This meeting will follow Center for Disease Control (CDC) approved public health and social distancing measures. If you feel sick, please stay home. If you choose to attend, you will be asked to follow CDC guidance regarding COVID-19, found on pages 4-6 in this packet. However, you are strongly encouraged to access the meeting electronically to reduce the risk of spreading COVID-19. Council meetings are broadcast live through the City’s website at meetings.cob.org, on the City's YouTube channel, or on BTV: Comcast channels 321 (HD) and 10 (SD) and on Century Link channels 1040 (HD) and 40 (SD). Please note there will be no public comment taken at City Council meetings until further notice. Instead, people are respectfully asked to submit comments by email at ccmail@cob.org.

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.

Pledge of Allegiance

Roll Call

Presentation

22607 1. Remote Attendance Procedures for Bellingham City Council  p. 7

22608 2. Consideration of an Emergency Ordinance to Allow Public Facilities in the City to be Used to Provide Temporary Shelter for People Experiencing Homelessness and Other Services Needed to Respond to the COVID-19 Pandemic  p. 9

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

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

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.

Final Consideration of Ordinances

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://meetings.cob.org/. 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.
Live Broadcast Information:
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.

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).

The meetings are also streamed live on the internet as they occur. Online viewers will see
exactly what cable customers would see.

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

BTV Council Meeting Rebroadcast 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

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 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, April 13, 2020

Deadline to submit material for any public hearing for inclusion in the published agenda
packet is 8:00 a.m. on Wednesday prior to the meeting.
Coronavirus disease 2019 (COVID-19) and you

What is coronavirus disease 2019?
Coronavirus disease 2019 (COVID-19) is a respiratory illness that can spread from person to person. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into an outbreak in Wuhan, China.

Can I get COVID-19?
Yes. COVID-19 is spreading from person to person in parts of the world. Risk of infection from the virus that causes COVID-19 is higher for people who are close contacts of someone known to have COVID-19, for example healthcare workers, or household members. Other people at higher risk for infection are those who live in or have recently been in an area with ongoing spread of COVID-19.

Learn more about places with ongoing spread at https://www.cdc.gov/coronavirus/2019-ncov/about/transmission.html#geographic.

The current list of global locations with cases of COVID-19 is available on CDC’s web page at https://www.cdc.gov/coronavirus/2019-ncov/locations-confirmed-cases.html.

How does COVID-19 spread?
The virus that causes COVID-19 probably emerged from an animal source, but is now spreading from person to person. The virus is thought to spread mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. It also may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads. Learn what is known about the spread of newly emerged coronaviruses at https://www.cdc.gov/coronavirus/2019-ncov/about/transmission.html.

What are the symptoms of COVID-19?
Patients with COVID-19 have had mild to severe respiratory illness with symptoms of:
- fever
- cough
- shortness of breath

What are severe complications from this virus?
Some patients have pneumonia in both lungs, multi-organ failure and in some cases death.

People can help protect themselves from respiratory illness with everyday preventive actions.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.

If you are sick, to keep from spreading respiratory illness to others, you should
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

What should I do if I recently traveled from an area with ongoing spread of COVID-19?
If you have traveled from an affected area, there may be restrictions on your movements for up to 2 weeks. If you develop symptoms during that period (fever, cough, trouble breathing), seek medical advice. Call the office of your health care provider before you go, and tell them about your travel and your symptoms. They will give you instructions on how to get care without exposing other people to your illness. While sick, avoid contact with people, don’t go out and delay any travel to reduce the possibility of spreading illness to others.

Is there a vaccine?
There is currently no vaccine to protect against COVID-19. The best way to prevent infection is to take everyday preventive actions, like avoiding close contact with people who are sick and washing your hands often.

Is there a treatment?
There is no specific antiviral treatment for COVID-19. People with COVID-19 can seek medical care to help relieve symptoms.

For more information: www.cdc.gov/COVID19
Help prevent the spread of respiratory diseases like COVID-19.

- Avoid close contact with people who are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Avoid touching your eyes, nose, and mouth.
- Clean and disinfect frequently touched objects and surfaces.
- Stay home when you are sick, except to get medical care.
- Wash your hands often with soap and water for at least 20 seconds.

[cdc.gov/COVID19](https://www.cdc.gov/COVID19)
Know the facts about coronavirus disease 2019 (COVID-19) and help stop the spread of rumors.

**FACT 1**
Diseases can make anyone sick regardless of their race or ethnicity.

Fear and anxiety about COVID-19 can cause people to avoid or reject others even though they are not at risk for spreading the virus.

**FACT 2**
For most people, the immediate risk of becoming seriously ill from the virus that causes COVID-19 is thought to be low.

Older adults and people of any age who have serious underlying medical conditions may be at higher risk for more serious complications from COVID-19.

**FACT 3**
Someone who has completed quarantine or has been released from isolation does not pose a risk of infection to other people.

For up-to-date information, visit CDC’s coronavirus disease 2019 web page.

**FACT 4**
There are simple things you can do to help keep yourself and others healthy.

- Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing; going to the bathroom; and before eating or preparing food.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

**FACT 5**
You can help stop COVID-19 by knowing the signs and symptoms:

- Fever
- Cough
- Shortness of breath

Seek medical advice if you develop symptoms AND

- Have been in close contact with a person known to have COVID-19 or if you live in or have recently been in an area with ongoing spread of COVID-19.

[cdc.gov/COVID-19](https://www.cdc.gov/COVID-19)
Subject: Remote Attendance Procedures for Bellingham City Council

Summary Statement: The attached procedural document has been developed to define the parameters of remote attendance to City Council meetings by City Councilmembers. Upon passage, this document will be incorporated into the City Council's official Rules of Procedure.

Previous Council Action: None

Fiscal Impact: None

Funding Source: N/A

Attachments: 1. REMOTE ATTENDANCE PROCEDURES

Meeting Activity | Meeting Date | Recommendation | Presented By | Time
--- | --- | --- | --- | ---
Evening Presentation | 3/23/2020 | Vote to Approve | Council President Gene Knutson | 5 minutes

Recommended Motion:

Council Committee:
Monea Kerr, Legislative Assistant, (360) 778-8202

Agenda Bill Contact:

Reviewed By | Department | Date
--- | --- | ---
Monea J. Kerr | Council Administration | 3/16/2020
Peter M. Ruffatto | Legal | 3/17/2020
Seth M. Fleetwood | Executive | 3/17/2020
Section 14. Procedures for Remote Attendance at Meetings

From time to time, it is not possible for a Councilmember to attend a City Council meeting. In limited instances, the City would benefit by a Councilmember’s participation by means of remote communication. Remote attendance is for the benefit of the City of Bellingham and not for the benefit of an individual Councilmember. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Remote attendance may occur as follows:

a) The Council President may approve a Councilmember’s appearance at a Council meeting via remote communication when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy and one or more of the following circumstances exists:
   i. An emergency exists, such as a natural disaster or pandemic
   ii. A vote of the Council of the whole is required for action
   iii. A unanimous vote of the whole Council is required for passage

b) In no event shall the Council President approve a Councilmember’s remote attendance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember’s voice clearly and sufficiently enough to be heard by those in attendance at the meeting. The Councilmember participating remotely must be able to hear the entire proceedings including all participants, and all participants at the meeting must be able hear the Councilmember appearing by telephone or other electronic means.

c) During any meeting that a Councilmember is attending via remote communication, the Council President or presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance. This information shall be reflected in the meeting minutes.

d) Councilmembers appearing via remote communication may participate and vote during the meeting as if they were physically present at the meeting. A roll call vote shall occur.

e) Councilmembers appearing by remote communication shall comply with all rules and procedures as if they were physically present at the meeting.

f) In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

g) Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such attendance may be allowed for the remainder of the meeting.
Subject: Consideration of an Emergency Ordinance to Allow Public Facilities in the City to be Used to Provide Temporary Shelter for People Experiencing Homelessness and Other Services Needed to Respond to the COVID-19 Pandemic

Summary Statement: In October 2018, the City Council adopted Ordinance No. 2018-10-019, which allows temporary shelters for persons experiencing homelessness in certain areas of the City. While the ordinance exempts from permit review adverse weather shelters that are open for less than 14 days, it does not include an exemption for temporary shelters that the City needs to quickly establish for a longer timeframe because of the COVID-19 pandemic. The City also needs the ability to use public facilities to provide other services needed to respond to COVID-19, including, but not limited to, food distribution, medical care, and social services. This emergency ordinance will allow the Mayor to authorize public facilities to be used to provide temporary shelter for people experiencing homelessness and other services needed to respond to the COVID-19 pandemic without normal permit review.


Fiscal Impact: To be determined

Funding Source: To be determined

Attachments: 1. EMERGENCY ORDINANCE
AN EMERGENCY ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON
AUTHORIZING THE USE OF PUBLIC FACILITIES, WHETHER OWNED OR LEASED, TO
PROVIDE TEMPORARY SHELTER TO PEOPLE EXPERIENCING HOMELESSNESS AND
OTHER SERVICES NEEDED TO RESPOND TO THE COVID-19 PANDEMIC.

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that
a State of Emergency exists in all counties in the State of Washington due to the outbreak of
novel coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the Whatcom County Executive, in coordination with the
Whatcom County Health Board, declared a Whatcom County public health emergency to
reduce the spread of COVID-19 in our community; and

WHEREAS, in response to the rapidly evolving situation in Whatcom County, the Whatcom
County Health Officer issued recommendations to slow the spread of COVID-19; and

WHEREAS, the City of Bellingham (City), under the leadership of the Mayor, has
implemented measures within City operations, services, and facilities to follow the
recommendations of the Whatcom County Health Department; and

WHEREAS, on March 12, 2020, the City’s Mayor issued a Proclamation of Local Emergency
as a result of COVID-19; and

WHEREAS, COVID-19 is a threat to life and public health and demands ongoing and further
emergency action; and

WHEREAS, the severity of this public health emergency may go beyond the capability of
local resources; and

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 disease is a
global pandemic, which is particularly severe in high risk populations such as people with
underlying medical conditions and the elderly, and the WHO has raised the health
emergency to the highest level requiring dramatic interventions to disrupt the spread of this
disease; and
WHEREAS, on March 13, 2020, the Governor issued an emergency proclamation requiring all K-12 schools in Washington to close from March 17, 2020 through April 24, 2020 to combat the spread of the disease; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, on March 16, 2020, the Governor issued an emergency proclamation placing statewide limits on food and beverage services and areas of congregation in the state; and

WHEREAS, this proclamation prohibits: (1) the onsite consumption of food and/or beverages in public venues, including, but not limited to, restaurants, food courts, bars, taverns, coffee shops, catered events, clubs, and bowling alleys; (2) the operation of public venues in which people congregate for entertainment, social or recreational purposes, including, but not limited to, theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, and pool halls; and (3) the operation of all retail stores except pharmacies and grocery stores, unless the stores establish and implement appropriate social distancing and sanitation measures; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries, resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate-income workers resulting in lost wages, the inability to pay for basic household expenses, loss of housing due to non-payment of rent, and an increase in people experiencing homelessness and the need for social support services; and

WHEREAS, City and local agencies that provide rental assistance, homeless prevention services, and social support services anticipate a dramatic increase in demand for services from vulnerable populations due to the COVID-19 pandemic; and

WHEREAS, the City and these local agencies also anticipate an increase in the number of people experiencing homelessness, which creates a heightened risk of disease transmission; and

WHEREAS, the City and these local agencies will need expanded facilities to provide shelter for these additional people experiencing homelessness and other services necessary to
respond to the COVID-19 pandemic, including, but not limited to, food distribution, medical care, and social services; and

WHEREAS, the City and these local agencies will also need expanded facilities to implement social distancing for people experiencing homelessness and to segregate people who are experiencing homelessness and infected with COVID-19; and

WHEREAS, many public facilities, including those owned by the City of Bellingham, Whatcom County, the Bellingham Public School District, and other entities, could provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic; and

WHEREAS, these facilities are geographically well suited to provide additional emergency services during the COVID-19 pandemic; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants cities like the City of Bellingham broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the public health emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to Bellingham Municipal Code (BMC) Chapter 2.57, RCW Chapter 38.52, and other law; and

WHEREAS, BMC 2.57.060 authorizes the Mayor to “make and issue orders which shall have the force of law on matters reasonably related to the protection of life and property as affected by such disaster [or emergency]”; and

WHEREAS, to preserve and protect public health and safety during the COVID-19 pandemic, on __________, the Mayor issued an Emergency Order allowing him to authorize the use of public facilities, whether owned or leased, to provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic; and

WHEREAS, the City Council desires to confirm and continue this order.

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 and conclusions of law in support of this Ordinance.

Section 2. Confirmation of Order. The Emergency Order issued by the Mayor on __________ allowing him to authorize the use of public facilities, whether owned or leased, to
provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic is hereby confirmed.

Section 3. Emergency Use of Public Facilities Authorized. The City Council authorizes the Mayor to allow the use of public facilities, whether owned or leased, to be used to provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic.

Section 4. Duration of Emergency Ordinance. This Emergency Ordinance shall be in effect until the City Mayor proclaims that the COVID-19 pandemic is no longer considered a public health emergency or until this order is subsequently amended.

Section 5. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately and that this Emergency Ordinance must be imposed as an emergency measure to protect the public health, safety and welfare.

Section 6. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130 and City Charter Section 3.05.

Section 7. Conflict with other BMC Provisions. If the provisions of this Ordinance are found to be inconsistent with any provisions of the Bellingham Municipal Code, this Ordinance shall control.

Section 8. 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 ______________________, 2020.

________________________________________
Council President

APPROVED by me this ______ day of ______________________, 2020.

________________________________________
Mayor

ATTEST: 

________________________________________
Finance Director
Subject: Consideration of an Emergency Ordinance Modifying Bellingham Municipal Code (BMC) Chapter 2.57, "Emergency Services Council," to Improve the City's Ability to Respond to Emergencies

Summary Statement: BMC Chapter 2.57 establishes an Emergency Services Council (Council) to respond to public emergencies. Currently, the Council includes the Mayor, the Director of Emergency Services, and all City Council Members. The current code requires the Council, as a body, to meet every 48 hours to determine the continued effectiveness of the Council's actions due to changing circumstances and within 24 hours to confirm an emergency order of the Mayor. The proposed ordinance streamlines Council membership and procedures while ensuring continued oversight by City Council. The ordinance reduces membership of the Council to the Mayor, the Director of Emergency Services, and the City Council President. However, the ordinance also requires that City Council confirm by emergency ordinance all emergency orders that have the force of law and contemplate City enforcement action.

Previous Council Action: Adoption of BMC Chapter 2.57 by Ordinance 8573 in 1977.

Fiscal Impact: N/A

Funding Source: N/A

Attachments: 1. MEMORANDUM
              2. EMERGENCY ORDINANCE
              3. CHAPTER 2.57 BMC

Meeting Activity | Meeting Date | Recommendation | Presented By | Time
--- | --- | --- | --- | ---
Evening Presentation | 3/23/2020 | Pass Ordinance | Peter Ruffatto, City Attorney | 5 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Alan Marriner, Legal Department

Reviewed By | Department | Date
--- | --- | ---
Peter M. Ruffatto | Legal | 3/17/2020

Council Action:

Alan A. Marriner | Legal | 3/17/2020
Seth M. Fleetwood | Executive | 3/17/2020
**MEMORANDUM**

<table>
<thead>
<tr>
<th>TO:</th>
<th>BELLINGHAM CITY COUNCIL</th>
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</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>PETER RUFFATTO, CITY ATTORNEY</td>
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<tr>
<td>CC:</td>
<td>MAYOR SETH FLEETWOOD</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>ORDINANCE REGARDING EMERGENCY SERVICES COUNCIL</td>
</tr>
<tr>
<td>DATE:</td>
<td>MARCH 22, 2020</td>
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</tbody>
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**Summary:** This ordinance is being introduced at this time because, given the present crisis, it will be very difficult to convene emergency and ongoing meetings in the timeframes prescribed by the current code. The proposed ordinance is entirely procedural in nature. No new authority or power is being added to City government, and no new authority or power is being executed by this ordinance. This ordinance is intended to align emergency functions with the City Charter and with modern emergency response, including the Incident Command System and National Incident Management System (ICS/NIMS). The ICS and NIMS have been adopted by the City as the framework for emergency response.

**Elements of proposed ordinance:** This ordinance amends the Bellingham Municipal Code, regarding emergency process as follows:

- Membership of the emergency service council (ESC) will include the mayor, the director of emergency services, and the city council president or designee. The ESC will be a resource to the City during an emergency.
- The timeline for review of emergency action by the ESC will be every 48 hours, but this period can be extended based on the nature of the emergency.
- The timeline for confirmation of mayoral orders requiring legislative action will be as soon as practicable following execution of the order.
- This ordinance clarifies that mayoral orders that are primarily internal to City processes do not require legislative confirmation. Examples include proclamation of emergency; action authorized by BMC 2.57.060 (B) through (E); and action under RCW 38.52.070.
- Confirmation of emergency orders by legislative action is reserved for city council which holds legislative authority under the City Charter.
• One example order is being added to the list of emergency orders that require city council confirmation, i.e. an order allowing the siting and operation of essential facilities. The other examples, which date back to 1977, are left unchanged.

What the proposed ordinance does not do:

• This ordinance does not add any specific emergency powers to the City as a whole or to the mayor.
• This ordinance does not invoke, execute, or implement any emergency orders such as those listed in BMC 2.57.060.
• This ordinance does not remove the legislative power of the city council. This ordinance clarifies that all legislative power resides with city council.
• This ordinance does not preclude the city council from calling a special meeting or an emergency meeting to review the operations regarding an emergency, discuss policy matters, or take action with respect to an emergency. Special meetings require a 24-hour notice period.
• This ordinance does not preclude further code amendments as the City reviews, discusses, and determines the best approach to the matters set forth in BMC 2.57.
ORDINANCE NO. _____________

AN EMERGENCY ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON
MODIFYING BELLINGHAM MUNICIPAL CODE CHAPTER 2.57, “EMERGENCY
SERVICES COUNCIL,” TO IMPROVE THE CITY’S ABILITY TO RESPOND TO THE
PUBLIC HEALTH EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS OUTBREAK.

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that
a State of Emergency exists in all counties in the State of Washington due to the outbreak of
novel coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the Whatcom County Executive, in coordination with the
Whatcom County Health Board, declared a Whatcom County public health emergency to
reduce the spread of COVID-19 in our community; and

WHEREAS, in response to the rapidly evolving situation in Whatcom County, the Whatcom
County Health Officer issued recommendations to slow the spread of COVID-19; and

WHEREAS, the City of Bellingham (City), under the leadership of the Mayor, has
implemented measures within City operations, services, and facilities to follow the
recommendations of the Whatcom County Health Department; and

WHEREAS, on March 12, 2020, the City’s Mayor issued a Proclamation of Local Emergency
as a result of COVID-19; and

WHEREAS, COVID-19 is a threat to life and public health and demands ongoing and further
emergency action; and

WHEREAS, the severity of this public health emergency may go beyond the capability of
local resources; and

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 disease is a
global pandemic, which is particularly severe in high risk populations such as people with
underlying medical conditions and the elderly, and the WHO has raised the health
emergency to the highest level requiring dramatic interventions to disrupt the spread of this
disease; and

WHEREAS, on March 13, 2020, the Governor issued an emergency proclamation requiring
all K-12 schools in Washington to close from March 17, 2020 through April 24, 2020 to
combat the spread of the disease; and

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

Ordinance (1)
WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, on March 16, 2020, the Governor issued an emergency proclamation placing statewide limits on food and beverage services and areas of congregation in the state; and

WHEREAS, this proclamation prohibits: (1) the onsite consumption of food and/or beverages in public venues, including, but not limited to, restaurants, food courts, bars, taverns, coffee shops, catered events, clubs, and bowling alleys; (2) the operation of public venues in which people congregate for entertainment, social or recreational purposes, including, but not limited to, theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, and pool halls; and (3) the operation of all retail stores except pharmacies and grocery stores, unless the stores establish and implement appropriate social distancing and sanitation measures; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries, resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages, the inability to pay for basic household expenses, loss of housing due to non-payment of rent, and an increase in people experiencing homelessness and the need for social support services; and

WHEREAS, to improve the City's ability to respond to this public health emergency in a timely, effective manner, the City should amend Bellingham Municipal Code Chapter 2.57, “Emergency Services Council."

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code (BMC) 2.57.030 is amended as follows:

The emergency services council is created and shall consist of the following:

A. The mayor, who shall be chairman;
B. The director of emergency services, who shall be vice-chairman; and
C. The city council president, or designee.
Section 2: BMC 2.57.040 is amended as follows:

A. It shall be the duty of the emergency services council, and it is empowered, to review and recommend for adoption, emergency services and mutual aid plans and agreements and such resolutions, rules, and regulations as are necessary to implement such plans and agreements.

B. The emergency services council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon the call of the vice-chairman.

C. All orders, rules, regulations, or resolutions prepared by the emergency services council during the pendency of an emergency or disaster shall be reviewed by the council at least once every 48 hours for the purpose of determining their continued efficacy due to changed circumstances. However, if the Mayor determines, based on the recommendation of the director of emergency services, that the emergency or disaster will require emergency measures lasting longer than one week, the emergency services council may extend the interval for reviewing such orders, rules, regulations, and resolutions from 48 hours to a longer time period.

D. An order as authorized by BMC 2.57.060 (A) shall require confirmation by the City Council at the earliest practicable time. Neither a proclamation of emergency, nor an order authorized by BMC 2.57.060 (B) through (E), nor an action under RCW 38.52.070 requires confirmation by the City Council.

E. The confirmation of emergency orders of the Mayor, if intended to carry the force of law and be enforced as set forth in BMC 2.57.070, shall be by emergency ordinance adopted by City Council in accordance with the City Charter.

Section 3: BMC 2.57.060 is amended as follows:

In the event of disaster as provided in this chapter, the mayor or, in the mayor's absence, the director is empowered to do the following:

A. Make and issue orders which shall have the force of law on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such orders must be confirmed at the earliest practicable time, and in any event not more than 24 hours after their issuance, by the emergency services council by City Council. Such orders shall include but not be limited to the following:

1. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

2. An order requiring any or all business establishments to close and remain closed until further order;
3. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the mayor, be allowed to remain open;

4. An order requiring the discontinuance of the sale, distribution, or giving away of alcoholic beverages in any or all parts of the city;

5. An order requiring the discontinuance of the sale, distribution, or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

6. An order requiring the discontinuance of the sale, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

7. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;

8. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;

9. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with the intent to use the same to cause such harm; provided, that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

10. An order prohibiting the carrying, possession, and/or sale of explosives; and

11. An order suspending regulations and allowing for the temporary siting and operation of essential facilities.

B. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require emergency services of any city officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such
persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency services workers;

D. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency services council, or by any other lawful authority;

E. To requisition necessary personnel or material of any city department or agency.

Section 4. The Council finds that this ordinance is necessary to protect public health and safety and should be passed on an emergency basis. The facts set forth above are hereby adopted as findings of the Council. Accordingly, this ordinance shall be in full force and effect immediately upon passage, as long as it is approved by a majority plus one of the entire membership of the Council.

PASSED by the Council this ______ day of _________________, 2020.

________________________________________
Council President

APPROVED by me this ______ day of _________________, 2020.

________________________________________
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
Chapter 2.57
EMERGENCY SERVICES COUNCIL

Sections:

2.57.010 Purpose of provisions.
2.57.020 Definitions.
2.57.030 Created – Membership.
2.57.040 Powers and duties.
2.57.050 Director – Appointment and powers.
2.57.060 Emergency powers of mayor or director.
2.57.070 Violation – Penalty.

2.57.010 Purpose of provisions.

The purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of a disaster, and to provide for the coordination of the emergency services functions of this city with all other public agencies and affected private persons, corporations, and organizations. Any expenditures made in connection with such emergency services activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. [Ord. 8573 § 16(A), 1977].

2.57.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Emergency or disaster” as used in all sections of this chapter shall mean an event or set of circumstances which: (1) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (2) reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency pursuant to RCW 43.06.010.

“Emergency services” means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action; or by epidemics; riot, but other than conditions resulting from a labor controversy; nuclear or chemical fiasco or holocaust; fire, flood, storm, earthquake, or other natural causes; and to provide support for persons and property in distress. These functions include, without limitations, fire fighting services; police services; medical and health services; rescue; engineering; air raid warning services; communications; radiological, chemical, and other special weapons defense; evacuations of persons from stricken areas; emergency welfare services; emergency transportation; existing or properly
assigned functions of plant protection; temporary restoration of public utility services and other functions related to civilian protection; together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions. [Ord. 2013-11-080 § 1; Ord. 8573 § 16(B), 1977].

2.57.030 Created – Membership.

The emergency services council is created and shall consist of the following:

A. The mayor, who shall be chairman;

B. The director of emergency services, who shall be vice-chairman;

C. The city council. [Ord. 8573 § 16(C), 1977].

2.57.040 Powers and duties.

A. It shall be the duty of the emergency services council, and it is empowered, to review and recommend for adoption, emergency services and mutual aid plans and agreements and such resolutions, rules, and regulations as are necessary to implement such plans and agreements.

B. The emergency services council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon the call of the vice-chairman.

C. All orders, rules, regulations, or resolutions prepared by the emergency services council during the pendency of a disaster shall be reviewed by the council at least once every 48 hours for the purpose of determining their continued efficacy due to changed circumstances. [Ord. 8573 § 16(D), 1977].

2.57.050 Director – Appointment and powers.

There is created the office of director of emergency services. Such officer shall be appointed by the mayor and shall perform such duties as the mayor shall dictate to effectuate the purposes of this chapter. The director may be empowered and directed with the prior approval of the mayor to do the following:

A. Prepare an emergency services operating plan for the city conforming to the county and state emergency services plan and program;

B. Control and direct the effort of the emergency services organization of this city for the accomplishment of the purposes of this chapter;

C. Direct coordination and cooperation between divisions, services, and staff of the emergency services organization of this city, and to resolve questions of authority and responsibility that may arise among them;
D. Represent the emergency services organization of this city in all dealings with public or private agencies pertaining to emergency services. [Ord. 8573 § 16(E), 1977].

2.57.060 Emergency powers of mayor or director.

In the event of disaster as provided in this chapter, the mayor or, in the mayor's absence, the director is empowered to do the following:

A. Make and issue orders which shall have the force of law on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such orders must be confirmed at the earliest practicable time, and in any event not more than 24 hours after their issuance, by the emergency services council; such orders shall include but not be limited to the following:

1. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

2. An order requiring any or all business establishments to close and remain closed until further order;

3. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the mayor, be allowed to remain open;

4. An order requiring the discontinuance of the sale, distribution, or giving away of alcoholic beverages in any or all parts of the city;

5. An order requiring the discontinuance of the sale, distribution, or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

6. An order requiring the discontinuance of the sale, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

7. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;

8. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;
9. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with the intent to use the same to cause such harm; provided, that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

10. An order prohibiting the carrying, possession, and/or sale of explosives;

B. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require emergency services of any city officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency services workers;

D. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency services council, or by any other lawful authority;

E. To requisition necessary personnel or material of any city department or agency. [Ord. 8573 § 16(F), 1977].

2.57.070 Violation – Penalty.

It is unlawful for any person to fail or refuse to obey any provision of this chapter or any rule, regulation, ordinance, or order lawfully established or enacted pursuant to this chapter. Any such violation shall be considered a gross misdemeanor. [Ord. 2001-11-079; Ord. 8573 § 16(G), 1977].


Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

City Website: www.cob.org
City Telephone: (360) 778-8000
Code Publishing Company
Subject: **Update on COVID-19 from Bellingham Emergency Management**

Summary Statement: Staff will provide an update on planning and mitigation efforts related to the outbreak of COVID-19.

Previous Council Action: **Staff Presentation on 3/9/20**

Fiscal Impact: **N/A**

Funding Source: **N/A**

Attachments:

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<th>Meeting Date</th>
<th>Recommendation</th>
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<td>Evening Presentation</td>
<td>3/23/2020</td>
<td>Information/Discussion</td>
<td>Lynn Sterbenz, Police Chief Dave Doll, Fire Chief Bill Hewett</td>
<td>10 minutes</td>
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Recommended Motion:

**Council Committee:**

**Agenda Bill Contact:**
Lynn Sterbenz, Emergency Manager

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<tr>
<td>Bill C. Hewett</td>
<td>Fire Department</td>
<td>3/17/2020</td>
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</table>

**Council Action:**

Peter M. Raffatto
Seth M. Fleetwood

Legal
Executive

3/17/2020
3/17/2020
Subject: Mayor's Appointment of John LaSpina and Joseph Hayes 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 John LaSpina as the Cordata Neighborhood Primary Representative to his first term, which will expire on March 3, 2022, at which time he may be reappointed.

The Mayor appoints Joseph Hayes as the Sehome Neighborhood Primary Representative to his first term, which will expire on April 4, 2022, at which time he may be reappointed.

Previous Council Action: N/A

Fiscal Impact: None

Funding Source: None

Attachments: 1. LASPINA APPLICATION
            2. HAYES APPLICATION

Meeting Activity | Meeting Date | Recommendation        | Presented By      | Time  
-----------------|--------------|-----------------------|-------------------|-------
Mayor's Report -| 3/23/2020    | Information/Discussion| Mayor Seth Fleetwood | 0 minutes  
Appointment - For Information

Recommended Motion:

Council Committee: 

Agenda Bill Contact: 
Tracy Lewis, Mayor’s Office

Reviewed By       | Department | Date  
------------------|-----------|------
Brian M. Heinrich | Executive | 3/17/2020
Peter M. Ruffatto | Legal     | 3/17/2020
Seth M. Fleetwood | Executive | 3/17/2020
APPLICATION FOR APPOINTMENT TO
CITY OF BELLINGHAM BOARDS AND COMMISSIONS
(Please Type or Print Clearly)

Candidates must presently live within Bellingham City limits and have done so for at least one year, unless 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: **Mayors Neighborhood Advisory Commission**

*Board/Commission*

Name: **JOHN LASPINA**

Mailing Address: ___________________________________________ Zip Code: **98226**

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? **MAY 2019**

Neighborhood in which you reside **CORDATA**

Current Occupation: ___________________________________________

OR – If retired, former occupation: **CLINICAL SOCIAL WORKER**

Education: **BA Education, Geography, MSW**

Professional/Community Activities: **Board Member, CORDATA Neighborhood Association, Block Watch Coordinator in my immediate neighborhood**

Qualifications Related to Position: **Member of CORDATA Neighborhood Association Oversight Committee (see below), Program management and development experience**

Describe why you are interested in serving on this Board or Commission: **OVER**

*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: ___________________________________________

**2-27-2020**

Today's Date

**John LaSpina**

Signature of Applicant
I moved to Bellingham from Seattle last year to be closer to my daughter who has lived here since she graduated from Western. Since moving I have made an effort to learn more about the city’s history and the efforts the community has made over the years to enhance its livability. My decision to join the board of the Cordata Neighborhood Association is a way for me to contribute to this process and to become an advocate for the kind of growth that will help make my neighborhood and city a great place to live for people of all incomes and ages. Since joining the board I have explored how the community has over the years addressed issues like housing affordability, the environment, and the city’s growth and development. I have reviewed the city’s Comprehensive Plan, the Cordata Neighborhood Plan as well as the Urban Village Status Report, the Greenways Program and other city initiatives. I also am a member or our boards Oversight Committee which is working on building stronger relationships with developers and regulatory agencies in an effort to learn how we can positively impact the growth in our area. As a representative of my board and neighborhood I see my participation in MNAC as a way to learn more about how other neighborhoods and the city government are managing the issues that we are facing as a community and together help develop solutions that enhance Bellingham’s livability for all residents. My role also is to keep my Board and neighborhood informed of these issues especially in terms of how they impact they may have on our community. Lastly my background in social work and mental health have given me an understanding of the challenges that individuals and families experience living in an urban environment as well as experience in helping people engage in a problem solving process that taps into their own creativity. My experience in this field also included management, program development, training and team building responsibilities. If given the opportunity to be on the commission I will use my skills and energy to work with other MNAC members on the tasks that are taken on in the coming year.
APPLICATION FOR APPOINTMENT TO
CITY OF BELLINGHAM BOARDS AND COMMISSIONS
(Please Type or Print Clearly)

Candidates must presently live within Bellingham City limits and have done so for at least one year, unless 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: Mayor's Neighborhood Advisory Commission (as alternate)  
(Board / Commission)

Name: Joseph Fitzgerald Hayes

Mailing Address: 

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 X NO □

How long have you lived in Bellingham? 22 years

Neighborhood in which you reside Sehome Hill

Current Occupation: Innkeeper

OR – If retired, former occupation:

Education: BA and MA from WWU, J.D. from University of Washington School of Law

Professional / Community Activities: Spent the last two years building a public garden and bed and breakfast, set to open next month. Hopefully, I'll return to the legal community soon thereafter.

Qualifications Related to Position: Studied planning and design, law and local politics, worked as a community organizer and educator, rebuilt communities after disasters around the country and preserved and restored homes here in Bellingham. Have done tons of volunteer work.

Describe why you are interested in serving on this Board or Commission: Lifelong interest and involvement in politics and community affairs. I'd be genuinely delighted to serve on MNAC and believe in the commission's role and importance.

*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 X

If yes, please explain:

08/19/2019

Today's Date

Signature of Applicant
Subject: Interlocal Agreement with Whatcom County for Domestic Violence Perpetrator Treatment Services

Summary Statement: Attached is an interlocal agreement that provides for Whatcom County District Court Probation to administer a program with dedicated City of Bellingham funds to pay for domestic violence perpetrator treatment for defendants referred by Bellingham Municipal Court. Under this agreement, Whatcom County will screen for indigency and other qualifying factors, determine treatment program eligibility, and report to the court regarding whether defendants have complied with treatment. Under this agreement, City will commit up to $100,000 annually for this program, subject to future Council budget approval. Whatcom County and the City worked collaboratively to develop the guidelines for this program. The guidelines are attached to the interlocal agreement.

Previous Council Action: N/A

Fiscal Impact: The current budget contains $100,000 for this program in 2020.

Funding Source: General Fund

Attachments: 1. DV INTERLOCAL AGREEMENT
2. DV IMPLEMENTATION GUIDE
This Interlocal Agreement (the “Agreement”) is made and entered into this day by and between Whatcom County, (the “County”) and the City of Bellingham (the “City”), collectively referred to as the “Parties.”

WHEREAS, Whatcom County currently experiences insufficient capacity of, and local accessibility to, certified treatment for defendants who have a history of violent behavior toward intimate partners and family members; and

WHEREAS, these treatment services are often ordered by the courts as part of criminal justice proceedings in an effort to reduce future harm and reduce incarceration; and,

WHEREAS, the Parties support initial funding for the expansion of these treatment services locally; and

WHEREAS, the purpose of the Domestic Violence Perpetrator Treatment Services Program ("DVPOTS") is to use allocated funds to pay for domestic violence perpetrator assessments and treatment for qualifying indigent defendants, who have no readily available source of funding to access services independently; and

WHEREAS, the Parties have worked collaboratively on the DVPOTS Implementation Guide which establishes an objective screening process for determining defendant eligibility for program funds, treatment agency eligibility for reimbursement for services, specific criteria for reimbursement for services, reimbursement rates, assessment and treatment progress report standards, and distribution of funds; and

WHEREAS, in recognition that the County has established a protocol and procedure for distribution and documentation of the domestic violence perpetrator funds, and has agreed to provide continued administrative oversight of DVPOTS, the City is allocating general funds to DVPOTS to reimburse assessment and treatment expenses for defendants referred by Bellingham Municipal Court.

NOW, THEREFORE, it is agreed by and between the Parties as follows:

1. **ADMINISTRATION AND PURPOSE:** The County, through Whatcom County District Court Probation, agrees to administer DVPOTS, to include the following functions: (1) administer the expenditure of City allocated funds for treatment which shall be used to pay for domestic violence perpetrator assessments and treatment for qualifying indigent defendants, who have no readily available source of funding to access services independently; and
pay for treatment expenses for defendants referred by Bellingham Municipal Court; (2) screen or assist the court in screening for indigency and other qualifying factors; (3) apply agreed upon prioritized criteria in the event of diminished program funds; (4) determine treatment program eligibility and treatment program reporting requirements; (5) evaluate and report regarding defendants’ suspension, termination and reinstatement of funding; and (6) provide reports regarding program outcomes, when appropriate and agreed to by the Parties.

The Program shall be administered in accordance with the DVPOTS Implementation Guide which is attached and incorporated herein as Exhibit A. Elements of the Implementation Guide may be amended administratively, without County Council or City Council approval, provided that the amendments remain consistent with the objectives of DVPOTS as stated in this Agreement and are agreed upon by the Parties in writing.

2. FINANCIAL COMMITMENT: The City has committed up to $100,000 annually for this program, subject to Section 5 of this Agreement. These funds are intended to be expended solely to reimburse assessment and treatment expenses for defendants referred by Bellingham Municipal Court. In the event that the administrative oversight of DVPOTS by Whatcom County District Court Probation exceeds the anticipated workload, this section and other provisions of this Agreement that may relate to resource needs and funding will be subject to renegotiation.

3. INVOICES: The County shall submit a monthly invoice to the City, which will include detail and a breakdown of the costs supporting the invoice. The City shall pay such invoices within thirty (30) days of receipt, subject to the cap on financial commitment set forth above.

4. EFFECTIVE DATE AND TERM: The Agreement shall be effective beginning on the date of execution of this Agreement and shall continue in full force and effect until December 31, 2022, unless terminated in accordance with Section 5 of this Agreement.

5. TERMINATION OF AGREEMENT/REDUCTION IN FUNDING:

A. Should either Party believe the other has failed to perform, or is likely to be unable to substantially perform, all or a material part of its obligations under this Agreement, it shall deliver written notice to that effect to the other, specifying the alleged default and giving the other Party a timeline to cure such default. If the default is not remedied to the satisfaction of the non-defaulting party, this Agreement may be terminated upon seven (7) days written notice (delivered by certified mail).

B. The financial commitment stated herein shall not be construed to limit the authority of the City Council with respect to the City budget. In the event that funding is withdrawn, reduced or limited in any way after the effective date of this Agreement due to budgetary constraints of either Party or due to factors related to program outcomes, and prior to its normal completion, the Parties may summarily terminate the Agreement as to the funds withdrawn, reduced or limited notwithstanding any
other termination provisions of this Agreement. If the level of funding withdrawn, reduced, or limited is so great that the County deems that the continuation of the services covered by this Agreement is no longer in the best interest of the City or County, the County may summarily terminate this Agreement in whole notwithstanding any other termination of this Agreement. Termination under this Section shall be effective upon receipt or written notice thereof.

C. In the event that the administrative oversight of DVPOTS by Whatcom County District Court Probation exceeds the anticipated workload and the Parties are unsuccessful in renegotiating under Section 2 above, the County may summarily terminate this Agreement in whole. Termination shall be effective upon the City’s receipt of written notice thereof.

D. In the event of termination, the County shall be paid an amount equal to the assessment and treatment expenses paid or accrued by the County for defendants referred by Bellingham Municipal Court and accepted into the program prior to the date of termination, including those expenses paid or accrued by the County following the date of termination. The County shall continue to perform under this Agreement as to defendants for whom DVPOTS reimbursement has been approved prior to the date of termination subject to the “Suspension and Termination of Funding” provisions of the Exhibit A. On the giving of notice of termination by either party, the County shall immediately begin winding down its entry of Bellingham Municipal Court defendants into the program in anticipation of the termination.

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. PROJECT MANAGERS: Bruce Van Glubt, District Court and Probation Administrator, shall be the Project Manager for the County and Darlene Peterson, Municipal Court Administrator, shall be the Project Manager for the City.

8. NOTICES: All notices, demands, requests, consents and approvals which may, or are required to be given by any Party, shall be in writing and shall be deemed to have been duly given if delivered personally, sent by email, 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:

   The County:  Bruce Van Glubt
                311 Grand Avenue
                Bellingham, WA  98225

   The City:    Darlene Peterson
                2014 C Street
                Bellingham, WA  98225

Domestic Violence Perpetrator Opportunity for Treatment Services
Page No. 3
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 of the intended recipient 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.

9. **INDEMNIFICATION**: The County agrees to protect, defend, appear, save harmless and indemnify the City from and against all claims, suits and actions arising from the intentional or negligent acts or omissions of the County, its agents or employees in the performance of the agreement. The City agrees to protect, defend, appear, save harmless and indemnify the County from and against all claims, suits and actions arising from the intentional or negligent acts or omissions of the City, its agents or employees in the performance of this agreement.

10. **AMENDMENT**: No modification, termination or amendment of this Agreement may be made except by written agreement signed by all parties, except as provided herein.

11. **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.

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. **ENTIRE AGREEMENT**: The entire agreement between the parties hereto is contained in this Agreement, and this Agreement supersedes all of 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.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first above written.

**EXECUTED THIS _____ day of ______________, 2020.**

**CITY OF BELLINGHAM**

__________________________________________
Seth Fleetwood

Domestic Violence Perpetrator Opportunity for Treatment Services
Page No. 4
Mayor

Attest:

_____________________________
Finance Director

Approved as to form:

_____________________________
Office of the City Attorney
Approved as to form:

_______________________________
Chief Civil Deputy Prosecuting Attorney

EXECUTED this ___ day of _____________, 2020.

WHATCOM COUNTY

________________________________
Satpal Sidhu
County Executive

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this _____ day of _____________, 2020, before me personally appeared Satpal Sidhu, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

_______________________________
NOTARY PUBLIC in and for the State of Washington, residing at Bellingham.
My Commission expires:
Exhibit A – Implementation Guide
Whatcom County

Domestic Violence Perpetrator Opportunity for Treatment Services (DVPOTS)

Implementation Guide
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Provider Monthly Invoice For Reimbursement Form....................................................................... 15
Introduction

This Implementation Guide (referred to as “The Guide”) is incorporated by reference into your Provider contract and can be altered without an amendment to your contract. In the event changes to The Guide are needed, Providers will be informed by e-mail, with a one-week opportunity to provide feedback on proposed changes. Providers will then be notified of the availability of the updated Guide. The current Guide will be available on the Whatcom County District Court Probation website.

A review of The Guide and Domestic Violence Perpetrator Opportunity for Treatment Services (DVPOTS) will take place approximately six months from the effective date.

Purpose

Whatcom County currently experiences insufficient capacity of, and local accessibility to, certified treatment for defendants who have a history of violent behavior toward intimate partners and family members. These treatment services are often ordered by the courts as part of criminal justice proceedings in an effort to reduce future harm and reduce incarceration. The Whatcom County Incarceration Prevention and Reduction Task Force has identified and supported the need to increase availability of quality treatment services for perpetrators of domestic violence. Whatcom County Council and Bellingham City Council also support initial funding for the expansion of these treatment services locally.

The sole purpose of DVPOTS is to provide funding for domestic violence perpetrator assessments and funding for treatment for qualifying defendants who are deemed indigent and have no readily available source of funding to access services independently.

The Guide will establish an objective screening process and eligibility criteria for court cases, defendants, treatment Providers eligible for DVPOTS funds, and suspension and termination of DVPOTS funding. Referral to other supportive or treatment services and coordination of care with other service providers will occur as need is indicated, by the Provider. Supportive services will not be funded by DVPOTS.

Expenditure of Funds

In recognition that the County has established a protocol and procedure for distribution and documentation of DVPOTS funds, and has agreed to continued administrative oversight of the funds, City of Bellingham funds will be used to reimburse treatment expenses for defendants referred by Bellingham Municipal Court, and the County funds will be used to reimburse treatment expenses for defendants referred by Whatcom County District Court and the other Whatcom County municipal courts.

No DVPOTS funds will be expended until a determination has been made, and confirmed in writing by Whatcom County District Court Probation, that all of the following have taken place for each defendant:
  1. The court case qualifies for DVPOTS funding.
  2. The defendant qualifies for DVPOTS funding.
3. The treatment agency qualifies for DVPOTS funding.
4. A purchase order from Whatcom County has been approved for the specific defendant.
5. Final written approval has been received by the Provider from Whatcom County District Court Probation. Only the Whatcom County District Court and Probation Administrator and Whatcom County District Court Probation Manager are authorized to approve DVPOTS funding expenditures.

Services provided prior to written approval will not be eligible for DVPOTS reimbursement.

Effective January 1, 2021, to continue to have new defendants participate in DVPOTS, the Cities of Blaine, Everson, Ferndale, Lynden, and Sumas must enter into a written agreement with Whatcom County providing that they will reimburse Whatcom County for the expenses of any additional defendants funded through DVPOTS.

The first jurisdiction to order an assessment and treatment will have the full expense of the defendant’s assessment and recommended treatment debited from that jurisdiction’s allocation, even if another court orders a domestic violence assessment and treatment at a later time.

Approved funding amounts may change over time.

Table 1 below is an estimate of the assessment and treatment services that the City of Bellingham’s DVPOTS funding will provide (estimated number of defendants served is rounded):

<table>
<thead>
<tr>
<th>Treatment Level</th>
<th>Maximum Cost Per Defendant</th>
<th>Estimated Expense Distribution By Treatment Level</th>
<th>Estimated Number of Defendants Served*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>$1,700</td>
<td>$28,833</td>
<td>16.96</td>
</tr>
<tr>
<td>Level 2</td>
<td>$2,250</td>
<td>$28,833</td>
<td>12.81</td>
</tr>
<tr>
<td>Level 3</td>
<td>$3,100</td>
<td>$28,833</td>
<td>9.30</td>
</tr>
<tr>
<td>Level 4</td>
<td>$4,500</td>
<td>$13,500</td>
<td>3.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td><strong>99,999</strong></td>
<td>42.08</td>
</tr>
</tbody>
</table>

*Estimated Number of Defendants Serviced column was calculated based on the following formula:
Estimated Level 4 defendants x the maximum cost of each defendant (3 x $4,500 = $13,500), deducted from the original funding allocation ($100,000 - $13,500 = $86,500). The $86,500 amount was then divided equally between Levels 1, 2, and 3 ($86,500/3 = $28,833). The $28,833 amount was then divided by the maximum cost per defendant per level of treatment.
Table 2 below is an estimate of the assessment and treatment services that the Whatcom County DVPOTS funding will provide (estimated number of defendants served is rounded):

Table 2.

<table>
<thead>
<tr>
<th>Treatment Level</th>
<th>Maximum Cost Per Defendant</th>
<th>Estimated Expense Distribution By Treatment Level</th>
<th>Estimated Number of Defendants Served*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>$1,700</td>
<td>$25,500</td>
<td>15.00</td>
</tr>
<tr>
<td>Level 2</td>
<td>$2,250</td>
<td>$25,500</td>
<td>11.33</td>
</tr>
<tr>
<td>Level 3</td>
<td>$3,100</td>
<td>$25,500</td>
<td>8.23</td>
</tr>
<tr>
<td>Level 4</td>
<td>$4,500</td>
<td>$13,500</td>
<td>3.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$90,000</strong></td>
<td></td>
<td><strong>37.56</strong></td>
</tr>
</tbody>
</table>

*Estimated Number of Defendants Serviced column was calculated based on the following formula:

Estimated Level 4 defendants x the maximum cost of each defendant (3 x $4,500 = $13,500), deducted from the original funding allocation ($90,000 - $13,500 = $76,500). The $76,500 amount was then divided equally between Levels 1, 2 and 3 ($76,500/3 = $25,500). The $25,500 amount was then divided by the maximum cost per defendant per level of treatment.

**Court Case Eligibility for DVPOTS Funding**

For a court case to be eligible, all of the following eligibility criteria must be met:

1. Cited as criminal domestic violence offense, or indicated as a DV flagged case, as recorded in the Administrative Office of the Courts Judicial Information System.
2. Referred by Whatcom County District Court or a Whatcom County municipal court.
3. Ordered by the court to complete and comply with a domestic violence perpetrator treatment assessment.
4. Monitored by Whatcom County District Court Probation or Ferndale Municipal Court Probation.
Defendant Eligibility for DVPOTS Funding

A defendant must comply with a court order regardless of eligibility for, or availability of, DVPOTS funding.

Determination of Indigency

A defendant must be deemed indigent and have no readily available source of funding to access domestic violence assessment and treatment services independently. A defendant may be deemed indigent by either a judicial officer by an indigency review completed by a court or probation staff.

1. An indigency review will use the same criteria noted in RCW 10.101.010, including:
   a. Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans’ benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income; or
   b. Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or
   c. A defendant found indigent by an indigency review will be required to sign the following, or similar, statement:
      (1) I understand the Court may ask for verification of the information provided above. I agree to immediately report any change in my financial status to the court. I certify under penalty of perjury under Washington State law that the above is true and correct. (Perjury is a criminal offense – see Chapter 9A.72 RCW)

Given the importance of continuity of treatment, a defendant found indigent will be considered eligible for DVPOTS throughout the course for their treatment program unless challenged in court by a Prosecuting Attorney from the citing jurisdiction.

Defendant Priority Populations

The initial funds will be allocated on a first come, first served basis until 85% of the City of Bellingham or County funds have been allocated to specific defendants. Once the City or County fund has 15% remaining unallocated, use of funds will be prioritized based on the following criteria:

1. Availability of DVPOTS funds.
2. A written request from a judicial officer.
3. The defendant has not previously accessed DVPOTS funds.
4. Those assessed at a Level 2, 3 or 4, or if no assessment has been completed, is determined to be high risk based on a validated risk assessment conducted by a probation officer.
5. At least two prior domestic violence flagged convictions in the Washington State Judicial Information System database.
Provider Eligibility for DVPOTS Funds

Domestic violence assessment and treatment services funded by DVPOTS must be in full compliance with Washington Administrative Code (WAC) 388-60B, all current and applicable Revised Code of Washington (RCW) requirements, and those listed in The Guide.

To receive reimbursement for DVPOTS funding an agency must meet all of the following eligibility criteria, including:

1. Certified by the Washington State Department of Social and Health Services, and in good standing, as a domestic violence perpetrator treatment program as required by RCW 26.50.150 and WAC 388-60B. Maintain uninterrupted certification and remain current with all relevant federal and state laws and regulations regarding the delivery of domestic violence perpetrator treatment.
2. Enter into a contract with Whatcom County.
3. Agree to notify the District Court and Probation Administrator of any change in certification status or agency contact information.
4. Agree to remain current with The Guide, including reporting and invoicing requirements, and forms.
5. Agree to provide an email address through which official communication regarding the DVPOTS funding will take place. Email will be the official method of communication. Verbal communication will not replace email communication. In addition, a mailing and physical address must also be provided.
6. Agree to be subject to random audits by Whatcom County for the purpose of verification of invoiced services.
7. Agree that DVPOTS funded defendants will not be charged any additional fees.
8. Register as a vendor with Whatcom County.

Provider Assessment Requirements

Completed assessment and risks, needs and responsivity documents, including recommended level of treatment, must be compliant with all applicable WAC and RCW requirements.

The Provider must complete an initial assessment appointment within 14 calendar days, and submit to Whatcom County District Court Probation a completed assessment within 60 calendar days, of receiving written authorization from Whatcom County District Court Probation that a defendant is eligible for DVPOTS funding.

The intensity, type of services provided, and level of treatment will be determined by the Provider and will reflect the assessment results and treatment plan. Treatment services delivered will align with the individualized treatment goals/expectations of each defendant.

Assessment documents must be submitted together to Whatcom County District Court Probation, including those defendants monitored by Ferndale Municipal Court, for all DVPOTS funded defendants. The assessment documents must follow the same outline as noted in the WAC and the internal Whatcom County District Court Probation processing document titled Assessment and RNR document review.
1. An assessment document that includes a recommended level of treatment that aligns with a WAC compliant level of treatment.

The documents may be available on the DSHS website or by contacting the Washington State Department of Social and Health Services Domestic Violence Treatment Program Manager. DSHS Contact information can be found at https://www.dshs.wa.gov/esa/community-services-offices/contact-information or by clicking here.

Provider Monthly Treatment Report Requirements

A separate monthly treatment report must be received for each defendant. The monthly treatment report attached to The Guide must be used. Treatment reports must be submitted no later than the 10th of the month following the month that services are provided. All monthly treatment reports, along with reports of emergent noncompliance and non-emergent noncompliance reports must be sent to Whatcom County District Court Probation. In addition, reports for defendants referred from Ferndale Municipal Court Probation must also be sent to that court.

The following are the reporting requirements for emergent noncompliance and non-emergent noncompliance:

1. Emergent noncompliance. The following noncompliance is considered emergent noncompliance and must be reported to the monitoring probation department within 3 working days of receipt of noncompliance information.
   a. Failure to maintain abstinence from alcohol or other nonprescribed drugs, if ordered or is required as part of the assessment and treatment plan.
   b. Subsequent arrest or criminal activity
   c. Engaging in dangerous or threatening behavior
   d. Increased victim safety concerns
   e. Treatment rule violations
   f. Leaving the program against program advice or is discharged for rule violation
   g. Discharged for any reason

2. The following noncompliance is considered nonemergent non-compliance and must be reported to the monitoring probation department by the 10th of the month following the noncompliance.
   a. Unexcused absences or failure to report for interviews, appointments or group sessions.
   b. Failure to make acceptable progress in any part of the treatment plan, including a report of the details of the defendant’s noncompliant behavior along with a recommendation

A report of noncompliance must provide details of the noncompliance defendant’s noncompliant behavior along with a recommendation.
Reimbursement Rates, Limitations and Invoicing Requirements

The County will reimburse the Provider for the services delivered that comply with the not-to-exceed level of funding authorization.

Assessments will be reimbursed at $300.00 per assessment. This amount includes all of the sessions required to complete the assessment. Reimbursement will only be provided for those assessments that include all of the documents noted in the Provider Assessment Requirements Section of The Guide.

Group and individual sessions will be reimbursed at $50.00 per session. Table 3 below provides details regarding the maximum number of group/individual sessions, and total reimbursement amounts, for each level of treatment, per defendant.

Table 3.

<table>
<thead>
<tr>
<th>Assessment and Treatment Program</th>
<th>Group Sessions</th>
<th>Maximum Optional Individual Sessions</th>
<th>Maximum Total Sessions</th>
<th>Maximum Assessment Reimbursement Rate</th>
<th>Maximum Individual and Group Reimbursement Rate</th>
<th>Maximum Reimbursement Per Defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Treatment Program</td>
<td>26</td>
<td>2</td>
<td>28</td>
<td>$300</td>
<td>$50</td>
<td>$1,700</td>
</tr>
<tr>
<td>$300 Assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 $50 group sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 $50 individual sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 2 Treatment Program</td>
<td>36</td>
<td>3</td>
<td>39</td>
<td>$800</td>
<td>$50</td>
<td>$2,250</td>
</tr>
<tr>
<td>$300 Assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36 $50 group sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 $50 individual sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 3 Treatment Program</td>
<td>52</td>
<td>4</td>
<td>56</td>
<td>$800</td>
<td>$50</td>
<td>$3,100</td>
</tr>
<tr>
<td>$300 Assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52 $50 group sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 $50 individual sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 4 Treatment Program</td>
<td>78</td>
<td>6</td>
<td>84</td>
<td>$800</td>
<td>$50</td>
<td>$4,500</td>
</tr>
<tr>
<td>$300 Assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72 $50 group sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 $50 individual sessions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the event that a defendant fails to meet all of the treatment goals within the allocated treatment sessions and DVPOTS funding, a Provider may request, in writing, that the defendant be provided with additional DVPOTS funding for the sessions needed to meet treatment goals. The decision to provide additional funding is entirely at the discretion of Whatcom County.

Invoicing Requirements:

1. The Provider shall submit itemized invoices no more than once monthly using the invoicing form attached to The Guide. Invoice documents will not contain Private Health Information (PHI).
2. Invoices must be received by Whatcom County District Court Probation no later than the 10th of the month following the month that service was provided.
3. Assessment invoices: Prior to submitting a reimbursement invoice, all required assessment documents must have previously been received by Whatcom County District Court Probation.

4. Treatment invoices: Providers submitting reimbursement invoices for treatment services must attach a copy of each defendant’s monthly treatment report for the billing month.

5. Invoices or supporting documentation submitted with incomplete or inaccurate information will not be processed until corrected, or resubmitted, and may result in substantial processing delays.

6. The Provider may submit invoices and monthly reports by email to DVPOTS@co.whatcom.wa.us.

7. Invoices received by Whatcom County District Court Probation after the 10th of the month may result in substantial processing delays.

8. Payment by Whatcom County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from the Provider. The County may withhold payment of an invoice if the Provider submits it more than 30 days after the expiration of a contract.

9. Invoices must include the following statement, with an authorized signature and date:
   "I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice."

10. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.

11. Recovery of Costs Claimed in Error: If the Contractor claims or the County reimburses for expenditures under this Agreement which the County later find were (1) claimed in error or (2) not allowable costs under the terms of the Agreement, the County shall recover those costs and the Contractor shall fully cooperate with the recovery.

**Suspension and Termination of Funding**

The following events will result in the suspension or termination of a defendant’s DVPOTS funding:

3. Failing to express a willingness to participate in treatment.
4. Funding allocation reached for the defendant’s level of care.
5. Absence from treatment for a total of 15% or more of the total sessions for their treatment level:
   a. Level 1 – no more than 4 sessions missed
   b. Level 2 – no more than 6 sessions missed
   c. Level 3 – no more than 8 sessions missed
   d. Level 4 – no more than 12 sessions missed
6. Termination of probation monitoring.
7. Arrest warrant issued for referred charge.
8. DVPOTS funding withdrawn, reduced or limited.
9. DVPOTS funding limit reached.
10. Other reasons deemed appropriate by Whatcom County.

In the event of a warrant being issued a defendant's funding allocation will be held for 45 days. Reinstatement of funds may be available. See Defendant Access to DVPOTS Funding and Defendant Priority Populations sections.

Upon completion of treatment services, or discharge due to non-compliance, a discharge summary which meets the requirements of WAC 388-60B will be written and placed in the client chart within the time frame specified. Treatment completion and discharge is also documented in the corresponding section of the Monthly Progress Report and submitted to Whatcom County District Court Probation within 7 days of discharge. Individuals discharged due to non-compliance must have the report completed and submitted to Whatcom County District Court Probation within three days pursuant to WAC 388-60B. Client charts shall be established by the Provider for every individual served under this agreement, and will be stored and retained according to all state and federal laws regulating confidentiality and client record keeping.
# Domestic Violence Perpetrator Opportunity for Treatment Services (DVPOTS) Implementation Guide

## Defendant Qualification Form

| Defendant Name (Last, First, MI): |  
| DOB: | Case number(s): |
| Date: |

### Qualifying Criteria

Questions 1-7 to be completed by a Probation Officer and submitted to the Probation Manager

<table>
<thead>
<tr>
<th>Yes ☐ No ☐</th>
<th>1. Cited (or flagged in JIS/JABS) for a domestic violence offense?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documentation attached? Yes ☐ No ☐</td>
<td>2. Ordered by a Whatcom County court of limited jurisdiction to complete a domestic violence perpetrator assessment and recommendations? Court: ☐ District Court, ☐ Bellingham, ☐ Blaine, ☐ Everson, ☐ Ferndale ☐ Lynden, ☐ Sumas</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>3. Indigent as determined by: ☐ Court order ☐ Indigency review completed</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>4. Monitored by: ☐ Whatcom County District Court Probation ☐ Ferndale Municipal Court Probation</td>
</tr>
<tr>
<td>Yes ☐ No ☐ ☐ Unknown</td>
<td>5. Defendant indicates a willingness to participate in a domestic violence assessment and recommended treatment?</td>
</tr>
</tbody>
</table>

### Additional Screening Criteria

<table>
<thead>
<tr>
<th>Yes ☐ No ☐</th>
<th>6. At least two prior DV flagged convictions in JIS/JABS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☐ No ☐ ☐ Unknown</td>
<td>7. Assessed at level 2, 3, or 4, or high risk based on risk assessment?</td>
</tr>
</tbody>
</table>

Probation Officer Comments:

PO signature: Date:

- Original to Probation Manager

### Probation Manager or Administrator review

<table>
<thead>
<tr>
<th>Yes ☐ No ☐</th>
<th>1. DVPOTS funds available for the jurisdiction?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☐ No ☐</td>
<td>2. Court order or docket entry attached?</td>
</tr>
<tr>
<td>If 1 and 2 in this section are both yes, stop here</td>
<td></td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>3. Written request from a judicial officer?</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>4. Previously accessed DVPOTS funds?</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>5. Assessed at level 2, 3 or 4?</td>
</tr>
<tr>
<td>Yes ☐ No ☐</td>
<td>6. At least two prior DV flagged convictions?</td>
</tr>
</tbody>
</table>

Comments:

Yes ☐ No ☐ ☐ Qualified  
Probation Manager or Administrator: Date:

- Original to Senior Clerk  
- Copy to defendant’s file

---

*Internal DCP Processing Document*

Updated 1/30/20
**Domestic Violence Perpetrator Opportunity for Treatment Services (DVPOTS)**

**Assessment and RNR Document Review**

| DV Perpetrator Treatment Agency: |
| Defendant Name (Last, First, MI): | DOB: |
| Referring Court(s): Court 1 | Court 2 | Court 3 |
| Assessment Start Date: | Assessment Completion Date: |

### Assessment: Has each area below been addressed?

| Yes ☐ No ☐ | 1. Relationships and access to victims |
| Yes ☐ No ☐ | 2. Cultural considerations |
| Yes ☐ No ☐ | 3. Victimization |
| Yes ☐ No ☐ | 4. Legal considerations |
| Yes ☐ No ☐ | • Current court orders (NCO, PO, parenting assessment, child support, supervised visitation etc.) |
| Yes ☐ No ☐ | • A summary of current and past police or incident reports involving coercive or abusive behaviors |
| Yes ☐ No ☐ | 5. Domain 1: Assessment for high risk factors |
| Yes ☐ No ☐ | 6. Domain 2: Screening for traumatic brain injury |
| Yes ☐ No ☐ | 7. Domain 3: Screening for mental health |
| Yes ☐ No ☐ | 8. Domain 4: Belief systems |
| Yes ☐ No ☐ | 9. Domain 5: Screening for substance use |
| Yes ☐ No ☐ | 10. Domain 6: Assessment of environmental factors |
| Yes ☐ No ☐ | 11. Domain 7: Assessment of standardized testing |
| Yes ☐ No ☐ | 12. Acute or Critical assessment factors |
| Yes ☐ No ☐ | 13. Assessment summary included |
| Yes ☐ No ☐ | 14. Recommended level of treatment included in the assessment |
| Yes ☐ No ☐ | 15. Assessment summary signed, dated and include credentials and staff level? |

### Risks, Needs and Responsivity Form

Yes ☐ No ☐ | Risks, Needs and Responsivity form fully completed |

### Review of Documents

Yes ☐ No ☐ | Meets WAC requirements |

Yes ☐ No ☐ | If no, what action has been taken: |

Yes ☐ No ☐ | • The treatment agency has been notified |

Yes ☐ No ☐ | • The defendant has been notified |

Yes ☐ No ☐ | • A court hearing has been scheduled |

Yes ☐ No ☐ | • Other action, explain: |

Probation Officer Comments:

Probation Officer: | Date: |

☐ For DVPOTS funded defendants, copy of assessment and original form to Probation Mgr.

AP Process: ☐ OK to Pay | Probation Manager or Administrator: |

Date: | ☐ Original to Senior Clerk

*Updated 1/30/20*
## Monthly Treatment Report

- Domestic Violence Perpetrator Opportunity for Treatment Services (DVPOTS)
- Non-DVPOTS report

**Prior authorization for reimbursement is required. Do not include medical information.**

### Agency name:

<table>
<thead>
<tr>
<th>Date:</th>
<th>Report Mo/Yr:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Probation Officer: |

<table>
<thead>
<tr>
<th>Defendant Name (Last, First, MI):</th>
<th>DOB:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Referring Court(s):Court 1 Court 2 Court 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assess. Date:</th>
<th>Date of 1st Session:</th>
<th>Treatment level:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Attendance

<table>
<thead>
<tr>
<th>Group session dates:</th>
</tr>
</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Ind. session dates:</th>
</tr>
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<table>
<thead>
<tr>
<th>Total sessions attended to date:</th>
</tr>
</thead>
<tbody>
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</table>

<table>
<thead>
<tr>
<th>Total sessions missed since beginning treatment:</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

### Treatment Status

- Compliant
- Noncompliant, due to:
  - Lack of attendance
  - Failure to comply with treatment rules
  - Other, see comment section

- Program completed on:

- Terminated on (note specific reason in comment section):

<table>
<thead>
<tr>
<th>Comments:</th>
</tr>
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<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Staff sign/date:</th>
<th>Credentials and staff level:</th>
</tr>
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<tbody>
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| Print name: |
|            |

<table>
<thead>
<tr>
<th>Supervisor Sign/date:</th>
<th>Credentials and staff level:</th>
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| Print name: |
|            |

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<thead>
<tr>
<th>Fully completed? Yes ☐ No ☐</th>
<th>Probation Staff:</th>
<th>Date:</th>
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<tbody>
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**AP Process:**

- Non-DVPOTS, 1. Enter in the database and 2. Copy to defendant’s file
- DVPOTS/fully completed: 1. Enter in the database, 2. Original-Senior Clerk, 3. Copy-def. file
- DVPOTS/not fully completed: original to Probation Manager and copy to defendant’s file

<table>
<thead>
<tr>
<th>Probation Manager or Administrator:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>☐ Original to Senior Clerk</th>
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</table>

Updated 1/30/20
DVPOTS Provider Monthly Invoice for Reimbursement

Invoices must be received by Whatcom County District Court Probation at DVPOTS@co.whatcom.wa.us by the 10th of the month following the month services are provided. Monthly treatment reports must be attached.

<table>
<thead>
<tr>
<th>Invoice page of</th>
<th>Date:</th>
<th>Invoice Mo/Yr:</th>
</tr>
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</table>

**Agency Name:**

**Agency address:** Is this a new address □ Yes □ No

**Contact person and phone #:**

<table>
<thead>
<tr>
<th>Assessment Reimbursement Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<tr>
<td>3.</td>
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<td>4.</td>
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Total assessment reimbursement request $ (COB □ WC □)

<table>
<thead>
<tr>
<th>Group and Individual Treatment Reimbursement Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
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<tr>
<td>------</td>
</tr>
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<td>1.</td>
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<tr>
<td>2.</td>
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<tr>
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<td>8.</td>
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<td>9.</td>
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<td>10.</td>
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</tbody>
</table>

Total group and individual session reimbursement request $ (COB □ WC □)

Total assessment reimbursement request from above $ (Prob. Use OK to pay? Yes □ No □)

TOTAL REIMBURSEMENT REQUEST $ (Staff ______)

Signed: [Print Name:] Date:

I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.

AP Process: □ OK to Pay | Sign: Date: Updated 1/30/20
Subject: Authorization of Payroll Labor Cost Payments for the Period Dated February 1 - February 15, 2020

Summary Statement: For payroll payments related to the period of February 1 - February 15, 2020

Totals $3,645,549.28

Previous Council Action: 2019-2020 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 | 3/23/2020 | Authorize Payroll | N/A | 0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:
L. Russell, HR Payroll, 778-8252

Reviewed By | Department | Date
---|---|---
Andrew D. Asbjornsen | Finance Department | 3/03/2020
Matthew T. Stamps | Legal | 3/17/2020
Seth M. Fleetwood | Executive | 3/17/2020
Subject: Authorization of Payroll Labor Cost Payments For the Period Dated February 16 - February 29, 2020

Summary Statement: For payroll payments related to the period of February 16 - February 29, 2020

Totals $ 3,756,640.61

Previous Council Action: 2019-2020 Adopted Budget

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

Funding Source: Citywide Funds

Attachments:

<table>
<thead>
<tr>
<th>Meeting Activity</th>
<th>Meeting Date</th>
<th>Recommendation</th>
<th>Presented By</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Agenda</td>
<td>3/23/2020</td>
<td>Authorize Payroll</td>
<td>N/A</td>
<td>0 minutes</td>
</tr>
</tbody>
</table>

Recommended Motion:

Council Committee:

Agenda Bill Contact:

L. Russell, HR Payroll, 778-8252

Reviewed By

Andrew D. Aabjornsen

Department

Finance Department

Date

3/17/2020

Council Action:

Matthew T. Stamps

Legal

3/17/2020

Seth M. Fleetwood

Executive

3/17/2020
Subject: **Authorization of A/P Checks Issued March 06, 2020**

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

AP ACH and Check #547186 through #547334 were issued on March 06, 2020 for pay period February 29, 2020 through March 06, 2020 in the amount of $1,805,566.96

Previous Council Action: **2019-2020 Adopted Budget**

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

Funding Source: **Citywide Funds**

Attachments:

<table>
<thead>
<tr>
<th>Meeting Activity</th>
<th>Meeting Date</th>
<th>Recommendation</th>
<th>Presented By</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Consent Agenda</td>
<td>3/23/2020</td>
<td>Authorize Accounts Payable</td>
<td>N/A</td>
<td>0 minutes</td>
</tr>
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</table>

Recommended Motion:

**Council Committee:**

**Agenda Bill Contact:**

Rossner Gideon, Finance Department

<table>
<thead>
<tr>
<th>Reviewed By</th>
<th>Department</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew D. Asbjornsen</td>
<td>Finance Department</td>
<td>3/17/2020</td>
</tr>
<tr>
<td>Matthew T. Stamps</td>
<td>Legal</td>
<td>3/17/2020</td>
</tr>
<tr>
<td>Seth M. Fleetwood</td>
<td>Executive</td>
<td>3/17/2020</td>
</tr>
</tbody>
</table>
Subject: Authorization of A/P Checks Issued March 13, 2020

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

AP ACH and Check #547351 through #547518 were issued on March 13, 2020 for pay period March 07, 2020 through March 13, 2020 in the amount of $1,325,813.73

Previous Council Action: 2019-2020 Adopted Budget

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

Funding Source: Citywide Funds
Attachments:

<table>
<thead>
<tr>
<th>Meeting Activity</th>
<th>Meeting Date</th>
<th>Recommendation</th>
<th>Presented By</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Agenda</td>
<td>3/23/2020</td>
<td>Authorize Accounts Payable</td>
<td>N/A</td>
<td>0 minutes</td>
</tr>
</tbody>
</table>

Recommended Motion:

Council Committee: Agenda Bill Contact:
Sharon Martin, Finance Department

Reviewed By Department Date
Andrew D. Asbjornsen Finance Department 3/17/2020
Matthew T. Stamps Legal 3/17/2020
Seth M. Fleetwood Executive 3/17/2020
Subject: An Ordinance Amending Bellingham Municipal Code Section 6.04.105 to Extend Indefinitely the City's Urban Village Phased Business and Occupations Tax Credit

Summary Statement: Ordinance 2015-12-049 was adopted by City Council in 2015 to provide an incentive for new businesses to open in the Downtown, Old Town, Waterfront, Samish Way and Fountain District urban villages. The ordinance provides a phased tax credit of 90% of taxes owed the first year, 75% the second year and 50% the third year. This ordinance would extend the tax credit, which expired December 31, 2018.

Previous Council Action: Adoption of Ordinance 2015-12-049 establishing the phased business and occupations tax credit.

Fiscal Impact: A potential reduction in B&O tax receipts collected in the applicable urban villages in the short-term.

Funding Source: General Fund

Attachments: 1. STAFF MEMO
              2. FINAL ORDINANCE_B&O TAX INCENTIVE

Meeting Activity: Committee Briefing - Vote Requested
Meeting Date: 3/09/2020
Recommendation: Pass Ordinance
Presented By: Tara Sundin, Community and Economic Development Manager
Time: 5 minutes

Recommended Motion:

Council Committee: Finance and Economic Development Committee

Agenda Bill Contact: Darby Cowles, Senior Planner

Reviewed By: Gregory R. Aucutt
Department: Planning & Community Development
Date: 3/03/2020

Reviewed By: Andrew D. Asbjornsen
Department: Finance
Date: 3/03/2020

Reviewed By: Peter M. Ruffatto
Department: Legal
Date: 3/03/2020

Reviewed By: Seth M. Fleetwood
Department: Executive
Date: 3/03/2020

Council Action: 03/09/2020 Pinky Vargas / Hannah Stone moved for first and second reading. MOTION CARRIED 7-0.
MEMO

TO: City Council
FROM: Tara Sundin, Community and Economic Development Manager
DATE: March 9, 2020
RE: Extension of Business & Occupation (B&O) tax credit for new businesses in urban villages

In 2015, City Council directed staff to improve and add incentives to encourage development within urban villages. One new incentive, a city B&O Tax credit, was adopted in 2015 to encourage new businesses (or business branches) to open in the Downtown, Old Town, Waterfront, Samish Way and Fountain District. It provides a phased tax credit of 90% of taxes owed the first year, 75% the second year and 50% the third year of operations. The purpose of the incentive is to send a clear message that the City of Bellingham prioritizes infill development and reduction of vacancies in these districts.

The total amount of credit varies depending on the type of businesses and the total quarterly gross receipts. Current B&O tax rates are:

**B&O TAX RATES (Based on Gross Receipts)**
- Extracting .0017
- Manufacturing .0017
- Retailing .0017
- Wholesaling .0017
- Services and other activities .0044

The incentive does not affect B&O taxes collected by the State of Washington.

The original ordinance contains a sunset clause which provides that applications for the tax credit will be accepted through December 31, 2018, provided that such date may be extended by ordinance. Staff believes it is in the best interest of the City to remove the sunset clause and continue the phased urban village tax credit indefinitely. Applications received after December 31, 2018 and prior to the adoption date of the new ordinance will be honored.
ORDINANCE __________________

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE SECTION 6.04.105 TO EXTEND INDEFINITELY THE CITY’S URBAN VILLAGE PHASED BUSINESS AND OCCUPATIONS TAX CREDIT

WHEREAS, a key strategy in the Comprehensive Plan is to preserve neighborhood character and accommodate anticipated growth is to target areas throughout the City of Bellingham that can best absorb increased development densities in the form of "urban villages"; and

WHEREAS, six urban village plans have been adopted as part of the Comprehensive Plan, describing the type of environment envisioned for these areas; and

WHEREAS, despite the establishment of zoning, development regulations, and other land use enablement to achieve the urban village vision for these areas, the desired infill development has occurred with mixed results; and

WHEREAS, in 2015 the City Council determined that it was in the public interest to establish a phased business and occupations tax credit to encourage businesses to locate within targeted urban villages, and adopted Ordinance No. 2015-12-049 offering such tax credit to new business or branch locations in several targeted urban villages; and

WHEREAS, the phased urban village tax credit adopted in Ordinance No. 2015-12-049 was codified as BMC 6.04.105; and

WHEREAS, BMC 6.04.105(C) contains a sunset clause which provides that applications for the tax credit will be accepted through December 31, 2018, provided that such date may be extended by ordinance; and

WHEREAS, City Council hereby finds that it is in the best interest of the City to remove the sunset clause and continue the phased urban village tax credit indefinitely.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. Bellingham Municipal Code Section 6.04.105 is amended as set forth below, with changes shown in strikethrough/underline format:

6.04.105 Urban village phased tax credit.

A. Subject to the limitations in this section, a phased business and occupations tax credit is made available to any person who after December 31, 2015, opens a new business, or a new branch of an existing business, within an eligible urban village. Eligible urban villages are the Downtown Ordinance - page 1

- 61 -
district urban village, Waterfront district urban village, Samish Way urban village, and Fountain district urban village established in Chapter 20.37 BMC and the Old Town overlay district established in Chapter 20.35 BMC. The credit is not available to a business that relocates from a location within city limits to an eligible urban village.

B. The credit shall be 90 percent of the tax due for the first year, 75 percent of the tax due for the second year, and 50 percent of the tax due for the third year. If the taxpayer transacts business in the city at two or more separate physical locations, the credit shall apply only to the tax liability attributable to the gross receipts of the business located within an eligible urban village. The credit may not be claimed if the taxpayer is claiming any other credits, deductions or exemptions. The credit does not apply to any penalties or interest.

C. To obtain the credit, a person must apply to, and receive approval from, the city finance director prior to opening the business location for which the credit is sought. Applications shall be on a form provided by the city. Applications will be accepted through December 31, 2018, provided this application deadline may be extended by ordinance. The director’s decision to approve or deny the credit shall be issued within 30 days of receipt of the application and shall be based on whether the requirements of this section are met. The credit shall be effective as of the first day of the quarter in which the application is approved, and shall be effective for up to three years from that date; provided, that the requirements of this chapter are met.

D. If a person relocates a business outside the eligible urban village within three years of the effective date of the credit, the total amount of taxes for which the credit has been claimed for current and prior reporting periods shall be immediately due.

E. If a person is delinquent in filing his or her tax returns on three or more occasions while the credit is in effect, the city finance director may revoke the credit; provided, that the revocation shall apply to current and future reporting periods only.

F. The finance director may adopt procedures for the administration of the credit authorized in this section.

Section 2. The amendments made to BMC 6.05.105 in Section 1 of this Ordinance shall apply prospectively and shall also apply retroactively to any applications submitted to the finance director after December 31, 2018 and prior to the effective date of this Ordinance.

PASSED by City Council this _____ day of ____________________, 2020.

__________________________
Council President

APPROVED by me this ___ day of ______, 2020.
Mayor

ATTEST:

________________________________
Finance Director

APPROVED AS TO FORM:

________________________________
Office of the City Attorney

Published: