

**CLERK OF THE COUNCIL**  
Dana Brown-Davis, C.M.C.

**COUNTY COURTHOUSE**  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 778-5010



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

## WHATCOM COUNTY COUNCIL

# COUNCIL AGENDA FOR SEPTEMBER 25, 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](http://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:

OCTOBER 2, 2018  
10:30 A.M. – HEALTH BOARD  
COUNCIL CHAMBERS, 311 GRAND AVENUE

OCTOBER 9, 2018  
REGULAR COUNCIL AND COMMITTEE MEETINGS  
COUNCIL CHAMBERS, 311 GRAND AVENUE

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### TODAY'S SCHEDULE:

9:30 A.M. – NATURAL RESOURCES COMMITTEE

11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

1:30 P.M. – CRIMINAL JUSTICE AND PUBLIC SAFETY (CJPS) COMMITTEE

IMMEDIATELY FOLLOWING CJPS (NO LATER THAN 2:30 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, September 25, 2018**

**Council Chambers, 311 Grand Avenue**

### **Committee Discussion and Recommendation to Council**

1. Ordinance adopting amendments to the Purchase of Development Rights (PDR) Program (from 9/11) (AB2018-235)  
**Pages 1-89**

### **Committee Discussion**

1. Discussion with members of the WRIA 1 Planning Unit regarding recommendations to improve water resource management and funding (AB2018-274)  
**Pages 90-92**

### **Other Business**

## **FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE**

**Members: Rud Browne, Tyler Byrd, Satpal Sidhu**

**11 a.m. Tuesday, September 25, 2018**

**Council Chambers, 311 Grand Avenue**

### **County Executive's Report**

### **Special Presentations**

1. Report from Information Technology Manager Perry Rice (AB2018-066)  
**Page 93**

### **Committee Discussion and Recommendations to Council**

1. Ordinance amending the Whatcom County Budget, eleventh request, in the amount of \$948,010 (AB2018-254)  
**Pages 94-112**
2. Resolution amending the Whatcom County Flood Control District and Subzones 2018 Budget, third request, in the amount of \$86,391 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-255)  
**Pages 113-117**
3. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and Washington Department of Ecology to provide a 6-person crew to perform habitat restoration and water quality work in the amount of \$79,695 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-260)  
**Pages 118-129**
4. Request authorization for the County Executive to enter into a joint funding agreement between Whatcom County Flood Control Zone District and U.S. Geological Survey for operation, maintenance, and data reporting of stream gaging equipment at eight sites in the Nooksack Watershed, in the amount of \$86,391 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-261)  
**Pages 130-136**

5. Request authorization for the County Executive to enter into a grant agreement between Whatcom County Flood Control Zone District and Puget Sound Partnership to provide funds for the coordination of the Whatcom Local Integrating Organization for water resources programs, the amount of \$75,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-262)  
**Pages 137-167**
6. Request authorization for the Flood Control Zone District to approve the North Cottonwood Stormwater Improvements – Hazel Lane as a 2018 capital improvement project and authorize the County Executive to award bid #18-44 for the North Cottonwood Stormwater Improvements Hazel Lane Project to low bidder Strider Construction Company, Inc., in the amount of \$279,435 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-263)  
**Pages 168-185**
7. Request authorization for the County Executive to enter into a contract amendment between Whatcom County Flood Control Zone District and Tetra Tech, Inc. to provide supplemental engineering design services to accommodate a revised project area for the Birch Bay Drive Outfall Improvement Project, in the amount of \$18,468, for a total amended contract amount of \$102,278 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-264)  
**Pages 186-195**

#### **Council "Consent Agenda" Items**

1. Request authorization for the County Executive to enter into a grant agreement between Whatcom County and Washington State Department of Ecology to fund administrative support and action projects for the Whatcom County Marine Resources Committee through the period of October 1, 2018, through September 30, 2019, in the amount of \$75,000 (AB2018-265)  
**Pages 196-229**
2. Request authorization for the County Executive to enter into a property use agreement between Whatcom County and Whatcom Transit Authority (WTA) to provide limited authority for WTA to install, operate, and maintain a covered bus shelter at the existing bus stop location at Lookout Mountain Forest Preserve, 2537 Lake Louise Road (AB2018-266)  
**Pages 230-238**

#### **Other Business**

**CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**  
**Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu**  
**1:30 p.m. Tuesday, September 25, 2018**  
**Council Chambers, 311 Grand Avenue**

#### **Special Presentations**

1. Annual report from District Court (AB2018-066)  
**Page 239**
2. Annual report from Superior Court (AB2018-066)  
**Page 240**

#### **Other Business**

**SPECIAL COMMITTEE OF THE WHOLE**  
**Immediately Following Criminal Justice and Public Safety Committee (no later than 2:30 p.m.)**  
**Tuesday, September 25, 2018**  
**Council Chambers, 311 Grand Avenue**

#### **Committee Discussion**

1. Discussion regarding preliminary draft Comprehensive Plan and zoning amendments – Cherry Point (AB2018-076D)  
**Pages 241-254**

2. Discussion regarding Council's preferred direction for providing housing and related services to those living unsheltered in Whatcom County (AB2018-273)  
**Page 255**

**Other Business**

# **COUNCIL AGENDA**

**REGULAR COUNCIL MEETING**  
7 p.m. Tuesday, September 25, 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.**

## **MINUTES CONSENT**

1. Committee of the Whole for September 11, 2018  
**Pages 256-257**
2. Special Committee of the Whole for September 11, 2018  
**Pages 258-261**
3. Regular County Council for September 11, 2018  
**Pages 262-270**

## **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.**

1. Resolution authorizing the sale of Whatcom County surplus property pursuant to Whatcom County Code 1.10 (AB2018-211A)  
**Pages 271-276**
2. Ordinance adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 24, Health Code (relating to water resources and the implementation of ESSB 6091) (AB2018-253)  
**Pages 277-295**
3. Request for public comment and Council action on a request to authorize the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to purchase inclement weather protective gear from funds provided by the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$13,223 (AB2018-257)  
**Pages 296-307**
4. Resolution approving the Whatcom County Six-Year Transportation Improvement Program for the years 2019 through 2024 (AB2018-250)  
**Pages 308-435**

## **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 grant agreement between Whatcom County and Washington State Department of Ecology to fund administrative support and action projects for the Whatcom County Marine Resources Committee through the period of October 1, 2018, through September 30, 2019, in the amount of \$75,000 (AB2018-265)  
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**Pages 230-238**

## **OTHER ITEMS**

### **(From Natural Resources Committee)**

1. Ordinance adopting amendments to the Purchase of Development Rights (PDR) Program (AB2018-235)  
**Pages 1-89**

### **(From Finance and Administrative Services Committee)**

2. Ordinance amending the Whatcom County Budget, eleventh request, in the amount of \$948,010 (AB2018-254)  
**Pages 94-112**
3. Resolution amending the Whatcom County Flood Control District and Subzones 2018 Budget, third request, in the amount of \$86,391 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-255)  
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**Pages 186-195**

**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 fill vacancy on the Business and Commerce Advisory Committee (for-profit entity in recreation representative), applicant: Clark Campbell (AB2018-239)  
**Pages 436-437**

**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 County Executive's appointment of Lynne Graham and Andrea Vance to the Whatcom County Veteran's Advisory Board (AB2018-267)  
**Pages 438-445**

**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 to fill vacancy on the Whatcom County Lake Whatcom Stormwater Utility Advisory Committee (geographic representative), applicant: Nancy Alyanak (committee advises the Whatcom County Council and the Public Works staff on recommended rate structure options and funding mechanism for the Lake Whatcom Stormwater Utility rate structure) (application deadline for any other applicants is 10 a.m. October 2, 2018) (AB2018-258)  
**Pages 446-447**
2. Resolution adopting the Six-Year Water Resources Improvement Program for the years 2019-2024 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-268)  
**Pages 448-490**
3. Ordinance establishing the Financial System Software Fund and establishing a project based budget to replace the financial system software (AB2018-269)  
**Pages 491-494**
4. Ordinance closing Telecommunications System Replacement Fund 351 (AB2018-270)  
**Pages 495-497**



5. Ordinance amending Project Budget No. 2 (Jail Improvement Project, as established through Ordinance 2011-031), third request, in the amount of \$4,589,000, for a total project budget of \$8,367,000 (AB2018-271)  
**Pages 498-503**
6. Ordinance amending the Whatcom County Budget, twelfth request, in the amount of \$136,027 (AB2018-272)  
**Pages 504-510**

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

**ADJOURN**

**The next regular council meeting is scheduled for 7 p.m. October 9, 2018, in the County Council Chambers, 311 Grand Avenue.**

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**COUNTY COURTHOUSE**

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**WHATCOM COUNTY COUNCIL**

**AGENDA REVISION NOTICE  
FOR SEPTEMBER 25, 2018**

(DISTRIBUTED AT 3:15 P.M. ON SEPTEMBER 21, 2018)

**THE FOLLOWING ITEM HAS BEEN REMOVED FROM THE FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND COUNCIL CONSENT AGENDAS:**

2. Request authorization for the County Executive to enter into a property use agreement between Whatcom County and Whatcom Transit Authority (WTA) to provide limited authority for WTA to install, operate, and maintain a covered bus shelter at the existing bus stop location at Lookout Mountain Forest Preserve, 2537 Lake Louise Road (AB2018-266)  
**Pages 230-238**

**THE FOLLOWING ITEM HAS BEEN ADDED TO THE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE AGENDA:**

**COMMITTEE DISCUSSION**

2. Update from Whatcom County Sheriff Bill Elfo regarding jail population during facility repairs (AB2018-275)