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WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

January 30, 2007

Committee Member Dan McShane called the meeting to order at 11:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:
Sam Crawford

Absent:
L. Ward Nelson

Also Present:
Barbara Brenner
Seth Fleetwood
Laurie Caskey-Schreiber

SPECIAL ORDER OF BUSINESS

1. ELECTION OF COMMITTEE CHAIR (AB2007-022)

McShane nominated Sam Crawford.

Nomination carried unanimously.

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, FIRST REQUEST, IN THE AMOUNT OF \$182,659 (AB2007-061)

Brad Bennett, Administrative Services Department, gave a staff report. The amendment provides funding for moving the District Court front counter, increased Hearing Examiner costs, and Department of Emergency Management grant programs.

Crawford moved to recommend approval to the full Council.

Motion carried unanimously.

2. ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 1 FOR CRP #902008 LINCOLN ROAD, SHINTAFFER ROAD TO SR 548, IN THE AMOUNT OF \$1,200,000 (AB2007-062)

Joe Rutan, Public Works Department, gave a staff report. New estimates have gone up. The staff will come back to the committee when the project is 30 percent designed, to evaluate costs, timelines, and outcomes. Several things in the original design report were estimated too low.

Crawford asked if the unique design standard is related to the increase in cost. Rutan stated it is potentially related. A lot of the cost increase is related to drainage and wetland impacts and increasing construction costs. The design contract is very expensive. They've been working on the scope to identify where the increases are. Some of the increase is from the cross-section design. There is some risk that the consultants have built into their estimate. There are designs of the cross-section that they've never dealt with.

1 Much of the cost increase is just due to market increases. He will be back before the
2 Council at 30 percent of the design process.

3
4 McShane asked if they have done geotechnical work on this stretch. Rutan stated
5 they have done five soil borings so far. They found clay soils. One reason for the cross-
6 section is that they expect six to 12 inches of settling.

7
8 Caskey-Schreiber asked if this is going to connect with the mitigated road part that
9 Bovencamp is doing. Rutan stated it is. He explained the location of the project.

10
11 Caskey-Schreiber asked if the County has any costs on the first connector part.
12 Rutan stated Bovencamp is building it's portion, and the Horizons Village is building it's
13 portion. This will create a corridor to allow Birch Point to get on to Lincoln Road. Now, the
14 cross-section design will be a safe, medium speed facility. They will continue to work with
15 the State Department of Transportation on the Blaine Road, which is a State route.

16
17 Brenner asked who is doing Bovencamp's portion of the improvement. Rutan stated
18 David Evans & Associates is doing the road. The County hasn't hired anyone for it's portion
19 of the road yet. Staff is negotiating with Reichart and Ebe now.

20
21 Brenner asked if it would be easier to piggy back on the project with David Evans
22 and Associates. Rutan stated both firms went through the interview process, and Reichart
23 and Ebe was the best candidate.

24
25 Brenner asked if the County doesn't know the cost yet. Rutan stated there is a draft
26 scope of work. Reichart and Ebe proposed an amount for their contract. Once the
27 administration gets budget authority for the contract, it will fine tune the details. The cost
28 in the Council packet is the cost of the contract.

29
30 Crawford asked if they would have seen this significant increase with a standard
31 Whatcom County road design. Rutan stated the original estimate would have been lower,
32 but they would have seen increases for the same reasons. They can't reassess that decision
33 on the cross-section. The administration is very concerned about the cost escalation. It's a
34 cost-benefit decision they will bring to the Council.

35
36 ***Crawford moved*** to recommend approval to the full Council.

37
38 McShane asked if this budget authority would give the administration approval to
39 continue negotiation. Rutan stated they could enter into a contract, get to a 30 percent
40 design, when they will have a greater understanding of true costs and timelines. If they
41 don't want to proceed at that time, they can discuss options.

42
43 McShane stated he will support the motion. He would like to have a conversation
44 about the projects in line behind this project, and the broader implication this will have to
45 other County projects. He will want to know what other projects will be delayed. Rutan
46 stated he starts on the six-year plan every March 1. They can have that discussion at that
47 time.

48
49 ***Motion carried unanimously.***

50
51
52 **Addendum:**

1 **SPECIAL PRESENTATION BY WESTERN WASHINGTON UNIVERSITY PRESIDENT**
2 **KAREN MORSE IN SUPPORT OF WHATCOM COUNTY COUNCIL APPROVAL OF A**
3 **RESOLUTION SUPPORTING WESTERN'S REQUEST FOR STATE FUNDING TO BE**
4 **USED FOR PLANNING AND FEASIBILITY STUDIES LEADING TO THE BELLINGHAM**
5 **WATERFRONT REDEVELOPMENT PROCESS (AB2007-091)**
6

7 Karen Morse, Western Washington University (WWU) President, stated they plan to
8 develop a world class facility for environmental education and research. Western
9 Washington University is in the city and community developing projects. The university is
10 about its students. The small business development center needs to grow. They will have
11 much better access being sited on the waterfront. This is one of the top small business
12 development centers in the country. Total rural investment in 2005 was over \$4.5 million.
13 She read from her presentation.
14

15 There are three types of demand for higher education, including students seeking
16 access and opportunities, employers seeking skilled workers, and communities seeking
17 economic development, which is an inherent part of Western's mission.
18

19 She read her presentation on the Governor's Initiative, waterfront development
20 effort, WWU Waterfront Committee's first guiding principle, WWU program themes and
21 initiatives, guiding principles, and space planning assumptions. They are first focusing on
22 the environmental development by bringing Huxley College to the waterfront. The guiding
23 principles were taken from a number of initiatives.
24

25 She showed a map of the area of the waterfront where they will focus their efforts.
26 Transportation is an issue. They don't expect to have a lot of students going back and forth
27 to the site. Huxley College is an upper level program. They plan for a Laurel Street
28 extension to the waterfront area. Locating the environmental college on the waterfront is
29 their first focus. They've already started working with people in the area to share
30 resources. They may reuse the Board Mill building. They've started a study on whether or
31 not the existing buildings can be reused. There are about 190 acres on the site. Seven
32 acres will be for their development. The New Whatcom Master Plan process is master
33 planning the waterfront site. During that process, WWU will develop a memorandum of
34 understanding (MOU) with New Whatcom, the City, and the Port.
35

36 She read the presentation on WWU Planning, phase II, which began in the summer
37 of 2006. The move to the waterfront will allow the university to extend and build a campus
38 that is more tightly bound to the community. She explained the potential reuse of the
39 Board Mill building. They have done a preliminary geotechnical evaluation. There are ways
40 to generate funds using the Board Mill building. The silos on the site have some potential
41 for reuse, and they will continue to look at it. Other buildings are not in good shape to use.
42 She went on site visits to other areas.
43

44 She read the presentation on the preliminary development timeframe and the next
45 steps. She asked the committee and Council to endorse this concept to the legislature as
46 she seeks funding.
47

48 Brenner asked the location of the Foothills Small Business Development Center
49 satellite office. She asked if Western has been approached about developing educational or
50 job development facilities in the potential new resource center. Morse stated the university
51 and County should work together on that project.
52

1 McShane thanked Dr. Morse for being the first person to come to the Council on
2 waterfront development plans. He asked how critical the Laurel Street extension is to this
3 project. He asked if that would be part of their sales pitch to the legislature. Morse stated
4 they have to have some kind of mechanism to get people back and forth to the main
5 campus. Not all university students will go to the waterfront site. However, this will be a
6 chance for students to experience the waterfront. The Laurel Street connection has been
7 the City's decision. WWU has worked with the City on the university's need for a connection
8 between the waterfront and the university. The City feels that there needs to be a way to
9 go over the railroad tracks and get into that area. Laurel Street would be a short
10 connection to connect the two neighborhoods. The impact there is the least of other areas.

11
12 McShane stated make an emphasis on public transit. There is a connection between
13 the environmental students and how those students are transported to the site. He hopes
14 the extension isn't a requirement for this project to go forward. Morse stated it shouldn't
15 be. It's early in the process to discuss alternatives.

16
17 Crawford asked if the National Oceanic & Atmospheric Administration (NOAA) facility
18 would be part of WWU's development. Morse stated it would not, but there is potential for
19 offices.

20
21 *(Clerk's Note: End of tape one, side A.)*
22

23 Morse continued to state that NOAA is very interested in coming to this area because
24 of Huxley College moving to the waterfront. They do a lot of research. There are
25 opportunities for student internships with NOAA and other student projects.

26
27 Caskey-Schreiber stated she supports the concept. However, make sure that the
28 Council not give the legislature any cause to waiver the County's first priority
29 considerations, which are the East County community resource center and Lake Whatcom
30 stormwater fixes. The County must get the people in the east county capable of taking
31 advantage of opportunities. The resolution must be clear that those two projects are the
32 County's top funding requests. She has worked with Councilmember Crawford on an
33 amendment to the resolution.

34
35 **Crawford moved** to recommend approval of the resolution with one amendment,
36 "Now, Therefore, Be it Resolved, that...redevelopment process. The County's support for
37 this project funding is in addition to the County's priority funding requests for financial
38 assistance for the creation of the East County Community Center and funding requests that
39 are needed for stormwater improvements or fixes within the Lake Whatcom watershed."

40
41 Morse stated she is fine with the amendment.
42

43 Brenner stated she hopes that Western Washington University will return the favor
44 by supporting the County's efforts in dealing with the Lake Whatcom watershed and the
45 east county resource center. Morse stated the Board of Trustees has to do that, but she will
46 facilitate that support if there is a role for the university to play. The Board generally
47 doesn't take a political position unless it is directly involved in a WWU program.
48

49 Crawford stated the County has not approached WWU to participate in the North
50 Fork Community Resource Center. A number of other agencies are involved. Explore the
51 possibility to include the university. WWU has always been engaged in community venues,
52 such as the Council of Governments.
53

1 **Motion carried unanimously.**
2
3

4 **COUNCIL "CONSENT AGENDA" ITEM**
5

- 6 1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO RE-AWARD BID #06-**
7 **117, PREVIOUSLY AWARDED TO LOW BIDDER DEWEY GRIFFIN, TO SECOND**
8 **LOWEST BIDDER BELLINGHAM CHRYSLER, FOR THE PURCHASE OF TWO**
9 **HALF-TON 4X4 EXTENDED CAB PICKUP TRUCKS IN THE AMOUNT OF**
10 **\$47,002.10 (RE-AWARD REQUESTED DUE TO DEWEY GRIFFIN'S INABILITY**
11 **TO OBTAIN THE VEHICLES BECAUSE OF A TIME LAPSE BETWEEN BID AND**
12 **AWARD) (AB2007-070)**

13 **Crawford moved** to recommend approval to the full Council.

14 Brenner asked if Dewey Griffin couldn't make the deadline.

15 Eric Schlehber, Public Works Department, stated Dewey Griffin was not able to
16 honor its bid price based on 2007 specification changes that the factory had done.
17

18 **Motion carried unanimously.**
19

- 20 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
21 **CONTRACT BETWEEN WHATCOM COUNTY AND HANDEL INFORMATION**
22 **TECHNOLOGIES FOR THE PURPOSE OF PROVIDING MAINTENANCE AND**
23 **CUSTOMIZATION OF JUVENILE OFFENDER CASE MANAGEMENT SYSTEM, IN**
24 **THE AMOUNT OF \$18,000 (AB2007-071)**

25 **McShane moved** to recommend approval to the full Council.

26 **Motion carried unanimously.**
27

- 28 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST YOUTH**
30 **SERVICES FOR THE PURPOSE OF OPERATING THE TEEN COURT PROJECT**
31 **FOR WHATCOM COUNTY, IN THE AMOUNT OF \$18,500 (AB2007-072)**

32 **Crawford moved** to recommend approval to the full Council.

33 **Motion carried unanimously.**
34

- 35 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**
36 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE OF**
37 **WASHINGTON DEPARTMENT OF ECOLOGY FOR THE IMPLEMENTATION OF**
38 **ACTIVITIES IDENTIFIED IN THE LOCAL SOLID WASTE MANAGEMENT PLAN**
39 **AND HAZARDOUS WASTE MANAGEMENT PLAN, IN THE AMOUNT OF \$68,000**
40 **(\$51,000 FROM STATE OF WASHINGTON DOE/\$17,000 FROM WHATCOM**
41 **COUNTY) (AB2007-073)**

42 **McShane moved** to recommend approval to the full Council.

43 Brenner stated there wasn't any recommendation that went to or from the Solid
44 Waste Advisory Committee. There was only a presentation. The County did something like
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1 this awhile back that didn't work out well. She asked what the ReStore does exactly. She
2 thought the ReStore does this, also. She asked why this didn't go through the Solid Waste
3 Advisory Committee.

4
5 Bruce Roll, Public Works Department, stated people who visit the toxics facility are
6 interested in a program that allows for them to reuse latex paints. There are additional
7 monies for this purpose from the State. They attempted to pilot a program at the solid
8 waste toxics site for latex paints. That's what this attempt is. He doesn't know how
9 ReStore deals with latex paints.

10
11 Weimer stated the ReStore takes latex paint that can be reused. The County has
12 tried this program two or three times before. The Disposal of Toxics Program was stopped
13 in the mid 1990's because of its expense. They were disposing of so much latex paint,
14 which the Department of Ecology determined wasn't hazardous. They were spending a lot
15 of hazardous waste money disposing of a product that wasn't a hazardous waste. Money
16 was given to the ReStore to start a latex paint reuse program. Roll stated he will research
17 that information and come back to the committee. He agrees to not reinvent the wheel. He
18 proposes that staff gather some of that information. Until then, pull this item from the
19 agenda and deal with it at a later date. He will also see how this will enhance an existing
20 program in the community.

21
22 Brenner stated a better expenditure may be to work with the ReStore on the
23 program it already has. She asked why this didn't go through the Solid Waste Advisory
24 Committee. Roll stated he'll review the summary. If there are programs that are priorities
25 within the existing solid waste program, staff always looks for opportunities to get grant
26 money, and seizes those opportunities. He notified the Council in July 2006 that it will
27 apply for this grant. In some cases they have the luxury of asking the advisory committee
28 to go through its process. In some cases, they don't have that luxury. They are always
29 trying to get as much grant money as they can into the program.

30
31 Brenner asked if they can apply for the grant money while working with a nonprofit.
32 Roll stated he can't comment on that. His goal is to develop programs to reuse and recycle
33 materials. The goal is to create self-supporting programs that live on their own. He doesn't
34 advocate that the County start a program that continues on within the Solid Waste Division
35 unless it becomes financially viable.

36
37 Weimer stated Snohomish County has a program for handling latex paint.

38
39 McShane stated it seems that local marketing may be an interesting option. He
40 doesn't know if Ecology will allow that with the grant. Roll stated they can't get into a
41 contract for marketing for one particular business. Market it in a way to include all the
42 businesses who handle the materials, so that the public know the options.

43
44 ***McShane withdrew his motion.***

- 45
46 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
47 **CONTRACT BETWEEN WHATCOM COUNTY AND WORK OPPORTUNITIES TO**
48 **DEVELOP CAPACITY FOR PATHWAYS TO COMMUNITY EMPLOYMENT FOR**
49 **INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES CURRENTLY BEING**
50 **SERVED AT NORTHWEST INDUSTRIES, WHICH IS A FACILITY BASED**
51 **EMPLOYMENT SETTING, IN THE AMOUNT OF \$62,545 (AB2007-074)**

52
53 ***McShane moved*** to recommend approval to the full Council.

1
2 ***Motion carried unanimously.***
3

- 4 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
5 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND STARCK FOLLIS, DAVID**
6 **A. NELSON, ROBERT D. BUTLER, CARL MUNSON, NANCY NEAL, THOMAS H.**
7 **FRYER, DOUGLAS R. HYLDAHL AND MARY KAY LOVING TO PROVIDE**
8 **CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN THE**
9 **PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-075)**

10
11 N.F. Jackson, Superior Court, reported on Consent Agenda items 6 through 15. They
12 are two-year contracts. Items six through ten are criminal indigent defense. Item 11
13 provides defense for civil contempt only. It is not criminal conflict. Item 12 is a
14 dependency contract. A significant of those will go away if the administration proceeds with
15 a parallel Public Defenders Office. Those costs will be absorbed by that staff.

16
17 ***Crawford moved*** to recommend approval to the full Council of items six through
18 ten.
19

20 ***Motion carried unanimously.***
21

- 22 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
23 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND JEFFREY A. LUSTICK**
24 **AND MARK A. KAIMAN TO PROVIDE CONFLICT INDIGENT CRIMINAL**
25 **DEFENSE LEGAL SERVICES WHEN THE PUBLIC DEFENDER HAS A CONFLICT**
26 **WITH A CLIENT (AB2007-076)**
27

28 See Consent Agenda item six for discussion and approval of this item.
29

- 30 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
31 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND MICHAEL P. BRODSKY**
32 **TO PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES**
33 **WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-**
34 **077)**
35

36 See Consent Agenda item six for discussion and approval of this item.
37

- 38 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
39 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND ANDREW L. SUBIN TO**
40 **PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN**
41 **THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-078)**
42

43 See Consent Agenda item six for discussion and approval of this item.
44

- 45 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
46 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND JESSE SALOMON TO**
47 **PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN**
48 **THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-079)**
49

50 See Consent Agenda item six for discussion and approval of this item.
51

- 52 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
53 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND SCOTT M. CHOATE TO**

1 **PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN**
2 **THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-080)**

3
4 Crawford stated the title of this item is incorrect. It is for civil defense, not criminal
5 defense.
6

7 **McShane moved** to recommend approval to the full Council.
8

9 **Motion carried unanimously.**
10

- 11 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
12 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND MARGARET MAWSON,**
13 **R. SCOTT MAWSON, PENNY HENDERSON, JENNIFER TEPKER, SCOTT**
14 **CHOATE, DAVID HUNTER AND KATHRYN RESNICK TO PROVIDE**
15 **PROFESSIONAL LEGAL SERVICES FOR INDIGENT PARENTS IN DEPENDENCY**
16 **CASES (AB2007-081)**

17
18 **Crawford moved** to recommend approval to the full Council.
19

20 **Motion carried unanimously.**
21

- 22 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
23 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND COLLEEN ROGERS,**
24 **MARY ANN SHAFFER, MICHELLE PADDIE, TAMI HILLMAN, JAYME GIBBS AND**
25 **LAUGHLAN CLARK TO PROVIDE GUARDIAN AD LITEM SERVICES FOR**
26 **MINORS IN DEPENDENCY CASES (AB2007-082)**

27
28 **McShane moved** to recommend approval to the full Council.
29

30 **Motion carried unanimously.**
31

- 32 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
33 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM**
34 **DISPUTE RESOLUTION CENTER TO PROVIDE DISPUTE RESOLUTION**
35 **SERVICES AND MANDATORY MEDIATION ADMINISTRATION (AB2007-083)**

36
37 **Crawford moved** to recommend approval to the full Council.
38

39 **Motion carried unanimously.**
40

- 41 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
42 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY**
43 **SERVICES TO PROVIDE SUPERVISED VISITATION SERVICES FOR FAMILIES**
44 **IN DOMESTIC RELATIONS CASES (AB2007-084)**

45
46 **McShane moved** to recommend approval to the full Council.
47

48 **Motion carried unanimously.**
49

- 50 **16. RESOLUTION FOR THE APPOINTMENT OF AGENT TO RECEIVE CLAIMS FOR**
51 **DAMAGES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT**
52 **(AB2007-085)**
53

1 **McShane moved** to recommend approval to the full Council.

2
3 **Motion carried unanimously.**

4
5 **17. RESOLUTION CANCELING UNCOLLECTIBLE PERSONAL PROPERTY TAXES**
6 **(AB2007-086)**

7
8 **Crawford moved** to recommend approval to the full Council.

9
10 **Motion carried unanimously.**

11
12
13 **COMMITTEE DISCUSSION**

14
15 **1. DISCUSSION REGARDING POSSIBLE AMENDMENTS TO THE PROPOSED 2007**
16 **UNIFIED FEE SCHEDULE (AB2006-440)**

17
18 Linda Harduar, Executive's Office, submitted a substitute version (*on file*).

19
20 Dennis Rhodes, Planning and Development Services Department, stated his direction
21 was to pay for staff services through fees where possible. He was to develop the actual cost
22 of performing these functions. Before the committee, in the proposed fee schedule, is a
23 review by his division managers and senior staff to identify the average amount of time it
24 takes for staff to carry out the tasks in the line items. The rate is \$100 per hour,
25 established by the Deputy Administrator. They are all building the fee structure around that
26 rate. They are in the process of redesigning the permit processing approach. Therefore,
27 the Planning staff and Public Works staff are considering combining their efforts at the
28 permit center. The fee schedule reflects some of those fees.

29
30 Concerns were expressed by this committee at the last meeting. Staff is available to
31 give the committee an idea of how much the services cost. He understands that the Council
32 may have other ideas. He is open to that guidance.

33
34 One idea is to establish a baseline fee for an appeal. That will pay for a certain
35 number of staff hours that have to be done on every appeal. Some appeals will take more
36 time. Staff would track the man hours expended on the appeal. If more staff time is
37 required, beyond what is paid for by the base fee, then charge that increased cost at a later
38 time. That is one suggestion.

39
40 Crawford asked if the baseline appeal would not be meant to exceed a certain
41 number of staff hours. He asked if there is a method for tracking those hours. Rhodes
42 stated there is a method for tracking those hours.

43
44 Crawford asked about the proposed \$1,200 fee. Rhodes stated they looked at two
45 things. It includes a minimum number of average staff hours. It also includes the average
46 hours spent by the Hearing Examiner. The combination of those two came out to \$1,200.
47 Because the Hearing Examiner costs come out of a different fund, paid separately under the
48 general fund, it isn't something that the Planning Department fee takes care of. That's why
49 he proposes to drop the Planning Department fee to \$750.

50
51 Brenner stated there are two competing things. She agrees that the Planning and
52 Development Services Department needs to be reimbursed for legitimate time spent. She is
53 concerned that people won't have access to the appeal process. A fee of \$750 is a lot to the

1 little guy. A County staff person can keep something going and going. Rhodes stated they
2 are in the process of changing the protocols for handling things in-house. They are in the
3 process of requiring that all requests for additional consultant support or to put something
4 on hold be approved at a management level, not a staff level. The staff can make the
5 recommendation, but the Division Manager will make the decision, with the concurrence of
6 the Assistant Director and Director. They are formulating a way of tracking these things
7 that are on hold.

8
9 The County Planning Department and Public Works staff has agreed to attend a
10 discussion with the Building Industry Association of Whatcom County (BIAW) on these fees.
11 He discussed the potential timeline for approving the fees.

12
13 Brad Bennett, Administrative Services Department, stated the fee schedule needs to
14 be as close to the final product as possible before going to the full Council for a public
15 hearing. The public notice cost is very expensive.

16
17 Brenner asked if there is a rush to get this approved.

18
19 Crawford stated the County is missing out on collecting these fees until the fee
20 schedule is approved. These are substantial fees. They want to fund the services with the
21 fees. The Council must not fold in planning matters that aren't related to development fees.
22 Rhodes stated the staff have been sensitive to that issue. The fees proposed are focused on
23 the services the department provides to the permitting system. They are showing the
24 amount of time it takes to do all the permit processing. County staff in different
25 departments are working to streamline the processes and paperwork.

26
27 Brenner asked if they created a process for appeals to go to the Planning Director
28 before the Hearing Examiner. Rhodes stated they have that process.

29
30 Brenner asked the percentage of appeals that have been avoided.

31
32 *(Clerk's Note: End of tape one, side B.)*

33
34 Hal Hart, Planning and Development Services Department Director, stated he doesn't
35 have the figures yet. Not often does the director have to step in at that level.

36
37 Crawford stated don't think of a lot of this stuff in black and white. Not often is it a
38 win-lose situation. The Hearing Examiner will try to negotiate certain things. The Hearing
39 Examiner and Mr. Hart try to come up with a win-win situation for all. He and the
40 community get frustrated with the tremendous amount of layering and bureaucracy. They
41 funded a complete rewrite of the codes to try to mend some of that.

42
43 Mary Dickinson, Building Industry Association Governmental Affairs Director, stated
44 she appreciates the County Planning Department staff meeting with her. They would like to
45 discuss further the increases for the Public Works Department. She has serious concerns
46 about fee increases and how they affect affordable housing. She looks forward to working
47 with the County staff on her concerns.

48
49 Rhodes stated they are trying to arrange the permit applications in a logical
50 sequence, so they can shepherd an applicant through the process.

1 Brenner stated don't tie themselves to a date specific for adopting the ordinance. It
2 cost \$1,200 just to advertise the ordinance. Do most of the work before it's introduced.
3 Make sure whatever is advertised is close to what they are talking about.
4

5 Joe Rutan, Public Works Department, stated the Public Works Department fee
6 changes are based largely upon the same things that the Planning and Development
7 Services Department fee changes are. They looked at the effort given per task, and applied
8 a fee base of \$100 per hour, up from \$50 per hour. In most cases, the amount of effort did
9 not change, only the per hour fee. In some cases, there is a substantial increase.

10
11 McShane stated there is an increase in the fee for amendments to short-plats in the
12 Planning and Development Services Department. He asked if that affects the Public Works
13 Department. Rutan stated it does. They can also charge \$100 per hour for extraordinary
14 efforts in that area.
15

16 Mike Donahue, Public Works Department, stated that if a project includes surface
17 drainage, roads, or driveways, the Public Works Department gets involved.
18

19 Weimar asked how they decided on a fee base of \$100 per hour. Bennett stated
20 they look at the productive hours of the employee, including salary and benefits. They have
21 done several countywide surveys of overhead rates. That gets them close to \$100 per hour.
22 There are also costs they don't recover, which include rent on the facilities and replacement
23 of facilities. The Deputy Administrator must begin to provide for the real facilities cost in
24 their rates.
25

26 Crawford stated he prefers to implement this fee schedule, and change it later if they
27 need to. Introduce a version in two weeks, and finalize it at the last meeting in February.
28

29 McShane stated most of this will not be debated. Adopt the final ordinance, and then
30 go back and amend the few contentious items. It will be up to the Council to decide on
31 voting to amend the ordinance.
32

33 Crawford asked if Councilmember McShane would be amendable to a Hearing
34 Examiner fee of \$750, with a set number of hours and a per hour charge. The proposed
35 \$1,200 fee will be a barrier to justice.
36

37 McShane stated he needs information about how often the perception of justice
38 prevails in the Hearing Examiner overturning an administrator's decision. He generally
39 agrees with the decisions of the Planning and Development Services Department. He's not
40 sure how much of an issue it is. He would like to get that information. He could be
41 amendable to the idea.
42

43 Crawford stated the Hearing Examiner tries to work with both parties to come up
44 with a solution that works for both.
45

46 Rhodes stated he can put together information on this issue and any other issue.
47 For introduction, the staff recommendation is to drop the Hearing Examiner fee down to
48 \$750, because it comes from a different fund.
49

50 ***The committee concurred.***
51

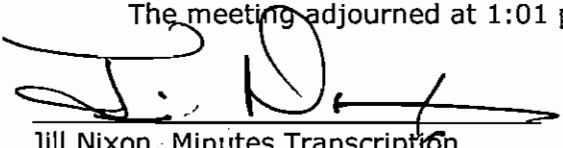
52 **OTHER BUSINESS**
53

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There was no other business.

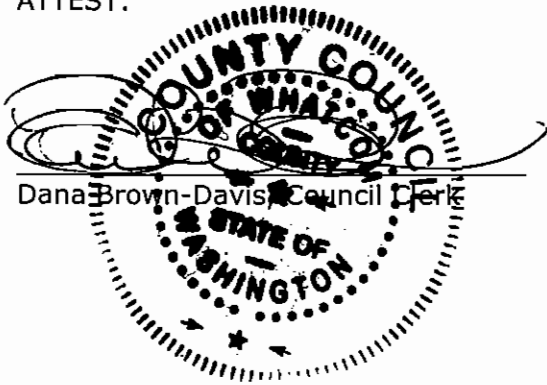
ADJOURN

The meeting adjourned at 1:01 p.m.



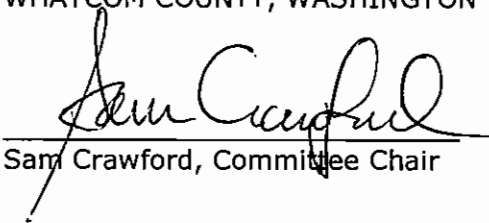
Jill Nixon, Minutes Transcription

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Sam Crawford, Committee Chair