations that are at least as stringent; and

WHEREAS, the Whatcom County Board of Health adopted local regulation July 12, 2005; and

WHEREAS, those regulations included additional language for illicit methamphetamine use sites; and

WHEREAS, the Health Department on May 1, 2014, presented to the local Board of Health compelling financial and enforcement barriers for property owners with illicit methamphetamine use sites; and

WHEREAS, the Public Health risk associated with illicit methamphetamine use sites can be minimized more effectively through technical assistance guidance; and

WHEREAS, the Whatcom County Board of Health requested the Public Health Advisory Board to recommend amendment language of the local regulation to address these issues; and

WHEREAS, the State Department of Health modified the decontamination standards from a "detection" limit to a "health based" limit; and

WHEREAS, the proposed amendment language addresses illicit use site protocols and provides consistency with state regulation;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, acting as the Whatcom County Board of Health, that WCC 24.13 Decontamination of Illegal Drug Manufacturing or Storage Sites be amended as outlined in Exhibit A.

ADOPTED this _____ day of ___________ 2015.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown Davis, Clerk of the Board
Barry Buchanan, Chair

APPROVED AS TO FORM:

Royce Buckingham, Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ______________
EXHIBIT A

Chapter 24.13

DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

Sections:

24.13.010 Authority.

24.13.020 Purpose.

24.13.030 Adoption by reference.

24.13.040 Applicability.

24.13.050 Definitions.

24.13.060 Determination of contamination for illegal manufacturing and storage sites.

24.13.065 Contamination of Illegal Use Sites

24.13.070 Decontamination.

24.13.080 Violations.

24.13.090 Appeals.

24.13.100 Fees.

24.13.110 Severability.

24.13.010 Authority.

The statutory authority for the adoption of this chapter is provided in Chapter 64.44 RCW, Contaminated Properties, and Chapter 70.05 RCW, Local Health Departments, Boards, Officers – Regulations. Any subsequent amendment to these chapters shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

24.13.020 Purpose.

This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for exposure to hazardous chemicals associated with illegal drug manufacturing or storage sites. (Ord. 2005-055 Exh. A).

24.13.030 Adoption by reference.

Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, is hereby adopted by reference. If a conflict arises between Chapter 246-205 WAC and this chapter, the more
person illegally manufactured or stored a controlled substance. J. “Initial site assessment” means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

K. “Person” means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

L. “Posting” means attaching a written or printed announcement conspicuously on property, which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

M. “Property” means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to: single-family residences, units or multiplexes, condominiums, apartment buildings, motels and hotels, boats, motor vehicles, trailers, manufactured housing, any ship, booth, or garden; or any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

N. “Property owner” means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

O. “Illegal Use Site” means any property where a law enforcement agency believes a person or persons illegally used a controlled substance.

P. “Violation” means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 2005-055 Exh. A).

24.13.060 Determination of contamination for illegal manufacturing and storage sites.

A. Within one working day of notification from a law enforcement agency of potential contamination, the director shall post a written warning on the property informing potential occupants that entry is unsafe, in accordance with WAC 246-205-520, Posting property.

B. Within 14 days of notification, the director shall inspect the property in accordance with WAC 246-205-530, Inspecting property.

C. The director shall make a determination of contamination when the inspection reveals the property is contaminated.

D. Any property determined to be contaminated as defined in this chapter and identified in this subsection is considered a health violation and is subject to orders and notices issued in accordance with Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement.

E. Within 10 days after the director determines that a property is contaminated by illegal manufacturing or storage, the director shall issue a notice of contamination in accordance with WCC 24.07.070(A).
1. When a notice of contamination is issued, the director shall:
   
a. File a copy of the notice prohibiting use of the property with the county auditor;
   
b. Provide a copy of the notice to the local building or code enforcement department; and
   
c. Post the notice in a conspicuous place on the property within one working day of issuance of the notice. (Ord. 2005-055 Exh. A).

24.13.065 Contamination of Illegal Use Sites

A. The director may, when requested by a law enforcement agency, investigate an illegal use site for contamination. A site is “contaminated” for purposes of this subsection if it exceeds the decontamination standards set forth in section 070.

B. Within 10 working days after the director determines that an illegal use site property is contaminated, the director shall issue a notice to the owner of the property and to the local building or code enforcement department of the contamination. The department may provide technical assistance to the property owner to assist with decontamination.

C. The owner shall not preclude or prevent a local jurisdiction, through their building or code enforcement department from enforcement related to a contaminated use site.

24.13.070 Decontamination.

A. As per Chapter 246-205 WAC, the decontamination standards are as follows:

1. Methamphetamine of less than or equal to 1.5 micrograms per 100 square centimeters;

2. Total lead of less than or equal to 20 micrograms per square foot;

3. Mercury of less than or equal to 50 nanograms per cubic meter in air; or

4. Volatile organic compounds (VOC) of one part per million total hydrocarbons and VOCs in air.

B. All sampling performed for an initial site assessment or following decontamination procedures shall be conducted by a certified contractor or the director using standardized sampling protocols and methodology.

C. The owner shall decontaminate the property in accordance with this chapter, or dispose of the property in accordance with state and local laws. The owner of the contaminated property shall submit a decontamination plan within 45 days and decontaminate or dispose of the property within 90 days of notification of contamination by the director, unless otherwise approved by the director.

1. Any decontamination or disposal activities shall be performed through the services of a certified contractor unless otherwise authorized by the director.
2. Prior to commencing any decontamination or disposal activities, a decontamination work plan must be approved by the director, unless otherwise authorized by the director. Any deviations from the work plan must be approved in advance by the director.

D. Any person submitting a work plan for approval by the director shall use the Washington State Department of Health Work Plan Template, as amended.

1. Upon review and approval of a decontamination work plan, the director shall provide written approval of the work plan to the owner.

2. After decontamination activities are completed, a final decontamination report shall be submitted for review by the director, which includes disposal receipts and post sampling results. (Ord. 2005-055 Exh. A).

24.13.080 Violations. Violations of this chapter are subject to Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement. As per WCC 24.07.140, contaminated properties used as illegal drug manufacturing facilities or storage sites that are abated by the county shall be foreclosed. (Ord. 2005-055 Exh. A).

24.13.090 Appeals.


24.13.100 Fees.

A fee for review of decontamination work plans may be established in the unified fee schedule, and shall be payable at the time of plan submittal. (Ord. 2005-055 Exh. A).

24.13.110 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation. (Ord. 2005-055 Exh. A).
Chapter 24.13
DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

Sections:
24.13.010 Authority.
24.13.020 Purpose.
24.13.030 Adoption by reference.
24.13.040 Applicability.
24.13.050 Definitions.
24.13.060 Determination of contamination for illegal manufacturing and storage sites.
24.13.065 Contamination of Illegal Use Sites
24.13.070 Decontamination.
24.13.080 Violations.
24.13.090 Appeals.
24.13.100 Fees.
24.13.110 Severability.

24.13.010 Authority.

The statutory authority for the adoption of this chapter is provided in Chapter 64.44 RCW, Contaminated Properties, and Chapter 70.05 RCW, Local Health Departments, Boards, Officers – Regulations. Any subsequent amendment to these chapters shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

24.13.020 Purpose.

This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for exposure to hazardous chemicals associated with illegal drug manufacturing or storage sites. (Ord. 2005-055 Exh. A).

24.13.030 Adoption by reference.

Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, is hereby adopted by reference. If a conflict arises between Chapter 246-205 WAC and this chapter, the more
restrictive regulation shall apply. Any subsequent amendment to Chapter 246-205 WAC shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

24.13.040 Applicability.

This chapter shall apply to any new or existing site defined as an illegal drug manufacturing or storage site as per WCC 24.13.050, and as defined in this section, to any illegal use site when a law enforcement agency has requested that a health officer investigate contamination at that site, as of the effective date of the ordinance codified in this chapter. (Ord. 2005-055 Exh. A).

24.13.050 Definitions.

The following definitions apply to this chapter:

A. “Abatement” means any actions taken or ordered by the director to remove or reduce unsanitary, unsafe or nuisance conditions regarding property associated with illegal drug manufacturing or storage.

B. “Approved” or “approval” means agreed to in writing by the director.

C. “Certified contractor” means a person who has been issued written approval by the Washington State Department of Health to decontaminate, demolish, or dispose of contaminated property as required by this chapter.

D. “Contaminated” or “contamination” means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards, or exceeds the decontamination standards listed in WCC 24.13.070. Property that at one time was contaminated but has subsequently been satisfactorily decontaminated according to procedures established by this chapter is not contaminated.

E. “Decontamination” means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

F. “Director” means the administrative director of the Whatcom County health department or the director’s authorized representative.

G. “Disposal of contaminated property” means the disposition of contaminated property under the provisions of Chapter 70.105 RCW.

H. “Hazardous chemicals” means the following substances used in the manufacture of illegal drugs:

1. Hazardous substances as defined in RCW 70.105D.020; and

2. Precursor substances as defined in RCW 69.43.010 which the State Board of Health, in consultation with the State Board of Pharmacy, has determined present an immediate or long-term health hazard to humans.
I. “Illegal drug manufacturing or storage site” means any property where a person illegally manufactures or illegally stores a controlled substance, or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance. This chapter shall also apply to any property that exceeds the decontamination standards listed in WCC 24.13.070.

J. “Initial site assessment” means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

K. “Person” means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

L. “Posting” means attaching a written or printed announcement conspicuously on property, which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

M. “Property” means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to: single-family residences, units or multiplexes, condominiums, apartment buildings, motels and hotels, boats, motor vehicles, trailers, manufactured housing, any ship, booth, or garden; or any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

N. “Property owner” means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

O. “Illegal Use Site” means any property where a law enforcement agency believes a person or persons illegally used a controlled substance.

P. “Violation” means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 2005-055 Exh. A).

24.13.060 Determination of contamination for illegal manufacturing and storage sites.

A. Within one working day of notification from a law enforcement agency of potential contamination, the director shall post a written warning on the property informing potential occupants that entry is unsafe, in accordance with WAC 246-205-520, Posting property.

B. Within 14 days of notification, the director shall inspect the property in accordance with WAC 246-205-530, Inspecting property.

C. The director shall make a determination of contamination when the inspection reveals the property is contaminated. The property will be considered contaminated if (1) law enforcement has declared the property an illegal drug manufacturing or storage site, (2) the inspection reveals evidence of illegal drug manufacturing, or (3) the property exceeds decontamination standards listed in WCC 24.13.070.
D. Any property determined to be contaminated as defined in this chapter and identified in this subsection is considered a health violation and is subject to orders and notices issued in accordance with Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement.

E. Within 10 days after the director determines that a property is contaminated by illegal manufacturing or storage, the director shall issue a notice of contamination in accordance with WCC 24.07.070(A).

1. When a notice of contamination is issued, the director shall:
   a. File a copy of the notice prohibiting use of the property with the county auditor;
   b. Provide a copy of the notice to the local building or code enforcement department; and
   c. Post the notice in a conspicuous place on the property within one working day of issuance of the notice. (Ord. 2005-055 Exh. A).

24.13.065 Contamination of Illegal Use Sites

A. The director may, when requested by a law enforcement agency, investigate an illegal use site for contamination. A site is "contaminated" for purposes of this subsection if it exceeds the decontamination standards set forth in section 070.

B. Within 10 working days after the director determines that an illegal use site property is contaminated, the director shall issue a notice to the owner of the property and to the local building or code enforcement department of the contamination. The department may provide technical assistance to the property owner to assist with decontamination.

C. The owner shall not preclude or prevent a local jurisdiction, through their building or code enforcement department from enforcement related to a contaminated use site.

24.13.070 Decontamination.

A. As per Chapter 246-205 WAC, the decontamination standards are as follows:

1. Methamphetamine of less than or equal to 0.15 micrograms per 100 square centimeters;
2. Total lead of less than or equal to 20 micrograms per square foot;
3. Mercury of less than or equal to 50 nanograms per cubic meter in air; or
4. Volatile organic compounds (VOC) of one part per million total hydrocarbons and VOCs in air.

B. All sampling performed for an initial site assessment or following decontamination procedures shall be conducted by a certified contractor or the director using standardized sampling protocols and methodology.
C. The owner shall decontaminate the property in accordance with this chapter, or dispose of the property in accordance with state and local laws. The owner of the contaminated property shall submit a decontamination plan within 45 days and decontaminate or dispose of the property within 90 days of notification of contamination by the director, unless otherwise approved by the director.

1. Any decontamination or disposal activities shall be performed through the services of a certified contractor unless otherwise authorized by the director.

2. Prior to commencing any decontamination or disposal activities, a decontamination work plan must be approved by the director, unless otherwise authorized by the director. Any deviations from the work plan must be approved in advance by the director.

D. Any person submitting a work plan for approval by the director shall use the Washington State Department of Health Work Plan Template, as amended.

1. Upon review and approval of a decontamination work plan, the director shall provide written approval of the work plan to the owner.

2. After decontamination activities are completed, a final decontamination report shall be submitted for review by the director, which includes disposal receipts and post sampling results. (Ord. 2005-055 Exh. A).

24.13.080 Violations.

Violations of this chapter are subject to Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement. As per WCC 24.07.140, contaminated properties used as illegal drug manufacturing facilities or storage sites that are abated by the county shall be foreclosed. (Ord. 2005-055 Exh. A).

24.13.090 Appeals.


24.13.100 Fees.

A fee for review of decontamination work plans may be established in the unified fee schedule, and shall be payable at the time of plan submittal. (Ord. 2005-055 Exh. A).

24.13.110 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation. (Ord. 2005-055 Exh. A).