



City of Bellingham

City Council Regular Meeting Agenda

June 5, 2023, 7:00 PM

Mayor: Seth Fleetwood
Council Members: Hannah Stone, Hollie Huthman,
Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson,
Michael Lilliquist and Kristina Michele Martens
Legislative Assistant: Jackie Lassiter

Contact: (360) 778-8100, mayoroffice@cob.org
Contact: (360) 778-8200, ccmail@cob.org
<https://cob.org/council>

Watch Council Meetings Live

The City Council Regular meetings are conducted in a hybrid setting: both in-person and remote access are available.

In Person:

All meetings are held in Council Chambers on the second floor of City Hall, 210 Lottie Street, Bellingham, unless otherwise noted. The doors unlock at 6:30 PM for the 7:00 PM meeting.

Live on YouTube and Comcast:

Council meetings are streamed live via the City's website at <https://cob.org/meetings> and on the City's YouTube channel at <https://cob.org/btv>. Meetings are also broadcast in high definition on BTV on Comcast channel 321 and in standard definition on Comcast channel 10.

Via Telephone:

Members of the public who do not have cable or Internet access may listen to the meeting via telephone by calling (253) 215-8782 and entering Meeting ID: **839 2153 4374** and Password: **9**

Provide your Input

During a Meeting:

To speak during a Public Hearing or the Public Comment Session, advance registration is encouraged. Speakers who register in advance will be called on first. Registration can be made by visiting <https://cob.org/ccsignup>. Speakers may participate via the following options:

- In person: Members of the public may come to the Council Chambers located at City Hall, 210 Lottie St., Bellingham.
- Remotely via Zoom: Click the following link to launch the Zoom meeting and follow staff instructions at the time of the hearing or public comment period: <https://cob.org/cczoom>.
- Remotely via phone: Call (253) 215-8782 and enter Meeting ID **839 2153 4374** and Password **9**. Follow staff instructions at the time of the hearing or public comment period.

Before or After a Meeting:

Advance written Public Hearing testimony and general written Public Comment can be presented to the Council:

- By mail addressed to: City Council, 210 Lottie Street, Bellingham, WA 98225
- Online:
 - For a public hearing: <https://cob.org/publichearing>
 - For general public comment: <https://cob.org/ccpubliccomment>

Regular Meeting

The following items are heard in the Regular Meeting only:

Call to Order

Announcements & Upcoming Meetings:

Bellingham City Council meets all requirements of the State of Washington Open Meetings Act.

1. **On June 26, 2023, the City Council will hold a Public Hearing to consider proposed amendments to the Old Town Overlay District development regulations found in Bellingham Municipal Code 20.35.055-.085.**
2. **On June 26, 2023, the City Council will hold a Public Hearing to consider a development agreement between Old Town Village, LLC and Capron, LLC, and the City of Bellingham regarding the redevelopment of property located in the Old Town Subarea.**

Roll Call

Public Hearing

- | | | |
|--------------|--|-------------|
| 23732 | 1. Public Hearing Regarding the Extension of the Emergency Moratorium on the Acceptance of Development Applications within the RM Zones in the Silver Beach Neighborhood for an Additional Six Months | p. 6 |
|--------------|--|-------------|

Mayor's Report

Standing time for briefings, updates and reports to Council by the Mayor, if needed. Information only.

- | | | |
|--------------|---|--------------|
| 23733 | 1. Mayor's Reappointment to the Historic Preservation Commission (Approval) | p. 15 |
| 23734 | 2. Mayor's Appointment of Colin Lowin to the Civil Service Commission (Approval) | p. 18 |
| 23735 | 3. Mayor's Appointments to the Mayor's Neighborhood Advisory Commission (Information) | p. 21 |
| 23736 | 4. Mayor's Appointments to the Bellingham Housing Authorities Board of Commissioners (Information) | p. 26 |

Regular Meeting and Committee Sessions

The following are heard in both Committee sessions and Regular Meeting in order below:

Council Standing Committee Meetings:

Open to the public to attend. Note: there is generally no public comment period for Committee sessions. Standing Committee Members receive reports and information, ask questions and, when appropriate, vote on a recommended action for consideration by the full Council at the Regular Meeting. The notice of Committee Meetings identified below also serves as notice of Special Meetings of the City Council at the times identified as Council Members who are not members of the committee routinely attend and participate in the Committee Meetings. Committee Chairs give a report of the Committee Meeting at the Regular Meeting in the evening prior to deliberation and formal vote in the order shown below:

Committee Of The Whole 1:00 PM

Michael Lilliquist Chair

Hannah Stone, Hollie Huthman, Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson, Kristina Michele Martens

23737	1. Community Crosswalk Pilot and Program Development	p. 35
23739	2. Justice Project Ballot Measure and Resolution of Values	p. 41
23738	3. An Ordinance Amending the 2023-2024 Biennial Budget – Amendment No. 5	p. 104
23740	4. Adoption of the 2024-2029 Transportation Improvement Program (TIP)	p. 109
23741	5. Washington State 2023 Legislative Session Housing Recap	p. 150
23748	6. Approval of 5/22/2023 City Council Committee and Regular Meeting Minutes	p. 153

Old/New Business

Executive Session 3:00 PM

Closed to the public. Report in the Regular Meeting only:

- 1. Potential Litigation and Litigation (Kraham, approx 15 min)**
- 2. Potential Property Acquisition (Marriner, approx 5 min)**
- 3. Schreib v. State of Washington et al. (Good, approx 5 min)**
- 4. Labor Relations: Review Contract Proposal for What-Comm Dispatchers Guild (Monahan, approx 5 min)**
- 5. Potential Property Acquisition (Potter, approx 5 min)**
- 6. Potential Property Acquisition (Potter, approx 5 min)**
- 7. Potential Property Acquisition (Stamps, approx 5 min)**

Consent Agenda

All matters listed on the Consent Agenda are considered routine and/or non-controversial items and may be approved in a single motion. A member of the Council may ask that an item be removed from the Consent Agenda and considered separately.

23742	1.	Authorization of Payroll Labor Cost Payments Dated April 15, 2023 to April 30, 2023	p. 166
23743	2.	Authorization of A/P Transactions Issued May 12, 2023 through May 18, 2023	p. 167
23744	3.	Authorization of A/P Transactions Issued May 19, 2023 through May 25, 2023	p. 168
23745	4.	Department of Ecology Inter-Agency Agreement for Post Point Grant Funding	p. 169
23746	5.	Sale of Two Police Motorcycles to Pierce County	p. 194
23747	6.	Interagency Reimbursement Agreement Between the Washington State Administrative Office of the Courts and Bellingham Municipal Court	p. 201
23749	7.	Interlocal Agreement with Whatcom Conservation District for Wildfire Risk Reduction Education	p. 207

Final Consideration of Ordinances

23710	1.	An Ordinance of the City of Bellingham, Washington Establishing a Water Resources Advisory Board; Adding a New Chapter 2.91 to the Bellingham Municipal Code	p. 215
23709	2.	An Ordinance of the City of Bellingham, Washington Dissolving the Watershed Advisory Board, Repealing Bellingham Municipal Code Chapter 2.90	p. 220
23722	3.	An Ordinance Amending the 2023-2024 Biennial Budget - Amendment No. 4	p. 224

Public Comment Period - 30 Minutes

Advance registration is encouraged for participation. Speakers who register in advance will be given priority. Each speaker will have three minutes. Please see first page of agenda for further details. Video of the public comment session will be available by visiting <https://cob.org/commentrecordings>.

Adjournment

Agenda Information

Council Committee and Regular Meeting agendas and agenda packets, which contain the supporting documentation for agenda items, are available to the public Wednesday afternoon prior to the meeting. They are posted at <https://cob.org/meetings>. A hard copy of the agenda packet is available for review from the reference desk at the Central Library or the Finance office at City Hall.

Meeting Live Broadcasts and Recordings

The Bellingham City Council Committee Meetings are broadcast live on BTV Bellingham at the times listed on the agenda. Committee session start times between 9:00 AM and 5:00 PM are estimated. A specific Committee may start later than the time published but will not begin earlier than its published time.

Television:

BTV can be found on cable systems as follows: Comcast channels 10 (standard) and 321 (high definition), and CenturyLink channels 40 (standard) and 1040 (high definition). Meetings are rebroadcast on the following schedule:

- Tues. 12 PM: Repeat broadcast of Monday afternoon Committee meetings
- Tues. 7 PM: Repeat broadcast of Monday night regular meeting
- Wed. 8 AM: Repeat broadcast of Monday night regular meeting
- Sat. 12 PM: Repeat broadcast of Monday afternoon Committee meetings
- Sat. 7 PM: Repeat broadcast of Monday night regular meeting

Online Streaming:

The meetings are streamed live at <https://cob.org/btv>. Online viewers will see exactly what cable customers would see.

DVD:

The Bellingham Public Library also has DVD's available for checkout. Video and audio files are available on the Internet at <https://cob.org/meetings> within 5 business days following each meeting.

Accessibility

The Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available, and a receiver may be checked out through the Deputy City Clerk prior to the evening session. For additional accommodations, contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

**Next City Council Meeting
Monday, June 26, 2023**

Deadline to submit material for any public hearing for inclusion in the published agenda packet is 10:00 a.m. on Wednesday prior to the meeting.



City Council Agenda Bill

23732

Bill Number

Subject: **Public Hearing Regarding the Extension of the Emergency Moratorium on the Acceptance of Development Applications within the RM Zones in the Silver Beach Neighborhood for an Additional Six Months**

Summary Statement: On July 11, 2022, the City Council adopted an emergency ordinance that imposed a 12-month moratorium on the acceptance or processing of applications to redevelop existing or develop new residential multi-family (RM) housing within the four RM zones in the Silver Beach neighborhood. The moratorium was adopted by Council to allow City staff to determine if the multi-family densities in the Silver Beach neighborhood are consistent with existing City policies for protection of water quality in Lake Whatcom or if amendments are necessary. City staff need additional time to continue its work on this important issue, therefore they recommend that Council extend the moratorium for an additional six months.

Previous Council Action: **Adoption of Ord. #2022-07-019 at the July 11, 2022 City Council Regular Meeting**

Fiscal Impact: **Possible loss of revenue in Development Services Fund**

Funding Source: **Development Services Fund and General Fund**

- Attachments:
1. STAFF MEMO
 2. ORDINANCE
 3. PUBLIC HEARING NOTICE

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Public Hearing - Vote Requested	06/05/2023	Pass Ordinance	Alan Marriner, Legal	5 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Kurt Nabbefeld, Planning and Community Development, 360-778-8300

Council Action:

Reviewed By	Department	Date
<i>Blake G. Lyon</i>	Planning & Community Development	05/11/2023
<i>Alan A. Marriner</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL

FROM: BLAKE LYON, DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT

CC: MAYOR SETH FLEETWOOD

SUBJECT: EXTENDING THE MORATORIUM ON THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS WITHIN THE FOUR RESIDENTIAL MULTI-FAMILY ZONES IN THE SILVER BEACH NEIGHBORHOOD

DATE: 6/5/2023

On July 11, 2022, the City Council adopted Ordinance #2022-07-019 enacting an emergency moratorium on the acceptance of development applications and permits relating to the four residential multi-family zones in the Silver Beach Neighborhood; Areas 8, 9, 13 and 18. The Ordinance is provided on Attachment 2 and the Silver Beach zoning map is provided on the last page of the ordinance.

Planning staff recognized an inherent conflict between recent amendments to the residential multi-family zoning code that would allow substantial additional development in the four residential multi-family zones in the Silver Beach neighborhood and the City's efforts to protect the water quality of Lake Whatcom, the drinking water reservoir and resource for approximately 100,000 residents of Bellingham and Whatcom County.

The moratorium is set to expire on July 11, 2023. City staff, pursuant to RCW 36.70A.390 recommend that the City Council extend the subject moratorium an additional six-months to January 11, 2024. This will allow City staff additional time to study the possible issues associated with the density specifications in the four multi-family zones in the Silver Beach Neighborhood and the adopted plans, goals and policies regarding the Lake Whatcom reservoir. Staff will prepare appropriate studies, clarifications and / or amendments to the City's regulations and/or plans and conduct the public review process as required for any amendments to be considered. The moratorium includes exceptions to repair, maintain, or otherwise improve an existing multi-family housing structure or any other applications necessary for public health and safety.

Absent an extension of the moratorium, new development applications could become vested to the regulations currently in place leading to significant development or redevelopment within RM zones in the Silver Beach Neighborhood multi-family zones that potentially conflicts with other adopted comprehensive plan goals and policies. **Staff recommends that Council extend the moratorium for an additional six months.**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO LAND USE AND ZONING, EXTENDING A MORATORIUM ON DEVELOPMENT APPLICATIONS AND PERMITS RELATING TO MULTI-FAMILY ZONED PROPERTIES WITHIN THE SILVER BEACH NEIGHBORHOOD FOR AN ADDITIONAL SIX MONTHS TO ALLOW THE CITY TO CONTINUE REVIEWING DEVELOPMENT OPTIONS AND EXISTING REGULATIONS TO ENSURE THAT THEY ARE CONSISTENT WITH THE CITY'S ADOPTED GOALS AND POLICIES THAT ARE AIMED AT PROTECTION OF THE WATER QUALITY OF LAKE WHATCOM.

WHEREAS, Lake Whatcom is the drinking water reservoir and resource for approximately 100,000 residents in Bellingham and Whatcom County; and

WHEREAS, Lake Whatcom has been listed as an impaired water body under section 303(d) of the Federal Clean Water Act for low levels of dissolved oxygen, total phosphorus, dieldrin, mercury, and total PCB's; and

WHEREAS, the City, Whatcom County and the Lake Whatcom Water and Sewer District have adopted plans, enacted regulations, programs and multi-agency coordination that are intended to protect and improve the water quality of Lake Whatcom; and

WHEREAS, BMC 16.80, the Lake Whatcom Reservoir Regulatory Chapter and BMC 15.42, Stormwater Management, include regulations that limit the amount of impervious surface on individual properties in the Lake Whatcom Watershed and require implementation of stormwater management best management practices that reduce the amount of phosphorous entering Lake Whatcom; and

WHEREAS, the City through its Lake Whatcom Land Acquisition and Preservation Program purchases properties in the watershed so that development potential is eliminated, and the properties can be preserved in their natural state or restored to forested condition and protected in perpetuity with conservation easements; and

WHEREAS, the City's efforts to protect the water quality of Lake Whatcom are consistent with a variety of goals and policies in the City's Comprehensive Plan; and

WHEREAS, most properties that are within the City limits and the Lake Whatcom watershed are in the Silver Beach Neighborhood; and

WHEREAS, there are four residential multi-family zones in the Silver Beach Neighborhood, and

WHEREAS, three of these multi-family zones have a specified density of "high" that allows for significant additional development in the Lake Whatcom Watershed, which could negatively impact Lake Whatcom water quality; and

Ordinance Extending Moratorium on Development
In RM Zones of the Silver Beach Neighborhood - 1

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, the City recently enacted changes to residential multi-family zoning and density requirements to facilitate more dense development in urban areas to increase the supply of housing within proximity to goods, services and jobs and accessible via multi-modal forms of transportation; and

WHEREAS, these recent changes to the City's multi-family zoning and density are consistent with a variety of goals and policies in the City's Comprehensive Plan; and

WHEREAS, there may be an inherent conflict between the high-density zoned areas in the Silver Beach Neighborhood and the Comprehensive Plan goals and policies calling for the protection of Lake Whatcom's water quality; and

WHEREAS, the City desires to evaluate these high-density areas in the Silver Beach Neighborhood to ensure that the City's adopted goals, policies, plans and regulations are uniquely balanced and continue to meet the needs of the public; and

WHEREAS, the City believes a moratorium on applications to redevelop existing or develop new multi-family units within the Silver Beach Neighborhood is warranted to ensure that the aforementioned goals and policies remain in the City's best interest; and

WHEREAS, a moratorium would prevent the vesting of new development rights leading to development or redevelopment and afford the City staff time to review and determine if amendments are necessary to correct possible conflicts between its multi-family land use regulations and adopted goals and policies related to the protection of the Lake Whatcom watershed; and

WHEREAS, the moratorium will preserve the status quo and ensure the availability of housing in the four residential multi-family zones in the Silver Beach Neighborhood; and

WHEREAS, RCW 36.70A.390 authorizes the City Council to adopt an immediate moratorium for a period of up to twelve months without holding a public hearing on the proposal provided that a public hearing is held within at least 60 days of its adoption and a work plan is developed for related studies providing for the twelve-month period; and

WHEREAS, RCW 36.70A.390 provides that, "A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim

official control may be renewed for one or more six-month periods if a subsequent public hearing is held, and findings of fact are made prior to each renewal”; and

WHEREAS, RCW 35.63.200 provides a similar process for adopting and extending land use moratoriums; and

WHEREAS, moratoriums enacted under RCW 36.70A.390 and/or RCW 35.63.200 are methods by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening projects; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 both authorize the enactment of a moratorium without holding a public hearing if a public hearing is held within at least sixty days of its enactment; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this emergency moratorium is exempt from the requirements of a threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, the City Council held a public hearing within sixty days of the adoption of Ordinance 2022-07-019, as required; and

WHEREAS, the City Council finds that extending the moratorium will provide the City additional time needed to explore options and, potentially draft new land use regulations or provide additional clarification regarding the densities in the four multi-family zones in the Silver Beach Neighborhood; and

WHEREAS, the City Council concludes that the City has the authority to extend the moratorium concerning the filing, acceptance, and processing of new applications for redevelopment of existing or development of new multi-family housing in the four multi-family zones in the Silver Beach Neighborhood; and

WHEREAS, the City Council adopts the foregoing as its findings of facts justifying the adoption of this ordinance.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Findings of Fact. The City Council adopts the above “WHEREAS” recitals as findings of fact in support of its action as required by RCW 36.70A.390 and RCW 35.63.200.

Section 2: Definitions.

A. “Multi-Family Zones” means Areas 8, 9, 13 and 18 of the Silver Beach Neighborhood and as identified on EXHIBIT A.

B. “Multi-Family Housing” means Duplex, triplex, fourplex, apartments, condominiums, infill housing as specified in BMC 20.28 and any building or group of buildings consisting of two or more dwelling units.

C. "Application" means any application or permit for demolition, construction, land use or alteration of land including, but not limited to, variances, conditional use permits, planned development permits, multi-family design review, rezones, use permits or any other applications or permits associated with multi-family housing units. This definition is not expanded to include permits that are necessary for maintenance and repair activities for multi-family housing and as further specified in Section 4 below. In addition, this term does not include any land use or development permit or application that is subject to the vested rights doctrine, and that was submitted to the City and determined by the City staff to be complete on or before the effective date of this ordinance.

Section 3. Purpose. The purpose of this moratorium is to allow the City adequate time to explore options and further analyze the multi-family densities within the Silver Beach Neighborhood.

Section 4. Moratorium Extended. The City Council extends the existing moratorium on the filing, acceptance, processing and/or review of any application to redevelop existing or develop new multi-family housing within the four multi-family zones in the Silver Beach Neighborhood identified on EXHIBIT A. Any such application submitted shall be rejected and returned to the applicant.

Applications to replace in-kind, repair, maintain, or otherwise improve an existing multi-family housing structure within the four multi-family zones identified on EXHIBIT A, or any other applications necessary for public health and safety, as determined by the Planning and Community Development Director, shall not be impacted by this moratorium and shall be allowed to proceed through the standard application and review process.

Section 5. Duration of Moratorium. This moratorium shall be extended for an additional six (6) months, beginning on July 11, 2022, and ending on January 11, 2024, unless an ordinance is adopted amending the Bellingham Municipal Code and/or the Silver Beach Neighborhood Plan and rescinding the moratorium before its expiration. This moratorium may be extended as provided by state statute.

Section 6. Public Hearing Required. The City Council held a public hearing on the extension of the moratorium, as required, on June 5, 2023.

Section 7. Work Plan. During the moratorium period, City staff will continue to study the possible issues associated with the density specifications in the four multi-family zones in the Silver Beach Neighborhood and the adopted plans, goals and policies regarding the Lake Whatcom reservoir. Staff will prepare appropriate studies, clarifications and / or amendments to the City's regulations and/or plans and conduct the public review process as required for any amendments to be considered.

Section 8. Conflict with other BMC Provisions. If the provisions of this ordinance are found to be inconsistent with other provisions of the Bellingham Municipal Code, this ordinance shall control.

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

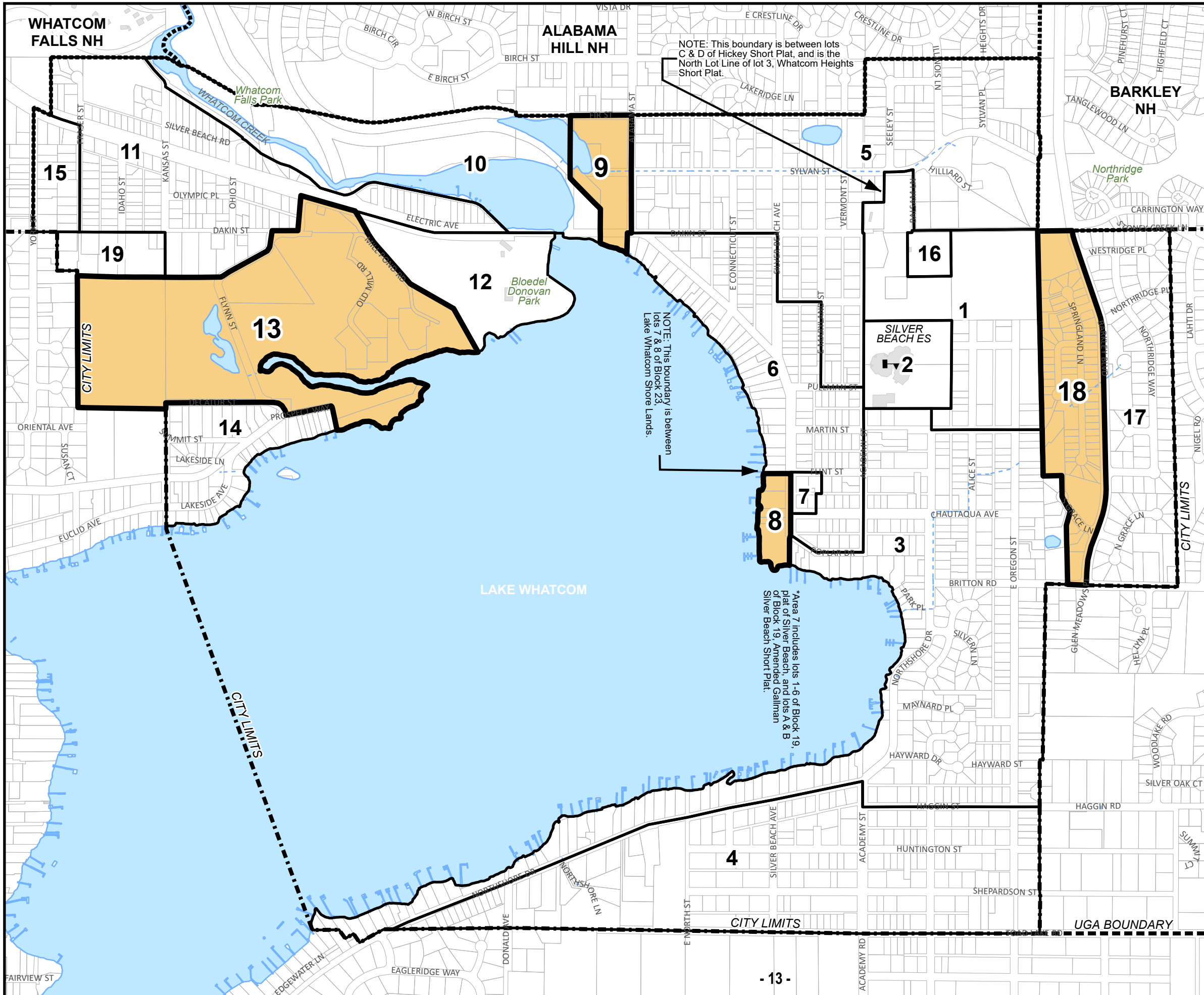
Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

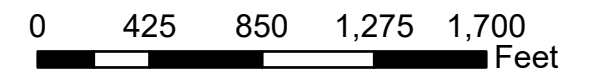
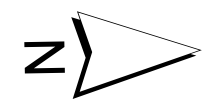
Published:



SILVER BEACH NEIGHBORHOOD ZONING

AREA	ZONING DESIGNATION
1	Res. Single
2	Public, Open Space/School
3	Res. Single
4	Res. Single
5	Res. Single
6	Res. Single
7	Commercial, Neighborhood
8	Res. Multi, Multiple
9	Res. Multi, Multiple
10	Public, Open Space/Utilities
11	Res. Single
12	Public, Park/Recreation
13	Res. Multi, Planned
14	Res. Single
15	Res. Single
16	Public, Open Space/Utilities
17	Res. Single
18	Res. Multi, Planned
19	Res. Single

Exhibit A



The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use.



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmil@cob.org Website: www.cob.org

BELLINGHAM CITY COUNCIL NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a Public Hearing on **June 5, 2023 at 7:00 P.M.**, or as soon thereafter as possible, during their Regular City Council meeting, which will take place in a hybrid format, to take public comment on the following:

An ordinance to extend the existing moratorium on the acceptance or processing of development applications for new development or redevelopment within the RM Zones in the Silver Beach Neighborhood for an additional six months. The moratorium was adopted on July 11, 2022, and is currently set to expire on July 11, 2023. State law requires that a public hearing be held prior to extending the moratorium.

Detailed information can be found at: meetings.cob.org five days prior to the public hearing.

Staff Contact: Kurt Nabbefeld, Planning and Development Services Manager, contact: 360-778-8351 or knabbefeld@cob.org

Anyone wishing to comment on this item is invited to do so. Advanced testimony is encouraged and can be presented to the Council online (<https://cob.org/ccsignup>), by telephone (360-778-8200), or by mail (210 Lottie Street, Bellingham, WA 98225). Comment received five days prior to each hearing, will be included in the agenda packet. Comment received after that will be distributed to Council but not included in the published packet. Anyone wishing to testify live during the public hearing can do so by registering at the following link: <https://cob.org/ccsignup>. Pre-registration is encouraged. Anyone wishing to join the public hearing on June 5, 2023 may do so via the following link: <https://cob.org/cczoom> or by appearing in person at Council Chambers located on the second floor of City Hall, 210 Lottie Street, Bellingham, WA 98225.

Those who would like to listen in by phone can do so using any of the following phone numbers:

- (253) 215 8782
- (346) 248-7799
- (669) 900-6833
- (301) 715-8592
- (312) 626-6799

Meeting ID: 839 2153 4374
Password: 9

Publication date: **May 26, 2023**



City Council Agenda Bill

23733

Bill Number

Subject: **Mayor's Reappointment to the Historic Preservation Commission (Approval)**

Summary Statement: The Historic Preservation Commission is authorized by Ordinance No. 2004-12-094.

The Mayor reappoints Alexandra Costic to her second term, which will expire on June 30, 2026, at which time she may be reappointed.

Previous Council Action: **N/A**

Fiscal Impact: **None**

Funding Source: **None**

Attachments: 1. APPLICATION

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Mayor's Report - Appointment - For Approval	06/05/2023	Approve Appointment	Mayor Seth Fleetwood	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Tracy Lewis, Mayor's Office

Council Action:

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



Office of the Mayor
 City Hall, 210 Lottie Street
 Bellingham, WA 98225
 Phone (360) 778-8100 Fax (360) 778-8101

**APPLICATION FOR APPOINTMENT TO
 CITY OF BELLINGHAM BOARDS AND COMMISSIONS**
(Please Type or Print Clearly)

RECEIVED

AUG 19 2019

Candidates must presently live within Bellingham City limits and have done so for at least one year ~~EXCEPT~~ otherwise specified. Elected City officials, city officers and employees, and residents having conflicts of interest are ineligible for appointments to City advisory boards. Complete, sign and return this application to the Mayor's Office, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Note: As a candidate to a public board or commission, this information may be made available to the public.

I am interested in serving on the: Historic Preservation Commission or Design Review Board
 (Board / Commission)

Name: Alexandra 'Lexie' Costic

Mailing Address: _____ / Bellingham, WA Zip Code: 98225

Street Address (if different): _____

Phone Numbers: Home: _____ Cell: _____ Work: _____

Email Address: _____

Are you a resident of the City of Bellingham (live within the city limits)? YES NO

How long have you lived in Bellingham? 3 years

Neighborhood in which you reside Fairhaven

Current Occupation: Architect at RMC Architects

OR – If retired, former occupation: _____

Education: See attached resume

Professional / Community Activities: Women Build organizer with Habitat for Humanity

Qualifications Related to Position: Registered architect with a professional background and education in design, historic preservation, architectural history and archaeology (resume attached).

Describe why you are interested in serving on this Board or Commission: To encourage maintenance, rehabilitation, and adaptive reuse of historic buildings and new development exemplifying the best design practices. To promote public interest in building design and historic properties.

*Please feel free to submit any additional documentation (resumé, explanation of experience specifically related to this board/commission).

Do you or your spouse have a financial interest in, or are you an employee or officer of any business or agency which does business with the City of Bellingham? YES NO

If yes, please explain: _____

8/16/2019
 Today's Date

Signature of Applicant

ALEXANDRA COSTIC

Registered Architect, AIA, M.ARCH, M.ArH

• Bellingham, WA 98225 •

WORK EXPERIENCE

- Aug. 2016-present Architect, RMC Architects, Bellingham, WA
- Aug. 2013 - July 2016 Architectural Designer and Historian, AC + Co. Architecture | Community, Salem, OR
- Summer 2012 Architectural Historian, Page & Turnbull, San Francisco, CA
- Full Time 2007-2008 Architectural Intern, Arbuckle Costic Architects, Salem, OR
Summer 2009 - 2011
- Fall 2009 Architectural Historian, Bethany Puopolo Architect, Charlottesville, VA
- Summer 2005 - 2008 Assistant Architect, Mitrou Archaeological Project, Tragana, Greece
- Fall 2006 Adjunct Assistant Professor, School of Architecture, Montana State University
Architectural History: Ancient - Medieval

EDUCATION

- 2010 - 2013 Master of Architecture, University of Oregon, Eugene, OR
Terminal Design Project: Net-zero Nordic Heritage Museum, Ballard, WA
- 2008 - 2010 Master of Architectural History & Certificate in Historic Preservation
University of Virginia, Charlottesville, VA
Master's Thesis: Reshaping the Industrial Riverfront: Constructing a History of Development on the Downtown Riverfront of Salem, OR
- 2002 - 2006 Bachelor of Arts, Columbia University, New York, NY
Thesis: Argive Geometric Pottery of the Young Collection

LEADERSHIP & SERVICE

- Winter 2018 - present Women Build organizer, Whatcom County Habitat for Humanity
Volunteer on Telegraph Townhomes project
- Fall 2013 - 2016 Guest Speaker, Salem-Keizer School District
Presentations on architecture career path to students
- Spring 2007, 2008, 2015 Educator, Architects in Schools program, Architecture Foundation of Oregon
6-7 week introduction to architecture - projects with 4th and 5th graders
- Spring 2014 *Head Coach, Willamette Valley Girls on the Run*
3-month youth development program with 3rd and 4th grade girls

SKILLS

Computer & Manual

Proficient in Revit, AutoCAD, Sketch-up, Adobe Illustrator, InDesign, Photoshop, Microsoft Office, Rhino 3D, manual drafting, model building, drawing, painting, field documentation, and research and writing in architectural history/preservation

Languages

English (native)
French (fluent)

Modern Greek (read/write/conversational)
German (elementary knowledge)



City Council Agenda Bill

23734

Bill Number

Subject: **Mayor's Appointment of Colin Lowin to the Civil Service Commission (Approval)**

Summary Statement: The Civil Service Commission is established by the City Charter 7.04. The Mayor appoints Colin Lowin to his first partial term, which will expire on January 1, 2025, at which time he may be reappointed.

The Commission provides for classification of over 500 civil service employees and for open and competitive examination at both entry and promotional levels.

Previous Council Action: **N/A**

Fiscal Impact: **None**

Funding Source: **None**

Attachments: 1. APPLICATION

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Mayor's Report - Appointment - For Approval	06/05/2023	Approve Appointment	Mayor Seth Fleetwood	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Tracy Lewis, Mayor's Office

Council Action:

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Lewis, Tracy L.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Wednesday, February 8, 2023 4:38 PM
To: Lewis, Tracy L.
Subject: Boards and Commissions Application - Colin Lowin

City of Bellingham

Boards and Commissions Application

Entry Details

WHICH BOARD OR COMMISSION ARE YOU INTERESTED IN? Civil Service Commission

NAME Colin Lowin

EMAIL

PRIMARY PHONE

SECONDARY PHONE

MAILING ADDRESS Bellingham, Washington 98225

IS YOUR HOME ADDRESS THE SAME AS YOUR MAILING ADDRESS? Yes

DO YOU LIVE WITHIN BELLINGHAM CITY LIMITS? Yes

HOW LONG HAVE YOU LIVED IN BELLINGHAM? 22 years

WHAT NEIGHBORHOOD DO YOU LIVE IN? Lettered St.s

CURRENT (OR FORMER IF RETIRED) OCCUPATION Retired Firefighter

HIGHEST LEVEL OF EDUCATION Masters

PROFESSIONAL / COMMUNITY ACTIVITIES YOU ARE INVOLVED IN BSD Substitute Teacher (returning this spring)
Camp Kaleidoscope Counselor (in process of interviewing)
Active Retiree Member, IAFF L106

QUALIFICATIONS RELATED TO THIS POSITION 20 years as PAC Chair, IAFF L106
24 years as a Union member of IAFF L106
3 years as delegate to the NWW CLC

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON THIS BOARD OR COMMISSION This is a good way to serve both working folks in the COB and the citizens of Bellingham. I have a long history of understanding the implications of the decisions made by this commission.

DO YOU OR YOUR SPOUSE HAVE A FINANCIAL INTEREST IN, OR ARE YOU AN EMPLOYEE OR OFFICE OF ANY BUSINESS OR AGENCY WHICH DOES BUSINESS WITH THE CITY OF BELLINGHAM? No

References (Preferred)

Reference 1

NAME Gordon Neitling

EMAIL

PHONE

Reference 2

NAME Scott Farrell

EMAIL

PHONE



City Council Agenda Bill

23735

Bill Number

Subject: **Mayor's Appointments to the Mayor's Neighborhood Advisory Commission (Information)**

Summary Statement: The Mayor's Neighborhood Advisory Commission is authorized by BMC 2.33.020.

The Mayor appoints Kerri Burnside as the Silver Beach Neighborhood Primary Representative to her first term, which will expire on May 23, 2025, at which time she may be reappointed. The Mayor appoints April Markiewicz as the Samish Neighborhood Primary Representative to her first partial term, which will expire on November 10, 2024, at which time she may be reappointed.

Previous Council Action: **N/A**

Fiscal Impact: **None**

Funding Source: **None**

- Attachments:
- 1. BURNSIDE APPLICATION
 - 2. MARKIEWICZ APPLICATION

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Mayor's Report - Appointment - For Information	06/05/2023	Information/Discussion	Mayor Seth Fleetwood	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Tracy Lewis, Mayor's Office

Council Action:

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Lewis, Tracy L.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Monday, May 22, 2023 9:58 PM
To: Lewis, Tracy L.
Subject: Boards and Commissions Application - Kerri Burnside

City of Bellingham

Boards and Commissions Application

Entry Details

WHICH BOARD OR COMMISSION ARE YOU INTERESTED IN? MNAC

NAME Kerri Burnside

EMAIL --

PRIMARY PHONE

SECONDARY PHONE

MAILING ADDRESS 98229 Bellingham, Washington

IS YOUR HOME ADDRESS THE SAME AS YOUR MAILING ADDRESS? Yes

DO YOU LIVE WITHIN BELLINGHAM CITY LIMITS? Yes

HOW LONG HAVE YOU LIVED IN BELLINGHAM? 44 years

WHAT NEIGHBORHOOD DO YOU LIVE IN? Silver Beach

CURRENT (OR FORMER IF RETIRED) OCCUPATION Self employed, Website design and marketing

HIGHEST LEVEL OF EDUCATION AA WCC, graduated with honors

PROFESSIONAL / COMMUNITY ACTIVITIES YOU ARE INVOLVED IN Volunteer w/BTU, Silver Beach Neighborhood Association President.

QUALIFICATIONS RELATED TO THIS POSITION Former lieutenant and Association President for WCFD 8. Mediation, conflict resolution and numerous other interpersonal skills training while HR Generalist for Alcoa. Taught their leadership program.

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON THIS BOARD OR COMMISSION The SBNA has been dormant for many years and we have recently revitalized. I am interested in this position to build community and help establish strong systems that will assist the SBNA in staying active. Working with/learning from other Neighborhood Associations would assist me in being more effective.

DO YOU OR YOUR SPOUSE HAVE A FINANCIAL INTEREST IN, OR ARE YOU AN EMPLOYEE OR OFFICE OF ANY BUSINESS OR AGENCY WHICH DOES BUSINESS WITH THE CITY OF BELLINGHAM? No

References (Preferred)

Reference 1

NAME Jocelyn Lindsay

EMAIL

PHONE

UPLOAD FILES

Lewis, Tracy L.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Friday, March 24, 2023 10:42 AM
To: Lewis, Tracy L.
Subject: Boards and Commissions Application - April Markiewicz

City of Bellingham

Boards and Commissions Application

Entry Details

WHICH BOARD OR COMMISSION ARE YOU INTERESTED IN? Mayor's Neighborhood Advisory Commission

NAME April Markiewicz

EMAIL

PRIMARY PHONE

SECONDARY PHONE

MAILING ADDRESS , Bellingham, Washington 98229

IS YOUR HOME ADDRESS THE SAME AS YOUR MAILING ADDRESS? Yes

DO YOU LIVE WITHIN BELLINGHAM CITY LIMITS? Yes

HOW LONG HAVE YOU LIVED IN BELLINGHAM? 43 years

WHAT NEIGHBORHOOD DO YOU LIVE IN? Samish

CURRENT (OR FORMER IF RETIRED) OCCUPATION	Environmental Toxicologist/Associate Director, retired
HIGHEST LEVEL OF EDUCATION	Master of Science
PROFESSIONAL / COMMUNITY ACTIVITIES YOU ARE INVOLVED IN	People for Lake Whatcom, Samish Neighborhood Association Board, Lake Padden Women's Golf Club Co-Chair, Lake Padden Ladies Twilight League Membership/Handicap Chair, Loomis Trail Women's Golf Club Membership/Rules Chair
QUALIFICATIONS RELATED TO THIS POSITION	Served previously on the Samish Neighborhood Association (SNA) Board for 7 years, served as its MNAC representative for 2 years. I have just rejoined the SNA Board for a 2-year term and have been asked to serve as the MNAC alternate rep when our current rep, Molly Foote cannot attend.
DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON THIS BOARD OR COMMISSION	I served as the MNAC representative for the Samish Neighborhood Association Board from 2005-2007. I stepped down from the Board in 2010, however now that I am retired, I have nominated myself and been re-elected to the Board. The Board suggested I serve as the MNAC alternate as I refamiliarize myself with the Board and its current activities. Given my past experience, it is a good first step for me to become re-engaged with my community.
DO YOU OR YOUR SPOUSE HAVE A FINANCIAL INTEREST IN, OR ARE YOU AN EMPLOYEE OR OFFICE OF ANY BUSINESS OR AGENCY WHICH DOES BUSINESS WITH THE CITY OF BELLINGHAM?	No

References (Preferred)

Reference 1

NAME	Steve Abell
EMAIL	
PHONE	



City Council Agenda Bill

23736

Bill Number

Subject: Mayor's Appointments to the Bellingham Housing Authorities Board of Commissioners (Information)

Summary Statement: The Bellingham-Whatcom County Housing Authorities Board of Commissioners is established by RCW 35.82.

The Mayor appoints Alana Pattermann to her first partial term, which will expire on April 30, 2025, at which time she may be reappointed. The Mayor appoints Terry Bornemann to his first partial term, which will expire on April 30, 2028, at which time he may be reappointed. There will be corresponding appointments by the Whatcom County Executive to the Whatcom County Housing Authority Board of Commissioners.

The mission of the Housing Authority Board is to offer opportunities for people to thrive by ensuring access to quality, affordable homes.

Previous Council Action: **N/A**

Fiscal Impact: **None**

Funding Source: **None**

Attachments: 1. APPLICATIONS

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Mayor's Report - Appointment - For Information	06/05/2023	Information/Discussion	Mayor Seth Fleetwood	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Tracy Lewis, Mayor's Office

Council Action:

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Lewis, Tracy L.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Wednesday, April 5, 2023 11:05 AM
To: Lewis, Tracy L.
Subject: Boards and Commissions Application - Alana Pattermann
Attachments: Alana Interest Letter BHA Commissioner.docx; Alana Resume BHA Commissioner.docx

City of Bellingham

Boards and Commissions Application

Entry Details

WHICH BOARD OR COMMISSION ARE YOU INTERESTED IN?	Bellingham Housing Authority
NAME	Alana Pattermann
EMAIL	
PRIMARY PHONE	
SECONDARY PHONE	
MAILING ADDRESS	, Bellingham, Washington 98225
IS YOUR HOME ADDRESS THE SAME AS YOUR MAILING ADDRESS?	Yes
DO YOU LIVE WITHIN BELLINGHAM CITY LIMITS?	Yes
HOW LONG HAVE YOU LIVED IN BELLINGHAM?	19 years

WHAT NEIGHBORHOOD DO YOU LIVE IN? Happy Valley/Fairhaven

CURRENT (OR FORMER IF RETIRED) OCCUPATION Housing Navigator

HIGHEST LEVEL OF EDUCATION BA from Western

PROFESSIONAL / COMMUNITY ACTIVITIES YOU ARE INVOLVED IN DEI and anything Opportunity Council related

QUALIFICATIONS RELATED TO THIS POSITION I currently reside in a project based unit managed by BHA, with a voucher, and have worked with Opportunity Council in many of the housing and community services positions for going on 3 years now, and have always had a passion for helping people.

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON THIS BOARD OR COMMISSION In my line of work and within the public, and personal experiences, I have seen many, many needs for additional housing resources and assistance, and there just isn't enough to go around, and I realize how massive of an issue surrounding homelessness and housing instability there is, and I would really love to be able to step in and help any way I can, and continue to educate myself on how to contribute to a solution. Our rental assistance program is running out soon as well.

DO YOU OR YOUR SPOUSE HAVE A FINANCIAL INTEREST IN, OR ARE YOU AN EMPLOYEE OR OFFICE OF ANY BUSINESS OR AGENCY WHICH DOES BUSINESS WITH THE CITY OF BELLINGHAM? No

References (Preferred)

Reference 1

NAME Kristin Hill

EMAIL

PHONE

Reference 2

NAME

Caitlin Schemmer

EMAIL

PHONE

Reference 3

NAME

Michaela Mandala

EMAIL

PHONE

UPLOAD FILES

Alana Interest Letter BHA Commissioner.docx
Alana Resume BHA Commissioner.docx

April 5, 2023

Bellingham Housing Authority
208 Unity St.
Bellingham, WA 98225

To the Executive Services Manager and HR of Bellingham Housing Authority:

Hello, and good day! My name is Alana Pattermann, and I am writing to express my interest in joining the Board of Commissioners for Bellingham Housing Authority as a resident member. I am currently residing in one of the units at Varsity Village with a project based voucher, and I currently work for Opportunity Council as a Housing Navigator. Previously before this role, I have been with Opportunity Council in the Rental Assistance/Community Services department, and prior to that, I was a residential counselor at both 22 North and Dorothy Place locations in the department of Housing Development and Property Management. In these roles, I have played a major part in the field of housing and local resources, and have learned a tremendous amount of information surrounding low income and otherwise extremely vulnerable populations. In my line of work, I also assist clients with signing up, or checking in to their account on the Bellingham Housing Authority website, and occasionally contact BHA to further assist our clients.

Upon reviewing the list of qualifications mentioned on the BHA website for this role, I have determined that I one hundred percent fit the preferences of numbers 1, 2, and 6:

1. Commitment to BHA's mission to offer opportunities for people to thrive by ensuring access to quality, affordable homes;
2. Familiarity with the needs, conditions, and services available to lower income residents of Bellingham;
6. Knowledge and expertise concerning affordable housing programs and issues.

Further, numbers 3, 4, and 5-although I am not as strong in these areas, I am confident that I can learn, and I certainly possess the passion and the drive to obtain the required knowledge and experience/expertise once given the opportunity-which I have not yet been offered in previous roles, but expressed great interest-and would be happy to learn of whom I can contact to glean from.

3. Experience developing, implementing, and monitoring public policy;

4. Knowledge and expertise concerning the successful administration of mid to large business, non-profit, or governmental entities and have served in a management position within such an entity;
5. Knowledge and expertise concerning community development programs and issues;

I have been, and known several others that have been a part of the Section 8 program and of low income status, therefore I possess the personal experience of navigating Whatcom County resources and the waitlist process for Section 8, as well as obtaining my voucher and maintaining a unit in a project based subsidized home/neighborhood. I also have worked in the fields of human services with the main resource hub of Whatcom County, Opportunity Council, in three departments over a course of going on 3 years-during and post-Covid. I have at least three professional references listed on my resume that I have had the pleasure of being supervised by, and they are excited to hear from you!

Between my work and my personal living experiences over the past 9 years, I have seen many of the issues presented within the low income population and experienced such struggles myself. Therefore, I believe that I have much to offer this board in assisting with the endeavors of future programs, and I would love nothing more than to help be a part of the pursuit of a solution! Right now, I am receiving calls from folks that are being put out of their homes due to the rental assistance program ending, and they are struggling to pay the extremely high rent posed to them without any other assistance, and attempting to move and pay first and last month's rent and deposits are practically inconceivable. We need more affordable low income housing and vouchers!

Thank you for your consideration, and I look forward to hearing from you, and working with you on these extremely beneficial projects!

Sincerely,
Alana Pattermann

ALANA PATTERMANN

Bellingham, WA

Seeking a position on the Board of Commissioners for Bellingham Housing Authority.

Work experience

Opportunity Council-Housing Navigator

Nov. '22-present

Assist clients with finding housing within their budget and personal needs, referrals to specific resources, renter's education, help writing letters of explanation for questionable records, assist with signing them up or checking in to Bellingham Housing Authority's website, and occasionally speaking to landlords or property managers on their behalf.

Opportunity Council-Rental Assistance Specialist

Sep. '21-Dec. '22

Performed appointments for rental assistance for tenants that were behind on their rent, acted as a liaison between tenants and landlords/property managers, drafted and compiled files to submit to supervisors for approval, communicated results via letter, phone call, email, etc. to clients and landlords upon receipt, and occasionally caught and reported fraud to supervisors.

Opportunity Council-Residential Counselor

Nov. '20-Sep. '21

Operated front desk at 22 North and Dorothy Place supportive housing communities by checking in guests, answering phones, counseling residents, occasionally cooking for residents and guests-as well as distributing donated meals and snacks, provided residents with needed resources and assistance with paperwork or making phone calls, communicated with case managers and other management, and frequently checked the building for damages and necessary cleaning, created work orders for damages.

Education

Western Washington University Bachelor's in Human Services Winter Qtr. 2019

Whatcom Dispute Resolution Center Intern during last two quarters at WWU, taken nearly every training offered there, and collaborated with ERPP with RA at OppCo.

References

Kristin Hill – current supervisor Opportunity Council

Caitlin Schemmer – former supervisor Rental Assistance

Michaela Mandala – former supervisor 22 North/Dorothy Place

Lewis, Tracy L.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Wednesday, May 3, 2023 8:15 PM
To: Lewis, Tracy L.
Subject: Boards and Commissions Application - Terry Bornemann

City of Bellingham

Boards and Commissions Application

Entry Details

WHICH BOARD OR COMMISSION ARE YOU INTERESTED IN? HOUSING COMMISSION

NAME Terry Bornemann

EMAIL

PRIMARY PHONE

SECONDARY PHONE

MAILING ADDRESS , Bellingham, Washington 98225

IS YOUR HOME ADDRESS THE SAME AS YOUR MAILING ADDRESS? Yes

DO YOU LIVE WITHIN BELLINGHAM CITY LIMITS? Yes

HOW LONG HAVE YOU LIVED IN BELLINGHAM? 37

WHAT NEIGHBORHOOD DO YOU LIVE IN? Sehome

CURRENT (OR FORMER IF RETIRED) OCCUPATION	Family Therapist and City Council member
HIGHEST LEVEL OF EDUCATION	Masters degree
PROFESSIONAL / COMMUNITY ACTIVITIES YOU ARE INVOLVED IN	none currently. Served 20 years on the Bellingham City Council. Helped form the Sehome Neighborhood Assoc.
QUALIFICATIONS RELATED TO THIS POSITION	Served on numerous boards in Bellingham. Serviced on the Affordable Housing Taskforce. worked on numerous housing issues in Bellingham
DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON THIS BOARD OR COMMISSION	I have a strong interest in housing issues effecting the Bellingham and Whatcom County. I have been interested and involved supporting affordable housing for the passed 30 years. Because of my knowledge and experieceI believe I can be a strong contributor to the Housing Authority Commission.
DO YOU OR YOUR SPOUSE HAVE A FINANCIAL INTEREST IN, OR ARE YOU AN EMPLOYEE OR OFFICE OF ANY BUSINESS OR AGENCY WHICH DOES BUSINESS WITH THE CITY OF BELLINGHAM?	No

References (Preferred)

Reference 1

NAME

EMAIL

PHONE

UPLOAD FILES



City Council Agenda Bill

23737

Bill Number

Subject: **Community Crosswalk Pilot and Program Development**

Summary Statement: The City has an existing practice to allow neighborhood associations to paint murals at intersections on low volume residential streets following a review by the Arts Commission. There is some limited research suggesting that murals on streets can have a traffic calming benefit in addition to the aesthetic appeal and identity of neighborhoods. Mayor Fleetwood requested staff to consider options to allow for further use of this practice including applications to crosswalks. Staff are recommending a pilot installation at a crosswalk on Cornwall in June 2023 and expanding the Transportation Commission consideration of neighborhood traffic to include murals and art at intersections and existing marked crosswalks.

Previous Council Action: **8/23/2022 Direction to staff and Transportation Commission**

Fiscal Impact: **The cost of the pilot crosswalk art installation is approximately \$15,000 to be paid from the approved PW Operations Budget**

Funding Source: **Street Fund (111)**

- Attachments:
- 1. STAFF MEMO
 - 2. DRAFT RESOLUTION

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	06/05/2023	Vote to Approve	Eric Johnston, Public Works Director	10 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Eric Johnston, Public Works Director 360-778-7700

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/31/2023
<i>Matthew T. Stamps</i>	Legal	05/31/2023
<i>Seth M. Fleetwood</i>	Executive	05/31/2023

Council Action:



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: COMMUNITY CROSSWALK PILOT AND PROGRAM DEVELOPMENT
DATE: 06/05/2023

Background:

Crosswalks are considered a traffic control device intended to bring awareness of locations where pedestrians may be crossing the street. When used at non-intersections, crosswalk markings legally establish a crosswalk. In the State of Washington, motorists are required to stop for pedestrians who have entered a marked midblock crosswalk or crossing at an intersection whether the crossings are marked or not ([RCW 46.61.235](#)).

The Federal Highway Administration is responsible for publication of the Manual for [Uniform Traffic Control Devices \(MUTCD\)](#). The MUTCD is adopted and used to establish uniform regulation for all traffic control devices in the United States and sets criteria and requirements for crosswalk markings. The use of colored markings in crosswalks is not prohibited in the 2009 version of the MUTCD, however there is some concern expressed about detracting from the safety benefits when additional colors or patterns are used in crossings. The FHWA is in the process of [updating the MUTCD](#) and it is widely accepted that the additional guidance on use of colored pavements and markings will be included in the next revision. [FHWA is currently studying](#) the effects of rainbow markings in crossings, however, the results of that study are not expected until September 2023.

The City of Bellingham has used aesthetic treatments in crosswalks in the past. The crosswalks on Holly St. between Ellis St. and Forest St. included white, patterned treatment between the transverse markings. The City has also allowed and permitted murals to be painted at intersections on residential streets. Maintenance and preservation of the markings is a challenge, however they are beneficial to the sense of community.

A recently completed and publicized [study by Bloomberg Philanthropies](#) suggests that art or decorative pavement coloring at intersections and crosswalks can have a beneficial safety effect. The study does not resolve questions of compliance with a strict interpretation of the MUTCD, but does add to the knowledge base in the application of FHWA rules to local and urban streets.

Cities in Washington State, including [Olympia](#), [Spokane](#) and [Yakima](#) have all adopted policies permitting and funding crosswalk art.

Summary:

The City received a request from volunteers to install a rainbow pattern to the marked mid-block crosswalk located between Holly St. and Magnolia St. Mayor Seth Fleetwood asked staff for options to support the request. Traffic control devices and markings are the sole purview of the City as regulatory devices and cannot be modified without authorization from the City. After considering the request against City policy and requirements of the MUTCD, staff recommends the midblock crosswalk on Cornwall Avenue be modified to standard transverse markings with a rainbow pattern and that the work be designed and installed by City staff to ensure compliance with regulations.

Installation of this rainbow crosswalk is consistent with: 1) The City's interest in improving and supporting Downtown Bellingham, 2) City policies and actions supporting diversity and inclusion as embodied in the Bellingham [Legacies and Strategic Commitments](#), and 3) Encourages and supports safe pedestrian infrastructure.

Further, it is recommended that the installation be considered a pilot project. As a pilot project, the City will reserve the right to remove the installation with no notice.

In addition, staff recommends that a formal policy framework for consideration of future installations of crosswalk art and intersection murals be developed. In August 2022, the Council requested the Transportation Commission consider policies for neighborhood traffic and provide recommendations. Staff recommend the Council expand this request to include intersection and crosswalk art at existing marked crosswalks.

Recommendation:

Adopt the resolution as attached.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A PILOT CROSSWALK ART INSTALLATION AND DEVELOPMENT OF A FORMAL POLICY FOR FUTURE INSTALLATIONS.

WHEREAS, the City has a duty and responsibility to ensure pedestrian, bicyclists and motor vehicles safety on public roadways through effective and uniform application of traffic control devices; and

WHEREAS, the City adopts and uses the Manual for Uniform Traffic Control Devices and other guidance from the Washington State Department of Transportation (WSDOT) and the Federal Highway Administration (FHWA) for the installation of traffic control devices ; and

WHEREAS, crosswalks are considered a regulated traffic control device; and

WHEREAS, the City currently allows for art installations at intersections funded and installed by neighborhood groups following a permit review process provided said installations do not alter or impact existing traffic controls such as crosswalks; and

WHEREAS, studies conducted into the pedestrian and bicycle safety have shown there can be a safety benefit derived from art installations on public roadways when installed at or near crosswalks; and

WHEREAS, the City desires to encourage pedestrian safety and provide and encourage traffic calming; and

WHEREAS, on August 29, 2022, the City Council, by motion, directed the Transportation Commission, with staff support, to study neighborhood traffic programs in other communities, explore connections to ongoing updates on the Bike and Pedestrian plans and to consider equity and provide policy/program recommendations to the City Council; and

WHEREAS, special painted crosswalks can be used to showcase a community' s unique culture and history or just liven up an intersection with artistic and colorful artwork; and

WHEREAS, the City Council declares and affirms that art painted on public roadways owned or managed by the City of Bellingham are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for transportation use that can be also used for the expression of the City's official government speech; and

WHEREAS, the City of Bellingham supports and encourages, by official policy contained in the Council Adopted Legacies and Strategic Commitments efforts to: Cultivate respect and appreciation for diversity, Support a sense of place in neighborhoods, Ensure

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

safe infrastructure, Increase infrastructure for bicycles, pedestrians and non-single occupancy vehicle modes of transportation, and Enhance publicly owned assets; and

WHEREAS, the month of June is commonly accepted as pride month and the City Council has previously authorized the Mayor to order raising of the PRIDE Commemorative Flag in support of the LGBTQ+ community, in celebration of PRIDE events, and as a statement to the public that discrimination, harassment and harm to LGBTQ+ individuals is not acceptable and will not be tolerated; and

WHEREAS, the City Council finds that it is in the best interests of the City and its residents to develop a formal policy to allow limited artwork and markings within crosswalks in some public rights -of -way and where appropriate to allow for, or require, community groups and residents to help through monetary contributions and volunteer efforts; and

WHEREAS, the City is desirous to enhance an existing crosswalk in June of 2023 as a pilot project to inform and aid in the development of a formal policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

1.) The Mayor is authorized to take any necessary action, within the existing authorized 2023-2024 budget, to install decorative art and markings at the existing crosswalk located on Cornwall Avenue between Holly Street and Magnolia Street. The art installation shall be emblematic of the PRIDE commemorative flag in support of inclusion, diversity and equity for all, in conjunction with celebrations in June 2023 and shall conform to requirements set by the City Traffic Engineer. Acceptance of funding through donations from local, community non-profit groups or Bellingham neighborhood associations for the installation is also authorized.

2.) The Transportation Commission is asked to develop recommendations on policy to allow for other decoration or art to be added to existing crosswalks, on some roadways, as an element of the neighborhood traffic policy currently being considered.

PASSED by the Council this . day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270



City Council Agenda Bill

23739

Bill Number

Subject: **Justice Project Ballot Measure and Resolution of Values**

Summary Statement: It is anticipated that the Whatcom County Council will seek voter approval for an additional county-wide sales tax of 0.2% (commonly referred to as a Public Safety Tax) in November 2023, to fund a new correctional facility, behavioral health programs, and related services. As part of this process, City representatives participated in the Stakeholder Advisory Committee discussions and recommendations as well as the Implementation Plan development based on those recommendations. City Council directed the administration to draft a resolution affirming the City's values as they relate to the County's ongoing efforts to plan for and construct new correctional and behavioral health facilities, to expand behavioral health services and related programs. A draft resolution is presented for Council's discussion and direction.

Previous Council Action: **Direction at May 22, 2023 Meeting**

Fiscal Impact: **Undetermined**

Funding Source: **Public Safety Tax (proposed)**

- Attachments:
- 1. DRAFT RESOLUTION
 - 2. MEMO FROM COUNTY EXEC TO COUNTY COUNCIL
 - 3. DRAFT IMPLEMENTATION PLAN

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Direction Requested	06/05/2023	Provide Direction	Brian Heinrich, Deputy Administrator	5 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Brian Heinrich, Exec, x8117

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Council Action:

RESOLUTION AFFIRMING THE CITY OF BELLINGHAM VALUES WITH REGARD TO THE PROPOSED BALLOT ISSUES AUTHORIZING THE COLLECTION OF A LOCAL SALES AND USE TAX OF TWO TENTHS OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITIES AND SERVICES, INCLUDING BEHAVIORAL HEALTH, HOUSING, PUBLIC SAFETY, AND CRIMINAL JUSTICE FACILITIES AND PROGRAMS

WHEREAS, on July 13, 2009, the Bellingham City Council adopted the Legacies and Strategic Commitments, and affirmed the need for a Safe and Prepared Community and to prevent and respond to crime and ensure safe infrastructure; and

WHEREAS, an overarching principle for financial management of the City of Bellingham is to ensure public safety; and

WHEREAS, on February 13, 2017, the Bellingham City Council approved Resolution No. 2017-10, affirming the safety of all people residing in Bellingham; and

WHEREAS, the City of Bellingham has been a leader in the establishment of the Ground-level Response and Coordinated Exchange (GRACE), Alternative Response Team (ART), Homeless Outreach Team (HOT), and the creation of therapeutic courts; and

WHEREAS, representatives of the City of Bellingham have been actively involved in the Whatcom County process to determine the needs related public health, safety, and justice facility planning; and

WHEREAS, on August 7, 2019, the Whatcom County Council approved Resolution No. 2019-036, adopting a statement of public health, safety, and justice facility planning principles for Whatcom County; and

WHEREAS, on December 3, 2019, the Whatcom County Council established a Stakeholder Advisory Committee (SAC) to guide the development of a public health, safety, and justice facility needs assessment (as amended, see Resolution No. 2022-021); and

WHEREAS, in March 2020, the Justice Project was put on hold as a result of the COVID-19 pandemic; and

WHEREAS, on September 28, 2021, the Whatcom County Council approved a motion to re-engage the SAC members and reaffirm the principles in Resolution No. 2019-036; and

WHEREAS, the SAC held its first meeting on January 20, 2022 and, over the course of a year, the SAC held 10 meetings and additional subcommittee meetings to review data, identify gaps in the current community response, and consider what it would take to fill gaps to improve health and public safety; and

WHEREAS, the Incarceration Prevention and Reduction Task Force (IPRTF), acting as the Law and Justice Council (LJC), provided support, expertise, and assistance to the SAC throughout their efforts to create the Justice Project Needs Assessment Report; and

WHEREAS, the Needs Assessment Report includes vision, values, and goals, rooted in the principles of Resolution No. 2019-036 and intended to serve as guidance for the County Council and other

community decision-makers for many years to come; and

WHEREAS, the Needs Assessment Report includes vision, values, and goals, rooted in the principles of Resolution No. 2019-036 and intended to serve as guidance for the County Council and other community decision-makers for many years to come; and

WHEREAS, the Needs Assessment Report:

- Examines data related to incarceration rates, population demographics, incarceration prevention and reduction efforts, and the health and welfare needs of those involved in the criminal legal system,
- Identifies gaps in the current community response to health and public safety needs, both inside and outside the Whatcom County jail,
- Considers what it would take to fill those gaps to improve health and public safety, and
- Makes recommendations to address the community's public health, safety, and justice concerns; and

WHEREAS, the Needs Assessment Report focuses on three elements of public health, safety, and justice systems, which are interrelated:

- Systems includes shifts in practices, policies, and funding that facilitate efficient functioning of the criminal legal system and reduce incarceration,
- Services are the supports that need to be in place to prevent and reduce involvement in the criminal legal system, and
- Facilities includes the jail and a variety of residential and non-residential facilities for legal and healthcare services; and

WHEREAS, on February 21, 2023, the Whatcom County Council approved Resolution No. 2023-006 that accepted the SAC's Justice Project Needs Assessment Report, requested the IPRTF/LJC to provide guidance and develop elements of an implementation plan, and requested the IPRTF/LJC to monitor and assess progress towards implementing the recommendations of the Justice Project Needs Assessment Report through annual reports, and

WHEREAS, the IPTF/LJC has developed and recommended to the County Council a detailed implementation plan that includes:

- Analysis of potential facilities concepts, including location options and planning level costs,
- Identification of a site and concept for the main jail and service facilities in the community,
- Proposed services and systems efforts and their costs,
- Identification of county departments, community leaders and organizations to lead implementation of the recommendations, and
- A funding approach, including but not limited to elements to be funded through a proposed ballot measure; and

WHEREAS, the Justice Project Needs Assessment Implementation Plan includes, but is not limited to the following recommendations:

- **Increase Access to Behavioral Health Services**

- Increase capacity of effective existing programs to divert people from incarceration
- Address shortages of BH service providers to expand service capacity
- Explore options for outpatient “competency restoration” services
- **Bolster Re-entry Support Services**
 - Establish jail-based and community-based locations for coordinated re-entry support services
 - Ensure people leaving jail have transportation to a safe destination
- **Make Systems Changes with Local, Regional, & State Partners**
 - Increase communication and coordination between organizations
 - Make changes in court systems to reduce the number of people detained in jail before trial, provide options in lieu of bail
 - Advocate for a state waiver to allow use of Medicaid funds to pay for jail-based medical and behavioral health services
 - Work with state partners to increase access to inpatient competency restoration.
- **Expand Supportive Housing for People At Risk of Incarceration**
 - Ensure existing supportive housing programs are adequately staffed and equipped
 - Expand the number of permanent supportive housing options
- **Build a Safe & Humane Jail and Behavioral Health Facilities with Services to Help People Stay Out of Jail**
 - Build a safe and humane jail
 - Build a Behavioral Care Center to provide secure, short-term behavioral health treatment as an alternative to jail
 - Build a 23-hour Crisis Relief Center (24/7 Behavioral Health Urgent Care)
 - Research feasibility and desirability of building a secure detox facility in the region
- **Measure and Share Progress for Accountability and Transparency**
 - Collect data to measure progress toward desired outcomes
 - Develop a data dashboard for criminal legal system organizations to share data with one another and the public

WHEREAS, in order to provide funding for costs associated with financing, design, construction, maintenance, and operations of public health, safety, and justice facilities and services, including behavioral health, housing, and correctional facilities and programs, as identified in the Whatcom County Justice Project Needs Assessment, it is deemed necessary and advisable for Whatcom County to submit a ballot proposition to the voters for authorization to impose an additional local sales and use tax of two tenths of one percent (.02, or 20 cents per \$100), as authorized by RCW 82.14.450; and

WHEREAS, the Bellingham City Council requests the Mayor to work with Whatcom County and the other Whatcom County cities to enter into a long-term agreement that acknowledges that all tax proceeds will be used for the mutually beneficial public health, justice, and safety facilities and services outlined in the Whatcom County Justice Project Needs Assessment Report and includes a fair and equitable sharing of revenue that prioritizes the bonding for the construction costs of the jail and behavioral health facilities and, recognizes the County and cities goal to allow the public safety tax allocation to be consistent with RCW 82.14.450(6) as soon as reasonably possible; and

WHEREAS, the Bellingham City Council requests that the long-term agreement with the Whatcom County and the Whatcom County cities includes the development of a Finance and Operations Advisory Board to discuss matters and make recommendations related to collection of the sales and use tax, coordinate with the IPRTF/LJC on the monitoring and progress of implementing the projects in the Justice Projects Needs Assessment report, and make recommendations on the finances and operations of the behavioral health, housing and correctional facilities; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:

1. That a safe and human justice facility with appropriate behavioral health supports is critical to the safety of our community.
2. That the City of Bellingham supports the Stakeholder Advisory Committee and the work of the Incarceration and Recidivism Reduction Task Force and its recommendations as well as the Justice Projects Needs Assessment Implementation Plan.
3. That the City of Bellingham urges the Whatcom County Council to authorize a ballot measure to fix and impose a local sales and use tax of two tenths of one percent (.02, or 20 cents for every \$100 in sales) to provide funding for public health, safety, and justice facilities and services, including behavioral health, housing, and correctional facilities and programs.



MEMO:

TO: Whatcom County Council
FROM: Satpal Sidhu, County Executive
DATE: May 23, 2023
RE: **Discussion of justice project ballot measure ordinance**

Work continues toward the finalization of the Justice Project Implementation Plan, and the County Executive would like to inform and advise the Council about next steps and timeline for consideration of a ballot measure.

As you are aware, Council will need to approve an ordinance in order to place a tax proposition under RCW 82.14.450 on the ballot. This ordinance should reflect the direction of the Stakeholder Advisory Committee/Incarceration Prevention and Reduction Task Force (IPRTF) recommendations and serve as a vehicle to direct future revenues toward commitments outlined in the Implementation Plan. To this end, the Executive's Office is in the process of drafting an ordinance that incorporates the final Implementation Plan (expected to be released shortly) as a product of community consensus and that honors the extensive public process that went into the Plan's creation.

Implementation Plan

Based on work completed to date, there are three core components of the Implementation Plan:

- **SERVICES:** re-entry, diversion, behavioral health, housing, etc.
- **FACILITIES:** corrections facility, behavioral care center, crisis relief center, etc.
- **OVERSIGHT:** coordination, data reporting, planning, financial oversight, etc.

The Plan will include recommendations regarding funding, timelines, and responsible entities for accomplishing a suite of proposed projects.

The Implementation Plan will call for investments requiring much more than what a potential two-tenths sales tax will generate for the County. However, the County has opportunities to access state funds and other local sources, including the general fund, behavioral health fund, and housing funds, to meet the goals and outcomes outlined in the Implementation Plan projects. Any proposed sales tax under RCW 82.14.450 will be one of many sources to fund the projects.

The Administration is already working to utilize external and existing county resources to move Implementation Plan projects forward. For example, we are bringing to Council budget requests for criminal justice data analyst positions funded out of the general fund and have secured \$9M in state funding for a proposed crisis relief center. These investments are being made prior to the collection and expenditure of any additional sales tax, which if approved would begin in July 2024.

Revenue Projections, Facility Costs and Location

Based on current projections, a two-tenths sales tax would generate \$13.8 million in the first full year of collection. According to state law, these funds must be split 60/40 between the County and cities, with year-one projections indicating that \$8.3 million would go to the County and the remaining \$5.5 million would be allocated to the cities based on population.

Estimates for 30-year bond amounts for criminal justice and behavioral health facilities are provided below. It is important to note that we will not have certainty around these numbers until we actually prepare to issue the bond.

Annual payment	Bond proceeds @ 4%	Bond proceeds @ 4.5%	Bond proceeds @ 5%
\$8.3 million	\$143 million	\$ 135 Million	\$127 Million
\$7.3 million	\$126 million	\$ 118 million	\$112 million
\$6.3 million	\$109 million	\$ 102 million	\$96 million

Preliminary cost estimates for the construction of a new corrections facility range from \$137 million (horizontal) to \$207 million (vertical) for a 400-440 unit facility. The cost range is dependent on location and building type (vertical vs horizontal). These estimates should be recognized as ballpark figures and not exact costs. It is important to recognize that it is highly unlikely that any state or federal funds will become available to support the construction of a new jail; therefore, the bonding and construction costs are reliant on the public safety tax.

With regard to siting the corrections and behavioral health facilities, it is the Executive's recommendation that all three proposed locations be used. Council will need to consider the tradeoffs of each location with regard to suitability for the purpose, cost of construction, operating costs, and accessibility. Council will also need to decide when and in what level of detail the facilities construction plan should be defined. These decisions will help inform the ordinance language and Implementation Plan with regard to costs, availability of resources and size of construction bond.

Framework for Draft Ordinance

The proposed sales tax is designed to be in place for a minimum of thirty years. As such, the Executive recommends adopting an ordinance that will withstand the test of time while being specific enough to provide the voters with certainty regarding proposed investments. Societal conditions and needs change substantially in any ten-year period, and we are all hopeful that public safety and community health will improve over time.

The ballot measure ordinance should provide a framework that honors the direction provided by the Stakeholder Advisory Committee and IPRTF while allowing future Councils to make the policy and budget decisions that best serve the public interest at that time.

Revenue: The ordinance must establish the purpose of the tax and eligible expenditures. The primary purpose of *initial* expenditures should be for capital construction of correctional and behavioral health facilities included in the Implementation Plan. Proceeds should also support expansion of incarceration reduction programs, access to behavioral health services, and accountability measures to monitor progress and inform future planning.

We anticipate that the new revenues will slowly exceed the construction bond payments in future years beyond first 6-8 year period. Those excess funds should be used to supplement investments from the general fund, behavioral health fund and housing funds to accomplish the programs and projects outlined in the Implementation Plan. With bond payments fixed for the life of the bond, the capital construction expenses (bond) will require a diminishing portion of the sales tax revenues (except during periods of recession or unforeseen circumstances).

Commitment: The ordinance should adopt the Implementation Plan and commit the Council to allocating sufficient funds, not limited to the proposed tax, to support the implementation of the services and programs intended to reduce incarceration and increase access to behavioral health services. Similarly, it should direct the County Executive and County Departments to make every effort possible to fulfill the Implementation Plan.

Oversight: The ordinance should also address oversight. The Administration suggests that the Incarceration Prevention Reduction Task Force (IPRTF), acting as the Law and Justice Council, should continue to serve as the Council and Executive's criminal justice policy advisory body. The Administration further recommends that a proposed newly-created Finance and Operations Advisory Board provide oversight and make recommendations on the finance and operations of the behavioral health, housing, and correctional facilities and services. The new board should have representation from elected County leaders, city leaders, and law enforcement as well as citizen participation.

The Executive and IPRTF should regularly report progress toward the goals and projects outlined in the Stakeholders Advisory Committee (SAC) recommendations and the subsequent Implementation Plan. The IPRTF should consult regularly with BIPOC communities and people with criminal justice lived experience and consider updating its membership to ensure more equitable representation. The Whatcom Racial Equity Commission should also be consulted on monitoring, reporting and planning.

Future Planning Efforts: The Administration sees the initial Implementation Plan as a document which requires renewal at least once every 6-7 years, and we plan to include such direction in the ordinance. Council will also want to have the flexibility to make amendments to the Implementation Plan if circumstances require. Both the renewal process and any amendments would need to be done in consultation with the appropriate advisory and oversight bodies as well as with public input.

Interjurisdictional Coordination: The Administration has been engaging with representatives of Bellingham and the small cities. The cities recognize the need for a new corrections facility as well as behavioral health facilities and services. The cities must have a say in the overall capacity to meet their needs in the future in order for them to commit any part of their share of sales tax revenue towards the projects. We hope to secure an agreement by June 2024 that would allow the cities to support the Implementation Plan with their share of revenue.

* * * * *

Ultimately, the Administration's draft ordinance serves as a vehicle for the Justice Project Implementation Plan, framing those projects as the initial eligible expenditures of the County's portion of a proposed tax. The draft ordinance also provides a framework for interjurisdictional coordination, community input from those most affected by the criminal justice system, and Council oversight to support the Executive's Office and Departments in accomplishing the Plan.

We anticipate providing additional time to discuss the final implementation plan and proposed ordinance at the June 6th Council meeting. The current timeline is to officially introduce the ordinance at the June 20th Council meeting for adoption at the July 11th meeting. A public safety tax ballot measure ordinance has to be adopted by the Council and submitted to the County Auditor prior to August 1st to meet the General Election due date. We welcome your input and discussion as the Implementation Plan and Ordinance discussions move forward.

DRAFT

(5/31/23)

**JUSTICE PROJECT
IMPLEMENTATION PLAN**

June 2023

Acknowledgements

- **Incarceration Prevention & Reduction Task Force / Law & Justice Council**
- **Additional Workshop Participants – Subject Matter Experts**
- **Whatcom County Council Committee of the Whole**
- **Justice Project Leadership Team**
- **Justice Project Planning Team**
- **Project Support Team**

The many people who participated in focus groups, surveys, interviews, and listening sessions. Your support has been invaluable to this work.

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Executive Summary

In 2022, a diverse group of Whatcom County residents, people working in public agencies and non-profit organizations, and elected officials came together as the [Stakeholder Advisory Committee](#) (SAC) to conduct a community-driven Needs Assessment. Their task was to understand the problems with our behavioral health and criminal legal systems. The SAC determined priority needs and gaps and made recommendations for change.

After a year of learning about the system, the SAC came to agreement on a final [Justice Project Needs Assessment Report](#).

The Needs Assessment reflects an analysis of data, and input from communities of color, people incarcerated or working in the Whatcom County Jail, and a community survey of 1,704 respondents. The SAC openly discussed differences to find common ground, and ultimately created a shared statement of Vision, Values, and long-term Goals. Through that process, it became clear that to create a safer, healthier community, **Whatcom County needs to make significant investments in systems, services, and facilities.** Most importantly, the SAC concluded that we need a balanced approach – **moving away from “either-or” thinking to working together towards “both-and” solutions.**

The Justice Project Needs Assessment provides important information about our behavioral health and criminal legal systems. It reflects the Stakeholder Advisory Committee’s work to find common ground around community values, goals, and a vision for the future (see [Appendix A](#)) and includes 16 priority needs and 32 recommendations. (See [Appendix B](#))

On February 21, 2023, the Whatcom County Council approved [Resolution 2023-006](#), accepting the SAC’s Justice Project Needs Assessment Report and identifying the next steps to create a [Justice Project Implementation Plan](#) which would include:

- Analysis of potential facilities concepts, including location options and planning level costs;
- Identification of a site and concept for the main jail and service facilities in the community;
- Proposed services and systems efforts and their costs;
- Identification of county departments, community leaders and organizations to lead implementation of the recommendations; and
- A funding approach including, but not limited to, elements to be funded through a proposed ballot measure.

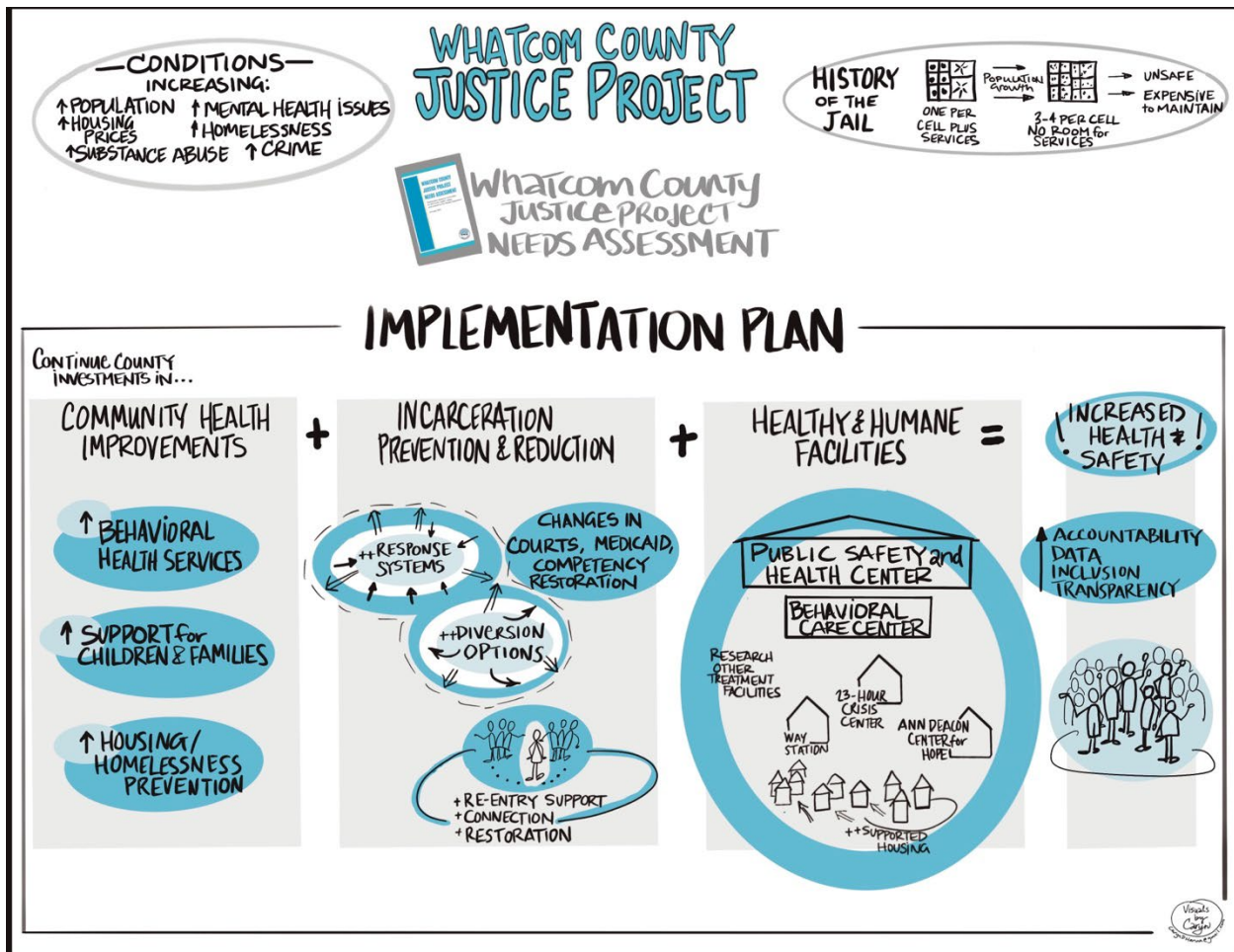
The Implementation Plan was created in early 2023 through a series of workshops hosted by the Incarceration Prevention & Reduction Task Force. Additional community engagement included: focus groups, surveys and interviews of people with lived experience and BIPOC communities, and a Town Hall Listening Session.

The Implementation Plan provides a road map for meaningful action, articulating steps to take in the next 1-3 years. It identifies 15 projects in five categories to make changes in systems, services, and facilities. Many of the projects will require significant investments of local, state, and federal funding, including grants and a proposed sales and use tax. In addition to strengthening and expanding support services and programs, the Implementation Plan proposes new facilities to enable this expansion. These

include facilities for crisis intervention, mental health and substance use treatment, and supportive housing. The largest facility would be a new Public Safety and Health Center, which would replace the failing jail, and have integrated medical and behavioral health services for the restoration and rehabilitation of incarcerated people.

Some projects are already underway, and some will take many years to accomplish. Some are relatively straightforward, and some will be more difficult. Altogether, the projects represent our community's desired approach to change. This Implementation Plan will continue to evolve as it is used, but it reflects the best thinking to date for how to address critical problems facing our community. Equally important, the County has also been investing more in the foundations of public health and housing, to prevent crime and homelessness and create a healthier, more resilient community.

The section below provides a snapshot of the Implementation Plan Strategies and Projects prioritized for action, to begin work in the next 1-3 years. It is anticipated that the Plan will be updated often, with a full update in 4-6 years. Community engagement in these projects, and in the planning, will be critical to success.






SUMMARY OF IMPLEMENTATION PLAN STRATEGIES & PROJECTS

STRATEGIES




- I. **Ensure Oversight, Accountability, and Transparency**
- II. **Increase Access to Behavioral Health Services**
- III. **Build the Array of Facilities Needed to Promote Public Safety and Health**
- IV. **Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration**
- V. **Make Systems Changes with Local, Regional, & State Partners**

PROJECTS




I. **Ensure Oversight, Accountability, and Transparency**

1.  **Establish a Justice Project Oversight & Planning (JPOP) Committee** including members of BIPOC communities and people with lived experience, to monitor progress and recommend updates on this Implementation Plan.
2.  **Establish a Finance and Operations Justice Project Advisory Board** with leaders from various jurisdictions in Whatcom County, to provide oversight of the funds collected for the construction and operations of the Whatcom County Public Safety and Health Center and associated services.
3.  **Collect data to measure progress toward desired outcomes and develop a data dashboard** for criminal legal system organizations to share data with one another and the public.




II. **Increase Access to Behavioral Health Services** for people involved, or at risk of involvement, with the criminal legal system

4.  **Address workforce shortages in behavioral health services**, including recruitment and retention strategies to ensure an inclusive, well-trained, and supported workforce that can provide services designed to minimize interactions with the criminal legal and crisis systems (e.g., intensive case management, mental health and substance use disorder treatment, housing, and re-entry support).
5.  **Build systems to facilitate communication and coordination between organizations** providing services for a seamless continuum of care.
6.  **Increase the capacity of effective existing programs to divert people from incarceration** in tandem with community-based support services to enable people with behavioral health issues to successfully complete diversion programs.




III. Build the Array of Facilities Needed to Promote Public Safety and Health

7.  **Build a 23-hour Crisis Relief Center** (Behavioral Health Urgent Care open all hours, seven days per week) to enable prompt and appropriate intervention when a person is having a behavioral health crisis to reduce use of the hospital Emergency Department and prevent incarceration.
8.  **Build a Public Safety and Health Center** to provide secure detention and an array of rehabilitation services and diversion options including facilities for people who pose a significant threat to public safety and alternatives for lower-risk offenders (e.g., work release), coordinated with a Behavioral Care Center that offers inpatient mental health and substance use disorder treatment as an alternative to incarceration.
9.  **Assess what additional facilities are needed to support people with behavioral health issues at risk of incarceration** and bring people with lived experience and experts together to design solutions.

IV. Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration

10.  **Ensure people leaving detention and treatment facilities have transportation to a safe destination** to avoid relapse and re-incarceration.
11.  **Bolster Re-entry Support Services**, including establishing locations where people can receive coordinated re-entry support services such as case management, peer support, and assistance with housing, employment, healthcare, etc.
12.  **Maintain and expand supportive housing programs for people with behavioral health issues and a history of incarceration** (e.g., additional housing facilities, well-trained on-site clinical support, and housing case management services).

V. Make Systems Changes with Local, Regional, & State Partners

13.  **Continue to make changes in court systems** to reduce the number of people who are incarcerated and the length of time they are detained before trial, and to explore options in lieu of bail.
14.  **Expedite access to competency restoration services** through advocacy at the state level and exploration and development of outpatient alternatives (e.g., Prosecutorial Diversion Program, Assisted Outpatient Treatment).
15.  **Advocate for a state waiver to allow use of Medicaid funds to pay for medical and behavioral health services for incarcerated individuals.** Obtaining a waiver would ensure greater access to care for individuals while incarcerated, and continuity of care upon re-entry to the community.

Introduction

This Implementation Plan is designed to provide guidance to public agencies, organizations, and individuals working to address issues in the criminal legal system and behavioral health services, as described in the Whatcom County [Justice Project Needs Assessment Report](#).

The Implementation Plan describes **action steps towards priority projects that have been vetted by the community**. It identifies the responsible parties, and offers initial estimates of costs and potential funding sources. It is anticipated that the Plan will continue to be refined as new information and opportunities become available, and that a full review and **update of the Implementation Plan will occur within 4-6 years**.

Background

For decades, Whatcom County has struggled to strike a balance between prevention and incarceration in its approach to public safety, including reducing the number of people with behavioral health and/or substance use disorders who are incarcerated. On August 7, 2019, the Whatcom County Council approved [Resolution 2019-036](#), adopting a statement of public health, safety, and justice facility planning principles for Whatcom County. The resolution established a commitment to community-based preventative services, successful re-entry, reducing incarceration and re-incarceration, and investing in behavioral health services. The resolution also expressed the Council's intent to develop a potential ballot initiative to replace the aging Whatcom County jail with a facility that would provide a safer and healthier environment for those who are incarcerated and staff who work there.

With the support of the [Incarceration Prevention and Reduction Task Force \(IPRTF\)](#), a diverse 38-member [Stakeholder Advisory Committee](#) (SAC) convened in 2022 to create a needs assessment to identify the path forward. The SAC met 10 times over the course of the year with professional facilitation and subject matter experts. All the materials and meetings of the SAC are posted on the [County's website](#). Input on the Needs Assessment was gathered through:

- An online public survey with a total of 1,704 valid responses from individuals across Whatcom County.
- A survey of 109 incarcerated individuals and 28 Whatcom County Jail staff.
- Six (6) listening sessions, involving 29 participants from immigrant, tribal, and previously incarcerated (or their family members) communities.
- Eight (8) informal interviews with five (5) immigrant community leaders and three (3) Lummi Nation Elders.
- A Town Hall Listening Session (hybrid meeting) with about 120 people in attendance.
- [Public comments](#) submitted throughout the needs assessment process.

In early 2023, a [Justice Project Needs Assessment Report](#) was completed. This report:

- Establishes a vision, values, and goals, for the criminal legal system in Whatcom County (see **Appendix A**),
- Examines data related to incarceration rates,
- Identifies gaps in the current community response to health and public safety needs, both inside and outside Whatcom County's jail facilities,
- Considers what it would take to fill those gaps in order to improve health and public safety, and

- Makes recommendations to address the community’s public health, safety, and justice concerns. (See **Appendix B: Needs & Recommendations**)

On February 21, 2023, the Whatcom County Council approved [Resolution 2023-006](#), accepting the SAC’s Justice Project Needs Assessment Report and identifying the next steps to create a [Justice Project Implementation Plan](#) which would include:

- Analysis of potential facilities concepts, including location options and planning level costs,
- Identification of a site and concept for the main jail and service facilities in the community,
- Proposed services and systems efforts and their costs,
- Identification of county departments, community leaders and organizations to lead implementation of the recommendations, and
- A funding approach including, but not limited to, elements to be funded through a proposed ballot measure.

The Process to Develop the Implementation Plan

The [Incarceration Prevention and Reduction Task Force](#) acting as the Law and Justice Council (IPRTF/LJC) for Whatcom County was asked to guide the development of the Implementation Plan being led by the County Executive. The process was coordinated by a Planning Team consisting of County Councilmember Barry Buchanan, IPRTF/LJC Co-chairs Stephen Gockley and Jack Hovenier, and Whatcom County Deputy Executive Tyler Schroeder, with support from County staff and a local facilitation team, Crossroads Consulting.

To identify priority projects, five workshops were held virtually via Zoom in the Spring of 2023 as special meetings of the IPRTF/LJC, with additional key stakeholder participants. (All workshop presentations and summaries available on the [IPRTF webpage](#), see [March 9, 17, 23, 30 and April 12 meeting dates](#).) Workshops focused on the core elements of the Needs Assessment (systems, services, and facilities), plus funding. Participants also contributed information about existing programs, perceived priorities for action, and needed resources.

A list of priority projects, focusing on what should be initiated in the next 1-3 years was drafted and then tested with an on-line poll. Workshop participants and members of the SAC who responded to the poll gave their feedback on how important and how feasible they believed the proposed projects were and offered additional suggestions.

The project list was revised based on the feedback from IPRTF workshop participants and the SAC.

In April, seven focus groups and a survey were conducted with people who had been incarcerated previously, friends or family members of people who had been incarcerated, and BIPOC communities to gather input on their priorities.

Focus Groups	# Participants
Lived experience in criminal legal system (personal or friend/family)	26 (in 2 groups)
Lummi Nation	9
BIPOC (Black, Indigenous, People of Color)	8 (met twice)
Latinx/Hispanic	9
Other – Mostly service providers	8
Key Informant Interview	# Participants
Nooksack Tribal Police Chief & Deputy	2
Surveys	# Participants
Focus group participants	60
Survey-only participants	14

Participants in the focus groups and the accompanying survey were self-selected (not randomly selected). Focus groups lasted 90 minutes, and people were compensated for their time. Sixty people completed both the survey and participated in a focus group, and an additional 14 people did only the survey because the focus groups were full. Additionally, a key informant interview was conducted with the Nooksack Chief of Police and a Deputy. The implementation project list was revised yet again based on the feedback from these focus groups, surveys, and interview. ([See Findings from Focus Groups & Survey.](#))

On May 24th, a [Town Hall Listening Session](#) provided another opportunity to gather input on strategies to implement improvements to Whatcom County’s criminal legal system. This hybrid event was widely publicized and open to anyone who wanted to participate in-person in the Council Chambers (in the Courthouse in downtown Bellingham), or virtually. Approximately 160 people attended the Town Hall, half online and half in-person. They included members of the public, IPRTF/LJC, the Stakeholder Advisory Committee, and the County Council. The session began with a 40-minute [presentation](#) to provide background information and review the proposed implementation projects and discuss three county-owned properties for proposed facilities. The remainder of the time was open for public comment. Time for comments was extended to 95 minutes to accommodate all who wanted to speak. Following the Town Hall, additional changes were made to the implementation project list. The Planning Team, Executive’s Office, and consultants then gathered information on project costs and potential funding sources.

From April through June additional input on elements of the implementation plan was gathered in biweekly workshops with the County Council ([AB2023-304](#)) and monthly meetings with the IPRTF/LJC.

This Justice Project Implementation Plan is the compilation of all this information and the input of hundreds of people who contributed to planning the most important next steps to increase public health, safety, and justice in Whatcom County.

Implementation Projects

To advance the changes recommended in the Needs Assessment Report, five strategies and 15 implementation projects were developed by the IPRTF/LJC with subject matter experts and informed by public input. The strategies and projects are described below with assigned responsibilities and an estimated budget and funding source. The Needs Assessment values and goals that are reflected in each of the five strategies are noted at the top of each section, and **Appendix C** presents the Needs Assessment Recommendations addressed by each of the Implementation Projects.

Funding estimates used in this document focus on local funding needed to accomplish projects, with the assumption that state and federal funding may also be necessary for many projects. The financial projections are based on current data and understanding and are subject to ongoing refinement and adjustment as circumstances change. Many costs are dependent on the availability of state and/or federal funding and the needs of facility and program operators. The investments into the projects are in addition to what the County is already spending on the services in our community. The Whatcom County Executive will update funding estimates over time, consistent with policy direction from the Whatcom County Council.

As mentioned above, this Implementation Plan will be a living document and will continue to be updated to respond to what is learned and emerging needs and opportunities.

The five Implementation Strategies are:

- I. Ensure Oversight, Accountability, and Transparency
- II. Increase Access to Behavioral Health Services
- III. Build the Array of Facilities Needed to Promote Public Safety and Healthy
- IV. Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration
- V. Make Systems Changes with Local, Regional, & State Partners

Strategy I: Ensure Oversight, Accountability, and Transparency

The success of this Implementation Plan will be dependent upon the cooperation of leaders from many organizations, agencies, and communities. There is a need for better data and reporting to monitor progress toward the desired outcomes. Ongoing communication between partners and the community will be essential, along with inclusive participation to ensure that issues of racial inequity and discrimination are openly and actively addressed.

Alignment with the Needs Assessment

Values:

1. Practice wise stewardship of public resources by using evidence-based decision-making, and evaluating if current programs, intervention, and processes are working as intended.
2. Facilitate public engagement in transparent decision-making processes that reflect community priorities.
3. Ensure systems, services, and facilities are adaptable to changing circumstances and needs.
4. Openly and actively address inequities and discrimination.

Project 1: Establish a Justice Project Oversight & Planning (JPOP) Committee , including members of BIPOC communities and people with lived experience, to monitor progress and recommend updates on this Implementation Plan.		
Description	Establish a new standing committee of the Incarceration Prevention and Reduction Task Force serving as the Law and Justice Council (IPRTF/LJC), to help track progress on the Implementation Plan. The committee will help ensure the Plan is updated as needed, and that public engagement and communications are robust. Participants will include members of BIPOC communities and people with lived experience.	
Lead Organization	IPRTF/LJC	
Essential Collaborators	Members of BIPOC communities and people with lived experience Whatcom County Staff Racial Equity Commission Public Health Advisory Board and/or Behavioral Health Advisory Committee Finance and Operations Justice Project Advisory Board	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • IPRTF/LJC to create a new Justice Project Oversight & Planning (JPOP) Committee, to assist with oversight and make recommendations for updating the strategies and projects outlined in this Implementation Plan. • Recruit committee members, starting with outreach to those people who participated in the Implementation Plan Focus Groups and expressed interest in ongoing involvement. • Launch the committee with strong administration and coordination to support success. • Meet quarterly to monitor progress and advise on Plan updates. 	
Cost Estimate / Sources of Funding	Total: \$24,000	Stipends for community volunteer members, and facilitation – General Fund

Project 2: Establish a Finance and Operations Justice Project Advisory Board		
Description	The Whatcom County Executive will develop a long-term agreement with elected leaders from various jurisdictions in Whatcom County, to provide oversight of the funds collected for the construction and operations of the Whatcom County Public Safety and Health Center and associated services. An Advisory Board will be established to ensure fair cost sharing and public transparency. Reporting to the County Council and the public shall be done in cooperation with the IPRTF/LJC and informed by the JPOP Committee.	
Lead Organization	County Executive’s Office	
Essential Collaborators	IPRTF/LJC, with support of the JPOP Committee Agencies/Jurisdictions with representatives on the Advisory Board (see below)	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Draft charter for a new Finance and Operations Justice Project Advisory Board. • Select and recruit Advisory Board members, to include: <ul style="list-style-type: none"> ○ Whatcom County Sheriff ○ Mayor of Bellingham ○ One Bellingham City Councilmember ○ Two elected representatives from the small cities ○ Whatcom County Health and Community Services ○ Bellingham Chief of Police ○ Lummi Nation Chief of Police ○ Nooksack Chief of Police ○ One law enforcement representative from the small cities ○ Co-chairs of the IPRTF/LJC • Convene and facilitate the Advisory Board with strong administration and coordination to support success. 	
Cost Estimate / Sources of Funding	Total: In-kind	General Fund

Project 3: Collect data to measure progress toward desired outcomes and develop a data dashboard		
Rationale/Description	Data are essential to measuring progress, improving coordination, and ensuring that systems, services, and facilities can adapt to changing circumstances and needs. To make the data accessible, an on-line “data dashboard” will help providers and the public be well-informed.	
Lead Organizations	County Executive’s Office	
Essential Collaborators	Administrative Office of the Courts Sheriff’s Records Medical Records Whatcom County Health and Community Services (GRACE/LEAD/ART/Mental Health Court) Prosecuting Attorney’s Office Public Defender's Office County Information Technology IPRTF/LJC INDEX Committee JPOP Committee Finance & Operations Justice Project Advisory Board	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Hire a Criminal Justice Informatics Specialist and a Senior Applications Administrator. • Identify resources, existing systems, and expertise (e.g. universities and regional associations). • Determine which data are most important to collect and monitor. 	
Cost Estimate / Sources of Funding	Total: \$290,000	General Fund (in process)

Strategy II: Increase Access to Behavioral Health Services

Individuals with mental illness and/or substance use disorders are at a higher risk for involvement with the criminal legal system for many reasons. The [Sequential Intercept Model Update 2022](#) created for the Needs Assessment presented a detailed analysis of existing services for people with behavioral health disorders, looking at each intercept, or point in the system, where individuals may interact with the criminal legal system. While Whatcom County has a substantial number of organizations and programs at each intercept, most are small, and the Needs Assessment identified the need to increase the capacity of many types of behavioral health services in order to prevent incarceration and re-incarceration. In addition, communication and coordination between organizations can be a challenge, as individuals may use many services simultaneously or sequentially.

Alignment with the Needs Assessment:

Systems Goals:

2. Low-risk offenders are safely and effectively diverted from a Whatcom County Jail sentence and provided with support to help them succeed.
4. Sufficient funding, staffing, and resources ensure adequate service capacity at all points of contact in the criminal legal system.

Services Goals:

6. Coordinated services and programs effectively close the gaps between community, legal, and jail-based services at all points of contact in the criminal legal system.
7. People released from jail have immediate access to behavioral health and medical care, housing, employment, and support systems to avoid re-incarceration.
8. Community and jail-based services (e.g., treatment for mental health and substance use disorders, affordable supported housing) support healing, and make measurable differences in reducing crimes of poverty and repeat offenses.

Project 4: Address workforce shortages in behavioral health services	
Description	Workforce shortages in the behavioral health field are a problem across the United States. The work can be extremely stressful, and the pay is often inadequate to retain quality staff. Training and support are essential. Linking more behavioral health services to peer support and mentorship networks can help create a larger network of care.
Lead Organization	Whatcom County Health and Community Services (WCHCS)
Essential Collaborators	Community-based provider organizations Local higher education partners (e.g., BTC, WCC, WWU) Whatcom Racial Equity Commission Whatcom Dispute Resolution Center (resource for training)
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Engage with provider organizations to identify and prioritize strategies to fill existing workforce shortages. • Identify opportunities for expanding and deepening the network of peer support, coaching, and mentoring within the community. • Determine priorities for training that can be offered as soon as possible to providers, volunteers, and organizational partners. • Partner with local education & training programs to align curricula with workforce needs

Cost Estimate / Sources of Funding	Total: \$90,000/yr.	State funding through North Sound BH-ASO Behavioral Health Fund Washington State Health Care Authority
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Project 5: Build systems to facilitate communication and coordination between organizations		
Description	Whatcom County has numerous organizations providing behavioral health services and interfacing with the criminal legal system. Methods are needed to work across agencies to more closely track individuals' utilization of various services and their movement into and out of treatment facilities, housing, and incarceration to create a more seamless continuum of care. Methods include increased inter-personal communication and sharing information electronically through improved online communication/coordination systems.	
Lead Organization	Whatcom County Health and Community Services	
Essential Collaborators	Community-based provider organizations Re-entry specialists People with lived experience in the criminal legal system Criminal legal system departments	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Create or participate in a forum with relevant partners (e.g., providers serving people involved with the criminal legal system, people with lived experience) to facilitate improved coordination of client-focused service delivery. • Establish no-wrong-door practices so individuals can be referred into community programs at any intercept point in their interaction with the criminal legal system (e.g., by law enforcement, a prosecutor, a provider). • Identify and implement software that allows for improved information sharing and coordination. • Explore forming a Mental Health (MH) Cooperative (like in Nashville). 	
Cost Estimate / Sources of Funding	\$50,000 start-up + \$105,000/yr.	BH Fund

Project 6: Increase the capacity of effective existing programs to divert people from incarceration		
Description	<p>Increase participation in programs that divert eligible individuals from incarceration to behavioral health services (e.g., GRACE, LEAD, ART, Police Co-responders, MCOT, therapeutic courts, Anne Deacon Center for Hope).</p> <p>As noted above in Project 4, addressing behavioral health workforce shortages is a precursor to expanding diversion and other behavioral health services. Additionally, it is essential to increase community infrastructure (e.g., housing, in-patient treatment capacity, out-patient treatment capacity, clinical wrap-around services like PACT) in tandem with efforts to expand diversion program capacity (see Implementation Projects 4, 5, 9, 10, 11, 12).</p>	
Lead Organization	Whatcom County Health and Community Services	
Essential Collaborators	<p>Community-based provider organizations</p> <p>Whatcom County and Bellingham courts</p> <p>Criminal legal system departments</p> <p>Cities' Police Departments</p> <p>Sheriff's Office</p> <p>County Executive's Office</p> <p>PeaceHealth</p> <p>What-comm (911 Dispatch)</p>	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Provide staff support for Mental Health Sentencing Alternative (MHSA) and expanded mental health court. • Expand capacity of therapeutic courts (Mental Health & Recovery Courts). • Expand GRACE throughout the county. • Given adequate funding from local sales tax measures (Behavioral Health Fund, proposed Justice Sales Tax), state, and federal sources, additional expansion of diversion programs would include: <ul style="list-style-type: none"> ○ Embedding an SUD Professional in the Response Division at WCHCS. ○ Add BH officers to city police departments to respond to people in crisis. ○ Work with PeaceHealth to refer individuals in need of intensive case management to GRACE services to avoid behaviors that result in charges and bookings. ○ Expand Co-responder Program to provide social workers to support small cities' law enforcement response to people in crisis. ○ Expand the Alternative Response Team (ART) to divert people from the small cities who are in crisis from the Emergency Dept. or potentially incarceration. ○ Expand LEAD (pending assessment of current gaps) to divert high utilizers of the criminal legal system. 	
Cost Estimate / Sources of Funding	Total: \$1,900,000/yr.	<p>BH Fund</p> <p>Proposed Justice Sales Tax (JST)</p> <p>State & federal grants</p> <p>PeaceHealth</p>

Strategy III: Build the Array of Facilities Needed to Promote Public Safety and Health

When increasing the capacity of services and filling gaps in the continuum of care, appropriate facilities to house those services are needed as well. This strategy focuses on capital projects and includes the largest of the Implementation Plan projects, a Public Safety and Health Center. The Center is envisioned to have secure detention of those who are a danger to public safety in a facility that promotes health and rehabilitation, coordinated with a Behavioral Care Center that offers a diversion option for eligible individuals who can benefit from inpatient behavioral health services.

Alignment with the Needs Assessment:

Value 1: Protect and promote public health and safety.

Systems Goal 2: Low-risk offenders are safely and effectively diverted from a Whatcom County Jail sentence and provided with support to help them succeed.

Services Goal 6: Coordinated services and programs effectively close the gaps between community, legal, and jail-based services at all points of contact in the criminal legal system.

Facilities Goals:

9. Facilities are designed and operated to meet the health, safety, and welfare needs of those incarcerated and the people who work and visit there.
10. Facilities are designed to be versatile to adapt to changing needs.
11. Incarceration facilities balance compassion with accountability to promote safety, health, rehabilitation, and recovery.
12. Facilities adequately serve the whole county, including cities and tribal jurisdictions.

Project 7: Build a 23-hour Crisis Relief Center		
Description	Build a 23-hour Crisis Relief Center (a Behavioral Health Urgent Care open all hours, seven days per week) to enable prompt and appropriate intervention when a person is having a behavioral health crisis. This Center will divert people from the Emergency Dept. and prevent unnecessary incarceration. <ul style="list-style-type: none"> • \$9M in State funding has been secured toward capital expenses. • A Special Projects Manager has been hired. 	
Lead Organization	Whatcom County Health and Community Services	
Essential Collaborators	County Executive’s Office Contracted service provider agency	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Site selection. • Design trauma-informed facility. Ensure diverse community engagement in facility design. • Build facility. • Secure operating funding and provider. • Work with state legislature to ensure adequate Medicaid reimbursement for operations of Crisis Relief Center. 	
Cost Estimate / Sources of Funding	Total: \$12M capital expense + \$500,000 - \$1M/yr. estimated local share of operating costs	State (\$9M received) BH Fund JST

Project 8: Build a Public Safety and Health Center		
Description	Build a Public Safety and Health Center (PSHC) to provide secure detention and an array of rehabilitation services and diversion options, including facilities for people who pose a significant threat to public safety, alternatives for lower-risk offenders (e.g., work release), and an integrated Behavioral Care Center (BCC) that offers inpatient mental health and substance use disorder treatment as an alternative to incarceration.	
Lead Organization	Whatcom County Executive’s Office	
Essential Collaborators	County Facilities Sheriff’s Office – Corrections Whatcom County Health and Community Services Local jurisdictions Tribal nations Behavioral healthcare partner agencies	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Select site and confirm size. • Design trauma-informed facilities, which promote a culture of dignity and respect. • Ensure diverse community engagement in facility design. • Work with criminal legal system departments to establish conditions under which someone could be admitted to the BCC and have charges dropped. • Build Facilities (anticipated completion 2027-2028). 	
Cost Estimate / Sources of Funding	Total: \$8M - \$10M/yr. for construction bond + \$8M in one-time capital expense for BCC Operational costs for BCC depend on model pursued.	JST

Project 9: Assess what additional facilities are needed to support people with behavioral health issues at risk of incarceration			
Description	<p>People with mental health and/or substance use disorders (SUD) are at risk of criminal legal system involvement. In the midst of a behavioral health crisis, an individual may present a risk to themselves and public safety. Our region lacks adequate facilities for voluntary and involuntary treatment of mental health and/or SUD. There is one facility in the state used for involuntary treatment of SUD, and there are long delays for a bed at the state inpatient psychiatric hospitals.</p> <p>Work with local and regional partners to assess the desirability and feasibility of building additional facilities for voluntary and involuntary treatment of people with serious mental illness and/or SUD.</p>		
Lead Organization	Whatcom County Health and Community Services		
Essential Collaborators	County Executive's Office North Sound BH-ASO Washington State Dept. of Commerce Washington State Health Care Authority State legislature Local and Regional partners Whatcom Racial Equity Commission		
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Discuss with North Sound BH-ASO. • Identify individuals/organizations to be involved in regional conversations, including local BIPOC communities and people with lived experience and their families. • Participate in conversations and planning of next steps. 		
Cost Estimate / Sources of Funding	<table border="1"> <tr> <td>Total: In-kind</td> <td>In process</td> </tr> </table>	Total: In-kind	In process
Total: In-kind	In process		

Strategy IV: Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration

Most people in the current Whatcom County Jail have been there before, some too many times to count. Disrupting the cycle of re-incarceration is the challenge that many of the projects in this Implementation Plan are designed to address. The goal is to ensure people leaving detention facilities are provided resources they need for a “soft landing” in the community, and ongoing supports that can lead to greater health and lower likelihood of criminal behavior in the future. For many, housing is the key ingredient, and for those with behavioral health issues, supportive housing with on-site clinical and case management providers is needed to help them live successfully in the community.

Alignment with the Needs Assessment:

Services Goals:

6. Coordinated services and programs effectively close the gaps between community, legal, and jail-based services at all points of contact in the criminal legal system.
7. People released from jail have immediate access to behavioral health and medical care, housing, employment, and support systems to avoid re-incarceration.
8. Community and jail-based services (e.g., treatment for mental health and substance use disorders, affordable supported housing) support healing, and make measurable differences in reducing crimes of poverty and repeat offenses.

Project 10: Ensure people leaving detention and treatment facilities have transportation to a safe destination			
Description	<p>During a period of incarceration, or time in a crisis stabilization or treatment facility, people may achieve sobriety and/or become open to pursuing longer-term recovery services. However, from listening to people with lived experience, if people leaving these facilities lack transportation directly to a safe place to stay, or are picked up from detention or treatment facilities by people who are still using drugs/alcohol, they often quickly fall back into using substances. Those who live outside of Bellingham in rural Whatcom County have the added challenge of limited public transportation options, especially at certain times of the day/week.</p> <p>A relatively simple but essential factor in successful re-entry to the community is ensuring that there is sufficient access to transportation so everyone released from detention or treatment facilities has a ride directly to a safe place to stay, or perhaps a longer-term treatment program, supportive housing, or a Resource Center with re-entry support where they can be linked with needed services.</p>		
Lead Organization	Sheriff’s Office - Corrections		
Essential Collaborators	Whatcom Transportation Authority Whatcom County Health and Community Services		
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Add drivers and vehicles to existing transportation services, as needed, to ensure reliable transportation is available for those being released from detention or treatment facilities. • Collaborate with Whatcom Transportation Authority (WTA) to ensure that public transportation is available to key facilities in the continuum of care, and to help people move between these facilities. 		
Cost Estimate / Sources of Funding	\$140,000/yr.	Transportation services	JST
	Total: \$140,000/yr.		

Project 11: Bolster Re-entry Support Services		
Description	Individuals leaving detention, and especially those who are unhoused upon leaving an involuntary detention, need many resources to ensure a soft landing in the community, and to prevent a return to behaviors that increase risk of re-incarceration. Ensuring support services are available to help people begin making re-entry plans as soon as they are detained, with seamless continuity to re-entry services throughout the community, has been identified as a critical need.	
Lead Organization	Sheriff's Office – Corrections Whatcom County Health and Community Services	
Essential Collaborators	Re-entry specialists Community-based provider organizations County Executive's Office (for capital project)	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Add three BH/re-entry specialists to coordinate re-entry services and link people with a community of support. • Clarify the locations, services, staff, and peer support systems within various communities where people can link seamlessly with re-entry support services, such as case management, peer support, and assistance with housing, employment, healthcare, etc. • Work with partners to develop the concept and budget for one or more Re-entry and Resource Center(s), possibly co-located with supportive housing. 	
Cost Estimate / Sources of Funding	Total: \$6M one-time capital expense + \$300,000/yr. Re-entry Specialists \$500,000/yr. Resource Center operations	JST State funds BH Fund

Project 12: Maintain and expand supportive housing programs for people with behavioral health issues and a history of incarceration		
Description	A lack of adequate housing for people with behavioral health issues, is a serious problem in our community. There is a need for more supportive housing programs that have on-site clinical support and intensive case management services, which has been shown to increase housing stability, reduce involvement with the criminal legal system, and decrease use of emergency medical services. The priority is to maintain and expand supportive housing programs - including voluntary and involuntary facilities - for people with behavioral health issues and a history of incarceration.	
Lead Organization	Whatcom County Health and Community Services	
Essential Collaborators	County Executive's Office (for capital projects) Supportive housing providers Community-based BH providers	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Assess supportive housing needs, gaps, and necessary funding supports. • Assess County-owned properties for suitability for housing projects. • Learn more about how the Nooksack and Lummi communities are providing supportive housing and services. Replicate and add support to the Lummi and Nooksack efforts as appropriate. • Ensure existing supportive housing facilities throughout Whatcom County are fully staffed and equipped. • Identify opportunities to integrate Program for Assertive Community Treatment (PACT) services into existing supportive housing. • Provide capital and operating funding for small recovery/supportive housing and shelters through a Request for Proposals process. • Provide capital and operating funding for large re-entry supportive housing through a Request for Proposals process. 	
Cost Estimate / Sources of Funding	Total: \$4,050,000 one-time costs + \$2,250,000/yr. estimated local share of operating costs	Local housing funds BH Fund American Rescue Plan Act funds Federal HOME funds LEAD grant State funds

Strategy V: Make Systems Changes with Local, Regional, & State Partners

Some of the changes that are needed to improve the criminal legal system are systemic and involve addressing ways individuals can become stuck in legal and governmental systems that are difficult to understand and navigate. The following projects aim to remove some of the obstacles that prolong time in the criminal legal system, or hamper access to services. These projects involve trying to affect change in systems that are mostly outside of local control and will require acting in partnership with our regional and state allies.

Alignment with the Needs Assessment:

Systems Goals:

1. Policies are identified and changed to strategically address system gaps and achieve intended outcomes, such as reducing the jail population.
2. Low-risk offenders are safely and effectively diverted from a Whatcom County Jail sentence and provided with support to help them succeed.
3. People are assured speedy and fair resolution of legal issues to reduce unnecessarily long jail stays and hasten restoration.
4. Sufficient funding, staffing, and resources ensure adequate service capacity at all points of contact in the criminal legal system.

Project 13: Continue to make changes in court systems	
Description	<p>Continue to make changes in court systems to reduce the number of people who are incarcerated and the length of time they are detained before trial.</p> <p>Another change that has been requested by the public is to evaluate the bail system, which is seen as unfair for lower-income people who cannot afford bail. Although the bail system is established in the state constitution, we can still evaluate options to reduce or replace elements of the bail system.</p>
Lead Organization	Courts
Essential Collaborators	<p>Prosecutor’s Office Public Defender’s Office Courts of: Whatcom County (District, Superior) City of Bellingham Nooksack Tribe Lummi Nation IPRTF Pretrial Processes Workgroup Whatcom County Information Technology</p>
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Ongoing implementation of strategies to promote timely resolution of cases to reduce the number of people held in detention pretrial and the length of time they are held. • Regularly monitor relevant performance measures and make data available to stakeholders and the public (see Implementation Project 3). • The IPRTF Pretrial Processes Workgroup will continue regular tracking of data and consider adjustments to the Pretrial Risk Assessment scoring and consequences imposed by the judicial officers using the assessment, if needed.

	<ul style="list-style-type: none"> • If the Pretrial Risk Assessment is used effectively, and applied in a race-neutral manner in determining which individuals can be monitored safely outside of detention while awaiting trial/case resolution, then encourage lower-level courts to adopt the assessment and monitoring approach. • Increase use of diversion programs when appropriate, as capacity of these programs increases (see implementation Project 6). 	
Cost Estimate / Sources of Funding	Total: In-kind	In process

Project 14: Expedite access to competency restoration services		
Description	When people charged with a crime are struggling with severe mental health issues, they may not be competent to stand trial. They may be incarcerated for months before there is space at Western State Hospital to provide competency restoration services. Expediting access to competency restoration services involves advocacy at the state level and exploration and development of outpatient alternatives locally (e.g., Prosecutorial Diversion Program, Assisted Outpatient Treatment).	
Lead Organization	Whatcom County Health and Community Services County Executive's Office	
Essential Collaborators	Competency Restoration Workgroup Prosecutor's Office Public Defender's Office Corrections State and regional partners	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Continue to convene the Competency Restoration Workgroup to discuss options for expediting access to inpatient and outpatient competency restoration. • Hire a contractor to develop a prosecutorial diversion and/or competency restoration pilot project. • Advocate for state funding and policy that supports prosecutorial diversion and alternative pathways for competency restoration. 	
Cost Estimate / Sources of Funding	Total: \$50,000	General Fund
	In-Kind	In process – Competency Restoration Workgroup and Advocacy for state funding & policy

Project 15: Advocate for a state waiver to allow use of Medicaid funds to pay for medical and behavioral health services for incarcerated individuals		
Description	Current federal rules prohibit Medicaid from paying for services provided during incarceration. Behavioral health services provided in the jail for those who are eligible for Medicaid currently are funded with Behavioral Health Funds, General Funds, and sales tax revenue. The State is currently applying for a waiver for the Medicaid inmate exclusion policy, which would ensure greater access to care for individuals while incarcerated, and continuity of care upon re-entry to the community. It is estimated this waiver would save the County approximately \$3 million per year.	
Lead Organization	County Executive's Office	
Essential Collaborators	Whatcom County Health and Community Services IPRTF Washington State Association of Counties (WSAC) Healthcare Authority Advocacy groups State legislators	
Key Next Steps (1-3 years)	<ul style="list-style-type: none"> • Announcement of Medicaid waiver application status by June 30, 2023. • Determine next steps based on outcome. • Continue to track the Health Care Authority's application to renew and expand an existing 30-day waiver to 90 days. • Maintain contact with state partners regarding state advocacy efforts needed. 	
Cost Estimate / Sources of Funding	Total: In-kind	In process

Facilities Alternatives

The County is in the fortunate position of already owning three properties within 10-15 minutes’ drive from each other and the County Courthouse which can be sites for facilities proposed in this Implementation Plan:

• 23–hr. Crisis Relief Center	Project 7
• Public Safety and Health Center (PSHC) with secure detention facilities and an array of rehabilitation services and diversion options	Project 8
• Behavioral Care Center (BCC) coordinated with the Public Safety & Health Center	Project 8
• Re-entry & Resource Center(s)	Project 11
• Supportive housing	Project 12
• Additional facilities for voluntary and involuntary behavioral health treatment	Project 9

These facilities’ size, design, proximity to other services, and cost to build all factor into decisions about location. Since the Public Safety and Health Center (PSHC) is the largest of the proposed facilities, choosing its location first is prudent, as the other facilities can be more flexibly located on remaining County properties.

Estimating Facility Size

The main jail was originally built in 1984 for 148 people. It became terribly overcrowded in the 1990’s with populations over 260. The Interim Work Center, which opened in 2006, has capacity for 150 low-risk individuals, which increased the total number of available beds to 359 and helped take some pressure off the jail. The average daily population between the two facilities hit highs of over 400 between 2007-2014, prior to many diversion programs being implemented. As of May 2023, with booking restrictions in place, the average daily population of the two facilities was 325.

The assumption in any of the scenarios regarding building a PSHC is that the lower-risk population currently housed at the Work Center would be moved to the PSHC. The Work Center facility itself would be repurposed if the PSHC is at LaBounty, or replaced with the PSHC if the Center is located at Irongate.

In calculating the size for detention facilities, the National Institute of Corrections recommends approximately 20% of additional capacity to allow for operational factors such as “peaking” (a cushion of additional beds for days with above average needs) and “classification” (additional beds to enable accommodation of individuals with different security classifications). Adding the 20% peaking/classification factors to the 359 current available beds results in a total of 430 beds. This estimate assumes very little change in the average daily population of people detained (including likely continuation of booking restrictions) and builds in the recommended peaking/classification cushion to enable optimal use of the facility at current incarceration rates.

Preliminary conceptual calculations of square footage for the PSHC were estimated using a “design block format”, which is a simple schematic showing the flow of buildings and their approximate square footages. The square footages account for an estimate of minimum to high security housing for 400-440 individuals, and do not include the Behavioral Care Center beds, estimated to serve 60-75 individuals.

The estimates of square footages presented in the chart here also include the main elements from a “Wish List for Correctional Facility Design” developed by Whatcom County Corrections and discussed in SAC and IPRTF/LJC workshops.

Conceptual Estimate of Total Sq. Ft. for Detention Facilities	157,180 Sq. Ft. (preliminary calculations)
Housing Pod (include medical/BH, recreation, classrooms, visitation, etc.)	93,500 (9,350 sq. ft./pod X 10)
Medical/BH	12,000
Booking	6,867
Kitchen Area	4,451
Facilities/Laundry	5,400
Sheriff’s Office Area/Lockers	10,227
Circulation/Chase	24,735

The Needs Assessment report and the Implementation Planning process helped identify the desired features of a **Public Safety and Health Center (PSHC)**, which include:

- A place that is designed and operated to treat people with dignity.
- A physical environment that contributes to improved mental health (e.g., natural light, use of color, natural beauty, spatial layout).
- A centralized booking area from which one can resolve cases and gain access to a range of incarceration and diversion options.
- Co-location of a Behavioral Care Center with the PSHC.
- Dedicated space for medical and behavioral health services integrated throughout the facilities.
- Space for individuals to call their own (e.g., separate rooms, dividers).
- Correctly sized, based on a fair analysis of population growth, along with strategic investments to avoid unnecessary incarcerations.
- Sized and operated to ensure booking restrictions in the county and its cities will not occur.
- Designed to reflect best practices for safety, efficiency, and technology.
- Safe for incarcerated individuals and those who work and visit there.
- Designed with spaces & equipment integrated throughout facilities to provide incarcerated individuals with dignity and needed services (e.g., dedicated, confidential behavioral health treatment space; visitation spaces; medical care, provider/staff workspace; education & vocational training; outside spaces for recreation, gardens, natural light, and fresh air).
- Versatile to accommodate changes in the population.
- Built to last.
- Easy to maintain.
- Feasible to fund and build.
- Located near adjacent land to purchase/develop if needed.
- Located in proximity to resources incarcerated individuals need (e.g., criminal legal resources, public transportation).
- Easily accessible by all jurisdictions served.
- Convenient, accessible transportation for all who use or visit the facility.

Facility Design

The type of design determines the size of the property needed to accommodate the facilities. The PSHC could be built as vertical or horizontal structures.

Advantages of a horizontal design are:

- Versatile to accommodate changing needs, programs, and populations.
- Less expensive to build, operate, and maintain.
- Safer and more efficient for staff to manage.
- Horizontal design allows for more natural light.

Disadvantages of a horizontal design are:

- Requires more developable land, so the LaBounty property is the only one of the three County properties with enough space.

Advantages of a vertical design are:

- Less land required; a 5-7 multi-story building could be built on one of the properties in Bellingham.

Disadvantages of a vertical design are:

- Facility dimensions are permanently set, making future building expansions infeasible.
- Less versatility, harder to repurpose spaces.
- More expensive to build, operate, and maintain.
- More challenging for staff to monitor and maintain safety.

Cost Estimates

The Needs Assessment recommended that comparative cost estimates should be calculated for possible facility locations before a specific site is chosen. Preliminary conceptual cost estimates for the type of facilities which had the desired qualities built at different locations were completed just in time for the May 23rd County Council Committee of the Whole workshop ([AB2023-304](#)) and the May 24th [Town Hall Listening Session](#). The primary purpose of these preliminary cost estimates is to identify the magnitude of difference between horizontal and vertical facility designs. An estimated cost to build the BCC is not included in the following chart.

PSHC LOCATION	CIVIC CENTER (near Courthouse, parking lot across from current jail)	IRONGATE (Division St.)	LABOUNTY (off Slater Rd. & I-5)
SIZE	1.3 acres developable	10.6+ acres, 5 acres developable	39+ acres, 16+ acres developable
DESIGN	Vertical (~7 stories)	Vertical (~5 stories)	Horizontal (1-2 stories)
DISTANCE FROM COURTHOUSE	Adjacent	9-12 minutes	12-15 minutes
PRELIMINARY COST ESTIMATE	\$207 million	\$170 million	\$137 million

The conceptual cost estimates show that a horizontal design is 66% of the cost estimate for a 7-story vertical design, and 80% of the cost of a 5-story vertical design. These estimates will be refined when all site, capacity, and design criteria are identified.

Location, Location, Location

By the end of the Needs Assessment process, the Civic Center site was the *least* favored by the SAC, and this sentiment continued throughout the implementation planning process, even without the cost estimates. Once cost estimates were available, the cost to build at Civic Center, combined with the limitations imposed by the small size of the available property to build upon, suggested that Civic Center was not ideal, despite the desire for proximity to the Courthouse.

Thus, the Irongate and LaBounty locations are the two preferred locations of the three properties available. However, there was no consensus about which of these two properties is best, as both have desired qualities and drawbacks.

Key reasons for preferring the Irongate location:

- Closer to downtown Bellingham services and the Courthouse.
- Co-location with the Anne Deacon Center for Hope (Crisis Stabilization Center).
- Addresses concerns expressed about previous ballot measures that building a facility on a larger property will lead to building a larger jail, and that will lead to incarcerating more people.

Key reasons for preferring the LaBounty location:

- Lower construction and operating costs.
- Ability to co-locate other facilities on the property to create a campus (e.g., behavioral health services, human services, housing).
- Large buildable acreage is adaptable to changing needs and best practices over time.

Making Decisions

Many people involved in the Needs Assessment and Implementation Planning process had strong feelings about jails and incarceration, and strong opinions about locations for facilities. There are some people who participated in the SAC, focus groups, surveys, and Town Halls who were opposed to incarceration on principle. They encouraged the County to invest in services, housing, and systems changes instead.

Most people involved in the SAC, Implementation Planning Workshops, focus groups, and Town Halls expressed dismay about the condition of the current jail and supported an investment in replacing the facility, with the understanding that it would be very different than the current facility. More preference was expressed for a small detention facility and greater investment in behavioral health services, housing, and diversion programs, though many expressed desire for facilities to be large enough to accommodate inevitable population growth into the future.

Size estimates for the PSHC presented in this document have aimed to strike a balance between the desired criteria that a new facility be:

- Correctly sized, based on a fair analysis of population growth, along with strategic investments to avoid unnecessary incarcerations, and
- Sized and operated to ensure booking restrictions in the county and its cities will not occur.

Booking restrictions are currently in place and it will be important for further discussion about facilities to consider the impacts if and when these restrictions are lifted.

Once the size, design, and location for a PSHC is selected by the Council, it will be important to communicate clearly with the public the reasons for choosing one location over another, and be able to successfully provide assurances regarding:

- Accessibility to court services.
- Adequate available transportation for staff, service providers, and visitors to access facilities.
- Investment of tax dollars as planned.
- Preserving all spaces built for services for that purpose.
- Proper maintenance of the facility to avoid deterioration in the future.
- Limits on expansion of the number of beds for incarceration if the LaBounty site is selected.
- A proposed course of action if the PSHC is built at Irongate and there is a need to accommodate more people in the future.

Funding Implementation Plan Projects Now and Into the Future

Existing Funding Sources

Funding the services, facilities, and oversight projects in the Implementation Plan will require matching each project with the applicable types of funding. For example, the Behavioral Health Fund (BH Fund) is an excellent fit for many of the proposed services as it is explicitly intended to support diversion programs to prevent incarceration. This includes therapeutic court programs (e.g., Mental Health Court, Recovery Court), housing support services, re-entry support services, and the Response Systems Division which, in 2023, has added 25 behavioral health positions for GRACE, LEAD, ART, and Co-responder Programs. While services to prevent incarceration or re-incarceration are a component of the BH Fund, it is important to note that the fund also supports programs for youth behavioral health in schools and other settings as well as other prevention programs. Providing services along the continuum is an important value of the fund, especially for prevention in areas that no other funding source can support.

In addition to these local funds, and pursuing state and federal funding opportunities, it is recommended that a new 0.2% sales tax will be put before voters to pay for a 30-year bond to build the proposed Public Safety & Health Center. While identified available resources can be used for funding services, the sales tax and bond is the only feasible funding vehicle available to pay for a capital project the size of the PSHC.

Funding Source	How It Can Be Spent
Ballot measure for sales tax/bond	1/3 must go to Criminal Justice, 2/3 for anything, including the proposed implementation plan
State funds	Behavioral Health and Housing facility capital costs (crisis relief and stabilization centers)
County Behavioral Health Fund	Any BH purpose, including Therapeutic Courts, school prevention, community behavioral health services, psychiatric services in the jail, GRACE program.
Medicaid	Healthcare, including BH services, outside the jail (reimbursement rates and limited)
North Sound Behavioral Health ASO	State and Federal funding for Regional behavioral health facilities and services, crisis services, involuntary commitment, co-responder program
Local housing funds	Affordable Housing, Rental Assistance, Shelter and related services
General Fund and existing sales tax	Supports operating costs for existing jail and Work Center

In the recent state legislative session, \$957 million in behavioral health investments were made, including improvements to crisis prevention, funding to establish short-term crisis relief centers, and actions to address the behavioral health workforce shortage. Federal and state funding flow to the counties through the Washington State Health Care Authority and North Sound BH-ASO. With an Implementation Plan in hand, Whatcom County is well-positioned to respond quickly when new requests for proposals are released.

Summary Charts: Funding for Implementation Projects

The following charts present a summary of the Implementation Plan projects that require funding, sources of funding, and status at this time. Funding estimates focus on local funding needed to accomplish projects, with the assumption that state and federal funding may also be necessary for many projects. The financial projections included here are based on current data and understanding and are subject to ongoing refinement and adjustment as circumstances change. Many costs are dependent on the availability of state and/or federal funding and the needs of facility and program operators. The Whatcom County Executive will update funding estimates over time, consistent with policy direction from the Whatcom County Council.

Chart: Funding Available and Needed by Project Expense

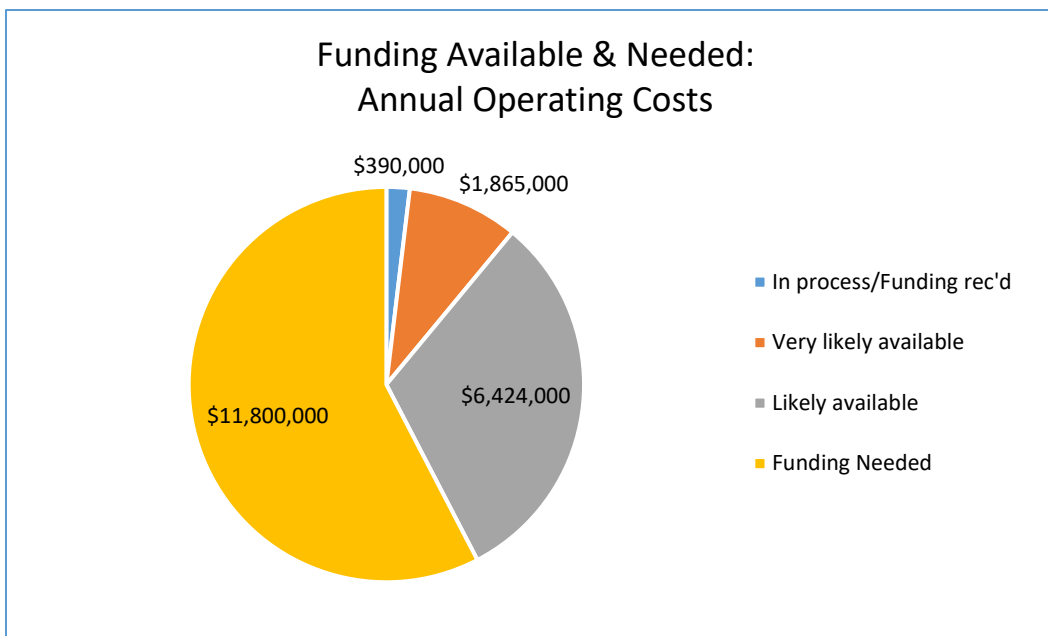
Implementation Plan Projects	Expense	Amount	Sources of Funding	Status of Funding
1. Establish IPRTF/LJC Justice Project Oversight & Planning Committee	Stipends for community volunteer members	\$4,000/yr.	General Fund	Likely
	JPOP meeting facilitation, training, reporting	\$20,000/yr.	General Fund	Likely
3. Collect data to measure progress toward desired outcomes and develop a data dashboard	Data Informatics Specialist and a Senior Applications Administrator positions	\$290,000/yr.	General Fund	In process
4. Address workforce shortages in behavioral health services	Paid internship program for mental health students in participating partner settings	\$20,000/yr.	State funding through North Sound BH-ASO BH Fund	Very likely
	Free continuing education & training for BH staff	\$20,000/yr.	North Sound BH-ASO BH Fund HCA	Very likely
	Low/no-cost clinical supervision for students pursuing licensure	\$50,000/yr.	North Sound BH-ASO BH Fund	Likely
5. Build systems to facilitate communication and coordination between organizations	Software and system management	\$50,000 + \$5,000/yr.	BH Fund	Very likely
	Community provider referral networks and pathways	\$100,000/yr.	BH Fund	Very likely
6. Increase the capacity of effective existing programs to divert people from incarceration	Staff support for MHSA and expanded Mental Health Court	\$100,000/yr.	BH Fund	In process
	Expand therapeutic courts	\$300,000/yr.	BH Fund	Very likely
	Expand GRACE to County	\$200,000/yr.	BH Fund Proposed Justice Sales Tax (JST)	Likely
	SUD Professional in Response Division	\$100,000/yr.	BH Fund	Funding needed

Implementation Plan Projects	Expense	Amount	Sources of Funding	Status of Funding
	Additional BH officers for city police departments	\$500,000/yr.	JST	Funding needed
	Expand GRACE to PeaceHealth ED	\$100,000/yr.	State, federal, PeaceHealth	Funding needed
	Expand co-responder program to small cities	\$200,000/yr.	JST	Funding needed
	Expand ART to small cities	\$200,000/yr.	JST	Funding needed
	Expand LEAD	\$200,000/yr.	State & federal grants	Funding needed
7. Build a 23-hour Crisis Relief Center	Capital funding	\$12M	State - \$9M received JST - remainder	Very likely In process
	Estimated local share of operational costs – Crisis Relief Center	\$500,000 - \$1M/yr.	BH Fund JST	Very likely
8. Build a Public Safety & Health Center	Capital expenses – Detention for low-high risk + space for services	\$8 - \$10M/yr.	JST	Funding needed
	Capital expenses – Behavioral Care Center	\$8M	JST	Funding needed
	Operational costs – BCC	TBD	JST	Funding needed
10. Ensure people leaving jail have transportation to a safe destination	Transportation services	\$140,000/yr.	JST	Very likely
11. Bolster Re-entry Support Services	3 BH/re-entry specialists	\$300,000/yr.	JST	Very likely
	Capital funding for Resource Center	\$6M	State funds JST	Funding needed
	Operational costs – Resource Center	\$500,000/yr.	BH Fund JST	Funding needed
12. Maintain and expand supportive housing programs for people with behavioral health issues and a history of incarceration	Consultant to conduct assessment	\$50,000	Local housing funds	Very likely
	Fill gaps in funding, staffing, equipment	\$750,000/yr.	BH Fund Local housing funds	Likely
	Capital project – small recovery/supportive housing	\$2M	ARPA BH Fund Local housing funds	Likely

Implementation Plan Projects	Expense	Amount	Sources of Funding	Status of Funding
			Federal HOME funds (to match state funds when possible)	
	Operational costs – small recovery/supportive housing	\$1M/yr.	BH Fund Local housing funds LEAD grant State funds	Likely
	Capital project – large re-entry supportive housing	\$2M	BH Fund Local housing funds (to match \$20M+ in state & federal funds)	Likely
	Operating costs – large re-entry supportive housing	\$500,000/yr.	State funds Federal funds	Likely
14. Expedite access to competency restoration services	Contractor to develop pilot project	\$50,000	General Fund	Very likely

Charts: Summary of Funding Available and Funding Needed

The following graphics provide a summary of the chart above, presenting total funding available and total funding needed for one-time capital expenses and for ongoing annual operations.



Conclusion

This Implementation Plan offers guidance for tangible steps to improve public safety and health within Whatcom County's criminal legal system in the coming years.

Important steps have already been taken in the last decade to prevent and reduce incarceration, and there is much more work to be done. The Justice Project Needs Assessment Report provided a vision, values, and goals, and excellent information about the needs and gaps we are facing. The recommendations in the Needs Assessment Report were the foundation of the implementation planning effort.

This work was benefited by the expertise of subject matter experts, Incarceration Prevention and Reduction Task Force members, and those who were part of the Stakeholder Advisory Committee. The input from the Town Hall, and interviews, focus groups, and surveys with members of the BIPOC and tribal communities, and previously incarcerated individuals and their families had a significant impact on the shape of the final plan.

The Implementation Plan will be useful to the Whatcom County Council, local officials, service providers, volunteers, and the public at large, in taking the next steps together, to improve Whatcom County's criminal legal system.

Many thanks to everyone who gave so generously
of their time and expertise to develop this Implementation Plan

Appendices

Appendix A: Needs Assessment Vision, Values & Goals

Vision: *Presents the big picture of what we envision for our community. The vision is not limited by the scope of our work, nor what is currently true, but describes the ideal state toward which*

Whatcom County will uphold and promote community safety, health, and justice. To accomplish this, we will reduce crime and reduce incarceration through early interventions and long-term investments in people and programs that support prevention, restoration, and accountability in the community and within the criminal legal system.

Prevention: We will invest in children and families and address social, educational, economic, and racial disparities that are known risk factors for involvement with the criminal legal system and can lead to incarceration and re-incarceration.

Restoration: We will devote sufficient resources to a variety of evidence-based behavioral health, housing, and re-entry support services that will reduce crime and minimize future interactions with the criminal legal and crisis systems.

Accountability: To protect public safety, we will utilize a range of alternatives to incarceration for low-risk offenders that require personal accountability; and when incarceration is called for, we will operate facilities that are humane, well-equipped, well-maintained, and adequately staffed to promote health and safety.

Values: *The core principles that guide our decision-making and investments of time and resources.*

1. Protect and promote public health and safety.
2. Prioritize timely and early interventions.
3. Practice wise stewardship of public resources by using evidence-based decision-making, and evaluating if current programs, intervention, and processes are working as intended.
4. Facilitate public engagement in transparent decision-making processes that reflect community priorities.
5. Ensure systems, services, and facilities are adaptable to changing circumstances and needs.
6. Openly and actively address inequities and discrimination.
7. Respect the dignity, human rights, and civil rights of all parties involved in the criminal legal system.

Goals: *The goals statements describe what we hope to achieve and how we will achieve it. They are divided into three categories: “Systems Goals,” which are policies and practices to ensure the system has sufficient capacity, is fair, and functions efficiently; “Services Goals,” which are the types of supports that need to be in place for people to prevent and reduce involvement with the criminal legal system; and “Facilities Goals,” which include a jail and a variety of residential & non-residential facilities and settings for legal and treatment services (e.g., half-way houses, facility for competency restoration, clinics).*

There are many goals regarding prevention of people’s involvement with the criminal legal system that are outside the scope of our work. Thankfully, there are many endeavors being undertaken by community organizations and our County to address early intervention and prevention efforts with children & families.

Systems Goals:

1. Policies are identified and changed to strategically address system gaps and achieve intended outcomes, such as reducing the jail population.
2. Low-risk offenders are safely and effectively diverted from a Whatcom County Jail sentence and provided with support to help them succeed.
3. People are assured speedy and fair resolution of legal issues to reduce unnecessarily long jail stays and hasten restoration.
4. Sufficient funding, staffing, and resources ensure adequate service capacity at all points of contact in the criminal legal system.
5. People working within and alongside our criminal legal system (e.g., advocates, navigators, legal counsels, jail staff, providers) are valued, fairly paid, and representative of the members of our community.

Services Goals:

6. Coordinated services and programs effectively close the gaps between community, legal, and jail-based services at all points of contact in the criminal legal system.
7. People released from jail have immediate access to behavioral health and medical care, housing, employment, and support systems to avoid re-incarceration.
8. Community and jail-based services (e.g., treatment for mental health and substance use disorders, affordable supported housing) support healing, and make measurable differences in reducing crimes of poverty and repeat offenses.

Facilities Goals:

9. Facilities are designed and operated to meet the health, safety, and welfare needs of those incarcerated and the people who work and visit there.
10. Facilities are designed to be versatile to adapt to changing needs.
11. Incarceration facilities balance compassion with accountability to promote safety, health, rehabilitation, and recovery.
12. Facilities adequately serve the whole county, including cities and tribal jurisdictions.

Appendix B: Needs and Recommendations

A. SYSTEMS NEEDS & RECOMMENDATIONS	
A1.	<p>Need: Increase access to inpatient and outpatient competency restoration services for people evaluated as needing these services.</p> <p>Rec 1: Work with regional partners to identify needed systems changes (policies, funding, and programs) to increase access to <u>inpatient</u> competency restoration.</p> <p>Rec 2: Explore and develop <u>outpatient</u> competency restoration services.</p>
A2.	<p>Need: Reduce the <u>amount of time</u> people spend in jail before trial or other case resolution.</p> <p>Recommendation: Whatcom County courts should promote the timely resolution of cases with a goal of matching average case resolution times in other counties and/or the state. To accomplish this, our courts should:</p> <ul style="list-style-type: none"> • Screen cases for their level of complexity and allocate time, provide court resources, and schedule proceedings accordingly. • Limit continuances as much as feasible. • Regularly monitor relevant performance measures and make data available to stakeholders and the public.
A3.	<p>Need: Reduce the <u>number of people</u> detained in jail before trial or other case resolution.</p> <p>Rec 1: Provide a range of pretrial release and monitoring options in lieu of bail (adhering to Court Rule CrR 3.2¹).</p> <p>Rec 2: Analyze as quickly as possible the Superior Court’s current use of an evidence-based, statistically valid pretrial risk assessment in making pretrial release decisions, with the goal of determining whether its use is effective in lessening pretrial incarceration and reducing or eliminating racial disparities while protecting public safety.</p>
A4.	<p>Need: Address the disproportionate incarceration of BIPOC individuals.</p> <p>Rec 1: Conduct analysis of root causes where disproportionality and disparities arise and develop targeted strategies to measurably improve proportionality of incarcerated BIPOC individuals.</p> <p>Rec 2: Ensure that all county law enforcement employees, jail staff, and staff in all court systems maintain data systems adequate to identify where potential bias and racial disparities may be occurring.</p> <p>Rec 3: Include detailed data and analysis regarding racial makeup of incarcerated individuals in a standing system information report that is reviewed no less than quarterly by senior management, and made publicly available (without identifying information).</p> <p>Rec. 4: Take prompt effective actions to correct disparities when they are identified.</p>

¹ Washington State Court Rules, Rule CrR 3.2, Release of Accused, https://www.courts.wa.gov/court_rules/pdf/CrR/SUP_CrR_03_02_00.pdf.

A. SYSTEMS NEEDS & RECOMMENDATIONS

A5.	Need: More direct involvement of BIPOC communities, victims of crime, and people with lived experience with incarceration (personal or family member) in decision-making about policies and practices in the criminal legal system.
	Recommendation: Implement strategies to meaningfully include BIPOC communities, victims of crime, and people with lived experience in the development of plans and monitoring of progress.
A6.	Need: System for collecting consistent data from all intercept points in the criminal, legal, and behavioral health systems.
	Recommendation: Build a data system for collecting consistent data from all intercept points.
A7.	Need: Data dashboard to track trends in criminal legal system, racial disparities in the system, and incarceration prevention & reduction efforts.
	Recommendation: Build a data dashboard to track and publicly present trends and outcomes of criminal legal system changes, efforts to address racial disparities in the system, and efficacy of incarceration prevention and reduction work.

B. SERVICES NEEDS & RECOMMENDATIONS

B1.	Need: Increased community mental health (MH) and substance use disorder (SUD) treatment capacity (in-patient & out-patient) to prevent and reduce incarceration and re-incarceration.
	<p>Rec 1: Support additional positions for MH and SUD professionals with certified community behavioral health agencies to provide:</p> <ul style="list-style-type: none"> • Community-based assessment on demand. • Jail-based assessment for individuals that are completing their incarceration and needing MH and/or SUD treatment (inpatient or outpatient) as they re-enter the community. <p>Rec 2: Utilize SUD professionals contracted with community agencies to provide evidence-based SUD services in the jail setting and ensure continuity of care to community-based treatment upon release.</p> <p>Rec 3: Create additional positions for jail re-entry specialists and navigators to facilitate care coordination and ensure a warm handoff to community service providers, healthcare/behavioral healthcare, peer support, housing, and vocational support.</p> <p>Rec 4: Increase the number of Mental Health Professionals and Intensive Case Managers contracted through community agencies to provide services in the jail and support re-entry staff in facilitating continuity of care when incarcerated individuals are released.</p>
B2.	Need: Increased capacity of effective existing programs to divert more people from incarceration (e.g., GRACE, LEAD, Mental Health Court, Drug Court).
	Recommendation: Ensure stable funding to enable expansion of programs that have proven to be effective in diverting people from incarceration.

B. SERVICES NEEDS & RECOMMENDATIONS

B3.	<p>Need: Increased capacity of Program for Assertive Community Treatment (PACT), an evidence-based program for people with severe and persistent mental illness who require intensive support services (e.g., medication, case management) to function in the community.</p>
	<p>Rec 1: Expand access to PACT services in the community for people with severe and persistent mental illness and other mental disorders (e.g., PTSD, traumatic brain injuries) to prevent involvement with the criminal legal system.</p> <p>Rec 2: Increase PACT services dedicated to incarcerated individuals. Conduct evaluation for services prior to release and facilitate immediate entry into PACT services upon release.</p>
B4.	<p>Need: Additional qualified, & racially/ethnically diverse jail staff.</p>
	<p>Rec 1: Ensure that recruitment and employment practices in the jail advance diversity, equity, and inclusion.</p> <p>Rec 2: Offer wages and benefits that will attract qualified staff, representative of the community's diversity.</p>
B5.	<p>Need: Additional corrections officers to escort incarcerated individuals to services within and outside the jail.</p>
	<p>Recommendation: Add jail staff to increase incarcerated individuals' access to needed services within and outside the jail (e.g., MH/SUD services, medical care, lawyers, court, education, vocational training, peer support).</p>

C. FACILITIES NEEDS & RECOMMENDATIONS

C1.	<p>Need: A new jail that is:</p> <ul style="list-style-type: none"> • Correctly sized, based on a fair analysis of population growth, along with strategic investments to avoid unnecessary incarcerations. • Sized and operated to assure booking restrictions in the county and its cities will not occur. • Designed to reflect best practices for safety, efficiency, and technology. • Safe for incarcerated individuals and those who work and visit there. • Designed with spaces & equipment to provide incarcerated individuals with dignity and needed services (e.g., dedicated, confidential behavioral health treatment space; visitation spaces; medical care, provider/staff workspace; education & vocational training; outside spaces). • Versatile to accommodate changes in the population. • Built to last. • Easy to maintain. • Feasible to fund and build. • Located near adjacent land to purchase/develop if needed. • Located in proximity to resources incarcerated individuals need (e.g., criminal legal resources, public transportation). • Easily accessible by all jurisdictions served.
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C. FACILITIES NEEDS & RECOMMENDATIONS

	<p>Rec 1: Build a new jail that meets as many of the specified criteria as possible.</p> <p>Rec 2: Calculate comparative cost estimates for possible facility locations before a specific site is chosen.</p> <p>Rec. 3: Select a location for the jail with due consideration of the comparative importance assigned to proximity to various resources and services.</p>
C2.	<p>Need: Facilities to enable increased community mental health and substance use disorder treatment capacity (in-patient & out-patient) to prevent and reduce incarceration and re-incarceration.</p> <p>Rec 1: Explore development of 24/7 Behavioral Health Urgent Care capacity to provide short-term (23 hours or less) MH and SUD services.</p> <p>Rec 2: Research feasibility and desirability of building a secure detox facility in the region for people with SUD who are considered a risk to public safety.</p> <p>Rec 3: Establish a location in close proximity to the jail from which re-entry specialists, behavioral health staff, system navigators, and peer support providers can offer re-entry support.</p> <p>Rec 4: Work closely with criminal legal system stakeholders to select locations for facilities that will work for employees, incarcerated individuals, service providers, and families.</p>
C3.	<p>Need: Additional permanent supportive housing with on-site clinical support and intensive case management for people with severe and persistent mental illness who are involved, or at risk of involvement, with the criminal legal system.</p> <p>Recommendation: Advocate for state, federal, and private funding to expand and improve permanent supportive housing with on-site clinical support and intensive case management for people with serious mental illness who are involved, or at risk of involvement with the criminal legal system.</p>
C4.	<p>Need: Safe, supportive housing for people engaged in diversion and therapeutic court programs (e.g., GRACE and LEAD, Drug Court, Mental Health Court).</p> <p>Recommendation: Prevent unstable housing from being a barrier to successful engagement with diversion and therapeutic court programs.</p>

Appendix C: Recommendations Addressed by Each Proposed Implementation Project²

Proposed Projects	Recommendations															
	Systems							Services					Facilities			
	A1	A2	A3	A4	A5	A6	A7	B1	B2	B3	B4	B5	C1	C2	C3	C4
Ensure Oversight, Accountability, & Transparency																
1. Establish a Justice Project Oversight & Planning Committee	This proposed project relates to all the recommendations															
2. Establish a Finance & Operations Justice Project Advisory Board	This proposed project relates to all the recommendations															
3. Collect data to measure progress toward desired outcomes and develop a data dashboard	This proposed project relates to all the recommendations															
Increase Access to Behavioral Health Services																
4. Address workforce shortages in behavioral health services								Recs 1, 2, 3, 4	Rec	Recs 1, 2	Recs 1, 2	Rec			Rec	Rec
5. Build systems to facilitate communication and coordination between organizations								Recs, 1, 2, 3, 4		Recs 1, 2		Rec		Recs 1, 2, 3, 4		
6. Increase capacity of effective existing programs to divert people from incarceration			Rec 1, 2					Rec 1	Rec	Recs 1, 2				Recs 1, 2, 4	Rec	Rec

² See Justice Project Needs Assessment Needs and Recommendations **Appendix B**.

Proposed Projects	Recommendations															
	Systems							Services					Facilities			
	A1	A2	A3	A4	A5	A6	A7	B1	B2	B3	B4	B5	C1	C2	C3	C4
Build the Array of Facilities Needed to Promote Public Safety and Health																
7. Build a 23-hr. Crisis Relief Center					Rec			Recs 1, 3, 4						Recs 1, 3, 4		
8. Build a Public Safety and Health Center					Rec			Recs 1, 2, 3, 4			Recs 1, 2	Rec	Recs 1, 2, 3			
9. Assess what additional facilities are needed to support people with BH issues at risk of incarceration	Recs 1, 2				Rec			Recs 1, 3, 4	Rec					Recs 1, 2, 4	Rec	Rec
Expand the Capacity of Programs to Reduce Incarceration/ Re-incarceration																
10. Ensure people leaving detention and treatment facilities have transportation to a safe destination								Recs 2, 3, 4					Recs 1, 3	Recs 3, 4		
11. Bolster Re-entry Support Services								Recs 1, 2, 3, 4						Rec 3	Rec	
12. Maintain and expand supportive housing programs for people with BH issues and a history of incarceration			Rec 1		Rec				Rec	Recs 1, 2					Rec	Rec

Proposed Projects	Recommendations															
	Systems							Services					Facilities			
	A1	A2	A3	A4	A5	A6	A7	B1	B2	B3	B4	B5	C1	C2	C3	C4
Make Systems Changes with Local, Regional, & State Partners																
13. Continue to make changes in court systems		Rec	Recs 1, 2	Recs 1, 2, 3, 4												Rec
14. Expedite access to competency restoration services	Recs 1, 2		Recs 1, 2					Recs 1, 4						Rec 4		
15. Advocate for a state waiver to allow use of Medicaid funds to pay for medical and behavioral health services for incarcerated individuals								Recs 1, 2, 3, 4					Recs 1, 2, 3			

Appendix D: Acronyms

ART: Alternative Response Team

BCC: Behavioral Care Center

BH: Behavioral Health

BIPOC: Black, Indigenous and People of Color

CSC: Crisis Stabilization Center (Anne Deacon Center for Hope)

GRACE: Ground-level Response and Coordinated Engagement program

HCA: Washington State Health Care Authority

IPRTF: Incarceration Prevention & Reduction Task Force

LEAD: Law Enforcement Assisted Diversion program

LJC: Law and Justice Council

MCOT: Mobile Crisis Outreach Team

MH: Mental health

MHC: Mental Health Court

MHSA: Mental Health Sentencing Alternative

North Sound BH-ASO: North Sound Behavioral Health Administrative Services Organization

OCRPP: Outpatient Competency Restoration Program

PACT: Program for Assertive Community Treatment

PDP: Prosecutorial Diversion Program

PSHC: Public Safety and Health Center

SUD: Substance use disorder

WCHCS: Whatcom County Health and Community Services (formerly Whatcom County Health Dept.)

WSAC: Washington State Association of Counties

WTA: Whatcom Transportation Authority

Appendix E: Glossary

Competency restoration process: Services to prepare defendants with symptoms of mental illness to be able to defend themselves in court. This usually includes psychiatric evaluation, medication monitoring, and training about court proceedings, and typically requires a stay at a psychiatric facility (e.g., Eastern or Western State Hospital) that can extend to 12-18 weeks.

Diversion/Diversion programs: Programs that offer people involved, or at risk of involvement with the criminal legal system, an alternative to arrest, prosecution, and incarceration.

Electronic Home Detention (EHD)/Electronic monitoring/Electronic home monitoring: Involves the use of either radio frequency or Global Positioning System (GPS) units, often on an ankle bracelet, to monitor the location of defendants who are in pretrial or post-conviction status for misdemeanor and gross misdemeanor violations of law, and who the court has allowed to serve their incarceration or await trial in an electronic home detention and monitoring program.

North Sound Behavioral Health-Administrative Services Organization: Administers state and federal funds for mental health and substance use disorders services for the five-county region, including Whatcom County.

Outpatient Competency Restoration Program (OCRP):

Permanent Supportive Housing:

Pretrial Processes Work Group (PPWG): A subgroup of the IPRTF's Legal & Justice Committee that is focused on developing a pretrial release assessment tool and monitoring unit.

Pretrial Risk Assessment: An objective assessment tool used by courts to assess defendants' risks of failing to appear at future court hearings, and to determine whether individuals can be safely released and monitored in the community until their trial.

Pretrial Services Unit: A Whatcom County Superior Court program to provide pretrial monitoring to Superior Court defendants. Services are intended to be provided in tandem with a pretrial risk assessment tool to guide judicial officers in assigning an appropriate level of monitoring.

Prosecutorial Diversion Program:

Washington State Health Care Authority (HCA):

Appendix F: Useful Resources

- [2022 Behavioral Health Workforce Assessment: A report of the Behavioral Health Workforce Advisory Committee](#), Washington Workforce Training & Education Coordinating Board.
- [A Home for Everyone: Strategic Plan to End Homelessness in Whatcom County](#), 2019 Local Plan Update, Whatcom County Health Department.
- [Jail Capacity Planning Guide: A Systems Approach](#), National Institute of Corrections, US Dept. of Justice, 2009
- [Measures for Justice](#) provides lists of key data elements agencies should collect to assess performance (see [brief video](#) that addresses the importance of gathering consistent data).
- [North Sound BH-ASO Fall 2022 Assessment](#), Dec. 2022, includes inpatient bed need analysis and outpatient service analysis.
- [Whatcom County Behavioral Health Funds: Annual Report 2021](#).
- [Whatcom County 2023-2024 Budget](#)



City Council Agenda Bill

23738

Bill Number

Subject: **An Ordinance Amending the 2023-2024 Biennial Budget – Amendment No. 5**

Summary Statement: This ordinance amends the 2023-2024 Biennial Budget by adding an accountant position in the Finance Department and recognizing revenues and expenditures related to a grant for the Old City Hall Building Envelope project.

Previous Council Action: **Adoption of the 2023-2024 Biennial Budget**

Fiscal Impact: **\$557,084**

Funding Source: **General Fund**

- Attachments:
- 1. ORDINANCE
 - 2. BUDGET MODIFICATION REQUEST FN-014
 - 3. BUDGET MODIFICATION REQUEST PW-091

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	06/05/2023	Vote to Approve	Forrest Longman, Deputy Finance Director	5 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Forrest Longman, 360-778-8005

Reviewed By	Department	Date
<i>Andrew D. Asbjornsen</i>	Finance Department	05/30/2023
<i>Matthew T. Stamps</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Council Action:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023-2024 BIENNIAL BUDGET – AMENDMENT NO. 5

WHEREAS, the City has identified a budget adjustments that were not anticipated when the biennial budget was adopted; and

WHEREAS, these adjustments are necessary to improve City services and ensure a balanced budget.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The 2023-2024 Biennial Budget is hereby amended as follows:

Fund Department	Revenue Amount	Expense Amount	Reserve Contribution/(Use)
001 - General Fund	380,000	557,084	(177,084)
Finance		177,084	(177,084)
Non-Departmental	380,000	380,000	
Total	380,000	557,084	(177,084)

Section 2. The full time equivalent (FTE) count is increased by 1.0 FTE as follows:

Department Classification	FTE
<i>Finance</i>	
Accountant	1.0
Total	1.0

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

BUDGET MODIFICATION REQUEST



Department: Finance

Group: 213 - Finance Services

Fund: 001 - General Fund

Operating

Priority: 1 - High

FTE Impact: 1.00

Request Title:

FN-014 - Add Finance Department Accountant

Financial Impact

Amount Requested

Operating

<u>Key</u>	<u>Object</u>	<u>Object Description</u>	<u>2023</u>	<u>2024</u>	<u>2023-2024 Total</u>
001-213311	51101	Salaries and Wages	\$57,252	\$80,746	\$137,998
001-213311	52101	Personnel Benefits	\$16,563	\$22,523	\$39,086

Net Impact of Request:

(\$177,084)

1) Request Description

This modification adds a new accountant position to the Finance Department to facilitate succession planning and ensure service continuity

2) How does this modification fit within existing workplans and the priorities? How does it further climate action goals?

This addition will support the ongoing and increasing financial needs of the City. As City services, funding sources and complexity has grown, the accounting group has remained largely the same. Recent staffing transitions have illustrated the need for a larger team to handle current operations, provide timely financial statements and plan appropriately for the future.

3) Expected Outcomes

Continued timely and accurate financial reporting

4) Other implications of requested change

Requested By:

Forrest Longman

BUDGET MODIFICATION REQUEST



Department: Public Works

Group: 648 - Facilities Capital Maintenance

Fund: 001 - General Fund

Capital

Priority: 1 - High

FTE Impact: 0.00

Request Title:

PW-091 - Recognize Grant Revenue and Associated Expenses for Old City Hall Building Envelope Project

Financial Impact

Amount Requested

Capital

Key	Object	Object Description	2023	2024	2023-2024 Total
001951112	3671100	Contribution or Donation - Non Govt	\$380,000	-	\$380,000
001951112	54800	Repairs and Maintenance - Any	\$380,000	-	\$380,000

Net Impact of Request: -

1) Request Description

This budget adjustment recognizes grant revenues and expenditures which, though known, were not included in the biennial budget. The grant funding comes from the Washington State Historical Society. The bid award for this project will come before Council on June 26th.

2) How does this modification fit within existing workplans and the priorities? How does it further climate action goals?

The Old City Hall Building Envelope project includes repair of the brick and sandstone, structural anchoring of the masonry veneer at select locations, restoration and structural improvements of the columns and capitals, replacement and repainting of select existing wood windows, limited roof repairs, and hazardous materials abatement.

3) Expected Outcomes

The repair and ongoing maintenance of the building envelope will prevent further deterioration and provide a longer life span of the building's integrity, function, and appearance, as well as provide safe exiting during emergency events.

4) Other implications of requested change

Requested By:

Karla Buckingham



City Council Agenda Bill

23740

Bill Number

Subject: Adoption of the 2024-2029 Transportation Improvement Program (TIP)

Summary Statement: State law, RCW 35.77.010, requires cities to annually adopt a 6-year plan for capital transportation improvements. The Draft 2024-2029 6-Year Transportation Improvement Program (TIP) includes projects to repair and resurface roadways, construct new bicycle and pedestrian facilities, replace bridges, ameliorate operations at intersections, facilitate movement of freight, enhance transit use and implement strategies identified in the Climate Action Plan. Subsequent to the public hearing held on May 22, 2023 for review of the Draft TIP, a resolution has been prepared for Council to adopt the 2024-2029 6-Year TIP.

Previous Council Action: Annual adoption of previous TIPs, public hearing for the Draft 2024-2029 TIP on May 22, 2023

Fiscal Impact: The Draft 2024-2029 TIP includes more than \$165 million in planned projects

Funding Source: Street Fund, REET, Greenways Fund, Transportation Fund, State/Federal Grants, and Public/Private Partnerships

- Attachments:
- 1. STAFF MEMO
 - 2. RESOLUTION
 - 3. DRAFT 2024-2029 TIP

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	06/05/2023	Pass Resolution	Eric Johnston, PW Director	10 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Chad Schulhauser, City Engineer 778-7910

Council Action:

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL
FROM: CHAD SCHULHAUSER, CITY ENGINEER
ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: ADOPTION OF THE 2024-2029 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
DATE: JUNE 5, 2023

BACKGROUND:

The 6-Year Transportation Improvement Program (TIP) is both a transportation planning and funding document. State law (RCW 35.77.010) requires cities to adopt the TIP before July 1 each year to plan and program public funding toward capital improvements to Bellingham's multimodal transportation network. During the public hearing held May 22, 2023, staff was asked several questions about the draft 2024-2029 TIP. Answers are provided below:

- On page 7 of the packet, where are the fiber connections mentioned being made?
 - *Staff utilizes the City's Existing and Proposed Fiber Network Map to determine where there are missing links in the fiber network that can be filled in during a capital project. For example, we are installing missing fiber links on Cornwall and Illinois Streets with capital projects this summer when we are installing sidewalks.*
- Update Finnegan Way photo (Project #4)
 - *Done*
- What is the status of the BNSF right-of-way on the Meridian/Birchwood Phase 1 project (Project #6)?
 - *Staff has reached out to BNSF with preliminary notification and is obtaining appraisals for the right-of-way needs associated with the project. Staff will begin the formal right-of-way acquisition process over the next year as the project is under design.*
- What is the status of the feasibility study for Chuckanut Creek Bridge (Project #7)?
 - *Currently underway and expected to be presented to Council in Q3 2023.*
- What is the status of the James/Bakerview Roundabout?
 - *The James/Bakerview roundabout is fully funded but obligation of the funds, and therefore construction, has been delayed for at least two years. This is due to the fact that environmental permitting regulations, specifically National Marine Fisheries look at tire dust and its effects on salmon, have changed since we first applied for the permits*

and we are required to reapply at a time that the agencies do not have the staffing to issue permits in a timely manner.

- Is \$2.5M EDI funding associated with Parberry's Old Town Development a loan or a grant (Project #10)?
 - *There is no County EDI funding currently. This is shown as a placeholder in the unfunded out years as the City discusses the application with Whatcom County. It will be determined whether the funding is a grant, loan, or both at the time of application.*
- What are unknown dollars for (Project #17)?
 - *That is just the way the City lists it as a placeholder for funding the project. Development of James Street is all being paid by the developer currently, but in the event something unforeseeable happened and the development stopped, we would want this project on the TIP so that funding could be pursued for the connection of the arterial.*

RECOMMENDATION/ACTION:

Pass the resolution allowing adoption of the 2024-2029 TIP.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON
ADOPTING THE 2024 - 2029 TRANSPORTATION IMPROVEMENT PROGRAM.**

WHEREAS, in May of 2023, the City of Bellingham Public Works staff worked with a Transportation Commission liaison to prepare staff recommendations for a Draft 2024 - 2029 Transportation Improvement Program (TIP); and

WHEREAS, Public Works staff posted the Draft 2024-2029 TIP on the City web site and made it available to the public on May 5, 2023; and

WHEREAS, a public meeting of the Transportation Commission was held on May 9, 2023 at which Public Works staff presented the Draft 2024 - 2029 TIP; and

WHEREAS, the Bellingham Transportation Commission voted to endorse the Draft 2024-2029 TIP and issued Transportation Commission Resolution 2023-03 to the Bellingham City Council; and

WHEREAS, notice of the scheduled May 22, 2023 public hearing date for the Draft 2024 - 2029 TIP was advertised to major media in the Whatcom County region on May 12, 2023; and

WHEREAS, a public hearing before the Bellingham City Council regarding the Draft 2024 - 2029 TIP was held on May 22, 2023; and

WHEREAS, all written and oral comments regarding the Draft 2024 - 2029 TIP were received and considered by Council; and

WHEREAS, City Council discussion regarding the Draft 2024 - 2029 TIP was continued at a Bellingham City Council work session on June 5, 2023; and

WHEREAS, as per RCW 35.77.010, the City Council is required to adopt a comprehensive Transportation Improvement Program by July 1 each year for the ensuing six years;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:

That the 2024 - 2029 Transportation Improvement Program as prepared by the Public Works Department for the City of Bellingham, attached to this Resolution as Exhibit A and by reference made a part hereof, be and the same is hereby adopted; and

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

BE IT FURTHER RESOLVED that a copy of said 2024 – 2029 Transportation Improvement Program be filed with the Washington State Secretary of Transportation.

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270



Draft
**Six-Year
(2024-2029)
Transportation
Improvement
Program (TIP)**

Seth Fleetwood, Mayor
Eric Johnston, Public Works Director

2023 City Council Members

- Michael Lilliquist – 6th Ward, Council President
- Dan Hammill - 3rd Ward, Council President Pro Tempore
- Hannah Stone – 1st Ward, Mayor Pro Tempore
- Hollie Huthman - 2nd Ward
- Edwin H. “Skip” Williams - 4th Ward
- Lisa Anderson - 5th Ward
- Kristina Michele Martens - At Large Ward

Public Review Process

- Draft posted on City Web site for Public Review: May 5, 2023
- Transportation Commission Review: May 9, 2023
- City Council Public Hearing: May 22, 2023
- City Council Work Session to adopt: June 5, 2023
- Submittal to Washington State: June __, 2023

Adopted June __, 2023

Prepared by Public Works Engineering

Transportation Improvement Projects 2024-2029

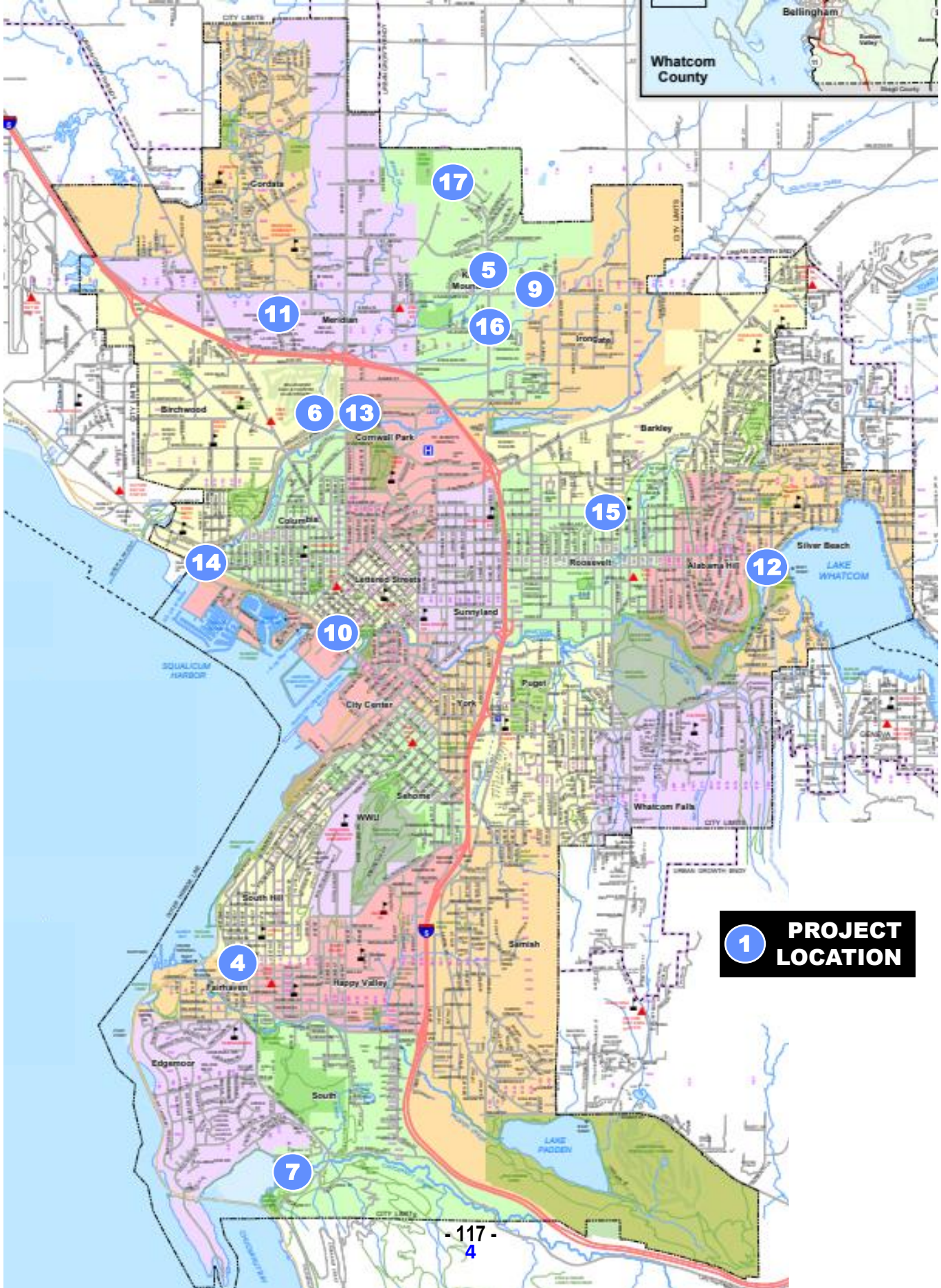
No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars							PROJECT TOTALS
			Previous Budget		FUNDED			UNFUNDED		
			2024	2025	2026	2027	2028	2029		
1	Annual Street Pavement Resurfacing Preserving investment in public streets	Street	4,480	2,551	2,628	900	3,700	4,800	4,900	23,959
		T-Fund Resurface	3,600	3,850	3,950	4,300	4,429	4,562	4,699	29,390
		Subtotal	8,080	6,401	6,578	5,200	8,129	9,362	9,599	53,348
2	Nonmotorized Transportation Sidewalk and Bikeway Improvements	T-Fund Non-Motorized	2,550	2,650	3,600	4,165	1,250	4,700	4,841	23,756
		Subtotal	2,550	2,650	3,600	4,165	1,250	4,700	4,841	23,756
3	Clean Energy Supporting Bellingham Climate Action Plan and WTA 2040 Long-Range Transit Plan	T-Fund Clean Energy	500	600	700	800	900	1,000	1,100	5,600
		Subtotal	500	600	700	800	900	1,000	1,100	5,600
4	12th St - Finnegan Way -11th St Corridor Multimodal Safety Improvements Traffic signal at 12th/Mill; flashing crosswalks at 11th/Finnegan and 12th/McKenzie	Street		250						
		T-Fund Non-Motorized		900						
		TIB UAP	400							
		Subtotal	400	1,150						1,550
5	James Street Multimodal Safety Improvements; Segments 3 & 4 Segment 3: Telegraph - Bakerview (\$1,000) Segment 4: Bakerview - Gooding (\$3,100)	Street	610	500	500					
		T-Fund Non-Motorized	800	800	800					
		Pvt Mitigation (Ord/TIF)	50	50	50					
		Subtotal	1,460	1,350	1,350					4,160
6	Meridian/Birchwood, Phase 1 Multimodal Transportation Improvements Phase 1: PE/Design/ROW acquisition Construction Merge Squalicum to Birchwood Delete Squalicum Signal; Build Trail to Park Phase 2: PE/Design	Street	175	100	100					
		T-Fund Resurface	300	250	250					
		Federal STBG			2,500					
		Parks Greenways Trail	275	275						
		Port of Bellingham	75	75						
		County EDI	2,625							
		Subtotal	3,450	700	2,850					7,000
7	Chuckanut Creek/Rainier Avenue Bridge	Street	100	1,000	1,000	3,000				
		Subtotal	100	1,000	1,000	3,000				5,100
8	Bellingham Railroad Quiet Zones At-grade street crossing improvements	1st 1/4 REET	250	250	250	250	250	250	250	
		Subtotal	250	250	250	250	250	250	250	1,750
9	East Bakerview Multimodal Improvements E. Bakerview Road sidewalks and bike lanes from James/Bakerview roundabout to Kramer; flashing crosswalks at Cougar & Kramer	T-Fund Resurface					550			
		T-Fund Non-Motorized					2100			
		Bham School District					850			
		Subtotal					3,500			3,500
10	Parberry's Old Town Development Expand Developer Agreement in Old Town	1st 1/4 REET	2,500							
		County EDI					2,500			
		Subtotal	2,500				2,500			5,000
11	Bellis Fair Family Housing & Early Learning Center	T-Fund Non-Motorized			250					
		Parks Greenways Trail			50					
		Subtotal			300					300
12	Electric Avenue Bridge Reconstruction (Bloedel-Donovan)	Street				335				
		T-Fund Non-Motorized				335				
		Fed Bridge Program					6,700			
		Subtotal				670	6,700			7,370

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
13	Meridian/Birchwood, Phase 2	SJ Hospital IMP (SEPA)		126						
	Multimodal Roundabout	Unknown				6,874				
	Roundabout at Meridian/Birchwood	Subtotal		126			6,874		7,000	
14	Eldridge Avenue Bridge Reconstruction (Squalicum Creek)	Street				1,250				
		T-Fund Non-Motorized				1,250				
		Fed Bridge Program				22,500				
		Subtotal				25,000			25,000	
15	Railroad Trail Bridge Over Woburn Street ADA-Compliant Grade-Separated Ped-Bike Bridge Spanning and Clearing Woburn Street	Unknown				2,100				
		Subtotal				2,100			2,100	
16	James Street Multimodal Safety Improvements; Segments 1, 2 (Orchard - McLeod & McLeod - Telegraph)	Unknown					10,000			
		Subtotal					10,000		10,000	
17	North James Street Multimodal Arterial Connection (Gooding to Van Wyck; Long Term Private Construction)	Pvt Mitigation	600							
		Unknown						3,000		
		Subtotal	600						3,000	3,600

2024-2029 TIP PROJECT FUNDING SOURCE SUMMARIES

PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2023 Dollars							PROJECT TOTALS
		Previous Budget	FUNDED			UNFUNDED			
		2024	2025	2026	2027	2028	2029		
STREET FUNDS		5,365	4,401	4,228	4,235	4,950	4,800	4,900	32,879
TRANSPORTATION FUND - Resurfacing		3,900	4,100	4,200	4,300	4,979	4,562	4,699	30,740
TRANSPORTATION FUND - Nonmotorized		3,350	4,350	4,400	4,500	4,600	4,700	4,841	30,741
TRANSPORTATION FUND - Climate Action & WTA Transit		500	600	700	800	900	1,000	1,100	5,600
1st & 2nd QUARTER REET FUNDS		2,750	250	250	250	250	250	250	4,250
STATE FUNDS (TIB, WSDOT, Gas Tax, WWU, WCC, etc)		400	0	0	0	0	0	0	400
FEDERAL FUNDS (STBG, SRTS, HSIP, etc)		0	0	2,500	0	29,200	0	0	31,700
PRIVATE MITIGATION FUNDS (SEPA-TIA; MTIF; Other)		725	251	50	0	0	0	0	1,026
OTHER (Parks, Port, County, EDI, WTA, BSD, etc)		2,900	275	50	0	3,350	0	0	6,575
UNKNOWN FUNDS		0	0	0	0	8,974	10,000	3,000	21,974
TOTAL 2024-2029 TIP FUNDS		19,890	14,227	16,378	14,085	57,203	25,312	18,790	165,884



1 PROJECT LOCATION

Project #1: Annual Street Pavement Resurfacing Program

PROJECT NARRATIVE: In November 2020, Bellingham voters re-approved the Bellingham Transportation Fund (formerly Transportation Benefit District) with the specific purpose of funding arterial resurfacing, non-motorized transportation improvements, and capital investments in support of WTA transit and the Climate Action Plan. Pavement resurfacing is an annual maintenance program to protect the City's investment in public roadways and to ensure an adequate quality driving and riding surface at an optimized life-cycle cost.

MULTIMODAL TRANSPORTATION BENEFITS: Automobiles represent the dominant mode choice of travelers on the multimodal transportation network. Adding bicycle lanes, sidewalks, curb extensions, and crosswalks (where possible) when arterial pavement resurfacing occurs also helps to expand and enhance the citywide **pedestrian**, **bicycle**, and **WTA transit** networks and increases safety for all users.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars							PROJECT TOTALS
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
1	Annual Street Pavement Resurfacing	Street	4,480	2,551	2,628	900	3,700	4,800	4,900	23,959
	Preserving investment in public streets	T-Fund Resurface	3,600	3,850	3,950	4,300	4,429	4,562	4,699	29,390
		Subtotal	8,080	6,401	6,578	5,200	8,129	9,362	9,599	53,348





Project #2: Non-Motorized Transportation Improvements



PROJECT NARRATIVE: In November 2020, Bellingham voters re-approved the Bellingham Transportation Fund (formerly Transportation Benefit District) with the specific purpose of funding arterial resurfacing, non-motorized transportation improvements, and capital investments in support of WTA transit and the Climate Action Plan. Non-motorized improvements are selected utilizing the recommendations provided in the Pedestrian and Bicycle Master Plans as well as the Local Road Safety Plan. Consideration for projects also comes through grant funding opportunities and other capital improvement needs and opportunities, as well as working with the various City Departments for parks improvements and low-income housing and our community partners such as WTA and the Bellingham School District. While non-motorized projects are often stand alone projects, efficiencies are gained by combining non-motorized projects with other infrastructure improvements like overlays and utility projects.

MULTIMODAL TRANSPORTATION BENEFITS: Additional sidewalk connections, crosswalks, and various bicycle facilities will help to complete and enhance the citywide **Pedestrian** and **Bicycle** non-motorized transportation network and the **WTA transit network** throughout Bellingham.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
2	Nonmotorized Transportation	T-Fund Non-Motorized	2,550	2,650	3,600	4,165	1,250	4,700	4,841	23,756
	Sidewalk and Bikeway Improvements	Subtotal	2,550	2,650	3,600	4,165	1,250	4,700	4,841	



Project #3: Clean Energy Transportation

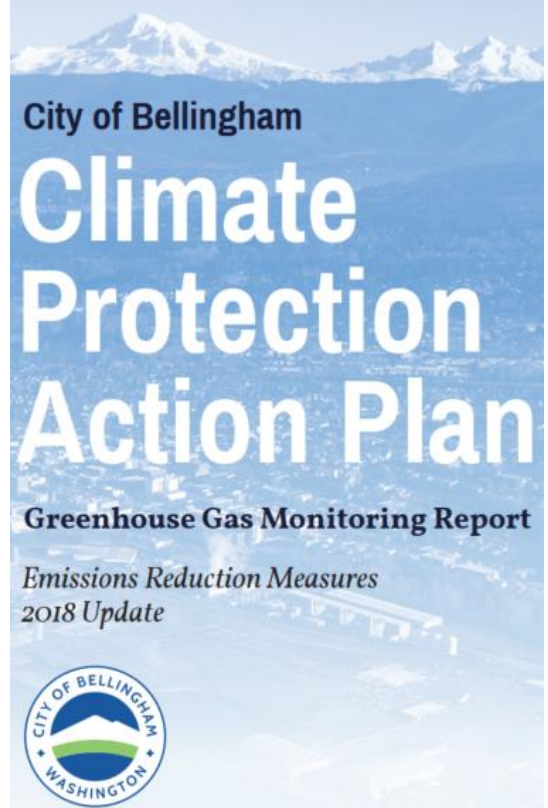
(Capital Investments Supporting WTA Transit & Climate Action Plan)

PROJECT NARRATIVE: In November 2020, Bellingham voters re-approved the Bellingham Transportation Fund (formerly Transportation Benefit District) with the specific purpose of funding arterial resurfacing, non-motorized transportation improvements, and capital investments in support of WTA transit and the Climate Action Plan. The purpose of project #3 is to program capital improvements for transportation projects and programs that implement Bellingham’s Climate Protection Action Plan goals for clean energy (carbon-free) transportation, as well as capital improvements to support WTA’s transit system serving Bellingham. Possible examples of eligible projects may include transit queue jump lanes, electrification of WTA’s bus fleet, electric bus charging facilities at WTA transit stations, electric vehicle charging stations throughout the City, municipal fleet purchase of e-bikes & e-cars, and other capital expenditures for clean energy transportation.

MULTIMODAL AND ENVIRONMENTAL TRANSPORTATION BENEFITS: Automobiles represent the dominant mode choice of travelers on the multimodal transportation network, and funding improvements for electric vehicle charging helps to reduce greenhouse gas emissions. Funding projects to expand the **WTA transit** encourages mode shift and also reduces greenhouse gas emissions.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars							PROJECT TOTALS
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028	2029	
3	Clean Energy	T-Fund Clean Energy	500	600	700	800	900	1,000	1,100	5,600
	Supporting Bellingham Climate Action Plan and WTA 2040 Long-Range Transit Plan	Subtotal	500	600	700	800	900	1,000	1,100	



Clean Energy Projects Programmed for 2024 (Project #3 in 2024-2029 TIP)

Each year, Public Works staff collaborates with WTA staff to recommend Transportation Fund sales tax programming for capital improvements to implement the 2018 Bellingham Climate Protection Action Plan and the 2021 WTA Long-Range Transit Plan.

Plan Reference	2018 Climate Protection Action Plan & 2021 WTA Long-Range Transit Plan Projects (Or related improvements not identified in these plans = n/a)	Cost Estimate
3.a.) WTA Transit Plan	<p>Annual ADA upgrades at all WTA bus stops citywide</p> <p>- WTA has identified over 200 bus stops throughout Bellingham that require ADA upgrades and has budgeted \$75,000/year for 10 years to complete these upgrades. Per Contract C2300139, the Transportation Fund has granted WTA \$375,000 through 2027 to implement ADA upgrades at bus stops.</p>	\$75,000
3.b.) WTA Transit Plan	<p>Expansion of WTA Bellingham Station (Downtown)</p> <p>New bus bays in Railroad Avenue right-of-way to accommodate longer articulated buses, charge electric buses, serve the Waterfront District, and maintain citywide transit level of service</p>	\$300,000
3.c.) Climate Action	<p>Local match dollars for Climate Action grant opportunities</p> <p>- It is expected that there will be both state and federal grant funding opportunities in the next several years.</p>	\$225,000
		\$600,000

Project #4: 12 St - Finnegan Way – 11th St Multimodal Safety Improvements

PROJECT NARRATIVE: Construct a flashing crosswalk at 12th/McKenzie between Chuckanut Square senior housing and the Hagen grocery store, construct a full traffic signal at 12th/Mill/Finnegan with green bike boxes, construct 335 LF of sidewalk along west side of Finnegan Way, and construct a flashing crosswalk at 11th/Finnegan Way. This project is identified in the Fairhaven Urban Village Master Plan and as the top priority for HSIP grant funding in the 2022 Local Road Safety Plan.

MULTIMODAL TRANSPORTATION BENEFITS: Sidewalk, crossings, safety, connectivity for neighborhoods, pedestrians, bicyclists, vehicles, freight trucks, & WTA Route #1 transit riders. [ADA Transition Plan listed project.](#)

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028		2029
4	12th St - Finnegan Way -11th St Corridor Multimodal Safety Improvements Traffic signal at 12th/Mill; flashing crosswalks at 11th/Finnegan and 12th/McKenzie	Street		250						
		T-Fund Non-Motorized		900						
		TIB UAP	400							
		Subtotal	400	1,150						1,550



Project #5: James Street Multimodal Safety Improvements; Segments 3, 4

(West side James Street from Telegraph Rd to Gooding Rd)

PROJECT NARRATIVE: James Street is the only north-south transportation corridor serving the King Mountain Neighborhood. WTA high-frequency Gold GO Line Route 331 service exists, but traditional sidewalks and bike lanes are not financially feasible. A 12-foot-wide multiuse pathway was identified as the preferred alternative in a 2019 James Street Multimodal Feasibility Study. Significant costs include removal of a vertical curve sight distance issue on the hill between Orchard and McLeod and reconstruction of culverts beneath James for fish passage improvements. Segments 3 and 4 would create a continuous multiuse pathway between Telegraph Road and Gooding Avenue and would link to Telegraph Road Multimodal Improvements and the James/Bakerview roundabout.

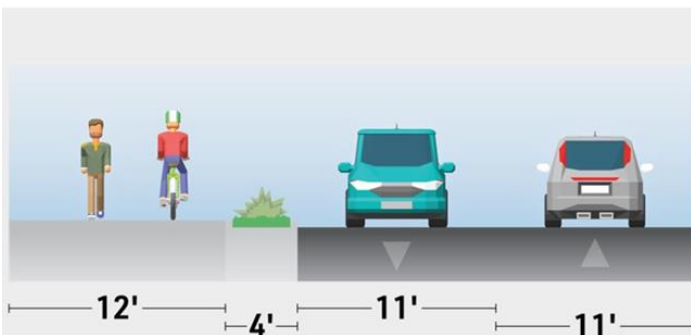
MULTIMODAL TRANSPORTATION BENEFITS: PMP listed project, BMP listed project, WTA Gold GO Line high-frequency transit route 331, ADA Transition Plan listed project.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
5	James Street Multimodal Safety Improvements; Segments 3 & 4	Street	610	500	500					
	Segment 3: Telegraph - Bakerview (\$1,000)	T-Fund Non-Motorized	800	800	800					
	Segment 4: Bakerview - Gooding (\$3,100)	Pvt Mitigation (Ord/TIF)	50	50	50					
		Subtotal	1,460	1,350	1,350				4,160	

James Street Preferred Alternative

West Side Shared Use Path



SHARED USE PATH

- 11-foot vehicle lanes with a 10 to 12-foot wide bi-directional shared use path on one side
- Vegetated planting strip between path and roadway used for stormwater conveyance and treatment and separation from
- Curbed shoulders in locations where additional sidewalk is needed on the other side of the road



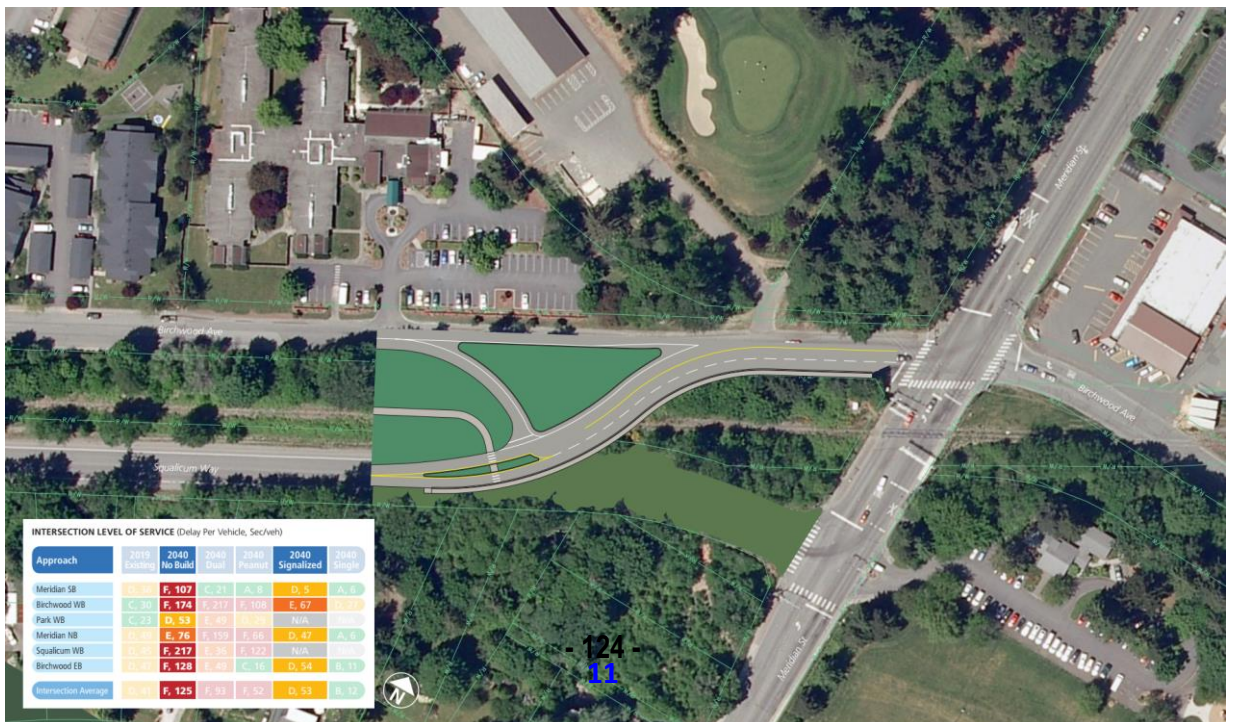
Project #6: Meridian/Birchwood Transportation Improvements, Phase 1

PROJECT NARRATIVE: Two closely spaced intersections on a critical freight route and multimodal transportation link between the industrial Bellingham Waterfront and U.S.-Canadian border crossings connected by Interstate 5 and Guide-Meridian (SR 539). Completion of Orchard-Birchwood extension in 2021 will increase intersection congestion. **Phase 1** will merge Squalicum Parkway with Birchwood Avenue and decommission the Squalicum/Meridian traffic signal. A Greenways trail would connect to Cornwall Park, and City acquisition of the BNSF right-of-way is required for this project to move forward.

MULTIMODAL TRANSPORTATION BENEFITS: PMP listed project, BMP listed project, Greenway trail, turn lanes, increased access, safety, sight distance, and efficiency. WTA Routes 4 and 15 currently provide transit service, with additional future service likely, ADA Transition Plan listed project..

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS
			Previous Budget	FUNDED		UNFUNDED			
			2024	2025	2026	2027	2028	2029	
6	Meridian/Birchwood, Phase 1	Street	175	100	100				
	Multimodal Transportation Improvements	T-Fund Resurface	300	250	250				
	Phase 1: PE/Design/ROW acquisition	Federal STBG			2,500				
	Construction Merge Squalicum to Birchwood	Parks Greenways Trail	275	275					
	Delete Squalicum Signal; Build Trail to Park	Port of Bellingham	75	75					
	Phase 2: PE/Design	County EDI	2,625						
		Subtotal	3,450	700	2,850				7,000



Project #7: Chuckanut Creek-Rainier Avenue Bridge

PROJECT NARRATIVE: The bridge serving four residences was washed out during the November 2021 floods and a temporary bridge was constructed under an emergency order. A feasibility study is being performed and dollars set aside in order to determine the best permanent solution.

MULTIMODAL TRANSPORTATION BENEFITS: Shared space for all transportation modes.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028		2029
7	Chuckanut Creek/Rainier Avenue Bridge	Street	100	1,000	1,000	3,000				5,100
		Subtotal	100	1,000	1,000	3,000				



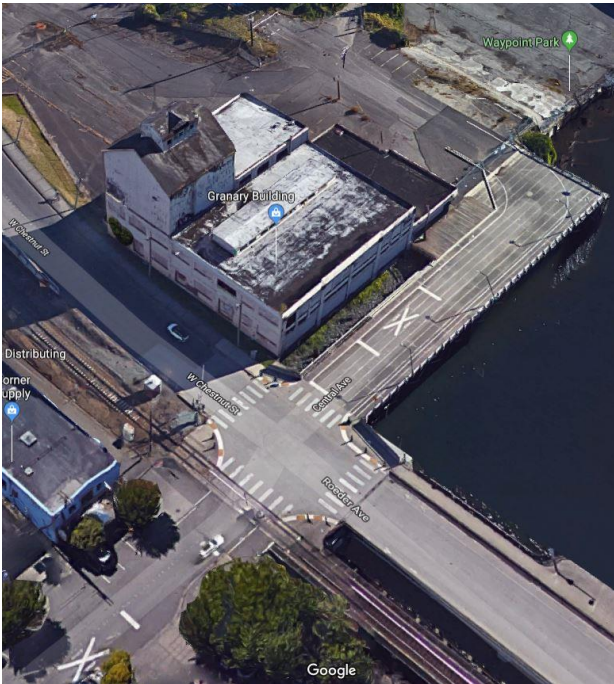
Project #8: Bellingham Railroad Quiet Zones

PROJECT NARRATIVE: The City of Bellingham is pursuing safety improvements for all at-grade crossings of the Burlington Northern Sante Fe (BNSF) railroad tracks on City streets in order to establish two separate Quiet Zones in the City. Several different types of at-grade crossing improvements may be used, depending on the circumstances and needs of the specific site. Preliminary cost estimates are approximately \$1,000,000 or more per at-grade crossing, depending on the improvements made.

MULTIMODAL TRANSPORTATION BENEFITS: ADA-compliant surface crossing of railroad tracks and reduction of vehicle/rail conflicts.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
8	Bellingham Railroad Quiet Zones	1st 1/4 REET	250	250	250	250	250	250	250	
	At-grade street crossing improvements	Subtotal	250	250	250	250	250	250	250	1,750



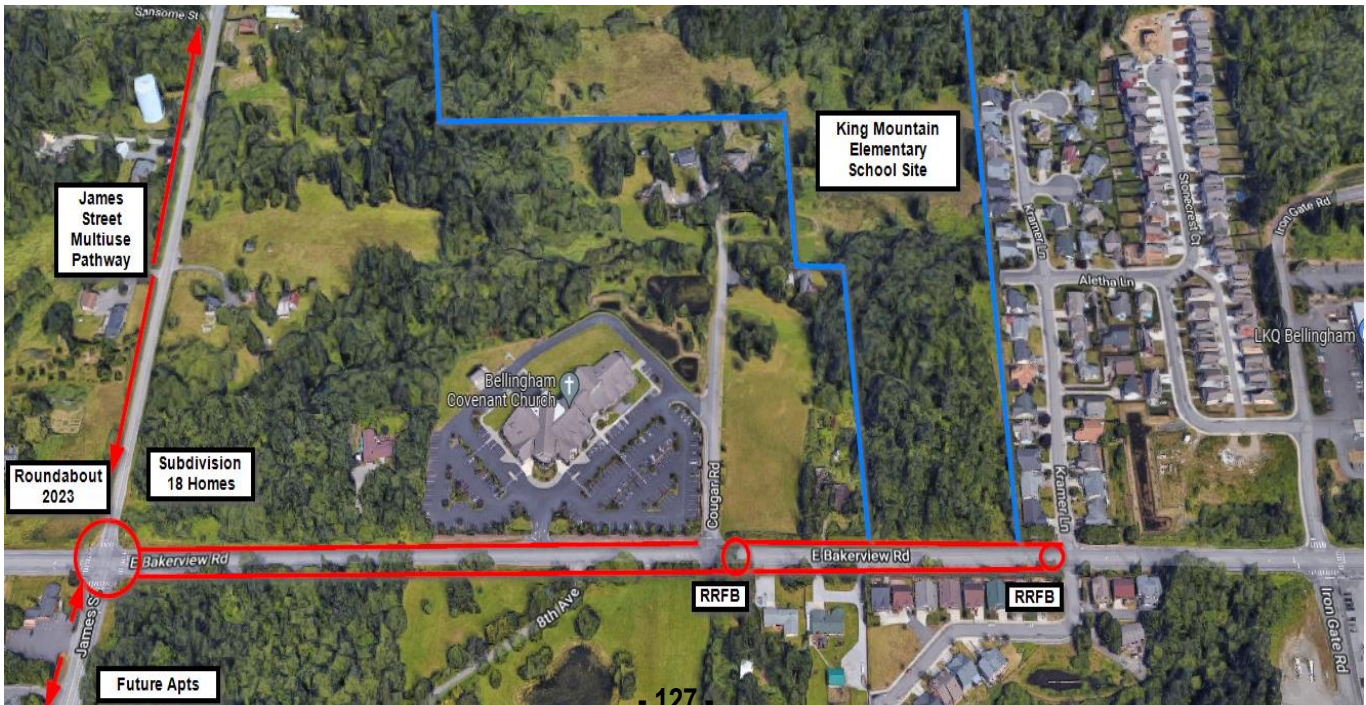
Project #9: East Bakerview Road Multimodal Safety Improvements

PROJECT NARRATIVE: Construct **PMP listed sidewalks and pedestrian crossing improvements** on East Bakerview Road. The BMP recommends **bike lanes** on both sides of East Bakerview Road. The Bellingham School District is in the process of siting and designing the community's 15th elementary school in King Mountain, the City's fastest growing neighborhood, and is partnering with the City by committing funding toward grant applications together with required frontage improvements. This project compliments Telegraph Road Multimodal Improvements; James/Bakerview roundabout; and James Street Multiuse Pathway (Segments 3 & 4).

MULTIMODAL TRANSPORTATION BENEFITS: Multiuse pathway, safety, connectivity for pedestrians, bicyclists, vehicles, and freight trucks. **ADA Transition Plan listed project.**

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
9	East Bakerview Multimodal Improvements E. Bakerview Road sidewalks and bike lanes from James/Bakerview roundabout to Kramer; flashing crosswalks at Cougar & Kramer	T-Fund Resurface					550			
		T-Fund Non-Motorized					2100			
		Bham School District					850			
		Subtotal					3,500			3,500



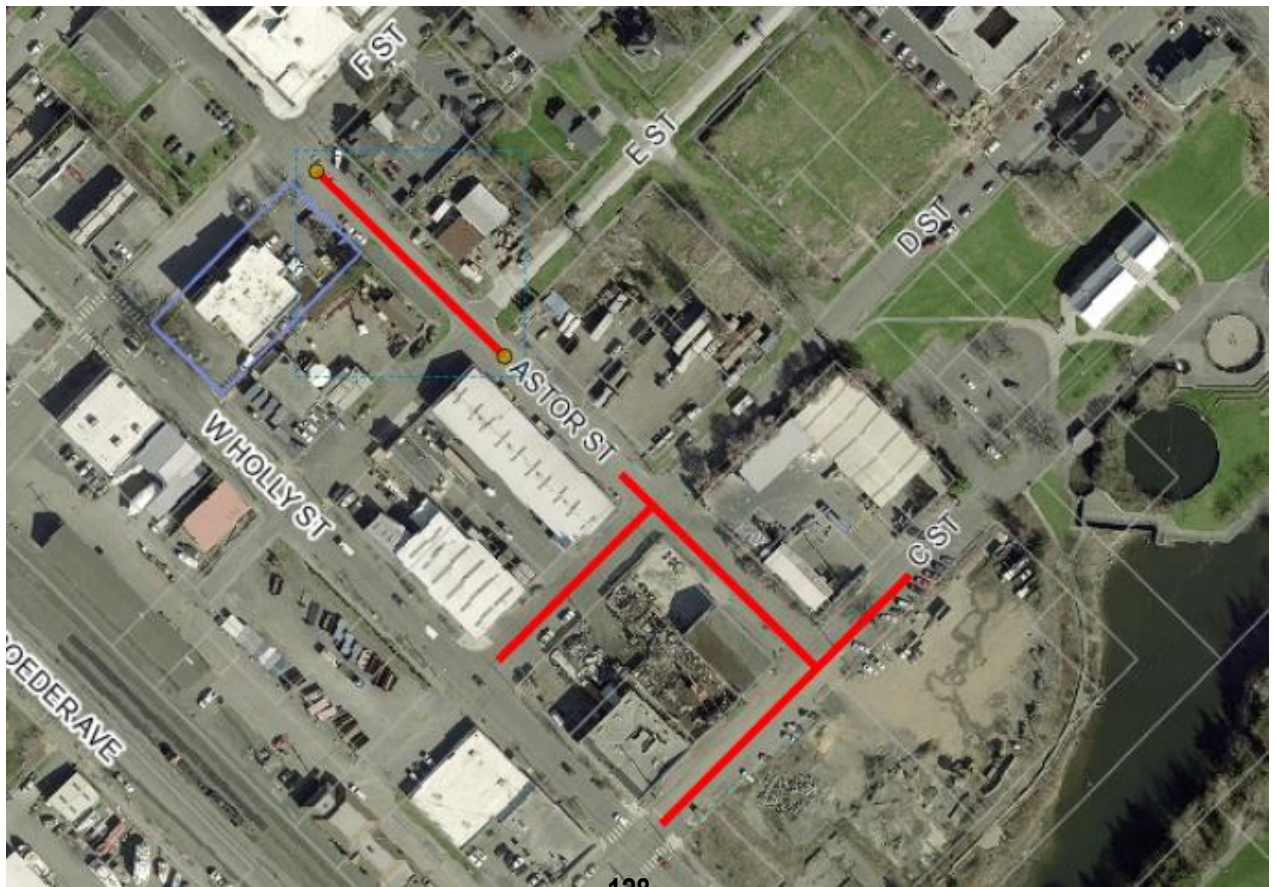
Project #10: Parberry's Old Town Development

PROJECT NARRATIVE: This project is in coordination with property owners per an existing development agreement to provide roadway infrastructure on C, D, and E Streets between Holly and Astor and along Astor Street between C and F Streets. This project will also underground existing overhead power lines where feasible.

MULTIMODAL TRANSPORTATION BENEFITS: Safety and connectivity for pedestrians, bicyclists, and vehicles.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
10	Parberry's Old Town Development	1st 1/4 REET	2,500							
	Expand Developer Agreement in Old Town	County EDI				2,500				
		Subtotal	2,500				2,500		5,000	



Project #11: Bellis Fair Family Housing & Early Learning Center

PROJECT NARRATIVE: This project is in coordination with the Opportunity Council to develop the site currently known as the “motorcycle lot” at Bellis Fair. Frontage improvements along Bellis Fair Parkway and trail connections in Eliza and Barnes rights-of-way required by the development, together with an enhanced crossing, will be paid for and constructed by the City in partnership with Opportunity Council.

MULTIMODAL TRANSPORTATION BENEFITS: Safety and connectivity for pedestrians, bicyclists, and vehicles. [PMP listed project](#), [BMP listed project](#), [ADA Transition Plan listed project](#).

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
11	Bellis Fair Family Housing & Early Learning Center	T-Fund Non-Motorized			250					
		Parks Greenways Trail			50					
		Subtotal			300				300	



Project #12: Electric Avenue Bridge Reconstruction (Bloedel-Donovan)

PROJECT NARRATIVE: The existing bridge was constructed in 1959 and reconstruction of the bridge is necessary. Federal Local Bridge Program grant funding is being sought. Local funding is programmed for preliminary engineering, design, and local matching fund requirements for the grant application.

MULTIMODAL TRANSPORTATION BENEFITS: Sidewalks, bikeways, transit, and auto. [ADA Transition Plan](#) listed project.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028		2029
12	Electric Avenue Bridge Reconstruction (Bloedel-Donovan)	Street				335				
		T-Fund Non-Motorized				335				
		Fed Bridge Program					6,700			
		Subtotal				670	6,700			7,370



Project #13: Meridian/Birchwood Transportation Improvements, Phase 2

PROJECT NARRATIVE: Two closely spaced intersections on a critical freight route and multimodal transportation link between the industrial Bellingham Waterfront and U.S.-Canadian border crossings connected by Interstate 5 and Guide-Meridian (SR 539). Completion of Orchard-Birchwood extension in 2021 will increase intersection congestion. **Phase 2** will reconstruct the traffic signal at Meridian/Birchwood as a dual-lane multimodal roundabout. A Greenways trail would connect to Cornwall Park, but City acquisition of the BNSF right-of-way is critical for this project to move forward.

MULTIMODAL TRANSPORTATION BENEFITS: PMP listed project, BMP listed project, Greenway trail, turn lanes, increased access, safety, sight distance, and efficiency. WTA Routes 4 and 15 currently provide transit service, with additional future service likely. ADA Transition Plan listed project.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
13	Meridian/Birchwood, Phase 2	SJ Hospital IMP (SEPA)		126						
	Multimodal Roundabout	Unknown				6,874				
	Roundabout at Meridian/Birchwood	Subtotal				6,874			7,000	



Project #14: Eldridge Avenue Bridge Reconstruction (over Squalicum Creek)

PROJECT NARRATIVE: The existing bridge was constructed in 1937 and reconstruction of the bridge is necessary. Federal Local Bridge Program grant funding is being sought. Local funding is programmed for preliminary engineering, design, and local matching fund requirements for the grant application.

MULTIMODAL TRANSPORTATION BENEFITS: Sidewalks, bikeways, transit, and auto. [ADA Transition Plan](#) listed project.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028		2029
14	Eldridge Avenue Bridge Reconstruction (Squalicum Creek)	Street					1,250			
		T-Fund Non-Motorized					1,250			
		Fed Bridge Program					22,500			
		Subtotal					25,000			25,000



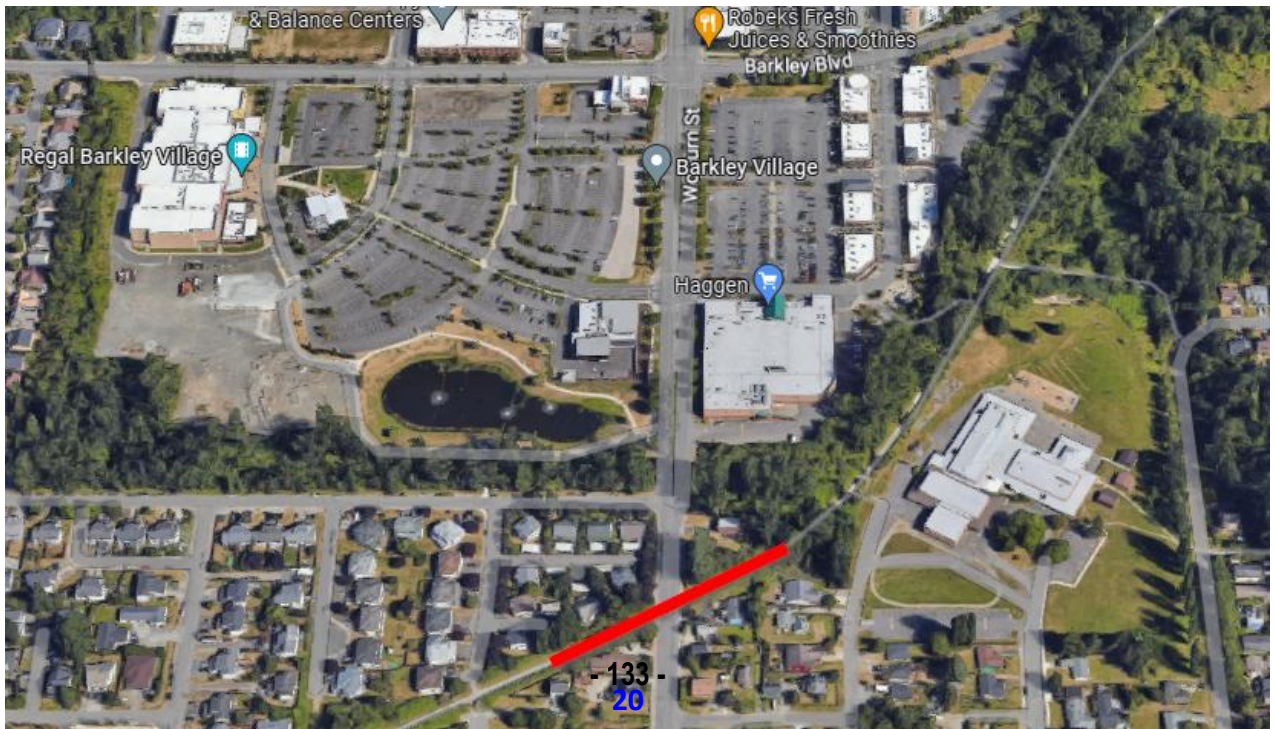
Project #15: Railroad Trail Bridge over Woburn Street

PROJECT NARRATIVE: The Railroad Trail is one of the most heavily used Greenways Trails in Bellingham and Woburn Street has become one of the most heavily used arterial streets (20,000 ADT). The Barkley Urban Village EIS analyzed future land use, growth, and transportation impacts and shows that the existing at-grade trail crossing will become problematic for all users and will compromise reliability for both WTA high-frequency transit and movement of freight on the designated truck route. An ADA-compliant pedestrian-bicycle bridge with clearance for large freight trucks is recommended.

MULTIMODAL TRANSPORTATION BENEFITS: Greenway trail safety, ADA-compliance, increased reliability for on-time performance for high-frequency WTA bus service and movement of freight.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars							PROJECT TOTALS
			Previous Budget	FUNDED			UNFUNDED			
				2024	2025	2026	2027	2028	2029	
15	Railroad Trail Bridge Over Woburn Street ADA-Compliant Grade-Separated Ped-Bike Bridge Spanning and Clearing Woburn Street	Unknown					2,100			
	Subtotal						2,100			2,100



Project #16: James Street Pedestrian & Bicycle Safety Improvements; Segments 1, 2 (West side James Street from E. Orchard to Telegraph Rd)

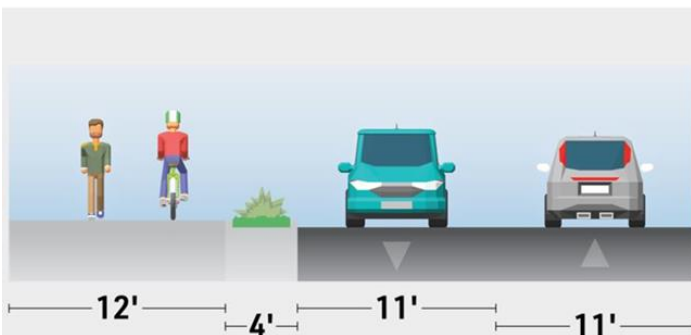
PROJECT NARRATIVE: James Street is the only north-south transportation corridor serving the King Mountain Neighborhood between Gooding Avenue, Squalicum Creek Trail, Sunset Pond Park, and Sunset Square Shopping Center. WTA high-frequency Gold GO Line Route 331 service exists, but traditional sidewalks and bike lanes are not financially feasible. Significant costs include removal of a vertical curve sight distance issue on the hill between Orchard and McLeod and reconstruction of culverts beneath James for fish passage improvements. A 12-foot-wide multiuse pathway was identified as the preferred alternative in a 2019 James Street Multimodal Feasibility Study.

MULTIMODAL TRANSPORTATION BENEFITS: PMP listed project, BMP listed project, turn lanes, increased access, safety, sight distance, and efficiency. WTA Gold GO Line high-frequency transit route 331 and future WTA transit routes likely and project will bring bus stops at James Street Estates to ADA standards. ADA Transition Plan listed project.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
16	James Street Multimodal Safety Improvements; Segments 1, 2 (Orchard - McLeod & McLeod - Telegraph)	Unknown						10,000		
	Subtotal							10,000		10,000

James Street Preferred Alternative West Side Shared Use Path



SHARED USE PATH

- 11-foot vehicle lanes with a 10 to 12-foot wide bi-directional shared use path on one side
- Vegetated planting strip between path and roadway used for stormwater conveyance and treatment and separation from
- Curbed shoulders in locations where additional sidewalk is needed on the other side of the road



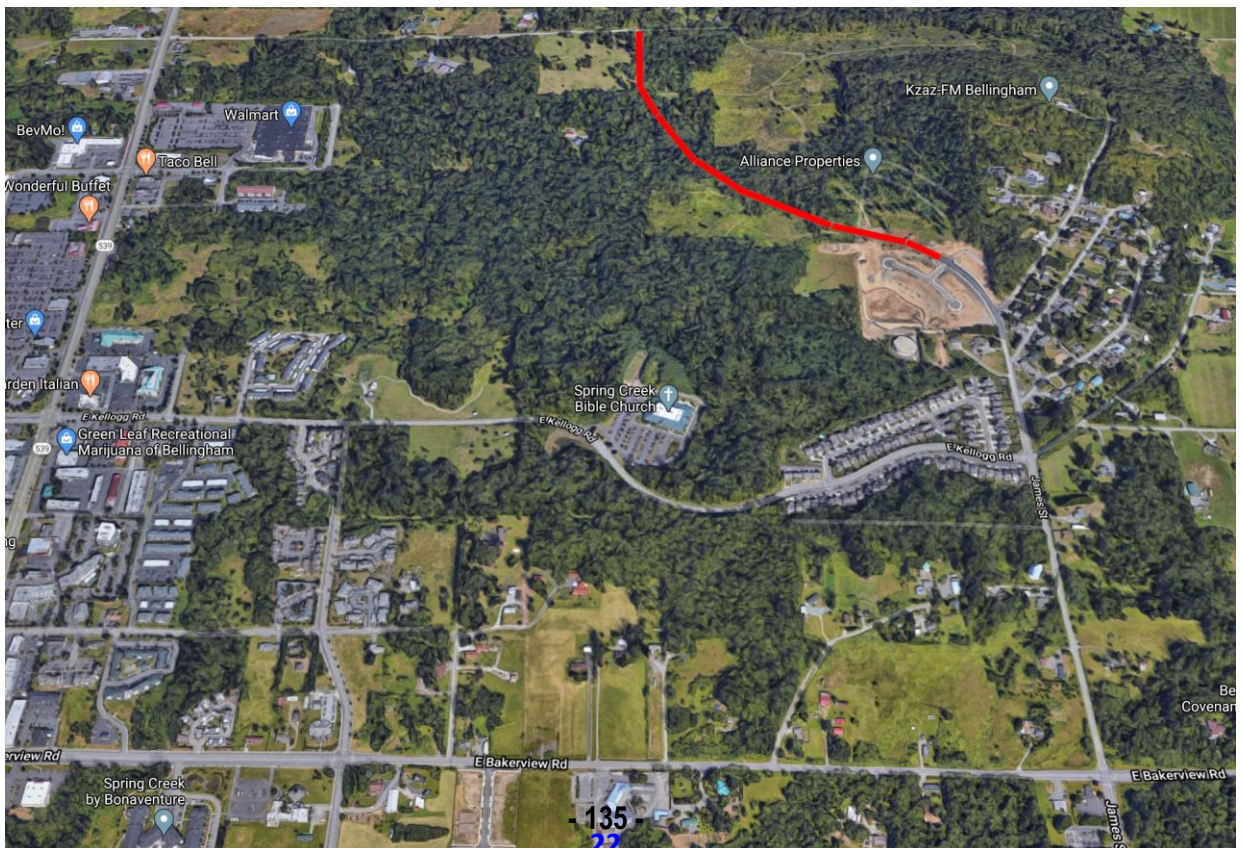
Project #17: North James Street Multimodal Arterial Connection (Gooding Avenue to Van Wyck Road)

PROJECT NARRATIVE: The Transportation Element of the Bellingham Comprehensive Plan identifies the North James Street extension to Van Wyck Road as a secondary arterial. James Street is the only north-south transportation corridor serving the King Mountain Neighborhood, which is zoned for over 3,000 new housing units. In addition to supporting the development planned for the King Mountain Neighborhood, this northern extension of James Street will provide another north-south corridor parallel to Meridian (SR 539), which will provide multimodal access and connectivity in King Mountain. At present a private developer is constructing road improvements with development of the subdivision.

MULTIMODAL TRANSPORTATION BENEFITS: PMP listed project, BMP listed project, center turn lanes at intersections, regional multimodal transportation connectivity, and possible future WTA transit service.

Transportation Improvement Projects 2024-2029

No.	PROJECT DESCRIPTION	FUNDING SOURCE	Cost Estimates (000's) 2024 Dollars						PROJECT TOTALS	
			Previous Budget	FUNDED			UNFUNDED			
			2024	2025	2026	2027	2028	2029		
17	North James Street	Pvt Mitigation	600				Private Construction			
	Multimodal Arterial Connection	Unknown							3,000	
	(Gooding to Van Wyck; Long Term)	Subtotal	600						3,000	3,600



Lassiter, Jackie A.

From: CC - Shared Department (ccmail@cob.org)
Sent: Thursday, May 25, 2023 3:29 PM
To: G.CC (City Council)
Subject: FW: Electric Avenue -full text

-----Original Message-----

From: Darcy Baker
Sent: Thursday, May 25, 2023 2:51 PM
To: CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Subject: Re: Electric Avenue -full text

I accidentally sent this before I was finished. Here is the complete email.

I am writing to urge you to prioritize improvements to Electric Avenue between Lakeway and Blodell park. My elderly mother has lived on Electric Ave for 8 years and I have serious concerns around the safety of that segment for cyclists pedestrians and residents. This section of road desperately needs safe sidewalks, controlled pedestrian crossing points, and enforced, reduced speed limits.

1. There are zero sidewalks on either side. Adults, but even more children walk to and from Kulshan Middle school, Davinci's and bus stops. This road sees heavy but completely unprotected foot traffic. Every sunny day, people flock to Whatcom Falls and Blodell Parks but the road is even more unsafe because parking is allowed or tolerated on the roadside all the way down Electric ave. This pushes both pedestrians and cyclists to walk-in the ACTUAL ROAD. This part of our city is a terrible accident waiting to happen.
2. There are no safe crossings for residents to reach their mailboxes or for people (often kids) to travel between Whatcom Falls and Blodell and Kulshan Middle School.
3. Cars routinely go upwards of 40mph on this stretch of road. When drivers are frustrated with slow cars or left turners, they often drive on the roadside at fully speed to avoid having to wait. Trash cans, traffic cones and gardens are regularly hit. My mom has nearly been hit by cars just going to get her mail. It would benefit from more monitoring and/or speeding reduction tactics like flashing reminders or even photo operated speed traps.

I strongly encourage you to take a sunny afternoon at Blodell and watch how many times pedestrians and cyclists are in danger from motorists. This stretch is terribly unsafe and needs attention before someone gets hurt.

Sincerely, Darcy Baker

Sent from my iPhone



Public Comment

Name

Dixie Cheek

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

5/22/2023

Public Hearings

5/22/2023- Public Hearing Regarding the Draft
2024-2029 Transportation Improvement Program
(TIP)

Comment or Testimony

Please do all you can to support the WTA Bus Rapid Transit plan. It is in all our best interests to get people out of their cars and onto the buses whenever possible, and this plan offers a real potential for enhancing that effort. And thank you for your continued support of pedestrians and bicyclists--your "great strides" in these areas are highly visible and greatly appreciated!

Files**Email****Date**

5/18/2023



Public Comment

Name

Michael Chiavario

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

5/22/2023

Public Hearings

5/22/2023- Public Hearing Regarding the Draft
2024-2029 Transportation Improvement Program
(TIP)

Comment or Testimony

Replace level 2 EV chargers with level3 chargers and prioritize bus service improvement over automobile based road improvements.

Files

Email

Date

5/20/2023



Public Comment

Name

ramon falkowski

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

6/5/2023

Public Hearings

6/26/2023- Public Hearing to consider a development agreement between Old Town Village, LLC and Capron, LLC, and the City of Bellingham regarding the redevelopment of property located in the Old Town Subarea, consistent with the Old Town Urban Village Plan

Comment or Testimony

I believe there needs to be crosswalks at Bloedel park across Electric Ave. and at Maynard and Silvern at Northshore to provide safe crossings to access parks (Silver Beach Creek Open Space) and Bloedel.

Files

Email

Date

5/29/2023

Lassiter, Jackie A.

From: CC - Shared Department (ccmail@cob.org)
Sent: Tuesday, May 30, 2023 8:51 AM
To: G.CC (City Council); Johnston, Eric C.
Subject: FW: Transportation Improvement Program (TIP) Comment

From: Rick Lowell
Sent: Sunday, May 28, 2023 5:14 PM
To: CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Cc: Susanh118@comcast.net
Subject: Transportation Improvement Program (TIP) Comment
Importance: High

Dear Bellingham City Council:

We have not seen the current Six-Year Transportation Improvement Program (TIP) proposal; but understand you are accepting comments on the TIP – hence this email. We are addressing a transportation concern that is of great importance to us and others. If **the intersection of Barkley Boulevard and Chandler Parkway** is not on your list for consideration, it should be.

We have lived at this corner for 3 years. We have observed numerous accidents and personally experienced innumerable close calls. Just last week, there was yet another car accident. Air bags deployed. Cars crunched. People hurt. Police present. So why is this intersection such a magnet for problems? In short, because of the speeds typically driven, the steep hill, and the curves around that intersection, the ‘sightlines’ are insufficient for safe turning and pedestrian crossing.

- 1) At this intersection, Barkley is a curvy steep hill. As a result:
 - a. Those driving uphill are driving fast. Drivers are accelerating uphill to get up the hill comfortably, efficiently, and quickly.
 - b. Those driving downhill are driving fast because, after all, it’s a big, steep downhill curvy roadway. Drivers naturally speed on such roadways. And they certainly do, here. All the time!!
- 2) Many of those drivers are inexperienced young drivers – teenagers – heading to or from Squalicum High School.
- 3) We have seen rear-enders (or *almost* rear-enders) where drivers are heading uphill on Barkley, waiting to turn left onto Chandler Parkway – and following drivers whipping up Barkley, not paying attention, slam into those cars patiently waiting to turn left.
- 4) We have seen t-bone accidents (or *almost* accidents) where drivers heading uphill on Barkley, waiting to turn left onto Chandler Parkway, think the coast is clear. They begin to slowly turn left only to find someone whipping downhill toward them on Barkley as the Chandler-bound car tries to complete their left turn.
- 5) Drivers pulling onto Barkley Boulevard from the stop sign on Chandler Parkway are routinely risking an accident.
 - a. For those turning left (uphill), the hill and curve is such that as they start pulling out from the stop sign, the way *may* seem clear without it being clear. A driver starts to make the left turn and the only way to do so safely is to accelerate very quickly – to “*gun it.*” That is the only way to avoid a speeding car from the right rear-ending the turning car, or to avoid a speeding car from the left which has suddenly appeared ‘out of nowhere.’
 - b. For those turning right (downhill), an unusually fast turn is also required since, frequently, a speeding car from uphill suddenly appears – bearing down on the turning car.
- 6) Pedestrians are acutely at risk. The city is likely aware of the dangers facing pedestrians, here. There are many who cross here: parents with babies in strollers, seniors walking the trail, student runners from the nearby high

school, and many others. Presumably to protect those pedestrians, the city installed a yellow ‘Crosswalk’ sign with a button-activated yellow blinking light. We can speak from experience when we tell you that the sign and light are often ignored by the speeding drivers on Barkley.

- a. Drivers speeding up or down Barkley come around the curve and are not expecting the blinking caution light – something that is much less of a directive than a red stop light.
 - b. We have been crossing after having activated the light, and still feel like we’re taking out lives in our hands when we cross. We have experienced quite a few incidents when we get halfway across and a car comes speeding uphill, ignoring the light and flying past us. On one occasion, a driver even ‘flipped us off’ – like it was us doing something illegal!
- 7) Having spoken with many of our neighbors, we can assure you that our observations are not solely our own.
 - 8) We are aware that the city is – or should be – cognizant of some of these issues. Oftentimes, a Bellingham police officer is parked at the bottom of the hill, presumably there to catch speeding drivers. Of course, that position does little to impact the condition at Barkley and Chandler – which is more than a half mile up the hill from where the officer parks.
 - 9) Without a roadway change, the situation is bound to get worse, not better. The city authorized the construction of two new apartment complexes at the base of the hill. These new buildings have led to countless new drivers fueling this problem even more. And we understand that the city has also approved the construction of even more multi-family complexes at the base of the hill. Soon, there will be hundreds more speeding drivers funneled up (and returning down) the Barkley Boulevard hill. The unintended consequences of this housing expansion is that this two-lane residential roadway is becoming a freeway without the proper roadway infrastructure for those using the Barkley/Chandler intersection – whether by foot or vehicle – to safely cross or turn.
 - 10) Proposed Solutions:
 - a. Remove the yellow Crosswalk sign and replace it with a standard **traffic light**; or
 - b. Install a **round-about** at the intersection (with a marked cross walk guiding pedestrians across Barkley and the round-about).

Either of these changes should have the desired impact of: (i) reducing currently common excessive speeds in both directions on Barkley, (ii) allowing those affecting turns at the intersection to do so with a modicum of safety, and (iii) ensuring safe passage for pedestrians (especially those who regularly cross Barkley Boulevard to access the trail).

We are aware that there have been injuries at this intersection in the past. We are unsure whether there have been fatalities. We are confident that without one of these proposed solutions, more injuries will occur and eventually, even a fatality. It is not a question of ‘if.’ It is only a question of ‘when.’

Thank you for your consideration.

Susan & Rick

Susan Horowitz & Richard S. Lowell

Lassiter, Jackie A.

From: CC - Shared Department (ccmail@cob.org)
Sent: Wednesday, May 24, 2023 8:28 AM
To: G.CC (City Council)
Subject: FW: speed limit on Electric Ave is a danger

From: Jessica Mackie
Sent: Tuesday, May 23, 2023 11:44 AM
To: CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Subject: speed limit on Electric Ave is a danger

Hello Council Members,

I just learned from a neighbor that Lisa Anderson spoke at yesterday's Council meeting (Transportation Improvement Program) about the need to reduce the speed limit on Electric Avenue near Bloedel Donovan Park from 35 to 25 miles per hour. I completely support her proposal. I'd even go a bit further and suggest that reducing the speed further to 15 or 20 miles per hour in the immediate vicinity of the park and the stop light at the top of Alabama Hill would be even better and reduce the risks to children, families, and other park goers.

I've lived within a few blocks of Bloedel Donovan Park for the past 13 years and have always thought it totally crazy that the speed limit is 35 miles per hour through that area. In the past few years, the situation has gotten much worse with global warming and the heat waves we've experienced here. The lack of adequate cooling off places available within city limits has meant that Bloedel Donovan has become an incredibly popular destination. Park attendance at Bloedel has been at record levels, and cars park all the way down Electric Avenue and into my residential neighborhood in Silver Beach. The human and traffic congestion and speed pose an incredible risk to neighbors, park goers and particularly the people who choose to jump off the Electric Avenue bridge into the lake. It is a disaster waiting to happen. During our most recent heat wave, I'd guess there were hundreds of people, if not more, at Bloedel Donovan Park. People were running in and out of traffic to get to their parked vehicles, not paying attention to speeding cars, jumping off the bridge and being completely unaware of the very dangerous situation they put themselves in. The 35 MPH speed limit through this area is blatantly reckless.

I wholeheartedly support Lisa Anderson's proposal and the immediate study of this area, particularly on hot days when people need to find a way to cool off. Bellingham's growth has far surpassed the availability of cooling of places during warm/hot weather and Bloedel Donovan has taken a big hit. Because Bloedel Donovan is a huge attraction during hot weather, the very dangerous combination of 35 MPH speed, congested traffic, and crowds of people will result in tragedy. Please prioritize this area in your studies now rather than later. The safety of our residents is at stake.

Thank you for your time,

Jessica Lindsay
Silver Beach Avenue
Bellingham resident since 1973

Lassiter, Jackie A.

From: CC - Shared Department (ccmail@cob.org)
Sent: Wednesday, May 24, 2023 3:32 PM
To: G.CC (City Council)
Subject: FW: Lower Speed Limit on Electric Avenue

From: L D Mackie
Sent: Wednesday, May 24, 2023 2:59 PM
To: CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Subject: Lower Speed Limit on Electric Avenue

Council Members:

I understand that there was a discussion, during Monday's Council meeting, (Transportation Improvement Program) regarding the need for a reduced speed limit on Electric Avenue, near Bloedel Donovan Park. I live just off of Northshore Drive, on Silver Beach Avenue. I have witnessed over and over again, the risk that the 35 mph speed limit places on both traffic and pedestrians traveling along Electric and the increased danger this creates for us all. This danger increases drastically during the summer months, near Bloedel Donovan Park. I believe that the speed limit should be reduced to 25 mph on Electric, consistent with Northshore Drive and should be reduced even further at the entrance and exit areas of Bloedel.

I also believe that we need to block off access to the lake from the little bridge on Electric, that is used as a diving (jumping) board by children. It is only a matter of time before someone trips and falls backward into traffic, to be struck by an oncoming car.

Our community does not offer enough "cooling off" places for our increased population. We are in dire need of outdoor pools and increased beach access.

Please consider the safety and security of our population, when discussing the problems that we are experiencing in the Electric Avenue / Bloedel Donovan area.

Thank you,

Laurel Mackie
Silver Beach Avenue
50+ year resident of Bellingham



Public Comment

Name

Les Reardanz, General Manager

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

5/22/2023

Public Hearings

5/22/2023- Public Hearing Regarding the Draft
2024-2029 Transportation Improvement Program
(TIP)

Comment or Testimony

Hello Bellingham City Council Members. Please allow me the opportunity to provide WTA's support for the proposed TIP set for public hearing on Monday, May 22, 2023. WTA is very grateful to the City and the Public Works team for their continued partnership and their support of WTA. We believe the proposed TIP reflects that partnership and support it.

We appreciate our organizations' shared desire to provide a multimodal approach to transportation as part of an overarching transportation ecosystem. Thank you for the opportunity to comment and continue the great City of Bellingham/WTA partnership to make our community a better place.

Files**Email****Date**

5/18/2023



Public Comment

Name

Silver Beach Neighborhood Association

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

5/22/2023

Public Hearings

5/22/2023- Public Hearing Regarding the Draft
2024-2029 Transportation Improvement Program
(TIP)

Comment or Testimony

Dear City Council,

I wanted to take a moment to express my concerns regarding the safety issues on Electric Ave, echoing the sentiments shared by Councilmember Lisa Anderson. At our recent SBNA meeting, we discussed several pressing matters, including the excessive speed on Electric Ave, unauthorized parking in designated no-parking zones, and individuals engaging in dangerous activities by jumping off the bridge.

The combination of these factors poses a significant risk to public safety. Particularly on hot days, when many people gather on the bridge and nearby areas, there is a heightened danger as they often venture into traffic without being fully aware of their surroundings. Despite the presence of a sign prohibiting such activities, it has unfortunately not proven effective in deterring these hazardous behaviors.

One additional concern stems from the large number of cars parked along Electric Ave, which further exacerbates the safety issues. The presence of parked vehicles makes it difficult for drivers to spot children suddenly darting out from between cars. Furthermore, individuals returning to their vehicles often appear fatigued and burdened with numerous personal belongings. Regrettably, it seems that this area is being treated more as a parking lot rather than a road where vehicles are expected to maintain a speed limit of 35 miles per hour, with limited space between illegally parked cars and passing vehicles.

Given these circumstances, my utmost concern is that unless proactive measures are taken, we may tragically witness a fatality in the future. In order to mitigate these risks, I strongly urge the council to consider lowering the speed limit on Electric Ave during the late spring and summer months. This adjustment could help promote a safer environment for all road users and provide an opportunity for drivers to exercise increased caution.

Furthermore, as the new Electric Ave bridge is being designed, I would like to propose that measures be implemented to discourage individuals from jumping off the bridge altogether. By incorporating effective deterrents, we can help prevent dangerous activities and ensure the safety of both pedestrians and motorists.

I kindly request that the city council prioritize these safety concerns and take appropriate actions to address them promptly. Our community's well-being depends on creating an environment that prioritizes the safety of all its members. Thank you for your attention to this matter.

Sincerely,
Kerri Burnside
Silver Beach Neighborhood Association President

Files

Email

Date

5/22/2023

Lassiter, Jackie A.

From: CC - Shared Department (ccmail@cob.org)
Sent: Tuesday, May 30, 2023 8:52 AM
To: G.CC (City Council); Johnston, Eric C.
Subject: FW: Future Road Improvements

-----Original Message-----

From: DOUG AND JAN SCHOLTEN
Sent: Sunday, May 28, 2023 3:13 PM
To: CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Subject: Future Road Improvements

Cedarwood Ave. was last paved in 1979. It is in terrible condition today and really needs an update. It's the Main Street connecting Northwest Ave. and Bennett Dr.. Please consider, thank you.

Doug Scholten
Sent from my iPad



Public Comment

Name

Kelly Turner

Choose Topic

City Council - Public Hearing Testimony (topic specific per the agenda)

Meeting Date

5/22/2023

Public Hearings

5/22/2023- Public Hearing Regarding the Draft
2024-2029 Transportation Improvement Program
(TIP)

Comment or Testimony

I've just read the plan via links provided. Thank you for the great information. I've lived on King Mountain for 30+ years and experienced the increasing impacts. The planned improvements in this area are overdue and welcomed. I think the planners have done a good job and support these plans.
Thank you all.

Files**Email****Date**

5/18/2023



City Council Agenda Bill

23741

Bill Number

Subject: **Washington State 2023 Legislative Session Housing Recap**

Summary Statement: The 2023 Washington State legislative session has concluded, and this year's session had some notable pieces of legislation, especially as it pertains to housing. This informational briefing will provide a broad overview of the range of housing legislation items that passed, with a closer look at House Bill 1337 (accessory dwelling units) and House Bill 1110 (middle housing).

Previous Council Action: **None**

Fiscal Impact: **Staff time required to perform the research and analysis**

Funding Source: **General Fund**

Attachments: 1. STAFF MEMO

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Information Only	06/05/2023	Information/Discussion	Blake Lyon, PCDD Director	45 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Blake Lyon, Planning and Community Development, 360-778-8300

Reviewed By	Department	Date
<i>Blake G. Lyon</i>	Planning & Community Development	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023

Council Action:



MEMORANDUM

TO: CITY COUNCIL
FROM: BLAKE LYON, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
CC: MAYOR SETH FLEETWOOD
SUBJECT: WASHINGTON STATE 2023 LEGISLATIVE RECAP
DATE: JUNE 5, 2023

The 2023 Washington State legislative session has concluded, and this year's session had some notable pieces of legislation, especially as it pertains to housing. The range of subtopics include, but are not limited to, accessory dwelling units, affordable housing, emergency shelters, housing supply, permit streamlining, regulatory framework, etc.

Also included in this year's legislative session was adoption of the 2023-2025 Biennial Capital Budget, which along with the Operating Budget combines more than \$1 Billion in appropriations. Several capital budget highlights include \$400 million for the Housing Trust Fund, \$60 million for the Connecting Housing to Infrastructure Program, \$40 million for the Washington State Housing Finance Commission's Land Acquisition Program, \$25 million for Transit Oriented Development, \$14.5 million for homeless youth and young adult projects, and \$124 million for weatherization and home upgrade programs.

Operating budget highlights include \$111 million for grants to support emergency housing, shelter capacity, and associated support services, \$38 million for permanent supportive housing, \$45 million to increase current homeless service grantee contracts to help stabilize the workforce.

The pieces of legislation that will likely have a greater influence on housing forms in the City of Bellingham include, but may not be limited to, House Bill 1337 (accessory dwelling units), House Bill 1042 (existing buildings), House Bill 1110 (middle housing), Senate Bill 5290 (local permit review process), Senate Bill 5412 (design review requirements). Staff will present some specifics that are included in these bills and begin framing up a conversation on how we as a local government will work towards the implementation of these statutory requirements.

House Bill 1337 requires cities within urban growth areas to allow for two accessory dwelling units per lot.

House Bill 1042 allows for existing commercial or mixed-use zoned buildings to be used for residential purposes.

House Bill 1110 requires cities with populations greater than 75,000, planning under the Growth Management Act, to authorize minimum development densities ranging from four to six units per lot in residential zones.

Senate Bill 5290 provides default permit processing time frames to local governments, requires local governments to provide refunds of permitting fees if permitting time frames are missed.

Senate Bill 5412 categorically exempts project actions that develop residential housing units or middle-income housing within an urban growth area from the State Environmental Policy Act (SEPA), if specified criteria are met, everywhere in Washington except Seattle.



City Council Agenda Bill

23748

Bill Number

Subject: **Approval of 5/22/2023 City Council Committee and Regular Meeting Minutes**

Summary Statement: Approval of the 5/22/2023 City Council Committee and Regular Meeting Minutes

Previous Council Action: **Approval of the 5/8/2023 City Council Committee and Regular Meeting Minutes**

Fiscal Impact: **N/A**

Funding Source: **N/A**

Attachments: 1. 5/22/2023 DRAFT CITY COUNCIL MEETING MINUTES

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	06/05/2023	Vote to Approve	Michael Lilliquist, Council President	2 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Jacqueline Lassiter, Council Staff

Reviewed By	Department	Date
<i>Jackie A. Lassiter</i>	Council Administration	05/16/2023
<i>Alan A. Murriner</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/17/2023

Council Action:



City of Bellingham

Public Works and Natural Resources Committee Minutes

May 22, 2023, 1:00 PM

Mayor: Seth Fleetwood
Council Members: Hannah Stone, Chair
Lisa Anderson, Kristina Michele Martens

Contact: (360) 778-8100, mayoroffice@cob.org
Contact: (360) 778-8200, ccmail@cob.org
<https://cob.org/council>

Call to Order

President Lilliquist called the meeting to order at 1pm.

Roll Call

Present:

Committee Chair Hannah Stone, First Ward
Committee Member Lisa Anderson, Fifth Ward
Committee Member Kristina Michele Martens, At Large

Council Standing Committee Meeting

Open to the public to attend. Note: there is generally no public comment period for Committee sessions. Standing Committee Members receive reports and information, ask questions and, when appropriate, vote on a recommended action for consideration by the full Council at the Regular Meeting. The notice of Committee Meetings identified below also serves as notice of Special Meetings of the City Council at the times identified as Council Members who are not members of the committee routinely attend and participate in the Committee Meetings. Committee Chairs give a report of the Committee Meeting at the Regular Meeting in the evening prior to deliberation and formal vote.

23721 1. Bid Award for Valencia Street Watermain, BID #15B-2023 (EW238) p. 3

Eric Johnston, Public Works Director, and **Chad Schulhauser**, Assistant Public Works Director, summarized the project, which includes the replacement of 3,900 linear feet of 12" watermain, 1,900 linear feet of 48" storm main, and 1,200 linear feet of 8" sewer line along with surface reconstruction and related items. The City received eight bids which were publicly opened on April 27, 2023. Strider Construction was the responsible bidder who submitted the lowest responsive bid of \$4,477,912.80 including any applicable Washington State Sales or Use Tax. The engineer's estimate was \$4,421,062.00.

Lisa Anderson moved to recommend approval of the bid award for the Valencia Street Watermain project, BID #15B-2023 to Strider Construction.

MOTION CARRIED 3-0.

23710 2. An Ordinance Establishing a Water Resources Advisory Board (WRAB) and Adding a New Chapter 2.91 to the Bellingham Municipal Code p. 8

Eric Johnston, Public Works Director, summarized staff changes to the proposed ordinance since the last meeting and in response to Council Member Anderson's amendments. Council Members discussed and asked questions.

Lisa Anderson moved that the committee recommend approval of the ordinance titled "Anderson amendments to Ordinance" in the packet, with the inclusion of "G. The board shall be responsible, in collaboration with staff, for setting its own agenda, work plan, and priorities within the scope and responsibilities as defined in this Chapter with additional due consideration of mandatory and regular plan updates."

MOTION CARRIED 2-1.

Opposed: Hannah Stone

23709 3. An Ordinance Dissolving the Watershed Advisory Board (WAB) by Repealing BMC 2.90 p. 41

This item is a companion to Agenda Bill 23710 and was previously recommended by the Committee. Therefore, no vote was taken.

Adjournment

There being no further business the meeting adjourned at 1:32pm.



City of Bellingham
Committee Of The Whole Minutes
May 22, 2023, 1:30 PM

Mayor: Seth Fleetwood
Council Members: Hannah Stone, Hollie Huthman,
Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson,
Michael Lilliquist and Kristina Michele Martens

Contact: (360) 778-8100, mayorsoffice@cob.org
Contact: (360) 778-8200, ccmail@cob.org
<https://cob.org/council>

Call to Order

President Lilliquist called the meeting to order at 1:34pm.

Roll Call

Present:

Council President Michael Lilliquist, Sixth Ward
Council Member Hannah Stone, First Ward
Council Member Hollie Huthman, Second Ward
Council Member Daniel Hammill, Third Ward
Council Member Edwin H. "Skip" Williams, Fourth Ward
Council Member Lisa Anderson, Fifth Ward
Council Member Kristina Michele Martens, At Large

Council Standing Committee Meetings:

Open to the public to attend. Note: there is generally no public comment period for Committee sessions. Standing Committee Members receive reports and information, ask questions and, when appropriate, vote on a recommended action for consideration by the full Council at the Regular Meeting. The notice of Committee Meetings identified below also serves as notice of Special Meetings of the City Council at the times identified as Council Members who are not members of the committee routinely attend and participate in the Committee Meetings. Committee Chairs give a report of the Committee Meeting at the Regular Meeting in the evening prior to deliberation and formal vote.

Please be advised that if the City Council is ahead of schedule, they may start with old/new business before the official Committee of the Whole meeting time.

23722 1. An Ordinance Amending the 2023-2024 Biennial Budget - Amendment No. 4 p. 3

Council Member Martens introduced the ordinance to hire a part-time intern for the City Council focusing specifically on food deserts.

Edwin H. "Skip" Williams / Hollie Huthman moved to recommend approval of the ordinance amending the 2023-2024 Biennial Budget - Amendment No. 4.

MOTION CARRIED 7-0.

23723 2. An Ordinance Adopting the 2021 International Fire Code with Local Amendments p. 7

Shawn Linville, City Fire Marshal/Division Chief of Life Safety, presented an overview of the proposed ordinance, which adopts the 2021 International Fire Code (as amended by the State) and local amendments contained in Bellingham Municipal Code Chapter 17.20. Proposed local amendments are recommended for adoption effective July 1, 2023 to align with the State's fire code implementation date.

Daniel Hammill / Lisa Anderson moved to recommend approval of the ordinance to adopt the 2023 International Fire Code with local amendments.

MOTION CARRIED 7-0.

23724 3. Adoption of the 2021 Washington State Building Code with Local Amendments p. 14

Sean Angeley, PCDD Building Official, and **Kurt Nabbefeld**, Planning Development Services Manager, presented on the proposed ordinance to adopt the 2023 Washington State building code. The Washington State Building Code is mostly comprised of national model codes that are adopted by reference and amended at the state level. Because the various codes that comprise the State Building Code have been revised and updated, the City must amend its building code to adopt those revisions. Council Members discussed and asked questions.

Daniel Hammill / Edwin H. "Skip" Williams moved to recommend approval of the ordinance to amend the Bellingham Municipal Code (BMC) 17.10 to adopt the 2023 Washington State building code with local amendments.

MOTION CARRIED 7-0.

23725 4. Approval of 4/24/2023 City Council Committee and Regular Meeting Minutes p. 55

Edwin H. "Skip" Williams / Daniel Hammill moved to recommend approval of the April 24, 2023 and May 8, 2023 meeting minutes.

MOTION CARRIED 7-0.

23726 5. Approval of 5/8/2023 City Council Committee and Regular Meeting Minutes p. 75

See above motion.

6. Old/New Business

Council Hammill expressed a desire for a resolution from the City to affirm its values regarding a forthcoming Implementation Plan proposed by the Whatcom County Stakeholder Advisory Committee. **Mayor Fleetwood** will return to discuss a resolution at the June 5th meeting.

Daniel Hammill / Edwin H. "Skip" Williams moved to review the Implementation Plan proposed by the Whatcom County Stakeholder Advisory Committee and consider a resolution affirming the City's values with regard to the use of the proposed public safety tax.

MOTION CARRIED 7-0.

Council Member Martens requested information from the Planning and Community Development Department regarding the rent subsidy that will be expiring in June for Eleanor Apartment residents.

Council moved into Executive Session at 1:58pm to discuss one item for approximately 25 minutes.

1. 1. Litigation: Schreib v. State of Washington et al.

Adjournment

There being no further business, the meeting adjourned at 1:56pm.



City of Bellingham
City Council Regular Meeting Minutes
May 22, 2023, 7:00 PM

Mayor: Seth Fleetwood
Council Members: Hannah Stone, Hollie Huthman,
Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson,
Michael Lilliquist and Kristina Michele Martens

Contact: (360) 778-8100, mayoroffice@cob.org
Contact: (360) 778-8200, ccmail@cob.org
<https://cob.org/council>

Call to Order

The City Council Regular meeting was called to order by Council President Lilliquist at 7:00pm.

Announcements & Upcoming Meetings:

Bellingham City Council meets all requirements of the State of Washington Open Public Meetings Act.

- 1. 6/5/23 Public Hearing on an ordinance to extend the existing moratorium on the acceptance or processing of development applications for new development or redevelopment within the RM Zones in the Silver Beach Neighborhood for an additional six months.**

Roll Call

Present:

Council President Michael Lilliquist, Sixth Ward
Council Member Hannah Stone, First Ward
Council Member Hollie Huthman, Second Ward
Council Member Daniel Hammill, Third Ward
Council Member Edwin H. "Skip" Williams, Fourth Ward
Council Member Lisa Anderson, Fifth Ward
Council Member Kristina Michele Martens, At Large

Public Hearing

- 23719 1. Public Hearing Regarding the Draft 2024-2029 Transportation Improvement Program p. 6 (TIP)**

Eric Johnston, Public Works Director, **Brent Baldwin**, Public Works Development Manager, and **Chad Schulhauser**, Assistant Public Works Director, presented an overview of the 2024-2029 draft Transportation Improvement Program (TIP). The draft TIP includes projects to repair and resurface roadways, construct new bicycle and pedestrian facilities, replace bridges, ameliorate operations at intersections, facilitate movement of freight, enhance transit use, and implement strategies identified in the Climate Action Plan. There will be a Council work session on June 5th to further review the projects.

President Lilliquist opened the public hearing.

One individual provided public comment.

President Lilliquist closed the public hearing.

Written public comment remains open until Council makes a final decision on the TIP.

Daniel Hammill / Lisa Anderson moved to recommend bringing the TIP to the June 5th Committee of the Whole meeting.

MOTION CARRIED 7-0.

Mayor's Report

Standing time for briefings, updates, and reports to Council by the Mayor, if needed.

23720 1. Mayor's Appointment to the Museum Foundation Board (Approval) p. 34

Mayor Fleetwood appointed **Rafeeka Kloke** to her second term on the Whatcom Museum Foundation Board, which will expire on May 18, 2026, at which time she may be reappointed.

Lisa Anderson / Hannah Stone moved to recommend approval of Rafeeka Kloke to the Whatcom Museum Foundation Board.

MOTION CARRIED 7-0.

Mayor Fleetwood recognized upcoming and future celebrations including,

- May 22nd-26th is National Public Works week. The City is hosting several events including Meet-a-Truck on May 25th from 1pm-3pm. Learn more at <https://cob.org/services/environment/education-enviro/national-public-works-week>.
- National Emergency Medical Services Week is May 22nd-26th and National Police Week was May 15th-19th. Mayor Fleetwood thanked all first responders for their service and contributions to the community.
- May is Asian, Pacific Islander, Desi American Heritage Month. The City is co-hosting an event, Stories that Shape Us, on May 24th at 6pm in Depot Market Square. You can learn more about this event and others at <https://www.wvu.edu/apida>.

Regular Meeting and Committee Sessions

The following are heard in both Committee sessions and Regular Meeting in order below:

Council Standing Committee Meetings:

Public Works and Natural Resources 1:00 PM

Hannah Stone, Chair

Lisa Anderson, Kristina Michele Martens

23721 1. Bid Award for Valencia Street Watermain, BID #15B-2023 (EW238) p. 37

Eric Johnston, Public Works Director, and **Chad Schulhauser**, Assistant Public Works Director, summarized the project, which includes the replacement of 3,900 linear feet of 12" watermain, 1,900 linear feet of 48" storm main, and 1,200 linear feet of 8" sewer line along with surface reconstruction and related items. The City received eight bids which were publicly opened on April 27, 2023. Strider Construction was the responsible bidder who submitted the lowest responsive bid of \$4,477,912.80 including any applicable Washington State Sales or Use Tax. The engineer's estimate was \$4,421,062.00.

Hannah Stone / Lisa Anderson moved to award Bid No. 15B-2023 (EW238) for the Valencia Street Watermain project to Strider Construction as the lowest responsive, responsible bidder and to authorize the Mayor to enter into a contract with them for the amount of their bid, \$4, 477, 912.80, which includes any applicable WSST.

MOTION CARRIED 7-0.

23710 2. An Ordinance Establishing a Water Resources Advisory Board (WRAB) and Adding a p. 42 New Chapter 2.91 to the Bellingham Municipal Code

Eric Johnston, Public Works Director, summarized staff changes to the proposed ordinance since the last meeting and in response to Council Member Anderson's amendments. The Public Works and Natural Resources Committee voted 2-1 to recommend approval of the ordinance titled "Anderson Amendments to Ordinance" in the packet, with the inclusion of an addition from President Lilliquist, "G. The board shall be responsible, in collaboration with staff, for setting its own agenda, work plan, and priorities within the scope and responsibilities as defined in this Chapter with additional due consideration of mandatory and regular plan updates."

Hannah Stone / Kristina Michele Martens moved for first and second reading as recommended during the Public Works and Natural Resources Committee, the ordinance titled "Anderson Amendments to Ordinance" in the packet, with the inclusion of "G. The board shall be responsible, in collaboration with staff, for setting its own agenda, work plan, and priorities within the scope and responsibilities as defined in this Chapter with additional due consideration of mandatory and regular plan updates."

Michael Lilliquist / Hannah Stone moved to amend Section F. under 2.91.040 Organization and meetings from "The public works department shall support the board in the fulfillment of the board's responsibilities, as determined by the board or, if uncertain, City Council" to "The public works department shall support the board in the fulfillment of its responsibilities."

MOTION TO AMEND CARRIED 6-1.

Opposed: Lisa Anderson

AMENDED MOTION FOR FIRST AND SECOND READING FAILED 3-4.

Opposed: Hannah Stone, Hollie Huthman, Daniel Hammill, Edwin H. "Skip" Williams

Daniel Hammill / Edwin H. "Skip" Williams moved for first and second reading the ordinance titled "Updated Ordinance" on page 71 of the packet.

Michael Lilliquist / Lisa Anderson moved to amend with the inclusion of "G. The board shall be responsible, in collaboration with staff, for setting its own agenda, work plan, and priorities within the scope and responsibilities as defined in this Chapter with additional due consideration of mandatory and regular plan updates."

MOTION TO AMEND FAILED 3-4.

Opposed: Hannah Stone, Hollie Huthman, Daniel Hammill, Edwin H. "Skip" Williams

Lisa Anderson / Kristina Michele Martens moved to amend the following language in 2.91.030 Membership, Section C, #3 "Sanitary sewer utility systems, including wastewater treatment and disposal;"

MOTION TO AMEND CARRIED 4-3.

Opposed: Hannah Stone, Hollie Huthman, Edwin H. "Skip" Williams

Lisa Anderson / Kristina Michele Martens moved to amend 2.91.020 Responsibilities to , "The board shall advise the city council, mayor, public works director, and other city departments on the formulation and implementation of plans, programs and projects concerning the city's municipal water, sanitary sewer, wastewater treatment and disposal, and surface and stormwater utilities, including the protection and preservation of Lake Whatcom through, in part, the watershed acquisition program, as the city's primary source of drinking water. Such plans include but are not limited to the water system plan, surface and stormwater comprehensive plan, comprehensive sewer plan, and the Lake Whatcom five-year work plan."

MOTION TO AMEND CARRIED 5-2.

Opposed: Hannah Stone, Edwin H. "Skip" Williams

AMENDED MOTION FOR FIRST AND SECOND READING CARRIED 7-0.

23709 3. An Ordinance Dissolving the Watershed Advisory Board (WAB) by Repealing BMC 2.90 p. 75

Hannah Stone / Daniel Hammill moved for first and second reading.

MOTION CARRIED 7-0.

Committee Of The Whole 1:30 PM

Michael Lilliquist Chair

Hannah Stone, Hollie Huthman, Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson, Kristina Michele Martens

23722 1. An Ordinance Amending the 2023-2024 Biennial Budget - Amendment No. 4 p. 86

Council Member Martens introduced the ordinance to hire a part-time intern for the City Council focusing specifically on food deserts.

Michael Lilliquist / Hannah Stone moved for first and second reading.

MOTION CARRIED 7-0.

23723 2. An Ordinance Adopting the 2021 International Fire Code with Local Amendments p. 90

Shawn Linville, City Fire Marshal/Division Chief of Life Safety, presented an overview of the proposed ordinance, which adopts the 2021 International Fire Code (as amended by the State) and local amendments contained in Bellingham Municipal Code Chapter 17.20. Proposed local amendments are recommended for adoption effective July 1, 2023 to align with the State's fire code implementation date.

Michael Lilliquist / Hollie Huthman moved for first and second reading.

MOTION CARRIED 7-0.

23724 3. Adoption of the 2021 Washington State Building Code with Local Amendments p. 97

Sean Angeley, Planning and Community Development Building Official, and **Kurt Nabbefeld**, Planning Development Services Manager, presented on the proposed ordinance to adopt the 2023 Washington State Building Code. The Washington State Building Code is mostly comprised of national model codes that are adopted by reference and amended at the state level. Because the various codes that comprise the State Building Code have been revised and updated, the City must amend its building code to adopt those revisions. Council Members discussed and asked questions.

Michael Lilliquist / Edwin H. "Skip" Williams moved for first and second reading.

MOTION CARRIED 7-0.

23725 4. Approval of 4/24/2023 City Council Committee and Regular Meeting Minutes p. 138

Daniel Hammill / Edwin H. "Skip" Williams moved approval of the April 24, 2023 and May 8, 2023 minutes of the regular City Council meeting as submitted.

MOTION CARRIED 7-0.

23726 5. Approval of 5/8/2023 City Council Committee and Regular Meeting Minutes p. 158

See above motion.

Old/New Business

President Lilliquist announced that on June 5th, 2023 the City Council will hold a Public Hearing on an ordinance to extend the existing moratorium on the acceptance or processing of development

applications for new development or redevelopment within the RM Zones in the Silver Beach Neighborhood for an additional six months.

During Old/New Business at Committee of the Whole, **Council Member Hammill** proposed and Council supported a motion to consider resolution affirming the City's values with regard to the use of the proposed public safety tax.

Executive Session 2:20 PM

Closed to the public. Report in the Regular Meeting only:

1. Litigation: Schreib v. State of Washington et al. (Good, approx 10 min)

Staff provided information on a litigation matter. For information and discussion. No action taken.

Consent Agenda

All matters listed on the Consent Agenda are considered routine and/or non-controversial items and may be approved in a single motion. A member of the Council may ask that an item be removed from the Consent Agenda and considered separately.

- | | | | |
|--------------|-----------|--|---------------|
| 23727 | 1. | Authorization of A/P Transactions Issued April 28, 2023 through May 04, 2023 | p. 176 |
| 23728 | 2. | Authorization of A/P Transactions Issued May 05, 2023 through May 11, 2023 | p. 177 |
| 23729 | 3. | A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition for the Platted Alley within Block 299 of the Supplemental Map of the Town of Whatcom | p. 178 |
| 23730 | 4. | A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition for the Western 10' of 10th Street Between Douglas and Taylor Avenues | p. 182 |
| 23731 | 5. | Authorize the Mayor to Enter into an Inter-Agency Agreement with the Department of Ecology for Grant Funding for a Study to Define the Most Effective Maintenance Practices for Stormwater Facilities in the Lake Whatcom Watershed | p. 186 |

Daniel Hammill / Edwin H. "Skip" Williams moved approval of the Consent Agenda in its entirety.

MOTION CARRIED 7-0.

Public Comment Period

City Council heard public comment from 5 individuals.

To access the recording, visit <https://cob.org/gov/council/public-hearings-and-public%20comment-periods/public-comment-period-recordings>.

Adjournment

There being no further business, the meeting adjourned at 8:44pm.

Michael Lilliquist, Council President

ATTEST: Kelley Goetz, Deputy City Clerk

APPROVED: 6/5/2023

DRAFT



City Council Agenda Bill

23742

Bill Number

Subject: **Authorization of Payroll Labor Cost Payments Dated April 15, 2023 to April 30, 2023**

Summary Statement: For payroll payments related to the period of April 15, 2023 to April 30, 2023

Totals: \$4,482,099.66

Previous Council Action: **2023-2024 Adopted Budget**

Fiscal Impact: **Payroll labor costs payments issued for amounts shown above are within legally appropriated budget**

Funding Source: **Citywide Funds**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Authorize Payroll	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Kathleen Barefoot-Soles, HR Payroll

Reviewed By	Department	Date
<i>Andrew D. Asbjornsen</i>	Finance Department	05/16/2023

Council Action:

<i>Matthew T. Stamps</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City Council Agenda Bill

23743

Bill Number

Subject: **Authorization of A/P Transactions Issued May 12, 2023 through May 18, 2023**

Summary Statement: In accordance with state law, approval is requested for the payments issued for City goods and services received.

A/P EFT and EDI transactions, and check(s) #565230 through #565339, were issued during the pay period of May 12, 2023 through May 18, 2023, in the amount of \$2,581,606.30.

Previous Council Action: **2023-2024 Adopted Budget**

Fiscal Impact: **Payments issued for amounts shown above are within legally appropriated budget.**

Funding Source: **Citywide Funds**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Authorize Accounts Payable	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Dan Dodson, Finance Department

Reviewed By	Department	Date
<i>Andrew D. Asbjornsen</i>	Finance Department	05/30/2023

Council Action:

<i>Matthew T. Stamps</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City Council Agenda Bill

23744

Bill Number

Subject: **Authorization of A/P Transactions Issued May 19, 2023 through May 25, 2023**

Summary Statement: In accordance with state law, approval is requested for the payments issued for City goods and services received.

A/P EFT and EDI transactions, and check(s) #565344 through #565462, were issued during the pay period of May 19, 2023 through May 25, 2023, in the amount of \$1,992,650.29.

Previous Council Action: **2023-2024 Adopted Budget**

Fiscal Impact: **Payments issued for amounts shown above are within legally appropriated budget.**

Funding Source: **Citywide Funds**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Authorize Accounts Payable	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Dan Dodson, Finance Department

Reviewed By	Department	Date
<i>Andrew D. Asbjornsen</i>	Finance Department	05/30/2023

Council Action:

<i>Matthew T. Stamps</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City Council Agenda Bill

23745

Bill Number

Subject: Department of Ecology Inter-Agency Agreement for Post Point Grant Funding

Summary Statement: The Puget Sound Nutrient Reduction Grant Program provides grants to specific wastewater treatment facilities that discharge directly to Puget Sound. The grants are provided for planning and/or process efficiencies needed to meet requirements of the Puget Sound Nutrient General Permit. Council authorization is needed to execute the inter-agency agreement with Department of Ecology.

Previous Council Action: **None**

Fiscal Impact: **This grant provides \$125,435.00 of revenue to the Sewer Fund (420). There is no match requirement for this grant.**

Funding Source: **Sewer Fund (420)**

- Attachments:
- 1. WA ECOLOGY INTER-AGENCY AGREEMENT
 - 2. CITY OF BELLINGHAM SIGNATURE PAGE

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Authorize Contract	Eric Johnston, Public Works Director	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Steve Bradshaw, Superintendent of Plants, 360-778-7892

Council Action:

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/30/2023
<i>James E. Erb</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



Agreement No. WQPSNR-2021-BellPW-00040

WATER QUALITY PUGET SOUND NUTRIENT REDUCTION AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF BELLINGHAM - PUBLIC WORKS DEPARTMENT

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and City of Bellingham - Public Works Department, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	Puget Sound Nutrient Reduction Grant
Total Cost:	\$300,000.00
Total Eligible Cost:	\$125,435.00
Ecology Share:	\$125,435.00
Recipient Share:	\$0.00
The Effective Date of this Agreement is:	07/01/2021
The Expiration Date of this Agreement is no later than:	12/31/2025
Project Type:	Wastewater Facility

Project Short Description:

This project will assist Puget Sound Nutrient Permittees in planning, implementation or management of nutrient discharge reduction identified in the Puget Sound Nutrient General Permit.

Project Long Description:

N/A

Overall Goal:

This project will improve water quality in the State of Washington by reducing nutrients discharged to Washington waters of the Salish Sea.

Agreement No: WQPSNR-2021-BellPW-00040
Project Title: Puget Sound Nutrient Reduction Grant
Recipient Name: City of Bellingham - Public Works Department

RECIPIENT INFORMATION

Organization Name: City of Bellingham - Public Works Department

Federal Tax ID: 91-6001229
UEI Number: JKACPLND4C64

Mailing Address: 104 W. Magnolia St. Suite 109
Bellingham, WA 98229

Physical Address: 104 W. Magnolia St.
Bellingham, Washington 98225

Organization Email: rlacroix@cob.org
Organization Fax: (360) 778-7801

Contacts

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

<p>Project Manager</p>	<p>Steven Bradshaw Superintendent</p> <p>104 W. Magnolia St. Bellingham, Washington 98225 Email: srbradshaw@cob.org Phone: (360) 778-7800</p>
<p>Billing Contact</p>	<p>Andy Wojciechowski Contract Specialist</p> <p>2221 Pacific Street Bellingham, Washington 98229 Email: arwojciechowski@cob.org Phone: (360) 778-7748</p>
<p>Authorized Signatory</p>	<p>Seth M Fleetwood Mayor</p> <p>210 Lottie Street Bellingham, Washington 98225 Email: mayoroffice@cob.org Phone: (360) 778-8359</p>

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
 Water Quality
 PO BOX 47600
 Olympia, WA 98504-7600

Physical Address: Water Quality
 300 Desmond Drive SE
 Lacey, WA 98503

Contacts

<p>Project Manager</p>	<p>Veronica Bridges</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: VEBR461@ecy.wa.gov Phone: (564) 669-3842</p>
<p>Financial Manager</p>	<p>Veronica Bridges</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: VEBR461@ecy.wa.gov Phone: (564) 669-3842</p>
<p>Technical Advisor</p>	<p>Adrien Carroll-Perkins</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: ADCA461@ecy.wa.gov Phone: (360) 870-7424</p>

Agreement No: WQPSNR-2021-BellPW-00040
Project Title: Puget Sound Nutrient Reduction Grant
Recipient Name: City of Bellingham - Public Works Department

Andrew D. Asbjornsen

Finance Director, Attest

Date

Eric C. Johnston

Director, Public Works, Departmental
Approval

Date

Alan Marriner

Office of the City Attorney, Approved as to
Form

Date

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

SCOPE OF WORK

Task Number: 1 **Task Cost: \$0.00**

Task Title: Grant and Loan Administration

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: Maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; the EAGL (Ecology Administration of Grants and Loans) recipient closeout report; and a two-page outcome summary report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be available upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

* Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page outcome summary report.

* Properly maintained project documentation.

Recipient Task Coordinator: Steven Bradshaw

Grant and Loan Administration

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	12/31/2025
1.2	Recipient Closeout Report (EAGL Form)	12/31/2025
1.3	Two-page Outcome Summary Report	12/31/2025

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

SCOPE OF WORK

Task Number: 2 **Task Cost:** \$125,435.00

Task Title: Nutrient General Permit Implementation

Task Description:

The RECIPIENT will conduct work related to implementation of the Puget Sound Nutrient General Permit.

Work funded under this task may include:

- Staff time, equipment, supplies, training, or other expenses related to meeting permit requirements and reducing nutrient discharges.
- Monitoring and laboratory analysis.
- Preparation of the Nitrogen Optimization Plan, the Nutrient Reduction Evaluation, or the AKART analysis.
- Implementation of an optimization strategy.
- Equipment purchases over \$10,000 must be pre-approved by ECOLOGY.

If the RECIPIENT is out of compliance with the Puget Sound Nutrient General Permit, the RECIPIENT will ensure funds are used to attain compliance where applicable.

Task Goal Statement:

This task will improve water quality in the State of Washington by reducing the nutrients delivered to the Puget Sound by implementing measures required by the Puget Sound Nutrient General Permit.

Task Expected Outcome:

The RECIPIENT will implement measures required by the Puget Sound Nutrient General Permit.

Nutrient General Permit Implementation

Deliverables

Number	Description	Due Date
2.1	Documentation of tasks completed.	

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

SCOPE OF WORK

Task Number: 3 **Task Cost: \$0.00**

Task Title: Cultural Resource Review

Task Description:

If any optimization strategies implemented from Task 2 include above and below ground disturbance activities, such as but not limited to, ground disturbing BMP installations, site prep work, geotechnical work, the RECIPIENT will ensure the following items are completed and provide the associated deliverables to ECOLOGY.

A. The RECIPIENT will submit the documents listed below to initiate ECOLOGY's cultural resources review.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Work done prior to written notice to proceed shall not be eligible for reimbursement.

To initiate cultural resources review:

1. The RECIPIENT will submit the Cultural Resources Review Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archeology and Historic Preservation's (DAHP) Washington State Standards for Cultural Resource Reporting. The Cultural Resources Review Form template may be found on the ECOLOGY website.
2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the ECOLOGY template. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. The IDP template may be found on the ECOLOGY website.

Task Goal Statement:

If needed based on optimization strategies implemented from Task 2, the RECIPIENT will complete all cultural reviews in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by the cultural resource protection requirements, rules, and regulations for state funded projects.

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

Cultural Resource Review

Deliverables

Number	Description	Due Date
3.1	ECOLOGY Cultural Resources Review Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager. DO NOT upload the cultural resources form or documentation to EAGL.	
3.2	Inadvertent Discovery Plan (IDP). Email the form directly to the ECOLOGY Project Manager for review. Upload to EAGL once review is complete.	

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

BUDGET

Funding Distribution EG230128

NOTE: *The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.*

Funding Title: Puget Sound Nutrient Reduction Grant 2021 Funding Type: Grant
 Funding Effective Date: 07/01/2021 Funding Expiration Date: 12/31/2025

Funding Source:

Title: Puget Sound Nutrient Reduction

Fund: FD

Type: State

Funding Source %: 100%

Description: The Puget Sound Nutrient Reduction Grant Program provides grants to specific wastewater treatment facilities that discharge to Puget Sound. The grants are provided for planning and/or process efficiencies for meeting requirements of the Puget Sound Nutrient General Permit.

Approved Indirect Costs Rate: Approved State Indirect Rate: 30%

Recipient Match %: 0%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

Puget Sound Nutrient Reduction Grant 2021	Task Total
Grant and Loan Administration	\$ 0.00
Nutrient General Permit Implementation	\$ 125,435.00
Cultural Resource Review	\$ 0.00

Total: \$ 125,435.00

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
Puget Sound Nutrient Reduction Grant 2021	0.00 %	\$ 0.00	\$ 125,435.00	\$ 125,435.00
Total		\$ 0.00	\$ 125,435.00	\$ 125,435.00

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

Water Quality Puget Sound Nutrient Reduction Grant Special Terms and Conditions

A. Electronic Fund Transfers: Payment will be issued through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process or electronic fund transfers, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.

B. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of work or the Ecology approved construction plans and specifications, must be pre-approved by ECOLOGY's project manager before purchase. All equipment purchases over \$5,000 and not included in a contract for work being completed on the funded project, must also be reported on the Equipment Purchase Report in EAGL.

C. Funding Recognition: The RECIPIENT must inform the public about ECOLOGY funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, websites, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from ECOLOGY's Financial Manager upon request.

D. Lobbying and Litigation: Costs incurred for the purposes of lobbying or litigation are not eligible for funding under this agreement.

E. Post Project Assessment Survey: The RECIPIENT agrees to participate in a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion. A representative from ECOLOGY's Water Quality Program may contact the RECIPIENT to request this data. ECOLOGY may also conduct site interviews and inspections, and may otherwise evaluate the project, as part of this assessment.

F. Project Status Evaluation: ECOLOGY may evaluate the status of this project 18 months from the effective date of this

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

agreement. ECOLOGY's Project Manager and Financial Manager will meet with the RECIPIENT to review spending trends, completion of outcome measures, and overall project administration and performance. If the RECIPIENT fails to make satisfactory progress toward achieving project outcomes, ECOLOGY may change the scope of work, reduce grant funds, or increase oversight measures.

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING

REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Agreement No: WQPSNR-2021-BellPW-00040
Project Title: Puget Sound Nutrient Reduction Grant
Recipient Name: City of Bellingham - Public Works Department

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$30,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required Unique Entity Identifier in www.sam.gov <<http://www.sam.gov>> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <<http://www.usaspending.gov>>.

For more details on FFATA requirements, see www.fsrc.gov <<http://www.fsrc.gov>>.

C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf) <<https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf>>, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

Recipients, subrecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\)](https://sam.gov/SAM) <<https://sam.gov/SAM>> exclusion list.

Agreement No: WQPSNR-2021-BellPW-00040
 Project Title: Puget Sound Nutrient Reduction Grant
 Recipient Name: City of Bellingham - Public Works Department

GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS

For DEPARTMENT OF ECOLOGY GRANTS and LOANS

06/24/2021 Version

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.
- * For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

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- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff, volunteers, and contractors working at the project site.
 - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

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j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

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The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at:

<http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

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16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

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- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
- d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
- e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
- f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
 1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
 2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.
- g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

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22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
- b) Be kept in a common file to facilitate audits and inspections.
- c) Clearly indicate total receipts and expenditures related to this Agreement.
- d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced.

Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

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27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,
<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no

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event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments. If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions

City of Bellingham Signature Page for Document Titled:

**Agreement No. WQPSNR-2021-BellPW-0400 Between
The State of Washington Department of Ecology
and City of Bellingham
Puget Sound Nutrient Reduction Grant**

EXECUTED, this _____ day of _____, 2023, for
the **CITY OF BELLINGHAM**:

Departmental Approval:

Seth M. Fleetwood, Mayor

Eric C. Johnston, Director, Public Works

Attest:

Approved as to Form:

Andrew D. Asbjornsen, Finance Director

Office of the City Attorney



City Council Agenda Bill

23746

Bill Number

Subject: **Sale of Two Police Motorcycles to Pierce County**

Summary Statement: The City issued a solicitation for written offers for eight police motorcycles pursuant to the City's surplus property rules contained in BMC 4.86. The City received no initial responses. The City was contacted by Pierce County who provided an offer to purchase two motorcycles at \$20,900 per motorcycle for total offer of \$41,800 plus sales tax. City code requires City Council approval for the disposition of surplus property of a value of \$20,000 or more. Staff recommends the City Council accept Pierce County's offer to purchase these motorcycles.

Previous Council Action: **Budget Approval**

Fiscal Impact: **\$41,800 Revenue**

Funding Source: **Fleet Fund Revenue**

- Attachments:
- 1. STAFF MEMO
 - 2. PURCHASE AND SALE AGREEMENT

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Vote to Approve	Eric Johnston, Director PW	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Connie Allen, Purchasing Manager 360-778-7751

Council Action:

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/30/2023
<i>Michael E. Good</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: SALE OF TWO POLICE MOTORCYCLES TO PIERCE COUNTY
DATE: JUNE 5, 2023

The City of Bellingham Police Department has determined that the motorcycles are not currently needed to meet operations needs. Accordingly, the city has arranged for the sale of four traffic motorcycles to Pierce County. These motorcycles have not been in use since 2021.

2019 BMW MOTORCYCLES PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF BELLINGHAM AND PIERCE COUNTY

THIS PURCHASE AND SALE AGREEMENT (“Agreement”) is entered into by and between the CITY OF BELLINGHAM, a first-class city of the state of Washington (the “City”), and PIERCE COUNTY, a Washington county (the “County”). Hereinafter, the City and the County may be referred to singularly as a “Party” or collectively the “Parties”.

RECITALS

WHEREAS, the City owns, free and clear, a 2019 BMW R1250RPT Motorcycle with mileage of approximately 10,000, VIN #WB10J6305KZG34015 (“Motorcycle”); and

WHEREAS, the City owns, free and clear, a 2019 BMW R1250RTP Motorcycle with mileage of approximately 8,831, VIN #WB10J6303KZG34007, (“Motorcycle”); and

WHEREAS, the City has determined, based on its rules for surplus property, that these Motorcycles are surplus to the needs of the City and may be transferred to the County pursuant to this Agreement; and

WHEREAS, the City desires to sell the Motorcycles to the County and the County desires to purchase the Motorcycles from the City; and

WHEREAS, the Parties affirm and acknowledge that the transfer of the Motorcycles pursuant to the terms and conditions of this Agreement constitutes payment at true and full value.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties hereby agree as follows:

TERMS AND CONDITIONS

1. **TERM.** Except as otherwise provided herein, the term of this Agreement shall run until all the obligations of the Parties are satisfied.
2. **PURCHASE PRICE.** The purchase price for each Motorcycle shall be \$20,900.00 (“Purchase Price”) plus Washington State Sale Tax. This equates to a total purchase price for two Motorcycles, inclusive of tax, of \$45,478.40. Payment shall be by check made payable to the City of Bellingham and delivered to the City, Attn: Connie Allen, Purchasing Manager.
3. **TRANSFER OF OWNERSHIP.** Upon receipt of the Purchase Price, the City shall transfer possession and ownership of the Motorcycles to the County by Bill of Sale in the form attached hereto as Exhibit “A”. The Motorcycles shall be transferred free and clear. The County shall pick the Motorcycles up from the City’s Fleet Maintenance Operations site.
4. **NO REPRESENTATIONS OR WARRANTIES.** The City makes no representations, warranties, or guaranties as to the physical condition or quality of the Motorcycles whatsoever. The County shall accept ownership and possession of the Motorcycles “AS IS, WHERE IS.” The County has inspected the Motorcycles and has found them to be suitable for the County’s purposes. In making this determination, the County has not relied on any representation or

warranty, whether oral or written or otherwise, made by the City or any employee or representative of the City. Further, the City offers no maintenance or repair of the Motorcycles and offers no statement or description of its condition.

5. RELEASE AND INDEMNIFICATION. For and in part consideration of transferring each of these Motorcycles to the County, the County does hereby forever release and discharge the City, its officials, employees, and agents from any claim, demand, damages, or obligation as to defects related to the physical condition of the Motorcycles (whether known, unknown, apparent, or hidden). Further, the County agrees to defend and indemnify the City from any and all claims or damages, known or unknown, liquidated or unliquidated, relating in any way to these Motorcycles. THE COUNTY WAIVES IMMUNITY UNDER THE WASHINGTON STATE INDUSTRIAL INSURANCE ACT, TITLE 51 RCW, FOR THE SOLE AND LIMITED PURPOSE OF FULFILLING ITS OBLIGATION TO DEFEND AND INDEMNIFY THE CITY AGAINST ANY CLAIMS BROUGHT AGAINST THE CITY BY A COUNTY EMPLOYEE RELATING IN ANY WAY TO THIS TRANSACTION. THE COUNTY DOES NOT WAIVE ANY IMMUNITY IT MAY HAVE AGAINST A SUIT BROUGHT AGAINST THE COUNTY BY A COUNTY EMPLOYEE.

6. SURVIVABILITY. All covenants, promises and performance which are not fully performed as of the date of termination shall survive termination as binding obligations.

7. NOTICES. All notices, demands, requests, consents and approvals which may, or are required to be given by any Party to any other Party hereunder, shall be in writing and shall be deemed to have been duly given if delivered personally, sent by facsimile, sent by a nationally recognized overnight delivery service, or if deposited in the United States mail and sent by registered or certified mail, return receipt requested, postage prepaid to:

County: Pierce County
Attn: Quentin Brown
2406 Pacific Avenue
Tacoma, WA 98402

City: City of Bellingham
Attn: Finance Director
2221 Pacific Street
Bellingham, WA 98229

or to such other address as the foregoing Parties hereto may from time-to-time designate in writing and deliver in a like manner. All notices shall be deemed complete upon actual receipt or refusal to accept delivery. Facsimile transmission of any signed original document, and retransmission of any signed facsimile transmission shall be the same as delivery of an original document.

8. AMENDMENT. No modification, termination or amendment of this Agreement may be made except by written agreement signed by all Parties, except as provided herein.

9. WAIVER. No failure by any of the foregoing Parties to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or any other covenant, agreement, term or condition. Any Party hereto, by notice, and only by notice as provided herein may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other Party hereto. No waiver shall affect or alter this Agreement, and each and every covenant, agreement, term and

condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

10. **CAPTIONS.** The captions of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this Agreement.

11. **SEVERABILITY.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

12. **NEUTRAL AUTHORSHIP.** Each of the provisions of this Agreement has been reviewed and negotiated and represents the combined work product of all Parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the Party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

13. **GOVERNING LAW.** This Agreement, 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, venue shall lie exclusively in Whatcom County, Washington.

14. **ENTIRE AGREEMENT.** The entire agreement between the Parties hereto is contained in this Agreement, and this Agreement supersedes all their previous understandings and agreements, written and oral, with respect to this transaction. This Agreement may be amended only by written instrument executed by the Parties subsequent to the date hereof.

DATED this ____ day of _____, 2023 for **PIERCE COUNTY** by:

Approved as to legal form only:

Deputy Prosecuting Attorney

Approved:

Finance

Department Director
(less than \$250,000)

EXECUTED this _____ day of _____, 2023, for the **CITY OF BELLINGHAM** by:

Seth Fleetwood, Mayor

Attest:

Departmental Approval:

Finance Director

Public Works Director

Approved as to form:

Office of the City Attorney

EXHIBIT A
Motorcycles Bill of Sale

BILL OF SALE FOR MOTORCYCLES

For and in consideration of FORTY-FIVE THOUSAND FOUR HUNDRED SEVENTY EIGHT U.S. DOLLARS AND FORTY CENTS (\$45,478.40) and other good and valuable consideration, the City of Bellingham, a first-class city of the state of Washington (the "City") does hereby convey, grant, bargain, sell, assign and transfer to Pierce County, a Washington county (the "County") the following described motorcycles ("Motorcycles"):

- 2019 BMW R1250RPT Motorcycle with mileage of approximately 16,783, VIN #WB10J6305KZG34015
- 2019 BMW R1250RTP Motorcycle with mileage of approximately 11,352, VIN #WB10J6303KZG34007

The Motorcycles are sold pursuant to a Purchase and Sale Agreement between the City and the County dated _____.

The City hereby warrants that it has good and legal title to said Motorcycles and that said Motorcycles are sold free and clear of all liens, security interests, and encumbrances of any kind and nature.

EXECUTED this ____ day of _____, 2023 for the **CITY OF BELLINGHAM** by:

Connie Allen, Purchasing Manager



City Council Agenda Bill

23747

Bill Number

Subject: Interagency Reimbursement Agreement Between the Washington State Administrative Office of the Courts and Bellingham Municipal Court

Summary Statement: The purpose of this agreement is to reimburse the City for the extraordinary judicial, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the Blake decision.

Previous Council Action: NA

Fiscal Impact: A possible reimbursement up to \$311,745 if expended

Funding Source: Administrative Office of the Courts

- Attachments:
- 1. STAFF MEMO
 - 2. INTERAGENCY AGREEMENT

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Vote to Approve	Darlene L. Peterson	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Darlene L. Peterson, Court Administrator

Reviewed By	Department	Date
<i>Darlene L. Peterson</i>	Municipal Court	05/24/2023

Council Action:

<i>Andrew D. Asbjornsen</i>	Finance	05/30/2023
<i>Sarah W. Chaplin</i>	Legal	05/30/2023
<i>Seth M. Fleetwood</i>	Executive	05/30/2023



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

MEMORANDUM

TO: CITY COUNCIL
FROM: DARLENE L. PETERSON
CC: BRIAN HEINRICH
SUBJECT: REIMBURSEMENT FOR BLAKE DECISION COSTS
DATE: MAY 24, 2023

This is an Interagency Reimbursement Agreement with the Administrative Office of the Courts to accept reimbursement for vacating sentences of individuals whose convictions or sentences are affected by the Blake decision. If needed, this allows the City reimbursement for up to \$311,745 for the extraordinary judicial, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences.

**INTERAGENCY REIMBURSEMENT AGREEMENT IAA24047
BETWEEN
WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS
AND
BELLINGHAM MUNICIPAL COURT**

THIS REIMBURSEMENT AGREEMENT (“Agreement”) is entered into by and between the Administrative Office of the Courts (“AOC”) and BELLINGHAM MUNICIPAL COURT (“Jurisdiction”) to reimburse BELLINGHAM MUNICIPAL COURT for the extraordinary costs of resentencing and vacating sentences as required by *State v. Blake* (“Blake”).

I. PURPOSE

The purpose of this Agreement is to reimburse Jurisdiction for the extraordinary judicial, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the *Blake* decision. For municipalities, this will include language from Engrossed Substitute Senate Bill 5187, Section 114(13) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia.

II. REIMBURSEMENT

Extraordinary Expenses Reimbursement. AOC shall reimburse Jurisdiction up to a maximum of \$ 311745 for the extraordinary judicial, prosecutorial, and/or defense-related costs (collectively, “Costs”) of resentencing and vacating the sentences of individuals whose convictions and/or sentences are affected by the *Blake* decision. Municipalities should be advised, the Washington Legislature passed Engrossed Substitute Senate Bill 5187, Section 114(13), which requires vacating of cannabis and possession of paraphernalia.

A. To be eligible for reimbursement, the Costs must be incurred between July 1, 2023 and June 30, 2024. AOC will not reimburse Jurisdiction for Costs incurred after June 30, 2024. AOC may, at its sole discretion, deny reimbursement requests in excess of the amount awarded. If additional funding is or becomes available for these purposes, AOC and Jurisdiction may mutually agree to increase the amount awarded under this Agreement.

B. General. AOC shall reimburse Jurisdiction for approved and completed reimbursements by warrant or electronic funds transfer within 30 days of receiving a properly completed A-19 invoice and the necessary backup documentation.

III. PERIOD OF PERFORMANCE

Performance under this Agreement begins **July 1, 2023**, regardless of the date of execution, and ends on **June 30, 2024**. The period of performance may be amended by mutual agreement of the Parties.

IV. TERMS OF REIMBURSEMENT

A. Jurisdiction shall electronically submit, once per month, its A-19 invoices to Payables@courts.wa.gov.

B. Jurisdiction's A-19 invoices must include:

1. Payment documents from Jurisdiction indicating the amounts expended, the recipients, and the date of expenditure;

2. A list of any case numbers associated with the services provided;

3. A breakdown of expenses by judicial, prosecutorial, and defense-related costs;

4. Any employee positions supported by Blake related funds, broken down by judicial, prosecutorial, and defense-related positions, including name of employee, title, hourly wage of the individual, time spent on *Blake*-related cases and a list of corresponding cause numbers;

5. The unique three-digit court code for the Jurisdiction the work was completed on behalf of must be provided on the A-19. If a Jurisdiction contracts with another jurisdiction to provide court services, then the unique court code for the jurisdiction for which the work was completed must be provided; and

6. Data, including case numbers and aggregate data on the number and type of cases:

a. Vacated under *Blake*;

b. Resentenced under *Blake*; and

c. Being worked on under *Blake*.

V. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by agreement of the Parties. Such amendments are not binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

VI. GOVERNANCE

A. This Agreement is entered into pursuant to and under the authority

granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement must be construed to conform to those laws.

B. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency will be resolved by giving precedence in the following order:

1. Applicable state and federal statutes and rules;
2. This Agreement; and then
3. Any other provisions of the Agreement, including materials incorporated by reference.

VII. WAIVER

A failure by either Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

VIII. SEVERABILITY

If any provision of this Agreement, or any provision of any document incorporated by reference is held invalid, such invalidity does not affect the other provisions of this Agreement that can be given effect without the invalid provision and to this end the provisions of this Agreement are declared to be severable.

IX. AGREEMENT MANAGEMENT

The Program Managers/Point of Contacts noted below are responsible for and are the contact people for all communications and billings regarding the performance of this Agreement:

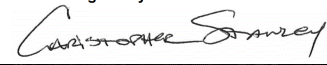
AOC Program Manager	Jurisdiction Program Manager/Point of Contact
<p>Sharon Swanson Blake Implementation Manager PO Box 41170 Olympia, WA 98504-1170 Sharon.Swanson@courts.wa.gov (360) 890-2549</p>	<p>Darlene Peterson Court Administrator 1014 C St Bellingham, WA 98225 dlpeterson@cob.org 360-778-8150</p>

X. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement are considered to exist or to bind any of the Parties to this agreement unless otherwise stated in this Agreement.

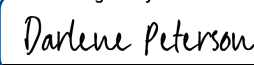
AGREED:

Administrative Office of the Courts

DocuSigned by:

 5/23/2023
 B760CAA4FE6410...
 Signature Date

Christopher Stanley
 Name

Chief Financial and Management Officer
 Title

DocuSigned by:

 5/23/2023
 F960ED235679474...
 Signature Date

Darlene L. Peterson
 Name

Court Administrator
 Title



City Council Agenda Bill

23749

Bill Number

Subject: Interlocal Agreement with Whatcom Conservation District for Wildfire Risk Reduction Education

Summary Statement: As the number of wildfires occurring annually in Western Washington increases, there is also an increase in the potential for wildland fires to impact nearby residential buildings and other structures. The Whatcom Conservation District will provide risk reduction outreach to property owners within the Wildland Urban Inteface/Intermix zone of Bellingham as defined by Washington Department of Natural Resources. This will include wildfire risk reduction education in the form of individual risk assessments for private property owners and community presentations on wildfire preparedness.

Previous Council Action: **Approval of 2021 and 2022 agreements for the delivery of risk reduction education to residents of the Lake Whatcom Watershed**

Fiscal Impact: **\$62,943.36**

Funding Source: **Climate Office**

- Attachments:
- 1. STAFF REPORT
 - 2. INTERLOCAL AGREEMENT

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	06/05/2023	Authorize Contract	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Clare Fogelsong, Natural Resources Policy Mgr.

Council Action:

Reviewed By	Department	Date
<i>Brian M. Heinrich</i>	Executive	05/31/2023
<i>James E. Erb</i>	Legal	05/31/2023
<i>Seth M. Fleetwood</i>	Executive	05/31/2023

CITY OF BELLINGHAM EXECUTIVE STAFF REPORT

Agenda Topic: *Whatcom Conservation District ILA – Wildfire Risk Reduction Educ.*

For: June 7, 2023 City Council Meeting

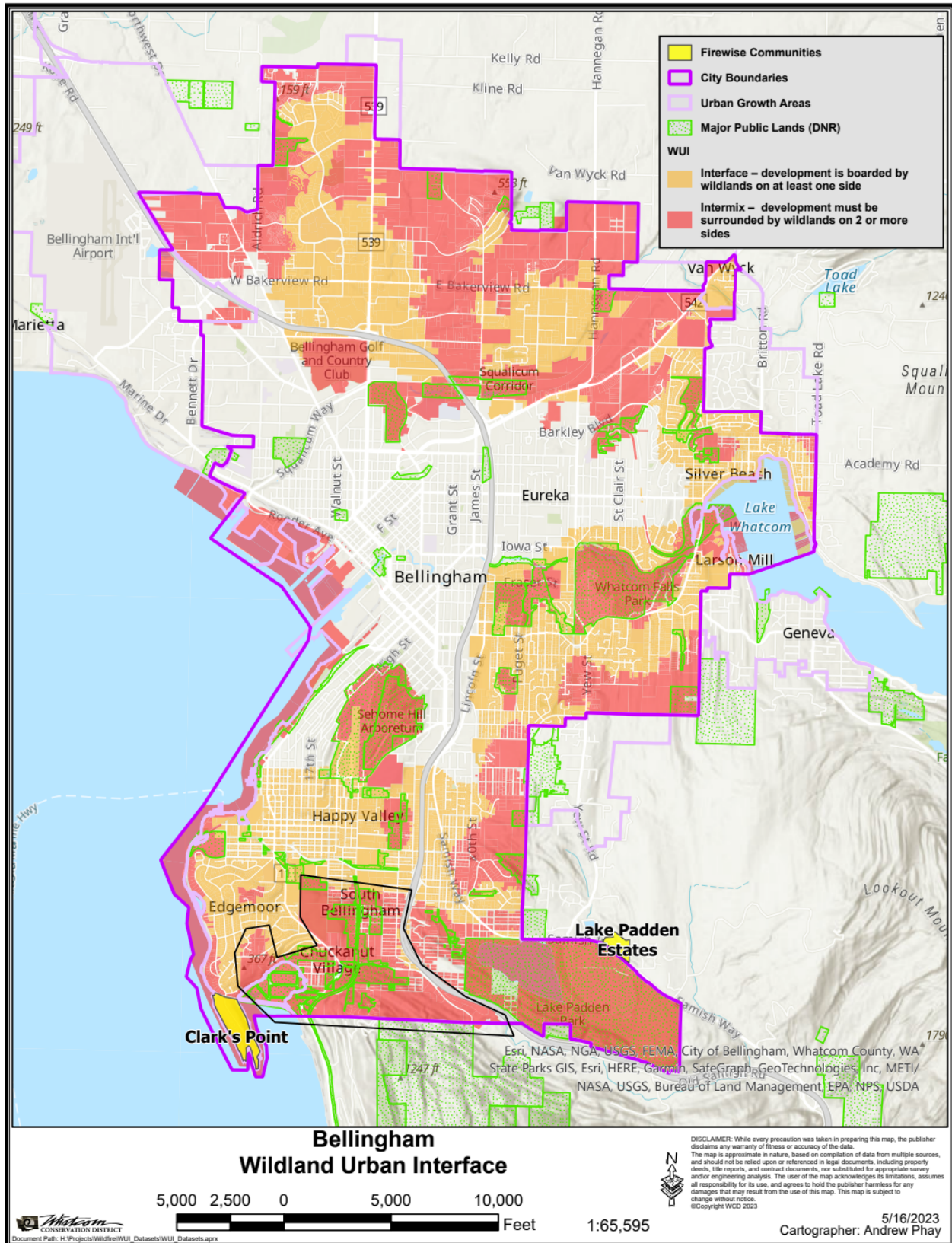
Staff Contact: *Clare Fogelsong*

I. SUMMARY OF PROPOSAL

The proposed ILA is a response to the increasing occurrence of wildfires in Western Washington and the potential for wildfires to burn into neighboring residential areas. Large parts of Bellingham's urban fringe and additional areas adjacent to large, wooded City parks meet the Department of Natural Resources risk definitions due to proximity to wooded areas or the risk of embers from a fire reaching nearby structures.

The District will provide risk reduction outreach to property owners within the Wildland Urban Interface/Intermix zone of Bellingham as defined by Washington Department of Natural Resources.. This will include wildfire risk reduction education, individual risk assessments for private property owners, and community presentations on wildfire preparedness within neighborhoods.

Exhibit A: Wildland Urban Interface Map



**INTERLOCAL AGREEMENT BETWEEN
WHATCOM CONSERVATION DISTRICT AND THE CITY OF BELLINGHAM FOR
SUPPORT OF THE WILDFIRE RISK REDUCTION EDUCATION PROGRAM**

WHEREAS, increasing seasonal temperatures coupled with changes to precipitation patterns are of regional concern as those conditions increase the risk of wildfires; and

WHEREAS, residential development within the City of Bellingham (City) is located in areas identified as the Wildland Urban Interface/Intermix (WUI) zone; and

WHEREAS, land uses such as active forest operations, recreational trail use, and homes, are all potential sources of ignition for fires within WUI designated areas; and

WHEREAS, the City is concerned for the increasing risk wildfires and their environmental impacts pose to residents in WUI designated area; and

WHEREAS, the Whatcom Conservation District's (District) Wildfire Risk Reduction Program works with property owners to identify hazardous conditions, and develop risk reduction plans; and

WHEREAS, City and District staff have also previously worked together to provide wildland fire preparedness and prevention assistance to homeowners within the Lake Whatcom Watershed; and;

WHEREAS, the City desires to expand the wildfire risk reduction services to homeowners within the City.

NOW, THEREFORE, the City and District agree as follows:

1. TERM.

This Agreement shall be effective June 10, 2023 and shall continue through December 31, 2024.

2. WHATCOM CONSERVATION DISTRICT RESPONSIBILITIES.

- (a) The District will accomplish the tasks of the attached Scope of Work, Appendix A.
- (b) The District will submit itemized invoices to the City to invoice no more than monthly, but at least quarterly to the following contact:

City of Bellingham
c/o Anna Serier
104 W Magnolia
Bellingham, Wa, 98225

3. CITY RESPONSIBILITIES.

- (a) The City shall pay the District the following maximum amount for the services of the Wildfire Risk Reduction Program as described in Appendix A: Sixty Two Thousand Nine Hundred and Forty Three Dollars and Thirty Six cents (\$62,943.36). Payments

will be within 30 days following receipt of an approved invoice, provided all other terms and conditions of the contract have been met.

Payment should be sent to:
Whatcom Conservation District
c/o Dawn Bekenyi, Financial Administrator
6975 Hannegan Road
Lynden, WA 98264

(b) The City will work with Whatcom Conservation District staff to review and approve outreach materials and participate in outreach events as needed.

4. PROJECT COORDINATION

- (a) The project coordinator for the City is Clare Fogelsong, Climate Policy Manager.
- (b) The project coordinator for District is Aneka Sweeney, Outreach and Education Manager

5. INDEMNIFICATION

To the maximum extent permitted by law, each party shall defend, indemnify and hold harmless the other party from claims, demands, damages, causes of action, or suits of any kind arising from such party's negligent acts or omissions under this Agreement. For purposes of this provision the term "party" includes the party itself and its employees, agents, consultants and contractors. It is further provided that no liability shall attach to the Parties by reason of entering into this AGREEMENT except as expressly provided herein. EACH PARTY WAIVES IMMUNITY UNDER THE WASHINGTON INDUSTRIAL INSURANCE ACT, TITLE 51 RCW, BUT ONLY TO THE LIMITED EXTENT NECESSARY TO EFFECTUATE EACH PARTY'S OBLIGATION TO DEFEND THE OTHER UNDER THIS SECTION.

6. DISPUTE RESOLUTION

(a) The Parties shall first attempt to timely resolve disputes informally at the staff level. In the event that the dispute cannot be resolved at the staff level, a dispute resolution process shall be followed under the guidance of the Whatcom Dispute Resolution Center.

(b) Should the Parties be unsuccessful in resolving the dispute or claim through the dispute resolution process described in paragraph (a), then the aggrieved party(ies) may pursue an action for relief in the Superior Court of the State of Washington in and for Whatcom County. The laws and regulations of the State of Washington are to be controlling both as to interpretation and performance of this agreement.

7. POSTING

The City shall post this Agreement on the City's website to satisfy the public notice requirements of the Interlocal Cooperation Act, Chapter 39.34 RCW.

8. MISCELLANEOUS PROVISIONS

(a) **Entire Agreement.** This Agreement constitutes the complete and Agreement between the Parties. It supersedes all previous understandings and agreements, written and oral with respect to this transaction. This Agreement may be amended only by written instrument executed by the Parties subsequent to the date hereof.

(b) **Severability.** If any provision of this Agreement is held to be invalid, illegal or unenforceable for whatever reason, that shall not affect or impair, in any manner, the validity, legality or enforceability of the remainder of this Agreement.

(c) **Status of Employees.** No party shall assume any liability for the direct payment of any salary, wages, or other compensation to any of the other party's personnel performing services hereunder or for any other liability not expressly assumed herein. No agent, employee or other representative of any party shall be deemed an employee of any other party for any reason.

(d) **No Third-Party Beneficiaries.** This Agreement shall not be interpreted or construed to confer any right or benefit on any third party.

EXECUTED, this the ____ day of _____, 2023, for **WHATCOM CONSERVATION DISTRICT** by:

Heather Christianson, Chair

EXECUTED, this the ____ day of _____, 2023, for the **CITY OF BELLINGHAM**:

Mayor

Attest:

Approved as to Form:

Finance Director

Office of the City Attorney

Appendix A

Scope of Work:

Whatcom Conservation District (District) City of Bellingham (City) Wildland Urban Interface/Intermix Wildfire Risk Reduction Program (Program)

Wildfire Risk Reduction Services

The District will provide risk reduction outreach to property owners within the Wildland Urban Interface/Intermix zone of Bellingham as defined by Washington Department of Natural Resources.. This will include wildfire risk reduction education in the form of individual risk assessments for private property owners, and community presentations on wildfire preparedness within neighborhoods.

Task 1: Administration

- The District will submit quarterly invoices, with progress reports that summarize actions taken for each task.
- The District will provide an annual report.
- Coordination meetings will be held with City and District staff including meetings before and after the delivery of services.
- 3-year plan to reach all areas of the Intermix and Interface zones (potential to add high-risk Urban Growth Areas (UGA) as warranted)

Task 1 Deliverables

- Invoicing
- 3-year Plan
- Quarterly reports
- Annual reports

Task 2: Outreach and Education

Wildfire Risk Reduction Outreach and Education

All addresses in the Intermix (3,553 parcels) and Interface zones (12,991 parcels) will receive general Wildfire Risk Reduction education and resources at the start of the program. Outreach topics will include, but aren't limited to wildfire behavior, risk and response; reducing risk to structures; fire-resistant landscaping; forest health; drought impacts; smoke impacts; and climate change adaptation.

High-priority areas will be chosen for an annual focus, direct outreach will be sent to every residence in a focus area. Outreach methods will include:

- Targeted mailers
- City of Bellingham website
- Whatcom Conservation District website: wildfire pages
- Whatcom Conservation District e-news
- Community presentations on wildfire preparedness and wildfire risk
- Hosting an information booth with wildfire resources
- Messaging through social media
- Initiation and support of Wildfire Awareness Month
- Presentations to other organizations with prior approval

Task 2 Deliverables

- Creation of new outreach materials such as postcards, brochures, posters, display materials as needed
- Development and distribution of promotional materials through mailers, newsletters, social media, Nextdoor, radio ads, videos and website (general mailing to all addresses in the WUI (intermix + interface = 16,542) and targeted materials reaching ~1,000 people per year).
- Development and hosting of educational workshops, events and/or tours (either in-person or virtual) (reaching ~300 people per year)
- Participation in existing events through tabling/outreach booths (either in-person or virtual), with prior approval.

Task 3: Technical Assistance

Wildfire Risk Assessments

Wildfire risk assessments include meeting with landowners on their property and providing site-specific recommendations for reducing wildfire risk to their home and landscapes. Hard copy resources will be provided to clients.

Community Assistance with Wildfire Planning

Communities/neighborhoods will be aided in planning for wildfire based on their needs and individual goals. This includes:

- Community risk assessments and recommendations
- Assistance with the NFPA Firewise USA Program application/process
- Assistance with yearly Firewise renewal

Task 3 Deliverables

- Up to 40 individual wildfire risk assessments and reports per year
- 2 high risk areas (neighborhoods or parts of neighborhoods) receiving risk reduction planning assistance.

Budget

Staff	Max Comp Rate	Task 1: Admin	Task 2: Ed/Out	Task: 3 Tech	Total hours	Total Cost
Wildfire Specialist	\$ 45.58	50	300	300	650	\$ 29,626.15
Ed Manager	\$ 70.62	48	40		88	\$ 6,214.69
Admin Specialist	\$ 56.64	48			48	\$ 2,718.70
Ed Specialist	\$ 40.25		50		50	\$ 2,012.28
					Sub-total	\$ 40,571.82
					Overhead 30%	\$ 12,171.54
					Materials/Supplies	\$10,000
					Travel	\$200
					Total	\$ 62,943.36



City Council Agenda Bill

23710

Bill Number

Subject: An Ordinance of the City of Bellingham, Washington Establishing a Water Resources Advisory Board; Adding a New Chapter 2.91 to the Bellingham Municipal Code

Summary Statement: On May 8, 2023, the Public Works and Natural Resources Committee discussed agenda bill 23710 regarding an ordinance creating a Water Resources Advisory Board. During discussion, several amendments to the ordinance were introduced by Councilmember Anderson. The Committee withheld action on the item pending a future discussion. The proposed changes are similar, if not verbatim, to revisions discussed by the Watershed Advisory Board (WAB). The proposed amendments were discussed by the WAB members and City staff at multiple public meetings over the last several months. The discussions were followed by a formal vote and recommendation to the Council to pass the ordinance. Attached to this agenda bill are the amendments proposed by Council member Anderson, minutes from recent WAB meetings, agenda bill 23710, a Statement of Recommendation from the WAB and an updated ordinance including Mayor Fleetwood's direction for Council. Staff recommend passing the ordinance.

Previous Council Action: **Ordinance 2009-05-029, Council discussion on 5/8/2023 and 5/22/23**

Fiscal Impact: **Staff time to support the Water Resources Advisory Board is included in the approved 2023-2024 Budget**

Funding Source: **Water, Sewer and Stormwater Funds**

Attachments: 1. ORDINANCE AS AMENDED 5/22/23

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Third and Final Reading	06/05/2023	Vote to Approve	Eric Johnston, Public Works Director	5 minutes

Recommended Motion: Move to approve ordinance establishing the Water Resources Advisory Board and adding Chapter 2.91 to the Bellingham Municipal Code

Council Committee:
Public Works and Natural Resources

Agenda Bill Contact:
Renee Lacroix, Assistant Public Works Director

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/15/2023
<i>Matthew T. Stamps</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/16/2023

Council Action: Hammill / Williams moved 1st and 2nd. MOTION CARRIED 7-0. 5/22/23

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ESTABLISHING A WATER RESOURCES ADVISORY BOARD; ADDING A NEW CHAPTER 2.91 TO THE BELLINGHAM MUNICIPAL CODE

WHEREAS, the City of Bellingham (the “City”) owns and operates municipal water, sewer, and surface and stormwater utilities under Title 15 of the Bellingham Municipal Code; and

WHEREAS, the City operates its municipal water utility in compliance with local, state and federal regulations intended to protect the public health by ensuring safe and reliable drinking water now and in the future; and

WHEREAS, the City has authority to participate in and expend revenue on cooperative watershed management actions for purposes of water supply, water quality, and water resource and habitat protection and management; and,

WHEREAS, the City protects water quality in the Salish Sea by providing quality sewer treatment at the city of Bellingham Post Point Resource Recovery facility, pollution prevention activities, industrial pretreatment requirements, combined sewer reductions, and overflow prevention; and

WHEREAS, as stated in Title 15 of the Bellingham Municipal Code, the intent of the surface and stormwater utility is to protect the city’s aquatic resources, provide a response to reduce flooding and erosion damages, reduce the discharge of pollutants and improve fish habitat within the city; and

WHEREAS, the City’s Public Works Department is assigned responsibility in Title 2 of the Bellingham Municipal Code for the maintenance and operation of the water, sewer and surface and stormwater utilities; and

WHEREAS, the City recognizes the importance of a comprehensive view of the interconnectivity of all water resources and the importance of proactively protecting and restoring the community’s water resources including lakes, streams, and the bay to ensure the availability of safe natural spaces and clean affordable drinking water in perpetuity; and

WHEREAS, the City periodically updates utility system plans to plan for future needs, including the Water System Plan, Surface and Stormwater Comprehensive Plan, Comprehensive Sewer Plan, and the Lake Whatcom Five-Year Work Plan; and

WHEREAS, since its creation in 2002 the Lake Whatcom Watershed Advisory Board had contributed greatly to development of effective tools and policies protecting the Lake

Whatcom Watershed and that an advisory board with a broad view of all water resources in Bellingham will be similarly beneficial to the community; and

WHEREAS, the City desires to form a Water Resources Advisory Board of Bellingham residents whose purpose is to help inform and guide the City's planning and policy regarding the protection and management of water resources, including municipal water, sewer, and surface and stormwater systems, controls and rates, including drinking water source protection.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new Chapter 2.91 is added to the Bellingham Municipal Code as follows:

**Chapter 2.91
WATER RESOURCES ADVISORY BOARD**

2.91.010 Established.

Pursuant to Section 7.01 of the City Charter, there is hereby established a water resources advisory board.

2.91.020 Responsibilities.

The board shall advise the city council, mayor, public works director, and other city departments on the formulation and implementation of plans, programs and projects concerning the city's municipal water, sanitary sewer, wastewater treatment and disposal, and surface and stormwater utilities, including the protection and preservation of Lake Whatcom through, in part, the watershed acquisition program, as the city's primary source of drinking water. Such plans include but are not limited to the water system plan, surface and stormwater comprehensive plan, comprehensive sewer plan, and the Lake Whatcom five-year work plan.

2.91.030 Membership.

- A. The board shall consist of up to nine members. Members shall be appointed and removed by the mayor and confirmed by city council. Members shall serve without compensation. No member of the board shall be employed by the City.
- B. Members shall serve three-year terms. At the outset, appointments may be for shorter terms to allow for staggered terms of service. Members may be reappointed without limitation. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term.

A. Members shall be residents of the City of Bellingham. To the extent possible, members shall be selected so that the board collectively possesses knowledge and/or experience on the following municipal matters:

1. Drinking water source preservation and protection;
2. Drinking water utility systems;
3. Sanitary sewer utility systems, including wastewater treatment and disposal;
4. Surface and stormwater utility systems; and
5. Utility finances and rates.

2.91.040 Organization and meetings.

- A. Upon the initial appointment of the board, the board shall elect a chairperson and vice chairperson from among its members to preside at its meetings, and thereafter such officers shall be elected at the first meeting in January of each year.
- B. The board shall appoint a secretary who shall have charge of all board records and shall keep accurate and complete minutes of all meetings. The secretary need not be a member of the board. All records of the board shall be public records, maintained in accordance with the Washington Public Records Act, Chapter 42.56 RCW.
- C. A majority of the members of the board shall constitute a quorum for the transaction of business and a majority of board members present shall be required to approve any action; provided, however, that the adoption or amendment of board bylaws shall require approval by majority vote of the entire board (not just a majority of those present at the meeting where the vote occurs).
- D. Regular meetings of the board shall be held at least six times per year. Additional special meetings may be held as the board deems necessary. All meetings of the board shall be open to the public and in accordance with the Washington Open Public Meetings Act, Chapter 42.30 RCW.
- E. The board is authorized to make bylaws for the conduct of its business, consistent with this chapter.
- F. The public works department shall support the board in the fulfillment of its responsibilities.

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney



City Council Agenda Bill

23709

Bill Number

Subject: An Ordinance of the City of Bellingham, Washington Dissolving the Watershed Advisory Board, Repealing Bellingham Municipal Code Chapter 2.90

Summary Statement: On May 8th, the Public Works and Natural Resources Committee discussed agenda bill 23709. The Committee voted unanimously to forward the ordinance to the full Council for approval. The companion ordinance in agenda bill 23710 did not advance pending discussion of proposed amendments. During the regular Council meeting no action was taken on the proposed ordinance dissolving the Watershed Advisory Board (WAB). Staff recommendation is to pass the ordinance attached to agenda bill 23709.

Previous Council Action: **Ordinance 2009-05-029, Council discussion on 5/8/2023 and 5/22/2023**

Fiscal Impact: **None**

Funding Source: **N/A**

Attachments: 1. ORDINANCE DISSOLVING WATERSHED ADVISORY BOARD

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Third and Final Reading	06/05/2023	Pass Ordinance	Eric Johnston, Public Works Director	5 minutes

Recommended Motion: Move to approve the attached ordinance repealing BMC Chapter 2.90 and dissolving the Lake Whatcom Watershed Advisory Board

Council Committee:
Public Works and Natural Resources

Agenda Bill Contact:
Renee LaCroix, Assistant Public Works Director (360)-778-7966

Reviewed By	Department	Date
<i>Eric C. Johnston</i>	Public Works	05/15/2023
<i>Matthew T. Stamps</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/16/2023

Council Action: Stone / Hammill moved 1st and 2nd. MOTION CARRIED 7-0. 5/22/23

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON DISSOLVING THE LAKE WHATCOM WATERSHED ADVISORY BOARD, REPEALING BELLINGHAM MUNICIPAL CODE CHAPTER 2.90

WHEREAS, Bellingham Ordinance No. 2000-09-058 authorized increased water use rates to fund land acquisition and other land preservation measures in the Lake Whatcom Watershed as codified in BMC 15.08.250 and further authorized establishment of the Watershed Advisory Board to provide citizen advice and oversight to the Mayor, City Council and City staff regarding potential land acquisition and preservation measures within the watershed to protect and improve the quality of the City's water supply, as codified in Chapter 2.90 to the Bellingham Municipal Code; and

WHEREAS, The Board was established over twenty two years ago as part of the City's efforts to protect the drinking water source for the residents of Bellingham and parts of Whatcom County; and

WHEREAS, The Board played an integral role in the development of policies and programs to address declining water quality in Lake Whatcom with a specific focus on land acquisition and preservation; and

WHEREAS, since the formation of the Board the City has added numerous staff to implement and continue to refine said policies and programs including the development of the Lake Whatcom Management Program in partnership with Whatcom County and the Lake Whatcom Water and Sewer District; and

WHEREAS, the ten program areas within the Lake Whatcom Management Program include the City's Watershed Property Acquisition Program; and

WHEREAS, the City has clear policy and budget authority to pursue and purchase properties in the Lake Whatcom watershed with a goal of protecting water quality; and

WHEREAS, the need for advisement from the Board on development of new policies and programs has diminished over time as the Lake Whatcom Management Program partners have scaled up programs, staffing, and funding across all areas to protect Lake Whatcom water quality; and

WHEREAS, The Board has approved all properties brought before the Board and has not advised the City to refrain from buying any property under consideration; and

WHEREAS, the duties of the Board have become largely redundant to the duties of staff as much of the original duties have been accomplished and are institutionalized within City and County structure; and

WHEREAS, establishing and maintaining a Watershed Advisory Board is not a requirement of Washington State law; and

WHEREAS, the Watershed Advisory Board has reviewed and approved its proposed dissolution; and

WHEREAS, the City desires to dissolve the Lake Whatcom Watershed Advisory Board and repeal Chapter 2.90 of the Bellingham Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. Bellingham Municipal Code Chapter 2.90 is hereby repealed.

Section 2. The Lake Whatcom Watershed Advisory Board is dissolved.

PASSED by City Council this _____ day of _____, 2022.

Council President

APPROVED by me this ____ day of _____, 2022.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:



City Council Agenda Bill

23722

Bill Number

Subject: **An Ordinance Amending the 2023-2024 Biennial Budget - Amendment No. 4**

Summary Statement: This amendment adds funding and position authority for a 0.2 full time equivalent (416 hours) intern to the City Council Budget.

Previous Council Action: **Adoption of the 2023-2024 Biennial Budget; direction to prepare ordinance May 8, 2023.**

Fiscal Impact: **\$6,926**

Funding Source: **General Fund**

Attachments: 1. ORDINANCE

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Third and Final Reading	06/05/2023	Vote to Approve	Councilmember Kristina Michele Martens	2 minutes

Recommended Motion:

Council Committee:
Committee of the Whole

Agenda Bill Contact:
Forrest Longman, 360-778-8005

Reviewed By	Department	Date
<i>Andrew D. Asbjornsen</i>	Finance Department	05/16/2023
<i>Alan A. Murriner</i>	Legal	05/16/2023
<i>Seth M. Fleetwood</i>	Executive	05/16/2023

Council Action: Lilliquist / Stone moved 1st and 2nd. MOTION CARRIED 7-0. 5/22/23

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023-2024 BIENNIAL BUDGET – AMENDMENT NO. 4

WHEREAS, the City has identified a budget adjustment that was not anticipated when the biennial budget was adopted; and

WHEREAS, these adjustments are necessary to improve City services and ensure a balanced budget.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The 2023-2024 Biennial Budget is hereby amended as follows:

Fund Department	Revenue Amount	Expense Amount	Reserve Contribution/ (Use)
001 - General Fund			
City Council		6,926	(6,926)
Total		6,926	(6,926)

Section 2. The full time equivalent (FTE) count is increased by 0.2 FTE as follows:

Department Classification	FTE	
City Council	0.20	
Intern	0.20	
Total		0.20

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270