

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE

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COUNCILMEMBERS

Timothy Ballew II
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Tyler Byrd
Satpal Sidhu

WHATCOM COUNTY COUNCIL

**COUNCIL AGENDA
FOR JULY 24, 2018**

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

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

ACCESSIBLE PARKING IS AVAILABLE NEAR THE
COURTHOUSE SOUTH ENTRANCE

OUR REGULAR COUNCIL MEETINGS CAN BE VIEWED LIVE AT
<https://www.youtube.com/user/WhatcomCountyGov>
AND ARE ALSO BROADCAST ON BTV10 (COMCAST CHANNEL 10)
AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING COUNCIL MEETING

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

COUNCIL MEETING AUDIO AND VIDEO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2018 ORDINANCES
1979 - 2018 RESOLUTIONS
1984 - 2018 COMMITTEE MINUTES
1979 - 2018 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

WEDNESDAY

AUGUST 8, 2018

REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

SEPTEMBER 3, 2018

HOLIDAY – OFFICE CLOSED

TODAY'S SCHEDULE:

9:30 A.M. – NATURAL RESOURCES COMMITTEE
11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
1 P.M. – COMMITTEE OF THE WHOLE
1:30 P.M. – CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
IMMEDIATELY FOLLOWING CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE (NO
LATER THAN 2:15 P.M.) - SPECIAL COMMITTEE OF THE WHOLE

IN ACCORDANCE WITH WHATCOM COUNTY CODE SECTIONS 2.02.040 AND 2.02.060, THE FOLLOWING RULES SHALL APPLY DURING ALL COUNCIL AND COUNCIL COMMITTEE MEETINGS:

Section 2.02.040 Meetings – General rules.

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E. All council and council committee meetings shall be conducted pursuant to The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council.

L. During an open session or public hearing, audience members will be given three minutes to address the council.

M. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the council chambers during meetings.

N. Placards, signs, applause, or other distractions shall not be allowed in the council chambers without the consent of the council chair.

O. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, while attending a council or council committee meeting may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that meeting.

2.02.060 Meetings – Decorum of debate.

A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as "councilmember" and the council chair shall be addressed as "chair."

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

F. Councilmembers shall have time to explain any motion they intend to make. All motions will begin with the words, "I move" and must receive a second prior to being put to a vote.

G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations.

COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE

Members: Timothy Ballew, Todd Donovan, Satpal Sidhu
9:30 a.m. Tuesday, July 24, 2018
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Briefing from Public Works staff on items to be placed on the WRIA 1 Watershed Management Board's August 1 meeting agenda and discussion of request for Council input on the Board's draft 2018-2023 Work Plan (AB2018-216)
Pages 1 - 16

Committee Discussion and Recommendations to Council

1. Presentation by the Agricultural Advisory Committee and PDS staff on the 2018 Agricultural Strategic Plan and discussion of a proposed resolution declaring Council support for the Plan (AB2018-217)
Pages 17 - 46

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Tyler Byrd, Satpal Sidhu
11 a.m. Tuesday, July 24, 2018
Council Chambers, 311 Grand Avenue

County Executive's Report

Committee Discussion and Recommendations to Council

1. Ordinance establishing the Swift Creek Sediment Management Fund and establishing a budget for the Swift Creek Sediment Management Fund (AB2018-208)
Pages 47 - 51
2. Ordinance amending the Whatcom County Budget, ninth request, in the amount of \$2,014,284 (AB2018-209)
Pages 52 - 66

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State Department of Children, Youth and Families to provide high quality home visiting services to high risk families using the Nurse Family Partnership program model for the purposes of improving outcomes for participants and strengthening coordination of services, in the amount of \$348,075.58, for a total amended contract amount of \$683,601.39 (AB2018-218)
Pages 67 - 120
2. Request approval for the County Executive to award bid #18-25 to all bidders for rental rates for maintenance and construction equipment without operators, not to exceed \$100,000 for each vendor (AB2018-219)
Pages 121 - 146
3. Request approval for the County Executive to enter into a sole source contract renewal between Whatcom County and West Publishing Corporation for online research tools for the Prosecutor's Office, in the amount of \$96,996 for a two-year term (AB2018-220)
Pages 147 - 159

Other Business

COMMITTEE OF THE WHOLE
1 p.m. Tuesday, July 24, 2018
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Christopher Quinn and Public Works staff regarding proposed Swift Creek consent decree with the Department of Ecology (AB2018-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.20.110(1)(i)(ii) and (iii) as this discussion relates to potential litigation and potential legal risks of proposed action]
No Paper

Other Business

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu
1:30 p.m. Tuesday, July 24, 2018
Council Chambers, 311 Grand Avenue

Special Presentations

1. Annual report from the Public Defender's Office (AB2018-066)
Page 160
2. Report from Councilmember Barry Buchanan and District Court Administrator Bruce Van Glubt on the Intergovernmental Policy Academy Conference (AB2018-017)
No Paper

Other Business

SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Criminal Justice and Public Safety Committee (no later than 2:15 p.m.)
Tuesday, July 24, 2018
Council Chambers, 311 Grand Avenue

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. Resolution establishing a Level of Service for the Lummi Island Ferry System (AB2018-173A)
Pages 161 - 186

COMMITTEE DISCUSSION

1. Discussion of preliminary draft Comprehensive Plan and zoning amendments – Cherry Point (AB2018-076D)
Pages 187 - 204

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, July 24, 2018
Council Chambers, 311 Grand Avenue

CALL TO ORDER
ROLL CALL
FLAG SALUTE
ANNOUNCEMENTS

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

PUBLIC HEARINGS

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

(Public comment applies to both items listed below)

1. Ordinance adopting interim zoning regulations for siting, establishment, and operation of temporary homeless facilities (AB2018-182A)
Pages 205 - 215
2. Ordinance (emergency) (Ord. 2018-039) adopting emergency zoning regulations for the siting, establishment, and operation of temporary tent encampments (AB2018-182) (**procedural hearing – ordinance was adopted June 19, 2018**)
Pages 216 - 224

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

CONSENT AGENDA

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

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State Department of Children, Youth and Families to provide high quality home visiting services to high risk families using the Nurse Family Partnership program model for the purposes of improving outcomes for participants and strengthening coordination of services, in the amount of \$348,075.58, for a total amended contract amount of \$683,601.39 (AB2018-218)
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Pages 147 - 159

OTHER ITEMS

(From Natural Resources Committee)

1. Resolution declaring County Council support for the 2018 Whatcom County Agricultural Strategic Plan (AB2018-217)
Pages 17 - 46

(From Finance and Administrative Services Committee)

2. Ordinance establishing the Swift Creek Sediment Management Fund and establishing a budget for the Swift Creek Sediment Management Fund (AB2018-208)
Pages 47 - 51
3. Ordinance amending the Whatcom County Budget, ninth request, in the amount of \$2,014,284 (AB2018-209)
Pages 52 - 66

(From Special Committee of the Whole)

4. Resolution establishing a Level of Service for the Lummi Island Ferry System (AB2018-173A)
Pages 161 - 186

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.060 and 100.02.080, applications for council-appointed and FCZD board of supervisor-appointed citizen boards, commissions, and committees may be accepted until 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible vote to appoint are scheduled to occur.

1. Appointment to the Lummi Island Ferry Advisory Committee, applicant: Nancy Ging (AB2018-210)
Pages 225 - 228

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Request confirmation of the Executive's appointment of Kathleen O'Connor to the Northwest Senior Services Board (AB2018-221)
Pages 229 - 232

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. Receipt of application for the Whatcom County Wildlife Advisory Committee, applicant: Robert Waddell (committee advises the Whatcom County Planning and Development Services Department staff and the Whatcom County Council on the value of wildlife and habitat management issues as they relate to the Whatcom County Comprehensive Plan) (application deadline for any other applicants is 10 a.m. July 31, 2018) (AB2018-214)
Pages 233 - 236

2. Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point (AB2018-077B)

Pages 237 - 241

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. *WEDNESDAY* August 8, 2018, in the Council Chambers, 311 Grand Avenue.